

CIVIL SERVICE DIVISION  
Government Section

3 January 1949

~~Factor~~  
Rules  
II. 4

MEMORANDUM FOR: Mr. James R. Bell,  
Chief, Organization Branch

SUBJECT : Rule governing Rest periods or Recesses.

It is suggested that the National Personnel Authority, in connection with the increased hours of work, issue a rule along the following lines in regard to rest periods or recesses for employees of the regular Government service:

Rule Governing Rest periods or Recesses

In accordance with the provisions of Article 3, of The National Public Service Law as amended, the following rule will be put into effect:

In order to reduce fatigue and increase efficiency, all employees in the Regular Government Service will be excused from their duties for a period of 15 minutes during each four hours of duty, such rest periods or recess will not be charged as leave against the employee and will be included as a part of regular hours worked. Employees will be permitted to use this time as they so desire.

Rest periods or recess authorized will not be accumulative and will ordinarily be utilized as a break in the hours of work. Such rest periods or recess will not be combined with rest periods that are usually associated with lunch periods or as "non-work" periods as referred to in Article 19, of Law No. 46 of 1948 as amended.

When due to the nature of the work, the chiefs of agencies consider that longer rest periods or recesses are necessary due to excess fatigue which might involve the safety or health of the employee or the safety of others, request may be submitted to the National Personnel Authority for longer or additional rest periods, or recesses, however, such exceptions will not be made without the prior approval of the National Personnel Authority.

JESSE B. BETTIS  
Compensation Specialist

JBB:rr



CIVIL SERVICE DIVISION  
Government Section

3 January 1949

MEMORANDUM FOR: Mr. James R. Bell, Chief  
Organization Branch, C.S.D.

SUBJECT : Rules Governing Hours of work and Computation of  
Overtime and Holiday Pay.

It is suggested that technical interpretation and rules governing hours of work, and the computation of Overtime and Holiday pay, be issued by the National Personnel Authority, along the following lines:

Technical Interpretations Covering the Treatment of Hours of Work and Overtime as Provided under Law No. 46 of 1948 as Amended.

Definitions:

"Work hours" as used in Articles 19, 21 and 22, "regular work hours" as used in Articles 21 and 22, and "administrative work hours" as used in Article 19, paragraph 3, shall be interpreted to mean the total number of hours an employee is scheduled for work during a calendar week under the provisions of Article 19, paragraph 2 of this Law.

"Rest period" referred to in Article 19 shall be interpreted to mean a non-work period for the purpose of eating meals or otherwise to be utilized by the employee as he so desires.

Overtime - For the purpose of computing overtime under the provisions of Article 21, the following rule will govern: (1) for all work performed in excess of 8 hours per day within the prescribed hours for the calendar week, but not exceeding the weekly work hours prescribed for the particular agency, the regular hourly rate of pay as prescribed in Article 24 will be paid; (2) for all work performed in excess of the number of hours scheduled for work during a calendar week under the provisions of Article 19, paragraph 2, 125 per cent of the regular hourly rate of pay as prescribed in Article 24, will be paid.

Example; An employee working on a 48-hour scheduled work week has the following daily work schedule:

	M	T	W	T	F	S	S	Total
Scheduled Work hours	8.5	8.5	8.5	8.5	8.5	5.5	-	48
Hours Worked	9	9	0	10	10	6	-	53

The employee was scheduled to work 8-1/2 hours a day each day, Monday through Friday and 5-1/2 hours on Saturday; he actually worked 9 hours



each on Monday, Tuesday and Wednesday, 10 hours on Thursday and Friday, and worked 6 hours on Saturday. He would receive his regular pay for 48 hours of work and overtime pay at the rate of 1.25 times his regular hourly rate of pay for 5 hours inasmuch as he exceeded his regular working hours for the week by 5 hours. Had the employee been absent without pay and performed no work on Saturday, he would have received pay for 47 hours of work at his regular hourly rate of pay inasmuch as he did not exceed his regular work hours for the week.

Had the employee performed work on Sunday, he would be paid for such hours of work at 1.25 times his regular hourly rate of pay for all hours of work performed on that day as Sunday is ordinarily a non-work day (except in the case of employees who have other designated non-work days). There are no regular work hours on that day and any hours worked on a designated non-work day would be paid for at overtime rates provided it exceeds the number of work hours in his established work week.

If an employee's regular work hours do not require him to work on Saturday afternoon, any work performed beyond his regular work hours on that day would be paid for at 1.25 times his regular hourly rate of pay provided he exceeded his regular work hours for the week.

