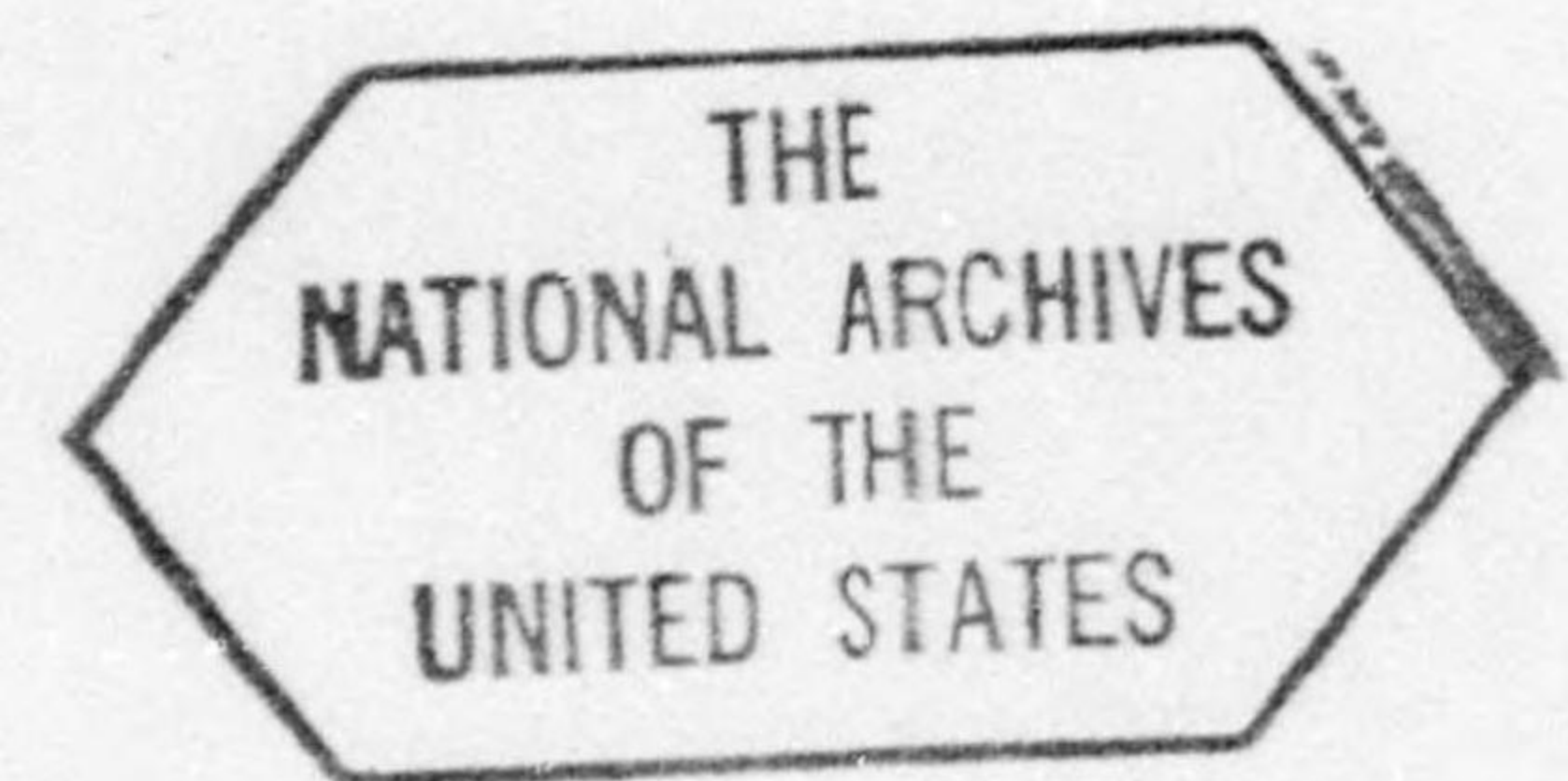


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UNITED STATES PERSONNEL ADVISORY MISSION TO JAPAN

April 24, 1947

**General Douglas MacArthur
Supreme Commander for the Allied Powers**

My dear General MacArthur:

On behalf of the United States Personnel Advisory Mission to Japan, I have the honor to submit herewith Chapter I of a report on personnel administration in the National Government of Japan, with recommendations.

For reasons set forth in the text, the Mission has requested immediate presentation to you of this portion of the report. The report in full will be submitted on termination of the present term of the Mission.

Respectfully yours,

**Elaine Hoover, Chairman
United States Personnel
Advisory Mission to Japan**

REPORT OF THE
UNITED STATES PERSONNEL ADVISORY MISSION TO JAPAN

CHAPTER I.

Division 1.

During November 1946, as a result of requests made by the Japanese Government and approved by the Supreme Commander for the Allied Powers, The United States Personnel Advisory Mission to Japan was constituted by the War Department and sent to Japan.

The Mission was instructed to study the entire personnel system of the Japanese Government, its laws, policies, practices and procedures and make recommendations designed to effect improvement therein.

The Mission arrived in Tokyo, Japan on Saturday, November 30, 1946, and on Monday, December 2, 1946, conferred with Brigadier General Courtney Whitney, Chief of the Government Section, General Headquarters, Supreme Commander for the Allied Powers.

In this conference the Mission benefited from an exposition by General Whitney of fundamental occupation problems, policies and accomplishments. The Mission was accorded use of the administrative facilities of the Government Section, General Headquarters, Supreme Commander for the Allied Powers, and the counsel of its members of staff. The Mission was informed that, except administratively, it would work independently.

The Mission then took steps to effect its orientation in the Japanese situation. With the cooperation of members of staff of the General Headquarters, a series of lectures and question periods was scheduled. In this manner the Mission made an organized review of Japanese history, occupation policies, the organization of the national government, the organization of the local governments, the political parties, the judiciary, labor problems and the Japanese character and psychology. The Mission is much indebted to the members of staff of General Headquarters, and particularly of the Government Section, who participated in these conferences. All of them were men of eminent ability who, despite the burden of heavy personal work schedules, gave fully of their time and knowledge as a contribution to the work of the Mission. In this connection, grateful acknowledgment is also made to Dr. E. H. Norman, Head of the Canadian Liaison Mission, who contributed much to an understanding of the Japanese people.

The Mission also made a study of information resident in files of General Headquarters dealing with personnel administration in the Japanese Government. For many months prior to the arrival of the Mission in Japan, members of the General Headquarters staff had made studies of Japanese personnel practices. These studies, while not in all cases exhaustive, were well documented and exceedingly helpful in portraying significant conditions. They were carefully considered in determining the Mission's approach to the major problems presented.

Following these preliminary studies, the Mission opened conversations with the representatives of the Japanese Government. That government had, on

October 26, 1946, by Imperial Ordinance, established an Administrative Research Bureau. The Administrative Research Bureau, under the jurisdiction of the Prime Minister, was authorized to conduct investigations, do research and formulate plans for the reformation of the organization, the personnel system and the administrative procedures of the Japanese Government. Mr. T. Saito, Minister of State, was appointed President of the Bureau. The Mission had met the Japanese officials on a previous occasion for the purpose of making introductions and exchanging amenities. Organized conferences of the United States Personnel Advisory Mission to Japan with the President and Division Directors of Staff of the Administrative Research Bureau were instituted December 24, 1946.

By this time the field of activity of the Mission was defined, and the Mission had developed and adopted a time schedule covering its future operations.

At the next general meeting of the Mission with the staff chiefs of the Administrative Research Bureau, the work of the two bodies was integrated and for technical purposes decentralized. Committees under the advisement of the Mission members and including Division Directors of the Administrative Research Bureau were set up to conduct special investigation in designated areas of personnel administration within the Japanese Government. These committees immediately launched their programs.

A General Committee was also established to receive and consider reports of the advisors to the special committees and on the basis of such reports to (1) promote progress of the work of the special committees, (2) coordinate work of the special committees and (3) consider major problems developed by the special committees. The personnel of the General Committee was:

- Mr. Elaine Hoover (Chairman)
Chairman, United States Personnel Advisory Mission to Japan
- Mr. Takao Saito (Co-Chairman)
Minister of State
President, Administrative Research Bureau
- Mr. Kiyoshi Asai
Director, Civil Service Division, Administrative Research Bureau
Professor of Administrative Law, Keio University
Member, the House of Peers
- Mr. Manlio F. DeAngelis
Member, United States Personnel Advisory Mission to Japan
- Mr. Robert S. Hare
Member, United States Personnel Advisory Mission to Japan

Mr. Toshiro Irie
Secretary-General, Administrative Research Bureau
Director, Bureau of Legislation

Mr. W. Pierce MacCoy
Member, United States Personnel Advisory Mission to Japan

Mr. Katsumi Maeda
Director, General Affairs Division, Administrative Research Bureau
Secretary of the Cabinet

Mr. Toshiyoshi Miyazawa
Director, Organization Division, Administrative Research Bureau
Professor of Constitutional Law, Tokyo Imperial University
Member, The House of Peers

Mr. Okiyo Yamashita
Director, Management Division, Administrative Research Bureau
Consultant, The Hitachi Manufacturing Company

Accordingly, the Mission entered the new year having (1) informed itself as well as possible, within the limitations of time, concerning the broad aspects of the Japanese governmental situation, (2) reviewed the studies previously made of personnel administration in the Japanese Government, (3) established relations with the Japanese officials as a basis for work and (4) launched a series of special studies.

On the basis of its observations during the first months of study, the United States Personnel Advisory Mission to Japan has decided to present certain recommendations immediately. The Mission is of the opinion that in delaying to the termination of the Mission certain of its recommendations, it might be insufficiently attentive to both the requirements and opportunities of the present situation. To understand this, it is necessary to comprehend, at least in broad outline, the historical background of and basic factors in the present situation.

Division 2.

The United States Personnel Advisory Mission to Japan was constituted to plan an efficient system of personnel administration for the Japanese Government.

Planning an efficient system of personnel administration for any large government is an operation that taxes the ingenuity of men. Feudalism, of course, has always by its very nature provided its own personnel system. As feudalism crumbled in western Europe, the construction and control of the bureaucracy became increasingly the concern of the leaders of

states, including such men as Richelieu and The Great Elector. Over the last three hundred years in the occidental world, men have wrestled with the problem, in one form or another, of creating and controlling an efficient bureaucracy.

In this period the problem itself has undergone an evolution. Directed at first to the successful operation of the great national states wherein the monarch was to be served, it has proceeded around the dial to the successful operation of the great modern democracies wherein the people are to be served. At each step the problems of developing a bureaucracy efficient in performing in manner consistent with the basic theory of the state have undergone change.

The first great problem in the democracies was that of making the bureaucracy responsible to the people rather than the monarch. England attempted to solve this problem by shifting control of the bureaucracy to Parliament. Parliament exploited the public service politically. Its efficiency and prestige declined, and efforts at reform were futile until the historian Macaulay, with the aid of Gladstone, induced Parliament in 1855 to abandon personal nomination of members of the dominant political party and adopt the principle, as applied to certain services, that men should qualify for public office on the basis of their ability - objectively measured. Later the application of this principle was extended to all higher civil servants. Thus, in England the civil servants have been in turn the servants of the monarch, then of the dominant political party, and finally of the people as a whole.

