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CHAPTER 1.

GENERAL APPROACH TO THE PROBLEM

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UNITED STATES PERSONNEL ADVISORY MISSION TO JAPAN

16 June 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 a report on personnel administration in the Japanese Government, with recommendations.

The Mission in its work has had opportunity to observe at close range developments in the occupation of Japan. In submitting this report, the Mission desires to express admiration for the leadership, foresight and humanitarianism which has turned a military occupation to high constructive purpose in making available to the Japanese people so largely the institutions of free men.

It has been a privilege to serve under your inspired leadership in this significant period.

Respectfully yours,

/s/ Blaine Hoover
/t/ Blaine Hoover, Chairman
United States Personnel
Advisory Mission to Japan

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REPORT

OF

THE UNITED STATES PERSONNEL ADVISORY MISSION TO JAPAN

VOLUME I.

SUBMITTED

TO

THE SUPREME COMMANDER FOR THE ALLIED POWERS

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THE UNITED STATES PERSONNEL ADVISORY MISSION TO JAPAN

Mr. Blaine Hoover, Chairman of the Mission
President of the Civil Service Assembly of
the United States and Canada

Mr. Manlio F. DeAngelis
Chief, Program Planning Staff,
United States Civil Service Commission

Mr. Robert S. Hare
Chief, Field Classification,
United States Civil Service Commission

Mr. W. Pierce MacCoy
Director of Personnel,
United States Department of State

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Members of the United States Personnel Advisory Mission to Japan.

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FOREWORD

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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 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

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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 met the Japanese officials 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 advisorship 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 as necessary 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. Blaine 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. DeAngeles
Member, United States Personnel Advisory Mission to Japan

Mr. Robert S. Hare
Member, United States Personnel Advisory Mission to Japan

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

Mr. Okiiye Yamashita
Director, Management Division, Administrative Research Bureau
Consultant, the Hadachi 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.

The findings reflected in this report are the result of the investigative work of the foregoing committees, supplemented by information resident in SCAP files, conferences with numerous Allied and Japanese officials and field investigations conducted by the Mission.

In these activities the Japanese officials have been very cooperative and their reports, duly evaluated, have contributed substantially to the progress of the Mission in its work. Many of the Japanese officials, particularly members of staff of the Administrative Research Bureau, worked exceedingly hard to meet the demands of the Mission and earned grateful acknowledgement.

On the basis of observations made during the first months of study, the Mission, under date of April 24, 1947, presented an interim memorandum to the Supreme Commander for the Allied Powers. The Mission was of the opinion that, in delaying to the termination of the Mission certain of its comments, it might be insufficiently attentive to both the requirements and opportunities of the present situation.

This memorandum, in addition to presenting certain observations repeated herein relating to the need for early enactment of a general civil service law, emphasized the need for action internal to SCAP and prior to termination of the Mission, which would make possible conduct of the bureaucratic reform in Japan without loss of time.

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The findings of the Mission are too voluminous to be compressed into a single report. Their inclusion would involve the reader in a mass of intricate and often confusing detail and divert attention from the fundamental considerations which most require attention in the present situation. The detailed findings have been documented and will be available to those persons whose duty it will be to project the work of the Mission. In the interest of clarity and emphasis on fundamentals, this report will restrict itself to those findings presented as succinctly as possible, which are significant in explanation of the primary recommendations which the report advances.

Inasmuch as many of these recommendations are inextricably tied into the construction of the basic law and will be most frequently referred to in consideration and application of the basic law, it has been decided to insert much of the discussional substance of the report in the annotations on the various provisions of the law, which law is in itself a concentration of recommendations.

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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 problem of developing a bureaucracy, efficient in performing in manner consistent with the basic theory of the state, has 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 the United States 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

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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 them 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.

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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.

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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.

The foregoing services and techniques have demonstrated their value in personnel administration in the modern democracies, the institutions of which Japan is quite generally adopting. Accordingly, the analysis of the Japanese situation will be made in terms of these services, bearing in mind always that interest is not in form or terminology, but rather in the existence of administrative devices of some sort adequate to produce the results which our more familiar services are designed to obtain.

The United States Personnel Advisory Mission to Japan does not assume that the Government of Japan should adopt any single system of personnel administration in its entirety, simply because such a system is elsewhere in operation. Neither does the Mission assume that certain institutions are to be regarded as unsuited to Japan simply because Japan does not presently utilize them. Such an assumption would be fatal to progress anywhere. The problem of institutional adaptability must be resolved on the basis of broader considerations than regard for precedent within a limited area of activity. Perhaps it is not too much to hope that the Japanese, in effecting their bureaucratic reorganization at this time, will profit from the experiences of the western world, extending over many years, and find occasional ways to effect improvement thereon.

The efforts of the Mission in this report have been directed to influencing the Japanese civil service toward maximum efficiency in the Japanese administrative situation without regard to precent or orthodoxy of concept.

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CHAPTER II.

QUANTITATIVE ASPECTS OF THE PROBLEM

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In approaching a personnel problem such as the Government of Japan presents, it is helpful to ascertain its implications in terms of the bulk of employment.

A quantitative analysis in broad outline of the personnel of the Japanese Government is presented in the following tables.

Personnel controls in the Japanese Government are so decentralized and statistical tabulations at all points so scarce that it has been necessary for the Mission to synthesize these tabulations on the basis of such information as it could obtain with the assistance of the Bureau of Allowances and the Administrative Research Bureau of the Government of Japan. The Mission regards the tables as less than precise but sufficiently accurate for purposes of basic planning.

In general, these tabulations indicate that, exclusive of employees who, for various reasons, are not involved in the fundamental problem of bureaucratic reorganization, the Government of Japan has about 1,718,000 employees. No distinction needs to be made between civil and military services because the military has been abolished. Application of the local autonomy principle under the new constitution of Japan will place a bloc of this personnel under prefectural governments. At the time this report is written, problems of jurisdiction are being resolved which will have important bearing on the numbers of persons so involved. The estimates in Table 3, following, indicate that after prefectural reorganization, and exclusive of the Diet and the Courts, about 1,207,000 employees will remain in the service of the National Government. On the basis of current observations, this figure is conservative.

The Japanese presently make sharp distinction between "officials" who, on the basis of estimates (Table 3), will compose about 28½% of the personnel and "employees" who will compose about 67½% of the personnel. Approximately 4% of the personnel will be unclassified specialists or "treated officials". These distinctions are predicated on the present Japanese system which records personal rank of officials and does not utilize position classification.

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TABLE NO. 1

Number[a/] of Japanese National Government Officials and Employees as of 1 July 1946 by major groupings.[b/]

(Figures are rounded to thousands)

The Cabinet, its agencies, and the Ministries except Government Railways and Communications Ministry; (see Table 2 for breakdown)	243,000	
Communications Ministry	374,000	
Government Railways	570,000	
Schools (Primary, Middle, youth, other)	270,000	
Police (including Prefectural firemen)	104,000	
National officials and employees other than schools and police in Prefectures	94,000	
Employees paid on a daily wage basis. These are mainly in the local monopoly bureaus, Printing Bureau, Mint, Transportation and Harbor Construction, and vocational schools.	53,000	
Administrative agencies		1,708,000
The Diet (does not include elected officials)		1,000
The Courts		9,000
GRAND TOTAL		1,718,000

a/ Omitted are a small number (about 50) of Shinnin rank officials, the approximately 200,000 workers furnished to the occupation, 3,377 persons under the Imperial Household, and Advisors, Councillors, staff members, committeemen, and Shokuteku who are unpaid or not regular employees.

b/ Source: Arranged from data compiled by the Allowance Bureau, Ministry of Finance.

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TABLE NO. 2

Number of Japanese National Government Officials and Employees as of 1 July 1946 for the Cabinet Agencies and the Ministries except Government Railways and Communications Ministry.a/

(Figures are rounded)

Cabinet Agencies		
Cabinet Secretariat	1,240	
Bureau of Legislation	58	
Bureau of Decorations	104	
Sub-total, non-liquidating agencies		1,400
Privy Council	34	
Bureau of Audit	226	
Court of Administrative Litigation	17	
1st Demobilization Bureau (Liquidating War Ministry)	17,060	
2nd Demobilization Bureau (Liquidating Navy Ministry)	15,138	
Prisoner Information Bureau	137	
Board of Reconstruction	810	
Sub-total, liquidating agencies		33,000
Foreign Ministry	2,500	
Home Ministry (omitting prefectural employees, teachers, and policemen)	4,000	
Finance Ministry	63,000	
Justice Ministry (omitting courts)	12,000	
Educational Ministry (omitting local level schools but including national universities)	49,000	
Agriculture and Forestry	23,000	
Commerce and Industry	5,000	
Welfare Ministry (including hospitals)	31,000	
Transportation Ministry (omitting Government Railways)	19,000	
Sub-total, Ministries except Communications		208,500
TOTAL		243,000

a/ Footnote a/ and b/ of Table No. 1 also apply.

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TABLE NO. 3

Number of Japanese National Government Officials and Employees as of 1 July 1946 by Rank Showing Possible Effect of Application of Local Autonomy Principle.a/

(Figures are rounded)

Rank	Number as of 1 July 1946	Number reduced by application of local autonomy principle and elimination of liquidating agencies, the Courts, and the Diet. (Estimate)c/
1st Class Officials (formerly Chokunin)	1,900	1,800
2nd Class Officials (formerly Sonin)	47,000	19,000
3rd Class Officials (formerly Hannin)	676,000b/	322,000
Treated Officials	34,000	30,000
Shokutaku (unclassified specialists)	32,000	20,000
Ko-in (clerical workers)	795,000	704,000
Yo-nin (trades workers)	77,000	60,000
Kō-in (crafts workers)	55,000	50,000
TOTAL	1,718,000	1,207,000

a/ Footnotes a/ and b/ of Table No. 1 also apply.

b/ Includes about 104,000 policemen, 200,000 teachers and 55,000 prefectural officials.

c/ Estimates subject to revision dependent on policy determinations relative to decentralization of functions under new Constitution.

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CHAPTER III.

A CENTRAL PERSONNEL AGENCY ESSENTIAL.

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Division 1.

The findings of the United States Personnel Advisory Mission to Japan make it clear that a complete reorganization of personnel administration in the Japanese Government must be accomplished if efficiency is to be brought into the 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. Personnel administration within the National Government is highly decentralized and destandardized as between the various Ministries and agencies and the subdivisions thereof. The result is observable overstaffing, favoritism and inefficiency.

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 conduct the public personnel administration and 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, the "higher bureaucracy" of Japan remains in many respects essentially feudal.

This higher bureaucracy presents special problems to the introduction of a modern system of 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 heads of state who enjoyed all rights, including that of governing others, yet had little responsibility for accounting to the people for their 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

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of the law department of Tokyo Imperial University, which institution has come close to monopolizing the higher posts in the civil service. In a modern era of specialization and scientific management, 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, however well qualified technically or in experience, could rarely enter this fraternity of officialdom. This "upper bureaucracy", thousands in number, represented the sovereign in the exercise of sovereignty with all the special privilege that implies within a state which has been characterized as government by men rather than government by laws.

These officials constitute the bureaucracy at its controlling levels. Many of them have influence, legal training and little understanding of and a distaste for democratic processes. They naturally desire 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 subject to some qualification. Some officials have had sufficient training and experience to have achieved measurable competence in their positions. There are also to be found occasional officials who, for one reason or another, are out of sympathy with the existing system. As far as has been observed, such men are too few to be an important factor. Criticism of the "upper bureaucracy" must be without malice. The "upper bureaucracy" contains many brilliant men who are simply the inevitable products of a system of long standing in which they have been raised, educated and promoted. They know no other system. Yet for that very reason they reflect sincerity and solidarity and promise maximum resistance to change.