#### Computation of the Hourly Amount of Compensation.

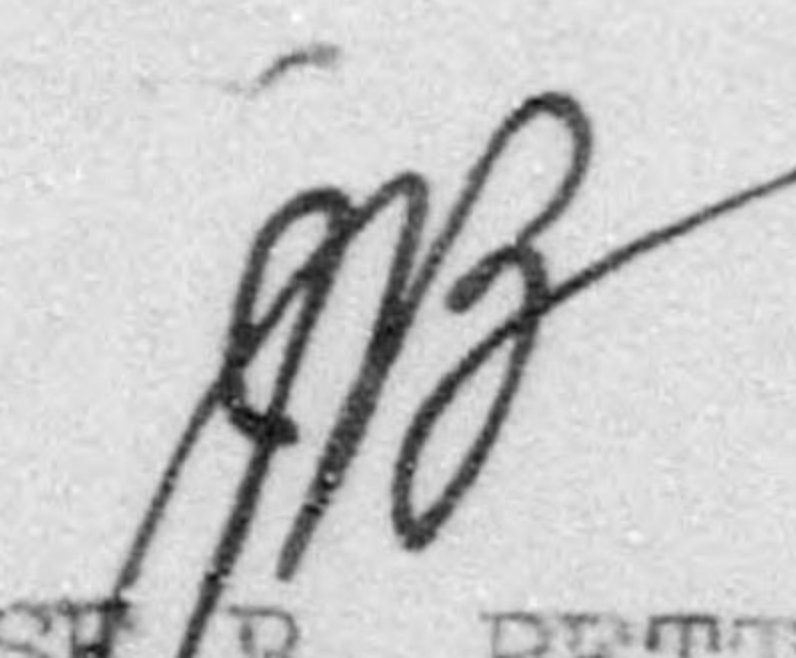
For the purpose of computing the hourly rate of compensation for overtime purposes as provided in Article 24, the following rule will govern:

The monthly amount of base pay plus area allowance times 12 divided by 52 times the number of established work hours in the week shall be the hourly rate of pay. Area allowance computed on family allowance will not be included.

#### Relationship Between Holiday Pay and Overtime Pay

Overtime allowance is payable for work performed outside of the regular work hours. Holiday pay is payable for holidays falling within the regular scheduled work hours. The holiday rate is 1.25 times the regular hourly rate of pay. In the case of a holiday falling on Sunday or on a scheduled non-work day, the overtime allowance would govern and not the holiday allowance.

In case of employees working on a holiday falling on Saturday, holiday pay of 1.25 times the hourly rate of pay is issuable for the regularly scheduled work hours and overtime rate of pay would govern for work performed in excess of the regular scheduled work hours for that day.

  
JESSE B. BETTIS  
Compensation Specialist



CIVIL SERVICE DIVISION  
Government Section

FILE

January 3, 1949

MEMORANDUM FOR: The Record

SUBJECT : Hours of Work

1. Mr. Sato and Mr. Tsurumi of the National Personnel Authority met with Mr. Bell and Mr. Salter to discuss rules on hours of work.
2. Mr. Sato submitted a copy of Rule No. 15-0 concerning work hours of employees which was passed by the National Personnel Authority and became effective on January 1, 1949.
3. Mr. Sato pointed out that the Vice-Ministers' Conference urgently requested a revision of this rule to provide a thirty minute rest period in the middle of the day. It was pointed out that no revision of this rule was necessary. Furthermore, the rule itself is not necessarily a permanent rule and the matter under discussion is of a more permanent nature and should be treated as such.
4. There was considerable discussion concerning the possibility of developing two additional rules covering a fuller statement on non-work periods not subject to compensation and on recess periods subject to compensation. Two rules were drafted covering these suggestions.
5. Rule 15-1 on non-work periods. This included a specific definition of non-work periods, rest periods (used in the New Pay Law and referred to in Labor Standards Law as recess) and non-work days. In addition, a thirty minute rest period was recommended to the Chiefs of agencies to be included in the scheduling of each four hour period of work (this is a precise proportion of the standards for such rest period as provided by the Labor Standards Law). Furthermore, following provision of Article 19 of the New Pay Law as amended, limitations were placed on the number of consecutive days of work that an employee may carry out prior to being given a rest period (the formula developed is the same as used in Labor Standards Law).
6. Rule 15-2 on recess periods. This rule contains definition of recess period. It recommends a fifteen minute recess period in each four hours of scheduled work and provides that a different recess period schedule may be developed with the approval of the National Personnel Authority to meet exceptional working conditions.
7. Copies of the drafts of these rules are attached hereto.