In the United States reaction against the inefficiencies of the spoils system, sparked by the emotional reaction to the assassination of a President of the United States by a disappointed office seeker, produced in 1883 the Pendleton Act which was the real beginning of our civil service system. In the United States the civil servants have been in turn the servants of the dominant political party and finally, to the extent that civil service laws have been enacted and administered, of the people as a whole.

In dealing with the problem of bureaucratic reform, it is worth noting that in the large modern state a bureaucracy is necessary. Public functions employing several millions of persons require intricate formal organization, innumerable degrees of specialization in training, skill and experience and continuity of service. This inevitably develops a bureaucracy. The problem is not that of avoiding a bureaucracy but rather that of making the bureaucracy perform in manner consistent with the basic concept of the state. Specifically, in the modern democratic state it is that of making the bureaucracy serve the people, or most simply stated, making the bureaucracy enforce the law.

Whatever improvements may be made on the bureaucratic performance as we have known it, the fact remains that in concept the bureaucracy - or civil

service - as developed in the United States is essentially an instrument of democracy. It recognizes the right of the people through political process to determine public policy. At the same time it demands that public policy, so determined and known as law, shall be administered efficiently and economically in the interest of the public as a whole rather than any single political party and that every citizen shall have opportunity to participate in public administration on the basis of merit.

Conceived originally in the United States as a means of defeating the spoils system, largely by enforcing examinations as a basis for admittance to the public service, Civil Service, or as it has been more recently designated, "Merit System Administration", has enlarged its vision and come to think in positive rather than negative terms. Utilizing some of the thinking of America's more progressive industrial organizations, as well as leaders in public administration, government has come to be recognized as an employer who must do certain things if men and women of superior ability are to be brought into and retained in the government, there to perform an efficient public service over a long period of years. To do these things there has been developed a series of services and certain techniques of common occurrence in public personnel administration. Notable among these are:

1. Recruitment - to establish standards of qualification, encourage the application of competent persons, investigate the qualifications of applicants and administer examinations and fill positions with qualified personnel recruited within the service or from the public generally.
2. Training - to ascertain need for introductory or in-service training of employees, enlist the cooperation of operating officials, launch schools or institutes, cooperate in the development of curricula and selection of instructors, promote student interest and refresh, revise or abolish courses as the operating requirements alter.
3. Position classification - to classify positions upon the basis of duties and responsibilities so that the same qualifications may reasonably be required and the same schedules of basic pay may be applied with equity, under substantially the same employment conditions, to all positions in the same class; and so that substantive and timely information may be provided for other phases of the personnel administration program.
4. Compensation - to study and determine, or recommend, proper compensation schedules, standards, and policies consistent with the general economy and good personnel administration, including pay scales applicable to all classes of positions as established under the position classification plan, methods of pay progression within the class, hours of work, uniform overtime and night pay and other special compensation matters.

5. **Employee evaluation** - to provide systems for evaluating the efficiency of employees on the job and maintaining the validity of such evaluations, investigate inefficient performance either individual or general, make reports thereon with recommendations to proper operating officials and to cooperate with operating officials in the maintenance or increase of efficiency of personnel by various devices including proper assignment of personnel, the appropriate award of recognitions for efficiency and the imposition of disciplinary measures including eliminations from the service.

6. **Health** - to establish and enforce physical standards of the service, to examine employees and maintain records of their physical condition, accord medical services in emergencies due to accident or sudden illness, to recommend that appropriate therapy be undertaken, and to devise and administer programs of disease prevention and health promotion for employees.

7. **Safety** - to study areas of operation and accident experience for the purpose of identifying hazards to employee safety and to remove or set up safeguards against such hazards, whether they are rooted in physical conditions, attitudes or practices.

8. **Welfare** - to do everything possible within the bounds of sound practice to promote the economic welfare of the employee and so to avoid, if possible, the lowering of his efficiency due to economic distress; to this end to institute and administer consulting services, and promote welfare associations and credit unions.

9. **Recreation** - to identify situations wherein the employees lack normal and proper recreational activities and to provide such activities as an offset to undesirable expenditure of spare time and as motivation generally toward a happy and vigorous approach to life and work.

10. **Employee relations** - to deal with the problems of employment as viewed by the employees individually or in organized groups, to entertain complaints, proposals and suggestions, to negotiate disputes and make such adjustments within policy as may contribute to the harmonious conduct of operations as between management and labor and promote employee morale generally.

11. **Retirement** - to set up and administer benefits which assure the employee who retires from the service, usually due to old age or total permanent disability, an income for the remainder of his life.

12. **Employment statistics** - to assemble, analyze, and report statistically conditions and developments in the area of personnel

administration for the scientific planning and management of personnel functions and the information of both personnel and operating officials in dealing with personnel problems.

Not all of these services are to be found in every public personnel agency. Sometimes they appear in part, or in fuller development, or under different names, or in combination one with another. In general and to the extent that they are utilized, they constitute the basic services and techniques upon which modern public personnel administration draws in its effort to promote maximum efficiency in the work of personnel in the public service.

Further research must be completed before certain details of recommendations are made relating to the introduction of these services and techniques in Japan. It is quite clear, however, that a thorough job of personnel reorganization must be done if efficiency is to be brought into the Japanese situation and a national public service created which will be able to meet the demands of the new democracy in Japan. There is in the Japanese Government no central personnel authority within the modern meaning of the term. The nearest approach to it is a group of committees which administer occasional examinations of doubtful validity and attempt no general personnel administration. This being true, one conclusion is inescapable.

In the national governments of the United States and England and in the many personnel agencies set up at state, municipal and other levels of government in the United States, it has been found necessary to set up a central personnel authority and give it considerable independence and strong institutional status in order to make it effective against the many powerful forces which inevitably attempt to serve their own ends without regard to the efficiency of the public service.

From the standpoint of developing an efficient public service along democratic lines, Japan presents greater problems than the typical American jurisdiction.

The Allied Forces under General MacArthur entered Japan on September 2, 1945. At that time they found Japan in many respects a feudal state. During the occupation amazing progress has been made in the democratization of Japan thru the revision of her Constitution, economy and educational system. Today, however, as much as ever before, the bureaucracy of Japan is feudal.

This feudal bureaucracy must be viewed at close range to understand some of the obstacles it presents to the introduction of modern public personnel administration. The upper ranges of the Japanese official hierarchy are populated almost exclusively by men who have been raised and educated in a concept of rendering service to the Emperor as a sovereign who enjoyed all rights, including that of governing others, yet had no responsibility for accounting to the people for his acts. Few, if any, of these

men, in advance of appointment, have qualified for their positions by demonstrating their ability to perform the duties of their positions. Practically the only persons who have been advanced to the controlling posts are those who have passed the so-called Higher Civil Service Examination. This examination has placed extreme emphasis on administrative law and related subjects and has operated to favor graduates of the law department of Tokyo Imperial University, which institution has come close to monopolizing the higher posts in the civil service. This system has fallen far short of qualifying men in the "upper bureaucracy" for the positions to which they were appointed. Men in lower official ranges, or men not previously in office, could rarely if ever enter this fraternity of officials. This upper bureaucracy, thousands in number, basked with the Emperor in the enjoyment of irresponsible sovereignty with all the special privilege that implies within a state which was frankly characterized as government by men rather than government by laws.

These men are here today. Whatever their incompetence as public officials in a modern era of specialization and scientific management, they in fact constitute the bureaucracy at its controlling levels. They are entrenched. They have money, influence, legal training and little understanding of and a distaste for democratic processes. They want desperately to hold their jobs and official status. At the present time they are unquestionably in a position to sabotage any attempt at reform through existing administrative channels.

This evaluation of the bureaucracy in its upper ranges is of course subject to some qualification. There are to be found occasional officials who, for one reason or another, are out of sympathy with the existing system. As far as we can observe such men are too few to be an important factor. Criticism of the "upper bureaucracy" must be impersonal. The "upper bureaucracy" contains many brilliant men who are simply the inevitable products of a system, centuries old, in which they have been raised, educated and promoted. They know no other system. Yet for that very reason they reflect amazing solidarity and promise maximum resistance to change.

The Japanese situation presents other problems. There is in Japan a dearth of men trained in personnel administration, general lack of understanding of the personnel functions and absence of personnel data even in the industrial field. Finally, there is an obstacle, intangible, but of huge proportions. Reform of the Japanese bureaucracy involves the complete transition from the feudal to the democratic type of bureaucracy. This transition, which in the western democracies has occupied men's attention for many years, must be well advanced in Japan within a short space of time if it is to assist, or even permit, a democratic form of government to establish itself. In accomplishing this we shall not have as an aid the general educational and ideological processes associated with the slower evolutionary process in the western world.

In attacking a situation such as this, with respect to timing at least, problems associated with the detailed administration of a personnel program are secondary. Whatever decisions may be taken in such areas of the work, there is no reason to assume their enduring success in the present administrative situation. The present administrative machinery is inadequate for the establishment of a successful personnel operation, even in a democratic setting, and offers no promise whatever of constructive results in dealing with a concentration of opposition, present and potential, such as here exists. To proceed successfully we must establish within the Japanese bureaucracy a beach head for the merit system from which it can expand. The first step to reform must be the creation within the Japanese Government of a powerful central personnel authority.

Division 3.

The initiation of such action at this time is not only necessary - it is strategic. Under normal conditions it would take a long time - possibly years - to develop adequate public sentiment, institute a central personnel authority and develop momentum in its operation. At this time a conspicuous characteristic of the Japanese situation is its fluidity. Legislation in general tends to move rapidly, and if essential legislation could be planned and introduced in the near future, there is reason to assume that it might undergo less damaging revision and receive final favorable action in much less time than usually would be required. In addition to general considerations, legislation aimed at reform of the personnel situation would at this time receive the support of certain forces in Japan which require such action to sustain their status and enthusiasm for a democratic program. There is moreover a certain advantage in presenting the idea of a central personnel authority before issues have been confused by discussion of the specifics of technical recommendation.

The passage at an early date of the necessary law could be regarded as a particularly propitious development. The new Constitution of Japan goes into force on May 3, 1947. The creation of a new central personnel authority at about the same time would tend to associate the new authority with the Constitution, with the new democratic order of things in general and would contribute to it at the beginning a prestige which it needs for successful operation.

To the extent that action creating the central personnel agency precedes termination of the occupation, it will have other advantages. It will enable the Supreme Commander for the Allied Powers or his representatives, under conditions of occupation, to observe the selection of the men who will head the new personnel authority, making sure that they have the professional qualifications, the ideals, and the will to accomplish which are sine qua non in the present situation; to consult with members of

staff of the agency on all phases of the huge initial technical problems which are inevitable, to motivate the early and most difficult operations essential to bureaucratic reform and at an early date to put the prosecution of the personnel program in the hands of an agency which, even if inexperienced, would be institutionally strong, permanent and purposeful.

Division 4.

A proposed National Public Servants Law is hereinafter presented which provides for the establishment of a central personnel authority in the Japanese Government. In drafting this law numerous objectives have been borne in mind. In the main these objectives are apparent, particularly to the experienced personnel administrator, as the text of the law is read. However, there are several such objectives of broad application and fundamental character, possibly less apparent than others in the text, to which special attention should be directed.

Constitutionality: The law, as an enactment of the Diet, requires only conformity to The Constitution of Japan to achieve basic legality. The only direct reference of the Constitution to the civil service is in Article 73, viz., "The Cabinet, in addition to other general administrative functions, shall perform the following functions: . . . Administer the civil service in accordance with standards established by law." The proposed law defers literally to this constitutional reference by building the personnel structure on standards indicated as such. In general the law is designed to be completely consistent with the precepts announced by the Constitution and, as necessary, utilizes the institutions thereby created.