The Japanese situation presents other problems to the introduction of modern personnel administration. 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. Finally, there is an obstacle, intangible, but of huge proportions. Reform of the Japanese bureaucracy involves much of the 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, the Japanese people will 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 technical 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 to the establishment of a successful personnel operation, even in a long established democratic setting, and offers no promise whatever of constructive results in dealing with a galaxy of major problems and a concentration of opposition, present and potential, such as here exists. To proceed successfully, the Japanese people 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 2.

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 became effective on May 3, 1947. The creation of a new central personnel authority at about the same time will tend to associate the new authority with the new Constitution, with the new democratic order of things in general and will contribute to it at the beginning a prestige contributory to its 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, to observe the selection of the men who will head the new personnel authority, ascertain 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 personnel 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, will be institutionally strong, permanent and purposeful.

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CHAPTER IV.

A NATIONAL PUBLIC SERVANTS LAW RECOMMENDED

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Division 1.

Background.

A proposed National Public Servants Law is hereinafter presented which establishes standards for the civil service of the Government of Japan and institutionalizes a central personnel agency to enforce the law.

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 IV, Division 2, of this report.

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 and the annotations are read. However, there are several such objectives of broad application and fundamental character, which constitute background and are possibly less apparent than others in the text, to which at this point special attention should be directed.

Adequacy: 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 under conditions of modern operation in the years ahead.

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.

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 certain areas of a 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.

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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.

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.

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THE NATIONAL PUBLIC SERVANTS LAW

C O P Y

Division 2.

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 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

The exception of a position or positions from the service shall not be construed as establishing or perpetuating any such position or positions.

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.

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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, by executive order and otherwise, 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

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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 department or professional subdivision 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 of the members present, 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. Except as otherwise provided in this Law, 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 such 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 layoff, removal from the service, suspensions from duty, demotions, disciplinary measures, efficiency rewards and redognitions 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 effective date 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. During this period the Authority may, however, at its discretion apply all or any of the standards prescribed and exercise all of the powers conferred by this Law. The Authority is hereby empowered, during the conversion of the service as prescribed in this Law to retain in force and effect, in whole or in part any laws, rules or regulations pertaining to the classification, compensation, discipline or personnel management of persons in the service in force on the effective date of this Law and until such time as they shall be superseded by rules of the Authority.

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 decisions.

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. The Authority shall be installed January 1, 1949. Prior to installation of the Authority, 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.

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Part 3. On and after the effective date 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 person occupying, as of May 3, 1947, the position of President of the College of Industrial Efficiency shall constitute the Temporary Authority. The former Director, Civil Service 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 and to the extent determined by the Temporary Authority, shall on the effective date 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. In the event of incapacity or other inability of any of the foregoing to serve as a member of the Temporary Authority, the remaining member or members shall constitute the Temporary Authority. In the event the person designated as President is incapacitated or unable to serve, the former Director, Management Division, Administrative Research Bureau, shall serve as President and in the event of his incapacity to serve, the remaining member shall serve as President. Within thirty days after formation of the Temporary Authority, that body shall appoint a Temporary Director-General of Personnel to serve during the period of the Temporary Authority and prior to the installation of the Authority. The Temporary Director-General of Personnel shall have the duties, powers and salary of the Director-General of Personnel and shall be otherwise as the Director-General of Personnel, except that he shall be appointed without reference to the examination procedures specified for the Director-General of Personnel.

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Part 5. It shall be the duty of the Cabinet, within thirty days after receipt of requests from the Temporary Authority, 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 requisitions 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 October 1, 1948 and November 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 November 30, 1948.

Part 7. The Cabinet, prior to December 15, 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 January 1, 1949, 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. Any 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 Bersonnel 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 knowledge of personnel administration, the history of civil service, the content of this Law, general public administration and such other subjects as the Superior Board of Examiners 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 intelligently, objectively, fearlessly and vigorously.

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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 fifteen 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 next 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. Extrance 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 statemants 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 participitation 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 scores 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.

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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 extrance 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.

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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.

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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 and to the extent determined by the Authority be made and exist free from the foregoing restriction. 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. Except as provided in Section IV, Standard 1, Part 26, of this Law, 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 in Section IV, Standard 1, Part 27, of this Law, employees holding positions in the service on a date to be later established by the Authority shall have right to employment in the positions occupied by them on that date 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 position 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 major subdivisions of Bureaus as determined and identified by the Authority or Temporary Authority, and other positions of organizational level in the service similar to the foregoing as determined and identified by the Authority or the Temporary 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 or of the Temporary Authority acting as the Authority, whichever is holding office, within two years after the effective date of this Law and as soon after the effective date of this Law as the Authority or Temporary 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.

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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

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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

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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.

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Standard 4. PERSONS IN THE SERVICE SHALL BE TREATED EQUITABLY. 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 employees, 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 make final decisions 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

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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 member of the service and correct any injustice that may have been done him by reason of such inaccurate accusation. The Authority may in such cases order that the accused be reimbursed for any salary lost by reason of such inaccurate accusation. Findings of the Authority in such cases shall be final and subject to review only by the Authority under its rules.

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, corduct 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

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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 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 give or be in any manner concerned in soliciting or receiving or giving 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 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 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.

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Part 3. Personnel of the service shall not concurrently hold a position therein and a position of an officer, advisor or councillor in any private commercial, industrial or financial enterprise; and no person in the service shall hold the securities of any one such private enterprise in an amount the value of which exceeds one per centum of the authorized capital of such enterprise. Any person in the service is hereby prohibited for a period of two years after leaving the service from accepting or serving in a position with a private commercial, industrial or financial enterprise which directly or indirectly involves representation of such private enterprise before the Ministry or other organization of the Japanese Government with which such person was formerly employed. It shall be the duty of each person in the service holding securities in any private commercial, industrial or financial enterprise to report such holdings annually or more frequently at the discretion of the Authority and in the form prescribed by the Authority, and it shall be the duty of the Authority, annually or more frequently at its discretion, to publish in the Official Gazette such inventories which are at all times to be considered public records.

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.

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

Part 2. The Authority shall make possible, by transfer or otherwise between the various Ministries and agencies of the National Government, such mobility of staff as will contribute to the total efficiency of governmental operations.

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Part 3. 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 4. 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 anactment 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.

PROVISIONS 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 December 1, 1947, except that on and after the enactment of this Law and prior to December 1, 1947, the Temporary Authority shall exist in capacity as a personnel planning board. During this period the Temporary Authority shall have the membership, salaries, right of requisition and other capacities provided for the Temporary Authority in this Law, except that its powers shall be limited to those of investigation and the powers pertaining thereto as provided in this Law, and such powers of investigation shall include the right to investigate any position, personnel, employment situation, or method of administration involving personnel in the Government of Japan.

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.

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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. 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 5. 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 the rules or orders issued thereunder or commit or attempt to commit any fraud incident to the administration of or obstruct the enforcement of this Law or the rules, 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 6. 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 then 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 7. 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 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.

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Division 3.

General Purpose of the Law

The statement of the general purpose of the Law contained in Section 1 summarizes the objectives of the act. In so doing, it first makes reference to the establishment of standards for the national civil service. This gears into the Constitutional provision previously cited which refers to the fact that such standards shall be established by law. It then directs attention to the fact that in establishing these standards, as applied to the selection and direction of personnel in the public service, two guiding principles have been chiefly borne in mind, viz., (1) the performance of public duties must be efficient, and (2) the methods employed in securing such efficiency must be consistent with democratic practices. The National Personnel Authority is introduced and identified as the agency responsible for administration of the Law.

Division 4.

An Efficiency Service Established.

Subject only to the restriction that the methods employed shall be consistent with democratic practices, the purpose of the Law is to promote maximum efficiency in the performance of public duties.

Promotion of efficiency in the performance of public duties has been the purpose of civil service laws and regulations generally. In the United States, the Act of March 3, 1871, which stands as introductory authority for the civil service rules and regulations, provides that "The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof". . . The laws and decisions of the courts in various jurisdictions have on occasion affirmed the principle that the object of civil service regulation is efficiency of administration.

Too often this cardinal purpose has been lost to view in the course of administration and confusion permitted to develop in the minds of both public employees and public with respect to the aim of civil service administration.

There is special reason for emphasizing the efficiency note in Japan. Conditions in Japan have combined to create general confusion and misunderstanding relative to the objectives of public administration, and it is the observation of the Mission that the efficiency of public administration is exceedingly low. Removal of the obstacles to efficiency and the introduction of a thoroughly efficient administration is the conspicuous need of Japan at this time.

It is the purpose of the United States Personnel Advisory Mission to Japan to reaffirm the principle that efficiency in public administration is the objective of civil service administration and give the proposition such emphasis in the construction of the Law that there can be no uncertainty concerning the ends sought. It is hoped that designation of the service as an "Efficiency service", under conditions where the term must be used repetitiously, may in some degree at least prove educational to the public and the public servants and, on occasion, motivating with respect to the latter.

Determination of the scope of the "efficiency service" has been made on the principle that in general officials in positions concerned with ultimate determinations of national policy should be politically selected and controlled, and that persons in positions of administrative character should be in the efficiency service.

Exemption of positions from the efficiency service are minor, involving a few positions only. The Emperor, is in status determined by the Constitution of Japan. Judges of the national courts and members of the Board of Audit constitute the personnel of agencies, the independence of which, at the policy level must, with respect to all other agencies of Government, be maintained. Elimination of confidential secretaries from the service, as specified, is viewed as contributory to security and complete freedom of action at the policy making level. Employees of the Diet, few in number, were eliminated to give the Diet, in its law making responsibility, such freedom of action as that body might desire. The inclusion of employees of the Diet, except confidential secretaries, in the service would have logical justification and, if the Diet were to decide to include them, no objection to such action should be advanced. Except police, the positions in the Imperial Household are a part of the traditional pattern involving no large assignments of personnel and, subject to limitations of appropriation, little reason is seen for suggesting personnel adjustments therein.

In brief, the efficiency service, as outlined in this Law, with minor exceptions as noted, embraces the personnel of the Government of Japan from top to bottom.

Division 5.

A National Personnel Authority Established

a. Organization. An agency, to administer the National Public Servants Law, must meet certain prime requisites, viz.:

1. The agency must have organic construction enabling it to function efficiently.

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2. The agency must have powers and financial support adequate to the performance of its duties.

3. The agency must be professionally competent in the field of public personnel administration.

4. The agency must be launched independent of the existent higher bureaucracy.

The organic structure of such an agency presents many problems. The orthodox structure often used in the United States is a commission of three or more members, divided with respect to political party affiliations and appointed by a politically derived head of state, which commission handles problems of civil service policy and rule making and leaves administration, theoretically at least, in the hands of a director who is a member of staff. Long experience with this type of commission has in some quarters qualified enthusiasm for it. Critics of this form of commission contend that:

1. The agency lacks power of prompt decision.

2. The agency is too remote from its own administrative problems.

3. The agency often defeats its own purpose by lack of professional competence at the top.

4. The agency inevitably faces pressure problems which force themselves to the commission's attention and action, destroy the pattern of organization and create an imbalance in decisions favoring pressure persons and groups.

These observations have lead to some support for single administrators in preference to commissions. This in turn has been criticized as permitting dictatorial practice.

The agency designed in this Law represents an effort to consolidate the more desirable features of both types of agency. On approach the agency has resemblance to the conventional three member bipartisan commission. Analysis of the Law will, however, reveal departures therefrom which give it much resemblance to the single administrator pattern.

Much power of decision is lodged in the President of the National Personnel Authority. He is the presiding member of the rule making body. He is the chief executive officer of the Authority. He is in a position at all times to make decisions and take actions consistent with the Law and rules and, in the absence of the latter, to take action pending enactment of rules.

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The responsibilities of the President assure some awareness on the part of the rule making body of the major administrative problems. The professional quality of decisions, both with respect to rules and administration, should be acceptable for, although the President and the Commissioners are appointed by the Cabinet, selection is limited to persons who have demonstrated fundamental knowledge of public personnel administration.

At the same time, the Authority as a body has an important function to perform. The Commissioners are in a position to assist in the development of policy, to check the President in the event he oversteps himself, to give him the benefit of counsel which he must entertain and to share with him the shock and wear of criticism and pressure. These functions of the Commissioners are especially significant in Japan where there is extraordinary resort to the conference system in reaching decisions.

