8/5

CIVIL SERVICE DIVISION
Government Section

April 19, 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Law establishing the National Institutions for the Guidance on Rehabilitation of the Physically Handicapped

1. It is recommended that the following words be deleted from Article 3, paragraph 2:

"from among the administrative or technical welfare officials"

2. It is recommended that the following words be inserted in Article 4 after "the National Institutions for the guidance on rehabilitation of the physically handicapped persons":

"other than those provided in the National Public Service Law (Law No. 120 of 1947) or other law"

BLAINE HOOVER
Chief, Civil Service Division

GP:BH:vr

CIVIL SERVICE DIVISION
Government Section

19 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief
Civil Service Division

SUBJECT : Budget of General Account for the
Fiscal Year 1949-50

1. The only objectionable feature of the budget bill named above from the standpoint of the NPA is the placing of NPA's budget under the jurisdiction of the Cabinet. As Mr. Sato has pointed out, such a budgetary arrangement is regarded as consistent with the amendment of the National Public Service Law which transferred NPA from the jurisdiction of the Prime Minister to the jurisdiction of the Cabinet, and in accordance with the Finance Law which fails to give NPA independence in the budgetary operation.

2. To remedy the situation described above it was hoped to insert in an amendment to the Finance Law a provision which would free NPA from Cabinet domination. For that reason comment to the Parliamentary and Political Division has been delayed. There is still no amendment to the Finance Law to which we can add an appropriate provision. Earlier, the Parliamentary and Political Division cleared an amendment (25 March) which the Diet readily passed. Parliamentary and Political Division apparently saw no reason to refer it to the Civil Service Division.

3. Press reports indicate that the budget has now passed at least one house of the Diet.

GORDON W. PETERSON
Organization Specialist

GWP:jd

OK

CIVIL SERVICE DIVISION
Government Section

April 19, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Temporary Bill concerning Collection of Iron Scraps

1. Objection is made to Article 10 of the above named law because it may be interpreted as circumventing the controls currently imposed by the Law Administering the New Pay of Government Employees (Law No. 46 of 1948) and Article 101 of the National Public Service Law (Law No. 120 of 1947). It is recommended that such article be amended to read as follows:

> "Article 10. The members of the Council may be paid travel expenses and, except in the case of persons otherwise employed by the government, an allowance."

2. Objection is also made to Article 11. It is recommended that it be revised to read as follows:

> "Article 11. Except as provided for in this law or the National Public Service Law (Law No. 120 of 1947) or other law, all necessary matters concerning the Council shall be determined by order."

BLAINE HOOVER
Chief, Civil Service Division

GP:BH:vr

o/c

CIVIL SERVICE DIVISION
Government Section

April 19, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Law concerning the Government Housing for the National Public Service Personnels

1. It is suggested that the following paragraph be added to Article 10 of the above named bill.

> "2. Official residence shall not be construed as a part of total compensation fixed for each of such positions."

2. Other than the above suggestion, the Civil Service Division has no objection to the bill as submitted.

BLAINE HOOVER
Chief, Civil Service Division

GP:BH:yr

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : Temporary Bill Concerning Collection of Iron Scraps

1. It is recommended that the following proviso be added to Article 11:

> provided that nothing in this law shall be construed to repeal or amend any provision of the National Public Service Law (Law No. 120 of 1947, as amended).

2. The Civil Service Division has no further objection to the subject law.

BLAINE HOOVER
Chief, Civil Service Division

BHirp

Shirven

Killed — alternative, addition proposed by Leap

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Mr. Elaine Hoover, Chief, Civil Service Division

SUBJECT : Temporary Bill Concerning Collection of Iron Scraps

Attention is invited to Articles 6 through 11 inclusive, subject law. It appears that the National Personnel Authority may be required to make an exception under Article 13, Supplementary Provisions, National Public Service Law, for some of these positions.

MAYNARD W. SHIRVEN
Chief, Examination Branch

MWS:rp

T. B4

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : Law Establishing the National Institutions for the Guidance on Rehabilitation of the Physically Handicapped Persons

1. It is recommended that the following words be deleted from Article 3, paragraph 2:

"from among the administrative or technical welfare officials."

2. It is recommended that the following proviso be added to Article 4:

provided that nothing in this law shall be construed to repeal or amend any provision of the National Public Service Law (Law No. 120 of 1947, as amended).

BLAINE HOOVER
Chief, Civil Service Division

BH:rp

Shirvan

Killed - substitute working proposal

Despite Sherwan's review of Proposal memo to Pol & Pol. Div. I have ~~attached~~ an alternative draft which is more consistent with earlier recommendations.

Substitute

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : Temporary Bill Concerning Collection of Iron Scraps

1. It is recommended that the following proviso be added to Article 11:

> provided that nothing in this law shall be construed to repeal or amend any provision of the National Public Service Law (Law No. 120 of 1947, as amended).