Adequate Provision for the Future: Japan is potentially a great nation. Any system of personnel administration introduced at this time must envision the future of the nation and lay a foundation sufficiently broad, strong and progressive to support an efficient administration of the government personnel in the years ahead.

Practicality in Introduction: Although the future of Japan commands a broad and progressive system of public personnel administration, the application of that system must be gradual; otherwise the personnel agency will be overloaded and the administrative agencies of government confused with the result that the personnel program will fail to acquire efficiency, momentum, prestige and effectiveness in general.

Construction of a Powerful National Personnel Authority: Few civil service agencies ever created have needed the striking power that is necessary to break up and reform the feudal bureaucracy in Japan. The National Personnel Authority created by the law is as powerful an agency as can be designed within the frame of the new Constitution. The new Constitution

of Japan makes less provision for the institutional independence and adequate financing of the civil service authority than do certain other constitutions, and to that extent any personnel authority which can be presently created in Japan will fail to achieve invulnerability to political and reactionary bureaucratic pressure. It is recommended that this situation be reviewed as soon as constitutional revisions are proper subject for consideration.

Destruction of the Power of the Old Bureaucracy: No personnel system will meet the requirements of the present situation in Japan which accepts the "upper bureaucracy" as presently constituted and looks to a law and the future for reform. A general purge of the bureaucracy would create an enormous vacuum and produce confusion in governmental operation so widespread as to suggest that less heroic measures be adopted. To be regarded as satisfactory, however, the law, in addition to providing a personnel agency sufficiently strong to do the job, must provide means whereby within the duration of the occupation the power of the "upper bureaucracy" will surely be broken.

Simplicity of Standards: In constructing a basic civil service law, a high degree of specification is inescapable if adequate barriers are to be erected against avoidance and miscarriage. This is especially true in Japan due to the absence of a large body of trained and experienced public personnel administrators, the lack of a body of precedent and procedure based on the application of merit principles in personnel administration and the possibility of sabotage inherent in an unsympathetic bureaucracy distinguished by its legal competence. The standards announced by the law, however, as far as possible are fundamental precepts of public personnel administration so simply stated as to lend themselves to ready introduction, quick comprehension and easy recollection by legislators, government employees and the public generally.

Recognition of the Individuality of Japan: The fundamental precepts and services necessary to the development of an efficient public service based on merit principles in Japan are not essentially different from those elsewhere necessary. Consequently the Public Servants Law, which is essentially an enabling act, has some resemblance to American civil service laws. This does not mean, however, that complete and detailed compliance with American practice is contemplated. Improvement thereon is at many points attempted. Moreover, the technical studies now in progress have revealed many areas in which the patterns of application of the law must be characteristically Japanese if they are to be practical. The law provides sufficient flexibility in its rule making power and technical programs operated thereunder to assure these adaptations in the hands of Japanese administrators.

Division 5.

THE NATIONAL PUBLIC SERVANTS LAW

THE NATIONAL PUBLIC SERVANTS LAW

Section I.

GENERAL PURPOSE OF THE LAW. The general purpose of this law is to establish standards for the national civil service. These standards are designed to assure the Japanese people democratic and efficient administration of their public affairs by providing that government officials and other persons in the employ of the government, as specified, shall be so selected and directed in manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties. A National Personnel Authority is created and empowered to enforce and administer this law.

Section II.

AN EFFICIENCY SERVICE ESTABLISHED. There is hereby created an efficiency service. The efficiency service, hereinafter known as the service, shall comprise all official positions and places of employment now existing or hereafter established in the national government except:

The Emperor
The Prime Minister
Officials elected by popular vote
Judges of the national courts
Members of the Board of Audit
Cabinet Ministers
One Parliamentary Vice-Minister for each Ministry
One Counselor in each Ministry
The Chief Secretary of the Cabinet
The Director of the Cabinet Secretariat
The Vice-Director of the Cabinet Secretariat
Two confidential secretaries to the Prime Minister
One confidential secretary to each Minister
Employees of the Diet
Positions in the Imperial Household, except police

Section III.

A NATIONAL PERSONNEL AUTHORITY ESTABLISHED. There is hereby created an agency of government designated as the National Personnel Authority, and hereinafter referred to as the Authority.

Article 1. ORGANIZATION OF THE AUTHORITY.

- Part 1.** The Authority shall consist of three members, a President and two Commissioners.
- Part 2.** There is hereby created the position of President of the National Personnel Authority, hereinafter referred to as the President. The President shall be appointed by the Cabinet. The term of office of the President shall be fifteen years. The President shall be the presiding officer of the Authority. The President shall be the chief executive officer of the Authority and shall be primarily responsible for the enforcement of this law and the rules of the Authority. The President shall be the appointing officer of the Authority. The President is hereby empowered, in the name of the Authority, to make decisions and take actions by executive order on any or all matters within the jurisdiction of the Authority which are not covered by the rules of the Authority, and for each purpose he shall have all of the powers conferred on the Authority by this law except the power to enact rules. It shall be the duty of the President to report each such executive order in writing to the Authority at the next meeting following the issue of the order, and the Authority may then amend its rules or take such other action relating to the rules as it deems appropriate provided, however, that the executive order as issued shall be fully effective and shall have the force of rule from its effective date to the time when the Authority shall act through its rules with respect to the subject matter thereof. If such executive order is not made the subject of action by the Authority at its next regular meeting, such executive order shall immediately be given the same publication as is required for rules of the Authority. The President shall take actions by executive order to interpret, enforce and administer the rules of the Authority. The President shall receive the salary of a Cabinet Minister plus ten per centum thereof.
- Part 3.** There are hereby created two positions, each to be known as Commissioner of the National Personnel Authority and hereinafter referred to as Commissioner. The Commissioners shall be appointed by the Cabinet. The term of office of each Commissioner shall be fifteen years. Each Commissioner shall receive the salary of a Cabinet Minister.
- Part 4.** The President and each Commissioner shall be a citizen of Japan, over 35 years of age, of highest moral character and integrity, of demonstrated executive ability, experienced and qualified in the field of personnel administration, in known sympathy with the democratic form of government and efficient administration

therein based on merit principles. A person who has been an officer or member of a political committee, an officer of a political party, an officer in the Japanese military organization, or who during the preceding ten years has been a candidate for public elective office shall be ineligible to appointment as President or Commissioner. No two members of the Authority, at any one time, shall be members of the same political party. No two members of the Authority, at any one time, shall be graduates of the same school, college or department of the same university or institution of higher learning. Members of the Authority shall give their full time and undivided attention to the work of the Authority. Except as otherwise specifically provided in this law, members of the Authority shall be in the service. Members of the Authority shall not be eligible to reappointment to their respective positions or to other positions in the Authority except that Commissioners appointed at installation of the Authority may be reappointed to serve one term beyond the initial term, and former members of the Authority may under general qualifying procedures established by this law be appointed to the staff of the Authority. No member of the Authority shall be eligible to appointment to any other position in the service of the national government, other than as a member of the Authority or as a member of staff of the Authority as above provided, for five years after the termination of his service as a member of the Authority.

Part 5. On the termination of the term of office of the President or a Commissioner, a successor shall be appointed to serve for a standard term of fifteen years. In the event of death, incapacity or other inability of the President or a Commissioner to serve to the expiration of his term of office, the Cabinet shall appoint a successor to serve the unexpired portion of such term. Each member of the Authority, unless deceased or disqualified, shall hold office until his successor is appointed, qualified and inducted.

Part 6. No member of the Authority selected and appointed under this law shall require or accept any certification, attestation or other formality incident to assuming office except a letter from the Authority certifying that the appointee qualified and has been appointed in compliance with this law and a letter from a Justice of the Supreme Court certifying that the appointee appeared before such Justice and, after presenting a legal letter of certification from the Authority, subscribed to the oath of office prescribed by this law for members of the Authority. As soon as such oath of office has been administered, the term of office of the member of the Authority so inducted shall begin.

- Part 7.** Unless judicially declared mentally or physically incompetent to perform official duties, no President or Commissioner may be removed from office except for incompetence or malfeasance in office and then only on public impeachment proceedings based on charges filed by the Cabinet and heard by the Supreme Court. Such charges shall be in writing and shall set forth the alleged offense, both in general and particular. Copies of the charges shall be delivered on the same day to the accused and the Supreme Court. The Supreme Court shall then set a date for hearing, not less than thirty days and not more than ninety days after the filing of such charges, and notify the Cabinet and the accused on the same day and at least thirty days in advance of the date set for hearing concerning the date set for hearing. Continuances may be granted for a period or periods not to exceed thirty days with the consent of the accused, but the Supreme Court shall announce findings within one hundred days after the original date of hearing. All hearings shall be public. The prosecution and the defense may be represented by counsel of their own choice, produce books and records and summon and examine witnesses. All costs of hearings including fees of counsel shall be paid by the national treasury.
- Part 8.** Regular meetings of the Authority shall be held at least once each fortnight at a place or places and on dates established by the Authority by rule except that the Authority may, by special action entered in its minutes, recess for a period not to exceed thirty days. Special meetings may be called at any time by any member of the Authority by the serving of notice of such meeting on the other members of the Authority in due time and not less than twenty four hours in advance of such special meeting. The Authority may conduct any business within its jurisdiction at any meeting of the Authority. Two members of the Authority shall constitute a quorum. All decisions of the Authority shall be by majority vote, and the vote of each member of the Authority present in the meeting shall be of equal weight and value except that in any meeting wherein only two members are present and one of them is the President, in matters other than the enactment of rules, the vote of the President shall prevail. The Authority shall keep minutes of all its meetings, and such minutes shall be public records. Secretarial records of the Authority shall be kept by a secretariat independent of the administrative establishment of the Authority.
- Part 9.** There is hereby created the position of Director-General of Personnel. Within ninety days after the installation of the Authority and thereafter whenever a vacancy occurs, the President for the Authority shall appoint a Director-General of Personnel. The position of Director-General of Personnel shall

be in the service. The appointment to the position of Director-General of Personnel shall be made under prescribed rules of the Authority relating to original entrance examinations except that: (1) appointment shall be from amongst the three persons having highest scores in the examination, (2) all announcements, applications, written tests, other evaluations and records of any kind whatsoever connected with the examination shall be permanently filed by the secretariat of the Authority and (3) in addition to such other qualifications as the Authority in its discretion may prescribe consistent with this law, the applicants shall be required to meet the qualifications herein specified for the position of President. The Director-General of Personnel shall be paid the salary of a Vice-Minister. Unless judicially declared mentally or physically incompetent to perform official duties, the Director-General of Personnel may be removed from office only under impeachment proceedings prescribed for members of the Authority. The Director-General of Personnel shall be the executive assistant to the President. Subject to general supervision of the President, the Director-General of Personnel 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. In the absence or inability to serve of the President, the Director-General of Personnel shall act for the President in all executive matters and shall have all the powers conferred on the President except the power to vote as a member of the Authority.