*Macdonald Salter*  
MACDONALD SALTER

Chief, Classification and Compensation Branch

MS:vr  
Att: - 3

*Just to  
B.G.  
with other  
rules*



CIVIL SERVICE DIVISION  
Government Section

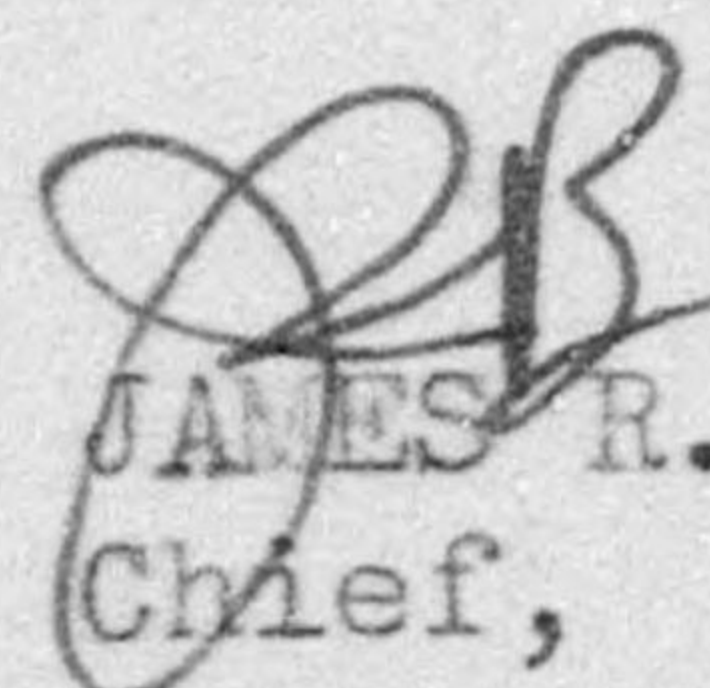
28 December 1948

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

SUBJECT : Proposed NPA Rule - Hours of Work

The New Pay Law requires that hours of work of government employees shall be in accordance with rules of the NPA. Attached is a proposed rule to implement the law. It was submitted by the NPA and after correction now meets with the approval of Mr. Salter and myself.

NPA is quite anxious to have this rule adopted as quickly as possible. The rule will be implemented by a directive requiring the various government agencies to submit their schedules of work hours to the NPA so that that agency may have complete information on the subject.

  
JAMES R. BELL  
Chief, Organization Branch

JRB:jd

Att. Blaine

*The proposed rule has been placed  
on your desk.*

*WRM  
12/28/48*



*Hours of work*  
*file*

CIVIL SERVICE DIVISION  
Government Section

December 27, 1948

*Bell.*  
MEMORANDUM FOR: The Record

SUBJECT : Proposed Rule concerning Work Hours of Employees

1. Under the provisions of Article 3 of the National Public Service Law, it has been construed that the National Personnel Authority has the responsibility to establish hours of work for all agencies.

2. In order that the agencies may control their own schedules of work hours within the limitations provided by the amendments to the New Pay Law, the National Personnel Authority should issue a rule delegating back to the agencies the responsibility for setting hours of work.

3. The attached suggested rule by the National Personnel Authority is in accord with this principle. It is suggested, however, that in paragraph 1, reference be made to the limitation on hours of work as provided under the New Pay Law, Law No. 46 of 1948. Furthermore, paragraph 2 could be deleted.

4. Immediately upon the issuance of this rule, the National Personnel Authority should issue a directive calling for a submittal of schedules setting forth the hours of work for organizations and in some cases, classes of positions, within each agency of the government.

*Macdonald*

MACDONALD SALTER

Chief, Classification and Compensation Branch

MS:vr  
Att:



GOVERNMENT SECTION  
CIVIL SERVICE DIVISION

*Mr Hoover* *app and personal*  
*hours of work*

24 December 1948

*file*

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

*WRM*  
*12/27/48*

SUBJECT : Hours of Work

Reference : Mr. Hoover's memorandum of the same subject dated  
22 December 1948.

Reference memorandum requests two types of information. This memorandum will take up each of these two types of information separately.

1. A SUMMARY OF THE LAWS, CABINET ORDERS AND REGULATIONS NOW IN FORCE OR SOON TO BE IN FORCE RELATING TO HOURS OF WORK.

Law. The only law which establishes standards with respect to hours of work of government employees as such is the law for the partial amendment to the Law Administering the New Pay of Government Employees recently passed by the Diet. Article 19 and Article 35 of this law are pertinent. (See Exhibit A).

Cabinet Orders. Cabinet Ordinance No. 6 of 1922 (Ordinance Concerning Work Hour Schedule on Vacation for Government Offices) as amended by Prime Minister's Office Ordinance No. 42 of 1948 is the only Cabinet Order relating specifically to hours of work of employees throughout the national government. It establishes working hours for office workers in the government service as follows:

Period	Hours per week	Working Hours
April 1 - July 20	39	0800 - 1600 Weekdays 0800 - 1200 Saturdays
July 21 - August 31	39	0800 - 1600 Weekdays 0800 - 1200 Saturdays <u>1948 only</u>
	(24)	0800 - 1200 Weekdays & Saturdays (In previous years)
Sept. 1 - October 31	39	0800 - 1600 Weekdays 0800 - 1200 Saturdays
November 1 - March 31	33	0900 - 1600 Weekdays 0900 - 1200 Saturdays

(Rough) Average Hours per week throughout year (1948) 36.5



(See Exhibits B and C). Cabinet Order No. 6 of 1922 (Exhibit B) provides that the schedules of work hours may be modified by heads of administrative agencies of government to meet their operating requirements with the approval of the Prime Minister. It also provides that hours of work of employees engaged in field operations shall be determined by the competent ministers.