2. The Civil Service Division has no further objection to the subject law.

BLAINE HOOVER
Chief, Civil Service Division

MDS: BH:rp

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : The Industrial Standardization Law (proposed)

Attention is invited to Articles 4 through 10 inclusive, subject law. It appears that the National Personnel Authority may be required to make an exception under Article 13, Supplementary Provisions, National Public Service Law, for these positions.

MAYNARD N. SHIRVEN
Chief, Examination Branch

MNS:rp

To BH

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief
Civil Service Division

SUBJECT : Law Concerning the Government Housing for the National Public Service Personnels

1. The above named bill, which was submitted to the Civil Service Division for comment or concurrence, was reviwed by Mr. Salter and not by the undersigned.

2. Mr. Salter recommends that we suggest, but not insist, upon the addition of a paragraph 2 to Article 10 as follows: "2. Official residence shall not be construed as a part of total compensation fixed for each of such positions."

3. Despite the requirement in Article 10 of the National Public Service Law that, "Commissioners shall be compensated on the same basis as a Minister of State and no commissioner shall be paid by the government less in total compensation than is paid in total compensation to any Minister of State", the housing bill provides official residence for all Ministers of State but only for the President of the NPA. The addition of the above mentioned paragraph 2 would clarify the Japanese theory that the official residence is provided largely for official business rather than personal housing and therefore is not to be construed as part of compensation.

GORDON W. PETERSON
Organization Specialist

GWP:jd

CIVIL SERVICE DIVISION
Government Section

April 18, 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Bill for Partial Amendment to the Law of Temporary Measures relating to the Costs of Action and Others.

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GNP:vr

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : Bill for the Enforcement of the Offenders Prevention and Rehabilitation Law

The Civil Service Division has no objection to the passage of the subject bill.

BLAINE HOOVER
Chief, Civil Service Division

BHizp
(Shiven)

To BIA with note:

OK if Basic Law O/K
(Sp. Serv.)

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : Law (Bill) Concerning the Special Example of the Sale of the Betting Ticket (proposed)

The Civil Service Division has no objection to the passage of subject law as proposed.

BLAINE HOOVER
Chief, Civil Service Division

MHS:BH:rp

To BH.

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : The Offenders Prevention and Rehabilitation Law (Draft)

1. It is recommended that the following changes in the subject draft law be made:

a. In Article 24, delete paragraph 2

b. In Article 25, paragraph 1, line 2, delete the words, "who shall be appointed from among the secretaries."

c. In Article 26, lines 2-3, delete the words, "who shall be appointed from among the secretaries."

d. In Article 26, paragraph 2, lines 1-2, delete the words, "who shall be appointed from among the supervision officers."

e. In Article 27, paragraph 1, lines 2-3, delete the words, "who shall be appointed from among the secretaries."

f. In Article 27, paragraph 2, lines 1-2, delete the words, "who shall be appointed from among the supervision officers."

2. The Civil Service Division has no further objection to the passage of the proposed subject law.

BLAINE HOOVER
Chief, Civil Service Division

BH:rp
(Shirvey)

To Bill
with added note re
Spl Service

H. of R. amdmt complied with above comments - but (a) was handled a little differently.
adjustment okay
[illegible] 12 May 49

ok

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division, Government Section

SUBJECT : The Industrial Standardization Law (proposed)

1. It is recommended that the following proviso be added to Article 10:

> provided that nothing in this law shall be construed to repeal or amend any provision of the National Public Service Law (Law No. 120 of 1947, as amended).

2. The Civil Service Division has no further objection to the subject law.

BLAINE HOOVER
Chief, Civil Service Division

BHsrp
Shirton

To BH
with my alternative
re wording of art 10 proposal
- Inds

Re: Industrial Stand. Law

alternative proposal consistant with earlier ones:

"Article 10. Necessary matters, besides those prescribed in preceeding seven Articles or the National Public Service Law (Law No. 120 of 1947) or other law, concerning the Committee shall be fixed by the Ministerial Ordinance."

GHQ.
18 April '49.

Not transmitted

CIVIL SERVICE DIVISION
Government Section

18 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : The Industrial Standardization Law (proposed)

Attention is invited to Articles 4 through 10 inclusive, subject law. It appears that the National Personnel Authority may be required to make an exception under Article 13, Supplementary Provisions, National Public Service Law, for these positions.

MAYNARD N. SHIRVEN
Chief, Examination Branch

MNS:rp

Shirven

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 April 1949

MEMORANDUM FOR RECORD

SUBJECT: The Bill for Sequestration of Transport-Banned Goods.

Attached Draft Bill submitted by Mr. Howard Meyers of Legal Section with the explanation that it is a product of coordination among interested SCAP staff sections, the Japanese Government's Attorney General, and Legal Section. The Bill establishes limitations and legal procedures for inspecting goods being transported and seizing those in violation of regulations. In Meyers' opinion it provides protection against unwarranted search and seizure by prescribing procedures which amount to "reasonable" search and seizure even though "reasonable" is not written into the Constitution. (See Articles 13, 33 and 35 of the Constitution.)

