

GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2042
- (2) Folder title/number: (18)
Compensation Schedules - Procurators

(3) Date: Sept. 1948 - Oct. 1949

(4) Subject:

Classification	Type of record
325, 744	e

(5) Item description and comment:
With a List of Papers

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

NO.	FROM	DATE	TO	SYNOPSIS
1.	M.Salter	Sep 29 '48	W.P.MacCoy	Proposed Increase in Salary of Public Procurators
2.	Domanowski	Oct 29 '48	M.Salter	Conference Concerning Procurators' Salaries and Kodan Discharges with Messrs. Imai and Watanabe on 29 October.
3.	M.Salter	Dec 3 '48	Memo for Rec.	Compensation for Procurators
4.	M.Salter	Dec 6 '48	Memo for Rec.	Compensation for Procurators
5.	M.Salter	Dec 6 '48	Memo for Rec.	Procurators' Salaries
6.	M.Salter	Dec 6 '48	Memo for Rec.	Procurators Salaries
7.	J.B.Bettis	Dec 10 '48	Memo for Rec.	Discussion Concerning Salaries for Public Procurators
8.	J.B.Bettis	Dec 10 '48	Memo for Rec.	Bill Concerning Salaries of Government Officials Allocated to Grade 15 Service
9.	J.B.Bettis	Dec 10 '48	Memo for Rec.	Bill Concerning Salary and Other Compensations for National Public Service Personnel in Special Government Service
10.	J.B.Bettis	Mar 22 '49	Memo for Rec.	Public Procurators' Secretaries
11.	J.B.Bettis	May 3 '49	Memo for Rec.	Salaries of Judges and Procurators
12.	DeAngelis	Jul 6 '49	Memo for Rec.	Proposed Amendment to Cabinet Order No. 13, 1949. (Cabinet Order Concerning Salary and Other Compensation for National Public Service Personnel in Special Government Service)
13.	DeAngelis	Nov 15 '49	Memo for Rec.	Application for Special Salary Schedule to Procuratorial Secretaries
14.	M.Shirven	Jul 6 '50	Memo for Salter	Compensation of Certain Personnel of Secretariat, Supreme Court.
15.	M.Salter	Oct 6 '49	Memo for Rec.	Salary Rates, Procurators and Assistant Judges

Better

CIVIL SERVICE DIVISION
Government Section

6 October 1949

MEMORANDUM FOR: The Record

SUBJECT : Salary Rates, Procurators and Assistant Judges

1. A second conference was held today between Mr. Salter and representatives from the Personnel Office of the Attorney General, the ~~Suppose~~ ^{Suppose} ~~Unit~~ and the Allowance Section of the Ministry of Finance, to discuss the method of establishing rates of pay for procurators and assistant judges.

2. It was clearly pointed out to these gentlemen that the determination of the exact base rate of pay was a matter provided for by law and that this office did not enter into this decision at all. It did recommend, however, that in establishing these rates that the principle be followed; that such rates wherever possible should be selected from among those rates officially established for the regular service. This would place these groups of employees in the position of quickly determining any new rates which they would receive should any change occur in the official base rates of the regular service, thereby eliminating any ~~agreement~~ ^{need for} and negotiation on the question of adjusting base rates of pay for these groups of employees. Secondly, it was pointed out to the Ministry of Finance that they would be in a much better position of immediately being able to determine from one source, estimates of costs relating to base pay for the whole government service instead of having to go through the complicated procedure of referring to ~~various~~ ^{various} ~~service~~ agencies, ~~all~~ ^{each} of whom have definite pay scales.

3. The recommendation seemed to be received favorably.

MacSalter

MacDONALD SALTER
Chief, Classification & Compensation Branch

MS:rj

*Meetings
11 & 17 Oct.
adopted steps rates of
General Salary Schedule up to
and inch. 66th step;
Other steps are to be adopted if and
when new salary schedules are
-15- approved by law.
LJB
12/11/49.*

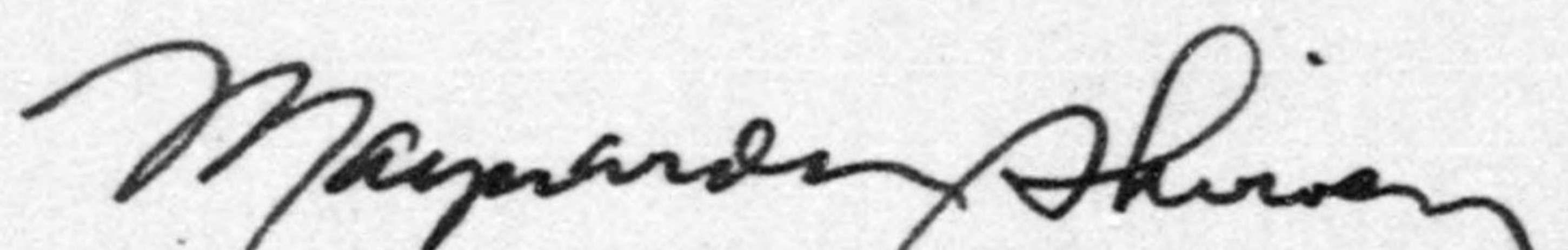
CIVIL SERVICE DIVISION
Government Section

6 July 1950

MEMORANDUM FOR Mr. MacDonald Salter

SUBJECT: Compensation of Certain Personnel of the Secretariat,
Supreme Court

1. The attached document was submitted to this office as of this date by Mr. Ishida, Deputy Director General of the Secretariat of the Supreme Court. Will you please assemble the necessary information upon which policy can be formed and confer with me.