The office of Director-General of Personnel is an essential gear wheel designed to serve several purposes in the civil service machine. The President carries a concentration of responsibility which makes it essential that he be supported by an executive assistant possessed of highest personal qualifications and professional competence. This assistant must not, by title or otherwise, be associated with any single subdivision of the Authority's activities but serve rather as the general executive officer of the Authority. The association of the Director-General of Personnel with the President is inevitably close and knowledge on the part of each as to what the other is doing reasonably assured. It has been cardinal to the plan that the Authority shall at all times have power of decision and the Law provides that in the event of the absence or inability of the President to serve, the Director-General of Personnel shall exercise all of the executive powers of the President.

The office of Director-General of Personnel is regarded as the logical point at which to gear in other desirable administrative features. Too often civil service commissions have tended to operate in a theoretical vacuum without adequate knowledge of the conditions existent throughout the service and the realities of administration in the field. The Director-General of Personnel is the presiding officer of the Council, the membership of which is continuously engaged in civil service administration in every Ministry and agency of Government. Accordingly, the President's executive assistant is at all times exposed to and aware of the major problems of administration. The same connection serves useful purpose in reverse, for as policy is decided by the Authority, its transmission and interpretation, both line and staff, is through the Director-General of Personnel assuring desirable coordination, consistency and positive authoritative quality.

Inclusion of the directors of personnel in the staff of the Authority is an organic device to assure positive professional control by the Personnel Authority of the personnel administration within the Ministries and agencies of Government and to avoid duplication of staff and confusion of function

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between the central personnel authority and the Ministries and agencies and subdivisions thereof.

The National Personnel Council is regarded as an important unit of organization. Its purpose is to feed in to the Authority the problems of personnel administration as developed in the Ministries and agencies of Government and so to keep the Authority aware of the realities of operation, to contribute reality to the discussion of those problems and to carry back to the agencies clear authoritative interpretations and full understanding of the reasons for decisions of the Authority. The National Personnel Council is not dissimilar to the Federal Personnel Council in the United States, except that in the National Personnel Council proposed in this Law the members are members of staff of the Authority and it may be assumed that applications of policy may be somewhat more uniform.

b. Duties. The National Personnel Authority is established to administer the National Public Servants Law. The enforcement of that Law fully and without qualification is a sufficient definition of its duty, and it is believed that the position of the Authority, legally and otherwise in the administrative area, may be strengthened and clarified by the omission of elaboration on this point. Accordingly, no details of duty are specified, except that provision is made for an annual report to be made public.

c. Powers. The assignment of powers to the Authority represents an effort to assemble in one article the powers customarily granted in various parts of a basic civil service law, to amplify them with delegations of authority which experience has shown to be necessary to the full enforcement of such an act, to give special powers essential to effect the transition from the old to the new system and to so state all delegations of powers as to remove ambiguities which have led to confusion and litigation in the past. One section perhaps invites special explanation.

The tradition of the Japanese public service has been based on a concept of fealty to the Emperor. Under the new Constitution, the people are sovereign, and it is the purpose of this Law to interpret that sovereignty in the performance and attitude of the public servants. An oath of office for public servants is prescribed. It is recognized that an oath alone will not revise attitudes. However, it is believed that the oath prescribed will re-enforce the position of the Authority legally and in due time prove of educational value to the public servants in this period of readjustment.

d. Finances. Financial provisions have often constituted the Achilles heel of civil service laws. It is futile to institute a system of personnel administration in a government if funds are not provided adequate to its operation. Legislatures appropriate funds and legislatures are politically constituted. Too often the appetite for political spoils

has led legislative bodies into the practice of financial starvation with respect to the civil service agencies which stood as protectors of the efficiency of the public service to the denial of political appointments. The new Constitution of Japan makes less provision for the adequate financing of the Civil Service Authority than do some constitutions, and to that extent any personnel authority which can be presently created in Japan will fail to achieve invulnerability to political and reactionary pressure. This is a situation which should be reviewed as soon as constitutional revisions are proper subject for consideration.

Meanwhile, the Public Servants Law proceeds as far as it can in the direction of assuring adequacy of appropriations. It leaves the purchase of land, buildings and equipment to the general budgetary authority on the same basis as that presently applied in the case of the Judiciary and the Board of Audit. However, it does provide that requests of the Authority for operating funds shall not be subject to revision by the Cabinet in advance of submission to the Diet unless such requests shall exceed one percentum of the amount paid in salaries and wages to all officials and employees of the National Government during the fiscal year last ended. In the event that requests do exceed that amount, the revisions by the Cabinet are not permitted to reduce the request below the foregoing formula in presenting it to the Diet; and in the event of such a reduction, the Cabinet shall first consult with the President of the Authority. This latter provision again places the National Personnel Authority with the Judiciary and the Board of Audit in a group which must receive special consideration before the Cabinet can recommend reductions of their requests for operating funds.

e. Installation. The setting up of a National Personnel Authority presents acute problems. Generally speaking, in Japan prior to the occupation, the conduct of public business generally has not been regarded as the business of the public. In consequence there do not exist groups of citizens interested in and informed on public affairs to the extent that members can be drawn from them for the formation of such an agency. It is very much a case of having neither hen nor egg to begin with. Administration has been very largely confined to and self-perpetuating within the bureaucracy, and the constitution of a body from amongst the "higher bureaucracy" would offer little prospect for reform of the bureaucracy of which they are a part. In this situation, the appointment of members of the Authority for long terms promises little until men have been developed. Accordingly, the installation of the permanent Authority has been put over for a period and a project having high priority in the activity of the Temporary Authority will be the development of a class of from three to five hundred high grade men trained in personnel administration who can compete for positions in the permanent Authority. Meanwhile, the urgent phases of the program of reform must go on and the formation of a Temporary Authority presents problems similar to those involved in the formation of the Authority. Fortunately, the Mission in its work in Japan has conducted a long series of

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conferences and seminars with certain officials of the Japanese Government who are not of the upper bureaucracy and who have developed far in their mastery of the fundamentals of public personnel administration. Their abilities and training, combined with those of the President of the College of Industrial Efficiency, offer promise of constructive accomplishment prior to the installation of the permanent Authority, and the Public Servants Law utilizes their appointment as members of the Temporary Authority as a device for initiating the program. The need for immediate action makes an examination for the position of Temporary Director-General of Personnel impractical. It is believed the members of the Temporary Personnel Authority, with the aid of technical advisors, will make an appropriate selection for the short period of time during which the office will exist under the Law.

f. Perpetuation. The provisions of the National Public Servants Law relating to the appointment of members of the Permanent Authority represent an effort to serve several purposes.

1. The final choice is left with the Cabinet as the political representative of the people at the most responsible level.

2. Too often in civil service history, the civil service agency, however well constituted in the ranks, has suffered from appointment at the commission level of laymen who were wholly incompetent in the field of public personnel administration, and either consumed much time in developing a fundamental grasp of the problems or never understood them at all. As a result, the programs of civil service commissions have been destroyed or frustrated by incompetence at the top. This would be particularly damaging in a situation such as here exists where there is substantial concentration of authority in the President of the Authority, and where he is the chief executive officer for a huge civil service system. Accordingly, provision has been made for the elevation to these positions only of persons who have certain basic qualifications.

3. It is not desired to make the National Personnel Authority self-perpetuated. To avoid this, a Superior Board of Examiners has been institutionalized consisting of three members. Of these, one is from the Authority and represents presumably the highest order of technical competence in the conduct of examinations. Associated with him are two other examiners; one appointed by the Chief Justice of the Supreme Court and one by the President of the Board of Audit. The Judiciary and the Board of Audit probably are the agencies in the new Japanese Government most free from political control and accustomed to the making of objective decisions.

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Division 6.

The Merit Principle Established

a. Recruitment - General. In the Government of Japan sharp distinction is made between "officials" and "employees".

The primary basis for recruitment of "officials" is through selection on a basis of minimum qualifications. Only a comparatively small number of the original appointments are made on the basis of competitive examinations which are restricted largely to police recruitment. The Higher Civil Service Examination is used to obtain annually about 300 to 400 trainees for administrative and judicial posts who are slated for rapid promotion and groomed practically to monopolize the top posts. The Junior Civil Service Examinations, which may be used but are not necessarily required, are administered by each separate Ministry, but the Ministry may appoint any of the persons who qualify regardless of order of merit. The vast majority of technicians and educational officials are selected on the basis of recommendations from their schools or through personal recommendations. A number of the lower official posts are filled by promotion of employees from the lower ranks, but when this occurs such persons generally are restricted to the lowest official rank. In recent years, selection committees have been used for third, second, and first class officials which procedure provides a limited avenue of entrance into the service at various levels for persons who meet minimum qualifications, but there is no guarantee that the best available persons are being recruited, and the system is highly subject to favoritism and patronage.

"Employees" of the National Government who form the bulk of the total public service have no general system for their recruitment and employment. They are considered as just so many workers, and in theory they are not supposed to carry any responsibilities though in practice they do. The primary basis for their selection is through family connections and the recommendations of friends. They are a definite part of the Japanese paternalistic system, and many times jobs are handed down from generation to generation within the family. Labor brokers have provided many of the employees, accepted standard wages and passed on to the employees as little as would induce them to work.

Neither in the case of officials nor employees is there evidence of positive recruitment on a merit basis. No standards exist for giving publicity to the needs of the National Government when positions are to be filled. The present system places a premium upon personal connections and school recommendations.

It is impossible to estimate the normal recruitment load in the Japanese Government. Figures on labor turnover are practically non-existant and

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where they are presented are of such doubtful validity as to be useless. The situation has a discernable characteristic, however, as applied to officials, particularly Class I officials. These men attain high offices in early middle life. They are supposed to resign in a short time to keep the chain of promotion advancing within their own restricted class. Accordingly, they devote themselves, while in office, to establishing close relationships with important industrial concerns with the idea of securing positions with those concerns. The result is that the Government has many of its officials obligated to various industries while they are in public office and loses the services of these men in whom it has invested the most training while they still have many productive years ahead of them.

b. Examinations. The two principal forms of examinations currently used for officials of the National Government are: (1) The Higher Civil Service Examination; (2) The Junior Civil Service Examination.

The Higher Civil Service Examination, administered at the level of university graduation, at present has two branches: Administrative and Judicial. Details concerning the subjects covered are given in Imperial Ordinance No. 15 of 28 March 1929, as amended by Imperial Ordinance No. 225 of 1946. Only one Higher Examination is given annually which is administered by a central Higher Civil Service Examination Committee headed by the Director of the Cabinet Bureau of Legislation. The test construction and rating is done mostly by some 90 provisional committee members. These examinations tend to be general, theoretical, with great emphasis on administrative law and make little recognition of the modern sciences and technical knowledge required for efficient leadership in a high administrative post in modern government.

The Junior Civil Service Examination is administered by each Ministry through a separate committee. It is used primarily for the recruitment of third class administrative officials and is geared to the middle school graduation level of educational attainment.

Within the police service, special examinations for entrance into the police training school, based on competitive principles, have been held over a number of years. Promotional examinations have been held among policemen in the several lowest ranks for consideration for advancement to the next higher rank. Promotion on merit is not made throughout the service.

There has been practically no development in Japan of intelligence and other similar tests or of objective, short-answer type tests such as are well known in the United States. During March and April 1947, the Ministry of Education used a newly developed intelligence test as a key part of the selection process for students seeking to enter Koto-gakkos and

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Semmon-gakkos which are the college preparatory schools and vocational schools operated by the Government. Within the Ministry of Education, psychologists attached to the Bureau of Research have developed this new test on the basis of suggestions received from the Civil Information and Education Section, General Headquarters, Supreme Commander for the Allied Powers. As far as we have been able to determine, there are no general test development sources elsewhere in Japan.

Investigative techniques are little used for the verification of the qualifications and background of candidates interested in any posts in the Government service.