Labor Standards Law. Hours of work for employees of government enterprises such as the Mint, Printing Bureau, Monopoly Bureau, Railways, and Communications Ministry activities such as insurance, savings, telegraph and mail, have been determined on the basis of collective bargaining between those agencies and the unions of their workers within the standards for hours of work established in the Labor Standard Law.

The terms of such collective agreements relating to hours of work which were in force prior to July 31, 1948 (Cabinet Order No. 201) were accepted by the government as suitable standards and are to remain in force until the expiration date of the agreements unless they are in conflict with law or rules of the Authority.

Ministerial Regulations. In the case of employees who are not of official rank, the minister concerned may establish schedules of working hours to meet operating needs with the approval of the Prime Minister. Such schedules are published to the employees concerned by means of various ministerial notices, notifications, and ordinances. Schedules of work which were established by means of collective agreement were also published in this fashion. For examples of hours of work determined by means of collective agreement, see Exhibit D.

2. A LEGALLY SOUND RECOMMENDATION FOR INCREASING THE MINIMUM HOURS OF WORK TO "X" HOURS PER WEEK.

Case A. ("X" hours per week equals 40 hours per week.) Article 19 of the Law for Partial Amendment to the Law Administering the New Pay of Government Employees establishes 40 hours per week as the minimum work week throughout the government, effective January 1, 1949. At the present time, government office workers as a group are generally working less than 40 hours a week. (See Exhibit B.)

It is recommended that the NPA notify the agencies and ministries of the government to which this law is applicable by means of a directive that the head of each such agency of government is within a specified time to adjust the hours of work of his employees in such a manner that the requirements of Articles 19 and 35 of the aforementioned law are met and to advise the National Personnel Authority in writing of the hours of work so revised. Upon receipt of replies from the various ministries and agencies concerned, the Authority would then proceed to issue a rule establishing hours of work for the agencies concerned as required by Article 19 of this Law, delegating to heads of agencies the authority to establish specific schedules within their jurisdictions, and requiring these schedules and their future revisions to be reported to the Authority.



Case B. ("X" hours per week equals more than 40 hours per week.)  
In the event it should be considered advisable to raise the minimum hours per work week throughout the government above 40, it would be necessary to amend Article 19. (See Exhibit A). In this case, the amendment should be drafted and forwarded to the Diet and Cabinet with the recommendation by the National Personnel Authority for its enactment.

TE/hm  
Attachments (Ex.A.B.C.D.)

THOMAS L. Eliot



EXHIBIT A

House of Representatives  
December 22, 1948.

ARTICLES 19 and 35 of the LAW FOR PARTIAL AMENDMENT TO THE  
LAW ADMINISTERING THE NEW PAY OF GOVERNMENT EMPLOYEES.

Article 19. The work hours shall be established by rules of the National Personnel Authority with the limitations of not less than forty hours per week nor more than forty-eight hours per week, exclusive of the rest period.

2. The Chiefs of Agencies may change or prolong the work hours as prescribed in the preceding paragraph with the approval of the National Personnel Authority in order to meet the special necessities of agencies and within the limitations of not less than 40 hours per week nor more than forty-eight hours per week, exclusive of the rest period.

3. The administrative work week will, insofar as possible, be scheduled over a period of not to exceed six work days, Monday through Saturday, so that Sunday is a non-work day. Chiefs of agencies may, subject to rules of National Personnel Authority, designate other days as non-work days for employees engaged in special work.

Article 35. With respect to positions which, due to their nature, are such that it is necessary to exceed the maximum of work hours prescribed in Article 19, and that, moreover, such work hours have formed the basis of computation of base pay, the work hours shall follow the instances heretofore in force.



Cabinet Ordinance No. 6, 1922 (Ordinance concerning Work  
Hour Schedule and Vacation for the Government Offices)

The work hour schedule except on holidays and vacation granted for the government offices workers for each year shall be established as in the following.

<u>Period</u>	<u>Work Hour</u>
April 1 to July 20	8:00 to 16:00 (8:00 to 12:00 for Saturday)
July 21 to August 31	8:00 to 12:00
September 1 to October 31	8:00 to 16:00 (8:00 to 12:00 for Saturday)
November 1 to March 31	9:00 to 16:00 (9:00 to 12:00 for Saturday)

The competent Minister shall be authorized with the approval of Prime Minister to alter, interchange or prolong any case of the work hour schedules as laid down in the preceding paragraph, if he deems it necessary to do so in view of the variety of working places or the very nature involved of working circumstances.