MAYNARD N. SHIRVEN
Acting Deputy Chief

Was not ← brought to attention of NPA until 7/12/50
Stimulated by Proc Secty Adjustment.
1 Att a/s Legislation submitted by Use of Councilors 7/17/50
Visit by Lts. Use of Councilors - ref. to NPA 7/17/50

7/19

Reasons for which Increase in Pay of Court
Clerk and Juvenile Investigator is Urgently
Desired

1. These officials mentioned in the heading have very important duties to insure the fair and speedy trial as auxiliary organs indispensable for the successful conduct of trial. In striking contrast with those of other government officials in general, their positions are to be included in the category of special government service, as have already been anticipated by Art. 11, Supplementary Provisions of the National Public Service Law. In performing their business they are required to have a considerably high degree of culture and training, and yet their present pay is in such a extremely low grade that most of them are forced to make a poor living.
2. On July 13th, the increase in pay of secretaries of the Public Procurator's Office was announced on a sudden by virtue of the National Personnel Authority Rule No. 9-6, which, creating a serious ripple among the above-mentioned court officials, has caused the threat of a stir among them so soon. Originally, the said court officials and secretaries of the Public Procurator's Office have long been the so-called comrades, and it is quite natural for the former to feel uneasy under the present transitional stage where a position classification system is yet to be established. Thus the smooth administration of justice is threatened with the danger of being interrupted as a result of their demoralization or transference to Public Procurator's Office's secretaries.
3. The duties of these officials are in a plain extremity and less attractive as compared with those of other administrative government officials at large. Accordingly it is impossible for us to obtain ment of ability to assign to these posts unless specifically pay them.

Should no measures be taken, the general deterioration of these personnel would ensue, leading to serious consequences of losing the peoples confidence in the administration of justice.

4. Since the end of the War, the number of cases has remarkably increased and the duties of these court officials have become extremely complicated and difficult as the result of the amendments to procedural laws, making them very busy. They are obliged to engage in arranging documents for a long time even after their duty hours almost every day. Despite of this habitual overtime works, any satisfactory measures have not yet been taken for their overtime allowances and others.

5. In view of the fact that they are demanded to be men of most stern integrity in the light of their duties as part of the judicial organ, it is extremely danger under the present social situation to drive them into a state of financial distress. From the standpoint of maintaining public order, this apprehension is not less serious as compared with the case of secretaries of Public Procurator's Office.

For instance, it must be said a matter of grave concern if the issuance of warrants, such as warrant of arrest, that of production and that of detention, should get wind and be known to the persons concerned beforehand.

CIVIL SERVICE DIVISION
Government Section

~~2) Saltus~~
2) File
11-21-49

15 November 1949

MEMORANDUM FOR: The Record

SUBJECT : Application for Special Salary Schedule to
Procuratorial Secretaries

1. A request dated 28 March 1948 from the Attorney General's Office that a special salary schedule be applied to procuratorial secretaries was studied by NPA and recommendation submitted to this office. The request was based on a similarity of duties and responsibilities of procuratorial secretaries and economic investigators and tax collectors.

NPA's study has been reviewed. It was found to be incomplete and its recommendations based on duties and responsibilities unsound.

2. The similarity between the duties and responsibilities of procuratorial secretaries and economic investigators and tax collectors is a similarity in part and not in whole.

While search and seizure is performed by both procuratorial secretaries and economic investigators, there are differences. Procuratorial secretaries cannot secure a warrant for search and seizure on their own authority. The authority to search and seize lies with the procurators and assistant procurators. (Art. 6, Law 61, 1947). The procuratorial secretary conducts a search or seizure only after the determination has been made by a procurator.

The economic investigator has authority to determine when a search or seizure shall be made. In this matter the economic investigators have the same authority as procurators. In addition he may enter, search, seize, or inspect without a warrant in case of flagrant offense. (Art. 21, Law 206, 1948).

3. Duties of Public Procurators. In criminal cases, public procurators shall bring public action, request the proper application of law by courts, and supervise the execution of judgments; in other cases which fall under jurisdiction of a court, procurators may, when they deem it necessary in connection with their official duties, request information from, or express opinions to a court, and as representatives of the public interest; perform such functions as authorized by other laws (Art. 4, Law 61, 1947).

Public procurators may investigate any criminal offense (Art. 6, Law 61, 1947).

15 November 1949

4. Duties of Procuratorial Secretaries. Procuratorial secretaries shall upon order of superiors, conduct business matters with which the public procurator's office is concerned, shall assist public procurators, and shall engage in criminal investigation under their direction. (Art. 7, Law 61, 1947).

The work of the procuratorial secretary is done under order or direction. The secretary cannot conduct the business of the procurator's office except upon orders of the procurator, otherwise he would be assuming the duties of a procurator. He cannot conduct an investigation except under direction of a procurator. He is not responsible for the enforcement of criminal laws except as an assistant.

5. Duties of Economic Investigators. Economic investigators are in charge of:

- a. Planning of national, regional and prefectural economic control enforcement programs.
- b. Educating public to comply with economic laws and preventing violation of economic laws.
- c. Inspecting administrative offices regarding enforcement of economic measures.
- d. Investigating violations of economic laws.
- e. Advising police in prevention and investigating of violations of economic laws (Art. 1, Law 206, 1948).