- Part 10. The Authority may, additionally, create such staff including legal counsel under its own jurisdiction as is necessary to the administration and full enforcement of this law.
- Part 11. A Director of Personnel, with adequate staff as determined by the Authority, shall be maintained in each Ministry and agency of government. Such Director of Personnel and staff shall be employees of the Authority, shall report to the Authority and shall conduct the personnel administration of the Ministry or agency of government to which they are assigned.
- Part 12. There is hereby created a National Personnel Council. Each Director of Personnel in a Ministry or agency of government shall be a member of the National Personnel Council. Members of the National Personnel Council shall assemble at times and places established by the Authority for discussion of the problems of personnel administration in the national government and the recommendation to the Authority of rules, policies and actions designed to facilitate the administration of personnel and further general realization of the objectives of this law.

The Director-General of Personnel shall preside at all meetings of the National Personnel Council wherein he is present. In his absence the temporary chairman shall be elected by the membership present by majority vote.

Article 2. DUTIES OF THE AUTHORITY.

- Part 1.** It shall be the duty of the Authority to enforce and administer this law fully and without qualification.
- Part 2.** It shall be the duty of the Authority to make an annual report to the Cabinet of its activities and accomplishments covering each fiscal year of operation, such report to be delivered not more than ninety days after the end of the period covered by the report. The annual report of the Authority shall be published and made available to any citizen on demand.

Article 3. POWERS OF THE AUTHORITY. To discharge its responsibilities under this law, the Authority is hereby given the following powers:

- Part 1.** The Authority is hereby empowered to make rules interpreting, amplifying and implementing the standards established by this law. The Authority may amend its rules from time to time. Rules of the Authority and amendments thereto shall be published immediately on enactment in the Official Gazette and copies thereof made available to all employees of the national government. Copies of the rules and amendments shall be published in convenient form and shall be available to any citizen on demand. Such rules and amendments thereto shall have the force of law.
- Part 2.** The Authority, or any person or persons designated by the Authority to conduct investigations, shall have the power of investigation as applied to any employment situation involving personnel of the service or applicants for positions in the service. The power of investigation vested in the Authority shall additionally include that of the right to investigate the quality of work performance of personnel, the number of persons employed in relation to requirements and the methods of administration where personnel of the service are employed. Persons exercising the power of investigation hereunder shall have the power to administer oaths, to subpoena witnesses and to compel the production of books and records pertinent or alleged to be pertinent to any investigation or hearing authorized by this law.
- Part 3.** The Authority is hereby empowered to control delivery of compensation to personnel of the service. Any document, on the basis of which compensation of any kind for labor or personal services

is delivered to any person or persons in the service, shall be hereinafter known as a payroll. No compensation shall be delivered except on a payroll which shall be kept at all times available to the Authority. With respect to determining that persons named therein have been appointed, employed and compensated in compliance with this law and the rules and orders issued thereunder, the Authority may at any time (1) specify items of record to be included in payrolls and order that no payrolls shall be honored without such items of record, (2) audit payrolls or any part thereof, (3) order suspension of payment on payrolls or any part thereof pending investigation, (4) order that designated payrolls or parts thereof in advance of payment shall bear certification of the Authority that they are in compliance with the law, (5) order correction of payroll transactions to conform to the law, and (6) order recovery from the person or persons responsible any monies or properties lost by reason of the failure of such person or persons to comply with this law. Any money, property or other valuable thing paid contrary to this law or any rule, regulation or order thereunder may be recovered in legal action maintained by any citizen from the recipient thereof and any official or employee of the national government, or his sureties, who made, approved or authorized such payroll. It shall be the duty of the public procurator to initiate such action. All valuable things recovered in such action shall be turned in to the National Treasury. Any person, appointed or employed in contravention of any provision of this law or of any rule, regulation or order thereunder, who performs service for which he is not paid, may maintain an action against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such service or the reasonable value thereof if no pay was agreed upon. No officer shall be directly or indirectly reimbursed by the national government at any time for any sum paid to such person on account of such services. If the Authority or any member of the Authority or the staff of the Authority wrongfully withholds certification of the payroll of any employee, such employee may maintain action to compel such Authority or person or persons to certify such payroll.

Part 4. The Authority is hereby empowered to regulate by rule all appointments, promotions, transfers, leaves from duty, orders of lay-off, removal from the service, suspensions from duty, demotions, disciplinary measures, efficiency rewards and recognitions and other incidents of employment relating to the personnel of the service, and no officer or employee of the national government shall act or attempt to act contrary thereto. The Authority may cancel temporary appointments at any time. No appointment

or other personnel transaction, as applied to persons entering the service, in the service or leaving the service, shall require any certification, attestation or other formality except as prescribed by the Authority under this law.

- Part 5. The Authority is hereby empowered to prescribe all personnel records covering personnel of the service. The Authority may keep records inclusive of all essential, pertinent and proper information relating to personnel of the service, prescribe that such records shall be maintained by any Ministries or agencies of the national government, specify the form thereof and the procedures applicable thereto and order the discontinuance and impounding of records which are non-essential, impertinent and improper wherever or by whomever kept in the Ministries or other agencies of government.
- Part 6. The Authority is hereby empowered to plan, prescribe, install and administer a system of statistical reporting covering any or all significant phases of employment in the service. The Authority may require any official or employee of the national government to give, on request or at specified time and in specified form, proper and competent information on matters pertaining to personnel of the service or relating to administration of personnel in the service.
- Part 7. The Authority is hereby empowered and required to provide by rule that every person in the service and every person inducted to the service in positions deemed appropriate by the Authority shall subscribe to the following oath: "I solemnly affirm that I will support and protect the Constitution of Japan under which the people are sovereign. Inasmuch as the people express their will by law, I will enforce the law. This I will do diligently, efficiently, and constantly, without fear or favor, without political or personal prejudice, disdaining every inducement which would destroy my high honor as a public servant." Members and staff of the Authority shall subscribe to the foregoing oath as an essential of induction to office.
- Part 8. The Authority is hereby empowered to plan, institute, administer and coordinate programs in the service consistent with the standards prescribed in this law. The Authority, incident to the administration of such programs, may delegate functions wholly or in part to operating agencies, but primary responsibility for the adequacy and competence of such programs shall at all times reside in the Authority, and the Authority may at any time cancel delegations of function theretofore made wholly or in part and discontinue or directly administer such functions at its discretion. The Authority may not delegate to operating agencies (1) examination functions except to expert examiners appointed

by the Authority, (2) the formulation of position classification plans, (3) the construction of schedules of compensation, (4) institution and operation of an adequate retirement system, (5) development of a plan for compensating members of the service for injury and occupational disease acquired on duty, and (6) conduct of reviews in cases involving persons in the service other than temporary and probational employees, demoted, suspended for more than thirty days or removed from the service.

Part 9. The Authority is hereby empowered to determine the time and sequence of applying the standards prescribed by this law except that for a period of five years after the enactment of this law, the Authority shall engage itself primarily in the organization of its own agency, the formulation and installation on a service wide basis of a position classification plan, compensation schedules, development of a retirement plan, the development of employment statistics and the giving of examinations and effecting of appointments for positions in the service as provided by this law. The Authority shall during this period conduct investigations and training and do all things within the scope of its powers under this law and essential in the discretion of the Authority to the conduct of the foregoing operations.

Part 10. The Authority is hereby empowered to make all necessary decisions and take actions within the scope of this law, and such decisions and actions shall not be subject to judicial review. The Authority shall determine, with respect to positions presently existing or hereafter created, whether they are in the National Government and in the service therein.

Part 11. The Authority is hereby empowered to make recommendations to any Ministry or agency of government based on the investigations and observations of the Authority relative to methods of improving personnel practices in the service and methods of administration pertinent thereto.

Part 12. The Authority is hereby empowered to recommend in its annual report, or in special reports submitted to the Cabinet at any time, legislative enactments, administrative reforms or other actions designed to assure increased realization of the objectives of this law.

Article 4. FINANCING OF THE AUTHORITY.

Part 1. The Authority shall, as soon as possible after its installation, present to the Cabinet a special request for assignment of facilities and appropriations of monies necessary to administer its program for the remainder of the current fiscal year. The Cabinet shall provide such facilities and monies within thirty days after request. Necessary funds therefor shall come from the reserve fund of the Cabinet or a special act of appropriation therefor immediately presented to the Diet by the Cabinet.

Part 2. Thereafter, the Authority shall annually, and prior to the beginning of each fiscal year, present to the Cabinet a request for appropriations necessary to administer its program 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 and wages 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.

Part 3. Such annual requests of the Authority for operating funds shall not be subject to revision by the Cabinet, unless such requests shall exceed one per centum of the amount paid in salaries and wages to all officials and employees of the National Government during the fiscal year last ended, in which event the revisions suggested by the Cabinet shall not reduce the request as presented to the Diet below the foregoing formula. The Cabinet, before a decision reducing such estimate for the Authority below the amount requested, shall consult with the President of the Authority concerning such decision.

Part 4. Requests of the Authority for the purchase of land, buildings and equipment shall be considered by the Cabinet under general provisions of the Administrative Finance Law except that the Cabinet, before a decision reducing such estimate, shall consult with the President of the Authority concerning such decision.

Article 5. INSTALLATION OF THE AUTHORITY.

Part 1. Prior to November 3, 1946, there shall exist a Temporary National Personnel Authority hereinafter referred to as the Temporary Authority.

Part 2. The Temporary Authority shall consist of three members, a President of the Temporary Authority and two Commissioners of the Temporary Authority.

Part 3. On and after the enactment of this law and prior to installation of the Authority, the Temporary Authority shall have all of the duties, powers and status of the Authority; the President of the Temporary Authority shall have all the duties, powers, status and salary of the President of the Authority; the Commissioners of the Temporary Authority shall each have all the duties, powers, status and salary of Commissioners of the Authority; the Temporary Authority shall act as and in the name of the Authority, and the Temporary Authority shall be in no way different from the Authority except that the procedure of appointment and term of office of members of the Temporary Authority shall be as hereinafter

specially provided. Members and staff of the Temporary Authority shall subscribe to the oath of office prescribed for members and staff of the Authority.

- Part 4. The persons occupying, as of May 3, 1947, the positions of Director, Civil Service Division, Administrative Research Bureau, the Director, Management Division, Administrative Research Bureau, shall on enactment of this law cease to be officials of the Administrative Research Bureau and together with the President of the Japan Efficiency School shall constitute the Temporary Authority. The former Director, Management Division, Administrative Research Bureau, shall be the President of the Temporary Authority. The personnel of the Civil Service Division, Administrative Research Bureau, and the Management Division, Administrative Research Bureau, as existing May 3, 1947, shall on enactment of this law cease to be staff of the Administrative Research Bureau and shall constitute staff of the Temporary Authority. The Temporary Authority shall include on staff, additionally, such personnel as is in its discretion essential to the performance of its duties.
- Part 5. It shall be the duty of the Cabinet, within thirty days after the enactment of this law, to provide the Temporary Authority with quarters, furniture, supplies, services, salaries, operating funds and all things necessary to the full discharge of its responsibility under this law. Necessary funds therefor on requisition of the Temporary Authority shall be appropriated by the Cabinet from reserve funds of the Cabinet or a special act of appropriation therefor immediately presented to the Diet by the Cabinet.
- Part 6. The Temporary Authority shall, between July 1, 1948 and September 1, 1948, hold an examination for the position of Member of the National Personnel Authority under provisions of this law relating thereto. The Superior Eligible List resultant thereof shall be certified to the Cabinet prior to October 10, 1948.
- Part 7. The Cabinet, prior to October 20, 1948, shall certify appointments to the Authority, all qualifying procedure and appointments to be subject to the provisions of this law except that one Commissioner shall be designated to serve for a term of ten years and one Commissioner shall be designated to serve for a term of five years.
- Part 8. On November 3, 1948, the Authority shall exist and the Temporary Authority shall cease to exist except that in the event of failure for any reason of the Authority to assume office on the date set, the Temporary Authority shall continue to function until the Authority shall assume office.

