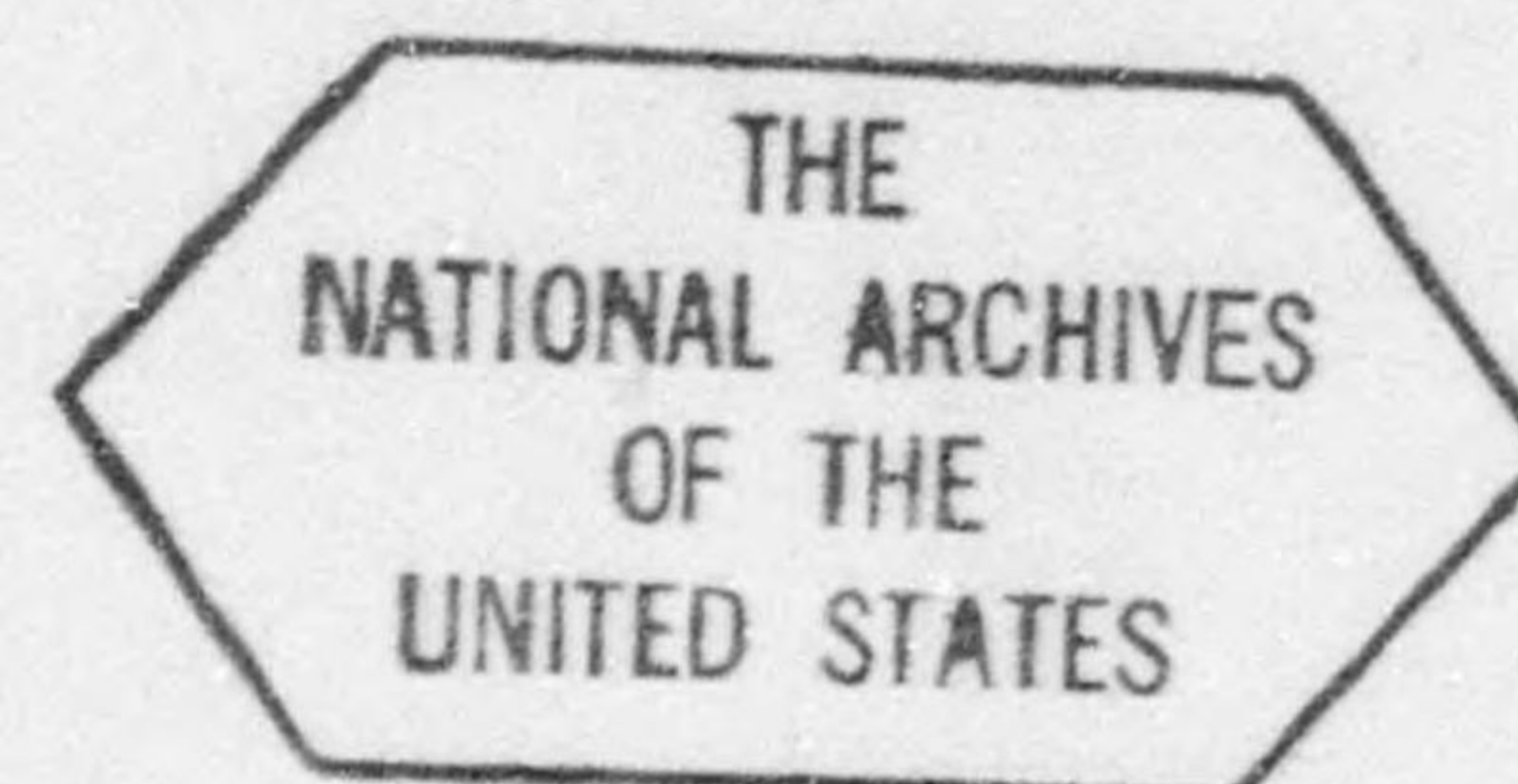


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2043
- (2) Folder title/number: (12)
Classification & Compasation Branch-Leave

(3) Date: **July 1948 - Aug. 1950**

(4) Subject :

Classification	Type of record
324	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	Jul 24 '48	B.Hoover	Government Employee Vacation
2.	Dir.Gen., Cabinet Secretariat	Feb 7 '49	Each Ministry Agency & Local Govt. Office. Diet, Supreme Court & Board of Audit	Notice on Expediency to be Granted on Day of By-election of Members of House of Representatives
3.	J.B.Bettis	Feb 21 '49	Memo for Rec.	Proposed Regulations of ONPA regarding Payment for Authorized Leave
4.	J.B.Bettis	Mar 7 '49	Memo for Rec.	Proposed Regulation of ONPA Regarding the Payment for Authorized Leave
5.	J.B.Bettis	Mar 18 '49	Memo for Rec.	Regulation Issued by ONPA Regarding Payment for Authorized Leave
6.	DeAngelis	May 2 '49	Memo for Rec.	Revision of Individual Leave Record and Procedure for its use.
7.	DeAngelis	May 17 '49	Memo for Rec.	Leave Policy - Ministry of Communications
8.	DeAngelis	May 23 '49	Memo for Rec.	Leave Project
9.	W.P.MacCoy	May 23 '49	M.Salter	Leave Hours
10.	DeAngelis	Jun 7 '49	Memo for Rec.	Physiological Leave for Women
11.	DeAngelis	Jun 8 '49	Memo for Rec.	Physiological Leave for Women
12.	J.B.Bettis	Jun 22 '49	Memo for Rec.	Physiological Leave for Female Government Workers
13.	PH&W	Jun 27 '49	Govt. Sec.	Three-day Physiological Holiday for Women Civil Service Employees
14.	M.Salter	Jun 29 '49	DeAngelis	Leave Regulations
15.	A.DeAngelis	Jul 1 '49	M. Salter	Leave Regulations
16.	M.Salter	Jul 1 '49	W.P.MacCoy	Violation of Leave
17.	S.Onodera	Aug 14 '50	M.Salter	"Leave without Pay" Status

CIVIL SERVICE DIVISION
Government Section

14 August 1950

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

SUBJECT : "Leave Without Pay" Status

At the conference held between Mr. Otake of the Law Bureau and the undersigned on 14 August 1950, Mr. Otake presented the Law Bureau's studied opinion on the feasibility, legal and practical, of placing regular service personnel (Printing Bureau employees) on "Leave Without Pay" status during their Temporary Duty with the FEC Printing Plant.

1. Legal Aspects

- A. Items 1 and 3, Article 101 of the National Public Service Law is the only provision which refers to performance of duties outside of regular government duties. Even in this case, however, the provision refers only to those duties performed on behalf of employee organizations. By stretching the interpretation of this Article, it may be possible to apply NPA Rule 15-3 and provide for leave without pay.
- B. By further applying Article 15 of the Pay Law, hours not worked during above leave of absence may be "penalized", so to speak, in the form of pay deduction.
 - (1) In this case, both the base pay and area allowance will not be paid, but the family allowance will continue in force.
 - (2) By special arrangement among Finance Ministry, Special Procurement Board, Printing Bureau, and NPA, adjustment with regards to the family allowance can be worked out.
 - (3) The mutual aid benefits and the pension program can continue in force although this may necessitate special legal interpretation.
- C. Article 104 of the National Public Service Law will be brought into play, thus calling for the "permission of the NPA and the head of the employing government agency to engage in" duties or business outside of regular government duties.
 - (1) The Law Bureau currently is drafting a general rule which will enable NPA to give such permission to cases it declares special.

MEMO FOR: Mr. Salter

- 2 -

14 August 1950

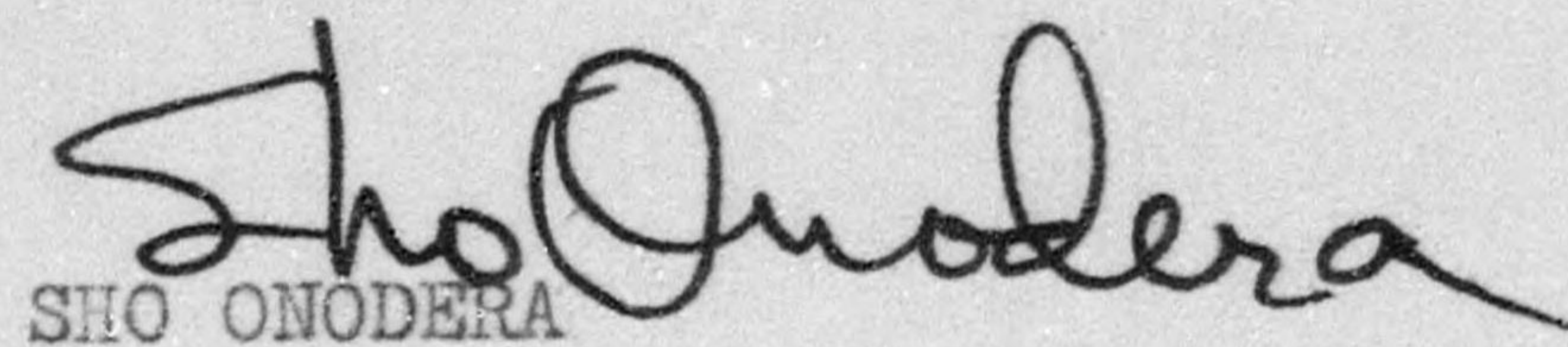
D. According to Item 2, Article 40 of the Pension Law, for employees away from work for more than a month, such period of absence is computed at 50%.

(1) At present, exceptions are made for those employees engaged in employee organization work.

(2) There is a legal question as to whether such exception can be made for the employees now in question.