The economic investigator may perform any or all of these duties. He performs them in his own right, not as an assistant. He is authorized to make his own decisions in each case.

The economic investigator decides when an investigation shall be made. The procuratorial secretary does not.

The economic investigator may make an arrest on his own authority. The procuratorial secretary may not.

The economic investigator has control of his case until he has established the conviction of an offense. The procuratorial secretary does not. He is under the direction of a procurator.

In addition to investigation of cases, economic investigators plan, educate, inspect and advise on economic laws. The procuratorial secretaries do not.

15 November 1949

6. Positions of economic investigators are temporary in nature. When the ESB is abolished, the positions of economic investigators will go out of existence. Positions of procuratorial secretaries are permanent in nature.

7. Qualification Standards:

Procuratorial secretaries	- middle school plus training) =
Procurator	- college plus training	
Economic Investigator	- college plus experience	

8. Present salary range:

Procuratorial secretaries	¥ 3,184 - 11,024) =
Economic investigators	¥ ^{grade 3.} 2,844 - 11,998	
Assistant Procurators	¥ 5,145(4) - 13,200	
Procurators	¥ 6,000 - 22,000	

9. On the basis of non-supervisory responsibility, control of work by others, variety and scope of work, responsibility for recommendations and decisions, difficulty and complexity of duties, authority to make official commitments and qualifications, the present salary range is equitable.

The economic investigator has the same enforcement functions and authority in regard to economic laws as the procurator has to criminal laws. The main difference is that the economic investigator upon completion of a violation case turns the case over to a procurator for presentation in court. This difference is reflected in the salary rates.

The economic investigator completes his duties of planning, educating, inspecting and advising without turning the finished product over to a procurator for completion.

The procuratorial secretaries do not have the same enforcement functions and authority in regard to criminal laws as procurators or the economic investigators with regard to economic laws. The duties of the secretary is primarily confined to clerical and investigational work under direction or order. The responsibility for planning, educating, inspecting, and advising is non-existent.

10. From the facts presented, it appears that the present salary range is adequate.

Albert R. DeAngelis
ALBERT R. DeANGELIS
Compensation Specialist

ARD:rj

(Nagabuko)

Date:

*File
3-13-50*

To: A. DeAngelis
From: Research Section of Compensation Bureaus, NPA.
Subject: Adjustment of Amount of Compensation for Procuratorial Secretaries

1. As those to whom Special Salary Schedule is applied or to whom Special Switchover Salary Schedule is applied (for example, teachers, etc.) were decided in a hurry, upon the switchover to 2,920 pay base, and no correction has since been done, a fair inequilibrium is seen at present. This is far from the theory of "Equal pay for equal work".

2. The case of procuratorial secretaries is not an exception. Although their duty is similar to those of economic investigators and tax revenue officials, their pay is same as general government employees. In other words, excellent procuratorial secretaries are selected to acting procurators whose duty is same as that of a procurator and those employed in search, have similar duties to tax revenue officials and economic investigators in executing spot inspections, searches and attachments.

3. However, compensation cannot be determined only by similarity of duty. Scope of responsibility, hazard and hardness of labor, have also to be taken into consideration. Secretaries ordered to be acting procurators have far lower responsibility and authority than a procurator and accordingly, their appointment qualifications are lower. Scope of their authority and responsibility is estimated similar to those of an economic investigator or tax revenue official. Secretaries employed in search are employed in search, under the complete command and order of a procurator and their scope of independent judgment is fairly narrower than that of an economic investigator or tax revenue official. In respect to extent of hazard attending to work, they come far behind tax revenue officials and their hardness of labor doesn't matter much. Consequently, appointment qualifications of procuratorial secretaries are lower than others and no special training is given to them after their appointment.

4. If procedures in compensation shall be taken to procuratorial secretaries based on the same data, we may determine the amount, in comparison with compensations of procurators, economic investigators and tax revenue officials, by applying the adjustment amount under Paragraph 2, Article 15 of Law No. 46 as follows:

Those ordered to be acting procurators
(Same as Tax Officials Special Salary Schedule)

Grade	4	8	6	7	8	9	10	11
Adjustment Pay Step	2	5	4	4	4	5	3	3
Adjustment Amount Yen	197	564	563	651	700	1,080	735	855

1. The study on compensation of procuratorial secretaries has been reviewed. It contains a statement that the duties of procuratorial secretaries are similar to those of economic investigators and tax collectors. This statement is unsupported by facts.

Another statement indicates that procuratorial secretaries are assigned duties of acting procurators. If such is the case, no problem would be solved by paying procuratorial secretaries on the same schedule as economic investigators and tax collectors. A better solution would be to pay secretaries who are performing full time duties as assistant procurator on same pay schedule as assistant procurators. The job title of procuratorial secretary would be changed to assistant procurator. Where, however, the preponderance of duties remain secretarial, with an occasional procuratorial assignment no change is needed.