Part 9. Staff of the Temporary Authority, at the time of termination of the Temporary Authority, shall be transferred to the staff of the Authority.

Article 6. PERPETUATION OF THE AUTHORITY.

- Part 1. Appointment by the Cabinet of members of the Authority shall be from a Superior Eligible List under the following procedure.
- Part 2. Whenever a vacancy in the membership of the Authority occurs or may reasonably be anticipated, the President, or in his absence or inability to act, the remaining member of the Authority of longest service on the Authority shall immediately certify the fact of such vacancy or probable vacancy to the Director-General of Personnel who shall immediately order an entrance examination for the position of Member of the National Personnel Authority and constitute a Superior Board of Examiners for the conduct thereof.
- Part 3. The Superior Board of Examiners shall consist of three members. One member, who shall serve as Chairman, shall be appointed by the Chief Justice of the Supreme Court. One member shall be appointed by the President of the Board of Audit. The chief examining officer of the Authority shall be a member. It shall be the duty of the Chief Justice of the Supreme Court and the President of the Board of Audit to make such appointments within thirty days after receipt of notice from the Director-General of Personnel that such a Superior Board of Examiners is to be assembled.
- Part 4. The Authority shall provide the Superior Board of Examiners with office space and other facilities necessary to the conduct of the examination. The Superior Board of Examiners may at its discretion on requisition addressed to the Director-General of Personnel utilize the services of staff of the Authority for examining, investigating and performing other functions essential to the examination. The costs of examination shall be borne by the Authority. The Superior Board of Examiners shall within ninety days after its creation, order, conduct and conclude an examination for Member of the Authority.
- Part 5. The examination for Member of the Authority shall be open to all citizens of Japan who meet the requirements established by this law for a member of the Authority and for entrance to the service. The Superior Board of Examiners shall establish rules for the examination, which rules conform to and include the provisions of Standard 1; Parts 1, 2, 3, 6, 8, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24 of this law. A violation of the rules so established for this examination shall be a maximum violation of this law.
- Part 6. The examination shall evaluate candidates on the basis of general qualifications for members of the Authority as set forth in this

law and, additionally, on the basis of demonstrated leadership, initiative and executive capacity, experience relevant to the duties of a member of the Authority, general intelligence, knowledge of public personnel administration, non-public personnel administration, the history of civil service, the content of this law, general public administration, political science, statistical method and general administrative law and such other subjects as the Temporary Authority may determine subject to the restrictions elsewhere set forth in this law, but in such examination the subject of law shall not carry weight exceeding fifteen per centum of the total weight of the subjects of examination. The examination shall not be more technical than is necessary to assure presence in the Authority of members who are competent in their general knowledge of the objectives and principal modern practices of public personnel administration. Chiefly, the examination shall be designed to assure presence in the Authority only of members who will administer this law objectively, fearlessly and vigorously.

- Part 7. As a result of such examination, the Superior Board of Examiners shall construct and certify to the Cabinet a Superior Eligible List giving the name and final total examination score of each participant in the examination who made or exceeded the critical score as prescribed by the Superior Board of Examiners for such examination. Names appearing on the Superior Eligible List shall be in order of the total examination score of each person named, beginning at the top with the name of the person who achieved the highest total examination score.
- Part 8. The Cabinet shall in all cases appoint from the first three persons next eligible on the Superior Eligible List. The Cabinet shall certify to the Authority its appointments to membership in the Authority within ten days after certification and delivery of the Superior Eligible List to the Cabinet by the Superior Examining Board.
- Part 9. When an examination is completed and the result thereof certified, the Superior Board of Examiners shall be dissolved, and when need for such examination again arises, a Superior Board of Examiners shall be again assembled under provisions of this law. Each Superior Board of Examiners, at the time of its dissolution, shall certify and deliver to the Authority the Superior Eligible List, which list shall be kept by the Secretariat of the Authority. In the event it shall be necessary for the Cabinet to make a further appointment or appointments to the Authority within six months after a Superior Eligible List has been created, each such appointment shall be made from the three persons first eligible on the aforesaid Superior Eligible List. If less than

three eligible names remain on the original Superior Eligible List, another examination shall be held subject to the foregoing provisions relating to the creation of a Superior Eligible List and each appointment made from the first three eligible names appearing thereon.

Section IV.

STANDARDS FOR THE SERVICE ESTABLISHED. Standards for the service are hereby established and declared to be:

Standard 1. PERSONS SHALL BE APPOINTED TO AND PROMOTED IN THE SERVICE ON THE BASIS OF MERIT. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law.

Part 1. Entrance to the service shall be by examination.

Part 2. Entrance examinations shall be free, open and on equal terms to any citizen of good moral character, regardless of political opinion, religious faith, race, family origin, social position or other consideration, except that uniformly applied prerequisites as to age, citizenship, sex, physical condition and other objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of the position may be applied. Such prerequisites, as applied to sex and other items, shall be no more restrictive than necessary and shall be specified in advance of examination. The Authority may exclude from examination persons who do not meet prerequisite qualifications.

Part 3. Announcements of entrance examinations shall be given due publication. Such announcement of examination shall set forth the duties and responsibilities of the position or positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, the subjects of examination and the individual weights thereof, the time and place of examination and where, when and how necessary application forms may be secured and filed and other qualifying procedure observed and such other information as the Authority may deem pertinent. Such announcements of examination shall be published in the Official Gazette and posted in conspicuous places in postoffices and elsewhere as directed by the Authority in its rules. Such publicity may include factual statements of benefits associated with such employment and be distributed through the press, radio and other dignified agencies of public information. The Authority shall at all times exercise diligence in the effort to secure adequate participation of presumably qualified persons in examinations.

- Part 4. Persons who have met the prerequisite requirements of examination and achieved the qualifying score or better under entrance examination shall have their names and examination scores entered on the appropriate list as eligible to appointment in the occupation and class or classes covered by the list. Appointment shall be from amongst the five persons on the appropriate eligible list who have achieved the highest scores in examination.
- Part 5. Promotion shall be by competitive examination within the service except as deemed impracticable by the Authority. The Authority shall enter on appropriate promotional eligible lists the names and examination grades of successful candidates in its promotion examinations. In approving personnel from register lists resultant of promotion examination, appointment shall be from amongst the five persons on the register who have achieved the highest grade in examination.
- Part 6. Eligible lists shall be at all times open to public inspection.
- Part 7. The Authority may at its discretion cancel eligible lists which have been in force for more than two years or at any time for cause entered in the minutes of the Authority.
- Part 8. No person shall be eligible to examination or appointment who, on or after May 3, 1947, advocated or belonged to an association or political party which advocated the overthrow by force of the Constitution of Japan or the government existing thereunder.
- Part 9. The Authority shall at its discretion determine whether an examination shall be entrance or promotional or both.
- Part 10. Examinations shall be practical in character and shall relate to those matters which will accurately measure the relative abilities of the persons examined to perform the duties of the position or positions concerned. Examinations may include appropriate tests of manual or other skills.
- Part 11. Examinations shall be conducted only by the Authority or examiners designated by the Authority.
- Part 12. Examinations shall be held at such times and places as to be reasonably accessible to any qualified resident of Japan.
- Part 13. Examinations announced or in process may be cancelled or revised by the Authority.
- Part 14. When a promotional eligible list and an entrance eligible list exist for the same position or positions, appointment shall be

made from the five persons having highest examination scores on either list.

- Part 15. Appointment to a position in the service, whether as the result of entrance examination, promotion examination, or other qualifying procedure, shall be deemed permanent only after the appointee shall have served a probationary period of not less than six months in service in the designated occupation and class during which time he shall have performed satisfactorily the duties of the position.
- Part 16. 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. The person at the head of an agency of the government shall be the appointing officer for such agency. Such appointing officer may delegate such appointing power but 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.
- Part 17. No person shall make, attempt or conspire to make any false statement, certificate, mark, rating or report with regard to any examination, test, personnel record or appointment.
- Part 18. No person shall pay or promise to pay money, services or any valuable thing or by threat, coercion or otherwise induce or attempt to induce any member of the Authority or any person in the service to resign his position or take leave of absence for the purpose of creating a vacancy in such service. No person appointed or about to be appointed to a position in the Authority or the service under this law shall execute or sign a resignation in advance, dated or undated, for the purpose or with the result of permitting the appointing power to create at will a vacancy in such service.
- Part 19. No person shall pay or promise to pay money, services or any valuable thing or by threat, coercion or otherwise induce or attempt to induce or do any act which has the effect of inducing any applicant for a position in the service to withdraw his application, fail to compete in competitive procedures or fail to accept appointment in the service.
- Part 20. No person shall pay or promise to pay or receive or promise to receive money, services or any valuable thing in effecting or trying to effect the appointment of a person to or the promotion of a person in the service.
- Part 21. No person shall solicit, use or attempt to use any political endorsement, written, oral or other, in effecting or attempting to effect an appointment, either entrance or promotional, or any advantage in the service.

- Part 22. No person who holds any public office or who has been nominated for or seeks a nomination or appointment to any public office shall use or offer or promise to use, directly or indirectly, any official authority or influence to secure or aid any person in securing a position in the service or any nomination, confirmation, promotion, increase of salary therein or other advantage in the service.
- Part 23. 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.
- Part 24. No examiner or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this law or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the service.
- Part 25. The Authority may by rule provide that, in emergencies or with respect to positions of an essentially temporary and transitory nature or in the absence of qualified personnel eligible to appointment on the eligible or reemployment registers, the Authority may approve temporary appointments, each such temporary initial appointment not to exceed six months in duration. Temporary appointments may with permission of the Authority be renewed once for an additional period of six months but not more than once. For a period of three years after the enactment of this law, temporary appointments may at the discretion of the Authority be free from the foregoing restriction as to tenure. The Authority shall, with respect to temporary appointments, have power to limit by occupation, class and location the number and specify and enforce qualifications of personnel so employed. Temporary employment shall not in any way confer the right to or preference in selection for permanent employment. Temporary appointees shall be subject to this law and the rules of the Authority.
- Part 26. Except as hereinafter provided, employees holding positions in the service on May 3, 1947 shall be continued in their respective positions without further examination or probation until separated from their positions as provided by law. Nothing herein shall preclude the reclassification or reallocation by the Authority and as provided by this law of any position held by any such incumbent.

Part 27. The positions in the service of Vice-Ministers, Heads and Assistant-Heads of Agencies of government, Heads and Assistant-Heads of Bureaus, Heads and Assistant-Heads of Divisions and other positions of similar organisational level in the service, as determined and identified by the Authority, are hereby declared to be vacant and without incumbents except that, pending the filling of such positions under examination procedures prescribed by this law, persons occupying such positions, on or after May 3, 1947, shall be deemed to be temporary appointees. It shall be the duty of the Authority, within two years after the enactment of this law and as soon after the enactment of this law as the Authority by greatest diligence can so function, to administer examinations for all such positions. These examinations shall be conducted as entrance examinations under this law.

Standard 2. PERSONS IN THE SERVICE SHALL BE COMPENSATED ON THE BASIS OF THE DUTIES AND RESPONSIBILITIES OF THEIR POSITIONS. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law.

