6. It might be possible to allow somewhat formal hearings within the police system in advance of National Personnel Commission's hearing if the former is required to be completed within 20 days after the filing of "preliminary" charges which would necessarily be filed at the time of or prior to employee's suspension. Then if the employee were found guilty and discharged he would have 10 days within which to learn of his rights and request a hearing or investigation by the National Personnel Commission.

GORDON W. PETERSON

GWP:jb

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

3 June 1948

MEMORANDUM FOR : Mr. Gordon W. Peterson

SUBJECT : Proposed Regulations - National Rural Police

1. Attached is a copy of the proposed regulations for the National Rural Police. Kindly check these proposed regulations on two points:

a) for any conflict with the National Public Service Law, and

b) for any suggestions or helpful hints we might be able to give the Police Training Division relative to the feasible operation of such regulations within the structure of the National Public Service Law.

2. Let me have your comments on these regulations in writing for the record.

W. PIERCE MacCOY
Deputy Chief, Civil Service Division

WPM/hm
Attachment

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Nat NATIONAL Rural Police

Prefecture to take fingerprints of every person arrested; to submit to the Prefectural Identification Section two sets of prints and other prescribed data of persons arrested charged with criminal offenses; one set of prints to be forwarded promptly to the National Identifical Section at Tokyo. Prefectural Identification Sections shall not extend their files and records beyond the records of those persons arrested within the Prefecture and/or records of persons who have been arrested elsewhere but whose legal residence is within the Prefecture.

3. All latent fingerprint work will be done by qualified fingerprint technicians who will be employed by the Prefectural Identification Section. As in all other functions of the Section it shall be the duty of the latent fingerprint Technicians to cooperate with other law enforcement agencies within the Prefecture within the limitations of Prefecture Identification Section personnel and finances.

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DISCIPLINARY PROCEEDINGS

1. There shall be a Trial Board in each Prefecture consisting of four commissioned officers who shall be appointed by the Director of Regional Headquarters and approved by the Director General.

2. The senior officer shall be the presiding officer. Any member of the department cited to appear before the Trial Board must be tried within the Prefecture where the violation is alleged to have been committed.

3. The presiding officer of the Trial Board will have the authority to issue subpoenas, to compel the attendance of witnesses and the production of evidence in support of charges. He shall also issue subpoenas for witnesses for the defense. The defense shall have the right to request the appearance of his own witnesses and/or evidence as proof of his or her innocence. The defense must file with the presiding officer names and addresses of witnesses and such other evidence as he or she may desire within ten days of the date set for the hearing before the Trial Board.

4. Whenever charges are preferred against any member of the department the hearing cannot be held in less than fifteen days or more than sixty days

unless approved by the Director General and the accused.

CHARGES

1. Any citizen, departmental employee or department official may make charges against any member of the department. Any charge of misconduct or violation of rules and regulations made by a citizen or departmental member must be in writing, in the form of a sworn statement, and must be forwarded to Regional Headquarters for consideration by the Regional Commander. No action by Trial Board shall be taken until so directed in writing by the Regional Commander. Should the Commanding Officer of the departmental member or his immediate superior deem it advisable, he may suspend the departmental member pending decision of the Regional Commander.

2. The Regional Director shall notify the Troop Commander and immediate superior of the member within thirty days as to whether or not action is to be taken. If no action is taken within thirty days, the person charged with the violation shall be reinstated without prejudice.

3. All charges made against a member of this department shall be in the form of a signed witnessed complaint. Copies of complaints of this nature shall be forwarded to Regional Headquarters within forty-eight hours. Copies of complaints forwarded to Troop, Regional or National Headquarters shall be accompanied by a report from the department member's immediate superior. This report shall give in detail any and all information the immediate supervisor has relative to the complaint and persons involved.

4. Copies of charges that may be made against any department member shall be filed in the office of his immediate superior and in Prefectural and Regional Headquarters.

5. The accused shall receive a copy of specific charges together with a notice as to the time and place of hearing before the Trial Board.

6. Charges may be served by any member of the department upon instructions of a superior office or by registered mail. When served by a member of the department a report will be made by the officer who served the charges as to the time and place of such service and a copy of this report of service shall be immediately forwarded to Regional Headquarters.

7. Any officer so ordered to appear before the Trial Board may be

represented by legal counsel or defended by any member of the department of his own choice willing to serve in this capacity.

MODE OF TRIAL

1. Testimony shall be given at the Trial Board meeting in conformity with rules of evidence. Every effort shall be made by the Trial Board to conduct a thorough and fair investigation. The accused must be confronted by all witnesses and no testimony shall be taken without the accused being present.

DETERMINATION OF GUILT

1. At the conclusion of the hearing all witnesses and persons, other than members of the board, shall be dismissed from the hearing.

2. Members of the Board may then discuss the testimony that has been submitted and vote on the guilt or innocence of the accused. A written ballot shall be taken. If the accused is found guilty by a majority of the members of the Board, disciplinary punishment will be prescribed. Disciplinary punishment for the violation must be approved in writing by the majority of the Trial Board members. The accused is to be again called before the Board after they have reached a decision and have the benefit of learning findings. If the accused is of the opinion that the decision of the Board and/or the penalty is not just or fair, the accused may appeal to the Regional Commander who will have the authority to review the testimony and will have the authority to set aside the hearing, returning the case to the Prefecture for rehearing or to the office of the Director General for opinion.

DEGREE OF PUNISHMENT

See RPS Manual 59-90

1. The Board may recommend either the removal of the officer from the department, his suspension without pay for a period not exceeding ninety days, cancellation of his annual vacation, forfeiture of his leave days for a period not exceeding one year, demotion in rank, or such duties of a disciplinary nature as it may prescribe.

2. An officer dismissed from the department as a result of Trial Board decision shall be considered dismissed as from the date of suspension.

REVIEW - (Trial Board Findings)

1. The Director General and the Regional Commander have the authority to set aside, reduce or suspend the findings of the Trial Board.

POWER TO SUSPEND SUBORDINATE

1. Any commissioned or non-commissioned officer of the department may suspend from duty any subordinate whenever he deems it necessary for the preservation of good order, efficiency, and discipline. The suspension of any member of the department shall be reported promptly by his immediate superior to the Troop, Regional and National Headquarters with the cause and facts for which such suspension is ordered.

SURRENDER OF PROPERTY

1. In all cases of suspension the suspended officer will immediately surrender all departmental property in his possession at the request of the suspending officer who will, as soon as possible thereafter, deliver the same to the commanding officers of the suspended officer, pending investigation and action of the case.

2. The suspended officer may be restored to duty only by the Regional Commander pending investigation and hearing of the charges and as provided for by these rules and regulations. If found not guilty at the hearing, the officer shall be immediately returned to duty.

UNIFORM

1. During the period of suspension a member of the department will not wear the uniform.

RESIGNATION

1. No member of the department may resign when under suspension or charged with violation of rules and regulations except by permission of the Director General or Regional Commander, under penalty of forfeiting the salary or pay which may be due him.

2. Resignation without approval of the Director General or Regional Commander by a member who is under charges will be treated as an admission of guilt and that the person pleads guilty to the charge.

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OFFENSES

1. Because of the nature of police work and the manifold duties which various circumstances may present, it is difficult to formulate rules and regulations to meet every condition.

2. Members of the National Rural Police shall use every effort to meet any lack of specific regulations, and proper discretion and sound judgment shall be exercised at all times.

3. The following are offenses for which it may be necessary to institute disciplinary proceedings. Trial Board charges may be preferred for any of the following offenses:

a. Wilful disobedience or disregard of the rules and regulations

b. Cowardice

c. Insubordination or disrespect toward a superior officer

d. Refusing to obey the lawful command of a superior officer

e. Being under the influence of intoxicating liquor

f. Conduct unbecoming to a police officer

g. Actively engaging in a political campaign other than exercising the privilege of citizenship

h. General incompetency

i. Laziness

j. Not properly performing police duties

k. Using insolent or profane language to any citizen or member of the department

l. Knowingly making a false statement in an official report, written or verbal, to any member of the department or wilfully and intentionally withholding any material matter from an official report or statement

m. Being absent from duty without permission

n. Accepting a bribe or using any unlawful means of obtaining money presents

o. Soliciting subscriptions or collecting donations for any purpose whatever without written permission of the Director General or Regional Director.

p. Wilfully destroying any evidence to be used in any case

q. Giving false testimony in any court or official hearing

r. Neglecting to wear proper uniform while on duty or to appear clean and tidy in person and dress.

s. Communicating or giving police information to any person concerning matters of official departmental business that is detrimental to the department.

t. Neglecting to turn over all property seized, found or taken in connection with police duties, and/or neglecting to make a proper report thereof without unnecessary delay.

u. Neglecting to pay just indebtedness within a reasonable time without proper excuses therefor.

v. Failure to report information to superior officers which may result in the apprehension of fugitives or in the arrest of felons.

w. Entering a disreputable place except in the performance of police duty.

x. Conviction of a criminal offense.

y. Any disorder or neglect to the prejudice of morality or discipline.

z. Careless or reckless use of firearms or other weapons.

aa. Intentionally revealing the identity of any member of the department engaged in official duty in such a manner as to interfere with the proper performance of his duty.

bb. Habitually operating any vehicle in a careless or reckless manner.