2. It is suggested that the subject be studied further and the report be rewritten in the form for research projects as outlined by Mr. Bettis. Emphasis should be placed on the following:

- a. Write job descriptions of procuratorial secretaries and ordinary secretaries on the same level. This will help determine if there are any major differences in duties, responsibilities and authority between these two groups of secretaries. In writing job descriptions of procuratorial secretaries, list typical duties, responsibilities and authority. Do not include duties of procurators or assistant procurators. Do not include overtime as it is compensated at a determined rate.
- b. Write job descriptions of procurators and assistant procurators. This will help determine general levels of responsibility and authority. The descriptions will show what each group of employees add to the procuratorial process or flow of work. The descriptions indicate the limitations of each group. They will indicate the relation between procurators, assistant procurators and procuratorial secretaries.
- c. Write job descriptions of tax collectors and economic investigators. They will assist in determining if procuratorial secretaries perform duties and have responsibilities and authority ^{similar to} or any of the special characteristics of tax collectors and economic investigators. Duties and authority of economic investigators are contained in articles 18 to 27, Law No. 206, August 1, 1948. (The Economic Investigation Board Law)

Beltz

CIVIL SERVICE DIVISION
Government Section

6 July 1949

MEMORANDUM FOR: The Record *WS*

SUBJECT : Proposed Amendment to Cabinet Order No. 13, 1949.
(Cabinet Order Concerning Salary and Other Compensation
for National Public Service Personnel in the Special
Government Service.)

1. A proposed draft of a Cabinet Order to amend Cabinet Order No. 13, 1949 (Cabinet Order Concerning Salary and Other Compensation for National Public Service Personnel) submitted by the Office of New Pay Administration was reviewed and was found to conform with pertinent laws.

2. The Transportation Council consists of seven members, one of whom is the Vice-Minister of Transportation. Members of the Transportation Council are appointed with the consent of both houses of the Diet (Articles 8 and 9 of Law No. 157, May 31, 1949. The Ministry of Transportation Establishment Law).

Since members of the Transportation Council are to be appointed with the consent of both Houses of the Diet they are special service employees under item 9 of Article 2 of the National Public Service Law.

3. Article 1, item 16 of Law No. 268, 1948 provides that special service employees other than those defined in Article 2 of the National Public Service Law are to be designated by Cabinet Order. Transportation Council Members are not specifically designated as special service employees in Article 2 of the National Public Service Law. The proposed amendment to Cabinet Order No. 13, 1949 specifically designates members of the Transportation Council as special service employees.

4. Article 2 of Law No. 268, 1948 provides that the highest rate of pay for this category of special service employee shall not exceed 20,000 yen per month. The monthly rate recommended in the proposed amendment is 19,940 yen. The proposed rate is less than the highest rate authorized.

5. Mr. MacDonald Salter approved the proposed amendment to Cabinet Order No. 13, 1949 in a telephone conversation with Mr. Watanabe, Office of New Pay Administration on July 6, 1949.

Albert R. DeAngelis
ALBERT R. DEANGELIS
Compensation Specialist.

ARD:mvb

CIVIL SERVICE DIVISION
Government Section

File
5-3-49

3 May 1949

MEMORANDUM FOR THE RECORD

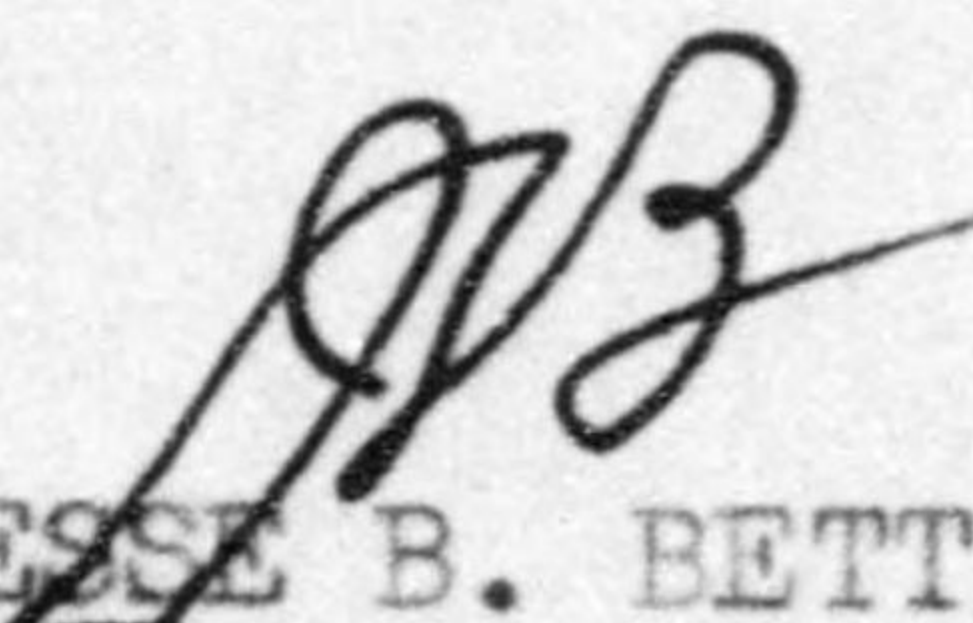
SUBJECT: Salaries of Judges and Procurators

Mr. Ueda of the Personnel Unit, General Affairs Section, Attorney General's Office, called at this office on 2 May 1949 regarding a proposed law revising the salaries of judges and procurators.

This law proved to be essentially the same as a law which was drafted for submission to the Diet in December of 1948, but it was not cleared in time for consideration.

It developed that the higher grades proposed in the law were somewhat lower than those of comparable levels in the general salary schedule and that a few positions in the lower grades were higher than those of comparable levels in the general salary schedule. Mr. Ueda was informed that, in the opinion of this office, the same methods of conversion to a new pay schedule should be used as that provided for general office workers. He stated that this was also the opinion of the Attorney General's Office, but that the ONPA had contended that such a procedure would be inequitable due to the fact that the same standards were not used in the allocation of personnel to grades in the Attorney General's Office as were used for general office workers.