2. Practical Aspect:

A. Although it is possible, by legal manipulation and elastic interpretation, to resort to "Leave Without Pay" plan, the Law Bureau prefers "Reimbursable Detail" plan.



SHO ONODERA

Classification & Compensation
Analyst (Interpreter)

CIVIL SERVICE DIVISION
Government Section

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

SUBJECT : Violation of Leave

Instances are repeatedly coming to our attention where employees apparently are working on union activities on a part-time or partial basis, detracting from the performance of their official duties. These are distinctly violation of the intent and purpose of the NPSL and the rules issued thereunder. However, the question raised was whether people confronted with an action by NPA on this matter would be able to provide a legal, technical basis that would protect them from the penalty provisions of the NPSL.

We have made a brief inquiry into this and it is our conclusion that the employees who might be confronted with such a charge by NPA would be able to claim technically that they were not violating the NPSL.

The present leave regulations provide for 20 days a year vacation leave, Cabinet Order No. 6 of 1922, and 30 days a year personal leave, Imperial Ordinance No. 192 of 1946. Since Law No. 121 of 1947 continues these until other action may be taken under NPSL, they are still in effect. It is the practice in the government to take leave when the employee feels he needs it and then upon return to duty to state which leave he has been taking. If any question were raised the employee would merely claim that the supervisors were at fault and there was an error on the attendance records. They can merely declare that they took annual or personal leave in the customary manner.

MacDonald Salter

MacDONALD SALTER
Chief, Classification
& Compensation Branch

MS:jd

Att.

1) DeAngelis - *Mr. Hopper*
for your info
2 - *Mr. Salter MS*
Let's get whoever is
working on the
1 July 1949 have info to
hurry it along
and get this
straightened up to
where NPA can
do something
about it.

WPR
7/5/49

CIVIL SERVICE DIVISION
Government Section

1 July 1949

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

SUBJECT : Leave Regulations

1. We admit the group of employees spent part of the standard work day on union activities, but there has been no violation of NPSL or rules of NPA. The employees took leave as provided by law.

2. We are accused of violating the provisions of the following articles of the NPSL:

a. Article 96 - An employee, as a servant of the people, shall attend to his duties in the interest of the public, and exert his utmost effort in the performance of his duties.

b. Article 98 - Personnel of the service in the performance of their duties shall comply with laws and orders and faithfully observe the orders of their superior pertaining to the performance of their official duties.....

Personnel shall not engage in delaying acts or resort to delaying tactics which reduce the efficiency of government operations.

c. Article 101 - Personnel, except in cases authorized by rules of the Authority, shall give their full working time and occupational attention to the performance of their duties, and perform only those duties which it is the responsibility of the National Government to perform.

Personnel shall not, while receiving pay of the National Government, perform duties or carry on activities for or in behalf of employee organizations. However, personnel may perform the activities approved by the provision of Article 98 under conditions or circumstances approved by the Authority or prescribed by rules of the Authority.

3. We are further accused of violating Rule 15-3 of the NPA:

a. The head of an employing agency of government may grant an employee at his request a leave of absence to be exclusively engaged in the business of an employee organization provided by Article 98 of the Law and registered with the NPA (to be hereinafter referred to as leave) as a representative or other officer of such organization, provided that such leave does not interfere with government business.

1 July 1949

- b. The period of leave shall be determined with one day as a unit with the limitations not to exceed one year. However, when the period of leave has expired, the head of an employing agency of government may grant another such leave in accordance with the provisions of this rule.
- c. Except the cases where he has been given leave under this rule, no employee may exclusively engage in the business of an employee organization, and no employee who has been given leave under this rule may engage in government business during the period of leave.
- d. No employee shall be paid base pay, family allowance, area allowance or any other compensation during the period of such leave.

4. When an employee is on leave Article 96 of the NPSL does not apply. The employee does not perform duties while on leave. Likewise, Article 98 of the NPSL does not apply. An employee cannot faithfully observe the orders of his superior in the performance of duties when he is on leave from such duties. Neither is he engaging in delaying acts or delaying tactics.

That part of Article 101 of the NPSL which states that employees shall give their full working time and occupational attention to the performance of their duties and perform only those duties which it is the responsibility of the National Government to perform has not been violated. When the employees were actually on duty they attended strictly to the government's business. When the employees were on leave they did not attend to the government's business - it was not necessary.

That part of Article 101 of the NPSL which states an employee shall not, while receiving pay of the National Government, perform duties or carry on activities for or in behalf of employee organizations does not apply. An employee on annual or personal leave receives pay at 100 per cent and he may do what he pleases with his annual leave. An employee on personal leave may attend to his personal affairs. There isn't anything more personal to an employee than union activities. If the employees were on duty at the time they took part in union activities they would be violating Article 101.

Paragraphs ^a1, ^b2 and ^d4 of Rule 15-3 do not apply in this case as the employees decided to use the annual and personal leave authorized to be granted by Cabinet Order and Imperial Ordinance instead of asking for leave to participate in union activities.

When an employee is sick, he may use his annual leave or personal leave before using his sick leave. Likewise in this case the employees decided to use their annual and personal leave before requesting leave of absence under Rule 15-3. *The minimum period of leave provided in Rule 15-3 is one day. The employees did not wish to take a full day's leave.*

1 July 1949

Paragraph 3 of Rule 15-3 is illegal. In effect it states an employee cannot use his annual leave as he sees fit, nor can he use his personal leave for really personal reasons. Paragraph 3 of Rule 15-3 should be re-worded to read: "Except the cases where he has been given leave under this rule, or is on annual or personal leave, no employee may exclusively engage in the business of an employee organization, etc."

5. Present leave regulations provide for 20 days a year vacation leave, Cabinet Order No. 6, 1922, and 30 days a year personal leave, Imperial Ordinance No. 192, 1946. It is the practice to take the leave when needed and upon return to duty to state which type leave has been taken.

6. Conclusion: The employees have not violated any provisions of the NPSL or Rules of NPA. They took annual and personal leave in the customary manner. If there are any errors on the attendance records, they are the fault of the supervisors.

Albert R DeAngelis
ALBERT DeANGELIS
Compensation Specialist

ADeA:jd

4. Fundamental question: Should employees be allowed to do every thing during a "vacation" which they can do during leave under Rule 15-3? Presumably "yes" except as mentioned in note #1.

1. This would allow a person to engage in govt business during the period of his leave; mix gov't business with union business. Not good.
2. 15-3 allows leave to be granted only to officers of unions, officers must be registered as such with NPA.
3. Possibly 15-3 should be revised in some way. However, when read in conjunction with 14-1 & note 2 (above) it is clear that NPA allows union activity during vacation, etc. Word "exclusively" may be an inadequate term in 15-3 to distinguish between the activities under the 2 kinds of leave.

CIVIL SERVICE DIVISION
Government Section

29 June 1949

MEMORANDUM FOR: Mr. Albert DeAngelis, Compensation Specialist

SUBJECT : Leave Regulations

Would you please consider yourself informally an attorney for a certain group of employees and defend them against what appears to be taking unauthorized leave and failure to comply with the spirit and intent of certain rules of NPA

Situation

1. These employees are officers of a government union and spend a part of their time working on union matters either at their desks or away from them at conferences. Some of these conferences are regularly scheduled conferences of the organization being held on two days of each week.
2. The matters that are dealt with are union matters and not legitimate negotiations provided for under NPA rule between the union and management.
3. The employees have been signing the payroll attendance records each day and are receiving their government pay.
4. They claim that the regulations of NPA do not apply to them since they are not considered full-time union employees, who are required to be placed on leave of absence and paid by the union, not by the government.
5. They believe that they have a perfect right to work on these activities and consider themselves merely on leave from their official duties under leave regulations now in effect.

Very, very briefly, outline your defense, with particular reference to any Imperial Ordinances, etc. which would support their contention that they had a perfect right to take leave from their job with pay and work on union or other matters.

/s/ MacDONALD SALTER
MacDONALD SALTER
Chief, Classification
and Compensation Branch

MS:jd

Reply by Friday please.

-14-

GENERAL HEADQUARTERS
FOR THE EASTERN COMMAND
SUPREME COMMANDER FOR THE ALLIED POWERS
CHECK SHEET

(Do not remove from attached sheets)

File No:

Subject: Three-day Physiological Holiday
for Women Civil Service Employees

Dr. Morton
26-6995

Note
No.

From: PH&W

To: GS

Date: 27 June 1949

1

1. Public Health and Welfare Section has been requested to render an opinion in regard to the granting of a three-day "physiological holiday" for women employed in civil service.

2. Under the present law it is understood that ninety days' sick leave is granted for civil service employees, which sick leave applies equally to men and women.

3. Menstruation is a physiological function and in the normal woman does not result in any work disability nor do medical authorities consider work performed during the menstrual period to be detrimental to the health of the individual. In some women cramps or discomfort may be present for from a few hours to one day during each menstrual period, and the present law which provides for ninety days of sick leave each year is adequate to take care of individual cases should absence at this time prove to be necessary.

4. Public Health and Welfare does not, therefore, concur in the proposed three-day "physiological holiday" for women civil service employees on the basis that there is no medical evidence to support such a proposal.

C. F. S.

-13-

CIVIL SERVICE DIVISION
Government Section

22 June 1949

File
6-22-49

Leave

MEMORANDUM FOR THE RECORD

SUBJECT: Physiological Leave for Female Government Workers

Mr. Watanabe of the ONPA called at this office on 20 June 1949 and presented a proposed plan for some modification of New Pay Administration Office Instruction No. A-24, dated February 7, 1949, regarding physiological leave.