PREPARATION OF CHARGES

1. All charges will be prepared under the supervision of the Prefectural Troop Commander, Regional Commander or Director General. Not less than four copies of the charges shall be made to be filed in the office of the immediate superior of the accused, Troop, Regional and National Headquarters. The Regional Commander shall assign the case for hearing to the Prefectural Troop Commander and forward a specification of the charges together with a notice as to the time and place of hearing before the Trial Board promptly to the officer accused.

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GENERAL RULES

1. Members shall be quiet, civil and orderly. In the performance of duty they shall maintain command of temper, patience and discretion. They shall refrain from coarse, profane and insolent language. Courtesy to all persons is required.

2. Members shall treat as confidential the official business of the department. Theh shall not impart it to anyone except those authorized to receive same or as may be directed by superior officers or under due process of law.

3. Members of the department are required to be neat and clean in person and dress. Equipment must be kept in serviceable condition.

4. Members while on and off duty shall avoid religious or political discussions.

5. Members are prohibited from keeping company with persons of questionable character unless necessary in the performance of their duties.

6. Members shall not request the aid of any citizen or group of citizens regarding personal advancement in the department.

7. Members of the department are forbidden to go on bond of, or furnish bail for, any person arrested, nor will they suggest or recommend any attorney or counsel to a prisoner.

8. Members of the department shall not contract for debts beyond their ability to pay.

9. Coolness and firmness is required of every member in time of extreme peril. Any member who shirks from danger or responsibility shall be deemd guilty of cowardice and subject to charges.

10. Regular channels must be followed in addressing official communications. A member of the department may apply for an interview with the Regional Commander or Prefecture Troop Commander.

11. Members shall give their names and stations to a ny person who ay request same.

12. Members shall not receive or accept any present, fee, or other reward for police services other than their regular salary except as authorized by the Director General or Regional Commander.

12. Loss of equipment must be promptly reported to the immediate superior officer.

PRISONER MAY NOTIFY RELATIVES

1. Any person arrested by the National Rural Police shall be permitted to use the telephone or accorded other available means of notifying relatives and/or legal counsel of his arrest within a reasonable length of time following his arrest provided that the expense thereof shall be assumed by the prisoner.

FINGERPRINTING

1. Not less than two sets of fingerprints shall be taken of all persons arrested for criminal offenses. One copy is to be sent promptly to the National Rural Police Prefectural Identification Section and one set to the National Identification Section. Every fingerprint record received by the Prefectural and National Identification Sections shall be filed.

MISCONDUCT TOWARD PRISONERS

1. Members of the department shall be held responsible for the treatment accorded prisoners in this custody. It shall be the duty of the Commanding Officer to investigate any complaint made by a prisoner as to mistreatment on the part of any such member.

ARREST

1. Members of the department shall promptly notify their commanding officer of all arrests made by them and submit a proper arrest report thereof.

RELEASE

1. No prisoner shall be released without the authority of the immediate superior officer of the arresting officer. Persons arrested on a warrent shall not be released except as provided by law.

RESPONSIBILITY FOR PROPERTY

1. Each member of the department is responsible for the proper care and custody of any departmental property issued to him.

2. Each Commanding Officer is likewise charged with the responsibility for the care of property issued to his command.

3. Members of the department shall be held personally liable for any damage to departmental property caused by their negligence or carelessness.

4. Forms shall be provided by the department for a departmental employee to give a detailed report to his immediate superior of property lost, damaged or stolen. A copy of this report of damaged, lost or stolen departmental property shall follow through channels to Regional Headquarters.

NOTIFICATION

1. It shall be the duty of all members of the National Rural Police to immediately notify their commanding officer upon receiving the report of any serious crime committed within the district of his command.

2. Commanding officers of sub-stations should immediately notify their station commanders upon receiving the report of serious crimes. This information should be relayed on to the office of the Prefectural Troop Commander.

BOARD OF REVIEW

1. A Board of Review composed of not less than three commissioned officers of the National Rural Police shall be appointed by the Prefectural Troop Commander.

2. It shall be the duty of this Board to review all cases involving lost, stolen or damaged departmental property.

3. It shall be the duty of this Board to determine whether or not the loss, theft or damage was caused by the negligence of any one or more members of the department.

4. If it is determined that the loss, theft or damage was caused by the negligence of any one or more departmental members, it shall be the duty of this Board to determine the amount of money to be paid for the damage or loss of the departmental property.

PROMOTIONS

1. The Director General shall, within the limits of the appropriation made for such purpose and in compliance with the National Public Servants Act, appoint or promote such employees to the ranks, grades and positions of the department as are deemed by him to be necessary for the efficient administration of the department.

2. No member of the National Rural Police may or shall be considered for

promotion until he has served in his present rating for not less than one year. Promotions will be made by oral and written competitive examinations, consideration being given for seniority - seniority, first by rank; second, by length of service. Examinations for promotions shall be held at Prefectural and Regional Headquarters by a board composed of not less than three members of the department appointed as a Board of Examiners by the Director General. No promotion shall be made until it has been approved by the office of the Director General.

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SICK LEAVE, RETIREMENT & DEATH BENEFITS

SICK LEAVE

1. Sick leave shall be defined as absence because of illness or injury, or serious illness or death of a member of an officer's immediate family.

2. Sick leave not caused in the line of duty shall be allowed with full pay for a maximum of not more than three weeks of any one year.

3. An officer shall receive full pay with all medical (hospitalization and other expenses incurred as a result of the illness or injury) during his or her absence from duty when the illness or injury was caused in the line of duty.

4. An officer who is absent from duty due to sick leave shall make prompt report of his absence due to his illness to his superior officer.

RETIREMENT

1. An officer of the National Rural Police may make application to retire from active duty on pension after having served the department for a period of twenty years provided he has passed the age of 55 or provided he is not in a physical or mental condition to perform the active duties of a police officer. An officer desiring to retire on the 20-year plan shall make application for retirement to the Prefecture Troop Commander in writing. There shall be compulsory retirement on pension when an employee has 25 years of service in the department and has reached the age of 60. An employee of the department may have the privilege of retirement on pension after 25 years of

file

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

2 December 1948

MEMORANDUM FOR MR. JAMES R. BELL, Chief, Organization Branch

Members of the Dist have just appeared and they are eager for some sort of law or regulation to cover their situation under the National Public Service Law. I have again explained that explained that it is assumed that these situations will be handled by rule. However, they appear disturbed and I have accordingly told them that if they will submit a memorandum of points which they think must add consideration, I will meet with them and the members of the Temporary Personnel Authority at 3:00 o'clock Monday afternoon, December 6, in this office.

Will you please see that the members of the Authority are here. Please attend yourself and inform Mr. MacCoy of this development when he comes in tomorrow.

BLAINE HOOVER
Chief
Civil Service Division

BH:mta

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Central file

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

29 November 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Bill Amending the Diet Personnel Law.

1. Civil Service Division recommends disapproval of the proposed Bill amending the Diet Personnel Law on the grounds that ~~this Law~~, in view of Article 11 of the New Supplementary Provisions to the Bill amending the National Public Service Law, makes such an amendment to the Diet Personnel Law entirely unnecessary.

2. The article referred to places all employees of the Diet under the purview of the National Personnel Authority, its rules and regulations until the close of business December 31, 1951. Since this amendment to the National Public Service Law will supersede the Diet Personnel Law, plus specifically placing such personnel under the authority of the National Personnel Authority, there would not appear to be any reason nor justification for the proposed amendment or any similar action at this time to specifically alter the Diet Personnel Law.

WPM/hm
Attachment

BLAINE HOOVER
Chief
Civil Service Division

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CIVIL SERVICE DIVISION
Government Section

17 November 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Deputy Chief, Civil Service Division

SUBJECT : Proposed Diet Personnel Law

1. A cursory review of the Diet Personnel Law as proposed by the House of Representatives October 2, 1948, indicates that for the most part the contents either paraphrase certain portions of the National Public Service Law as amended or are contradictory to the provisions of such law.

2. It is recommended that Civil Service Division register objection to the passage of the proposed law on the grounds that it is unnecessary and in some respects contrary to the spirit and letter of the National Public Service Law.

GORDON W. PETERSON
Examination Specialist.

GWP:mvb

I concur — but what about Timing?

25

Mr. Peterson

This will have to be re-written in conformance with the amended NPS law.

WBm
10/6/48

House of Representatives

October 2nd, 1948.

Outline of the Amendment Bill to the Diet Personnel Law (providing for the case in which the positions of the Diet personnel, except five positions, are transferred to the regular service.)