In connection with selection of trainees appointed from the Higher Civil Service Examination and with other appointments, a so-called "oral entrance" examination has been given. This examination has generally lasted only about fifteen or twenty minutes and has involved inquiries into the candidate's personality, family connections and reasons for applying for entrance to the particular Ministry. This oral examination has been used to completely eliminate certain candidates, but no objective standards for it are available nor are the candidates who fail given any statement of the reasons for their failure.

In the Transportation Ministry, a written test has been given to certain of their operatives who have been hired over the past ten years. The results have been satisfactory to the Ministry, and they indicate training time has been reduced for those persons selected through this method while their productivity has been higher than that of persons selected through former methods. However, as a general rule, modern examination methods are not used in the selection of the mass of clerical, trades and craft workers.

During the last ten years, increasingly, officials have been brought into the Japanese civil service through a process known as "by selection". For each class of officials, first, second and third, selection committees have been set up which pass upon recommendations for employment made by the Ministries. No standards of qualification exist and the selection committee has final discretion as to whether any person may be appointed. Through this device, some persons have been appointed from outside the service to positions of high level although the number has not been large. The system is open to favoritism and political pressures in the extreme.

c. Appointments. Appointment instruments for officials have been issued by or in the name of the Emperor in the past. For employees, instruments of appointment are issued in the name of the Ministry concerned.

Responsibility and penalties for appointment actions taken contrary to rules are not clear or definitely fixed. Adequate control of payrolls in relation to legality of appointments does not exist.

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The Personnel Section of the Cabinet Secretariat maintains personnel records on all second class and higher officials.

Except for probationary judicial appointees, no formal probational period after appointment exists for either officials or employees during which time a specific examination is made of the employee's performance on the job before permanent tenure is given.

d. Summary - Recruitment. The recruitment processes of the Government of Japan are defective notably in that:

1. They do not assure citizens generally the opportunity to qualify for public service and receive appointment on the basis of occupational qualifications objectively determined.

2. They do not assure promotion in the service of the persons best qualified to perform.

3. They give inadequate attention to occupational qualifications as applied to a large percentage of the personnel in the higher positions.

4. They have few standards of qualification, and many of those which are applied are of doubtful validity with respect to promoting efficient performance of the public duties.

5. They are destandardized as between the various Ministries and agencies of Government.

6. They promote inefficiency at the higher levels of administration by giving even less attention there than elsewhere to experience and knowledge essential to the performance of duty.

7. They produce career frustration and lower morale of personnel in all except top levels of the service.

It is ironical that such a condition exists, for the Japanese have made effort on occasion to contribute to the efficiency of their public administration. The limitations of a report of this character make a general historical review impossible. However, it should be noted that the present civil service system of Japan centering on the Higher Civil Service Examinations, inadequate and invalid as it is, represented an effort of the Japanese to secure the services of educated men at the higher levels of administration. To that extent the effort was commendable. It has, however, miscarried due to (1) involvement with a concept of rank dissociated from the duties to be performed, (2) overemphasis on certain theoretical preparation, particularly a knowledge of administrative law,

(3) failure to open the higher positions freely to the competition of men of high ability, experience and technical knowledge without regard to distinctions irrelevant to character and competence, and (4) permitting the rank to assume an exclusive, semi-social distinction hateful to the service at large.

Whatever explanation may be found for the present condition, the simple fact stands that it must be completely revised before the administrative arm of the Government of Japan can be efficient. The special problems presented by the upper bureaucracy and the Japanese system of classification will be hereinafter discussed. Generally, nothing will clear up the Japanese recruitment and promotional processes in democratic fashion except clean cut establishment of the merit principle.

Accordingly, the first standard announced by the Law is that "Persons shall be appointed to and promoted in the service on the basis of merit". Parts 1 to 25 inclusive under Standard 1 make such specific provisions as civil service experience has demonstrated to be necessary in the implementation of this standard.

Part 26 provides that, with certain exceptions, persons holding positions in the service on a date to be later established by the Authority shall have the right to employment in the positions occupied by them on that date without further examination or probation until separated from their positions as provided by law. This provision is designed to stabilize the service during the period of reform and give the new Personnel Authority opportunity to organize and acquire functional capacity before assuming the full burden of examination administration on a national scale. The exception is the upper bureaucracy for which special provision is made in Section IV, Standard 1, Part 27.

e. Reform of the "Upper Bureaucracy". As previously suggested, there exists the necessity for general reform of the bureaucracy if the Japanese people are to enjoy reasonable assurance of efficiency in public administration. This general reform is the task of the National Personnel Authority. It will take many years to accomplish. Endowed, as it is, with sufficient powers, there is no reason to assume that the Authority will not in due time achieve the ends for which it was created, provided it is able to establish itself and in truth and reality control the personnel administration. The chief obstacle to the establishment of such control is the pattern of habits and attitudes of many men in the "upper bureaucracy" particularly the "First Class Officials".

It is significant that if there were no problem of establishing the Authority and, if the problem were viewed only in its direct administrative aspects, this same group of officials constitute the chief obstacle to administrative efficiency in the Government of Japan. The vast majority of

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these higher administrative officials entered the service as products of the Higher Civil Service Examination, relative to the validity of which, reference has been made. From the moment of their appointment, they have been earmarked for the top posts, and they are the only group for whom a definite program of promotion and transfer has actually operated. In the course of their official experience, these men have been shifted from one post to another, many assignments lasting for a few months only or up to one year or two years. The system has tended to make these officials jacks of a few trades and masters of none and then put them in command of the largest administrative operations of the Government, involving scientific, technical and other huge undertakings calling for high competence, specialized knowledge and experience, and to assume that inasmuch as they qualified some years back as trainee officials they must be competent in these most responsible posts of Government.

However viewed, the "upper bureaucracy" presents a special problem, both with respect to its internal efficiency and its influence on the progress of the overall reform. In resolving the problem, due attention must be given to other factors which are modifying with respect to the course of action. Among such factors are two of major importance: (1) There are many high officials who are competent and who can continue to render valuable public service. (2) Simultaneous service-wide displacement of all of the incompetent would produce administrative disorder.

Certain aspects of the problem are dealt with in other provisions of the Law. Standard 1 provides for future filling of top posts on the basis of merit in terms of ability to perform the duties of the position. However, the implications of the problem presented by the "upper bureaucracy" are so critical to the assured promotion of efficiency in administration that its solution should not be intrusted solely to the Law and the operation of a long time program thereunder. Trends must be promptly reversed and administrative competence at high levels immediately assured. This calls for a positive program. Standard 2 removes official rank as the basis of classification and compensation. Standard 4 subjects disciplinary actions to reviews of a neutral agency which will be concerned principally with efficiency of performance and proper conduct without regard to rank.

Standard 1, Part 27, in substance declares administrative officials at the highest levels to be temporary appointees subject to examinations to be held within two years. Such incumbents as prove their competence will be retained, their services salvaged for the people of Japan and their careers assured. Those who do not so qualify will have their positions filled by others selected from other grades in the service or from the public who have qualified under open, competitive examination.

Except for establishment of the National Personnel Authority, the operation specified in Standard 1, Part 27, is the most important item in the program of reform.

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Tabulations, subject to revision on the basis of detailed position analysis, indicate personnel by rank in the top organizational levels of administration as presented in Table 4 following:

TABLE NO. 4

Ranks of Higher Administrative Positions in the Japanese Government, April 1947 a/

(On preliminary analysis, is subject to provision of National Public Servants Law, Section IV, Standard 1, Part 27.)

	Shinnin	Rank 1	Rank 2	Rank 3	Shoku-taku	Rank not Listed	Total
Vice Ministers	0	10	0	0	0	0	10
Bureau Heads	11	239	73	3	11	6	343
Ass't Bureau Heads	0	19	10	0	0	0	29
Division Heads	0	212	1044	124	1	80	1461
Ass't Division Heads	0	10	1	0	0	0	11
Section Heads	0	73	801	37	0	299	1210 b/
Advisors	8	39	13	0	16	116	192 b/
Others	4	265	46	18	1	18	352 b/
TOTAL	23	867	1988	182	29	519	3608

a/ Data were tabulated from rosters submitted 7 April and 23 April 1947 by the Administrative Research Bureau of the Government of Japan.

b/ Apparently positions of similar organizational level in the service and hence subject to provisions of Section IV, Standard 1, Part 27, of the National Public Servants Law, although not in all cases so designated in the rosters.

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Under the provisions of Standard 1, Part 27, approximately 3608 positions will be subject to examination at an early date. There are about 50 Shinnin rank officials in the Government of Japan. About 25 of them are in political positions. Of the remainder, 23 occupy positions subject to early examination. There are about 1800 First Class Officials in the Government of Japan. About 900 of them are in non-administrative positions; of the 900 remaining, it is estimated 867 occupy positions subject to early examination. Additionally, it is estimated that 1988 Second Class Officials, 182 Third Class Officials and 29 Shokutaku occupy positions which will be subject to early examination.

The operation is regarded as significant in promoting the general efficiency of administration and successful establishment of the National Personnel Authority in that it will:

(1) Fill all top level administrative positions in the Government with persons selected on the basis of their ability to perform the duties of their positions, hence representing a higher order of administrative, professional and technical competence.

(2) Fill all top level administrative positions in the Government with persons whose loyalty will be to the public policy expressed in the Law. This should assure increased cooperation on the part of controlling officials in all Ministries and agencies of Government with the new central personnel agency.

Division 7.

Compensation to be on Basis of Duties and Responsibilities

a. Position Classification. The Japanese Government is a vast and complex organization. It has a great variety of functions which are carried on over a broad geographic expanse and under many conditions. It includes not only a very large educational system of schools, colleges and universities and a police system of national scope, which together employ several hundred thousand persons, but also a diversity of activities and enterprises, such as the railways, salt and cigarette monopolies, and the postal and communications services which have few, if any, counterparts on such a large and complex scale in any National Government in the world.

To carry out these functions, the Government employs more than a million and a half persons whose compensation costs the Japanese taxpayers many billions of yen each year. There are three broad categories of personnel in the Japanese Government: (1) "Government Service Officials", (2) "Treated Officials", and (3) "Government Service Employees". The highest rank of Government Service Officials, Imperial appointees, are "Shinnin" officials. The small number of such officials occupy such positions as

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judges, public procurators and the heads of certain agencies such as the Board of Audit. Other Government Service Officials are divided into three ranks known as first, second and third class. The number of positions of each class is set by ordinance for every organization. These officials usually come into the service as a result of some type of examination and include, in addition to individual workers, unit supervisors, section and division chiefs, bureau chiefs etc. In the past, court ranks and decorations were bestowed on these officials after a certain period of service, even when they had not performed any especially meritorious service. Other personnel very rarely received such ranks and decorations. This group is regarded within the service as being of a distinctly different social stratum from non-officials.

"Treated officials", who are not "officials" in the strict sense but receive the same treatment in matters of salary, etc., constitute the second group.

Government Service Employees include "Shokutaku" (unclassified specialists) who are employed by contract under the civil law and are in a distinctly different category than Government officials. These employees are in some cases in administrative positions; in most instances, however, they perform duties and exercise responsibilities requiring specialized or professional knowledge or experience in, for example, a branch of engineering or in economics, statistics, or foreign languages. There is evidence that both treated officials and Shokutaku are, not infrequently, so employed in order to evade requirements for examinations and the limitations on number of positions in an organization established by ordinance. Koin, Yonin and Kōin are also in the Government Service Employee category. Koin (junior clerks) are employed under contract in accordance with civil law. They perform a variety of clerical and other work and constitute the largest personnel group in the Government service. Yonin (trades workers) are also employed by contract. They perform work such as that of attendants, watchmen, cleaners, chauffeurs, mechanics and messengers. The majority are paid on a per diem rate basis. Kōin (crafts workers or operatives) have the same contractural relations under civil law, with the Government, as do Koin and Yonin. They perform work principally in manual or mechanical crafts in factories, such as the mints, printing plants, tobacco factories, etc. No provisions of law or ordinance fix the number of Shokutaku, Koin, Yonin or Kōin.