Mr. Meyers stated that the Bill would be discussed at a staff conference the same day and that after staff coordination had been completed it would be submitted to Government Section for concurrence or comment.

After hearing a brief explanation of the purpose and contents of the Bill, General Whitney indicated to the undersigned a disinclination to concur unless it is shown that procedures such as contemplated in the proposed Bill are absolutely necessary to attain a SCAP objective. Such showing should include extent of diversion from legitimate distribution channels and inability to control in any other way. It would be his inclination rather to initiate action looking toward the cessation by the Japanese authorities of illegal acts of search and seizure which they are currently understood to be performing.

F.R.

Gov't Section File

29

CIVIL SERVICE DIVISION
Government Section

April 15, 1949

MEMORANDUM FOR: Mr. Elaine Hoover, Chief, Civil Service Division

SUBJECT : Proposed Construction Contractors Law

1. The following revisions of the above named bill are recommended:

In Article 35, Paragraph 2, delete the words "or commissioned" and "after obtaining Minister of Construction's approval".

In Article 35, Paragraph 3, delete the words "or commissioned".

In Article 39, after the word "chapter", insert "or the National Public Service Law (Law No. 120 of 1947) or other law".

2. Although it is not exactly within the purview of the Civil Service Division, unless we are to be concerned with local autonomy, it is suggested that Government Section's attention be drawn to the broad undefined language of Article 41. It does not seem to be quite appropriate.

3. Your attention is called to the fact that this is one among the many representative bodies for which the National Personnel Authority will have to make special exception, under Article 13, Supplementary Provisions of the National Public Service Law. This will be due to the fixed terms of office and the fact that members represent and must be appointed from certain specified groups.

GORDON W. PETERSON
Organization Specialist

GWPetr

Memo to PrP
Same w/ r. re
Similar to 2.
Attach 20 April

CIVIL SERVICE DIVISION
Government Section

Child Welfare Law

April 15, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for the Partial Revision of Child Welfare Law

1. In the bill named above, it is recommended that the reference to Article 10 of the basic law be revised as follows:

"Article 10 will be revised as follows:

Article 10. Besides those provided for by this Law, the National Public Service Law (Law No. 120 of 1947) or other law, necessary matters regarding the tenure of office of the members, duties of the chairman and the vice chairman and the management of Child Welfare Committees shall be determined by the Order."

ELAINE HOOVER
Chief, Civil Service Division

CNP:EHsvr

Only the underlined part to be added at CSD request.

12

Hong
57-8884

15 April '46

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

SUBJECT : Emergency Unemployment Counter-Measures Law

1. Major Harris of Parliamentary and Political Division has requested that the Civil Service Division express its opinion on the above-named bill today. Government Section desires to clear or kill the measure immediately. The problems with relation to the National Public Service Law are complicated, but preliminary recommendations for adjustment of the bill are noted herein.

2. In Article 10, it is recommended that the following sentence be added to paragraph 1: "In no case shall persons employed in work relief projects be regarded as regular or special service personnel of the National Government except engineers, technicians, and supervisors employed by the National Government, shall be personnel of the regular service."

3. In paragraph 2, Article 10, it is recommended that the first sentence be amended to read "Wages paid to the unemployed recruited through the Public Employment Security Office on work relief projects shall be determined by the Labor Ministry".

4. It is recommended that paragraph 2 of Article 13 be amended to add the following sentence "In the case of persons employed by the National Government in the absence of the necessary number of unemployed, such personnel shall be in the regular service".

15

CIVIL SERVICE DIVISION
Government Section

April 15, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for the Partial Revision of Child Welfare Law

1. ~~With reference to~~ In the bill named above, it is recommended that the reference to Article 10 of the basic law be revised ~~to read~~ as follows:

"Article 10 will be revised as follows:

Article 10. Besides those provided for by this Law, the National Public Service Law (Law No. 120 of 1947) or other law, necessary matters regarding the tenure of office of the members, duties of the chairman and the vice chairman and the management of Child Welfare Committees shall be determined by the Order."

BLAIRE NEOVER
Chief, Civil Service Division

CNPiDHivp

Only part attach at CSD request is that which is underlined.

CIVIL SERVICE DIVISION
Government Section

April 14, 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Budget of Government Corporations for Fiscal Year, 1949-50.

1. There seems to be no need for the Civil Service Division to make any objection to the budget named above, except as noted in Par. 3.

2. Your attention is called to the following facts, however. In the section on the Civilian Merchant Marine Commission, the following statement appears.

> "And as for the payment of the salaries to the mariners belonging to the Civilian Merchant Marine Commission, it shall be paid in accordance with the regulations concerning the standards of salaries of the mariners who shall be deemed as a public servant."