Mr. Watanabe was advised that the ONPA should first discuss this matter with responsible officials of the NPA, that Mr. DeAngelis of this office had made studies in regard to the matter and that following their discussion with NPA all interested parties should meet in order that a final conclusion could be reached.

This problem is also under study at this time by the Salary and Wage Section of NPA.

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

8 June 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Physiological Leave for Women

1. A conference was held with Dr. M. C. Morton, Public Health and Welfare Section, regarding menstruation leave for women.
2. Dr. Morton made the following comments:
 - a. Menstruation is a physiological, not a pathological, condition. Physiology deals with biological functions and normal processes of an organism - pathology deals with diseases, their causes, etc.
 - b. The menstrual flow averages five days. Cramps never last more than one day, usually at the beginning of the period. Why set figure at 3 days? Why not 7? Why not 10?
 - c. During the normal menstrual period a woman can swim, skate, ride horseback, dance, perform light or heavy work (standing or sitting). However, should a woman have excessive trouble during this period she should be referred to a physician as the case may have become pathological.
 - d. The woman who leads an active life and is occupied during the menses has less trouble than the woman who is inactive and unoccupied.
 - e. Dr. Morton felt it was not necessary to provide for any menstruation leave. If menstruation leave was provided for women, hang-over leave should be provided for men. Both are physiological conditions. Consultations are not necessary during the menses.
 - f. A point may be stretched however to increase the sick leave by one day a month to cover any pathological condition which might arise out of menstruation.
 - g. Col. C. S. Mollohan, Deputy Chief of PH&W Section, Dr. O. R. McCoy, Rockefeller Foundation Consultant, Mr. Welpdan, Consultant on population control and Dr. Kinoshita, Dean of Osaka Medical College were all of the opinion menstruation leave was not necessary.
 - h. Prospective women employees might be questioned at original interview for employment, to determine if they are healthy enough to work during the menses. Women having excessive trouble should not be employed.

8 June 1949

i. The Japanese Medical Association will be asked to express its views on menstruation leave. Dr. Morton will forward the Association's report to this office.

j. To a certain extent sanitary supplies, cotton pads, etc. are available in drug stores and the price is not excessive. The supply problem could be solved if ESS would release a sufficient amount of cotton for sanitary supplies.

3. Two Japanese women employees were asked to express their views on the necessity for menstruation leave. They thought menstruation leave was not necessary, women could work during the menses. However, sanitary supplies are not abundant and lack of supplies might cause a woman to stay away from work.

4. Dr. Morton was of the opinion that menstruation leave as such was not necessary. Menstruation is a physiological condition, i.e. a normal condition. When menstruation is troublesome, the case is more than likely pathological and a physician should be consulted. One day a month might be added to sick leave to cover such situations, but each case should be considered separately. It is much cheaper and better to provide sanitary supplies than lose a day of work thru leave provisions. This opinion was expressed by four other medical men present at the conference. *(That separate menstruation leave was not necessary)*

Albert R. DeAngelis
ALBERT R. DeANGELIS
Compensation Specialist

ARD:jd

CIVIL SERVICE DIVISION
Government Section

June 7, 1949

MEMORANDUM FOR: THE RECORD

SUBJECT : Physiological Leave For Women

1. A telephone conversation was held with Miss Stander of Wages and Working Conditions Branch, Labor Division, on June 6, 1949, regarding menstruation leave for women. Mr. Imai of the Allowance Bureau had called on Miss Stander to get her opinion on what would be a reasonable period for menstruation leave. Miss Stander desired to keep this office informed of her conversation with Mr. Imai.

2. Circular 30-2, Office of New Pay Administration, dated 28 February, 1949, provides menstruation leave for women not to exceed two days per month. A number of women's groups protested to the Office of New Pay Administration that two days was not sufficient. Mr. Imai decided to conduct an investigation to determine if the policy on menstruation leave should be revised.

3. Miss Stander told Mr. Imai the accepted practice in industry was to provide three days for menstruation leave. There is no obligation on industry's part to pay for such leave but as a general practice, no reductions from pay are made.

A survey of 63 enterprises covering 23,917 women, made by Kanto Region Employers Association showed 1.6 days leave was the average taken in all industries. The average for the textile enterprises was 1.2 days.

4. Reasons why menstruation leave is considered necessary in industry:

- a. Lack of dispensaries, nurses and beds
- b. Necessary sanitary supplies not available in factories.
- c. Japanese medical opinion believes such leave is necessary for the health of Japanese women.

5. Mr. Imai thought two days was sufficient for the general worker. If the general worker required a third day, she would have to submit a doctor's certificate. In all cases of heavy or arduous work, three days' leave should be provided. The Women and Minors Section of Labor Division endorsed this recommendation.

6. Other comments by Miss Stander:

- a. The presently authorized two-day menstruation leave period is not had but three days would take care of all cases and is more liberal.

1) Salter
2) DeAngelis
a) Was this action by Imai cleared with NPA? *No*
b) Did Imai ever come into ESD? *No*
c) Did Stander point out already to Imai that she had nothing to do with ESD policy but could only express experience in industry?
2) Salter

June 7, 1949

- b. Administrative officials argue with women employees who desire to take menstrual leave often telling them such leave is not necessary. Women are often asked embarrassing questions before this leave is granted.
- c. An educational program is trying to get across to women that menstruation leave is not a right but a privilege, to be used by women who are unable to work during the menses and that women who are not troubled during the period should work.
- d. If a unified sick leave program is adopted, it should be made very clear to the Japanese women that sick leave includes menstruation leave. The wording might be Sick and Mesntruation Leave_days per year.

Albert R. DeAngelis
ALBERT R. DeANGELIS
Compensation Specialist

Reader

CIVIL SERVICE DIVISION
Government Section

23 May 1949

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

Subject : Leave Hours

I concur with your penciled note that it is about time that the NPA issue regulations covering a standard leave procedure. For your information and guidance I am attaching copies of the Mission's report on a suggested handling of leave for the Japanese National Government.

There is only one suggestion I might make to the points enumerated in the Mission's report and that is, I am more and more coming to the opinion that there should not be a difference between the vacation leave and sick leave. You will note that the Mission's report suggests permission of accrual for sick leave and payment in lump sum for such leave as may be unused when the employee terminates his services. Therefore, I see no reason for the establishing of a separate leave to cover illness. At least it is a thought to which I trust you will give some consideration.

W. PIERCE MacCOY
Deputy Chief
Civil Service Division

WPM:jb
Attachment

EXCERPTS FROM THE UNITED STATES PERSONNEL ADVISORY
MISSION TO JAPAN REPORT AND RECOMMENDATION ON LEAVE

Suggested Government Leave Regulations for Employees of the National
Japanese Government

- I. Only those employees on regular full-time employment shall be entitled to vacation or sick leave privileges.
- II. Employees on part-time (per day or per hour) basis whose services are not used full time do not earn and are not entitled to either vacation or sick leave.
- III. Each employee shall be entitled to 30 calendar days for vacation leave purposes and 30 calendar days for sick leave purposes per calendar year.
- IV. The leave year shall be on a calendar year basis.
- V. All leave shall be counted on a calendar basis.
- VI. Employees shall not be entitled to use any leave which they have not already earned by actual service until they have been employed one full year.
- VII. Unused vacation and sick leave shall accumulate to a maximum of 90 days each.
- VIII. When an employee has accrued 90 days of unused leave, either vacation or sick, such leave shall cease to accrue.
- IX. No employee shall be forced to continue work in such a manner as to cause him by official action to lose any vacation leave which he might otherwise have accrued.
- X. Absence other than for vacation or sick leave shall be charged either to leave without pay or suspension without pay.
- XI. Any employee leaving government service for any reason whatsoever shall be paid in a lump sum for all of his accumulated unused vacation and sick leave.

Details of Suggested Governmental Leave Program

- I. Standard leave regulations, both vacation and sick, should be used uniformly throughout the national government civil service and applied to all employees regardless of grade status or salary. Only those employees who are employed on a regular full-time basis should be entitled to regular vacation and/or sick leave privileges. Vacation and sick leave privileges are granted to an employee from both standpoints of humanitarian interest in the employee's welfare and the selfish interest of an efficient operation. Human beings

need a certain amount of rest and relaxation. Vacation leave should be provided to meet this need. Thus vacation leave should be accorded only to the individuals who have given fully of their time to the government service since part-time employees are assumed to have followed other pursuits during their periods of non-employment by the government.

- II. Intermittent part-time employees should not be entitled to either vacation or sick leave privileges since they are employed entirely on the basis of a need for their services during short-term and special periods. The maintenance of records on intermittent part-time employees becomes an almost impossible task if an attempt is made to compute their services in such a manner as to permit the systematic granting of either vacation or sick leave.
- III. It is suggested that each full-time regular employee be given 30 calendar days for vacation leave and 30 calendar days for sick leave for each calendar year of service. There is no accurate technical foundation upon which to base any facts governing the amount of vacation any individual needs. Therefore, the suggestion of 30 calendar days is merely an arbitrary figure, but it is felt that in every 12 months of employment each individual needs approximately this amount for rest and consecutive outside relaxation to better him to perform his official duties. While there is no bar, nor should there be, to an individual's utilizing his 30 calendar days of vacation in one consecutive period, it is suggested that more efficient use might be secured from this vacation period if employees were encouraged to use 15 days of their 30 calendar days in each 6 months period of the year; such period to be arranged to suit the convenience of the work of his particular office.
- IV. It is suggested that the leave year be computed concurrently with the calendar year. This is merely for convenience in record-keeping.
- V. It is suggested that all leave shall be granted and counted on a calendar basis. The operation of vacation periods by various industrial concerns, municipal, state and federal governments and others utilizing such systems, are not consistent on this point and a variety of exceptions have been made to this method of charging leave. However, when all exceptions are taken into account it is usually found that the overall figure corresponds to a calendar calculation day for day. It is, therefore, suggested that no exception be made in favor of Sundays or holidays to simplify the method of accounting.
- VI. It is suggested that employees who have not completed one full year of service should not be entitled to use any leave which they have not already earned through service. Since it is stated and is an accepted fact that vacation leave is granted to employees to provide them rest and relaxation from the ardors of their duties, it does not seem illogical to deny an employee who has worked less than a year's time a vacation period since he has not worked sufficiently to require any special consideration for rest until he has engaged

in a reasonable amount of service.