The Diet Personnel Law

Article 1.

The Diet personnel as referred in this law shall mean the Secretary General, Secretaries and Clerks of the Secretariate of each House; the qualified specialists, Research Secretaries and Research Clerks of Standing Committees; the Director, Secretaries and Clerks of the Legislative Bureau of each House; the Chief Librarian, the Assistant-Chief Librarian, Librarians, Senior Specialists, Research Secretaries, Secretaries and Clerks of the National Diet Library; the Secretaries and Clerks of the Court of Impeachment and of the Indictment Committee; and the employees of each of these organs designated by the Presidents of both Houses upon their consultations.

Article 2.

In formulating a plan of the position classification of the regular service of the Diet personnel, the National

Personnel Authority, in view of the special character of their service and responsibility, shall carry it out in consultation with the joint hearing of the House Management Committees of both Houses on the adjustment of classification and in conformity with the adjustment of classification, decided by the Presidents of both Houses.

Article 3.

As to the classification of the positions of the Diet personnel which the position classification is applicable to, the Presidents of both Houses, in view of the special character and responsibility of their service, shall classify them upon consultation with the joint-hearing of the House Management Committees of both Houses, in conformity with the provisions prescribed in regulations of the National Personnel Authority.

The Presidents of both Houses shall at any time re-examine the classification provided for in the previous paragraph in conformity with the provisions of the regulations of the National Personnel Authority, and in case they deem it necessary, they shall revise it through the same procedures prescribed in the previous paragraph.

Article 4.

The Diet personnels may change their posts according to their respective qualifications and under equivalent conditions among the Secretariate of each House, the

Legislative Bureau of each House, the National Diet Library, the Court of Impeachment and the Indictment Committee.

Article 5.

With the exception of the Secretary General of the Secretariate of each House, the Qualified Specialists of Standing Committees, the Director of the Legislative Bureau of each House and the Chief Librarian and Assistant-Chief Librarian of the National Diet Library, the Diet personnels and Government officials may change their status from one to another according to their respective qualifications and under the equivalent conditions.

Article 6.

Years of the tenure of office as the Diet personnels or Government officials shall be mutually regarded as the years of their tenure of office and shall be aggregated as the years of their tenure of office.

Article 7.

As to the salaries, allowances and other pays to the Chief Librarian of the National Diet Library as well as of the Secretary General and the Director of the Legislative Bureau of each House, the Presidents of both Houses shall upon consultation with a joint hearing of the House Management Committees of both Houses, decide them, except those provided specially by other laws.

Provisional Rules.

Article 1.

As to the matters pertaining to appointment or dismissal, suspension from or resumption of office, disciplinary punishment and also status of the Diet Personnel, those pertaining to their salaries, allowances and pays and those pertaining to their service, the previous instances shall be followed, until the provisions of the National Public Service Law are applied to their official posts. However, when otherwise provided for by law or the regulations of the National Personnel Authority in Article 16 of the National Public Service Law, such law or regulations shall be applied.

Such provisions in the proviso of the preceding paragraph shall be compatible with the spirit of the National Public Service Law.

Article 2.

Those who actually hold office as the Diet Personnel belonging to the regular service on the day of enforcement of this law shall be regarded as those who passed the examination or selection according to the National Public Service Law, are possessed of other qualifications and requirements necessary for the classes which their official posts belong to and took up their posts according to the procedure based on that Law, unless otherwise provided for by law or the regulations of the National Personnel Authority.

The Diet Personnels belonging to the regular service other than those provided for in the preceding paragraph shall be regarded as qualified by the procedure according to the National Public Service Law, and the Regulations of the National Personnel Authority shall be applied to all of them, unless otherwise provided for by the Regulations of the National Personnel Authority.

Article 3.

The classification of the official duties provided for by Article 1 of the Diet Personnel Salary and Allowance Regulations decided on August 17, 1948, based on the provisions of Article 25 of the Diet Personnel Law prior to its revision shall be regarded as planned by the provisions of Article 29 and other articles and paragraphs of the National Public Service Law and as conformable with the requirements of the same law, and shall be valid until the revision thereof, is recommended by the Personnel Authority and enacted by the Diet.

KO

House of Representatives

October 2nd, 1948.

GIST OF THE BILL FOR REVISION OF THE DIET PERSONNEL LAW

(In the case the Diet personnel be included in the "Special Service")

No. 1

The object of this law is to secure democratic and efficient management of the public service for the people through fair and sincere performance of each function by the Diet personnel in conformity with the spirit of the National Public Service Law.

No. 2

The Diet personnel referred in this law shall mean;

a. Secretary General, Secretary, clerk in the Secretariat of each House; Qualified Specialist, Research Secretaries and Research Clerk attached to the standing committees, Director, Secretary and Clerk in the Legislative Bureau of each House. Chief librarian, Assistant Chief Librarian, Librarian, Senior Specialist Research Secretary, Secretary, and Clerk of the National Diet Library. Secretary and Clerk of the Court of Impeachment and those of the Indictment Committee, as well as the personnel of these organs, designated by the Presidents of both Houses upon consultation.

No. 3

In the Secretariate of each House, the Legislative

Bureau and the National Diet Library, as well as the Secretariates of the Court of Impeachment and the Indictment Committee there shall be as a member of its staff, a Director of Personnel.

The Director of Personnel shall be a head of department pertaining to personnel affairs and assist the head of the organ in the preceding paragraph, by taking charge of business pertaining to personnel functions.

In order to ensure close contact with the National Personnel Authority concerning the enforcement of this Law, the Director of personnel may attend the National Personnel Council as prescribed in provisions of Article 26 of the National Public Service Law.

No. 4

With regard to the general rules pertaining to the standard for the service of the Diet personnels, except the Chief Librarian of the National Diet Library, as well as the Secretary General and the Director of the Legislative Bureau of each House, examination, appointment and dismissal, efficiency, guarantee of status, disciplinary punishment and guarantee, performance of duty, pension as well as penal provisions, the respective provisions concerning these matters in the National Public Service Law as well as the Regulation of the National Personnel Authority shall apply mutatis mutandis.

In case, mentioned in the preceding paragraph,

provisions to make, necessary changes of words and other special provisions shall be established.

No. 5

To the Diet personnels in No. 4, Position classification system, prescribed, on the basis of the National Public Service Law shall apply mutatis mutandis. However, in view of special character of their duties and responsibilities, the Presidents of both Houses shall decide the way of its enforcement, upon consultation with the Joint Hearing of the Standing Committees for House Management of both Houses.

No. 6

As to the salaries, allowances and other pays for the Diet personnel, the provisions of pay plan, stipulated in the National Public Service Law shall be mutatis mutandis applied. However, in view of special Character of their duties and responsibilities, the President of both Houses shall decide the way of enforcement upon consultation with the Joint Hearing of the Standing Committees for House Management of both Houses.

No. 7

As to the salaries, allowances and other pays for Chief-Librarian of the National Diet Library, Secretary-General and Director of the Legislative Bureau of each House, the President of both Houses shall decide them, upon consultation with the Joint Hearing of the Standing

Committees for House Management of both Houses, except those provided for specially by other law.

No. 8

The Diet personnel may change their posts according to their respective qualifications and under equivalent conditions among the Secretariate of each House, the Legislative Bureau of each House, National Diet Library, Impeachment Court and Indictment Committee.

No. 9

With exception of the Secretary-General of the Secretariat of each House, the Qualified Specialists of Standing Committees, the Director of the Legislative Bureau of each House and the Chief Librarian and Assistant-Chief Librarian of the National Diet Library, the Diet personnels and Government officials may change their status from one to another according to their respective qualifications and under the equivalent conditions.

No. 10

Years of the tenure of office as the Diet personnels or as government officials shall be mutually regarded as the years of their tenure of office and shall be aggregated as the years of their tenure of office.

No. 11

Concerning the enforcement of this Law, the President of both Houses shall decide necessary matters upon consultation with the Joint Hearing of the Standing Committees

for House Management of both Houses.

No. 12

The necessary transitional provisions shall be established in conformity with each previous paragraph.

KO

File
Law file under
Comp. Undemob. Pers.

CIVIL SERVICE DIVISION
Government Section

23 November 1948

MEMORANDUM FOR: The Record

SUBJECT : Unrepatriated Undemobilized Personnel

The unrepatriated personnel law (No. 182 of 1947) provides certain benefits for undemobilized personnel who had not been repatriated. Basically these provisions are:

1. That personnel receive a minimum of ¥100 per month.

2. That a dependents' allowance of ¥ 225 per month be paid.

3. That for those finally repatriated a ¥ 450 traveling home expense be provided.

4. That death benefits of 800 to 1,000 yen be paid.

No provisions are made for accidents or injuries incurred through no fault of the person involved while in concentration camps or in transit home.

A new law has been proposed amending the above law, providing for these accident and health allowances and increasing the other allowances.

