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

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

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

Chapter II. The National Personnel Authority

(Installation)

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

The Authority shall take charge of the following matters.

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

2. Matters concerning examination of personnel.

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

(Personnel)

Article 4. The Authority shall have the following personnel:

President

Commissioners three

Director General one

Other personnel provided by cabinet order

(Commissioners of the Authority)

Article 5. Commissioners of the Authority (to be hereinafter referred to as Commissioners) shall be appointed, with the consent

of the Diet, by the Cabinet from among persons 35 years old or more, of highest moral character and integrity, in known sympathy with the democratic form of government and efficient administration therein based on merit principles, and possessing a wide range of knowledge and sound judgment concerning personnel administration.

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

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

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

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

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

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

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

graduates of the same professional subdivision of the same department of the same university or high school (in universities where there is no professional subdivision, graduates of the same department).

(Oath taking and Performance on Duty)

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

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

(Term of Office)

Article 7. The term of office of a Commissioner shall be six years. However, a Commissioner who is appointed to fill a vacancy shall remain in office during the unexpired portion of the term of his predecessor.

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

A person who has been a Commissioner shall not be eligible to appointment to any position in any agency of the National Government other than the Authority for one year after the termination of his service as Commissioner. Exceptions, however, may be authorized by rules of the Authority.

(Retirement and Removal from office)

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

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

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

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

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

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

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

In cases when two persons or more among Commissioners have come to belong to the same political party, all except one person shall be removed from office, with the consent of the Diet, by the Cabinet. However, in cases specifically provided by rules of the Authority, a Commissioner may be immediately removed by the Cabinet.

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

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

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

(Impeachment of Commissioner)

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

When the Prime Minister intends to bring impeachment action against a Commissioner, he shall file charges in writing setting forth the alleged offence, both in general and particular, and submit them to the Supreme Court.

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

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

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

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

Costs of hearings shall be borne by the national treasury.

(Salary)

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

(President of the Authority)

Article 11. The President of the Authority (to be hereinafter referred to as the President) shall be appointed by the Prime

Minister from among Commissioners.

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

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

(Commissioners' Conference)

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

When exercising the powers enumerated below, the Authority shall require a resolution of the Commissioners' Conference.

1. The enactment, amendment, and abrogation of rules of the Authority.
2. Recommendations to the head of the appropriate agency of government specified in Article 22.
3. Submitting opinions of the Authority to the Prime Minister specified in Article 23.
4. Report to the Prime Minister ø specified in Article 24.
5. Drafting of a position classification plan specified in Article 29.
6. Determination of standards for evaluation and designation of an evaluating body specified in Article 36 (including cases to be correspondingly applied in Article 37).

7. Designation of examining bodies specified in Article 48.
8. Approval of temporary employment and its renewal, restriction of number of personnel for t emporary employment and determination of their qualifications, and cancellation of temporary employment specified in Article 60.
9. Drafting of a pay plan specified in Article 63.
10. Preparation of a bill for revision of the pay plan specified in Article 67.
11. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently specified in Article 72.
12. Evaluation of a case specified in Article 86.
13. Evaluation of action and submitting a report to the Prime Minister specified in Article 91.
14. Drafting of important matters concerning compensation specified in Article 94.
15. Evaluation of a protest specified in Article 102.
16. Drafting of important matters concerning pension specified in Article 107.
17. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

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

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

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

Necessary matters concerning the proceedings of the Commissioners' Conference shall be provided by rules of the Authority.

(Directorate General and other agencies)

Article 13. The Authority shall have a Directorate General, which shall take charge of general affairs concerning matters under the jurisdiction of the Authority.

The Authority may, as provided by rules of the Authority, establish local offices.

(Director General of Personnel)

Article 14. The Director General of Personnel (to be hereinafter referred to as the Director General) shall, under the direction and supervision of the President, take charge of the affairs of the Directorate General, and act as the Executive Secretary of the Commissioners' Conference and Chairman of the National Personnel Council.

(Prohibition of personnel of the Authority holding concurrent positions)

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

(Rules of the Authority)

Article 16. The Authority may, with the approval of the Prime Minister, make rules concerning the matters necessary for the execution of this law.

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

(Investigation)

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

The Authority, or person or persons designated in accordance with the provision of the preceding paragraph, may, when necessary in conducting the investigations specified therein, subpoena

witnesses or compel the production of books and records or copies thereof pertinenet or alleged to be pertinent to any investiation or hearing.

(Control of Delivery of Compensation)

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

(Personnel records)

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

The Authority shall prescribe that the Prime Minister' office, any ministries or agencies of government prepare and maintain personnel records inclusive of all particulars relating to personnel of the agencies of government concerned.

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

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

(Statistical reporting)

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

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

(Delegation of Functions)

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

(Recommendations for Improvement of Personnel Administration)

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

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

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

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

Article 23. If, in order to assure the realization of the

objectives of this law, the Authority has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister.

(Report on Business)

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

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

(Directors of Personnel)

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

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

(National Personnel Council)

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

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

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

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

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

Chapter III. Standards for the Service

Section I. General Rules

(Principle of Equal Treatment)

Article 27. In the administration of this law, all people shall be accorded equal treatment regardless of race, religious faith, sex, social status or family origin.

(Principle of meeting Changing Conditions)

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

Section II. Position Classification Plan

(Establishment of Position Classification Plan)

Article 29. The Authority shall establish a position classification plan whereby all positions in the service are classified by classess determined according to the kinds of duties and by grades according to the degree of complexity of duties and responsibilities involved.

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

(Enforcement of the Position Classification Plan)

Article 30. The position classification plan shall be gradually enforced, commending first with segments where it is practicable to do so.

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

(Allocation of Positions)

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

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

ment (Prohibition of classification of positions by other than the ing responsible classification, promotion, demotion and transfer.