Further, it is provided in Article 5 of General Rule of budget that,

> "the payment of salaries and allowances of the employees of Kodan, etc., should not be paid over the standard prescribed in the present budget, even if such measures may be done within the limit of the present appropriations."

The only "standards" included in this budget,(other than the total estimates of expenditures), are those mentioned in the reference to CMMC quoted above. The combination of these two provisions seems to have as its objective, the establishment of salaries of mariners of the Civilian Merchant Marine Commission on the same level as those of other public servants.

3. In order to protect a jurisdiction of the National Personnel Authority with reference to prescribing temporary retirement allowances, it may be advisable to substitute "National Personnel Authority" for "Cabinet" in line four of the last paragraph under the section of the budget on Civilian Merchant Marine Commission. It is possible, however, that the regulations which are called for by such paragraph must be more detailed or cover aspects of administration in which NPA is not particularly interested. This point requires further investigation.

GORDON PETERSON
Organization Specialist

GP:vr

CIVIL SERVICE DIVISION
Government Section

14 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Budget of Special Accounts for the Fiscal Year 1949-50

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:mvb

CIVIL SERVICE DIVISION
Government Section

14 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Proposed Amendment to Social Insurance Medical Fee Payment Fund Law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GW/P:vr

CIVIL SERVICE DIVISION
Government Section

13 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Bill for the Partial Amendment to the Japan Monopoly Public Corporation Law

1. It is recommended that the Civil Service Division make no objection to the draft of the bill named above.

2. Your attention is called, however, to the following facts: During the period 15 May to 31 May inclusive, some of the members of the Monopoly Enterprises Council will be serving under concurrent appointments, their full-time regular positions being in the Monopoly Bureau and their concurrent part-time duty being members of the Council. Commencing 1 June, the effective date of the bulk of the Japan Monopoly Public Corporation Law, the same personnel will technically speaking no longer hold concurrent appointments. Their full-time duty will be in the Corporation which is not subject to the National Public Service Law. As part-time Council members, however, they will be in the regular service. Of the foregoing information, the only part which arises from the proposed bill is that which would make them concurrent employees during the latter half of May.

GORDON W. PETERSON
Organization Specialist

GWP:jb

CIVIL SERVICE DIVISION
Government Section

13 April 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Bill for Partial Amendment to the Japan Monopoly Public Corporation Law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:CWP:mvb

CIVIL SERVICE DIVISION
Government Section

13 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for the Second-hand Business
Control Law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:mvb

Pensions

CIVIL SERVICE DIVISION
Government Section

12 April 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Second Draft of the Bill of the People's Finance Corporation Law

The first draft of this bill exempted the officers and employees of the People's Finance Corporation from the provisions of the National Public Service Law. The second draft, in Article 17, states that the officers and the employees of this corporation shall be in the national public service.

However, in Articles 35 to 40, the statements that, for certain purposes, employees of this corporation shall be construed as employees of the government, raises some question concerning the implications of Article 17. It well may be that some time, in the future, a question may be raised whether the provisions of the National Public Service Law apply to the corporation employees. It is suggested that Article 17 be modified by adding the words "and come under the provisions of the National Public Service Law".

WALTER DOMANOWSKI
Compensation Specialist

WD:jd

CIVIL SERVICE DIVISION
Government Section

12 April 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Draft of the Law for Certification of Educational Personnel

1. The Law for the Special Regulations Concerning Educational Public Service (Law No. 1 of 1949) which became effective January 12 of this year, treats educational personnel in three general categories:

a. Presidents, teachers and chief administrators of universities.
b. Principals and teachers of schools other than universities.
c. Superintendents and professional educational personnel.

The first two groups include national as well as local personnel. The last two groups are required to hold certificates (comparable to credentials in the United States). Specifically, Article 13, paragraph 2, prescribes that the eligible lists prepared by the NPA in the case of national schools shall be "in accordance with the kinds of certificates concerning those who shall hold certificates for principals or teachers". The draft of the Law for the Certification of Educational Personnel (which has been submitted to us unofficially by CI&E), as the title indicates, provides the regulations concerning the certification which principals and teachers of national schools must have as a prerequisite to employment and as a condition of continued employment. Such certifications are issuable only by prefectural boards of education.

2. One group of problems with respect to the draft of the Law for Certification of Educational Personnel centers upon the securing of employment. Paragraph 2 of Article 3 provides for appointment of part-time teachers from among those who have no certificate "with the approval of the prefectural board of education". Paragraph 2 of Article 5 provides that emergency certifications shall be given only when it is difficult to get persons having regular or temporary certificate. Such provisions in a tight labor market could lead to almost complete control by the local board of education over the initial hiring of principals and teachers in national schools. NPA might be in the position of having to recruit and (after securing one or a few candidates) request the board of education to issue appropriate emergency certificates or approve employment without certificates. Paragraphs 2 and 3 of Article 6 provide for a definite limitation upon the periods of validity of temporary and emergency certificates. At the expiration of such periods the former holders would have no eligibility for continued employment.