There is a possibility that these persons would be construed as government employees and therefore would be subject to Law No. 46 of 1948 as amended (New Pay Law). It has been suggested that since these are really beneficiaries rather than employees they should be excepted from the provisions of the New Pay Law. Undoubtedly this particular group of persons and their representatives will desire to take advantage of the recommendation that the dependents' allowance be increased to ¥ 1,250 per dependent.

At the present the Demobilization Bureau is handling the benefits provided under the 1947 law. It was suggested that any extension of benefits be placed within the same bureau since it is a transitory type of operation which in time will disappear. There seems little justification to place it under the same system that would handle the National Accident

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Compensation program for regular government workers or to establish a new agency.

In discussing these laws with Mr. Rose of the Public Health & Welfare Section there still seemed to be no concrete definition of whether these laws applied only to military personnel or to include military and civil personnel working for the ex-Army or Navy Ministries.

MACDONALD SALTER
Chief, Classification-Compensation Branch.

MS:mvb

Files

OFFICIAL GAZETTE

No. 514 Monday, December 15, 1947

LAW NO. 182

Law Concerning Undemobolized Persons' Compensation

Article 1. Compensation granted to those who served formerly in the Army or Navy and are not yet demobolized (hereinafter be called simply the "undemobilized person") shall be made as provided for by the present Law except those prescribed by other laws and ordinances.

Article 2. Compensation granted to the undemobilized person shall be enumerated base pay, family allowance and home-coming travelling expenses.

Article 3. The undemobilized person shall be given base pay the amount of which is 100 yen per month.

Base pay shall be given in the aggregate of individual ones for the past, when he arrives at the homeland (excluding Karafuto; the same shall apply hereinafter) and the demobilization process is completed, provided that, in case of special need, it may be given to the person specified by order even before the demobilization process is completed.

Article 4. The undemobilized person who has his family dependents as specified by order shall be given family allowance.

The monthly amount of family allowance shall be the amount of 150 yen multiplied by the number of dependents prescribed in the preceding Paragraph.

With respect to the undemobilized person who comes under Par. 1 and whose dependents are being granted compensation according to the former regulations at the time of the enforcement of this Law, in case the monthly total amount of his base pay and family allowance to his dependents is less than the monthly amount of compensation actually granted to his dependents according to the former regulation at the time of the enforcement of this Law, the monthly amount of family allowance prescribed in the preceding Paragraph plus the amount exceeding the balance may be regarded as his monthly amount of family allowance. However, this amount plus the monthly base pay prescribed in the preceding Article shall not exceed the monthly compensation granted as of March, 1947 to his family according to the former regulation.

Family allowance shall be paid each month to one of his dependents in accordance with the prescription of order; provided, that it may be paid in a lump sum within the limit of three-months amount, if the agency in charge of the payment concerned regards it necessary.

Those who are receiving the family allowance or those who are designated by order shall, when they come under any of the following items, be required to report it without delay to the agency in charge of the payment concerned:

1. When a new family dependent is properly justified;

2. When a dependent loses his substantial requirement of dependency.

Family allowance shall be granted anew, or amended of its amount, or discontinued, each case starting from the month following the month in which the fact mentioned in the preceding items arises.

Article 5. When an undemobilized person is demobilized or dies, base pay and family allowance are granted in full for the month in which the occasion takes place.

Base pay and family allowance granted during the period from the month following the month in which the undemobilized person was demobilized or died to the time his demobilization or death is properly justified, may be allowed not to be returned back to the National Treasury.

In the case of his demobilization or of his death the provision of the preceding Paragraph shall not apply to those who are entitled to receive base pay and family allowance granted to the undemobilized person unless they inform promptly the agency in charge of the payment concerned of such fact.

Article 6. In case an undemobilized person is arrested, interned or executed by the order of the Allied Forces with an offence of war criminal or as a war criminal suspect, base pay and family allowance shall not be granted after the month following the month in which the arrest, internment or the execution is carried out.

In case those the person who comes under the preceding Paragraph is set free from confinement before being prosecuted or declared as having committed no crime, base pay and family allowance the payment of which has been suspended under the preceding Paragraph shall be granted again as from the month of the suspension.

The provisions of the Paragraphs 2 and 3 of the preceding Article shall apply with necessary modifications to the case of Paragraph 1 of the present Article.

Article 7. The undemobilized person shall be given 300 yen as his home-coming travelling expenses, provided that it shall not be paid to those who are demobilized abroad and to those who are executed with an offence of war criminal by the order of the Allied Forces.

Article 8. In case an undemobilized person dies, his bereaved family may be paid 270 yen per dead as the expenses necessary for the receipt of the remains and 310 yen per dead as the expenses for burial, provided that the bereaved family of the person who is designated by order shall not be paid the expenses for burial.

The scope and order of the bereaved family prescribed in the preceding Paragraph shall be spouse, child, parent, grandchild, grandparent, brother or sister, and the one who holds funeral rite for the deceased in case there is none of these direct relatives existing, and in case of those standing in the same order, the senior shall be regarded prior to the junior.

Supplementary Provisions:

Article 9. The present Law shall apply to compensations duly granted as from July 1, 1947.

Article 10. The undemobilized person who is granted as of July 1, 1947 the temporary family allowance under the former regulations, shall be paid the family allowance under this Law as from the month of July, 1947, with the previous report of the same date concerning his family entitled to the temporary family allowance under the former regulation deemed as the one provided in Paragraph 5 of the Article 4, notwithstanding the provisions of Paragraph 6 of the same Article.

In case the person as prescribed in the preceding Paragraph comes on July 1, 1947 to have any relative dependents other than his family members entitled to the temporary family allowance under the former regulations, if necessary matters regarding their dependency are reported to the agency in charge of the payment concerned in accordance with the prescription of order, he shall be granted the family allowance on behalf of them as from the month of July, 1947, notwithstanding the provisions of Paragraph 6 of Article 4.

The provisions of the foregoing Paragraph shall apply with necessary modifications to those undemobilized persons who are newly entitled to the recipients of family allowance upon the application of the present Law, as they have dependents as legally prescribed by the Law, though not entitled to the recipients of family allowance under the former regulations at the date of July 1, 1947.

Article 11. The amount of compensation for the period prior to June, 1947 which has not yet been paid at the time of the enforcement of the present Law, shall be paid under the former regulations, provided that the unpaid compensation from September, 1945 to June, 1947 shall be fixed by the amount shown on the annexed table.

Article 12. After "treatment under the former regulations" in Art. 7 of the Cabinet Order No. 52 of 1947 (abolishing the Army Criminal Law) shall be inserted "except those as provided for in the Law concerning Undemobilized Persons' Compensation."

Minister of Finance
KURUSU Takeo
Prime Minister
KATAYAMA Tetsu

Table of Fixed Monthly Amount Provided for Outstanding Payment

Annexed Table

Former Officers and Soldiers	Former Civilian Employee Former monthly base pay	Period for which paid to family: Sept. '45 to Nov. '45	Period for which paid to family: Dec. '45 to June '47	Period for which not paid to f: Those who have dependent: Sept. '45 to Nov. '45	Dec. '45 to Mar. '46	Apr. '46 to May '46	Ju 19	Period f: July '46 to Nov. '46
General	above ¥500	¥470	¥ 0	¥1,020	¥550	¥ 798	¥	¥ 1,172
Lieut. Gen.	" 450	410	0	983	483	731		1,093
Maj. Gen.	" 400	355	0	771	416	662		996
Colonel	" 300	300	0	640	340	578		880
Spec. Pro. Lieut. Col.	" 270	255	0	525	270	498		765
Lieut. Col.	" 250	235	0	485	250	474		732
Spec. Pro. Major	" 220	195	0	415	220	437		681
Major	" 200	175	0	375	200	412		647
Spec. Pro. Captain	" 150	165	0	322	157	359		566
Captain	" 130	145	0	282	137	334		529
Spec. Pro. 1st Lieut.	" 100	125	0	229	104	288		471
1st Lieut.	" 95	115	0	209	94	274		452
Spec. Pro. 2nd Lieut.	" 90	115	0	205	90	288		448
2nd Lieut.	" 70	105	0	175	70	270		411
Warrant-Officer	" 85	110	0	195	85	261		435
Serg. 1st & 2nd	" 75	85	0	160	75	247		416
	" 40	75	0	125	50	218		374
Serg. 3rd & 4th	below 40	23	0	58	35	191		342
Sergeant		18	0	44	26	182		325
Corporal		14	0	34	20	172		319
Lance-Corp.		9	0	22	13	13		13
1st Private		7	0	17	10	10		10
2nd & 3rd Private		6	0	15	9	9		9

Remarks:

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46	Ju	Period for which not paid to family				Those who have not dependents.	
46	19	July '46 to Nov. '46	Dec. '46	Jan. '47	Feb. '47 to June '47	Sept. '45 to Nov. '45	Dec. '45 to June '47
	¥	¥ 1,172	¥ 3,138	¥2,006	¥1,956	¥ 1,020	¥ 550
		1,093	2,899	1,886	1,836	983	483
		996	2,610	1,750	1,700	771	416
		880	2,262	1,594	1,544	640	340
		765	1,917	1,389	1,339	525	270
		732	1,818	1,336	1,286	485	250
		681	1,665	1,255	1,205	415	220
		647	1,563	1,191	1,141	375	200
		566	1,320	1,040	990	322	157
		529	1,209	963	913	282	137
		471	1,035	865	815	229	104
		452	978	836	786	209	94
		448	966	822	772	205	90
		411	855	765	715	175	70
		435	927	809	759	195	85
		416	870	770	720	160	75
		374	744	708	658	125	50
		342	648	676	626	58	35
		325	597	659	609	44	26
		319	579	653	603	34	20
		13	13	13	13	22	13
		10	10	10	10	17	10
		9	9	9	9	15	9

Remarks:

1. In the table Officers prefixed Spec. Pro.-Specially Promoted-means those officers who were promoted through years from the rank of warrant-officer or non-commissioned officer to the present one.
2. The ranks and the amounts of former base pay in the respective units are those at the time of April 1,1946
3. Family dependent is the one residing at home who is entitled to the recipient of temporary family allowance under the former regulations, and is one examined on June 30, 1947.
4. As the figures indicate the amount of monthly payment, the amount actually granted is calculated by multiplying

the figures by the number of the months concerned. The amount under ten yen shall be calculated as ten yen.

5. For one who returns to the homeland after December 1, 1947, in case the amount totaling the amount calculated according to the preceding item and the base pay given in the aggregate of individual ones by virtue of Article 3, Paragraph 2 of the present Law is less than 500 yen, the difference added by the amount calculated according to the preceding item may be deemed the amount unpaid.

****

Amendments to Article 2
Mr Hayden
Dept Personnel Law

CIVIL SERVICE DIVISION
Government Section

17 November 1948

File
WWM
11/17/48

MEMORANDUM FOR: W. Pierce MacCoy, Deputy Chief, Civil Service Division.

SUBJECT : Partial Interpretation of Article 2, Item 9 of Law 120 as Amended.

1. Attached hereto is a statement prepared by Mr. Okabe of the National Personnel Commission at the request of the undersigned in order that we can be sure of what personnel of the Diet are included in the phrase contained in Article 2 of the National Public Service Law as amended; "positions, the occupancy of which requires an election or the appointment to which requires a resolution or consent of one or both houses of the Diet." (At the moment we ~~are~~ was also interested in determining what personnel might be covered by special Diet Personnel Law). In submitting the list of Diet personnel Mr. Okabe has pointed out a matter which has been raised before, namely that the term "consent" has been used in the phrase quoted above in the National Public Service Law, whereas the Diet Law and the National Diet Library Law used the word "approval". Mr. Okabe is not certain whether the difference in terminology prevents inclusion of Director of Legal Department of the House and Chief Librarian of the National Diet Library in the special service. In his opinion the terms are synonymous and the two positions should be regarded as being in the special service.

2. Mr. Suzuki of the Civil Service Division has verified that the Japanese terms used are "doi" (in the Diet Law and National Diet Library Law) and "shonin" (in the National Public Service Law). Dictionary definitions of the two terms are as follows:

doi - concurrence, consent, assent, endorsement, approbation, approval, agreement, unity.

shonin - approval, agreement, consent, acknowledgment, acceptance.

In view of the above information it is recommended that positions of Director of the Legal Department for the House and Chief Librarian of the National Diet Library be regarded as special service positions unless or until information to the contrary is presented.

?

GORDON W. PETERSON
Examination Specialist.

GWP:mvb

22

November 15, 1948

Diet employees

The following are the types of Diet employees with the forms of their appointment and basic authority therefor:-

Type	Appointment	Basice Authority
Secretary-General	By election of each House	Art.27 of Diet Law
Secretaries and Clerks	Appointed by Secretary-General with the consent of the Speaker or the President of the House, and also with the approval of the House Steering Committee	Art.27 of Diet Law
Technical Experts, Researchers, and Clerks of Standing Committee	Appointed with the consent of the Speaker or the President of the House and also with the approval of the House Steering Committee	Art.12 of Diet Secretariat Law
Director of Legal Department of the House	Appointed by the Speaker or the President with the approval of the House	Art.131 of Diet Law
Secretaries and Clerks of Legal Department of the House	Appointed by Director of Legal Department with the consent of the Speaker or the President of the House and the approval of the House Steering Committee	" "

Chief Librarian of National Diet Library	Appointed by the Speaker and the President of the House with the approval of the Diet	Art.4 of National Diet Library Law
Chief Assistant Librarian of National Diet Library	Appointed by Chief Librarian with the approval of the Speaker and the President of the House	Art.9 of National Diet Library Law
Assistant Librarians, Professional Reseachers, Reseachers, Secretaries and Clerks of National Diet Library	Appointed by Librarian with the consent of the Speaker and the President of the House	Art.10 of National Diet Library Law
Secretaries and Clerks of Indictment Committee	Appointed by Chairman of the Committee with the consent of the Speaker or the President of the House and also with the approval of the House Steering Committee	Art.7 of Law for Impeachment of Judges
Secretaries and Clerks of Impeachment Committee	Ditto	Art.18 of Law for Impeachment of Judges

From the above it will be seen that Diet employees who are clearly in the special service according to the provisions of the National Public Service Law are the Secretary-General of each House. Some doubt exists as to the Director of the Legal Department and the Chief Librarian of National Diet Library, that is, they are appointed with the approval, not the consent, of the House: if, therefore, "approval" and "consent" have a different meaning, these positions should be interpreted as being in the regular services, but, if the two words are synonyms, there is room to consider that the positions affected are in the special service.

Okabe Shiro

8/13/48 RP Central file

file

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

11 August 1948

MEMORANDUM FOR: Mr. Blaine Hoover

SUBJECT: Amendment to the Bill for the Government Communications Employees Training Law

1. Upon hearing the Civil Service Division's verbal objection to the proposed amendment, the Diet Committee which initiated the amendment is reported to have withdrawn it.

2. Government Section files show that the Bill was passed without the amendment; but the second sentence of Article 2 was deleted.

3. There is no need to make any further report to Political and Parliamentory Division. The law as passed should be satisfactory.

Gordon W. Peterson

20

Allowance Bureau
Ministry of Finance

submitted

5 July, 1948

Cabinet Order No. , Cabinet Order concerning Special Regulations established for Railway Enterprise Workers as to Base Pay Range and Grading of their Jobs

The Cabinet hereby provides Cabinet Order concerning Special regulations particularly established for Government Railway Enterprise Workers as to base pay range and grading of their jobs, under the Law administering the New Pay (Law No. 46, 1948), Article 14, Paragraph 3.

Article 1.

In compliance with the Law administering the New Pay, Article 14, Paragraph 3, grading of jobs for the railway enterprise workers, and the base pay range of respective grades shall be regulated as provided for in this Cabinet Order.

Article 2.

The railway enterprise workers referred hereto in this Cabinet Order shall be those who are under the Government Railway Special Account and are engaged in the enterprise works other than the General Railway Board of Transportation Ministry, central office of the Railway Bureau, central office of Superintending Division, central office of Railway Workshop Division and other similar office.

Article 3.

Jobs of railway enterprise workers shall be segregated in 12 grades, and the base pay range for the respective grades shall be provided as in the Annexed Table.

19

Supplementary Provision

The present Cabinet Order shall be available to the payments paid out on and after 1 January, 1948.

Annexed Table

Pay Schedule for Railway Enterprise Workers

	I	II	III	IV	V	VI	VII	VIII
Grade 1	1,100	1,150	1,200	1,250	1,300	1,350		
" 2	1,300	1,350	1,400	1,450	1,500	1,550		
" 3	1,500	1,550	1,600	1,650	1,700	1,750		
" 4	1,700	1,750	1,800	1,850	1,900	1,950	2,000	2,050
" 5	2,000	2,050	2,100	2,150	2,200	2,300	2,400	2,500
" 6	2,500	2,600	2,700	2,800	2,900	3,000		
" 7	3,000	3,100	3,200	3,300	3,400	3,500		
" 8	3,500	3,600	3,700	3,800	3,900	4,000		
" 9	3,800	3,900	4,000	4,100	4,200	4,300		
" 10	4,100	4,200	4,300	4,400	4,600	4,800		
" 11	4,400	4,600	4,800	5,000	5,200			
" 12	5,200	5,400	5,600	5,800	6,000			

To adjustment for period Jan. — June 30, 1948
New schedule will be submitted for July 1, 1948,
in #3791 case.

TB 8/17/48

Rough Draft
Gen P
1 July 1948

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

1 July 1948

MEMORANDUM FOR: Dr. Justine Williams, Chief, Political and Parliamentary Division

SUBJECT : Amendment to the Bill for the Government Communications Employees Training Law

1. It is our opinion that Article 2 as originally proposed in the bill for the government communications employees training law gives ample opportunity for legitimate in-service training of employees of the Communications Ministry.