All government workers shall be requested to work extra hours besides for the work hour schedules, if full performance of their duties assigned are urgently required.

Chiefs of the respective Ministries and government agencies are authorized to have the workers attend to their office behind the established schedule or leave it earlier because they need medical treatment and other particular reasons for so doing.

Chiefs of the respective Ministries and government agencies are authorized to grant all workers under them a vacation of no more than



20 days during the period of from July 21 to August 31 of every year, provided that the functioning of business affairs is not disturbed by so doing. If the vacation has failed to be granted within the course of the said period due to business requirements, it is not prevented from being given in the other period.

The competent Minister may be allowed to establish in another scheme work hour schedules and vacation available of workers engaged in the field operation.



Prime Minister's Office Ordinance No. 42, 1948 (Ordinance concerning Exceptional Case to the Cabinet Ordinance No. 6, 1922 (Ordinance concerning Work Hour Schedule and Vacation for Government Office Workers)

The work hour schedule available of government offices workers for the period of from July 21 to August 31 of 1948 shall range from 8:00 to 16:00 for all the days involved, despite the provision of Paragraph 1 of the Cabinet Ordinance No. 6, 1922.

Provided, however, that it shall range from 8:00 to 12:00 for every Saturday during the period.

#### Supplementary Provision

The present Ordinance shall be effectuated as from the very day of its promulgation.



EXHIBIT D

SUBJECT : Union Contract Provisions Regarding Hours of Work.

Approximately half the union contracts for government employees list working hours as one of the matters subject to deliberation by the management council. A few contracts specify that employees shall work the "usual government working hours." Five contracts have specific provisions regarding working hours. The pertinent articles are given below.

The All-Japan Civil Engineering Workers Union of the Construction Board.

Article 8. The working hours shall be as a rule 8 hours a day (including a recess of less than an hour.)

The Government Railways Workers' Union.

Article 15. The standard of working hours shall be eight (8) hours per diem, including one (1) hour or less of rest period; the actual working hours shall be as scheduled in the accompanying table.

Article 16. The hours for sleep at night for the workers performing twenty-four (24) hour work shall be at least four (4) continuous hours.

Article 52. The standard of working hours for the personnel in maritime service shall be eight (8) hours per diem (with a recess of one (1) hour or less included.) But their hours of duty, as well as their off-duty, off days, etc. shall be scheduled separately by the Government Railways Shipping Management Council in accordance with their respective service routes.

Annex No. 1. Working Hours.

<u>Class of Service</u>	<u>Service Detail</u>	<u>Working Hour</u>
Daytime Service		Eight (8) hours per day (recesses for one (1) hour or less included)
Special (long period daytime service)		Average eleven (11) hours per day
Twenty-four (24) hour service (shift to shift,) -- followed by twenty-four (24) off hours.		a) Average twelve (12) hours per day b) Overnight work (eight p.m. to five a.m. (20.00 5.00), with above four (4) continuous hours of complete rest.



Service on relay system  
(a chain of different  
kind of duties performed  
in relays.)

Each working period is  
to be determined by  
peculiarity of each of  
the assorted duties.

Alternative service on  
day-and-night shift basis.

Average twelve (12)  
hours per day.

Three-shift service

Average eight (8) hours  
per day.

Overnight work.

Rule for daytime service  
applicable.

1. Crew on train

Average eight (8) hours  
per day (hours for pre-  
paration and waiting in-  
cluded.)

2. Crew on loco-  
motive

(a) Crew on steam  
engine

Average seven and half  
(7½) hours per day (ditto)

(b) Crew on electric  
engine

Average eight (8) hours  
per day (ditto)

Car service

3. Crew on electric  
train

Average seven and a half  
(7½) hours per day (ditto)

4. Crew on motor  
bus or truck

Average eight (8) hours  
per day (ditto)

Out of workers in 24 hour service, marshalling-men, signal men, pointsmen, couplers and apprentices thereof and reserve yardmen at chief stations or marshalling yards, as well as the same kind of workers and others at similar places particularly busy of work are to be placed in the three-shift service now. (i.e. this procedure is to be applicable to 30% or so of the workers in 24 hour service.)

OFF-WORK

Workers of any kind of service are entitled with no exception to one (1) off-day per seven (7) days.

General Communications Workers Union

Article 5. As for working hours, maximum is set to eight hours binding a day and forty-eight hours a week. However, the working hours in operating offices shall be decided otherwise within the limits above mentioned in the conference of A and B. (See Memorandum 3 and the list annexed).



Memorandum 3

- 1) Shortening of heavy labor hours (physical and spiritual) and of labor hours at dangerous work shall be deliberated upon at Management Committee.
- 2) Specially leisurely labor hours can be calculated at discount and converted into normal service hours stated in Article 5, but this convertment should be minimized and shall be deliberated upon concretely at Management Committee.