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

Section III. Examination, Appointment and Dismissal

(Basic Standard for Appointment and Dismissal)

Article 33. Appointment and dismissal of a person in the service shall be made entirely on the basis of the result of his examination and the merit of his performance on duty or other demonstrated abilities.

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

Part I. General Rules.

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

Article 34. Employment referred to in this law means the appointment of any person to any position in the service by any of the following means: intial appointment, promotion, demotion and transfer.

~~following means: i[illegible]al appointment, promotion demotion and transfer.~~

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

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

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

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

(Method of filling Vacancies)

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

(Method of Initial Appointment)

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

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

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

(Method of Promotion)

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

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

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

(Provisions for Disqualification)

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

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

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

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

4. A Commissioner or Director General who has committed a crime prescribed in Article 108; Article 109, item 3, and has been convicted.

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

(Prohibition of Illegal Acts concerning Personnel Matters)

Article 39. No person shall, for the purpose of effecting any one of the items mentioned below, pay or receive or offer or solicit or promise to pay or receive money or other benefit, or use threat, coercion or other similar method, or, directly or indirectly, use or offer or demand or promise to use public office or be in any way concerned with such acts.

1. Resignation, temporary retirement or failure to accept appointment.
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment.
3. Effecting or recommending appointment, promotion, retention in employment or other advantage in the service.

(Prohibition of Fraud concerning Personnel Matters)

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

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

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

Part. 2 Examination

(Instances of holding Examination)

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

(Disqualifications for Examination)

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

(Prerequisites of Eligibility for Examination)

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

(Content of Examination)

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

(Entrance Examination to be open and equal)

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

(Announcement of Entrance Examination)

Article 47. Announcement of entrance examinations shall be given publication by means of official Notification.

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

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

The Authority shall at all times exercise diligence [illegible]

to secure adequate participation of presumably qualified persons in examinations.

(Examining Bodies)

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

(Time and Place of Examination)

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

Part. 3 Employment Eligible Lists.

(Preparation of Eligible List)

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

(Persons to be entered in Entrance Eligible List)

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

(Persons to be entered in Promotional Eligible List)

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

their

their examination scores as eligible to promotion to the appropriate positions in the grade and class covered by the list.

(Inspection of List)

Article 53. Eligible Lists shall be at all times open to inspection of the examinees, government offices about to recruit personnel and other interested parties upon depand.

(Cancellation of Eligible List)

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

Part. 4 Employment

(APPOINTING OFFICER)

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

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

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

(Method of Appointment from Employment Eligible List)

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

(Method of Promotion from Promotional Eligible List)

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

(Recommendation of Eligibles for Employment)

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

(Conditional Period of Initial Appointment)

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

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

(Temporary Employment)

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

(Method of Promotion from Promotional Eligible List)

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

(Recommendation of Eligibles for Employment)

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

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

(Temporary Employment)

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

as

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

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

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

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

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

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

(Temporary Retirement, Reinstatement, Retirement and Dismissal)

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

Section IV. Compensation

(Basic Standard for Compensation)

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

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

Part 1. Pay Plan

(Delivery of Compensation under Pay Plan)

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

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

(Compensation Schedule)

Article 64. A compensation schedule shall be provided in the

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

(Matters to be provided in Pay Plan)

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

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

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

3. Compensation for overtime, night and holiday work.

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

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

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

(Determination of Amount of Compensation)

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

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

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

(Revision of Pay Plan)

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

Part 2, Delivery of Compensation

(Payroll)

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

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

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

(Auditing of Payroll)

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

(Action against Illegal Payment)

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

Section V. Efficiency

(Basic Standard for Efficiency)

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

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

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

(Evaluation of Work Performance)

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

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

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

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

(Programs for Improving Efficiency)

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

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

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

Section VI. Status, Disciplinary Punishment and Guarantee.

(Basic Standard for Status, Disciplinary Punishment and Guarantee)

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

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

Part 1. Status

(Guarantee of Status)

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

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

(Forfeiture of Office due to Disqualification)

Article 76. When a person in the service falls under one of the cases specified in Article 32, he shall automatically forfeit his office except as provided by rules of the Authority.

(Instances of Demotion and Dismissal Against His Will)

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

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

(Instances of Temporary Retirement)

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

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

(Effect of Temporary Retirement)

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

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

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

(Exceptions to Application)

Article 80. In regard to the status of personnel mentioned

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

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

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

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

Part. 2. Disciplinary Punishment.

(Instances of Disciplinary Punishment)

Article 81. When he falls under one of the following cases,

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

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

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

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

(Effect of Disciplinary Punishment)

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

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

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

(Administrator of Disciplinary Punishment)

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

(Relations with Criminal Court)

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

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

Part 3. Guarantee

Division 1. Application for Administrative Action for Working Conditions.

(Application for Administrative Action for Working Conditions)

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

(Examination and Evaluation of Case)

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

(Action to be taken as a Result of Evaluation)

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

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

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

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

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

(Appeal for Review)

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

(Investigation)

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

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

shall

shall be a public hearing.

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

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

(Action to be taken as a Result of Investigation)

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

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

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

take

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

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

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

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

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

(Matter to be provided in Law)

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

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

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

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

(Responsibility

(Responsibility of the Authority for Drafting Compensation System)

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

Section VII. Performance on Duty

(Basic Standard for Performance on Duty)

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

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

(Subscription to Oath)

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

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

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

(Prohibition of Acts causing Loss of Credit)

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

(Duty to Preserve Secrecy)

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

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

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

(Undivided Attention to Duty)

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

(Restriction of Political Activities)

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

or

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

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

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

(Exclusion from Private Enterprise)

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

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

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

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

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

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

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

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

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

of

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

(Restriction for Participation in Other Undertaking or Business)

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

(Scope of Duties of Personnel)

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

(Conditions of Work)

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

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

Section VIII. Pension to Retired Employes.