After a somewhat lengthy discussion of the problem, Mr. Ueda was advised that the law should also be discussed with the Finance Division of ESS due to the fact that some increase in budget authorizations would be necessary to cover the increases in pay. He was further advised that when the law was formally submitted to Government Section this office would in all probability interpose no objection but that a commitment could not be made at this time.


JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

22 March 1949

~~A. J. Jones~~ MS
2) File II. 12 a.

MEMORANDUM FOR THE RECORD

SUBJECT: Public Procurators' Secretaries

Regular Service

Reference is made to a letter from the Secretary of the Wakayama District Public Procurator's Office addressed to Mr. C. W. Heppler, Chief of the Labor Division, ESS, which has been referred to this office for consideration. The Law Concerning Salary and other Compensations for National Public Service Personnel in the Special Government Service, Law No. 268 of 1948, enumerates personnel in the special government service and provides monthly rates of pay for these employees.

Article 2 of the NPSL, paragraph 3, establishes the types of positions in the special government service. These are the same positions referred to in Law No. 268 cited above. Under the provisions of this Article, item 13, the NPA is authorized to determine whether positions are in the national public service or other service and within the provisions of Article 2 to determine whether positions are in the regular government service or the special government service. There are no types of positions listed under this Article or in the law that would be similar to the position of public procurators' secretaries.

It is not believed that there are any provisions of law whereby the positions in question could be treated under a special salary schedule. It is suggested that position descriptions be secured covering the duties and responsibilities of these employees and analyzed in order to determine if law enforcing duties are actually performed by these employees, after which NPA under the provisions of law could decide whether or not they should be placed under one of the special salary schedules.

*Gen salary sched
vs
Police salary sched*

JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

10 December 1948

MEMORANDUM FOR THE RECORD


SUBJECT: Bill Concerning Salary and Other Compensations for National
Public Service Personnel in the Special Government Service

Conference was held on 9 December 1948 with Mr. Hatoyama of the Allowance Bureau, Ministry of Finance, in regard to proposed legislation for personnel in the special government service.

Exceptions were taken to Items 14 and 16 under Article 1 of the proposed law as follows: Item 14 referred to "persons holding secretaryships" and it was suggested that this item be changed to read "persons holding confidential secretaryships as defined in Article 2, paragraph 3.8 of the National Public Service Law as revised". Item 16 referred to "the other personnel to be designated by Cabinet Order", and change was suggested as follows: "the other personnel as defined in Article 2, National Public Service Law as revised, to be designated by Cabinet Order".

Article 1, Item 12, includes the chairman and commissioner of the Fair Trade Commission. Some differences of opinion have arisen as to whether or not these positions should be included under this law. Mr. Hatoyama was informed that it was the feeling of this office that these positions should be included under this law rather than having the salaries set by Cabinet Order as is presently provided under paragraph 1 of Article 36, Law No. 54, 1947. This item was to be further discussed with the Finance Division of ESS.

This law is to be discussed by the Cabinet at today's session and it is anticipated that it will be presented to the Diet on 11 December 1948.


JESSE B. BETTIS
Compensation Specialist

JB:jd

CIVIL SERVICE DIVISION
Government Section

10 December 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Bill Concerning Salaries of Government Officials Allocated
to the Grade 15 Service

Proposed legislation was presented to this office by Mr. Hatoyama of the Allowance Bureau, Ministry of Finance, on 8 December 1948.

The bill as originally presented would have provided for the establishment of rates of pay for grade 15 of the wage schedules as provided under Laws 46 and 95 of 1948.

The bill also provided for payment of salaries as enumerated to a specified group of government officials.

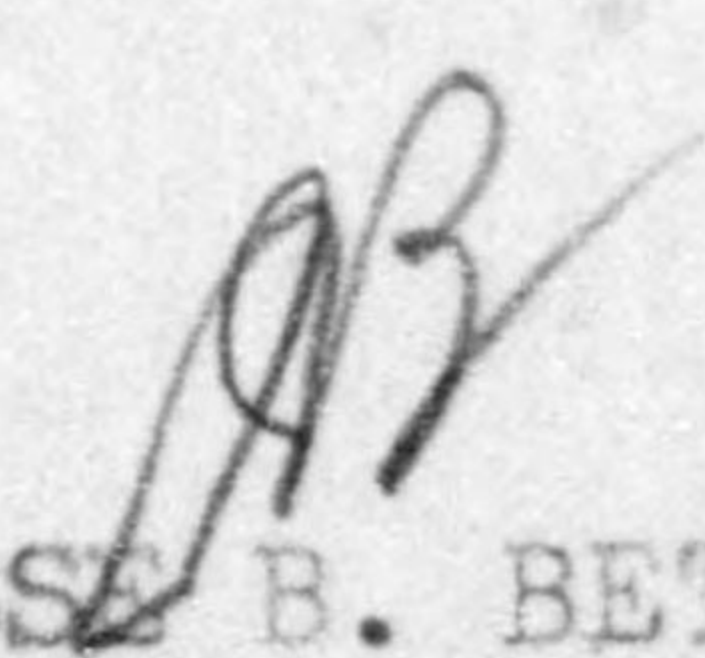
It was suggested that the wording of the law be re-arranged in order that salary step rates for grade 15 would not be established except to cover the specific positions provided in the law and that application of the salary schedule would not be made to other positions in the government service except as may be provided in subsequent laws.