The distinctions in treatment and prestige accorded the various categories of personnel are distinctly those of a feudal caste type. They have led to a marked consciousness of rank among all personnel and a distrust, as evidenced by programs of employee unions, of the good faith of high officialdom in dealing with matters relative to the employees' welfare. Proposals for pay, based on age rather than on work performed, are typical of the kind of measure advocated by the rank and file of personnel in order to obtain a semblance of equality treatment. Pay based on age is not a sound basis for compensation in any efficient organization where there is a variety of functions and many levels of work to be performed. Where

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increases in salary result solely from the inevitable passage of time rather than increases in personal effectiveness on the job and advancements to posts of greater importance and difficulty, there can be little incentive for self-improvement and no encouragement for the highest caliber of persons to enter or remain in the Government service. However, such proposals are the inevitable result of a system which gives favored treatment to certain groups. It is to the best interests of the taxpayer, the Government and the employee that all positions be classified on the basis of duties and responsibilities and that all categories of personnel should be subject to the same position-classification and compensation plans in order to assure equitable treatment to all. Classification or ranking upon any other basis should be and is prohibited by the terms of the National Public Servants' Law.

During the past twelve months, pay increases amounting to many billions have been added to the taxpayers load. It is doubtful whether there has been any increase in efficiency of the public service as a result of these increases. Fundamentally, the methods of determining pay for personal services, the various pay adjustment measures which have been taken, and the normal recruiting practices are based upon factors which have little relationship to the importance and responsibility of individual positions and the effectiveness of work performed in the Government. Obviously, this reacts not only to the serious detriment of the taxpayer, but to the Government and to the employee himself. The taxpayer, who furnishes the money for public salaries, has the right to know that tax money is not being wasted for Government employees' salaries. He should have assurance that excessive salaries are not being paid for the performance of simple work; and, on the other hand, that salaries are adequate to obtain and retain competent personnel and are not so low as to lead to incompetency in the service. The Government, as an employer and as representative of the people, should pay salaries in accordance with the value of services rendered if it is to make the most effective use of the taxpayers' money. The employee himself wants adequate pay for the work he performs; he is entitled to and wants the same salary that others receive for the same work; he wants higher pay than those performing less difficult and responsible work; he wants an opportunity to advance in the service on the basis of demonstrated merit and to be rewarded with increased pay. Sound personnel practice and good logic demand that, as an employee advances in the service, successively occupying positions of greater importance, difficulty and responsibility, his worth to the Government should be recognized by higher salary on the basis of a uniform plan which is available to all public servants who have demonstrated their ability and have been assigned to perform more complex duties and exercise the responsibilities of more important posts.

If a public service is to be efficient and effective in carrying out the responsibilities placed upon it by the people it serves, then the interests of the taxpaying public, the Government as an employer, and the employee

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must be recognized. In some respects these interests are at variance, but in certain basic respects they are consistent and in harmony. They are in agreement that equal work calls for equal basic pay under similar employment conditions, that the more exacting the work, the higher the pay, and that the less exacting or more simple the work, the less the pay.

To know which employees perform, in fact, equal work and are entitled to equal pay requires knowing what the duties and responsibilities of their positions actually are. There are no current records which specifically show the duties and responsibilities of the vast majority of Government personnel. Payroll titles are so meaningless and uninformative as to constitute a wholly unreliable guide to the duties and responsibilities of positions. Therefore, to find out what work is actually performed, the initial step is to make an inventory of all Government positions by ascertaining, recording and analyzing the duties and responsibilities of each. All positions in the service which are sufficiently alike in duties and responsibilities and consequent qualification requirements to receive the same treatment in personnel matters should be grouped into classes, each class being given a distinctive and informative title and then described in writing.

The results of such a comprehensive study and the consequent development of a position-classification plan provides an effective basis for the consideration of pay problems and the setting of pay scales for it and groups and designates positions by classes according to the similarities of work performed. This grouping indicates which positions should be treated alike for pay purposes and which deserve different treatment. It groups individual positions into classes and thereby permits the consideration of pay problems and decisions on compensation scales on a group basis rather than an individual basis. The grouping of positions into classes, based upon their duties and responsibilities, permits, where necessary, the separate evaluation and uniform application of the many factors, social and economic, which enter into the establishment and administration of pay schedules.

Pay administration is a very critical matter in the public service; it is one which, to be equitable, must be founded on sound plans and uniform procedures and policies. The tool which is of most assistance in the formulation and application of an equitable pay system is a position-classification plan which deals with large groups of positions in an orderly and guided manner.

In pursuing its investigations relating to the need for establishing position classification in the Japanese Government, the Mission found that:

1. No study of any kind had been made, prior to the arrival of the Mission, to ascertain the true relationships between duties and responsibilities of positions and compensation in the Japanese Government.

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2. There is a lack of specific delegation of authority and responsibility in many key positions in the Government service, resulting in a diffusion of responsibility, and a lack of clarity of organization and accomplishment objectives.

3. No written descriptions of positions or other records are maintained currently to show the assigment of duties and responsibilities to employees.

4. Pay rates for positions having like duties and responsibilities and calling for the same qualifications vary widely. These inequalities exist both within the same organization and as among organizational units. This is true as regards basic pay and gross pay which includes allowances of various kinds. Unequal pay for equal work is the rule rather than the exception.

5. The present practice of paying area, family and other allowances tends to increase the inequalities in pay for positions of the same class.

6. The present method of fixing salaries of employees entering the service for the first time upon the basis of education and without reference to duties and responsibilities to be performed, results immediately in inequalities in rates of pay for comparable positions.

7. There is little correlation between entrance examinations, actual qualification requirements of positions, the positions for which recruited and the pay of such positions.

8. The recruiting and selection of employees on a scientific basis is impossible under present conditions where no classification plan based upon duties and responsibilities exists.

9. Increases in basic and gross salaries are not based upon increases or decreases in the importance and responsibilities of positions to which individual personnel is assigned.

Increases in basic salaries are largely automatic and, as a practical matter, require only the passage of time to assure their receipt. Under this system, officials of all classes may attain the highest basic rate of pay without change in original duties and responsibilities. Additional dependents result in additional gross pay.

10. Position titles are as a whole vague, uninformative and in some instances misleading. Excluding certain enterprises, such as

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the railroads, all positions are covered by a relatively few job titles. Existing titles tend to obscure the nature and importance of the position rather than to clarify and describe.

11. There are no class specifications to guide the Japanese Government in determining pay for employees and for use in other personnel processes, and there is no equitable plan for relating salaries to the character and importance of work performed.

12. There is little incentive under the present system for employees to work more efficiently, to acquire better education and to add to their skills and abilities and, on the basis of demonstrated merit, to obtain promotion to more important positions. The large majority of officials and employees have little hope or expectation of being promoted out of the class in which they were recruited. The entire service suffers as a result of this situation.

Specific details of the position-classification structure will have to be worked out in the course of developing the comprehensive plan; however, on the basis of experience in the position-classification pilot study, conducted under the leadership of the Mission, the structure developed in that study consisting of occupational groups,1/ series of classes,2/ classes,3/ and a single schedule of grades4/ containing broad definitions of general levels of work could very well be used.

1/ An "occupational group" is a major subdivision of the classification structure which embraces generally all classes of positions in associated or related occupations, professions or activities. The division of positions into occupational groups is used as an aid in the technical and clerical processes on position classification.

2/ A "series of classes" consists of two or more classes of positions, similar as to kind of work but differing in the responsibility and difficulty of the work performed and in grade, which constitute steps in a normal line of promotion.

3/ A "class" may be defined as a group of individual positions sufficiently alike in duties, responsibilities and consequent qualification requirements that the same tests of fitness may be used to choose qualified appointees and that the same schedule of compensation is made to apply with equity under the same or substantially the same employment conditions.

4/ A "grade" is a zone of difficulty and responsibility of work under the position-classification plan, including one or more classes of positions for which comparable levels of basic qualifications and the same range of compensation are prescribed.

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In order to effectuate the provisions of Standard 2 of the National Public Servants Law, it will be necessary to carry out certain major projects.

1. The National Personnel Authority is responsible for undertaking, as soon as possible, a comprehensive study of all positions in the efficiency service of the Japanese Government and classifying them on the basis of duties and responsibilities without regard to sex of employees.

2. As a result of such survey, a position-classification plan, applicable to all activities and enterprises of the Japanese Government, in both the central and field offices, is to be prepared, adopted, installed and maintained by the National Personnel Authority. The plan will include rules for its installation, continuing operation and revision. Descriptions of the various classes of positions in the service will be prepared as an integral part of the plan. These rules and class specifications should be published and accessible to employees and the general public. The plan should provide for the maintenance of a current description of the duties and responsibilities of each and every employee, such job descriptions to be available at all times to the employees concerned.

Because of the magnitude of the position-classification study and the time necessary for its completion, it may be feasible and desirable, after the development of the general classification structure, to complete, adopt and install the classification plan segment by segment. Police, fire and school teaching positions are examples of homogeneous groups of large proportions which might be so treated.

3. The final authority for the classification or allocation of all positions is vested in the National Personnel Authority. In order to obtain equitability and uniformity in the classification of positions among agencies, it is essential that a single central agency have the authority to make final decisions on all classification matters.

4. After the position-classification plan is adopted by the Authority, it will officially allocate all positions to some one of the classes in the classification plan on the sole basis of duties and responsibilities. As new positions are created, the Authority will determine their allocation to class. Such allocations will determine the pay range of the particular position in accordance with the rules included in the compensation plan. The National Personnel Authority would approve the allocation of each position before salary payment is made. An effective method is provided elsewhere in the bill for enforcing such allocation actions through payroll suspensions and legal provisions for the recovery of any monies expended contrary to decisions of the Authority.

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5. The National Public Servants Law permits the Authority to review and revise the allocations of positions in accordance with such uniform procedure as it prescribes. Personnel, as well as the agencies in which they are employed, should be afforded the right to appeal to the Authority for the reconsideration of allocations of positions. The action of the Authority to correct or revise an allocation previously made, either on its own initiative or on the basis of an appeal, is final.

Although the emphasis of Standard 2 and this brief discussion has emphasized the vital relationship of position classification to pay problems, it should not be overlooked that position-classification is a basic tool in many phases of personnel administration and in organization and business management. Some of the general purposes and uses of position classification are:

1. Establishes a uniform system of meaningful position titles.

2. In fiscal processes it serves as the base for the pay plan and facilitates the preparation of informative budgets.

3. In personnel administration it aids in recruiting, testing, and certification; in promotion and transfer transactions; in formulating training programs; and in the development and administration of employee efficiency evaluation systems.

4. In general administration, it assists in planning, clarifying and improving organization; and it facilitates the development of good employee-management relations.

In general, the primary objective of position classification is to supply a tool for the purposes of personnel and business administration. By grouping individual positions into classes, it simplifies the problem of comprehension, emphasizes an impartial and scientific approach and avoids purely personalized treatment of work and pay problems; it serves as a safeguard to the employee against favoritism and as a principal source of fair and equitable treatment; and it likewise and very importantly safeguards employers and supervisors against charges of favoritism.

b. Compensation. Standard 2 provides that persons in the service shall be compensated on the basis of the duties and responsibilities of their positions.

The previous discussion of position classification has indicated the necessity for the development and adoption of a sound position-classification plan as the basis for the determination of equitable and uniform pay scales and the adoption of sound pay policies.

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Pay policies, in order to assure fair treatment to all employees, must take into consideration and provide not only for the development and administration of basic pay scales but also for all factors and conditions which are related to total or aggregate earnings. Some of such considerations are the number of hours of work per day, week, or year; additional compensation for overtime, night, Sunday and holiday work; annual, sick and other leaves or vacations granted with pay; pay in the form of perquisites such as clothing, food, shelter and other maintenance items; extra pay for special or unusual conditions of work such as hazard to health and life. Family or dependency allowances, pay differentials due to marked variations in cost of living in particular geographic locations are likewise items which must be taken into consideration in the development, adoption and subsequent administration of a pay plan.