Article 6. Concerning the child and woman labor, concrete provisions based on the Draft of the Labor Standard Law, shall be enacted in the conference of A and B. (See the No. 1 of annexed documents.)

The Japan Teachers Unions

(The All-Japan Congress of Teachers' Unions)  
(The National Federation of Teachers' Unions)

Article V. The service hours of teachers will be as follows:

1. Service hours will be 42 hours per week.
2. Four hours a day will be the basic standard for teaching hours of each teacher.
3. With regard to other kinds of service hours, A and B will discuss and decide them within the limit set above.

Article VI. Twenty days per year will be set aside for the purpose of free study.

The Federation of the Labor Unions of the Workers in the Printing Bureau.

Article 4. The labor hour will, as a principle, be set forth at eight hours on duty (inclusive one hour to be granted for recess); the duty hour may, however, cogently be changeable, with the result of consultation to be obtained between "A" and "B", in accordance with the quality of labor involved, and in adaptation to seasonal demand, provided as regards the labor hour for the person in service of guard, etc. some specific settlement may be obtained with the mutual consultation on both sides.

Memorandum. The duty hour will be maintained at forty-four hours a week as is the custom now current.

NMB/hm

NORA MAE BORTHICK  
Classification Specialist



Memorandum 3

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NMB/hm

NORA MAE BORTHICK  
Classification Specialist



SPECIAL - RUSH -

MR BELL

&  
MR ELIOT

Government Section  
Civil Service Division

22 December 1948

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

WBR  
12/22/48

SUBJECT: Hours of Work

Will you please initiate work on the following project immediately and give me a report thereon by 23 December 1948 (1700). I desire: ←

1. A summary of the laws, Cabinet Orders and regulations now in force or soon to be in force relating to hours of work.
2. A legally sound recommendation for increasing the minimum hours of work to "X" hours per week.

BH:mta

*Blaine Hoover*  
BLAINE HOOVER  
Chief  
Civil Service Division

*Suggest you check with Betts on background info.*



24 Dec 48

Government Section  
Civil Service Division

22 December 1948

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Deputy Chief, Civil Service Division

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BLAINE HOOVER  
Chief  
Civil Service Division



RD

File  
II. 4.

CIVIL SERVICE DIVISION  
Government Section

23 December 1948

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

SUBJECT : Union Contract Provisions Regarding Hours of Work

Approximately half the union contracts for government employees list working hours as one of the matters subject to deliberation by the management council. A few contracts specify that employees shall work the "usual government working hours". ~~Six~~ <sup>Five</sup> contracts have specific provisions regarding working hours. The pertinent articles are given below.

~~Specific provisions re tour of duty:~~

The All-Japan Civil Engineering Workers Union of the Construction Board

Art. 8. The working hours shall be as a rule 8 hours a day (including a recess of less than an hour).

The Government Railways Workers' Union

Art. 15. The standard of working hours shall be eight (8) hours per diem, including one (1) hour or less of rest period; the actual working hours shall be as scheduled in the accompanying table.

Art. 16. The hours for sleep at night for the workers performing twenty-four (24) hour work shall be at least four (4) continuous hours.

Art. 52. The standard of working hours for the personnel in maritime service shall be eight (8) hours per diem (with a recess of one (1) hour or less included). But their hours of duty, as well as their off-duty, off days, etc. shall be scheduled separately by the Government Railways Shipping Management Council in accordance with their respective service routes.

Annex No. 1. Working Hours

Class of Service	Service Detail	Working Hour
Daytime Service		Eight (8) hours per day (recesses for one (1) hour or less included)

Continued.



23 December 1948

## Annex No. 1. (Cont.)

Special (long period) daytime service	Average eleven (11) hours per day
Twenty-four (24) hour service (shift to shift), --followed by twenty-four (24) off-hours	a) Average twelve (12) hours per day b) Overnight work (eight p.m. to five a.m. (20.00-5.00), with above four (4) continuous hours of complete rest
Service on relay system (a chain of different kind of duties performed in relays)	Each working period is to be determined by peculiarity of each of the assorted duties
Alternative service on day-and-night shift basis	Average twelve (12) hours per day
Three-shift service	Average eight (8) hours per day
Overnight work	Rule for daytime service applicable
1. Crew on train	Average eight (8) hours per day (hours for preparation and waiting included)
2. Crew on locomotive	
(a) Crew on steam engine	Average seven and half ( $7\frac{1}{2}$ ) hours per day (ditto)
(b) Crew on electric engine	Average eight (8) hours per day (ditto)
Car service	
3. Crew on electric train	Average seven and a half ( $7\frac{1}{2}$ ) hours per day (ditto)
4. Crew on motor bus or truck	Average eight (8) hours per day (ditto)

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23 December 1948

## Annex No. 1. (Cont.)

Out of workers in 24 hour service, marshalling-men, signal men, pointsmen, couplers and apprentices thereof and reserve yardmen at chief stations or marshalling yards, as well as the same kind of workers and others at similar places particularly busy of work are to be placed in the three-shift service now. (i.e. this procedure is to be applicable to 30% or so of the workers in 24 hour service)

## OFF-WORK

Workers of any kind of service are entitled with no exception to one (1) off-day per seven (7) days.