Revised bill was presented to this office on 9 December 1948 and no objections were interposed by this office to the law.

After the discussion with Mr. Hatoyama, Col. Battey of the Public Safety Division, G-2, GHQ, FEC, called by telephone and stated that he was interested in the Director-General of the Maritime Safety Board being included in this law and requested that we convey this information to the Allowance Bureau. Mr. Watanabe was advised on 10 December 1948 as to the wishes of G-2 in this matter, but no recommendations were made by this office.

It was suggested to Mr. Hatoyama that specific applications of the four rates provided in the law be made to the individual positions and that provisions for same be set out in the law. This suggestion was agreed upon and a revised law is to be submitted to this office and to the Vice-Ministers' conference today.

JB:jd


JESSE B. BETTIS
Compensation Specialist

CIVIL SERVICE DIVISION
Government Section

10 December 1948

MEMORANDUM FOR THE RECORD


SUBJECT: Discussion Concerning Salaries for Public Procurators

Conference was held on 10 December 1948 with Mr. Watanabe of the Allowance Bureau, Ministry of Finance, in regard to administration of salaries for public procurators.

Mr. MacCoy of this office had previously requested Mr. Watanabe to secure information as to whether or not there had been any misapplication of the pay schedules of public procurators. Mr. Watanabe stated that there had been no misapplication of the pay rates and that they were in line in accordance with salary schedules provided by law. Inasmuch as the salary schedules presently in effect for public procurators provide for only one pay rate for each class of procurators there is not much chance for misapplication of the pay rates.

Mr. Watanabe advised that in a conference between the Attorney General's Office and the Allowance Bureau, Ministry of Finance, on 9 December 1948, it was agreed that a new salary schedule would be prepared for public procurators which would include step rates and be patterned along the same lines as the general salary schedule presently in effect for government employees.

A copy of the draft of proposed law and schedules will be presented to this office for review within the next few days.


JESSE B. BETTIS
Compensation Specialist

JB:jd

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CIVIL SERVICE DIVISION
Government Section

6 December 1948

MEMORANDUM FOR: The Record

SUBJECT : Procurators Salaries

1. Mr. Sakai of the Allowance Bureau was asked what action had been taken by the Ministry of Finance to establish both a special schedule for procurators and assistant procurators and to establish allocation standards. He indicated that these matters were under consideration.

2. Mr. Sakai was urged to get in touch with the Attorney General's Office to try to work out this matter as soon as possible, recognizing the fact that the functions of the procurator were of great importance in the effective administration of the government and that as such they should be given consideration in the same way in which tax collectors were placed on the special schedule. As to the exact level of standards, that would be a matter for the Allowance Bureau and the Attorney General to work out but certainly the judgment of the Attorney General in this respect should be given serious consideration.

Macdonald Salter

MACDONALD SALTER,
Chief, Classification-Compensation Branch.

MS:mvb

cc: MacCoy ✓
Matsukata

CIVIL SERVICE DIVISION
Government Section

6 December 1948

MEMORANDUM FOR: The Record

SUBJECT : Procurators' Salaries

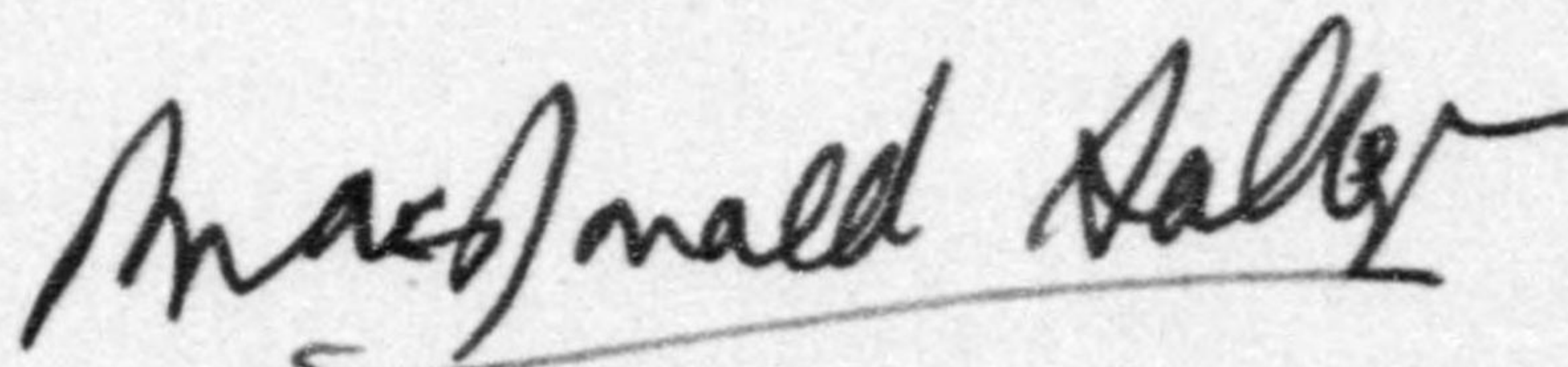
1. A conference was held today with Mr. Amano, Personnel Officer, Attorney General's Office, and Mr. Kambara, Liaison Officer of the Attorney General's Office.