The aggregate pay of personnel of the Japanese Government is made up of many items, not all of which are uniform in applicability across Ministry lines. The typical items composing pay are (1) base salary, (2) temporary family allowance, and (3) temporary area allowance. In addition, at the end of the last calendar year, a substantial year-end allowance was given to Government personnel to partially off-set the increased cost of living.

Government service officials are paid at one of thirty basic salary rates called "grades" which range from 300 to 2000 yen per month. Government service employees, including treated officials, junior clerks, and trade and craft employees, are paid at one of 42 rates, if on a monthly basis, and at one of 45 rates, if on a daily basis.1/

The Temporary Family Allowance was established in 1940. The first allowance consisted of ¥2 per month per family dependent. It was limited to lower officials and employees who received less than ¥150 per month in salaries and wages. It was further limited to not more than ¥10 per month for any one official or employee, i.e., no person was paid for more than five dependents. In 1942 the amount was raised to ¥3 per month per family dependent. Other restrictions were removed and all officials and employees were included in this allowance. In November of 1942 the amount was again increased to ¥5 per family dependent per month. In December 1945 the amount was again increased to ¥20 per family dependent. In July 1946 the rates were set as follows per dependent: For the six big cities - ¥100; for the middle size cities - ¥80; for other towns and villages - ¥60.

The Temporary Area Allowance provides an additional sum of ten percent of basic salaries and wage to personnel in the six largest cities and other corresponding cities and areas.

1/ These rates have been changed on a "temporary" basis and are in course of further revision.

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The "Year End Allowance" at the close of 1946 was paid all officials and employees. This averaged two months salary or wages per employee.

Many other types of "allowances" in forms of additional money or perquisites are granted by various agencies. Most of these have been established administratively by the Ministry concerned without any specific provision in law or ordinance. Some of these so-called allowances are componsation for difficulty and responsibility factors which would be considered in the grading or allocation of position. Others are primarily designed to compensate for the difficulty of recruiting where the Government pay rates are inadequate as compared to scales of pay in private industry and others are for factors of hazard, isolation, etc.

Some thirty different "allowances" have been reported in the Government railway system alone. They are:

(1) Tunnel allowance for steam locomotive engineer
(2) Allowance for tunnel-digging
(3) Allowance for working in tunnel
(4) Allowance for Shigekura Signal Station
(5) Allowance for work in compressed air compartment
(6) Allowance for diving
(7) Allowance for high-voltage wire work
(8) Allowance for station-yard work
(9) Allowance for work in isolation hospital
(10) Allowance for preventive activities against contagious disease
(11) Allowance for firemen
(12) Special Allowance for trackman, line-man, plate layer
(13) Allowance for motor-car drivers
(14) Special allowance for crafts in motor-car division
(15) Efficiency allowance
(16) Ticket seller's allowance
(17) Seamen's special allowance temporarily on board a ship
(18) Cleaning allowance
(19) Special laboring allowance
(20) Wireless allowance
(21) Allowance for using private tools in construction work
(22) Allowance for teaching
(23) Allowance for visiting patients
(24) Allowance for Shime Mine employee
(25) Housing allowance for miners in Shime Mine
(26) Allowance for navigation or temporary voyage of subsidiary steamship in oceans
(27) Payments in kind for emergency service
(28) Food for seamen
(29) Special allowance for anti-fire service
(30) Allowance for water tending

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The first of these allowances are based upon unhealthy or dangerous working conditions, either because of the locale of the work such as in tunnels or in railroad yards or because of the nature of the work itself such as work on high voltage transmission lines and work with infectious diseases. Allowance number 12 is given "in order to secure necessary forces of railway trackmen which are deficient under the present situation". Allowances numbered 13 and 14 are given in order to make their pay consistent with the pay for the same kind of job in private industry.

The efficiency allowance (number 15) is granted to certain technicians engaged in locomotive and tramcar inspection because the work "requires much skillfulness, hard labor and responsibility". The ticket seller's allowance is given because the work "requires extreme care and application in order to avoid miscalculation". The special laboring allowance is given to electric, architectural and communication workers in those divisions where man-power is scarce to make their pay more nearly equal that of pay for the same job outside the Government. Where architectural workers use their own tools they receive an allowance of two yen per day. The allowance for Shime Mine employees is for the purpose of encouraging increased coal production.

Certain allowances in the Communications Bureau are of interest; for example, the "allowance granted to those engaged in affairs of encouragement of saving" provides, among other things, for 35 percent of the first premium paid in the postal life insurance. Automobile operators are given special allowances as are communications workers for the Allied Forces in order to obtain "efficient and sincere service", and inspector-guards who must walk a beat are given a 25 sen per day allowance to compensate for wear and tear on shoes.

These examples are illustrative of the kinds, types and reasons for which special allowances are given in some of the Government enterprises. It is evident that the entire problem of base pay and allowances must be reviewed, coordinated and a systematic and uniform pay policy developed which will apply across all agency lines so that like positions operating under substantially the same employment will receive the same compensation benefits.

In order to more nearly meet the present economic situation at minimum cost to Government, it may be necessary to continue temporarily such special allowances as the temporary family allowance and the area allowance. As a permanent feature of the Government service, however, a family allowance may tend to increase the birth rate in a country that for many years to come will have difficulty meeting the essential needs of an already heavy population. Likewise with budget restrictions, it may tend to influence the appointment of employees without dependents. The granting of these allowances also effectively nullifies the basic principle of equal pay for equal work, as in some cases an employee performing a relatively simple

job, but having several dependents, receives a much higher pay than the employee with none or fewer dependents who exercises great responsibilities and performs very important duties. When a considerable portion of compensation consists of a family allowance, basic wages tend to be reduced, and there are difficulties in obtaining and retaining the most competent personnel for efficient operation of Government. Indefinite continuance of the temporary family allowance beyond the emergency period, therefore, is not recommended. When stabilization of the Japanese market reduces area differences in prices, consideration should be given to the discontinuance of the area allowance.

There have been very substantial increases in rates of basic pay and allowances for Government personnel in the past year. In spite of this, real wages have not kept pace with the cost of living. Compensation should be sufficiently high to attract to and retain in the Government service, men of ability who through demonstration of merit and ability to assume more important duties and responsibilities can receive higher pay commensurate with their posts and can make the Government service an honorable, long-term career.

Lack of a position-classification plan, lack of centralization of personnel policy, fundamental statistics and other data essential to the development of adequate compensation schedules have resulted in a series of inconclusive and compromise pay plans based on inadequate information, opinions, rumors, efforts to remedy existing discontent, and sectional controversy.

The National Personnel Authority, under Standard 2, is charged with responsibility for developing and presenting to the Diet a comprehensive pay plan based on payment for services rendered and efficiency in the operation of Government.

1. The pay plan should implement the classification plan by providing rates of compensation for all positions in the Government service. It should contain a maximum limit of compensation for the highest administrative and technical positions and a minimum limit for compensation for those positions whose duties are the least difficult and require little training, experience or responsibility. All positions in the service should be compensated within these two limits. The pay of specific positions should be based on duties and responsibilities as determined by the classification plan.

2. The present economic and financial situation of the Japanese Government may, at this time, require a smaller spread between the highest compensation level and the lowest compensation level of the Government service than is permanently desirable. However, this situation should be ironed out as soon as possible.

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The upper levels of compensation should be high enough to permit administrators to perform their duties without fear or favor, and total compensation for the lower levels should never fall below a minimum living wage.

3. Each grade or class of positions should have a range of compensation with a minimum limit, below which no employee would be paid, and an upper or maximum limit, above which no one would be paid. A formula should be developed for progression from the minimum rate of pay to the maximum rate within the pay range of each grade or class of positions. This formula should be designed to improve the efficiency of the service and might well include consideration of the effectiveness and value of individual performance and length of service, or such other service-connected factors as will give the employee incentive for promotion through diligence and reliability in the performance of his duties.

4. Non-service factors, such as social status, family relationships or religious faith, can not be recognized in determining compensation rates. Except where required by the duties and responsibilities of specific positions, as objectively determined by the classification plan, formal education, sex, or age should not be considered in determining the pay of any employee.

5. Cost of living studies, price indices, prevailing wage rates for comparable work outside Government service and other relevant data should be considered in setting the pay rates, for a grade or class of positions, which are required to attract and retain personnel qualified and competent to perform efficiently their assigned duties. The value of benefits in leave and retirement programs for Government personnel and any other forms of special compensation should be considered in determining the total compensation received for each grade or class.

6. Each employee should be paid at one of the uniform rates set forth in the pay plan for the class of positions in which he is employed. The legal and total compensation should be determined solely by the pay plan and the rules of the Authority. The value of perquisites such as clothing allowances, food, shelter, and other maintenance adjustments should be included as a part of basic pay. No other money or thing of value should be given as compensation in addition thereto. Necessary adjustments should be made by the Authority for positions carrying maintenance and for positions requiring only part-time service.

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7. The pay plan should 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.

8. In the preparation of the pay plan, the Authority would consult with other Government administrative agencies on such matters as compensation requirements for efficient administration; numbers and levels of personnel needed; pay rates required for competent, reliable, and permanent performance; rates for seasonal and emergency workers; shortages of skilled and professional personnel; and coordination providing fair and impartial compensation for all agencies of Government.

9. Under this Law public hearings would be held to obtain and assure consideration of all points of view and to acquaint the public with financial problems involved in hiring, paying and retaining efficient Government personnel.

10. Recent sharp fluctuations of currency and prices have reduced previous pay plans to inadequacy within a few months. The Authority, under Standard 2, is directed to make not only initial but also continuing studies of Government compensation and, as frequently as it deems such action necessary, to recommend to the Diet for approval any revision of the compensation schedules, either upward or downward, deemed necessary or advisable in the interests of the service.

11. Ultimate decision on and approval of the pay plan is, under the Law, vested in the Diet. Compensation of Government personnel is a very important phase of Government personnel and fiscal policy. It is a matter of grave concern to the taxpaying public. The Diet is directly concerned with the cost of efficient Government administration, taxation policy, and the over-all economy of the Nation. The Diet is the only agency empowered under the Constitution to authorize expenditures of Government. The pay plan would become effective after approval by the Diet.

12. To aid in financing any higher cost of pay scales, a personnel ceiling should be established by a central agency for each Ministry or administrative unit with the view to reducing the present number of Government personnel as soon as such measures can be successfully applied. It is more efficient to have fewer competent employees who are better paid than many less efficient employees who are paid badly.

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Division 8.

Efficiency of Personnel to be Maintained and Increased

The National Public Servants Law recognizes that the evaluation of employees and the maintenance and increase of their efficiency is just as much a part of the responsibility of a personnel agency as is selection of best qualified personnel in the first place. Accordingly, the National Public Servants Law provides services essential to such a program as follows:

a. Employee Evaluation. The Japanese Government does not have any overall efficiency evaluation system. Certain Ministries, however, do have various types of efficiency rating systems which have been in use for many years. These include the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Justice, the Ministry of Education and the Ministry of Commerce and Industry. Each Ministry has been permitted to devise its own efficiency rating system and, therefore, no two are alike. There is no standard time established as to when these efficiency ratings should be made and thus they differ Ministry by Ministry. No use is made of the efficiency rating form except in the very minor case where certain Ministries permit the individual being rated to enter on the form his preference for post of duty and this item is utilized to assist in deciding future transfers. The following reports by Ministries are of interest.

Ministry of Foreign Affairs. Efficiency reports are completed once a month on all persons except the Yonin group. Twice a year, in June and December, overall efficiency reports are required on all employees except Yonin and female Koin.

Ministry of Home Affairs. Efficiency reports are required annually to be received by the Minister not later than October 31. This Ministry has traveling inspectors and their reports are given more weight than is any efficiency report prepared in the field. However, no record could be found where the efficiency rating reports prepared by field officers of this Ministry were ever used in connection with considering promotions and transfers.