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- 2) Specially leisurely labor hours can be calculated at discount and converted into normal service hours stated in Article 5, but this convertment should be minimized and shall be deliberated upon concretely at Management Committee

Art. 6. Concerning the child and woman labor, concrete provisions based on the Draft of the Labor Standard Law, shall be enacted in the conference of A and B. (See the No. 1 of annexed documents)

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2. Four hours a day will be the basic standard for teaching hours of each teacher.
3. With regard to other kinds of service hours, A and B will discuss and decide them within the limit set above.

Art. VI. Twenty days per year will be set aside for the purpose of free study.



23 December 1948

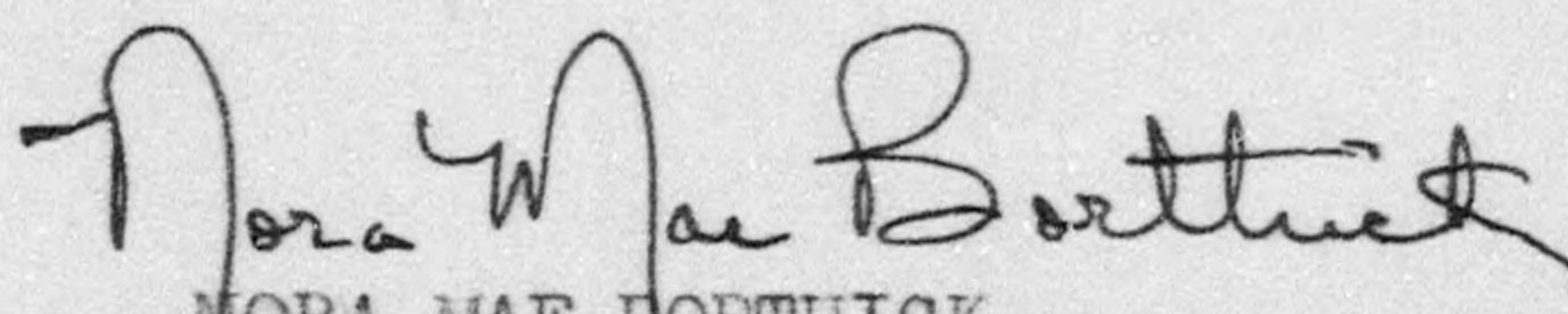
The Japan Teachers Unions (Continued)

Memorandum, Item 6. Members of the unions who are suspended from service will be given the whole amount of salaries and allowances just as in-service members.

The Federation of the Labor Unions of the Workers in the Printing Bureau

Art. 4. The labor hour will, as a principle, be set forth at eight hours on duty (inclusive one hour to be granted for recess); the duty hour may, however, cogently be changeable, with the result of consultation to be obtained between "A" and "B", in accordance with the quality of labor involved, and in adaptation to seasonal demand, provided as regards the labor hour for the person in service of guard, etc. some specific settlement may be obtained with the mutual consultation on both sides.

Memorandum. The duty hour will be maintained at forty-four hours a week as is the custom now current.

  
NORA MAE BORTHICK  
Classification Specialist

NMB:jb



GOVERNMENT SECTION  
CIVIL SERVICE DIVISION

14 July 1948

*Satto AS*  
*file*  
*in PC 7/19/48*

MEMORANDUM FOR RECORD :

SUBJECT : Hours of Work of Japanese Government Employees

1. At Mr. Hoover's request, Mr. Tatsuo Sato, legal assistant to the Attorney General, issued an opinion under date of 13 July 1948 relative to the authority for issuing orders relative to hours of work of Japanese government employees. Mr. Sato's statement is attached.

2. In reviewing this matter, Mr. Hoover has ruled that it is improper for the Temporary National Personnel Commission to issue any official orders relative to the hours of work of Japanese government employees. This opinion is based on the following three points:

a. Law #121 of 1 January 1948 states that all matters relative to personnel in the Japanese government shall follow the examples as provided for by the old law before the application of the provisions of the National Public Service Law shall be made to the public office concerned, if not otherwise provided for by law or by regulations of the National Personnel Commission under Article 16 of the National Public Service Law.

b. The Temporary National Personnel Commission has assumed no responsibility by demand, for authority under Law #120, 1947; thus, until it voluntarily assumes such authority by demand, Law #121 remains in effect.

c. At the present moment, under Law #120, any orders issued by the Temporary National Personnel Commission would only apply to the administrative employees of the Japanese National government which would be approximately 20% of the total employment and thus it would require a cabinet order in any event to cover all government employees.