Part 1. The Authority shall prepare and by rule adopt, maintain, and from time to time revise a position classification plan for all positions in the service based upon the similarity of duties performed and responsibilities assumed, so 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. Classifications of positions in the service on any basis other than the duties and responsibilities thereof or the classifications of any person in the service on any basis other than the duties and responsibilities of the position occupied are hereby declared void and illegal.

Part 2. The classification plan may be developed, adopted, and installed by the Authority segment by segment, but the entire plan shall be adopted and installed as soon as practicable.

Part 3. After the classification plan is adopted by the Authority and in accordance with uniform procedures prescribed by it, the Authority shall allocate to one of the classes of the position classification plan every position in and hereafter created in the service. Such allocations of positions may be reviewed and revised by the Authority at any time in accordance with such uniform rules as it may prescribe.

- Part 4. The Authority shall make such investigations as it deems necessary and after consultation with appointing authorities and after a public hearing submit a recommended pay plan including compensation schedules to the Diet for its action. The pay plan shall become effective after approval by the Diet.
- Part 5. The compensation schedules, which shall include a range of pay for each grade or class, shall be determined objectively and the cost of living, prevailing wage rates and other factors may be considered in their development. The pay plan shall specify a formula for progression from the minimum to the maximum pay rate of a grade or class, which formula may recognize length of service, efficiency of performance and such other service connected factors as the Authority may provide. The pay plan shall include rules for the initial and continuing application of the compensation schedules and for such related matters as hours of work and pay for overtime, night, and holiday work. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed. The legal and total compensation shall be determined solely by the pay plan and the rules of the Authority and no other money or thing of value may be given as compensation in addition thereto. Necessary adjustments in compensation shall be made by the Authority for positions carrying maintenance and for positions requiring only part-time service. Non-service factors such as social status, family relationships, formal education, sex, religious faith, and age shall not be recognized in determining the compensation of any employee.
- Part 6. It shall be the duty of the Authority to continuously conduct essential studies and, as frequently as it deems such action necessary, to recommend to the Diet for approval any revisions, either upward or downward, of the compensation schedules necessary or advisable in the interest of the service.

Standard 3. PERSONS IN THE SERVICE SHALL HAVE THEIR EFFICIENCY MAINTAINED AND INCREASED. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law. The Authority shall be at all times responsible for determining what programs are necessary to increase and protect or which, if conducted, would increase or protect the efficiency of personnel in the service and to do all things necessary to assure the installation and competent administration of such programs. Such programs, in addition to any others which the Authority in its discretion may provide, shall include:

- Part 1.** The performance on duty of personnel of the service shall be periodically evaluated and made the subject of appropriate administrative action. The Authority is authorized to establish procedures, systems and whatever devices may in the discretion of the Authority be necessary to evaluate and record the individual work performance of personnel of the service and recommend to the appropriate administrative agency such action based on these evaluations and consistent with this law as may be calculated to improve the efficiency of the personnel of the service. The Authority may by rule provide recognitions for efficient performance and apply corrective measures for failure to perform efficiently.
- Part 2.** Training programs shall be conducted. To increase the efficiency of personnel in the service, the Authority may at any time set up or cooperate with other agencies of government in setting up in such places as it may direct or approve schools, institutes, colleges or training centers for personnel of the service or arrange for such instruction in established universities, colleges, professional schools, trade schools or other educational institutions of recognized standing. All training shall be directly contributory to an increased efficiency on the part of personnel in the performance of their prescribed duties or duties to be assumed.
- Part 3.** Health programs shall be conducted to increase and maintain the efficiency of personnel in the service. The Authority is authorized to set up physical standards for the service and to administer them, conduct physical examinations of applicants for employment in the service and of personnel of the service and, with respect to personnel in the service, provide medical service in emergencies and plan and administer programs of disease prevention and health promotion.
- Part 4.** Recreation programs shall be conducted to promote the efficiency of personnel of the service. The Authority is authorized to identify situations wherein personnel of the service lack normal and proper recreational activities and to plan and administer or cooperate with other agencies of government in planning or administering such recreational programs as may be advisable to eliminate undesirable expenditure of spare time and promote a happy and vigorous approach to life and work.
- Part 5.** Safety programs shall be conducted to protect the efficiency of personnel in the service. The Authority is authorized to establish standards of safety and to inspect, study and observe all

areas in which or conditions under which personnel of the service perform duty for the purpose of identifying hazards to the safety of such personnel and to recommend to the appropriate administrative authority such devices, practices, instruction or other revisions as may be best calculated to safeguard the safety of personnel. Appropriate safety instruction shall be included in the training program.

Part 6. Welfare programs shall be conducted to protect the efficiency of personnel in the service. The Authority is authorized to plan and administer or cooperate with other agencies of government in planning and administering programs to alleviate economic distress of personnel of the service. This authorization shall include the power to administer consulting services and recommend welfare or mutual aid associations and credit unions.

Standard 4. PERSONS IN THE SERVICE SHALL BE TREATED SUITABLY. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law.

Part 1. Personnel of the service may present complaints, proposals or suggestions relative to conditions of employment which shall be considered and accorded appropriate administrative action by the employing agency of government or, at the election of the employee, by the Authority. The Authority is authorized to receive and consider from personnel of the service, either individually or in groups, either direct or through administrative channels, complaints, proposals or suggestions relative to salary, wages, working conditions or any of the incidents of employment. No such communication shall be accorded either more or less weight because it originated with an individual or an organized group of persons. The Authority shall consider such communications, conduct such investigations, hearings or other fact finding operations as may in its discretion be necessary, evaluate the situation in terms of maintaining the efficiency of the service with regard to fairness to the public, the public servants and all other persons concerned and, as a result thereof, take action, within its own rule making power or by recommendation to the appropriate authority, to correct any maladministration which such investigations and subsequent consideration thereof may have disclosed.

Part 2. Any member of the service who violates this law, or a rule or order issued thereunder, or who is inefficient in the performance of the duties of his position or who is otherwise an unfit employee of the national government may be suspended, demoted or discharged from the service.

However, persons in the service may be demoted in or suspended for more than thirty days or removed from the service only for cause as specified in this law or a rule or order issued thereunder. The Authority shall be the final authority in such matters. Any person in the service who is suspended for more than thirty days, demoted, removed from the service, or subjected to other severe action shall at time of such action be given by the officer taking such action a written statement of charges fully setting forth the reasons therefor.

The employee subject of the action may, within thirty days after he has received official notice of such action, appeal to the Authority for review thereof. On receipt of such appeal, the Authority or a person or persons designated by the Authority to conduct investigations shall promptly investigate the action. If the accused requests a hearing, such hearing shall be accorded. At such hearings technical rules of evidence shall not apply. The officer who took the action or his representative and the accused 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. The purpose of such investigation shall be to ascertain the truth of such charges and take such action thereon consistent with this law as is calculated to assure justice to the accused and protect the efficiency of the service.

If, as a result of such 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 members 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.

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

The foregoing provisions of Part 2 shall not apply to temporary employees, probational employees, employees laid off due to lack of work or lack of funds and employees reduced in grade or pay as a result of reclassification of positions, provided revisions of employment status of such employees are in conformity with rules of the Authority pertaining thereto.

Part 3. Programs compensating personnel of the service or their dependents for damage resultant of injury and occupational disease acquired on duty shall be conducted. The Authority shall, as soon as possible and not later than five years after the enactment of this law, conduct necessary studies and as a result thereof draft and submit to the Diet for approval a plan for properly compensating members of the service for injury on duty and disease acquired on duty as a result of working conditions extraordinary to the normal way of life. The programs so developed shall have as their objective the protection of the employee against economic distress during periods of incapacity resultant of such injury or disease, the proper compensation of the employee for permanent or prolonged damage to his earning capacity resultant of such injury or disease and compensation of his immediate dependents for damage sustained in the event of death of the employee resultant of such injury or disease. The programs for compensating personnel of the service for such injury and disease, in addition to such other provisions as the Authority in its discretion shall include, shall provide for the administration of the programs by the Authority and their integration and coordination with the other services of the Authority as a part of the personnel administration of the national government.

Standard 5. PERSONS IN THE SERVICE SHALL CONDUCT THEMSELVES IN THE INTEREST OF THE PUBLIC. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law.

Part 1. Personnel of the service, except as specially authorized, shall give their full working time and occupational attention to the duties of their public position.

Part 2. Personnel of the service shall be permitted to join or refrain from joining associations or other employee organizations; and through such organizations to designate representatives for purposes of consultation or cooperation with proper authorities relative to conditions of employment and for other lawful purposes including social and welfare activities. In exercise of these rights, persons in the service shall be free from restraint, interference or coercion on the part of supervisory or other personnel. Any person in the service who shall strike against the public of Japan represented by the National government as an employer shall lose all rights to employment by the National government acquired and possessed by him under this law at the time of such strike.

Part 3. Personnel of the service shall conduct themselves non-politically. Persons in the service retain the right to vote and to belong to a political party of their choice, but no member of the service shall solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose. No person shall solicit, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution from any member of the service 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.

Part 4. Personnel of the service in any official transaction shall not be guilty of any false statements, deceptions or fraud.

Part 5. Personnel of the service shall not be guilty of any criminal, infamous, dishonest, immoral or notoriously disgraceful conduct.

Part 6. Personnel of the service shall not advocate or belong to any association or political party which advocates the overthrow by force of the Constitution of Japan or the government existing thereunder.

Part 7. Personnel of the service shall not violate this law, the rules or orders issued thereunder.

Standard 6. PERSONS IN THE SERVICE WHILE ON DUTY SHALL BE SOLELY EMPLOYEES OF THE NATIONAL GOVERNMENT. This standard shall be enforced under rules of the Authority, which rules, in addition to such other provisions consistent with this law as the Authority in its discretion may enact, shall conform to and include the following provisions of this law.

Part 1. The Authority shall make possible, by transfer or otherwise between the various ministries or agencies of the National government, such mobility of staff as will contribute to the total efficiency of governmental operations.

Part 2. No person may solicit or offer or accept or give or be in any way connected with the offering or giving of a fee or other valuable consideration, as a labor brokerage fee or otherwise, in connection with the recommending, referring or providing of any person for or the retaining of any person in the employment of the National government.

Part 3. Personnel of the service may be assigned only to duties which it is the legal responsibility of the National government to perform.

Standard 7. PERSONS IN THE SERVICE WHO SERVE FAITHFULLY TO THE AGE OF RETIREMENT SHALL BE RETIRED WITH HONOR AND PENSION. The Authority shall, as soon as possible and not later than three years after the enactment of this law, conduct necessary studies and, as a result thereof, draft and submit to the Diet for approval a plan for a retirement and pension system for personnel of the service. The system so constructed shall have as its objective the retirement with honor, at an appropriate age, of personnel of the service and thereafter the provision for each such person as has given a substantial portion of his life to the service of an income adequate to sustain him and his immediate dependents in manner dignified and appropriate to the circumstances of retirement. The system shall be designed and established on an actuarially sound basis. The plan for the retirement system, in addition to such other provisions as the Authority in its discretion shall include, shall provide for the administration of the retirement system by the Authority and its integration and coordination with the other services of the Authority as a part of the system of personnel administration of the national government.

Section V.

PROVISION FOR ENFORCEMENT OF THE LAW. To enforce this law it is hereby provided that:

Article 1. This law shall be effective and in force on and after its enactment.