VII. It is suggested that both vacation and sick leave which has been unused during any specific period should be allowed to accumulate to a maximum total of 90 days for vacation leave and 90 days for sick leave. Thus, it would be possible for an employee to accumulate a total of three years of service without utilizing either his vacation or sick leave without a feeling of loss. This has a definite and understandable value, particularly in sick leave. It is not normally good practice to permit an employee to work three consecutive years without a period for rest and relaxation. However, it is recognized that in certain types of work the exigencies of the situation may demand that employees not be permitted to avail themselves of vacation privileges during protracted periods. Thus, a regulation to permit the employee to accrue leave for use at a later date will assist the morale of the staff since the employee is not faced with actually losing that which under normal conditions would be provided for him.

VIII. It is recommended that unused leave should not accrue beyond that amount which could be earned over a three-year working period. The establishment of any time limit is recognized as arbitrary. However, since it is not logical to permit unused leave to accrue indefinitely, some reasonable time limit must be arrived at beyond which point unused leave will not be placed to the credit of the employee. Two facts must be kept in mind:

1. That vacation leave is granted to the employee for the specific purpose of permitting him time for rest and relaxation and thereby increase his working efficiency, and
2. Individuals are employed in sufficient numbers in any office to properly perform the amount of work for which that office is responsible. Therefore, it is to the advantage of each supervisor that proper time be provided wherein employees may rest from their normal duties and thus refresh their minds and bodies to better perform their official duties, while it is illogical to permit such extended vacations to employees that it becomes necessary to maintain extra personnel on the payroll to keep the office sufficiently staffed at all times to properly discharge its responsibilities.

The latter point is particularly pertinent in the matter of length of accrual of allowable leave. Assume for example that an employee takes no leave during a three-year period. On the basis suggested above, he would accrue a total of 90 days or three months vacation time. An efficiently operated office could not afford to permit many of its employees to avail themselves of a three-months vacation and still maintain the proper functions of the office. Certainly they could not permit a longer period of vacation than 90 days to the outside. Thus, since it is logical to place a limit, it is

suggested that a maximum time of the amount of leave accruable during a three-year period be established with a cautionary admonition to the supervisors under normal conditions and in the interest of the efficiency of their employees that all individuals be encouraged to avail themselves of their normal vacation period each year.

- IX. Rule IX is suggested as a precautionary limitation to be placed on supervisors to prevent a situation from arising wherein a supervisor might become over-officious and attempt either through force or embarrassment to keep employees from taking normal vacation leave and thereby treat such employees under his supervision unfairly in relation to treatment accorded to other employees in the governmental service. Thus, if a limit is placed on the accrual period and an employee could not accrue leave beyond a total of 90 days, Rule IX would force the supervisor to permit the employee to take a sufficient amount of vacation leave to reduce his total below the amount where accrual would stop in any one year.

In the example used above where the employee had not taken a vacation for three years and had thus accrued 90 days vacation leave, this rule would force the supervisor to permit the employee to take a minimum of 30 days leave during the fourth year. Otherwise the employee could not accrue any additional leave beyond that period.

- X. All absence other than that properly falling under the heading of vacation or sick leave, except where the absence is ordered as a matter of discipline by proper authority, should be charged as Leave Without Pay and deduction made from the employee's pay for the amount of such absence. (Where leave is taken as a disciplinary matter it should be charged as Suspension Without Pay and deduction should be made from the employee's pay for the amount of such enforced and/or willful absence.)

- XI. It is suggested under Rule XI that employees be permitted to consider their vacation and sick leave accrual in the light of a "savings account". The employee's reason for termination is not material to the operation of the leave regulations, whether it be voluntary or involuntary, if the leave granted the employee under the regulations is viewed in this light. It is suggested that unused sick leave be paid for in this manner when the employee leaves the service to avoid the possibility that the employee may attempt to utilize sick leave in lieu of vacation leave if he knows that he is not to be paid for the unused balance to his credit. Since it was the intention of the government to permit the employee to have this additional paid time at his disposal and if the employee has worked in such a manner that it was impossible for him to utilize all of his vacation leave or was fortunate enough not to be ill and thus to be forced to use his sick leave, the government has gained during the period of his service by having him on the job more than had been contemplated.

Thus, in effect, the payment for the unused accumulated vacation and sick leave is merely the final payment on the completion of an employment contract which was entered into by the government and the employee when the government proffered such employment and the employee accepted the appointment.

Recommended Titles for Leave and Their Abbreviations

1. Vacation Leave -- VL (voluntary).
2. Sick Leave -- SL (voluntary).
3. Leave Without Pay -- LWOP (voluntary).
4. Suspension Without Pay -- SWOP (involuntary).

Diplomatic and Consular Leave

The above suggested leave regulations did not take into consideration proposed diplomatic and consular leave. While this is not an immediate problem with the present Japanese government, it is a matter which should be considered in the establishment of leave regulations and some guidance given to the National Personnel Authority for future use. All countries have practically the same diplomatic and consular leave regulations and the pre-war Japanese foreign service had regulations which corresponded rather generally to those in use in both England and the United States. Leave in the diplomatic and consular service was divided into two sub-headings: (1) home leave, and (2) vacation leave at the foreign post. Under point (1), home leave is designated as that type of leave which the individual in the foreign service is permitted to take within the confines of the geographical limits of his home country. He was not granted any home leave until the completion of three years of service at his foreign post. In the United States, the individuals in the foreign service are required to complete two years at their foreign posts before being permitted home leave. The individual is granted 30 calendar days of leave for each year of service. In the pre-war Japanese foreign service an individual in the foreign service was permitted three months' leave for three years of service plus one month for each additional year of service to a total of six months for the additional leave making a grand total possible of nine months of leave at any one time. Travel time from foreign post of duty and return to the post of duty is not counted as part of such home leave. Under point (2), individuals in the diplomatic and consular service while abroad at their foreign posts of duty could be granted 30 calendar days of leave each year and 180 days of sick leave. This leave was not accruable and was lost if the employee did not avail himself of the privilege. Likewise the leave granted to an employee at his foreign post of duty was not deductible nor did it affect in any manner his accrual or credit for home leave.

CIVIL SERVICE DIVISION
Government Section

23 May 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Leave Project

1. Present Principles and Current Leave Regulations and Practices

a. Current leave regulations are listed in the attached schedule. In general, the following leave at 100 per cent pay may be granted:

Annual leave	20 days
Personal leave	30 days
Sick leave	90 days plus
Maternity leave	72 days
Mourning leave	1 to 10 days and travel time
Memorial Leave	2 days and travel time
Legal holidays	9 days
Year end holidays	<u>5 days</u>
Total	238 days plus

In addition to the above, Article 14 of Law No. 1 of January 1949 authorizes the temporary retirement at 100 per cent pay for principals and teachers with tubercular diseases for two years.

A proposal is being considered by the Diet to extend temporary retirement from one to three years for tubercular cases

b. The different types of leave are authorized in a number of laws, ordinances, orders and circulars. There is no consolidation of authorized leave.

c. All types of leave with pay are granted or permitted by the chiefs of government agencies. Leave is not earned and is not carried forward from year to year, with the exception that the Ministries of Communications, Transportation and Maritime Safety Board have permitted leave not used in 1948 to be carried over to 1949.

d. The application of leave regulations was not uniform in prior years. There were chiefs of agencies who did not permit employees to take full advantage of the 20 day annual leave (probably had abused other leave privileges). The chiefs of agencies are now liberal in granting leave.

e. Under present leave practices it is rare to find an entry for absence without leave. When an employee is absent from duty for personal reasons or due to sickness, his pay continues and he is allowed annual leave up to a maximum of 20 days at 100 per cent pay. If an employee is absent more than 20 days for personal reasons, he is allowed an additional 30 days personal leave at 100 per cent pay. Further absence for personal reasons is paid at 50 per cent pay (Temporary Retirement)

23 May 1949

When an employee is sick (after using 20 days annual leave) he is allowed 90 days sick leave at 100 per cent pay. After 90 days, he is allowed sick leave at 50 per cent for an indefinite period (usually one year - Temporary Retirement)

A special privilege is granted principals and school teachers, who are tubercular cases. They are now authorized temporary retirement for two years at 100 per cent pay.

An employee may report to work on the 90th day and then take another 90 day period of sick leave at 100 per cent pay.

Besides the 90 day sick leave, employees are allowed additional leave when quarantined or isolated during childbirth and during women's physiological periods.

An employee whose sickness or injury was incurred in line of duty is allowed sick leave at 100 per cent pay indefinitely.

f. Mourning leave from 3 to 50 days was authorized in supplementary provisions of "Dajohan" Ordinance No. 108, Oct. 17, 1874. The number of days for mourning were greatly reduced by Circular 30-2, 1948, Office of New Pay Administration.