(Basic Standard for Pension to Retired Employes)

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

Necessary matters concerning pension mentioned in the preceding

paragraph

paragraph shall be provided by law.

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

(Object of Pension System)

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

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

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

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

Chapter IV. Penal Provisions

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

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

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its value shall be sought and collected.

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

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

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

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

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

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

Supplementary Provisions

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

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

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

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

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

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

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

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

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

The Temporary Commission shall have its office.

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

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

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

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

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

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

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

Article 8. The provision of Article 81, item 2 or item3 shall also be applied to acts committed before the enforcement of the provisions of the same Article.

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

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

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

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

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

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

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

Article 11. Persons actually holding, on a date to be later established by the Authority, such positions as heads and assistant heads of external and internal bureaus of the Prime Minister's Office, the various ministries, and agencies specified by the Authority and other positions of organizational level in the service, similar to the foregoing, as designated by the Authority, shall, as provided by rules of the Authority, be deemed on that date as having received temporary employment prescribed in the preceding Article; such temporary employment, however, shall not exceed three years from July 1, 1945.

In regard to the positions specified in the preceding paragraph, it shall be the duty of the Authority by greatest diligence to make allocations of positions and administer the necessary examinations or evaluations under this law within two years after July 1, 1945.

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

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

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

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

1 September 1947, NIPPON TIMES

PREMIER LAUNCHES MOVE FOR REFORM OF GOV'T OFFICIALS

Cabinet Instruction Issued By Katayama Asks for Cooperation

Prime Minister Tetsu Katayama issued a Cabinet instruction to Government officials concerning the Administrative Inspection Commission which has been set up in the Government to bring about reforms in official circles.

At the same time the personnel of the commission was published. The members are Yasushi Sekiguchi, former editorial writer of the Asahi, Seiho Tokunaga, member of the Central Committee of the General Federation of Trade Unions, Ichiro Ishikawa, representative director of the Federation of Economic Organizations, Hirokichi Hara, in charge of the Aichi branch of the Nippon Agricultural Association, Toshiro Irie, former Director of the Cabinet's Legislative Bureau, Ikkan Kawase, chief director of the Rubber Industry Union, Takao Saito, State Minister without Portfolio, Tatsuo Sato, Director of the Cabinet Legislative Bureau, Sueichi Takikawa, Deputy Chief Secretary of the Cabinet, Katsumi Maeda, Director of the General Affairs Bureau of the Administrative Investigation Bureau, and Keizo Hayashi, Director of the Local Affairs Bureau of the Home Ministry.

The Prime Minister's instruction in part follows:

"The Government, which recognizes that the reform of official circles is the prerequisite for a successful execution of national policies, planned a state and public officials law for a fundamental reform of the entire system of Government officials, which it intends shortly to present to the Diet.

"In view of the fact that the reform of official circles is so urgent as not to allow any delay in its enforcement, the Government decided on the principles of the policy for reform of official circles a short time ago. It has now decided on the inauguration of the system of Administrative Inspection Commission in accordance with this policy.

"The commission is an organ which will be temporary and in existence for a short period. But the Government expects that, from the full activities of the commission, which is made up of officials and people, a through renovation of official circles will result.

"I hope that the Government officials will acquaint themselves closely with the purposes of this system and cooperate in all sincerity in the working of the system. At the same time it is my desire to have the officials ponder deeply on the heavy responsibilities devolving upon them, work together for the achievement of reformed official circles, make endeavors toward the reconstruction of the country, and thereby meet the wishes of the people."

Tokyo, Sept. 1, 1947

Dear Major Mulay,

I thought you might be interested in my three press comments on Civil Service reform in Japan.

Hope you are well. As for me, I do enjoy my work here.

1 September 1947. NIPPON TIMES

TOKYO, MONDAY, SEPTEMBER 1, 1947

Socialism and Bureaucracy

Most Japanese believe in planned economy and social controls. At the same time they have a deep-seated distrust of the bureaucracy and a voilent hatred of government officials and all their doings. Few seem to realize the basic contradiction between these two attitudes.

It is not at all surprising that these two attitudes should arise, for they are both based on valid enough reasons existing in Japanese society. But what is surprising is that, instead of eventually counteracting and cancelling out each other, both continue to exert a never-diminishing powerful but divergent influence on Japanese public affairs.

The Japanese inclination toward planned economy and social controls is easy enough to understand. The poverty of the country, its purcity of resources, its embarrassing over-abundance of manpower, its limited opportunities for economic expansion, all leave little room for rugged individualism with its attendant risk of waste. Rigid planning and control to prevent free-moving individuals from getting in each other's way are necessary in such a narrowly confined and over-crowded society as Japan's.

Modern capitalistic enterprise, with its traditional espousal of laissez-faire, is moreover of relatively recent development in Japanese history while collective action has always been a familiar pattern of Japanesee conduct. Hence there are but few ties holding the people back from experimenting with nationalization of key industries and other measures leaning toward socialism.

At the same time, the widespread prejudice against officialdom is likewise easy to understand. The bureaucracy, save for a few notable exceptions, has been arrogant and inefficient. While officials have been ever ready to usurp special privileges, government business has always been bogged down with red tape and recently with petty graft as well. The people have come to associate all government controls with clumsy, inept, ineffective, and expensive action.

But while the people clamor for more social planning and greater controls, they do not seem to realize that such a course would entail entrusting the hated bureaucracy with more responsibility. And while the people clamor for the overthrow of the bureaucracy, they do not seem to realize that curtailing the scope of activity of the officials would make it impossible to put socialistic measures into effect. The people want both socialism and freedom from government interference at the same time, which is just not possible.