Article 2. Laws, ordinances, orders, regulations or enactments of whatever kind in conflict with this law, either wholly or in part, are with respect to such whole or part, void and without force or effect.

Article 3. If any provision of this law or of any rule, regulation or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of this law and the application of such provision of this law or of such rule, regulation or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Article 4. This law shall be obeyed by all persons. Any person who shall willfully violate or attempt or conspire to violate this law or any part of it or commit or attempt to commit any fraud incident to the administration of or obstruct the enforcement of this law or the rules, orders or regulations enacted thereunder, shall be guilty of a crime and on conviction shall lose all rights and eligibility to employment by the National government in any position whatsoever, at the discretion of the Authority, and additionally, for each such offense, be fined not to exceed \$10,000 and sentenced to not to exceed five years in penal servitude, either or both, at the discretion of the court.

Article 5. Any person who shall willfully fail to appear in person or produce books, records or other data, as commanded in a subpoena issued by the Authority or any officer or employee of the Authority or other person or persons having power to issue a subpoena under this law, shall be guilty of a contempt of the Authority and on conviction shall lose all rights and eligibility to employment by the National government in any position whatsoever for a period of not less than ten years and for as much longer as may be determined by the Authority and, additionally, for each such offense shall be fined not to exceed \$15,000 and sentenced to not to exceed five years in penal servitude, either or both at the discretion of the court.

Article 6. A member of the Authority, Director General of Personnel or Director of Personnel found guilty of malfeasance in office under proceedings provided by this law shall be guilty of a crime and shall lose forever all rights and eligibility to employment by the National government in any position whatsoever and additionally for each such offense shall be fined not to exceed \$20,000 and sentenced to not to exceed ten years in penal servitude, either or both at the discretion of the court.

Article 7. Any person subjected to administrative investigation and findings under this law, if subjected to criminal prosecution on the same or related facts, shall not be deemed to have been placed in double jeopardy.

Article 8. The Authority shall report any violations of this law of which it has knowledge to the appropriate Public Procurator, and it shall be the duty of such Public Procurator to promptly prosecute any such case.

Division 6.

RECOMMENDATION

It is recommended that, at the earliest possible date, actions be taken as necessary to effect enactment of the National Public Servants Law as presented in Chapter I, Division 5, of this report.

CHAPTER I.

APPENDIX

Division 1.

The enactment of the National Public Servants Law will establish a beach head for a modern and efficient civil service in Japan. However, that must be recognized as only the initial phase of an operation which will fail to achieve major objectives if it is not followed up during the occupation by the organization of the National Personnel Authority and substantial progress in administration of the several programs having priority under the National Public Servants Law. In short, the reform of the Japanese bureaucracy to be effective must, before the termination of the occupation, progress to a point where the power of the old bureaucracy is permanently broken and a new bureaucracy, constructed on democratic precepts, firmly entrenched.

The United States Personnel Advisory Mission to Japan views this situation with serious concern. The studies now and for some months in progress under Mission auspices will provide the basis of an administrative program for the reform of the Japanese bureaucracy. Nevertheless, reformation of the bureaucracy is far behind many other reforms in Japan due to its late initiation. To anyone experienced in public personnel administration, the implications of the program, in terms of the amount of work to be done in the time available, are impressive even under favorable conditions. As indicated in other sections of this report, the conditions existing are far from favorable.

The Mission is of the opinion that this program cannot be carried out by the simple documentation of its findings and recommendations and their transfer to unfamiliar hands for administration. The Japanese personnel situation is individualistic, complicated and often inconsistent within itself. The work of the Mission covers months of investigation and has produced significant ramifications of fact, shades of meaning and knowledge of personality factors which, if they could be adequately documented, would still bring persons charged with the administration of the program and equipped only with such documents to a standstill for months while they absorbed the material. Meanwhile, the momentum acquired by the Mission would be lost in a situation where time is of the essence.

The problem is further complicated by the fact that in projecting the work of the Mission it is essential to secure the services of specialists of superior ability. The services of such persons are such in demand in the United States, and they are little attracted to work in this theatre in this phase of the war, particularly when such service means disruption of career and home life and little if any additional compensation.

If the objectives of the occupation with respect to bureaucratic reform in Japan are to be realized, it will be necessary that all the research done by the Mission be conserved and focused on the problems of the months immediately ahead, the working relationships established by the Mission

with the Japanese conserved and given momentum and the entire program energised and given drive and technical direction by an adequate staff of highly competent persons experienced in public personnel administration, all personnel so recruited and instructed as to establish complete continuity between the work of the Mission and those who are to carry on.

For better understanding of some of the operations involved and also for the convenience of the persons charged with further conduct of activity of the Mission, there is presented herewith a list of urgent projects contemplated under the National Public Servants Law.

This list is not intended to be exhaustive for, as the experienced personnel administrator will detect, innumerable supplementary operations are involved in almost every situation. However, such a list will perhaps contribute to progress during initial phases of the operation by reminding those who are to conduct it of details associated with certain basic projects necessary under the National Public Servants Law. It is hoped that the list will be useful also in revealing ideas of the Mission for rapidly developing and utilising in the reform the services of a body of public personnel administrators in a situation where, for practical purposes, none is presently available.

While we recognise that the function of the Mission is to advise, we also recognise that in the present situation the Japanese are wholly unfamiliar with the type of operations which are to be conducted and that the operations must be advanced to early completion if they are to serve their purposes. Accordingly, it will be necessary for persons in charge of the operations to supplement advice with positive leadership, research and very close superintendence of the administration of projects.

1. Advise Temporary National Personnel Authority on general planning of operations, preparation and presentation to the Cabinet of requisition for space, facilities and monies essential to the conduct of operations.
2. Set up offices providing technical branches for General Personnel Management, Organisation, Classification and Compensation, Training and Examinations.
3. Organisation Branch: Project of advising Temporary National Personnel Authority on modern set-up of office headquarters and allocation of functions.
4. Personnel Management Branch: Project of advising Temporary National Personnel Authority on rush construction of body of civil service rules.
5. Examination Branch: Project of developing examination for apprentice personnel officers. Inasmuch as there are few if any trained public personnel officers available in Japan, it will be necessary to qualify candidates largely on standards of character, relevant education and aptitudes.

6. **Training Branch:** Project of constructing curriculum for training of public personnel officers. Instruction must be comprehensive on fundamentals of public personnel administration and include specific instructions on the National Public Servants Law and the functions of public personnel officers in a democracy.
7. **Classification Branch:** Project of conducting technical review of upper bureaucracy in the national government for identification of all positions subject to immediate examination under provisions of the National Public Servants Law.
8. **Compensation Branch:** Project of advising Temporary National Personnel Authority in complete review of compensation situation in the national government, development of proposed schedules of compensation and presentation thereof to the Diet.
9. **Classification Branch:** Project of advising staff of the National Personnel Authority assigned to classification work on the techniques of position classification and general conduct of a position classification study on a national scale.
10. **Examination Branch:** Project of developing examinations for all key positions internal to the National Personnel Authority.
11. **Examination Branch:** Project of constructing examinations for members of the National Personnel Authority.
12. **Examination Branch:** Activate Temporary National Personnel Authority in conduct of examination for apprentice personnel officers. Objective -- 300 qualified persons.
13. **Training Branch:** Refer personnel qualified as apprentice personnel officers to training school for high pressure training in public personnel administration -- 120 days. Faculty of school shall be drawn from members of staff of the Civil Service Division.
14. **Examination Branch:** Project of constructing appropriate examinations for all positions in the "upper bureaucracy" subject to immediate examination. As rapidly as such positions are identified, complete technical information thereon must be referred to the examination branch for this purpose.
15. **Examination Branch:** Project of activating and advising Temporary National Personnel Authority on announcing and administering as rapidly as possible examinations for positions in the "upper bureaucracy". Closely observe such examinations to assure dispatch and integrity of administration.

16. Classification Branch: Project of advising Temporary National Personnel Authority in complete technical position classification study of the service of the national government. Advise Temporary National Personnel Authority on formulation and adoption of over-all position classification plan.
17. Examination Branch: Project of advising Temporary National Personnel Authority in administration of promotional examination for key positions in the National Personnel Authority. Enter graduates of apprentice personnel officers training course in the examination.
18. Compensation Branch: Project of advising Temporary National Personnel Authority in the study and preparation of a schedule of compensation for personnel of the service or their dependents for damage resultant of injury and occupational disease acquired on duty for consideration by the Diet.
19. Training Branch: Project of promoting courses in colleges and universities of Japan in public administration and encouraging students otherwise to prepare themselves for government careers. This is necessary to provide technical and administrative personnel for government service in the years ahead.
20. Organization Branch: Project of advising Temporary National Personnel Authority on the planning and scheduling of operations preparatory to the full assumption by the National Personnel Authority of general personnel administration of the national government under provisions of the National Public Servants Law.
21. Personnel Management Branch: Advise Temporary National Personnel Authority on assignment of certain graduates of apprentice personnel training school to positions as personnel officers in Ministries and agencies of the national government, and to staff positions in the National Personnel Authority.
22. Personnel Management Branch: Institute and operate follow-up on replacement of officials in the "upper bureaucracy" by persons qualified under examination processes.
23. Examination Branch: Advise Temporary National Personnel Authority in announcement and administration of examinations for members of the National Personnel Authority.

Division 2.

RECOMMENDATION

It is recommended that a Civil Service Division be established in the Government Section, General Headquarters, Supreme Commander for the Allied Powers, at the earliest possible date to advise The Supreme Commander for the Allied Powers on programs, policies and procedures pertaining to the reform of the personnel system of the Japanese National Government; that, for this purpose, the Government Section be authorized to increase its expenditures for the fiscal year 1948 by not to exceed \$250,000 over previous authorizations; that positions on staff of the Government Section, as delineated in Supplement A, be authorized to be paid from the foregoing authorization; that a head for the Civil Service Division, Government Section, be appointed at an early date; and that the head of the Civil Service Division, Government Section, be given opportunity immediately on appointment and prior to the termination of the activities of the present personnel of the Mission to confer with the incumbent Chairman and members of the Mission for thorough discussion of the civil service situation in Japan and review of the files of the Mission; authorized to recruit, with the cooperation of the War Department, in Japan and the United States, personnel for staff of the Civil Service Division; to recruit such staff for such periods of service in Japan as he may deem advisable and expedient and recruit replacements therefor; to assemble key members of such staff for training purposes or for conferences with present members of the Mission, or such members thereof as he may designate, at a place or places in the United States to be designated by him; authorized to select, assemble and transport the necessary technical library to Japan; and that necessary time, travel and expense in connection with all these operations be authorized.

SUMMARY

The recommendations presented in Chapters I and II of this report are calculated to produce results as follows:

1. Destroy power of the feudalistic bureaucracy by:

a. Reconstituting the bureaucracy at administrative policy control levels. The law opens, through immediate competition, all administrative positions at controlling levels to experienced and technically qualified men on the basis of merit and not of rank. It is anticipated that many incumbents having only brief or irrelevant experience will resign rather than compete, or fail in competition and that replacements will represent a higher order of technical competence and a loyalty to the new regime, which protects their official status, rather than to the old.

b. Reducing the prestige of the feudal bureaucracy. The feudal group will be no longer in general control of the administrative functions of government. No longer will it be able either to put men in controlling positions or keep them there. The concept of rank, as the prime criterion of competence and respect in civil administration, will be removed. With respect to the disciplinary actions of the upper officials, reviews will be established which are concerned principally with efficiency of performance and good behavior, rather than with rank and fealties.