3. The most serious problem involved in the subject bill has to do with the cancellation of certificates. Articles 8, 9 and 17 provide for the standards and procedures by which a certificate may be cancelled and appeals from such action heard. Certificates may be cancelled for virtually any reasons which would similarly be reasons for discharge of personnel from their positions. In effect the cancellation of a certificate is a discharge from position inasmuch as personnel may not serve unless they hold valid certificates. This would place the NPA in a position of being unable to grant an effective remedy in case an appeal is brought to its Equity Bureau on the grounds of unjust disadvantageous action having been taken. NPA could merely determine whether the certificate had or had not been cancelled. If cancelled, the employee automatically lost his elibibility for employment. The appeal procedure which is provided in the bill is conducted first through the prefectural board of education and then if the Minister of Education considers the action "remarkedly unfair" he may, with the aid of the higher court, accomplish an adjustment pursuant to the complicated provisions of Article 146 of the Local Autonomy Law.

4. At this point it seems necessary to consider whether principals and teachers of the national schools should be required to hold certificates issued by prefectural boards of education. At best the arrangements indicated in the bill might work satisfactorily. At the worst there could be very serious complications beyond the power of NPA to remedy.

GORDON W. PETERSON
Organization Specialist

GWP:jd

~~2 May 49~~
~~2 June 49~~
~~1 July 49~~
~~1 Aug 49~~
~~1 Sept 49~~ :- no change Jet.
1 Jan. 50

CIVIL SERVICE DIVISION
Government Section

11 April 1949

file
WRB
6/23/50

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Articles of NPSL not in Operation

1. The following articles of the NPSL have not yet been placed in operation by rule:

Article No.	Subject
30	Enforcement of the Position-Classification Plan
31	Allocation of Positions
60	Temporary Employment
12 Nov '49. Supp. 9	Examination of Higher Officials
Supp. 10	Blanketing In
Supp. 11	Extension of Temporary Employment

2. Although the following articles have not been placed in full operation by rule, they nevertheless have been brought into partial operation or a temporary substitute for them has been established:

Article No.	Subject	Comment
33	Basic Standard for Appointment and Dismissal	Para. 3 seems to have been brought into force by Rule 11-0, Demotion & Dismissal Against the Will of Personnel in the Service
35	Method of Filling Vacancies)	Rule 8-1, Appointment & Designation of Personnel at least provides a temporary substitute for Articles 35, 36 & 37.
36	Method of Initial Appointment)	
37	Method of Promotion)	
58	Recommendation of Eligibles for Employment	Brought into partial force by Rule 8-5, Certification of Eligibles

GORDON W. PETERSON
Organization Specialist

GWP:jd

Only change as of 29 Dec '49 is Supp. art 9 which became effective 12 Nov '49. GWP.
No farther change as of 1 April 1950 GWP.

~~18 Jan 49~~
~~24 Jan 49~~
11 Feb 49

CIVIL SERVICE DIVISION
Government Section

6 January 1949

MEMORANDUM FOR: Mr. Blaine Hoover

SUBJECT : National Public Service Law Articles not in Operation

Articles of the National Public Service Law which have not been placed in operation by rule of National Personnel Authority.

Article No.	Subject	Comment
25	Directors of Personnel	No action as yet
26	National Personnel Council	No action as yet
30	Enforcement of classification Plan	Need class plan
31	Allocation of positions	Need class plan
33	Standards for appointment	Rule being studied
35	Method of filling vacancies	Hinges on Article 33
36	Method of initial appointment	Hinges on Articles 33, 35
37	Method of Promotion	Hinges on Articles 33, 35
58	Certifications of eligibles	Rule to be developed soon
60	Temporary employment	Matter needs further study
Supp. 9,10,11	Blanketing in;present status	No action as yet

NPA says correct 1/13/49

JAMES R. BELL
Chief, Organization Branch

JRB:rr

Mr Peterson please bring up to date
JHM 3/25/49

~~10 Dec 48~~

General Headquarters
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Civil Service Division

9 December 1948

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

SUBJECT: The National Public Service Law as Amended

Please secure through the National Personnel Authority an opinion at the earliest possible hour on this question:

Referring to Supplementary Provisions, Article 1, Paragraph 2, is the National Public Service Law in its entirety, as amended, now fully in force and must any exceptions taken by the Authority under Supplementary Provisions, Article 1, Paragraph 2, be announced by rules or directives or are only those provisions of the Law concerning the establishment of the Authority and performance on duty presently in force, and must any additional provisions of the Law be brought into force by rules or directives of the Authority?

BH:mta

BLAINE HOOVER
Chief, Civil Service Division

Art 1 to 26 inc + 96 to 106 inc + 109-110-111 as relating to Performance or Duty Estab of Duty
+ all Supp Provisions.

Kalayaan Soc. Dem. Assemblyman 10 amr.
Miki Coop.
Tomobechi Dem
Chair Budget Com Liberals.