2. The amendment to Article 2 suggested by a committee of the House of Representatives, 28 June 1948, allows much wider latitude to the Communications Ministry than is necessary for legitimate in-service training. It seemingly would permit the resumption of ~~providing~~ education, ~~such as high school education,~~ which more properly should be conducted under the auspices of the Education Ministry.

3. Objection is therefore made to the amendment of Article 2.

BLAINE HOOVER
Chief, Civil Service Division.

BH:mvb

3. It is recommended that the bill be amended to include the following statement:

In the conduct of training authorized by this law, the provisions of the National Public Service Law (Law 120 - 1947) shall apply.

18.

ROUGH DRAFT
GWP

Mr MacCoy
Please see me
BH
7/4/48

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

1 July 1948

MEMORANDUM FOR: Dr. Justine Williams, Chief, Political and Parliamentary Division

SUBJECT : Amendment to the Bill for the Government Communications Employees Training Law

1. It is our opinion that Article 2 as originally proposed in the bill for the government communications employees training law gives ample opportunity for legitimate in-service training of employees of the Communications Ministry.

2. The amendment to Article 2 suggested by a committee of the House of Representatives, 28 June 1948, allows much wider latitude to the Communications Ministry than is necessary for legitimate in-service training. It seemingly would permit the resumption of education unrelated to vocational needs which more properly should be conducted under the auspices of the Education Ministry.

3. It is recommended that the bill be amended to include the following statement:

"In the conduct of training authorized by this law, the provisions of the National Public Service Law (Law 120-1947) shall apply."

4. Objection is therefore made to the amendment of Article 2.

BLAINE HOOVER
Chief, Civil Service Division.

BH/GP/mvb

17

CIVIL SERVICE DIVISION
Government Section

29 June 1948

MEMORANDUM FOR: Mr. Pierce MacCoy, Chief General Personnel Administration Branch.

SUBJECT : Amendment to the bill for the Government Communications Employees Training Law.

1. On 28 June the undersigned met with the Diet Committee to discuss the proposed amendment to the bill for the Government Communications Employees Training Law. Such meeting was held prior to the submission of the proposal in writing.

2. The Diet Committee explained that the bill as originally drafted limited training opportunities within the Communications Ministry to the highest employees and that the bulk of the employees would be prevented from securing training necessary for reasonable promotional opportunities. The amendment is to correct such difficulties.

3. Article 2 in the original bill is as follows: "The trainings to be conducted by the Ministry of Communications in accordance with the provisions of this law shall be limited to those which have a direct relation to the specialized job activities of communications employees. Minister of Communications will not offer courses of training in subjects, except technical subjects, that are normally offered in Public Schools and universities. Minister of Communications will particularly emphasize on-the-job training with the minimum of classroom instruction."

4. The foregoing language would appear to be adequate to meet the legitimate needs for in-service training in the Communications Ministry.

5. The proposed revision allows such great latitude in providing education within the Communications Ministry that the old practise of sending newly employed persons to high school full time without exacting any government work from them, could be resumed. One of the original objectives of the current bill was to divide between the Communications Ministry and the Ministry of Education the educational functions which have been performed by the Minister of Communications. The proposed amendment would seem to contradict such objective.

16

Subject: Amendment to the bill for the Government Communications Employees Training Law.

6. Dr. L. Q. Moss, CI & E Vocational Education, has indicated his concern over the amendment and Mr. C. A. Feissner, CCS Analysis Division, has indicated his intention to file objection to the amendment.

7. The proposed amendment probably should not be approved.

GORDON W. PETERSON

GWP:mvb

(C O P Y)

House of Representatives

June 28th, 1948.

AMENDMENT TO THE BILL FOR THE GOVERNMENT COMMUNICATIONS EMPLOYEES TRAINING LAW.

Article 2 shall be amended as follows:

Art. 2 (Scope of training) In accordance with the provisions of this law, the Minister of Communications shall conduct the training of communications employees with respect to necessary matters for the execution of communications business. In the training to be conducted by the Minister of Communications, importance shall be given to technical matters which have direct relations to the execution of the business.

House of Representatives

June 28th, 1948.

AMENDMENT TO THE BILL FOR THE GOVERNMENT COMMUNICATIONS EMPLOYEES TRAINING LAW.

Article 2 shall be amended as follows:

Art. 2. (Scope of training) In accordance with the provisions of this law, the Minister of Communications shall conduct the training of communications employees with respect to necessary matters for the execution of communications business. In the training to be conducted by the Minister of Communications, importance shall be given to technical matters which have direct relations to the execution of the business.

CHE
by Lieut. Mass.

ATTENTION: Mr. Peterson,
Civil Service Division, Government Section.

Copies of this Amendment should have been presented to the General Headquarters of the Supreme Commander for the Allied Powers on Saturday, June 26, 1948 but were delayed on account of a fault of the Secretariat of the House of Representatives. An early clearance of the Amendment would be highly appreciated, in order to enable the Bill to be passed in the Committee at 10 a.m. June 29.

File
WPR
6/3/45

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

24 May 1948

MEMORANDUM FOR: W. Pierce MacCoy

SUBJECT : Bill Concerning Salary and Other Compensations Granted to Prime Minister, etc.

1. If the Audit Comptroller, Chief of the Imperial Household and Envoy Plenipotentiary are in the Special Service, then the Bill Concerning Salary and Other Compensations Granted to Prime Minister, etc., in no way conflicts with the National Public Service Law except that Article 1, Supplementary Provisions, Paragraph 2, references made to "chief" and members of the National Personnel Commission, instead of "chairman" and members of the National Personnel Commission.

Gordon W. Peterson

unofficial copy

15

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

Ref. to: Mr. Hart

File
WPM
4/27

MEMORANDUM 22 April 1948

noted
WPM
4/23

TO : Mr. W. P. MacCoy, Deputy Chief
Civil Service Division

FROM : Mr. Blaine Hoover, Chief
Civil Service Division

SUBJECT : Proposed bill concerning compensation of the Prime Minister and other Attestees.

Communicate to Mr. Watanabe our objections contained in your memorandum, 21 April 1948 to Mr. Marcum and Mr. Marcum's reply and inform him that we will at any time further consider a bill officially submitted and recommended by the government containing revisions to conform.

BH/hm

Bob
Since you have been dealing directly with Mr. Watanabe on this bill - will you please advise him of G.S. reaction as Blaine has requested. WPM 4/23/48

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

MEMORANDUM

21 April 1948

TO : Mr. Carlos Marcum, Chief
Administrative Management Division

FROM : W. P. MacCoy, Deputy Chief
Civil Service Division WPM

SUBJECT : Proposed bill concerning compensation of the Prime Minister and other Attestees.

Attached is the original copy of the subject bill submitted to the Civil Service Division on 30 March 1948, with copy of Mr. Hare's comments relative to this bill in a memorandum to Mr. Hoover of 6 April 1948.

Mr. Hare had several conferences with Mr. Watanabe of the Ministry of Finance and following these conferences, a revised bill was submitted, copy attached, under date of 10 April 1948. Your attention is directed to Mr. Hare's memorandum to Mr. Hoover of 16 April 1948, copy attached.

It is requested that you review this proposed bill and advise whether you concur or wish to make any suggested alterations. You will note that the Civil Service Division, while having no specific objection to the bill and will agree to its passage in its present revised form, does not wish to either approve or disapprove pay schedules attached.

It is recognized that future wage analyses and job studies looking toward the establishment of a standard wage plan and the classification of positions may cause this division to recommend radically different pay schedules than are contemplated by this proposed bill.

WPM/hm
Enclosures

Blaine P/N WPM 4/22

As per our telephone conversation of 22 April - (1)any system based on attestation is disapproved; (2) SCAP approval will be granted only upon official submission of recommendation by the government.

CPM

13

Mr Miller
Please see me
with a memo
RSH
4/19/48

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

16 April 1948

MEMORANDUM:

TO: Mr. Blaine Hoover, Chief, Civil Service Division

FROM: Mr. Robert S. Hare, Chief, Classification and Compensation Branch

SUBJECT: Proposed bill concerning compensation of the Prime Minister and other Attestees.

1. Attached are three copies of the "Bill concerning salary and other compensations granted to Prime Minister and those attested as in the Constitution, Article 7 (Draft)" which Mr. Watanabe of the Allowance Bureau brought in April 12, 1948. He requested that two copies be sent to Mr. Marcum and that his concurrence in the draft bill be obtained.

2. The rewording of paragraph 2 of the Supplementary Provisions makes it clear that the members of the Temporary National Personnel Commission are covered by the bill until the National Personnel Commission is established and after that time they are specifically covered by the schedule.

3. At our suggestion those attested officials covered by the pay bills relating to procurators and judges have been omitted from the schedules of salaries attached to this proposed bill. We understand that the two fore-mentioned bills, approved by the Government Section, are under consideration by the Cabinet and the inclusion of the judges and certain procurators in this bill would simply complicate the situation.