Ministry of Justice. Requires efficiency reports only for judges and public procurators. These are required annually in December of each year. This Ministry also has what is called "merit survey" for all third class officials and above with the exception of warders. However, this report is used mostly to effect transfers. The individual rated is permitted to enter on the form his preference as to location of assignment.

Ministry of Education. Efficiency evaluation reports are requested annually in August. These reports cover all employees of the Ministry with the exception of professors in Government universities or colleges. There is little evidence that these reports were ever utilized.

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Ministry of Commerce and Industry. Requires efficiency evaluation reports twice a year, in April and October, on all officials of third class and above. These evaluation reports were in few cases utilized.

Efficiency evaluation reports are not filed with the individual employee's records but rather are grouped together for each rating period. The forms utilized by the various Ministries which have installed efficiency evaluation systems all permit wide latitude of opinion by the rating officer depicting the services of the employee, and thus it was possible that employees holding similar positions in the same Ministry may be evaluated on entirely different points, since this type of form does not direct standardization in consideration of all employees charged with the same duties and responsibilities on the same factors.

In general, employee evaluation in the Government of Japan is subject to criticism principally as follows:

(1) It is not service-wide in application.
(2) It is not standardized.
(3) It lacks essential devices to develop validity.
(4) It is insufficiently used as an instrument of management.

Detailed recommendations have been developed for making general application and use of employee evaluation as a managerial tool. Its introduction and administration on a service-wide basis will be one of the duties of the National Personnel Authority. It is not the purpose of the Law to engage in a high degree of procedural specifications in this area. Its provisions (Section IV, Standard 3, Part 1) are regarded as sufficient to enable the Authority, with proper technical assistance, to develop and administer a sound system of employee evaluation.

b. Training. Various Ministries in the Government of Japan have undertaken employee training. The following are notable examples:

The Ministry of Foreign Affairs employed university graduates and immediately placed them in the Institute for Training of Foreign Office Officials, for a period of a year, where they were required to study English, a second foreign language and diplomatic problems.

The Ministry of Home Affairs conducted three training courses; one for policemen; one for firemen; and one for the higher administrative posts in the police force and fire brigade service. These courses ranged variously from one to four years.

The Ministry of Justice conducted two training courses: one known as the Warders Training Depot which was a training course for jail warders and covered a period of four months; the second was the Judicial Training Institute to which neophyte judicial officials were assigned. The course in the latter institute ranged from six months to a year according to the subjects. This course did not have a static curriculum.

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The Ministry of Finance conducted the Training Institute for Taxation Business wherein middle school graduates were employed and then assigned to a taxation business course for one year.

The Ministry of Transportation had a training school for workshop technicians. These were individuals employed by the Railway Division. Two courses were conducted. The entrance training required two years. Graduates of this course were permitted to enter the higher course which required an additional eight months of training. This Ministry also conducted the Railway Training School, the Training School for Automobile Personnel and the Training School for Seamen. The Railway Training School was divided into three divisions: the Special Division which required three years; the Middle Division which required three years and the Special Practical Division which required from eight to twelve months. The Training School for Automobile Personnel required two years, while the Training School for Seamen required one year.

In the Ministry of Transportation there were several special schools wherein the employees signed an initial agreement to the effect that they would serve a stipulated time with the Government in payment for the schooling given. It was noted, however, that this agreement was legally non-enforceable and that actually the Transportation Ministry lost better than 75% of their students to industrial concerns. These specialized schools are: The Training School for Technicians of the Hydrographic Bureau; the Training School for Meteorological Technicians; and the Training School for Lighthouse Keepers.

The Ministry of Communications conducted two training courses; one known as the Communications Training Institute divided into four sections and the other known as the Higher Communications Institute also divided into four sections. In the Communications Training Institute they had an entrance training course which required three months for completion and which was utilized to eliminate those who were not particularly well suited for communications work; the Automobile Division requiring two years; the Higher Division requiring one year; and the Special Practical Division requiring six months. The Higher Communications Institute was divided into the Training Division which required one year; a Special Practical Division which required six months; and a Principal Training Division which required three years.

This training has tended to be of the classroom variety. Rather generally, it has been the practice to select an individual for employment, place him on the payroll and then assign him to one of these specialized schools. His term of training may range from a period of three months to as high as three or four years, during which time the employee draws regular pay as if he were actually performing the duties of the position for which he was originally employed. He does no work other than attend school. There are indications that some of the training has been very good and might have proved as good an investment for the Government as the employer had the Government received full benefit of such training. The Goverhment has,

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of course, received no immediate return in point of service for much of the money so expended and invested on the assumption that the employee would remain with the Government service when he had completed his course. As a matter of fact, the turnover is high and in many cases the individual has received this special training at Government expense only to leave the Government service at the end of the training course to secure employment with private industry at higher pay.

Detailed recommendations have been filed for the use of the National Personnel Authority in revising this system. In general, aside from the qualitative improvement which may be achieved, it is believed the system will profit from (1) more extensive training of employees and (2) more extensive utilization of "in service training".

The Law (Section IV, Standard 3, Part 2) provides the Authority with sufficient power to overhaul the training situation. Additionally, it sets up a safeguard in the interests of the national treasury against training which is not directly contributory to increased efficiency in the Government position. This seems necessary in a situation where the objectives of service training have been at points confused with national responsibility for general education.

c. Health. In reviewing the situation surrounding first aid and health facilities, it is ascertained that the Japanese have gone far in this field. Rather elaborate medical facilities are provided in most Ministry buildings. In addition to this, medical service, including the supplying of medicines, is provided through specially commissioned physicians to each employee of the Government at drastically reduced rates. The expense of this latter service is borne by the Mutual Aid Associations to which all Government employees belong through payroll deductions. In these cases, a Mutual Aid Association either pays the medical bill directly or will refund such expenses as are borne by the individual. There are some special considerations given by various Ministries and the Cabinet as follows:

The Cabinet. All members of the Cabinet regularly receive free physical examinations.

Ministry of Justice. Medical services are available to the members of the Hosokai (judicial officials association) four times a week. This includes examinations, when desired, as well as needed medical treatment.

Ministry of Agriculture and Forestry. First aid medical clinics are established at each field station.

Ministry of Transportation. This Ministry has ten major hospitals located throughout the four islands and a large number of sanitoriums and medical clinics located at strategic points in addition to the hospitals. Also all railway shops, division headquarters and diversion points too small to justify the maintenance of a hospital, or medical clinic, have specially

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commissioned physicians available for use by the employees. These hospitals, sanitoriums and medical clinics operate in the name of and under the supervision of the Ministry of Transportation and full expense is borne by the Government.

Ministry of Communications. This Ministry, like Transportation, has hospitals and medical clinics that operate in its name at Government expense. In addition, first aid rooms are installed in each of their field agencies. It also maintains several tuberculosis clinics available to members of the Ministry for examination and treatment.

None of the other Ministries provides any special medical or hospital care other than through the Mutual Aid Association for their employees.

In the field of compensation for injury received in line of duty, several laws have been passed to rather liberally cover the payment of compensation to Government employees injured or who have contracted disease in line of duty, and to families bereaved due to the death of Government employees caused by an accident in line of duty.

Pension Law No. 48, enacted in 1923, covers Government officials only.

Imperial Ordinance No. 80, issued in 1892, covers cost of medical expense to all Government "officials".

Ordinance No. 109, issued in 1928, covers Koin.

Imperial Ordinance No. 382, issued in 1918, covers workmen, miners and other Yonin.

Imperial Ordinance No. 827, issued in 1940, covers the establishment of Mutual Aid Associations and the extension of their coverage to assist Government employees who have been injured, contracted diseases, or who have been deformed regardless of whether such injury or disease was incurred in the line of duty or not. (It should be noted that each Ministry is required to issue specific detailed regulations for the operation of this ordinance within the Ministry's limits.)

Imperial Ordinance No. 149, issued in 1901, provides for medical expenses, compensation and funeral expenses to policemen and jail warders who contract disease, or who are injured or killed in the line of duty. (In connection with this ordinance it should be noted that while policemen are specifically covered, firemen are not.)

While the Japanese have evinced a paternal interest to the extent of providing medical and clinical assistance to not only Government employees but likewise to their families, they have omitted some of the essential features of a well rounded health program.

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The program of health promotion as applied to personnel of the service chiefly requires:

(1) Application of standards of physical condition for admission to the service.
(2) Service-wide standardization and application of health programs for all employees.
(3) Increased participation of the health authorities in the control of working conditions.
(4) Integration of the program of medical services and health promotion in the general program of personnel administration.

Detailed recommendations have been filed for consideration of the National Personnel Authority in this connection. The Law (Section IV, Standard 3, Part 3) enables the National Personnel Authority to take over the problem as part of its long term program and effect the service-wide initiation of standardization and integration which is desirable in the general personnel program.

d. Recreation. It is only during recent years that the importance of recreation in sustaining employee morale, promoting employee health and retarding labor turnover has come to be recognized. No personnel agency, the activities of which are projected into the future, can afford to ignore this important tool of personnel administration. The Law (Section IV, Standard 3, Part 4) enables the National Personnel Authority to provide for the conduct of recreation programs. In a situation such as exists in the Government of Japan, wherein many fundamental operations of large proportions must be advanced to lay the foundation for efficient administration, it is unlikely that the development of recreation programs will receive early attention. However, in due course, this provision of the Law can be invoked as an efficiency aid.

e. Safety. The Government of Japan has made little observable progress in the development of programs of employee safety. Occasional safety devices were observed by the Mission in the course of inspections, but usually such devices were a part of machines of American or English design and manufacture. Many of the work practices in offices, shops and mills indicate total absence of modern safety engineering.

The absence of adequate statistical information defeats an effort to appraise losses in terms of accident frequency, severity or cost. There is much to suggest that the accident and occupational disease experience of the Japanese governmental workers constitutes a substantial drain on the national treasury through medical expense, payment of compensation, loss of production, and otherwise.

It is not the purpose of the National Public Servants Law to analyze this situation in detail. There is obvious need for administration of a safety

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program for Government employees. Recommendations in detail for the conduct of such a program have been filed for consideration by the National Personnel Authority. The Law (Section IV, Standard 3, Part 5) enables the National Personnel Authority to establish standards of safety and to administer a program of employee safety as a part of the general program of personnel administration.

f. Welfare. In a situation as paternalistic as that which has existed in Japan, there inevitably exist many employment practices contributory to the welfare of employees. The extension of medical services, the existence of mutual aid associations and various other characteristics of Japanese governmental employment constitute segmental welfare services. These activities are open to criticism in that they (1) are not sufficiently wide-spread in application amongst all levels of employees; (2) are destandardized as between the various agencies and Ministries of Government; (3) fail to use many modern devices of welfare administration including counselor service; (4) are sometimes over-extended without reference to justification in equities or resultant employment advantages; (5) have not been coordinated with other elements of a general personnel program to effect uniformity and economy in administration.

Recommendations for the conduct of such a program have been developed for the consideration of persons charged with responsibility for administration of the Law. The Law (Section IV, Standard 3, Part 6) enables the National Personnel Authority to plan and administer or cooperate with other agencies of Government in planning and administering programs to alleviate economic distress and promote generally the welfare of personnel in this service. It is anticipated that such a service will receive ready promotion in the hands of Japanese administrators. The problem will be to establish and maintain standards and effect reasonable economy in administration.

Division 9.

Personnel to be Treated Equitably

In governmental employment, considerable dignity and many rights have been accorded the higher officials. The rank and file of governmental workers, particularly those who were not first or second class officials, have had few rights which were enforceable. However sufferable this may have been under the former type of government, it is intolerable in a democracy, and it is detrimental to the efficiency of the service.

Personnel agencies in long established democracies have found it necessary to do constant battle to maintain equities in the employment situation. The application of an equity standard to personnel in the Japanese Government carries all of the implications that it ordinarily does in the older

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democracies and more, for there appears to have existed in Japan something of a tendency to regard the rank and file of workers as inherently inferior and to treat them accordingly without regard to the equities involved.