In this connection, at least the leaders of the Liberal Party and their supporters in big business circles are logical. They are among the few in Japan who consistently favor laissez-faire, oppose socialism and government controls, and manage in their own way to get the bureaucrats feeding quietly out of their hand. But it is to be feared that the rank and file of even the Liberal Party share pretty much with the rest of the population in the general inconsistency of favoring strong and extensive governmental powers while objecting to the ubiquitous activities of the officials.

Theoretically, one way of resolving this inconsistency would be to reduce governmental powers and the scope of activities of the officials to the absolute irreducible minimum on the theory that government can never be anything other than a necessary evil to be barely tolerated. What planning and controls as may be considered desirable would be carried out more or less spontaneously by cooperative organization arising out of the people directly without official direction.

In practice, however, such a solution can hardly be expected. The background and experience of the Japanese people, who have had little opportunity previously to act independently of some official authority, are not conducive to the rapid development of such non-official spontaneous cooperation. There is no assurance that such cooperative organizations would be any more efficient and capable than the bureaucratic officials.

The only practical solution probably is to acknowledge the fact that, given the conditions which prevail in Japan, extensive government controls and ubiquitous official activities are unavoidable and then to set out to reform the character of the bureaucracy. While the power of the bureaucracy may not be diminished, it is conceivable that the bureaucracy might be made less arrogant and more efficient and subjected to more thorough democratic checks. The bureaucracy might be made into a true servant of the public, instead of being a self-willed master of the people. Such a reform would be desirable in any case, but would be particularly essential if the trend in Japan is to be toward more socialism. It will not be easy to change the firmly entrenched traditional bureaucratic system, but it should not be an altogether impossible task.

It is well enough to clamor for the reform of the bureaucracy and well enough to experiment with more socialism. But the two must not be left virtually unrelated in the public mind as they are now if either is to be carried out as thoroughly as it might be. The two must be correlated and the contradiction between them reconciled if the ends desired by most Japanese are to be attained. In order to bring about this reconciliation, it is necessary first to become aware that the contradiction exists. As long as the contradiction remains unrecognized and therefore unremedied, the trend of Japanese social movement will be split and weakened.

31 August 1947, NIPPON TIMES

Editorial Survey

MEASURES TO EXPEDITE NATIONAL RECOVERY, CANBERRA TALKS OF MAJOR INTEREST

Last week the Government made public three vital measures, all designed to help expedite the nation's post-war recovery and all major Tokyo newspapers took each occassion to draw the readers' attention to the importance of the respective issues and gave pertinent criticisms on them from various angles.

On Tuesday, the Katayama Cabinet made public a comprehensive program for bolstering the food collection system, on which the Asahi, Yomiuri and Nihon Keizai commented on the following day. This was followed by the announcement, on Wednesday, of the Government and Public Service Bill, featured by the proposed institution of a "positional classification system" and establishment of a centralized agency for handling personnel administration in the form of the Personnel Board.

On Saturday, the Mainichi and Yomiuri diverted their editorial attention to the export promotion program announced by the Government on the previous day.

Two Viewpoints

Regarding the Civil Service Bill, editorial reaction ranged from the Asahi's almost unconditional support to the Yomiuri's caustic comment warning that the proposed measure will be ineffective in cleansing the present war-guilty bureaucracy.

Hailing the new civil service bill as embodying "an epoch-making reform" and "a scientific new civil service system," the Asahi commented that the corner-stone for a civil service system wherein the government officials will be truly the servants of the people has been laid by the proposed measure and expressed its hope that under the new law, members of the civil service will faithfully discharge their assigned duties.

In sharp contrast to what the Asahi said, the Yomiuri, usually more outspoken and critical than other Metropolitan journals, sounded a blunt warning concerning what it considers the bureaucratic evils which the proposed measure might accentuate, instead of eliminating. The "positional classification system" which forms one of the two outstanding features of the bill is, in the opinion of the Yomiuri, aimed primarily at increasing the efficiency of government officials as it promises promotion in accordance with the individual officials' merits and proficiency.

Strongly Criticized

Since it attaches importance to the achievements of individual officials, this system is liable to encourage the officials to devote themselves solely to "winning high marks" in their service record, the paper pointed out. Contrary to the objective which this arrangement aims at, this system is liable to accentuate sectionalism in government offices, warned the Yomiuri, adding that in the past, the efficiency-first policy often led to great losses when viewed from a broader perspective.

The journal took the opportunity to remind its readers that the proposed civil service law applies only to persons who will join the public service in the future but not the present government officials already in office and expressed doubt whether a reform can be effected in the civil service system under such an arrangement. The paper further pointed out that government offices are crowded with twice as many clerical workers as before the war and expressed its hope that simultaneously with the enforcement of this measure, such an absurd situation will be rectified to usher in a streamlined and efficient civil service.

NIPPON TIMES - 29 August 1947

TOKYO, FRIDAY, AUGUST 29, 1947

Reform of the Bureaucracy

The Government has announced the text of a proposed law which, when adopted, would presumably revolutionize the civil service system. This proposed bill is the answer to the promise which the Katayama Cabinet made at the outset of its term of office to undertake a thorough reform of the notorious bureaucratic system.

As far as the law is concerned, the Government's proposal seems to be exemplary. Certainly there can be no question about the comprehensiveness of its provisions, for the draft of the proposed bill runs to 120 articles divided into four chapters. So wide-sweeping are the changes which this law would bring about that, even if it is passed by the Diet promptly, it would not be possible to complete the arrangements for putting the law into effect until July 1, 1948, and it would not be possible to complete all the changes called for by the law until three years after beginning its enforcement.

The most significant feature of the proposed law seems to be the establishment of a National Personnel Board which would have charge of the examination, appointment, transfer, and promotion of all the officials in all the branches of the government service. Much is expected of this centralized authority, for some of the worst abuses in the old civil service resulted from the perennial jealousies which existed among the different ministries and divisions of the administration.