Cont
12/9/48

Joint to Commission on 1/8

Acting under authority of The National Public Service Law (Law 120 of 1947 and Law 222 of 1948) Supplementary Provisions, Article 1:

Except as otherwise provided in The National Public Service Law (Law 120 of 1947 and Law 222 of 1948) Supplementary Provisions, Article 1, and in other laws presently in force or hereafter enacted, the matters concerning the appointment, removal, promotion, suspension of office, reinstatement, disciplinary punishment and status of all government employees and officials, their salaries, remunerations and other allowances, and the matters concerning their service, shall follow the instances heretofore in force, until such time as subsequent rules and directives are issued by the National Personnel Authority.

CIVIL SERVICE DIVISION
Government Section

8 April 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Bill of the People's Finance Corporation Law

The proposed bill plans to establish a corporation to replace the functions now performed by the People's Bank and the Pension Bank. The present function of the former organization is to provide small loans to the public. The function of the latter is to maintain, invest, and disburse the funds of the government pension system. Insofar as the latter functions are concerned, they specifically fall under the activities now being conducted by the Classification and Compensation Branch. From this point of view it has been necessary to review the provisions of this particular bill.

Under the proposed legislation the policies of the Finance Corporation are to be established by a People's Finance Council. This council is empowered to appoint the administrative staff. The provisions under which they are so empowered are stipulated in Articles 11 through 14, inclusive. Articles 15 to 18, inclusive, provide the power of appointment to the administrative staff. These articles are in conflict with the basic provisions of the National Public Service Law.

To eliminate this conflict, Article 19, in the first paragraph, places the officials and employees of the corporation in the public service, and, in the second paragraph, stipulates that the provisions of the National Public Service Law shall not apply to them. This particular article brings into open question the concept behind the establishment of corporations and the justification for establishing them.

Previous to this bill, two corporations have been set up within the Japanese government in accordance with the Japanese Railway Law and the Japan Monopoly Corporation Law. In each case, the corporations are engaged in profit-making enterprises, and their services are extended to the general population. The employees of these corporations perform a variety of skilled and unskilled manual labor. In these types of occupations the concepts of unionism found their early and natural origins. One of the reasons for establishing these employees in separate corporations was to meet the protests of the already entrenched unions that coverage by the National Public Service Law would eliminate the union's right to establish agreements in accordance with collective bargaining procedures.

In the proposed People's Finance Corporation, the role of union organization is not a natural by-product of the type of activities conducted by the employees. In the main, the occupations performed are substantially similar to those conducted within the Ministry of Finance proper and in other governmental agencies. Therefore, the element of collective bargaining as a factor in exempting these employees from the provisions of the national public service does not exist. Neither is this corporation engaged in a profit-making enterprise activity in the same sense of the term as is the case in the other two corporations. The functions related to pensions are by no means public ones but means of which traffic is held with the entire populace. The functions related to the People's Bank are more in the nature of a service made available to the general populace rather than something sold to them. Therefore, from a comparison with the other corporations, there does not appear the same justification for exempting the employees of this corporation from the National Public Service Law. At the same time, it must be pointed out that, if such exemption were permitted, it would set up a precedent whereby large bodies of employees conducting a specific type of public service could be reorganized into a corporation and made exempt from the National Public Service Law.

If the above logic can be sustained, then the articles preceding Article 19 are obviously invalid. Similarly, the subsequent Article 21 would also appear to be invalid. This latter article bears some analysis. It fails to indicate who is to hold examinations, and may necessitate the creation of a duplicating organization and machinery for this purpose.

Another weakness in the creation of this corporation lies in the fact that it establishes an awkward relationship between the employees of this organization and the National Personnel Authority, particularly where the social security program for governmental employees is concerned.

WALTER P. DOMANOWSKI
Compensation Specialist

WPD:jb

CIVIL SERVICE DIVISION
Government Section

April 7, 1949

MEMORANDUM FOR: Mr. Elaine Hoover, Chief, Civil Service Division

SUBJECT : The Mine Safety Bill.

1. Submitted for your consideration is a proposed memorandum to Parliamentary and Political Division objecting to Article 44 of the above named bill.

2. Although no other objections to the Bill are recommended by the undersigned, your attention is directed to the following matters.

(a) Article 40, paragraph 1, provides qualifications for membership on the Board of the Mine Safety Examination. In the case of Item 1 of such paragraph, the Minister of Commerce and Industry must recognize as equivalent in learning and technical ability any persons who lack the education specified by the Article.

(b) Paragraph 1 of Article 48 contemplates concurrent appointments of certain government officials to the Central Mine Safety Committee and the Local Mine Safety Committee.

(c) Paragraph 2 of Article 48 provides for membership on the above named safety committees to include 1/3 persons who have "learning and experience", 1/3 persons who represent owners of mining rights and 1/3 representatives of mine workers. Accordingly, special exceptions would have to be made by the National Personnel Authority under Article 13 of Supplementary Provisions of the National Public Service Law.