2. The standards for the allocation of Procurators to the grades provided in the law covering the compensation of Procurators were presented. There was indicated in this presentation the recommendations of the Ministry of Finance. In general the suggestions of the Ministry of Finance down-graded the proposals of the Attorney General in the intermediate grades by one grade. Top officials generally would be allocated in accordance with the Attorney General's recommendations.

3. It was explained to Mr. Kambara that under the provisions of the law covering the Procurators salaries, the Attorney General has the right to establish standards of allocation. The Ministry of Finance is only interested to the extent of maintaining a proper relationship between the various salary schedules.

4. The situation with respect to current legislation is that should the proposal of pay increase made by the Ministry of Finance on the basis of ¥5330 be adopted, then a corresponding correction in Procurators salaries law should be made. If, on the other hand, the legislation proposed by the National Personnel Authority based on ¥6307 be adopted, then a special schedule should be developed for the Procurators and Assistant Procurators, leaving the salaries of the Procurator General and his Assistant, the Superintendent Procurator and his Assistant to special legislation.

5. It was urged that the Attorney General and the Allowance Bureau get together as soon as possible and try to immediately work out an understanding with respect to the allocation of standards.



MACDONALD SALTER,
Chief, Classification-Compensation Branch.

MS:mvb

CIVIL SERVICE DIVISION
Government Section

6 December 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Compensation for Procurators

Two conferences were held today with respect to the compensation for procurators; one with Mr. Hasumi, NPA, and the second with Mr. Sakai of the Office of New Pay Administration.

In the conference with Mr. Sakai it was pointed out that considerable concern had been expressed as to how new legislation with respect to the compensation of government workers would affect the salaries of procurators. Since there are two legislative means under consideration at the moment which might affect a procurator's salary, it was suggested that NPA consider the following approaches:

a. The coverage of the bill increasing the salaries of government workers proposed by the Ministry of Finance would not include procurators. In such a situation a special bill should be put forward to cover the procurators' pay increase relatively equivalent to that received by the government workers.

b. The coverage of the NPA legislation on pay adjustment would be predicated upon the definition of the "regular service" as defined in the National Public Service Law. This would include the procurators. In such a situation a special salary schedule might be needed to cover procurators and assistant procurators. The Chief Procurator General, his assistant, and the Superintendent Procurator and his assistant would probably be better covered by independent legislation or included in the bill covering adjustment of pay of attested officials and other higher officials.

At the conference with Mr. Sakai the above situation was explained to him and it was indicated that any special salary schedule which the ONPA might develop should give considerable weight to the opinion of the Attorney General with respect to standards. It was emphasized that at the moment the procurators were covered by a special pay bill in which it was specifically stated that the standards for pay should be developed by the Attorney General in conjunction with the Minister of Finance; the obvious purpose being to indicate the Attorney General was specifically interested in standards and that the Minister of Finance would only be interested in their general relationship to other standards of allocation provided for other government workers by the Minister of Finance.

It was further suggested that in view of the proposed action by the Diet on pay legislation the ONPA, the Attorney General, and the Chief Procurator

- 14 -

MEMO FOR RECORD

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6 December 1948

should get together as soon as possible, in fact within hours, to try and reach an agreement with respect to allocation standards. Mr. Sakai was advised that in the development of standards the question of available funds must not come into the discussion. These standards should be developed on the basis of what is considered good standards and funds will only come into the budget discussion at the time of determining the number of staff that are needed and may be employed within available appropriations.

Macdonald Salter

MacDONALD SALTER
Chief, Classification
and Compensation Branch

MS:jd

CIVIL SERVICE DIVISION
Government Section

3 December 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Compensation for Procurators

At the suggestion of Mr. Matsukata, Government Section, a conference was called with Japanese officials to discuss matters pertaining to the present and future salaries of procurators. Those present were Mr. Salter and Mr. Matsukata, Government Section; Mr. Oeda, Personnel Official, Attorney General's Office; Mr. Kanbara, Liaison Section, Attorney General's Office; Mr. Obata and Mr. Nimura of the Chief Procurator's Office; and Mr. Ishikawa, Tokyo District Procurator's Office.

The members of the Attorney General's Office and Procurator's Office presented two problems, namely:

- (1) The Ministry of Finance indicated that no pay raise provided beyond the 3791 base would be made applicable to the procurators.

This office indicated that the present understanding was that any pay increase would be applicable on an equitable basis to the procurators. Under the provisions of the amendments to the National Public Service Law, the procurators were now part of the regular service. Any pay legislation would treat the regular service as a single body.

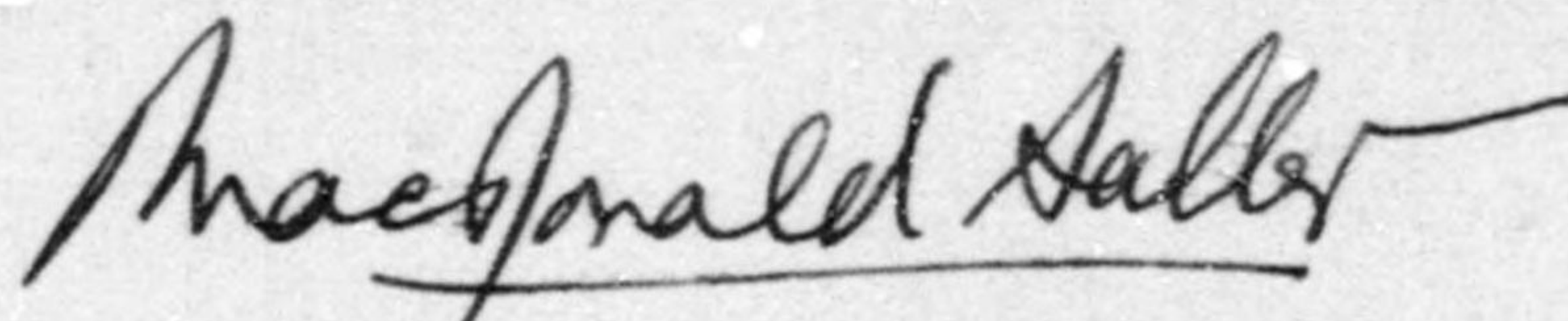
- (2) The Ministry of Finance was insisting on allocation standards which would place the procurators in a relative position with respect to pay lower than that of judges.