The National Personnel Authority is given broad general authority under its rule-making power to amplify and administer the standard that "Persons in the service shall be treated equitably". This general principle is supported by three general specifications, viz.:

(1) Persons in the service are guaranteed the right to present complaints, proposals or suggestions relative to conditions of employment.

(2) Major disciplinary actions are subject to review by the Authority as a neutral quasi-judicial agency.

(3) Provision is made for the compensation of personnel of the service or their dependents for damage resultant of injury and occupational disease acquired on duty.

Division 10.

Personnel to Conduct Themselves in the Public Interest

The National Public Servants Law creates a career opportunity, based on merit, for every person in the service. It provides for adequate compensation, training, health promotion, recreation, safety and welfare. It provides for the equitable treatment of employees and for their retirement with honor and on pension. This puts the public servant in a position of dignity and great security. This status is accorded in recognition of the extraordinary demand which the public service makes for men and women who will serve efficiently, honestly and faithfully. Few things, subject to the control of man, are as important to the life and welfare of a community as the proper conduct of the public services. The faithful public servant is a community asset; the unfaithful public servant a community menace. So, while the community, on the one hand, sets up conditions of employment which are in some respects exceedingly favorable, it must, on the other hand, demand from its employees an extraordinarily high standard of performance in and loyalty to the public interest.

The National Public Servants Law recognizes the right of the public to demand that employees of the Government of Japan shall accept the public interest as their guide to conduct. Specifically, (Section IV, Standard 5) it provides that:

1. Personnel of the service shall conduct themselves non-politically.

2. Any person in the service who shall strike against the public shall lose all rights to employment by the National Government

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acquired and possessed by him at the time of such strike. This provision is not a commentary on the use of the strike as an economic weapon. The Law does not deal with the right to strike. The provision is a recognition of the fact that, despite some minor exceptions, operation of the public service is, in general, the conduct of a community service and not a commercial enterprise conducted for profit; and that operation of the public service is in the main vital to the life, health and welfare of the community. As an instrument of public personnel administration, the Law recognizes that the public employee who strikes has subordinated the public interest to a selfish consideration and does not measure up to those high standards of loyalty to the public interest which have so generally characterized public servants; standards which the public service requires and for which many special compensations have been paid.

3. Personnel of the service shall not be under obligations to big business. The specific provisions are designed to eliminate the current practices which tend to corrupt public officials, damage the efficiency of the public administration and give big business improper participation in the law enforcement processes.

4. Personnel shall maintain the integrity of official transactions.

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

6. Personnel 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.

Division 11.

Personnel on Duty to Serve National Government Exclusively

In a situation where the development of adequate revenue is a matter of critical concern, the Government of Japan is spending billions of yen annually for salaries and wages of employees. The present personnel administration is such that large sums of this money is wastefully expended. Other provisions of the Law, designed to increase efficiency of performance of employees, are designed to deal with qualitative aspects of the employment problem. Standard 6 is designed to deal with certain quantitative aspects of the problem and stop labor leaks which are costing the taxpayers of Japan much money and which often are contributory to confusion and inequity in administration. Notably, there are several such situations:

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1. A tendency is observable on the part of some officials to engage in professional or other private activity during periods of assignment to duty.

2. There exists an inflexibility of staff between Ministries and agencies of Government which results in labor shortage at some points while others are overstaffed and personnel is idle or engaged in "made work".

3. Labor is procured through labor brokers which practice results in (a) underpayment to the laborers themselves, (b) destruction of the direct employment relationship between the Government and its employees and (c) encouragement to excesses in labor requisition.

4. Personnel is assigned to tasks which it is not the responsibility of the Government of Japan to perform. Some confusion presently exists at the prefectural level where there remains a tendency to assign National Government personnel to prefectural work. Another example of diversion of labor is to be found in the conduct of union activities. Reports on file indicate that in one Ministry alone there are approximately 2000 workers who devote full time to union activities and who receive from the Government the salaries and allowances commensurate with their recorded classifications.

Section IV, Standard 7, of the Law establishes the principle that persons in the service, while on duty, shall be solely employees of the National Government, makes special provisions covering the types of labor diversion which are presently conspicuous and gives the Authority rule making power to deal with such other diversions as may from time to time appear.

One general problem associated with the quantitative aspects of employment management and present to an unusual degree in the Japanese situation is the tendency to overstaff combined with reluctance to lay off employees where their services are no longer needed. This is a problem which for its solution must primarily depend on budget controls and increased efficiency of management. However, the Authority (Section III, Article 3, Part 2) is accorded the right to investigate "the number of persons employed in relation to requirements". It is intended that the findings of such investigations with recommendations be referred to the officials responsible and, if necessary, to the officials exercising budgetary controls.

Division 12.

Personnel to be Retired on Pension

The Government of Japan presently has a very complicated pension program. It operates differently in different Ministries and with respect to dif-

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ferent classes of officials and employees. It provides pensions, not only for employees after term of service, but also for all members of his family following his death.

Imperial Ordinances, Cabinet Orders, and various regulations have so interwoven the "pension plan" with the pay plan as to make them almost inseparable at points. One of the reasons given for the peculiarity of this pension plan is that the Government pay scales have been so low that it has been necessary to add extra inducements to interest and retain personnel in Government service. Instead of correcting the pay scale which was the basic cause of the difficulty, additions have from time to time been made to the pension plan.

As far as can be ascertained no attempt has been made to establish the system on a sound actuarial basis, nor are figures available indicating the total cost to the Government of the present system or of its projected cost in years to come.

It is essential to the efficient operation of the Japanese Government that a sound and adequate retirement system shall exist for all employees. To accomplish this, the present programs must be subjected to complete overhaul. Innumerable technical problems are involved. Basically, it is necessary that (1) pay scales and retirement allowances be separated and administered independent of each other; (2) retirement allowances be made adequate with respect to the cost of living; (3) the retirement allowances be available to all personnel who have met reasonable standards of qualification with respect to age and length of service; (4) the system be placed on an actuarially sound basis and made a part of the financial program of the Government; (5) that the retirement and pension system be coordinated with the other programs of personnel administration.

The National Public Servants Law (Section IV, Standard 7) establishes the principle that persons in the service who serve faithfully to the age of retirement shall be retired with honor and pension. The Law then provides that the Authority, as soon as possible, and not later than three years after enactment of the Law, shall conduct necessary studies and, as a result, draft and submit to the Diet a plan for retirement and a pension system. The specifications of the provision are broad and general, for it is recognized that those charged with the technical construction of such a plan must have considerable freedom of action. Specifically, it is provided that the system shall be designed and established on an actuarially sound basis, and that the administration thereof shall be by the National Personnel Authority.

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Division 13.

Provision Made for Enforcement of the Law

Provisions for the enforcement of the National Public Servants Law consist of eight articles. In the main, these are provisions which have generally been found necessary and desirable in contributing enforceability to a civil service enabling act. Several provisions invite special attention.

The power of investigation conferred on the Authority or certain of its appointees under the Law, together with provisions for hearings in certain disciplinary cases, often produces a situation in which the Authority is conducting proceedings which have the external aspects of judicial proceedings. As a matter of fact, such proceedings are purely administrative investigations and their implications are restricted to employment considerations. Nevertheless, in the history of civil service, there has been some disposition to confuse such administrative investigations with trials at law and to contend that persons subjected to the one were placed in double jeopardy if subjected to the other. The purpose of Article 4 is to clarify this point and leave the way open to the investigators of the Authority and the courts, to function each to its own purpose as provided in the Law.

Section V, Articles 5, 6, and 7 provide three degrees of offenses against the Law with varying penalties regarded as appropriate to the degree of the offense.

Article 5 makes all persons subject to the Law and leaves in the hands of the Court and the National Personnel Authority, each in its jurisdiction, considerable discretion under which the facts may be viewed, mitigating circumstances weighed and judgment exercised. Whether the offense merits loss of employment rights is left entirely to the National Personnel Authority. The criminal penalties to be imposed by the courts are limited in most severe cases to a fine, not to exceed ten thousand yen and five years in penal servitude, either or both. This provision is sufficiently flexible to permit minor penalties in minor offenses; at the same time, it permits a substantial penalty for major offenses.

Article 6 recognizes an increasingly serious violation of the Law. It deals with the person who shall willfully disobey a subpoena issued under the Law. It is unequivocal in providing that such a person shall lose all rights and eligibility to employment by the National Government for a period of not less than ten years, and if the offense is sufficiently provocative, for longer at the discretion of the Authority. In dealing with the criminal aspects of the case, it still leaves opportunity for the assessment of minor penalties for minor offenses, but recognizes the possibility of a greater offense than is covered by Article 5 and increases the potentiality of the fine fifty per cent.

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The National Public Servants Law imposes upon members of the Authority, the Director-General of Personnel and Directors of Personnel, a responsibility to the people of Japan, which properly discharged is deserving of the highest honor. Unfaithfulness to it comes near to constituting a high crime. Article 7 recognizes the severity of such an offense by providing that the offender shall lose forever all rights and eligiblity to employment by the National Government, and while it does leave again the opportunity for discretion on the part of the court, it also creates a higher potentiality in the amount of the fine and the period of penal servitude.

Incident to the discussion of penalties, attention should be directed to the fact that the Law, in protecting the integrity of processes incident to perpetuation of the Authority, provides (Section III, Article 6, Part 5) that a violation of the rules of examination applicable to the qualifications of members of the Authority shall constitute a maximum violation of the Law.

CHAPTER V.

ADMINISTRATION OF THE NATIONAL PUBLIC SERVANTS LAW

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In the effort to make maximum contribution to the effectuation of the program of bureaucratic reform in Japan, the United States Personnel Advisory Mission to Japan has:

1. Presented to the Supreme Commander for the Allied Powers, under date of April 24, 1947, an interim memorandum explanatory of the need for early enactment of a general civil service law and recommending action internal to General Headquarters, Supreme Commander for the Allied Powers, prior to termination of the Mission, which would make it possible on termination of the Mission to conduct the program of bureaucratic reform in Japan without loss of time. These recommendations were promptly approved, and the program is in process of implementation.

2. Outlined a series of administrative projects for the guidance of the personnel, General Headquarters, Supreme Commander for the Allied Powers, responsible for carrying on the work of the Mission. This outline has been filed in the Government Section, General Headquarters, Supreme Commander for the Allied Powers, and is available as an administrative aid to the proper personnel therein.

3. Developed a series of findings and recommendations covering minor as well as major items in the personnel situation in the Government of Japan under the following subject heads:

Appointments
Classification
Compensation
Discipline
Employee Evaluation
Employee Relations
Employee Suggestion Programs
Employment Statistics
Examinations
Health
Leave
Personnel Files
Recruitment
Retirement
Safety
Service Records
Staff Reduction
Training

These findings and recommendations, characterized as the second volume of this report, have been filed with the Civil Service Division, Government Section, General Headquarters, Supreme Commander for the Allied Powers, for the use of that Division

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in advising on the organization and operation of the National Personnel Authority and the development of a program of personnel administration thereunder.

In closing Volume I of this report, the Mission directs attention to the fact that the administrative processes of the Government of Japan are in process of adjustment. In this situation, it is of utmost importance that the personnel program in its initial stages shall be simplified. The National Public Servants Law lays a foundation capable of sustaining a modern system of personnel administration in the years ahead, but that program must be developed carefully over the years and matured with sensitive regard for the Japanese way of life. Over-elaboration of the program in its early stages must be studiously avoided. If the men charged with responsibility for conduct of the program can in the immediate future establish a strong and competent National Personnel Authority, formulate and install sound classification and compensation plans and break down the present major barriers to equity and efficiency by a positive reform of the "upper bureaucracy", it may be assumed that trends have been reversed and public administration in the Government of Japan introduced to a new period in which judicious invocation of the additional powers conferred in the Law will mold a public service characterized by its efficiency and adherence to democratic precepts.