2. Install and develop momentum in the operation of a modern system of personnel administration, consistent with democratic precepts and capable of promoting efficiency in the administration of public affairs in this modern age by:

a. Providing by law service wide standards of civil service administration, affecting uniformly all levels of officials and employees, which assure selection and promotion of personnel on the basis of merit and promote the efficiency of such personnel in the performance of duty.

b. Institutionalizing a National Personnel Authority to enforce the law.

SUPPLEMENT A

Appendix

Special Assistant to the
~~DEPUTY CHIEF~~ CHIEF, GOVERNMENT SECTION, GHQ, SCAP. Grade CAF-15.

Special Assistant to the
Serves as Deputy Chief, Government Section, GHQ, SCAP, in charge of the Civil Service Division. In line with occupation policy, is primarily responsible for the basic planning, the scheduling and direction, the critical review and coordination of the activities of a staff of personnel experts, engaged in cooperating with and assisting the Japanese Government in developing, introducing and effectuating a comprehensive personnel program which is technically and administratively sound and meets the legal and practical needs of the Japanese situation.

This program will include the technical and procedural development, effectuation and implementation of personnel standards prescribed by law; it will cover examination for initial appointment and promotions; position-classification and pay plans; employee training; employee evaluations; health and medical programs; employee welfare including welfare associations and credit unions; personnel relations programs; retirement plan; compensation plan for employees injured or ill in line of duty; and the establishment of a system for the collection and use of employment statistics.

Special Assistant to the
The ~~Deputy Chief~~ Chief will maintain direct contact with officials of the Japanese Government at the Minister of State level and, when required, with the Prime Minister, and will advise on the installation in the entire Japanese governmental system of modern personnel standards, techniques and concepts. The Deputy Chief will devise, install and supervise the conduct of a training program on the concepts and operation of a national personnel system and program for the highest ranking Japanese civil servants in the organization established by law to operate and direct the new Japanese Civil Service System. This requires knowledge of personnel practices and techniques at a national level of the highest order and broadest objectivity. The Deputy Chief is personally responsible for coordinating the work of the Government Section, relating to the personnel system of the Japanese Government, with officials of the Japanese Government and for directing whatever action is necessary to effect, in the time available, the maximum progress internally in the Japanese Government of the installation and administration of the program. He is likewise personally responsible for making the most important contacts relating to the program, both within GHQ, SCAP, and the Japanese Government; effectuation of the broad overall plans outlined by the United States Personnel Advisory Mission to Japan; for the internal administration of the Civil Service Division; for the coordination of the various projects at all stages; and for the final results.

SEE
NEW
draft

CHIEF, ORGANIZATION BRANCH, CIVIL SERVICE DIVISION. Grade CAF-14.

Serves as the Chief, Organization Branch, Civil Service Division under the general administrative direction of the ~~Deputy Chief~~, ^{Special Assistant to the Chief} Government Section, and is responsible for planning, advising on, and effectuating in ~~cooperation~~ ^{cooperation} with ~~representatives~~ ^{representative officials of the} of the Japanese Government, the establishment of the organization of the Temporary National Personnel Authority. This will include studies and plans for the distribution of functions, the establishment of suitable organizational subdivisions, and the distribution of duties and responsibilities among positions of the Authority which will conduct a modern and comprehensive personnel program. He will advise also on the organizational set-up, distribution of work load of branch offices of the Authority located in the various Ministries in Tokyo and in area offices in the field, and will recommend and assist in installing techniques and procedures, records and reporting systems which will assure a minimum of duplication of effort and a maximum of coordination and utilization of manpower, both within and as between the central office of the Authority and its branch offices. In cooperation with other branch Chiefs of the Division, he will plan general procedures, techniques, forms and work flow and will review forms and procedures covering such specialized fields as examination, appointment and position-classification, recommended by branch Chiefs with a view to their coordination and efficient integration in the work pattern of the Authority. He will advise and assist the Authority and the ~~Deputy Chief~~, ^{Deputy Chief} Government Section, in all problems of organization, procedures, office lay-outs, office equipment, forms, etc. He will be responsible for studying the personnel records currently maintained in the Japanese Government and in determining the extent to which, and the methods by which, they can be utilized in the record keeping system under the new personnel program.

Staff: 1 Personnel Organization Specialist CAF-13.
1 Procedures Specialist CAF-13.

CHIEF, CLASSIFICATION AND COMPENSATION BRANCH, CIVIL SERVICE DIVISION. Grade CAF-14.

Serves as Chief, Classification and Compensation Branch, Civil Service Division, under the general administrative direction of the ~~Deputy Chief~~, ^{Special Assistant to the Chief} Government Section, and is responsible for planning, advising on, and effectuating, in ~~cooperation~~ ^{cooperation} with ~~representatives~~ ^{representative officials of the} of the Temporary National Personnel Authority, the establishment of comprehensive classification and compensation plans for the Japanese Government. He will devise the procedure and modus operandi of conducting service-wide classification surveys to cover all governmental positions under the jurisdiction of the Authority; instruct and guide the personnel of the Authority in the conduct of such surveys; guide and instruct the position classifiers of the Authority and

the Japanese Government in interpreting and properly evaluating the material received in the service-wide classification survey; and instruct and advise on writing and issuance of classification specifications. He will advise on and direct studies to develop a comprehensive compensation plan which is in harmony with good personnel practice and fully recognizes the economic and financial situation of the Japanese Government and government employees. He will advise on and draft recommended rules for the installation and maintenance of the position-classification and the compensation plans and will aid in the interpretation of rules and suggest solutions of difficult operating problems. He will advise the Authority in the organization and establishment of its classification and compensation division; methods of procedure to be followed; forms and records to be inaugurated and maintained. He will prepare and supervise the conduct of training courses for the personnel of the Authority's classification division in the subjects related to position-classification and compensation. He will cooperate and work with other Branch Chiefs of the Division in integrating position-classification and compensation activities, and in the coordination of rules, flow of work and general operations, with other phases of the entire project.

Staff:	1 Compensation Specialist	CAF-14
	1 Classification Specialist	CAF-13
	1 Compensation Specialist	CAF-13
	2 Classification Specialists	CAF-12
	1 Compensation Specialists	CAF-12

CHIEF, EXAMINATION BRANCH, CIVIL SERVICE DIVISION. Grade CAF-14.

Serves as Chief of the Examination Branch, Civil Service Division, under the general administrative direction of the ^{Special Assistant to the} Deputy Chief, Government Section. He is responsible for planning, advising on, and effectuating, in cooperation with representatives of the Japanese Government, the establishment and organization of an examination division and the examining programs of the Temporary National Personnel Authority. He will guide and advise the Authority on its initial program of examining incumbents and applicants for a variety of very important positions in top levels of the Japanese Government. He will advise on and supervise members of the Branch and the Authority in the selection of examination subjects for both immediate and future examinations; on the utilization of the most modern techniques in the design and construction of examinations of many levels and covering many different classes; and on the conduct of examinations, both on a centralized and decentralized basis. He will advise the Authority on the organization and establishment of an examination division; methods and procedure to be followed; and forms and records to be inaugurated and maintained. He will conduct or supervise members of his staff in conducting seminars for personnel of the Authority on examining procedures and techniques and methods of formulating and conducting scientifically designed

examination programs on a national scale. He will cooperate with the Head of the Training Branch of the Division and interested Sections of GHQ, SCAP, in advising the Authority and in inaugurating cooperative studies to be made with Japanese colleges and universities on subjects for future national examinations and the revision or addition of subjects to the curriculum of such institutions to enable the students to more adequately meet the future needs of the National Government. He will advise on, and recommend rules relating to, examinations and appointments and will aid in their interpretation and suggest solutions of difficult operating problems. He will cooperate and work with other Branch Chiefs in integrating the examining functions, procedures and rules with other phases of the entire project.

Staff: 3 Examination Specialists CAP-13
6 Examination Specialists CAP-12

CHIEF, TRAINING BRANCH, CIVIL SERVICE DIVISION. Grade CAP-14.

Serves as Chief of the Training Branch, Civil Service Division under the general administrative direction of the ~~Deputy~~ ^{Assistant to the} Chief, Government Section. He is responsible for planning, advising on, and effectuating, in cooperation with ^{appropriate officials of the Japanese Government} representatives of the Japanese Government, the establishment of training programs and the organization of a training division in the Temporary National Personnel Authority. This will include the studies of existing and of needed programs; recommending the content, methods and the establishment of the Authority's service-wide training program, and the internal structure and functions of the Authority's training division. He will participate actively in the planning and conduct of a comprehensive training program in personnel administration for high ranking Japanese civil servants. He will conduct or direct members of his staff in conducting seminars for personnel of the Authority's training division on in-service training ideas and programs and assist the Authority in conducting similar seminars for training officers in the Ministries, Bureaus and Sections. He will advise and guide the Authority in the initial stages of its training program and will instruct training officers at the various organizational levels in the method of promoting and conducting supervisory training courses for all supervisors in the National governmental service. In cooperation with other interested Sections of GHQ, SCAP, he will advise the Authority on the studies to be made and the liaison to be maintained with all colleges and universities, governmental and private, on the courses and subject matter most needed to properly equip graduates to enter the National Government service in positions at important levels, and fields and thru such liaison secure the cooperation of the various schools in revising their present courses or adding new ones to endeavor to meet the Government's needs by ^{for} supplying properly and adequately trained graduates eligible to compete for positions in the Government. He will cooperate and work with the Chiefs of other branches of the Division in the coordination of programs and organizational set-ups and in devising and interpreting rules to govern the operation of the Authority's training program.

Staff: 1 Training Specialist CAP-13.

**CHIEF, GENERAL PERSONNEL ADMINISTRATION BRANCH, CIVIL SERVICE DIVISION.
Grade CAF-14.**

Serves as Chief of the General Personnel Administration Branch, and as his principal assistant, acts in the absence of the ^{Special Assistant to the} Deputy Chief, Government Section, in charge of the Civil Service Division. He is responsible for planning, advising on, and effectuating, in ^{cooperation} with ^{representatives of} the Japanese Government, the development and installation of an adequate system for the collection and analysis of personnel statistics. In cooperation with other Branch Chiefs and officials of the Temporary National Personnel Authority, he will originate or compile, and review and recommend a complete, coordinated set of practical rules for the exercise of the principal technical functions of the Authority and assist in their installation, maintenance and interpretation. He will advise and assist in the writing and issuance of subsidiary rules and orders to the various Ministries, Bureaus and other government agencies necessary in the implementation of the general personnel program as contemplated by law. He will advise and assist top level officials dealing with administrative matters in the various Ministries, Bureaus, and Sections on the operation of the National Public Servants Law and on the establishment and operation of new personnel offices. He will be responsible for the conduct of special assignments ^{made by the} Deputy Chief of Government Section on matters of personnel administration not properly assignable to the technical subject-matter Branches, and will serve as a general coordinator of operations as directed by the Deputy ^{Special Ass't to} Chief, of Government Section.

Staff: 1 Personnel Specialist
1 Statistician

CAF-13
P-6

GENERAL STAFF NEEDED FOR CIVIL SERVICE DIVISION.

1 Chief Clerk CAF-7
3 Interpreters CAF-7

Administrative staff.

GHG-50AP-1