"Sectionalism", which in Japanese political terminology is not geographic but refers to the rivalry among the various cliques in the administrative system, has tended to make of the government service a covert battlefield for jurisdictional strife among quasi-feudalistic cliques owing loyalty to rival leaders than to the public at large. If the removal of personnel matters from the authority of the various rival ministries and the concentration of these matters in the hands of one central agency should result in the elimination of this "sectionalism", it would be a welcome improvement indeed.

The proposed law also changes the bases of the higher civil service examination which in the past has tended to create an inner circle of preferred officials with vested interests in their privileged positions. The new law would widen the scope of the qualifications and would make possible the infusion of new blood from a much wider field of selection than heretofore. In particular it would remove the artificial regulations which have given undue authority to those with purely legal training and have doomed to subordinate positions the technicians and scientific experts who often possessed the best qualifications for carrying out the real work of administration.

Finally the new law is designed to transform the fundamental character of the bureaucracy so that the government officials will lose their traditional tendency of acting like authoritarian rulers of the people and become truly the servants of the people as befits a democratic nation as envisaged by the new Constitution.

Whether the new law will actually succeed in bringing about all these desired changes remains, however, to be seen. A system so thoroughly entrenched as the old bureaucratic system will be difficult to change, it goes without saying. But the proposed new law is comprehensive and apparently quite thorough, and it may be the thing which will at last successfully accomplish what has been attempted so often before with such indifferent results.

But, in the last analysis, it must be recognized that no law, however perfect, can be expected to perform the impossible. It must be recognized that the faults of the old Japanese bureaucracy were not exclusively the faults inherent in the old laws nor in former Cabinets nor in the bureaucratic system itself. These were faults born of the character of Japanese society as a whole which had not fully succeeded in divesting itself of feudalistic habits and patterns of behavior. The same faults which characterized the bureaucracy are to be found in other sectors of Japanese life, in private organizations, in business firms, in academic circles, and elsewhere. The only reason why the official bureaucracy has been the target of special criticism is that, in the government, because of its legal basis, these faults common to the rest of society were perhaps more rigidly institutionalized; and that further the faults in the governmental administration affected a wider circle of victims.

If the bureaucracy is to be fundamentally reformed, more will be necessary than new laws. There will have to be a social revolution which will change the soil out of which the faults of the bureaucracy grew. This is not to say that new laws are not necessary. The new law now being proposed by the Government is most welcome. But it must be supplemented by an effort at self-enlightenment on the part of the public at large to bring about the wide social revolution which alone will provide the milieu in which the new law can really flourish.

NIPPON TIMES - 29 August 1947

PRESS COMMENTS

Thursday, Aug. 28

NEW MORALITY FOR OFFICIALS

ASAHI—Reform in the civil service system was the very first question that came up as soon as the Katayama Cabinet came into being. In the first place, a new set of morals became necessary to substantiate the switchover from the "Emperor's loyal servants" to public servants under the new Constitution. Secondly, it was felt absolutely essential to uplift Government officials from the mire of post-war corruption and indifference to the public cause.

The backbone of the bill is the provision for a National Personnel Board and also for a system of positional classification. Government office duties hitherto have been allocated roughly according to Ministries, bureaus and sections and that has been all. The duties and responsibilities of individual officials have not been always clear. Officials were divided into two categories of secretaries and technicians and they have been given first, second, third grades of official rank. These grades have not depended necessarily on individual proficiency but on years of service, private considerations and factional convenience. Salaries have been equally unfair. No efficiency could be expected in such an unscientific and feudalistic system.

Under the proposed system, Government employes from bureau directors down to office boys will be classified into grades in accordance with the nature of their duties and weight of their responsibilities. The principle of equal pay for equal work is to be established in regard to salaries. Officials will be clearly marked off from politicians and will advance on the strength of their respective merits up the various grades as far bureau directors. There will be no working in a field entirely foreign to one simply for the sake of getting promoted.

At any rate, the Civil Service Bill just framed may be considered calculated to effect a revolution in the civil service system of this country which was first established in early Meiji. We look forward greatly to a scientific administration of Government personnel.

NIPPON TIMES - 28 August 1947

GOVERNMENT MOVES TO ELIMINATE EVILS IN OFFICIAL SYSTEM

Public Service Bill Designed To Assure Democratic Administration

The Government yesterday announced the proposed government and Public Service Bill which is designed to eliminate the evils of bureaucracy in Governmental offices and "to assure the people a democratic and efficient administration of their public affairs," It will be presented to the Diet next week.

The bill is composed of 120 articles divided into four chapters and is featured by the establishment of a National Personnel Authority which will be placed in charge of all governmental personnel under the jurisdiction of the Prime Minister.

The bill also envisages the creation of a "position classification system" whereby all government employes will be classified as clerks, secretaries, technicians and others in accordance with the work to which they are assigned. Their pay will be based on this classification.

With the publication of the proposed bill, Takao Saito, Minister without Portfolio and concurrently president of the Administrative Research Bureau, issued a statement declaring that the bill will bring about "epoch-making changes in the existing public service system wherein all its personnel will become true servants of the whole community as provided in the new Constitution of Japan."

The National Personnel Authority will exercise supervision over various Government offices with regard to the payment of salaries and allowances and to ascertain that officials do not engage in profit-making enterprises or take positions in any firm that has close bearing on their duties until two years after they have left Government service. Officials will also be barred from candidacy in elections for public posts or offices in a political party.

The law will not be applied to officials of autunomous bodies, for whom a separate legislation is scheduled. With its enforcement, the higher civil service examination system will be abolished.

The law is intended to take effect on July 1, 1948. In the meantime, a provisional personnel committee of the Cabinet administrative inquiry department will function. It is expected that three years will be required for the complete enforcment of the new system.