2. Principles That Should Guide Future Leave Regulations That May Develop

a. The leave laws, ordinances, orders and circulars should be consolidated into one document. The document, whether law or rule, should contain all types of leave that may be earned or authorized.

b. The leave regulations as determined should apply to all regular government service employees uniformly. No group of employees should be privileged over other employees.

c. Leave should be earned rather than granted. The fact that leave is earned, acts as an incentive for employees to refrain from being absent. Leave would be earned from the government rather than granted by an official. Earning leave assists in the uniform application of the leave regulations.

d. Administrative and emergency leave are exceptions to the earned leave principle. This type of leave should be authorized and granted under specified conditions.

e. The number of types of leave should be consolidated and reduced to not more than three types of leave (annual, sick and other leave).

23 May 1949

f. The leave policy should take into consideration the need for rest and recreation, contingencies for periods of illness and injury and official leaves and emergencies. However, the policy should not be so loose as to place the transactions of official business subordinate to personal affairs of civil employees nor should it interfere with the conduct of public business. The liberality of the leave policy should be integrated with the wealth or poverty of the nation.

g. The total number of days leave to be earned, authorized or granted should be revised downward. At present it is possible for an employee to be on leave at 100 per cent pay for over 238 days plus 52 Sundays or a total of 290 days.

3. Solution and Recommended Form

a. Establish the following type leave:

Annual leave - 24 days per year (1 day per pay period) - cumulative to 60 days - employee receives lump sum payment for all unused annual leave upon honorable separation from service. Annual leave has been increased from 20 to 24 days to take care of mourning leave and year-end holidays.

Sick leave - 18 days per year (6 hours per pay period) - cumulative without limit - no lump sum payment for unused sick leave at time of separation - women giving birth or having physiological condition would use earned sick and annual leave - employees quarantined or isolated would also use sick and annual leave - adjustment to be made on initial installation to insure a balance of about 60 days sick leave to each employee.

Other leave - this type leave would include all categories of administrative and emergency leave, specifying conditions under which leave will be granted and duration of leave.

Temporary Retirement - (Tubercular cases only) 2 years at 100 per cent pay provided the employee is under treatment. Temporary retirement being an extended period of leave should be uniformly applicable to all employees.

b. The number of days of leave would be as shown in the attached schedule in column headed Proposed Leave Program.

c. The attached Form A is recommended for use with the leave program on the earned or cumulative basis. Until such time as the necessary regulations are published Form B could be used to record the hours of leave presently authorized.

MEMO FOR THE RECORD

-4-

23 May 1949

d. Upon publication of the new leave regulations, current ordinances, orders and circulars appearing in the attached schedule in column headed Source, which are not to remain in effect, should be abolished.

ALBERT DeANGELIS
Compensation Specialist

ABA:jd

Att.

INDIVIDUAL LEAVE RECORD

AGENCY:

EMPLOYEE'S NAME

UNIT:

NUMBER OF TIMES TARDY	NON-PAY STATUS HOURS	TEMPORARY RETIREMENT WITH PAY	OTHER LEAVE WITH PAY	SICK LEAVE		ANNUAL LEAVE		19__	PAY PERIOD
				USED		USED			
				HR	TOTAL	HR	TOTAL		
									1
									2
									3
									4
									5
									6
									7
									8
									9
									10
									11
									12
									13
									14
									15
									16
									17
									18
									19
									20
									21
									22
									23
									24
									25
									26

REMARKS:

YEARLY LEAVE SUMMARY IN HOURS

	ANNUAL	SICK
BALANCE BROUGHT FORWARD		
EARNED IN YEAR		
TOTAL		
USED IN YEAR		
BALANCE		

FORM NO.

A

INDIVIDUAL LEAVE RECORD

AGENCY:

EMPLOYEE'S NAME

UNIT:

REMARKS	NUMBER OF TIMES TARDY	NON-PAY STATUS HOURS		TEMP RET WITH PAY		OTHER LEAVE WITH PAY		SICK LEAVE USED		ANNUAL LEAVE USED		19__ PAY PERIOD
		HRS	TOT	HRS	TOT	HRS	TOT	HRS	TOT	HRS	TOT	
												1
												2
												3
												4
												5
												6
												7
												8
												9
												10
												11
												12
												13
												14
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												16
												17
												18
												19
												20
												21
												22
												23
												24
												25
												26
TOTAL												

FORM NO.

B

CIVIL SERVICE DIVISION
Government Section

May 17, 1949

MEMORANDUM FOR: THE RECORD

SUBJECT : Leave Policy - Ministry of Communications

1. Upon information received by this office that the Ministry of Communications had proposed the handling of leave of absence with pay in a manner inconsistent with current orders and circulars, an inquiry into the matter was made by Mr. Kurakata, Salary and Wage Section, NPA.

*Communications
collective agreement
states 20 days holiday
will be granted to
those in the service
on April 1.
Concrete practices
shall be decided in
the conference of
A - Communications Ministry and
B - General Communications Workers Union
amended.*

The facts are:

- a. The Ministry of Communications has dealt directly with the Communications Labor Union on a matter of leave policy.
- b. The Ministry of Communications is carrying over unused annual leave from 1948 to 1949.
- c. Paragraph 16 of Article 8 of The Labor Standard Law states the Labor Standard Law shall apply to Governmental and other public office.

3. The line of reasoning of the Ministry of Communications is: The Minister of Labor interprets Article 39 of the Labor Standard Law, Law No. 49 of April 1947, in such a way that days of annual vacation not used in one year may be carried over to the next year. In the absence of any specific instructions in applying leave provisions, the Labor Standard Law applies, provided it does not conflict with the National Public Service Law (Law No. 120 of 1947) and the law administering the New Pay of Government Employees (Law No. 46 of 1948), as amended by Law No. 265 of 1948)

4. It appears that the actions of the Ministry of Communications in this case were contrary to the following provisions of The National Public Service Law:

- a.) Article 3 of NPSL states: Subject to this Law, the Authority shall develop, coordinate, integrate, and order policies, standards, procedures, rules, and programs and recommend legislative and other necessary action for the government service with respect to the following matters:
 - 1.
 - 2. Hours of work, leave of absence, etc.

*4/3/49 ms
2) Bettis
Rascaron.
3) [unclear]
We have developed a study on leave of absence. I believe could consider a rule on leave now
4) Satter ms
I agree
WBR
5/20/49*

May 17, 1949

- b.) Article 16 of Supplementary Provisions of NPSL reads:
The coverage of the Trade Union Law (Law No. 51 of 1945), the Labor Relations Adjustment Law (Law No. 25 of 1946), and the Labor Standard Law (Law No. 49 of 1947), and the Mariners Law (Law No. 100 of 1947), and any ordinances, rules, or orders issued under the provisions of these laws, shall not apply to any personnel of the regular service as defined in Article 2 of the NPSL.
- c.) Article 3 of Supplementary Provisions to the First Revision of the Law (Law No. 222 of 1948) reads: With respect to persons in the regular government service the provisions of the Labor Standard Law, the provisions of the Mariners Law and orders issued thereunder shall be applied correspondingly until such time as a separate law is enacted and administered, as long as such provisions are not in conflict with the spirit of the NPSL and are not inconsistent with the matters provided by laws enacted pursuant to the NPSL or rules of the Authority issued thereunder. However, the provisions relating to the authority of labor standard supervisory organs shall not be applied correspondingly to the working conditions of personnel in the regular government service.

In cases of the preceding paragraph, necessary determinations shall be provided by rules of the Authority.

5. The Minister of Communications should be informed and advised that:

- ✓ a. The National Personnel Authority determines policy on all matters listed in Article 3 of the National Public Service Law including leave of absence. It is charged with developing, coordinating, integrating, and ordering leave policies, standards, procedures and rules.
- ✓ b. The Minister of Communications is not authorized to deal directly with labor unions on matters falling under the jurisdiction of the National Personnel Authority, including leave of absence.
- ✗ c. The proper method of handling this case is to forward the union demand to the National Personnel Authority, where necessary determinations shall be made. *with comments by The Min. of C.*
- ✓ d. The cooperation of the Minister of Communications is desired in carrying out a uniform personnel program. Uniformity in application of leave standards is necessary and desirable. Where leave is not applied uniformly, the employees become dissatisfied and discontented. Were each ministry to determine its own leave policy, considerable time would be lost in unifying the policies

May 17, 1949

- e. Current annual leave policy is stated in paragraph 5, Cabinet Order No. 6, 1922.

Albert R. DeAngelis
ALBERT R. DeANGELIS
Compensation Specialist

ARD:rr

Labor Standard Law
Law No. 49, 7 April 1947

Article 39. - Annual Vacation With Pay.

The employer shall grant six days' annual vacation with pay consecutively or separately to the workers who have been employed continuously for a year and were present over eighty per cent of the whole working days.

The employer shall grant an increased annual vacation with pay amounting to one day per one continued year in addition to the annual vacation specified in the foregoing paragraph to the workers who have worked continuously for two or more years. However, in case the total vacation with pay exceeds twenty (20) days, the employer need not give vacation with pay so far as the excess is concerned.

The employer shall grant vacation stipulated in the two preceding paragraphs in the season the workers require, and shall pay the worker the average wages during the period. However, when it prevents the normal operation of the enterprise to give the vacation in the required season, the employer is authorized to change the season.

Days of rest for the medical treatment caused by injury or illness while on duty and the days of rest before and after childbirth, according to the stipulation of Article 65 shall be deemed to be present in applying 1st Paragraph.