4. It is recommended that this bill be forwarded to the Administrative Management Division for concurrence and proper disposition with the understanding that the Civil Service Division has no objection to it but neither approves or disapproves the pay schedules attached which are markedly lower than those in the two bills previously cleared by the Government Section.

RSH

copy of file
sent to Mr Marcum
4/21/48 WPM

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file 4/8/48 BHH

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

To: Mr Hoover

7 April 1948

MEMORANDUM

TO : Mr. Robert S. Hare, Chief
Classification and Compensation Branch

FROM : Mr. Blaine Hoover, Chief,
Civil Service Division BHH

SUBJECT : Proposed Law concerning salary of Attested Officials

1. Recommendations your memorandum 6 April 1948 are approved.

2. Additionally the appended recommendation, Mr. W. Pierce MacCoy that we direct attention to the disparity between levels of the upper administrative and judicial salaries is approved.

3. Please so advise representatives of the Allowance Bureau at once.

BH/hm

Mr. Watanabe of Finance Ministry advised as above on April 8, 1948
BHH

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CIVIL SERVICE DIVISION
GOVERNMENT SECTION

6 April 48

MEMORANDUM:

TO : Mr. Blaine Hoover

FROM : Mr. Robert S. Hare

SUBJECT : Proposed Law concerning salary of Attested Officials

1. The proposed "Law concerning salary and other compensations granted to the Prime Minister and those attested as in the Constitution, Article 7," has been submitted for review. This Law is one of a series covering compensation of Government Officials, Judges, Public Procurators, and Attested Officials. Each of the latter three laws has attached to it a schedule of proposed compensations. A law covering the compensation for the Speaker of the House of Representatives and President of the House of Councillors and members of the Diet is being drafted. There is no information as to the contents of the proposed law.

2. The law concerning Judges has been passed by the Government Section and submitted to the Cabinet for introduction into the Diet. The salaries proposed for the Judges were reviewed but not approved by the Ministry of Finance. The Ministry of Finance took the attitude that compensation concerning Judges was a matter outside of their jurisdiction based on Constitutional provisions. The law concerning compensation for Public Procurators has not been passed by the Diet to date. The Finance Ministry considered this bill within its jurisdiction. It has received it but did not approve it since they considered the proposed compensation rates too high in relation to others. *

3. A careful review of the law concerning compensation for the Attested Officials has been made. The only provision which appears to require change is Paragraph 2 of the supplementary provisions. This paragraph should be deleted and the following substituted therefor:

"Members of the Personnel Commission" as referred to in the annexed table shall be construed to mean "Chief and members of the Temporary National Personnel Commission and the National Personnel Commission after its establishment."

Representatives of the Allowance Bureau with whom this was discussed have

* There is some interesting history behind the Finance Ministry's objections to the proposed Public Procurator's bill. WPM

Bill for Public Procurators has been submitted 4/7/48 to the Cabinet which is deliberating on it together with that of Judges WS/4/14/48

10

agreed to this revision.

Since the positions involved as listed in the annexed table are all exempted from the provision of the National Public Service Act as positions "the appointment to which requires an election, resolution or consent of one or both Houses of the Diet," it does not appear necessary to include any reference in this bill to the provisions of the National Public Service ~~Act~~ LAW.

4. The schedule of salaries proposed for these Attested Officials was developed by the Allowance Bureau in relationship to the new salaries of officials of the Government. These new salaries were related to the ¥2920 average recently accepted by the Government and approved by action of the Diet. The highest administrative official is the Vice-Minister. In order to determine the salary for the Prime Minister, the ratio of the Vice-Minister's current salary, to that of the Minister, is 100% to 165%. Under the new pay scales, the Vice-Minister is to receive a maximum of ¥10,000 per month. Extending this ratio to determine the Prime Minister's salary, a figure of ¥16,500 per month is obtained. The Allowance Bureau then extended this rate to ¥25,000. This was done in order to provide a net salary of not less than ¥16,500 after the payment of income tax. Actually the figure of ¥25,000 also reflects the arbitrary increase to a round figure rather than the exact mathematical computation of a monthly salary for the Prime Minister. A similar process was followed in determining the new proposed salaries for the other Attested Officials.

5. In discussing this matter with the members of the Allowance Bureau, it was found that provision was made in the proposed salaries for Attested Officials to cover income tax payments. This was not true in determining the new salaries for Government Officials. This increases the spread in salary between the Attested Officials and regular Government Officials. Further more, it is to be noted that all the proposed salaries handled by the Allowance Bureau are predicated upon this adopted average rate of ¥2920 and not upon any survey of cost of living.

6. The salaries proposed for the Judges and Public Procurators in contrast to those proposed for the Attested Officials were predicated upon detailed cost of living studies. The constrast in the resultant rates is to be noted in those proposed for the Attorney General and Vice-Attorney General. The Allowance Bureau has recommended salaries of ¥16,000 and ¥ 13,000 per month respectively. The monthly salary proposed in the bill for Procurators was ¥32,000 and ¥24,000 per month respectively. The variance between these two proposed salaries is extremely great and is the result of having computed the proposed salaries on two completely different bases. Not only are there marked disparities in base pay among the three bills but also in the matter of additional allowances. Judges, for example, under the bill cleared by the Government Section, receive family allowance, area allowance, overtime allowance, secluded area allowance, health or injury allowance, travelling expenses, indemnity for accidents and mutual aid associations as do ordinary government officials. In the bill for Attestees they receive only area allowance, grant for death, travelling expenses and separation allowance. We are informed that the Allowance Bureau is not, in theory at least, opposed to the higher compensation rates as such in the

bills regarding Judges and Procurators and that such rates may be regarded as being more realistic from the standpoint of cost of living but that their recommendations have been in line with the Diet approved average level of ¥2920. It should be noted that the lowest base pay rate in a proposed salary schedule for government workers is ¥700 and that the proposal of ¥35000 for the President of the Supreme Court is 50 times greater, a very considerable spread and at least twice as much as we would find in the United States Government.

7. Although we are not in a position to pass on the merits of the proposed scales, we are agreed that in any event the salary for the Attorney General and the Vice-Attorney General should, in general, be in line with the pay of other Ministers of State with Portfolio. The discrepancy that exists between the two proposals is entirely too large to be reasonable. In the event that the Diet approves the bills regarding Judges and Procurators, such positions will be dropped from the bill for Attestees.

8. It can be seen from the above discussion that without detailed study with respect to the compensation of officials both within and without Government no sound conclusion can be drawn at this time as to the correctness of either proposed tables of compensation.

9. It is recommended that the bill, amended with respect to Paragraph 2 of the supplementary provisions, be cleared by this office with the understanding that this does not include the approval with respect to the proposed schedule of compensation for Attested Officials.

RSH

I feel that we should "go on record" as recommending a higher level for this group in view of the Judges bill however I am willing to concur in the Hare-Saltzman recommendation as an expedient at this time because of other factors involved in our consideration.

WRR
4/7/48

Entire file ref. to Mr Hare
since "compensation" comes under
his Branch. WBm
3/26/48

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

MEMORANDUM

25 March 1948

noted
WBm
3/25/48

TO: Mr. W. Pierce MacCoy, Deputy Chief
Civil Service Division

FROM: Mr. Blaine Hoover, Chief
Civil Service Division

SUBJECT: Recommended Law Concerning Salary and Other Pays Granted Prime Minister, et al

Replying to your memoranda of 24 March and 25 March 1948 on this subject:

1. The Civil Service Division is charged with responsibility for supervision of personnel administration in the government of Japan and is therefore interested in all salaries and actions pertaining to personnel whether they fall within or without the regular service as defined in Public Law 120.

2. Were we to omit to function in these cases there could easily be created as we see from the proposed law, an imbalance between the judicial, executive and legislative branches of government with respect to standards of salaries and other fundamental items of personnel administration.

3. Our ability to give scientific recommendation is limited in advance of the completion of studies on compensation; nevertheless I believe we should review with these objectives in mind:

a. Some immediate action should be taken to raise salaries even in advance of the completion of compensation studies.

b. Such advances should affect positions at the upper levels.

c. Such advances should be reviewed with an eye to maintaining correlation between the several branches of government.

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d. Care should be exercised that such advances do not go to extreme lengths which would find no justification presumably in compensation studies.

e. Subject to the foregoing we will not recommend specific salary rates at this time.