Gordon Peterson
Organization Specialist

GP:vr

Revised regarding objection to art 40 par 1

CIVIL SERVICE DIVISION
Government Section

April 7, 1949

MEMORANDUM FOR: Parliamentary and Political Division

SUBJECT : The Mine Safety Bill.

1. Objection is made to Article 44 of the above named law on the grounds that it seems to evade the controls currently imposed by the Law Administering the New Pay of government employees, Law No. 46 of 1948 and Article 40 of the National Public Service Law, Law No. 120 of 1947.

2. Either of the following amendments would be satisfactory:

(a) Revise Article 44 to read as follows: "A member and a temporary member of the Board may be paid traveling expenses and, except in the case of persons otherwise employed by the government, an allowance."

(b) An alternative remedy would be to prohibit concurrent government employment for board members by an insertion of the words, "who are not otherwise employed by the government" following the word "persons" in line 2 of Article 40; and to delete the words "within the limit decided by the budget" in Article 44.

BLAIRE EDOWER
Chief, Civil Service Division

GP:BH:vr

CIVIL SERVICE DIVISION
Government Section

7 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment of the
Foreign Trade Kodan Law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division.

BH:GWP:mvb

CIVIL SERVICE DIVISION
Government Section

7 April 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Bill for Revision of Parts of Grocery Distribution Kodan Law and Others

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division.

BH:GWP:mvb

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for National Hospital Special Account

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rj

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill concerning Extraordinary Exceptions for the Budget of the Special Account for the Monopoly Bureau etc. for the Fiscal Year 1949

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division.

BH:GWP:mvb

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment of the Law Concerning the Decision or Revision of the Fixed Prices of Manufactured Tobacco

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rj

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment for the Law of Special Account for the Capital Levy Revenues, etc.

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rj

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill concerning Temporary Measures for the Budget and Settlement of Account of Public Corporations, etc.

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rj

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Draft law for abolishing the Agricultural Cooperative Association Self-Auditing law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rj

CIVIL SERVICE DIVISION
Government Section

5 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment of the Foreign Trade
Fund Special Account Law

No objection is made by the Civil Service Division to the bill named above.

BLAINE HOOVER,
Chief, Civil Service Division

BH:GWP:rj

GOVERNMENT SECTION
Civil Service Division

30 March 1949

MEMORANDUM FOR: Political & Parliamentary Division, Government Section

SUBJECT : Proposed Law Concerning the Right of Publication etc of the Text Books Compiled by the Ministry of Education.

1. In the proposed law named above it is recommended that Paragraph 5 of Article 3 be amended to read as follows:

> "5. Besides those provided for in the four preceeding paragraphs or in the National Public Service Law (Law No. 120 of 1947), matters needed for the Examination Committee shall be provided for in cabinet order."

2. No objection made to other parts of the proposed law.

BLAINE HOOVER,
Chief, Civil Service Division.

GSR:mvb

CIVIL SERVICE DIVISION
Government Section

March 30, 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Proposed Law concerning the Right of Publication, etc., of the Textbooks compiled by the Ministry of Education.

1. Only Article 3 of the proposed law has a direct bearing on the jurisdiction of the National Personnel Authority. A Textbook Publication Qualification Examination Committee will be established consisting of not more than twenty members. Membership shall include "men of learning and experience and officials of ministries (or boards) concerned." Concurrent appointments are therefore expected, although under Rule 8-2 of the Authority, approval of such concurrent appointments would not be automatic because the "officials of ministries (or boards) concerned" are not specifically named.

2. It is recommended that Item 5 of Article 3 be amended to read as follows:

> "5. Besides those provided for in the four preceding paragraphs <u>or in the National Public Service Law (Law No. 120 of 1947)</u>, matters needed for the Examination Committee shall be provided for in Cabinet Order." (new language).

It is recommended that the reference to National Public Service Law be included in order to assure NPA jurisdiction not only on the matter of concurrent appointments, but also on the whole field of personnel matters related to the Examination Committee.

GORDON PETERSON
Examination Specialist

GP:vr

CIVIL SERVICE DIVISION
Government Section

29 March 1949

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Bill for Partial Amendment to the National Public Service Law

1. Approval is given to amendment of Article 2, paragraph 3, item 14, to read as follows: "Personnel of Kodan as designated by the National Personnel Authority (However, this item shall be void as from July 1, 1949)".

2. Approval is granted to the foregoing amendment subject to the condition that GHQ gives approval to the bill for revision of parts of the Grocery Distribution Kodan Law, and others.

BLAINE HOOVER, Chief
Civil Service Division

GP:jd

CIVIL SERVICE DIVISION
Government Section

29 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief
Civil Service Division

SUBJECT : Supplementary or Revised Budget
(No. 3) of General Account

Although I am not up to date on the financial arrangements by which personnel of the CMMC are to be paid, it seems that there should be no objection by this division to the proposed budget amendment.