State Minister Saito said in part:

"The chief objective of this law bill is to assure the people democratic and efficient administration of their public affairs and to establish an equitable system of a national public service unfettered by any personal considerations.

"As standards to be applicable to national public servants, there are not only the creation of a position classification system, but also the enactment of new regulations to govern employment, compensation, efficiency, status, performance on duty, etc. and some time will be necessary for the enforcement of all these standards, but once they are enforced, an epoch-making change will be made in the existing systems, and a national public service wherein all its personnel are true servants of the whole community as provided in the Constitution of Japan will be definitely established.

"Consequently even if the present law bill has passed the Diet, in order to realize a full measure of its anticipated result, it will demand a new attitude of mind on the part of all national public servants who are subject to this law, and will also rely on the whole-hearted understanding and cooperation of the general public.

30 August 1947

Dear Carlos:

I am beginning to watch the mails. Captain Melvin relayed the messages from you relative to your discussions with Mr.Killen concerning the position of the Labor Division on the strike clause of the Civil Service Law; also relative to the difficulties which were developing with respect to having Directors of Personnel employees of the Central Personnel Authority. These are points, of course, which can be dealt with in considering the whole pattern. Just at this point I am tremendously interested in knowing what comments the Japanese authorities submitted on the law. You probably have written me in this connection and may regard this communication as simply an expression of the interest I have in the matter and my readiness to help to whatever extent I can on any problems that are currently developing.

Cordially yours

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Blaine Hoover

DATE: 28 August 1947

FROM : Mr. O'Brien

SUBJECT:

Attached is copy of radiogram received from Tokyo today.

1947 AUG 28 08 37 Z

YB88

TKD41

WAR V TKG NR603 WD

210

FROM CINCFE 2806592

TO WASHINGTON (WDOCP OB-1) GRNC

PAREN ZEBRA ONE NINE SIX TWO FIVE PAREN INFORM MR BLAINE HOOVER

FINAL LEGISLATIVE ACTION PENDING SENDING DETAILS TO CHICAGO

2806552

AUG 28 08 58 CIB
AUG 28 AM 10:00
WAR DEPARTMENT CLASSIFIED MESSAGE CENTER
61627

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

OUTGOING MESSAGE GS CW/CLK/CPM/ecm
28 August 1947

FROM: CINCFEC

TO : WASHINGTON (WDOCP OB-1) . . . . . ROUTINE UNCLASSIFIED

PAREN PAREN INFORM MR BLAINE HOOVER FINAL LEGISLATIVE ACTION

PENDING SENDING DETAILS TO CHICAGO

OFFICIAL:

R.M.LEVY
Colonel, AGD
Adjutant General

APPROVED:

COURTNEY WHITNEY
Brigadier General, U.S.Army
Chief, Government Section

Copies to:

G-1
AG
Civ Pers

JAPANESE PRESS

Governmental News Items

28 August 1947

CIVIL SERVICE BILL PUBLISHED YESTERDAY

The Government yesterday published its outlines of a National Public Service Bill to eliminate bureaucracy and to provide efficiency of administration. The bill, setting up a National Personnel Authority under the Prime Minister, will be introduced into the Diet next week.

Civil servants are prohibited from political candidacy, JIJI says, and will be forbidden to act as political party executives. They cannot engage in profit-making private enterprise nor occupy related positions until two years after leaving Government service. The projected 3-man Personnel Board is not expected to begin functioning prior to 1949. No Personnel Board member can hold office if he has held political party office or has been a candidate for election within a year of appointment. No more than two Personnel Board officials shall be members of the same political party, nor be graduates of the same university, or high school.

TODAY'S EDITORIALS

Civil Service

ASAHI, MAINICHI, YOMIURI and NIHON KEIZAI, four of the Tokyo Big Five newspapers, devote editorials this morning to the National Public Service Bill announced by the Government yesterday.

MAINICHI, noting that the civil service spirit has changed by 180 percent, praises the establishment of a National Personnel Authority as a valuable contribution to the elimination of politics and nepotism. It is happy over the elimination from consideration of party officials or party candidates and over the one-year-after-leaving-employment clause. It asks a radical change in the existing examination system.

YOMIURI declares that civil servants have been notorious for self-complacency and oppression and thinks that the proposed bill, if enacted, will weaken the power of politicians.

ASAHI declares that the bill marks an epoch-making reform of an administration sytem which has continued since early Meiji times. It hopes that the improved personnel relations and job classification systems will tighten up the present lax official discipline and prevent future scandals and corruptions.

NIHON KEIZAI praises the provisions preventing Government officials from engaging in profit-making enterprises, but thinks the length of prohibition is too short. While predicting increased efficiency the paper suggests that provisions be added to reduce the number of Government employees.

NOW -42-

NATIONAL PUBLIC SERVICE BILL
PUBLICIZED FOR PRESENTATION TO DIET (Noon)

Kyodo

TOKYO, August 27--The Government this morning made public the proposed National Public Service Bill which is designed to eliminate bureaucratism in Governmental offices and "to assure the people democratic and efficient administration of their public affairs."

The bill is composed of 120 articles divided into four chapters and is featured by the establishment of a National Personnel Authority which will be placed in charge of all governmental personnel under the jurisdiction of the Prime Minister.

The bill also envisages the creation of a "position classification system"

- more -

-22-

National Public service bill -2 (Noon)

whereby all government employes will be classified as clerks, secretaries, technicians and others in accordance with the work to which they are assigned.

With the publication of the proposed bill, Takao Saito, Minister Without Portfolio and concurrently president of the Administrtive Research Bureau, issued a statement declaring that the bill will bring about "epoch-making" changes in the existing public service system wherein all its personnel will become true servants of the whole community as provided in the new Constitution of Japan."