CIVIL SERVICE DIVISION
Government Section

May 2, 1949

MEMORANDUM FOR: THE RECORD

SUBJECT : Revision of Individual Leave Record and Procedure
for its use.

*1) Salter ms
2) Bettis
This is a
procedural
matter &
must also be
cleared with
Miss Washin.
ms.*

1. In line with the reasoning that combining the present leave program with an anticipated future leave program is undesirable - the Individual Leave Record and Procedure for its use have been revised to reflect the present leave program
2. The columns for hours of Suspension, Leave Without Pay, and Absent Without Leave were eliminated. The use of the three columns is predicated on an earned leave program whereunder leave would not be earned for hours of Suspension, Leave Without Pay or Absent Without Leave. Leave at present is granted, not earned.
3. Columns for Compensatory Hours Worked and Compensatory Hours Used were eliminated. This type of overtime and leave are not currently in use in Japan and may never be.
4. The column for Sick Leave Hours Earned was eliminated. Sick Leave is not earned at present and may never be earned. The head of an agency may grant 90 days sick leave at 100% pay and then place the sick employee on sick leave at 50% to pay for an indefinite period. However, an employee may go on sick leave for 90 days, sign in for work on the last day and then, go on another 90-day sick leave at 100% pay. Under present sick leave provisions, the column for Sick Leave Hours Earned is not necessary.
5. The column for Annual Leave Hours Earned was eliminated. The column is not necessary as under the present leave law, twenty days of annual leave may be granted to all employees.
6. The revised Individual Leave Record retains columns for Annual Leave Used and Sick Leave Used. Columns for Other Leave With Pay and Temporary Retirement with Pay have been added. These four columns record all leave authorized under present leave provisions.
7. A column for Non-Pay Status Hours was included. It records non-pay hours by pay period and year. This column represents leave from work for which payment will not be made.

May 2, 1949

8. A column for Number of Times Tardy was included. It records tardiness by pay period and year. This information may be used for disciplinary and statistical purposes. It can be used in determining the location and causes of tardiness.

Albert R. DeAngelis
ALBERT R. DeANGELIS
Compensation Specialist

ARDeA/RR

INDIVIDUAL LEAVE RECORD

EMPLOYEE'S NAME

AGENCY UNIT:

REMARKS	NUMBER OF TIMES TARDY	NON-PAY STATUS HOURS	TEMP RET WITH PAY	OTHER LEAVE WITH PAY	SICK LEAVE USED	ANNUAL LEAVE USED	19__ PAY PERIOD	
								1
								2
								3
								4
								5
								6
								7
								8
								9
								10
								11
								12
								13
								14
								15
								16
								17
								18
								19
								20
								21
								22
								23
								24
								25
								26
FORM NO.	TOTAL							

INSTRUCTIONS FOR USE OF INDIVIDUAL LEAVE RECORD

1. An Individual Leave Record shall be prepared for each employee in the regular government service.
2. The payroll unit shall prepare the Individual Leave Record to show the employee's name, the employing agency and unit, and the year covered by the Leave Record.
3. The semi-monthly operation of the payroll unit:
 - a. - Enter in PAY PERIOD column on the appropriate line, the month and first day of the pay period and month and last day of the pay period involved.
 - b. - In ANNUAL LEAVE column enter from Time and Attendance ^{or personal} Report the total number of approved hours of annual leave used during the pay period.
 - c. - In SICK LEAVE column enter from Time and Attendance Report the total number of approved hours of sick leave used during the pay period.
 - d. - In OTHER LEAVE WITH PAY column enter from Time and Attendance Report the total number of hours of approved or authorized leave for the pay period other than annual or sick leave.
 - e. - In TEMPORARY RETIREMENT WITH PAY column enter from Time and Attendance Report the total number of hours the employee was in temporary retirement during the pay period for which payment was made.
 - f. - In NON-PAY STATUS HOURS column enter from Time and Attendance Report the total number of hours of the pay period for which payment will not be made.
 - g. - In NUMBER OF TIMES TARDY column enter from Time and Attendance Report, the total number of times the employee was tardy during the pay period.
 - h. - In REMARKS column enter any statement required to explain unusual entries on the Individual Leave Record.
4. Yearly operations of the payroll unit:
 - a. - Add each column and enter total figures on line marked TOTAL
 - b. - File Individual Leave Records for audit.

Annual Leave. Each employee in the regular government service shall be entitled to annual leave with pay of _____ (16) working hours for each completed month of service except part-time or intermittent employees, hour and day rate employees, persons engaged under contract, consultants and ~~employees~~ ^{persons} paid on a fee basis.

Transfers. An employee who transfers from one national agency to another shall be credited with the unused balance of his accumulated annual leave by the agency to which he is transferred. The appointing authority of the agency from which the employee is transferred shall certify the amount of the employee's annual leave to the appointing authority of the agency to which the employee is transferred *on Individual leave Record form*

Separation. Upon separation of an employee from the regular government service, he shall be paid for the unused portion of his annual leave *by the agency from which separated*

Accumulation of Leave. Unused annual leave may be accumulated by an employee up to _____ (576) working hours.

Records. The appointing authority shall keep proper records ~~of annual leave accumulated and granted.~~

Sick Leave. Each employee in the regular government service shall be entitled to sick leave with pay of _____ working hours for each completed month of service except part-time or intermittent employees, hour and day rate employees, persons engaged under contract, consultants and ~~employees~~ ^{persons} paid on a fee basis.

Utilization of Sick Leave. An employee may utilize sick leave upon approval of the appointing authority for absences due to illness, injury, exposure to contagious disease endangering the health of other

employees, employee giving birth to child, illness or death in the employee's immediate family *and for physician and dental examination.*

For the purpose of sick leave immediate family shall mean mother, father, husband, wife, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

Accumulation of Sick Leave. Unused sick leave may be accumulated without limit.

Records. The appointing authority shall keep proper records of sick leave accumulated and granted.

Transfers. An employee who transfers from one national agency to another shall be credited with the unused balance of his ^{accumulated} sick leave ~~allowance~~ by the agency to which he is transferred. The appointing authority of the agency from which the employee is transferred shall certify the amount of the employee's ^{accumulated} sick leave to the appointing authority of the agency to which the employee is transferred *on Individual Leave Record form*

Return of Separated Employee. Upon approval by the Director-General, National Personnel Authority, the unused sick leave allowance of a separated employee may be placed to his credit on his return to the service.

Proof. Sick leave for a period greater than three (3) days or totaling more than ten (10) days in one (1) calendar year shall be granted only on the certificate of the agency's physician or a reputable physician, in which it is certified that the leave requested is within the provisions of the law and these rules, except that sick leave claimed by reason of quarantine or

exposure to contagious disease may be approved on the certificate of the local health office, and in case of death in the family upon such reasonable proof as the chief of the agency may require.

Disability. Pending the activation of an accident compensation system for government employees, regular government employees disabled either through injury or illness as a result of or arising from their respective employment shall be granted sick leave with pay not to exceed the duration of the injury or illness, and in no case to exceed _____ year.

This provision shall not apply after the installation of the accident compensation system for government employees.

This provision shall not apply to employees receiving benefits under the pension system or those who come under other provisions which provide benefits during periods of incapacity due to occupational injury or illness.

Maternity Leave. Regular government service employees who desire leave of absence for child birth or are directed to take maternity leave by their agency chief shall be granted leave of absence not to exceed ~~twelve~~ *one (1) year*

When maternity leave is granted, the employee shall be paid only for all accumulated annual and sick leave. *However the total grant of leave shall not exceed one (1) year. Should the employee fail to return to duty at the expiration of the leave, she shall be considered as having resigned from the service.*

Other Leave with Pay. Upon approval of an appointing authority leave with pay shall be granted all regular government service employees:

1. When traffic is suspended owing to storm, flood, earthquake, fire and other disastrous happenings.
2. When the business or work of a government agency is wholly or

partially suspended. This includes preventative measures against accidents and loss of property which might be caused by typhoons.

3. When an employee is ordered to appear before the National Diet, Court or other administrative agency as a witness on official business.
4. To permit voting in a ~~municipal~~ election.

Leave of Absence Without Pay. An employee in the regular government service may be allowed leave of absence without pay and without loss of his employment status upon prior written approval of his appointing authority for a period not to exceed one (1) year.

No leave of absence without pay shall be granted to an employee for longer than one (1) year unless authorized by the appointing authority and approved by the Director-General, National Personnel Authority.

Leaves of absence without pay are granted primarily for the benefit of the government and not for the mere convenience of the employee. Such leave shall be granted only when it will not result in undue prejudice to the interests of the government.

Leave of absence without pay may be granted for the following reasons:

1. When an employee is temporarily incapacitated by illness to perform his duties. Maternity and pregnancy shall be considered incapacity within the meaning of this rule.
2. When an employee desires to attend school, college or enter training to improve the quality of his service.
3. When an employee engages in the business of an employee organization.

4. When an employee is loaned to another governmental agency for the performance of a specific assignment.

Leave of Absence Without Pay is Terminated By:

1. Expiration of the term of leave.
2. Revocation by the appointing authority.
3. Cancellation of the leave by the employee with the approval of the appointing authority.

Absence Without Leave. Any employee in the regular government service is absent from duty for three consecutive days without specific permission from the appointing authority (chief of agency) may be dismissed.

Definitions. The terms listed below have the meaning indicated when used with leave rules and regulations.

Absence without leave. Any absence from duty which has not been granted and approved in accordance with the provisions of applicable regulations.

Accrued leave. That part of leave for the current year which an employee has earned to date and has not used.