Such amendment increases the appropriation for salaries of CMMC from ¥500,000,000 to ¥750,000,000.

GORDON W. PETERSON
Organization Specialist

GWP:jd

CIVIL SERVICE DIVISION
Government Section

29 March 1949

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Supplementary or Revised Budget of Special Account for the Fiscal Year 1948-49

No objection is made to the budget revision named above.

BLAINE HOOVER, Chief
Civil Service Division

GWP:jd

CIVIL SERVICE DIVISION
Government Section

29 March 1949

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Supplementary or Revised Budget (No. 3)
. of General Account for Fiscal Year 1948-49

No objection is made to the budget revision named above.

BLAINE HOOVER, Chief
Civil Service Division

GWP:jd

CIVIL SERVICE DIVISION
Government Section

23 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Bill for the Partial Amendment to the Public Corporation Labor Relations Law

The proposed bill named above merely delays the effective date of the Public Corporation Labor Relations Law to June 1, 1949. This is consistent with the proposed delay in the effective date of the Japanese National Railways Law and (we are advised verbally) of the Japan Monopoly Public Corporation Law. I see no objection to the bill as proposed.

GORDON W. PETERSON
Organization Specialist

GWP:jb

CIVIL SERVICE DIVISION
Government Section

23 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Bill for the Partial Amendment of the Japanese National Railways Law

The proposed law named above does the following two things:

1. It postpones the effective date of the Japanese National Railways Law as a whole until ~~April~~ June 1, 1949.

2. It nevertheless brings into force as of April 1, 1949, newly added paragraphs (supplementary paragraphs 4-6 as set forth in the accompanying bill) which permit the appointment of the first members of the Board of Directors of the Japanese National Railways and the first President of the Japanese National Railways in accordance with the Japanese Railways Law. The procedures by which such officials would be appointed will conflict with the provisions of the National Public Service Law.

It is recommended that no objection be made by Civil Service Division to the bill as submitted, despite the fact that there is a temporary conflict with reference to the appointment of the highest officials during the period April 1 to May 31, 1949.

GORDON W. PETERSON
Organization Specialist

GWP:jb

CIVIL SERVICE DIVISION
Government Section

23 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Bill Concerning the Partial Amendments of the Liquor Distribution Kodan Law

The bill named above simply permits the Liquor Distribution Kodan to borrow capital from sources other than the Reconstruction Finance Corporation, and it delays the dissolution of the Liquor Distribution Kodan until July 1, 1949. I see no reason for objection by Civil Service Division to the bill as proposed.

GORDON W. PETERSON
Organization Specialist

GWP:jb

CIVIL SERVICE DIVISION
Government Section

15 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Proposed Youth Guidance Law

1. The Civil Service Division today received from Political & Parliamentary Division a proposed law entitled The Youth Guidance Law. It is recommended that Item 3 of Article 11 be amended to delete the words "or commission". Such deletion will forestall an impression that Shokutaku employment will be granted. It is also recommended that the words "or in the National Public Service Law (Law Number 120 of 1947)" be inserted following the word "paragraphs" in Item 4 of Article 11. This will prevent the substitution of Cabinet Orders for the National Public Service Law to govern personnel matters in respect to the Youth Guidance Center Operation Council.

2. It may be of interest to note that Article 18 appears to be somewhat in conflict with Paragraph 6 of Article 2 of the National Public Service Law which specifies that "the government shall not pay salary, wage or other compensation for services to personnel" (workers) "other than in the regular government service or the special government service." Inmates of the Guidance Centers are to be paid for their work. No restriction on such payment is recommended by the undersigned, however, particularly in view of the fact that the objective is worthy and there is no greater conflict than in the case of prisoners in penal institutions who are paid for work performed.

GORDON W. PETERSON,
Organization Specialist.

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

7 March 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Proposed Amendment of the Unemployment Insurance Special Accounts Law

1. The above mentioned bill has been sent to Civil Service Division for comment or concurrence. In-as-much as the bill has to do with the financing of unemployment insurance and employees in the regular service of the national government are not covered by unemployment insurance there is no basis for objection by the Civil Service Division to the bill as submitted.

GORDON W. PETERSON,
Organization Section.

GWP:mvb

Jan Petersone
File
P/H
WPM 1-10-49 CSD-Legislation
1/5/49

Civil Service Division

SPECIAL

4 January 1949

MEMORANDUM FOR MR. W. PIERCE MACCOY
Deputy Chief, Civil Service Division

SUBJECT: Laws and Regulations on Retirement

Will you please be so kind as to give me by noon Thursday, 6 January 1949, a list of the laws, regulations and Cabinet decisions and other authoritative actions bearing on the retirement benefits, schedules and practices? I think NPA could have this ready for us by Thursday.

Blaine Hoover

BH:mta

BLAINE HOOVER
Chief, Civil Service Division