The full text of State Minister Saito's statement is as follows:

- more -

Nationa public service bill -3 (Noon)

"For some time past the Goverrment has been making preparations for a new law bill which is to govern national public servants under the new Constitution, and having formulated a concrete plan, is about to submit it to the present Diet.

"The chief objective of this law bill is to assure the people democratic and efficient administration of their public affairs and to establish an equitable system of a national public service unfettered by any personal considerations.

--more--

public
National/service bill -3 (Noon)

"While the contents of the law bill are as found in the outline now being separately published, as a first step, a National Personnel Authority will be newly set up as a central agency for the administration of personnel under the jurisdiction of the Prime Minister, and charged with the task of coordinating and implementing from an impartial standpoint the various standards provided in the law bill.

"As standards to be applicable to national public servants, there are not only the creation of a position classification system, but also the enactment of new regulations to gover employment, compensation, efficiency, status, performance on duty, etc. and some time will be necessary for the enforcement of all these standards, but once they are enforced, an epochemaking change will be made in the

more -

Nationa public service bill -4 (Noon)

existing systems, and a national public service wherein all its personnel are true servants of the whole community as provided in the Constitution of Japan will be definitely established.

"Thus, it is thought that the so-called reform of Government circles will be realized at that time.

"Consequently even if the present law bill has passed the Diet, in order to realize a full measure of its anticipated result, it will still require considerable effort of all concerned: particularly, it will demand a new attitude of mind on the part of all national public servants who are subject to this law, and will also rely on the whole-hearted understanding and cooperation of the general public.

-more-

National public service bill -5 (Noon)

"With the presentation of this law bill to the Diet, the Administrative research Bureau will have fulfilled an important part of its mission, and I take this opportunity to thank the various quarters concerned for the useful advice and whole-hearted cooperation extended to us in the preparation of the present law bill."

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THE NATIONAL PUBLIC SERVICE LAW

(DRAFT)

AUGUST 25, 1947

Approved: 26 August 1947

Introduced: 30 August 1947

The National Public Service Law

Chapter I. General Provisions

Chapter II. The National Personnel Authority

Chapter III. Standards for the Service

Section I. General Rules

Section II. Position Classification Plan

Section III. Examination, appointment and Dismissal

Part 1. General Rules

Part 2. Examination

Part 3. Employment Eligible Lists

Part 4. Employment

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

Section IV. Compensation

Part 1. Pay Plan

Part 2. Delivery of Compensation

Section V. Efficiency

Section VI. Status, Disciplinary Punishment and Guarantee

Part 1. Status

Part 2. Disciplinary Punishment

Part 3. Guarantee

Division 1. Application for Administrative Action for Working Conditions

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

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

Section VII. Performance on Duty

Section VIII. Pension to Retired Employes.

Chapter IV. Penalty Provisions

Supplementary Provisions

The National Public Service Law (Draft)

Chapter I. General Provisions

(Object of this Law)

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

(Regular and Special Government Services)

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

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

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

1. The Prime Minister
2. Minister of State
3. Director General of the Cabinet Secretariat
4. Deputy Directors General of the Cabinet Secretariat
5. Director General of the Legal Bureau
6. Parliamentary Vice-Minister for each Ministry
7. Vice-Minister for each Ministry

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

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

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

Chapter II. The National Personnel Authority

(Installation)

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

The Authority shall take charge of the following matters.

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

2. Matters concerning examination of personnel.

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

(Personnel)

Article 4. The Authority shall have the following personnel:

President

Commissioners three

Director General one

Other personnel provided By cabinet order

(Commissioners of the Authority)

Article 5. Commissioners of the Authority (to be hereinafter referred to as Commissioners) shall be appointed, With the consent

of the Diet, by the Cabinet from among persons 35 years old or more, of highest moral character and integrity, in known sympathy with the democratic form of government and efficient administration therein based on merit principles, and possessing a wide range of knowledge and sound judgment concerning personnel administration.

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

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

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

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

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

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

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

graduates of the same professional subdivision of the same department of the same university or high school (in universities where there is no professional subdivision, graduates of the same department).

(Oath taking and Performance on Duty)

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

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

(Term of Office)

Article 7. The term of office of a Commissioner shall be six years. However, a Commissioner who is appointed to fill a vacancy shall remain in office during the unexpired portion of the term of his predecessor.

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

A person who has been a Commissioner shall not be eligible to appointment to any position in any agency of the National Government other than the Authority for one year after the termination of his service as Commissioner. Exceptions, however, may be authorized by rules of the Authority.

(Retirement and Removal from office)

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

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

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

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

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

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

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

In cases when two persons or more among Commissioners have come to belong to the same political party, all except one person shall be removed from office, with the consent of the Diet, by the Cabinet. However, in cases specifically provided by rules of the Authority, a Commissioner may be immediately removed by the Cabinet.

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

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

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

(Impeachment of Commissioner)

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

When the Prime Minister intends to bring impeachment action against a Commissioner, he shall file charges in writing setting forth the alleged offence, both in general and particular, and submit them to the Supreme Court.

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

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

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

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

Costs of hearings shall be borne by the national treasury.

(Salary)

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

(President of the Authority)

Article 11. The President of the Authority (to be hereinafter referred to as the President) shall be appointed by the Prime

Minister from among Commissioners.

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

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

(Commissioners' Conference)

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

When exercising the powers enumerated below, the Authority shall require a resolution of the Commissioners' Conference.

1. The enactment, amendment, and abrogation of rules of the Authority.
2. Recommendations to the head of the appropriate agency of government specified in Article 22.
3. Submitting opinions of the Authority to the Prime Minister specified in Article 23.
4. Report to the Prime Minister ~~of~~ specified in Article 24.
5. Drafting of a position classification plan specified in Article 29.
6. Determination of standards for evaluation and designation of an evaluating body specified in Article 36 (including cases to be correspondingly applied in Article 37).