4. Because of Colonel Marcum's interest in this problem I approve your suggestion that you discuss the matter with him.

5. It is possible that final decisions cannot be taken pending certain determinations of jurisdiction within GHQ, SCAP.

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

MEMORANDUM 25 March 1948

TO: Mr. Blaine Hoover, Chief
Civil Service Division

FROM: W. Pierce MacCoy, Deputy Chief WPMcC
Civil Service Division

SUBJECT: Addenda to my memorandum of 24 March on the Law Concerning Salary and Other Pays Granted to Prime Minister and Those Appointed or Attested, as in the Constitution, Article 7 (Law # 1948)

On 25 March, Mr. Watanabe called again at my office and advised that a similar amendment to the Law on Salaries had been submitted to the Courts and Laws Division recommending increases in salaries for Court officials and Attorney General's office. He read me the figures covering these positions which I am including for our records:

Chief, Supreme Court	¥35,000
Judges of the Supreme Court	30,000
Chief of the High Court (Tokyo)	26,000
Chiefs of the High Court (all other districts)	24,000
Judge - 1st grade	22,000
" 2nd "	20,000
" 3rd "	18,000
" 4th "	16,000
" 5th "	14,000
" 6th "	12,000
Attorney General	30,000
Assistant Attorney General	24,000
Chief of the Prosecution Board (Tokyo)	24,000
Chief of the Prosecution Boards (All other districts)	24,000
Prosecutor - 1st grade	22,000
" 2nd "	20,000
" 3rd "	18,000
" 4th "	16,000
" 5th "	14,000
" 6th "	12,000

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GOVERNMENT SECTION
CIVIL SERVICE DIVISION

MEMORANDUM

24 March 1948

TO: Mr. Blaine Hoover, Chief
Civil Service Division

FROM: W. Pierce MacCoy, Deputy Chief
Civil Service Division

SUBJECT: Recommended Law Concerning Salary and Other Pays Granted to Prime Minister and Those Appointed or Attested, as in the Constitution, Article 7 (Law # 1948)

On Tuesday, 23 March, Mr. Watanabe of the Finance Ministry called at the office and presented the attached memorandum dated 18 March with annexes A to E inclusive. In explanation, Mr. Watanabe stated that the Ministry of Finance had recently submitted a suggested law to ESS under the title "Law Concerning Salary and Other Pays Granted to Government Workers" which included raises in pay for all government workers plus the Prime Minister, Ministers of State and positions of similar level and responsibility. When the law was finally approved by ESS, the Ministry of Finance discovered that the section concerning the approval of increases for the Prime Minister, Ministers of State and similar positions of responsibility had been deleted and that the law as approved covered only increases for the workers of lower grade. This left the situation badly confused as far as the Ministry of Finance was concerned because they felt it was only equitable that if the workers of lower grade had their salaries raised because of increased cost of living, that similar comparative increases should be granted to those top officials who were responsible for the direction of the workers and the establishment of policy in the Japanese government.

The law referred to by Mr. Watanabe which was presented to ESS was referred to the Civil Service Division by the Legislative Division for review and comment on Friday, 19 March. It was my understanding that we were to study the law and furnish the Legislative Division with any recommendations which we might have relative to its action in reference to the National Public Service Law (Law 120) on Monday, 22 March. On that date I discussed the proposed law with Captain Guida who informed me that the Legislative Division had just discovered that the law had been presented ☞

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as approved by the Labor Division, ESS, to the Diet on Friday, 19 March and passed by the House of Representatives on that date. The House of Councillors passed the bill on Saturday, 20 March. All of this had been accomplished without either advising or securing the approval of the Government Section, GHQ, SCAP.

In view of the handling of this latest bill and referring to the handling of previous bills, Mr. Watanabe stated that the Ministry of Finance was completely confused as to who would handle, advise and approve the Japanese Government on the various bills which they might wish to present relative to salaries or other matters affecting officials and workers in the Japanese Government.

He stated that it was their feeling that some place in SCAP, a coordinating division should be established to which they could appeal for advise and direction and from which they could be certain of receiving information of the coordinated voice and thinking of all interested sections of SCAP.

In view of the present situation I did not feel it was my place to discuss this point with Mr. Watanabe but rather to listen to his comments and draw out all of the information that could be gained relative to the thinking of the members of the Ministry of Finance.

Attached as Annex E to the Ministry of Finance memorandum is a recommended law to take the place of the section deleted by ESS relative to the salaries of the Prime Minister, Ministers of State and other individuals of similar rank and responsibility in the Japanese Government. Since it is noted that all of the individuals listed in the proposed bill would fall in the category of "Special Service" under the National Public Service Law, it is felt that the Civil Service Division is not the proper organization to review and advise on this bill. I feel rather, that it should be referred to Mr. Marcum, Chief of the National Government Division. However, I feel that the Civil Service Division should go on record to the effect that in view of the recent raises in pay accorded the lower group of workers in the Japanese Government, similar proportionate raises should be provided for the top supervisory and policy making staff of the Japanese Government.

I think it is extremely unfortunate from the standpoint of the Occupation that confusion has been allowed to germinate in the minds of Japanese officialdom relative to the direction they are to receive from SCAP to the extent that one member of the Ministry frankly states that they are now in a position of not knowing to which division to submit proposed laws for consultation and direction, since at one time one division will champion bills

presented by the Ministry of Finance while another time an entirely different division will take similar action, apparently without explanation to the Japanese and, to their way of thinking, without any organizational rhyme or reason.

I sincerely believe that this confused state should be discussed, studied and eliminated at the earliest possible moment to avoid serious difficulties developing in the operation of the Occupation.

Attachment

file

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

24 May 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Government Communications Employees' Training Law.

Passed without approval or disapproval.

BLAINE HOOVER
Chief, Civil Service Division

BH/hm

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CIVIL SERVICE DIVISION
GOVERNMENT SECTION

24 May 1948

MEMORANDUM FOR: Mr. Blaine Hoover

SUBJECT : Bill for the Government Communications Employees' Training Law

1. At Mr. MacCoy's request, I have reviewed the attached document subject above.

2. The major change in policy is reflected in Article 2 (scope of training). I am in accord with this change.

3. I am not as yet sufficiently familiar with the Japanese legal structure or with the National Public Service Law to make intelligent comment as to the appropriateness of the powers and responsibilities which this bill proposes for the Minister of Communications. On this subject I would appreciate information from you.

T. K. Tindale

T. K. TINDALE
Chief, Training Branch

TKT:jb

Note: 1. Since this is a training system for "employees" — thus those individuals already employed — how can you make them now sign an employment contract to work for 6 mos.?

2. When does the six mos. start? Suppose the employee has already been working in the ministry for a year.— does that count as his 6 mos. of employment? Wording of proposed law is too vague and leaves too much to be "understood" or arranged after passage within its framework. WBr 5/24/48

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

24 May 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Japanese Government Railway Security Officer Organization.

Passed without approval or disapproval.

BLAINE HOOVER
Chief, Civil Service Division

BH/hm

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

20 May 1948

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration Branch

WPMcC 5/24/48

SUBJECT: Proposed Law concerning Japanese Government Railway Security Officer Organization

1. The subject-named, proposed Law does not appear to be in conflict with the National Public Service Law.

2. It should be pointed out, however, that references made in Article 2 to the appointment of Railway Security Officers and Subsidiary Railway Security Officers on the basis of the current First, Second, and Third Class grading system will, upon the implementation of the National Public Service Law, be subject to civil service classification, examination and appointment processes.

TLE

THOMAS L. ELIOT
Personnel Specialist

TLE:vo

Note while the Police are under the Nat. Public Service Law these will be under the Min. of Transportation (Govt. Railways) and are thus exempt from Law 120 in its present form.

WPMcC 5/24/48

3

File
5-21-48
T.E.

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

20 May 1948

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT: Proposed Law concerning Japanese Government Railway Security Officer Organization

1. The subject-named, proposed Law does not appear to be in conflict with the National Public Service Law.

2. It should be pointed out, however, that references made in Article 2 to the appointment of Railway Security Officers and Subsidiary Railway Security Officers on the basis of the current First, Second, and Third Class grading system will, upon the implementation of the National Public Service Law, be subject to civil service classification, examination and appointment processes.

THOMAS L. ELIOT
Personnel Specialist

TLE:vo

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

19 May 1948

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration Branch

WPM 5/24/48

SUBJECT: Proposed Law concerning Japanese Government Railway Security Officer Organization

1. Except for a reference to First, Second and Third Class Railway Secretaries, the proposed Law concerning Japanese Government Railway Security Officer Organization which creates such organization and amends Imperial Ordinance No. 829, does not appear to be in conflict with the National Public Service Law.

GORDON W. PETERSON
Examination Specialist

GWP:vo

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

19 May 1948

MEMORANDUM FOR: Mr. Thomas L. Eliot

SUBJECT : Proposed Law Concerning Japanese Government Railway Security Officer Organization

Attached is a copy of the proposed Law Concerning Japanese Government Railway Security Officer Organization which you will kindly review in light of the present National Public Service Law. Address any comments or suggestions you may wish to make on this proposed law in a memorandum to me. It will be appreciated if this memorandum and proposed law are returned by Monday, May 24.

W. Pierce MacCoy

W. PIERCE MacCOY, DEPUTY CHIEF
CIVIL SERVICE DIVISION

WPM:jb
Attachment