Accumulated leave. The unused leave remaining to the credit of an employee at the close of any calendar year.

Contagious disease. A disease ruled as subject to quarantine as determined by health authorities having jurisdiction.

Intermittent employees. Employees who render service under repeated appointments or employments for short periods none of which extends for a full month three months

Leave of absence. A period of time officially granted an employee to absent himself from his duties.

Leave without pay. Temporary non-pay status and absence from duty granted upon employee's request.

Medical certificate. Written statement signed by an agency's physician or a practicing physician, certifying to the period of disability of the patient while he was undergoing professional treatment.

Part-time employees. Employees who are appointed for service limited to definite portions of each day, week or month, and who perform service in accordance with such appointments.

Persons engaged under contract. Persons hired by a contractor or third party to perform work for the national government in fulfillment of a contract between the national government and a contractor or third party.

Consultants. Employees hired without compensation who are reimbursed for actual transportation costs and expenses.

Persons paid on a fee basis. Persons performing service for the national government who receive a flat rate for each service performed.

Excused absence. Absence administratively authorized or approved which does not result in a charge to leave of any kind, or in loss of basic salary.

INSTRUCTIONS FOR USE OF INDIVIDUAL LEAVE RECORD

1. An Individual Leave Record shall be prepared for each employee in the regular government service.
2. The operating personnel unit shall prepare the Individual Leave Record to show the employee's name, the employing agency and unit, and the year covered by the Leave Record. Individual Leave Records will be forwarded to the operating payroll unit.
3. Until leave rules and regulations are published, the following procedure will be followed by the operating payroll unit:
 - a. Enter in PAY PERIOD column and on appropriate line from Time and Attendance Report, the month and first day of the pay period and month and last day of the pay period.
 - b. In SUSPENSION column under HRS enter from Time and Attendance Report actual number of hours of suspension for the pay period. Under TOTAL enter the total number of hours of suspension from beginning of year through the pay period.
 - c. In LEAVE WITHOUT PAY column, under HRS enter from Time and Attendance Report actual number of hours of approved leave without pay for the pay period. Under TOTAL, enter the total number of hours of leave without pay from beginning of year through the pay period.
 - d. In ABSENT WITHOUT LEAVE column, under HRS enter from Time and Attendance Report the actual number of hours of unauthorized absence for the pay period. Under TOTAL, enter the total number of hours of absence without leave from beginning of year through the pay period.
 - e. In COMP TIME column, under HRS WORKED enter from Time and Attendance Report the actual number of hours of compensatory time worked in the pay period. Under HRS USED, enter from Time and Attendance Report the actual number of hours of compensatory time used by the employee in the pay period. Under BAL, enter the difference between total number of compensatory hours worked since the beginning of the year and the total number of hours of compensatory time taken by the employee from the beginning of the year through the pay period.
 - f. In SICK LEAVE column, under HRS USED enter from Time and Attendance Report the actual number of hours of approved sick leave used during the pay period. Under TOTAL USED, enter the total number of hours of sick leave used from beginning of year through the pay period.

- g. In ANNUAL LEAVE column, under HRS USED enter from Time and Attendance Report the actual number of hours of authorized annual leave taken during the pay period. Under TOTAL USED enter the total number of hours of annual leave taken from beginning of year through the pay period.

INSTRUCTIONS FOR USE OF INDIVIDUAL LEAVE RECORD

1. An Individual Leave Record shall be prepared for each employee in the regular government service.
2. The payroll unit shall prepare the Individual Leave Record to show the employee's name, the employing agency and unit, and the year covered by the Leave Record.
3. The semi-monthly operation of the payroll unit.
 - a. - Enter in PAY PERIOD column on the appropriate line, the month and first day of the pay period and month and last day of the pay period involved.
 - b. - In ANNUAL LEAVE column enter from Time and Attendance Report the number of approved hours of annual leave used during the pay period.
 - c. - In SICK LEAVE column enter from Time and Attendance Report the number of approved hours of sick leave used during the pay period.
 - d. - In OTHER LEAVE WITH PAY column enter from Time and Attendance Report the number of hours of approved or authorized leave for the pay period other than annual or sick leave.
 - e. - In TEMPORARY RETIREMENT WITH PAY column enter from Time and Attendance Report the number of hours the employee was in temporary retirement during the pay period for which payment was made.
 - f. - In NON-PAY STATUS HOURS Column enter from Time and Attendance Report the number of hours of the pay period for which payment will not be made
 - g. - In NUMBER OF TIMES TARDY column enter from Time and Attendance Report, the number of times the employee was tardy during the pay period.
 - h. - Carry all totals forward
 - i. - In REMARKS column enter any statement required to explain unusual entries on the Individual Leave Record.
4. Yearly operations of the payroll unit:
 - ~~a. - Add each column and enter total figures on line marked TOTAL~~
 - a.b. - File Individual Leave Records for audit.

PURPOSES OF ~~INDIVIDUAL~~ ATTENDANCE AND LEAVE RECORD

1. ~~To maintain a permanent attendance record for each service employee.~~
2. To present ^{see monthly} ~~one year's~~ detailed attendance information on one sheet of paper.
3. To provide information essential to the preparation of a ^{see memo} payroll.
4. To present an employee's leave record. Details of leave taken in current period is shown ~~as well as summary of leave carried forward~~ ~~from previous year and during present year~~ ~~during present year and balance.~~
5. To provide statistical data of annual leave, sick leave, absence and tardiness by ~~month or year~~ ^{of any period}.

INDIVIDUAL LEAVE RECORD

AGENCY:

EMPLOYEE'S NAME

UNIT:

NUMBER OF TIMES TARDY	NON-PAY STATUS		TEMPORARY RETIREMENT WITH PAY	OTHER LEAVE WITH PAY	SICK LEAVE			ANNUAL LEAVE			19____ PAY PERIOD	
	HOURS	TOTAL			USED		HRS EAR- NED	USED		HRS EAR- NED		
					HRS	TOTAL		HRS	TOTAL			
												1
												2
												3
												4
												5
												6
												7
												8
												9
												10
												11
												12
												13
												14
												15
												16
												17
												18
												19
												20
												21
												22
												23
												24
												25
												26
					TOTAL							

REMARKS:

YEARLY LEAVE SUMMARY IN HOURS

	ANNUAL	SICK
BALANCE BROUGHT FORWARD		
EARNED IN YEAR		
TOTAL		
USED IN YEAR		
BALANCE		

FORM NO.

INDIVIDUAL LEAVE RECORD

EMPLOYEE'S NAME:

AGENCY:
UNIT :

19__

SUSPENSION		LEAVE WITHOUT PAY		ABSENT WITHOUT LEAVE		COMP TIME			SICK LEAVE			ANNUAL LEAVE			PAY PERIOD
HRS	TOTAL	HRS	TOTAL	HRS	TOTAL	HRS WORKED	HRS USED	BAL	USED		HRS EARNED	USED		HRS EARNED	
									HRS	TOTAL		HRS	TOTAL		
															1
															2
															3
															4
															5
															6
															7
															8
															9
															10
															11
															12
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															19
															20
															21
															22
															23
															24
															25
															26

REMARKS:

YEARLY LEAVE SUMMARY IN HOURS

	ANNUAL	SICK
BALANCE BROUGHT FORWARD		
EARNED IN YEAR		
TOTAL		
USED IN YEAR		
BALANCE		

FORM NO:

INDIVIDUAL LEAVE RECORD

EMPLOYEE'S NAME:

AGENCY:
UNIT:

REMARKS	NUMBER OF TIMES TARDY	NON-PAY STATUS HOURS	TEMP RET WITH PAY	OTHER LEAVE WITH PAY	SICK LEAVE USED	ANNUAL LEAVE USED	19__ PAY PERIOD	
								1
								2
								3
								4
								5
								6
								7
								8
								9
								10
								11
								12
								13
								14
								15
								16
								17
								18
								19
								20
								21
								22
								23
								24
								25
FORM NO.	TOTAL							26

REQUEST FOR LEAVE OF ABSENCE

NAME _____ DATE _____

ORGANIZATION _____

I request a leave of absence from duty beginning _____
and ending _____ amounting to _____ hours, charge to:

- Annual Leave Sick Leave* Other Leave With Pay (specify) _____
 Leave With Out Pay

* I certify that this absence was/is due to:

- illness which incapacitated me for duty
 medical, dental, or optical treatment by _____
name of physician

approving officer

signature of employee

Balance of leave to employee's credit: Annual _____ hours. Sick _____ hours.

MEDICAL CERTIFICATE FOR ABSENCES IN EXCESS OF THREE DAYS

I certify that _____ was under my professional care
from _____, 19____, thru _____, 19____
(month and day) (month and day)

(date)

(SIGNATURE)

REMARKS:

(address)

REQUEST FOR LEAVE

NAME _____ DATE _____

ORGANIZATIONAL UNIT _____

TYPE OF LEAVE REQUESTED: Annual
 Sick*
 Other leave with pay (specify)
 Without pay

No. of hours _____ to begin _____ (month, date, time) { a.m. To end _____ { a.m.
p.m. p.m.

Note: Annual leave authorized in excess of that to your credit will be charged to leave without pay.