7. Designation of examining bodies specified in Article 48.
8. Approval of temporary employment and its renewal, restriction of number of personnel for t emporary employment and determination of their qualifications, and cancellation of temporary employment specified in Article 60.
9. Drafting of a pay plan specified in Article 63.
10. Preparation of a bill for revision of the pay plan specified in Article 67.
11. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently specified in Article 72.
12. Evaluation of a case specified in Article 86.
13. Evaluation of action and submitting a report to the Prime Minister specified in Article 91.
14. Drafting of important matters concerning compensation specified in Article 94.
15. Evaluation of a protest specified in Article 102.
16. Drafting of important matters concerning pension specified in Article 107.
17. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

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

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

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

Necessary matters concerning the proceedings of the Commissioners' Conference shall be provided by rules of the Authority.

(Directorate General and other agencies)

Article 13. The Authority shall have a Directorate General, which shall take charge of general affairs concerning matters under the jurisdiction of the Authority.

The Authority may, as provided by rules of the Authority, establish local offices.

(Director General of Personnel)

Article 14. The Director General of Personnel (to be hereinafter referred to as the Director General) shall, under the direction and supervision of the President, take charge of the affairs of the Directorate General, and act as the Executive Secretary of the Commissioners' Conference and Chairman of the National Personnel Council.

(Prohibition of personnel of the Authority holding concurrent positions)

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

(Rules of the Authority)

Article 16. The Authority may, with the approval of the Prime Minister, make rules concerning the matters necessary for the execution of this law.

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

(Investigation)

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

The Authority, or person or persons designated in accordance with the provision of the preceding paragraph, may, when necessary in conducting the investigations specified therein, subpoena

witnesses or compel the production of books and records or copies thereof pertinenet or alleged to be pertinent to any investiation or hearing.

(Control of Delivery of Compensation)

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

(Personnel records)

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

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

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

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

(Statistical reporting)

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

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

(Delegation of Functions)

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

(Recommendations for Improvement of Personnel Administration)

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

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

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

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

Article 23. If, in order to assure the realization of the

objectives of this law, the Authority has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister.

(Report on Business)

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

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

(Directors of Personnel)

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

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

(National Personnel Council)

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

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

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

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

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

Chapter III. Standards for the Service

Section I. General Rules

(Principle of Equal Treatment)

Article 27. In the administration of this law, all people shall be accorded equal treatment regardless of race, religious faith, sex, social status or family origin.

(Principle of meeting Changing Conditions)

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

Section II. Position Classification Plan

(Establishment of Position Classification Plan)

Article 29. The Authority shall establish a position classification plan whereby all positions in the service are classified by classess determined according to the kinds of duties and by grades according to the degree of complexity of duties and responsibilities involved.

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

(Enforcement of the Position Classification Plan)

Article 30. The position classification plan shall be graduatlly enforced, commending first with segments where it is practicable to do so.

Except those prescribed in this law, matters necessary for the enforcement of the positions classification plan shall be provided by rules of the Authority.

(Allocation of Positions)

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

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

(Prohibition of Classification of Positions by other than the position classification plan)

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

Section III. Examination, Appointment and Dismissal

(Basic Standard for Appointment and Dismissal)

Article 33. Appointment and dismissal of a person in the service shall be made entirely on the basis of the result of his examination and the merit of his performance on duty or other demonstrated abilities.

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

Part I. General Rules.

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

Article 34. Employment referred to in this law means the appointment of any person to any position in the service by any of the following means: intial appointment, promotion, demotion and transfer.

~~following means: initial appointment, promotion, demotion and transfer.~~

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

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

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

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

(Method of filling Vacancies)

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

(Method of Initial Appointment)

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

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

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

(Method of Promotion)

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

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

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

(Provisions for Disqualification)

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

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

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

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

4. A Commissioner or Director General who has committed a crime prescribed in Article 108; Article 109, item 3, and has been convicted.

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

(Prohibition of Illegal Acts concerning Personnel Matters)

Article 39. No person shall, for the purpose of effecting any one of the items mentioned below, pay or receive or offer or solicit or promise to pay or receive money or other benefit, or use threat, coercion or other similar method, or, directly or indirectly, use or offer or demand or promise to use public office or be in any way concerned with such acts.

1. Resignation, temporary retirement or failure to accept appointment.
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment.
3. Effecting or recommending appointment, promotion, retention in employment or other advantage in the service.

(Prohibition of Fraud concerning Personnel Matters)

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

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

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

Part. 2 Examination

(Instances of holding Examination)

Article 42. Examination shall be held, as provided by rules of the Authority, by grade or grades of a class or classes of Positions.

(Disqualifications for Examination)

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

(Prerequisites of Eligibility for Examination)

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

(Content of Examination)

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

(Entrance Ex amination to be open and equal)

Article 46. Entrance Examinations shall be open and on equal terms to any citizen who prossesses the minimum qualifications determined as prerequisites by the Authority.

(Announcement of Entrance Examination)

Article 47. Announcement of entrance examinations shall be given publication by means of official Notification.

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

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

The Authority shall at all times exercise diligence in the efforts

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to secure adequate participation of presumably qualified persons in examinations.

(Examining Bodies)

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

(Time and Place of Examination)

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

Part. 3 Employment Eligible Lists.

(Preparation of Eligible List)

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

(Persons to be entered in Entrance Eligible List)

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

(Persons to be entered in Promotional Eligible List)

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

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their examination scores as eligible to promotion to the appropriate positions in the grade and class covered by the list.

(Enspection of List)

Article 53. Eligible Lists shall be at all times open to inspection of the examinees, government offices about to recruit personnel and other interested parties upon depand.

(Cancellation of Eligible List)

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

Part. 4 Employment

(APPOINTING OFFICER)

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

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

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

(Method of Appointment from Employment Eligible List)

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