*W. Pierce MacCoy*  
W. PIERCE MacCoy  
Deputy Chief, Civil Service Division

WPM/hm  
Attachment



To:

Mr. Blaine Hoover,  
Chief of Civil Service Division,  
Government Section, GHQ, SCAP

July 13, 1948

1. The existing legal instrument which governs the office hours of government organizations and the hours of work of government personnel is Cabinet Ordinance No.6 of 1922.

According to the above-cited Cabinet Ordinance, these hours are fixed, as a general rule, from 8 a.m. to noon during the period July 21 to August 31.

However, under the conditions obtaining in Japan at the present time, it is impertinent that a government employe who is the servant of the community should only work in the morning and that a government establishment should be closed to the public in the afternoon.

Consequently, it is our intention at the present juncture to provide an exception to the above general rule, whereby, even during summer-time, both the office hours of government organizations and the hours of work of government personnel will be extended to 4 p.m. (except Saturdays).

The half-holidays for summer were also suspended last year, but such suspension was then effected by an agreement at a Vice-Ministers' conference with the idea that government personnel gave up such half-holidays voluntarily; and, as the action was not based on any legal procedure, it subsequently gave rise to a number of questions.

Such being the case, I think that it is absolutely necessary this year to pursue the right path and to deal with this question by legal procedure.

*Noted*  
*B/A*  
*WBR*  
*7/14/48*



2. The question we have now to consider is what legal procedure should be taken to-day to attain the objective in view.

First of all, we have to examine into the present legal status of Cabinet Ordinance No.6 of 1922. As this is a problem that interlocks with the old and new Constitutions, it involves a number of difficult and controversial points, but our conclusion is as follows:-

Primarily, it should be recognised that the Cabinet Ordinance in question has fixed, on the one hand, the hours of work of government personnel and, on the other, the office hours of government organizations. In making a study of measures to be taken in regard to this Cabinet Ordinance, therefore, we have to examine into each of these two aspects of the case.

- (a) In regard to the hours or work of personnel, a legal authority is required, as provided for in Item 4, Article 73 of the Constitution. And the validity of the Cabinet Ordinance referred to has been continuously recognized in substance by the provision that "with regard to the matters concerning the appointment, removal, class promotion, temporary retirement, reinstatement, disciplinary punishment and status of government officials, those concerning their salaries, remunerations and other allowances, and those concerning their performance on duty, they shall follow the examples as provided for by the old law, before the application of the provisions of the National Public Service Law" in the "Law concerning the Appointment, Removal, etc. of Government Officials before the Application of the Provisions of the National Public Service Law" (Law No.121 of 1947). (I do not think there is any room for argument that the hours of work of government



personnel fall under "the matters concerning performance on duty")

While a legal authority is necessary for providing exceptions to Cabinet Ordinance No. 6, the Law No. 121 has a proviso to the effect that provisions may otherwise be made by rules of the National Personnel Commission. We contemplate, therefore, making exceptions to the Cabinet Ordinance No. 6 to discontinue half-holidays for summer-time under the provision of the proviso referred to.

At present, apart from Law No. 121, there is no legal authority that can be invoked on the case.

(b) Next, we have to consider action for the other aspect of the case, namely, the phase involving the office hours of government organizations.

Roughly speaking as a matter of principle, it is a regular rule that the hours of work of personnel should correspond with the office hours of their government organizations. Consequently, it is thought for this very reason that these two phases have been dealt with together by one Cabinet Ordinance No. 6.

Frankly speaking, when drafting Law No. 121, we were under the thought that Law No. 121 was to delegate to rules of the National Personnel Commission the fixing of any exceptions to both of these issues.

It might be argued that the National Personnel Commission has no direct authority over the question of fixing the office hours of government organizations, but since Rules of the National Personnel Commission are subject to approval of the Prime Minister, we were then under the impression that, in so far as the office hours



of government organizations are concerned, it would be in order if the Prime Minister takes this question into consideration in giving approval to the Rule involved.

However, by making self-examination over the case today, we find that the above conclusion is not very explicit, and we now consider it appropriate that the Prime Minister, on the basis of the right of direction and supervision over various administrative branches given him by Article 73 of the Constitution and Article 6 of the Cabinet Law, should provide for the extension of the office hours of government organizations by means of an Ordinance of the Prime Minister's Office or an Instruction of the Prime Minister having the same content as the Rule of the National Personnel Commission and publish it simultaneously as the latter Rule.

*T. Sato*

Sato Tatsuo

Legal Assistant to Attorney-General

I fully concur with the views expressed above.

*Kiyoshi Asai*

Asai Kiyoshi

Chairman of the Temporary  
National Personnel Commission