* I certify that this absence was due to:
 illness which incapacitated me for duty;
 medical, dental, or optical treatment by _____
(name of physician or practitioner)

(approving officer)

(signature of employee)

MEDICAL CERTIFICATE FOR ABSENCES IN EXCESS OF THREE DAYS

I certify that _____ was under my professional care
from _____, 19____, thru _____, 19____
(month and day) (month and day)

(date)

(signature)

REMARKS:

(address)

CIVIL SERVICE DIVISION
Government Section

18 March 1949

File II 4

MEMORANDUM FOR THE RECORD

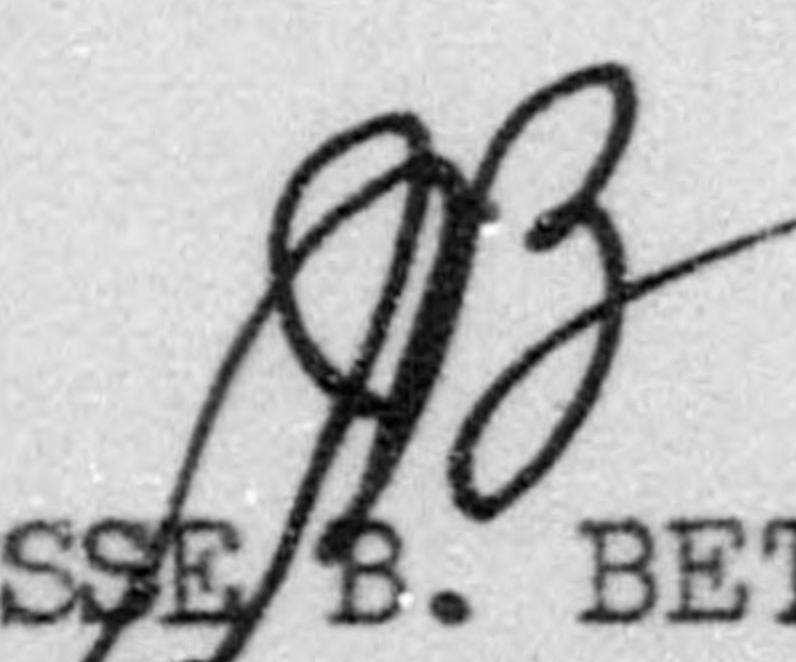
SUBJECT: Regulation Issued by ONPA Regarding the Payment
for Authorized Leave

Reference is made to Memorandum for the Record dated
7 March 1949, subject as above.

A copy of this proposed regulation was turned over to
the NPA for study and recommendation. At the time Mr. Keitoku
visited this office to discuss this regulation he stated
that the proposed regulation had been discussed with personnel
of the NPA and that it had been concurred in by them.

On 18 March 1949 Mr. Kurakata of the Salary and Wage
Section, NPA, visited this office with a copy of the regulation
as issued by NPA. He stated that Mr. Hasumi had directed
him to visit this office and to inform the writer that the
regulation was discussed with Mr. Keitoku of the ONPA and
that Mr. Keitoku was informed that if the regulation were
issued the NPA would in all probability request that some
changes and amendments be made thereto.

It is not understood why the technical staff of the
NPA would handle a proposed regulation in this manner and
if they did not concur in the regulation they should have
advised the ONPA as to their specific objections and made
such suggestions and recommendations as were necessary to
meet with their approval. Mr. Hasumi has been so informed.


JESSE B. BETTIS
Compensation Specialist

JBB:jd

CIVIL SERVICE DIVISION
Government Section

*Files
II.18*

7 March 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Regulation of the ONPA Regarding the
Payment for Authorized Leave

Conference was held with Mr. Keitoku of the ONPA in regard to proposed regulations for the payment of authorized leave and deductions for unauthorized absences as provided in Article 20 of the New Pay Law.

This regulation had been reviewed by the ONPA and was concurred in by them. The regulation as drafted, with the exception of Item 12 under Article 2, was concurred in by this office. It is believed that it is not necessary to include this item.

For reference, the proposed regulation is attached as an enclosure to Memorandum for the Record dated 21 February 1949, subject as above.

JBB
JESSE B. BETTIS
Compensation Specialist

JBB:jd

H-

CIVIL SERVICE DIVISION
Government Section

21 February 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Regulations of the ONPA regarding the Payment
For Authorized Leave

Attached hereto is draft of a proposed regulation by
the ONPA to administer the Law as provided in Article 20
of the New Pay Law, Law No. 46 of 1948 as amended by Law
No. 265 of 1948.

A copy of this proposed regulation is being turned
over to the NPA for study and recommendation of that office
before clearance by this office.

JBB
JESSE B. BETTIS
Compensation Specialist

Att.

JBB:jd

*note 8+9 page 2. They
may have a hearing
on your work.
MS*

*Demaranda wpa
H Satter
File II 4
thurs of work*

Feb. 23, 1949

Policy to administer the regulation established by Article 20 etc. of Law administering the New Pay of Government Employees as revised.

1. In case government employees do not perform their duty for a part or the whole of the regular work hours due to absence from duty or attending or leaving office later or earlier than specified working hour, which fall in one of the following case, their compensation shall be reduced by its hourly amount for each hour of absence except when they are given authorization for such absence by the chief of agency to which they are attached in compliance with provision as established in section II.

employees fail to perform their duty because:

- (1) they take part in such action similar to strike, sabotage, etc. as vacation en masse, shop meeting, shop cleaning etc. which aims at checking government activity;
- (2) they are absent from the office despite of being ordered to attend thereto;
- (3) they suffer from death of their relative, unexpected calamity, their illness or injury etc.;
- (4) their consort give birth to child;
- (5) they themselves are married and
- (6) they fail to respond to obligation to devote themselves to duty as prescribed in Article 101 of National Public Service Law as revised on their personal reason.

(note: employee has choice to be given vacation as prescribed in Cabinet Order No. 6 of 1922 in Case of absence specified in above mentioned item 3 - 6)

11. In case employees do not perform their duty for a part or the whole of the regular work hours, they may be authorized for their absence by the chief of agency to which they are attached exclusive of the case allowing their absence from office by provisions of law or order in compliance with the standards as prescribed below:

- | Cause | |
|---|---|
| 1. they are quarantined or isolated by Infectious Disease Prevention Law, | term to be authorized their absence during time or day deemed as necessary at each time |
| 2. traffics are suspended owing to storm, flood, earth quakes, fire and other & disastrous happenings, | ditto |
| 3. they are troubled by such unavoidable cause as traffic suspension and others | ditto |
| 4. they are ordered to appear themselves before the National Diet, court or other administrative agencies etc. as witness, referee etc. on official affairs | ditto |
| 5. they vote or carry out their duty as citizens, | ditto |
| 6. business or work of agency concerned is wholly or partially suspended by reason of its necessity, | ditto |
| 7. programs for improving efficiency of employees referred in Article 73 of National Public Service Law as revised are brought into effect, | during time deemed as necessary for its effectuation |
| 8. they are injured or taken ill inclusive of being in high fever caused by infection | during minimum time or day as necessary on the basis of medical certificate etc. provided that in case of consecutive absence due to illness or injury by other cause than on duty in excess of 90 days, base pay shall be reduced by half of monthly amount. |
| 9. they themselves give birth to child | during period deemed as necessary term between six weeks before foretold date of childbirth and six weeks after it |

10. female employees who serve in harmful work for their monthly physiological condition or have great difficulty in serving under their monthly physiological condition may be given vacation

during period deemed as necessary at every time but not longer than two days

11. their spouse, blood relative ~~of first and second degree~~ or marriage, relative of ~~first degree~~ die

ref. annexed table

12. other Cause upon which the Chief of new Pay Administration Office previously gives approval

during minimum period (time or date) deemed as necessary for the purpose.

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Annexed Table

Period of Mourning

Relative	No. of Days
Consent	10 days
Parent	blood relative 7 days
	married relative 3 days
Grand parent	blood relative 3 days
	married relative 1 day
Children	5 1 days
<i>Grandchildren</i>	1 day
Brother or Sister	blood relative 3 days
	married relative 1 day
Brother or Sister of Parent	blood relative 1 day
	married relative 1 day

Remark:

1. Married relatives who are living upon the same livelihood shall be applied the same number of days as in the case of blood relatives.
2. The death of the grandfather (only in the case of father being died already) shall correspond to the death of parent. The death of the 1st son of the eldest son shall correspond to the death of children.
3. In case the dead relative is living in the remote areas and the worker concerned is required to go there, the days there and back will be added up.

Notice on the Expediency to be Granted
on the Day of By-election of Members
of the House of Representatives

*Files
II 18 (leave)*

From: Director General of Cabinet Secretariat.

To : Each Ministry, Agency and Local Government Office.
(The Diet, Supreme Court and Board of Audit be
informed)

Date: Feb. 7, 1949.

An agreement was made at the Vice-ministers' Conference
dated Feb. 7, 1949 to the following effect:

In accordance with Article 20 of the Law for partial
amendment to the Law administering the New Pay (Law
No. 265 of 1948), Chief of respective competent
authority shall, upon the request of personnel under
his supervision, grant the expediency of tardiness
or earlier leaving for the benefit of their voting
on the day of by-election of Members of the House
of Representatives.

Files
Leave
1-10-50

CIVIL SERVICE DIVISION
Government Section

July 24, 1948

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Government Section

SUBJECT : Government Employee Vacation

1. As a result of legal review, it was decided last week that employees of the government of Japan would be required to work a full eight hours each day from July 21 to August 31. In the bottom right hand corner of the 24 July, 1948 issue of the Nippon Times is the following statement:

"Government employees will each be granted a twenty day vacation with pay, it was agreed at the Vice-Minister's Conference held at the Prime Minister's official residence, Kyoda said."

2. Whether this statement is a means of compensating for the usual time off granted government employees during the hot season should be determined. It appears to be a very generous grant of vacation leave with full pay.

MAC DONALD SALTER