It was pointed out that the present basis of pay for procurators was provided under separate legislation from that for regular employees and officials of the government. Under this special legislation the Attorney General had the right to establish allocation standards. Any threat by the Ministry of Finance based on available funds should not be considered when establishing minimum standards. The availability of funds should only be considered in connection with ability to carry out work load.

3 December 1948

During the course of the discussion, a comparative schedule of allocation standards was interpreted from a Japanese copy. This showed that the Ministry of Finance in essence had allocated procurators on standards equivalent to one or two grades less than those of judges having the same experience and education. These standards will be translated and turned over to this office within a day or two.

At the conclusion of the meeting, it was understood that Mr. Salter would confer with Mr. Imai and Mr. Sakai of the Allowance Bureau to determine the Ministry of Finance's position with respect to allocation standards and the handling of pay for procurators. This is particularly necessary in view of pending pay legislation.



MacDONALD SALTER
Chief, Classification and Compensation Br.

MS:jb

cc. Mr. Matsukata
Mr. Blakemore
Mr. MacCoy

CIVIL SERVICE DIVISION
Government Section

29 October 1948

MEMORANDUM FOR: Mr. MacDonald Salter, Chief, Classification and
Compensation Branch

SUBJECT : Conference Concerning Procurators' Salaries and Kodan
Discharges with Messrs. Imai and Watanabe on 29 October.

1. Mr. Imai stated that the procurators' salaries were established on a higher level than that for administrative officials. Such a schedule was passed by the Diet and fixed as law. In the Procurator General's Office a person who is a procurator may be assigned to work as an administrative official dealing with management problems which are not basically legal. Such a person is paid according to the general salary schedule. Regular administrators and procurators dealing with legal phases of work are paid according to the higher salary schedule for procurators. Similar differentiation is made where assistant procurators are concerned. Mr. Imai stated that he has insisted upon this point as a fixed principle.

2. However, according to Mr. Imai, some member of the Legal Section of GHQ is strongly of the opinion that any person possessing qualifications as a procurator and passing the qualifications examinations should be paid as a procurator. Consequently a strong attempt is being made to stipulate this into effect through a Cabinet Order. The Ministry of Finance, especially its Allowance and Budget Bureaus, are strongly against this proposal, as well as the Procurator General. If this Cabinet Order goes through it will destroy the present principle of the pay system as now practiced in the Procurator General's Offices. Consequently the Procurator General has taken a very strong position against it. However, there is considerable pressure for an early passage of this Cabinet Order.

3. The second subject brought out by Mr. Imai concerned the matter of severance pay to various members of Kodan. According to an order from GHQ, it is necessary to discharge employees in certain segments of various Kodans. According to Mr. Imai, a plan concerning this severance allowance has been submitted to Mr. Bettis. If the problem concerning the discharge allowance question can not be solved, the solution to the problem of conforming to the GHQ order can not be readily effectuated.

4. The matter of pay severance raises various questions, according to Mr. Imai, from the point of view of a reasonable pay system. More time is needed to survey this question. However, GHQ is placing pressure for an early conformity to its order. The tentative plan presented involves paying

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29 October 1948

severance allowances which are midway between that now granted by private industry and that presently given by the Japanese government. At the same time Mr. Imai states that he is considerably disturbed over the rumor that exists to the effect that subversive elements in the Kodan, or concerned with it, are planning to capitalize upon this situation to fulfill whatever purposes they have in mind.

5. Mr. Imai would like assistance on this problem.

WALTER DOMANOWSKI
Compensation Specialist

WD:jd

CIVIL SERVICE DIVISION
Government Section

29 September 1948

Beltus

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

SUBJECT : Proposed Increase in Salary of Public Procurators

1. Mr. Sato, Executive Director of the Temporary National Personnel Commission, presented the attached proposed Cabinet Order concerning the authorization of public procurators to hold concurrently a position on the Attorney General's staff.

2. While there is a serious question as to whether such dual employment might not conflict with the National Public Service Law, the fact that this is an effort to place the public procurators in a position to accept that salary which may be the higher is extremely bad policy. Mr. Sato was so advised. Apparently there is no legal need for authorizing the public procurators to hold a position under the Public Procurators' Law and the Attorney General's Law in order to carry out their duties.

3. Mr. Sato was advised that he might communicate informally with the Attorney General on this proposed Cabinet Order, suggesting that any adjustment in the salaries of general government employees might be correspondingly applied to the salaries of public procurators, thereby eliminating the necessity for such a Cabinet Order as this.

MS

MacDONALD SALTER
Chief, Classification & Compensation Br.

MS:jd

Att. (1)

CIVIL SERVICE DIVISION
Government Section

29 September 1948

Baltus

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