

Rules of Employment for Specially-Converted Employees of Nagasaki University

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Supplementary Provisions

Chapter 1 General Provisions

(Purpose)

Article 1 These Rules shall provide for necessary matters, based on the provisions of paragraph 2 of Article 3 of the Rules of Employment for Nagasaki University Employees (Rule No. 44 of 2004: hereinafter, “Rules of Employment for Employees”), concerning work by employees who are employed by Nagasaki University (hereinafter, “University”) by means of conversion from a fixed-term labor contract set forth in paragraph 1 of Article 4 of the Rules of Employment for Fixed-term Employees of Nagasaki University (Rule No. 21 of 2005: hereinafter, “Rules of Employment for Fixed-term Employees”) to a labor contract without a fixed-term provided for in paragraph 1 of Article 18 of the Labor Contract Act (Act No. 128 of 2007: hereinafter, “Labor Contract Act”) (hereinafter, “Labor Contract without Fixed-term”) (hereinafter, “Specially-Converted Employees”).

2 Matters for which nothing is specified in these Rules shall be governed by the Labor Standards Act (Act No. 49 of 1947), the Labor Contract Act, and other applicable laws and orders and relevant regulations.

(Duties of the University, etc.)

Article 2 The University and the Specially-Converted Employees shall comply with these Rules in their respective positions.

Chapter 2 Personnel Affairs

(Method of Conversion to Labor Contract without Fixed-term)

Article 3 The conversion from the labor contract with fixed-term set forth in paragraph 1 of Article 4 of the Rules of Employment for Fixed-term Employees to the labor contract without fixed-term shall be conducted by application for execution of

the labor contract without fixed-term provided for in paragraph 1 of Article 18 of the Labor Contract Act.

(Indication of Working Conditions)

Article 4 At the time of conversion to the labor contract without fixed-term, the President shall deliver a document in advance describing the following matters to the persons to be converted:

- (1) matters relating to the term of labor contract;
- (2) matters relating to the place of work and to the content of service in which Employees are engaged;
- (3) matters relating to the starting/ending time of work, the possibility of work exceeding the prescribed working hours, rest times, holidays and leave;
- (4) matters relating to salary;
- (5) matters relating to retirement.

(Method of Promotion)

Article 5 The promotion of Specially-Converted Employees shall be decided by selection.

2 The selection under the preceding paragraph shall be conducted on the basis of the performance of duties, etc., of the Specially-Converted Employee in question.

(Demotion)

Article 6 If a Specially-Converted Employee falls under any of the following items, the President may, after examination by the personnel affairs committee provided for in Nagasaki University Personnel Affairs Committee Rules (Rule No. 36 of 2004) (hereinafter, "Personnel Affairs Committee"), demote said Employee against his/her will:

- (1) The Employee's achievement of duties, etc., is substandard;
- (2) The Employee has a mental or physical disorder that makes it difficult or impossible to perform his/her duties;
- (3) The Employee otherwise lacks the aptitude required to be a Specially-Converted Employee.

2 In the case of professors, associate professors, senior assistant professors (who are limited to those who work regularly) and assistant professors, and research

associates (hereinafter, “University Education Staff”), the deliberation of the Education and Research Council set forth in Article 28 of the National University Corporation Nagasaki University Basic Rules (Rule No. 1 of 2004) (hereinafter, “Education and Research Council”) shall be conducted after the deliberation of the Personnel Affairs Committee.

(Personnel Reshuffle)

Article 7 Specially-Converted Employees may be ordered to change their assignment, engage in more than one job concurrently, or be transferred temporarily for business-related reasons. However, University Education Staff shall not be ordered to change their assignment or be transferred temporarily against their will without the deliberation of the Education and Research Council.

2 A Specially-Converted Employee who is ordered to undergo a personnel reshuffle set forth in the preceding paragraph cannot refuse such reshuffle without justifiable reason.

(Moving to a New Place of Work)

Article 8 When a Specially-Converted Employee is ordered to move to his/her new place of work, he/she shall do so on the same day as he/she receives an appointment letter if a change of domicile is not required, or within 7 days if a change of domicile is required; provided, however, that this shall not apply if the manager at the new place of work approves that said Employee is unable to move to the new place of work within the prescribed period for unavoidable reasons.

(Retirement)

Article 9 If a Specially-Converted Employee falls under any one of the following, he/she shall retire and lose his/her status as a Specially-Converted Employee:

- (1) If the Employee applies for retirement, and the President approves it;
- (2) If the Employee reaches the mandatory retirement age;
- (3) If the period of leave of absence from work expires, and the reasons for the leave of absence from work still exist;
- (4) If the Employee dies;
- (5) If the Employee becomes a candidate for a public office provided for in Article 3 of the Public Offices Election Act (Act No. 100 of 1950).

(Resignation)

Article 10 If a Specially-Converted Employee desires to resign, he/she shall apply to the President in writing no later than 30 days prior to the desired date of resignation.

2 Even if a Specially-Converted Employee has submitted an application for resignation, he/she shall continue to engage in his/her duties as in the past until he/she retires.

(Retirement by the Mandatory Retirement Age)

Article 11 The mandatory retirement age for Specially-Converted Employees shall be 60 years old; provided, however, that the mandatory retirement age of Specially-Converted Employees listed in the following items shall be the age as prescribed respectively in those items:

(1) University Education Staff 65 years old;

(2) Security guard, workers and disinfecting staff 63 years old

2 When a Specially-Converted Employee reaches the mandatory retirement age, he/she shall retire on the first March 31 after the day on which he/she reaches the mandatory retirement age; provided, however, that for a person who became a Specially-Converted Employee after his/her sixtieth (60th) birthday (or sixty-fifth (65th) birthday for a teacher of the University, or sixty-third (63rd) birthday for a guard or maintenance or cleaning worker), the day when the person became a Specially-Converted Employee shall be deemed as the date he/she reached the retirement age, and the person shall retire on the first March 31 after that deemed date.

(Reemployment of Mandatorily-retired Persons)

Article 12 The President may reemploy persons who have retired pursuant to the provisions of the preceding Article (excluding persons who have reached the age of sixty five (65)) by specifying a term of appointment not exceeding a scope of one year; provided, however, that this shall not apply if the person in question has not reached the mandatory retirement age pertaining to the job for which the person is planned to be reemployed.

2 Work by persons who are reemployed pursuant to the provisions of the preceding

paragraph shall be specified separately.

(Legitimate Dismissal)

Article 13 If a Specially-Converted Employee is subject to imprisonment or heavier punishment, the President shall dismiss said Specially-Converted Employee.

(Other Dismissal)

Article 14 If a Specially-Converted Employee falls under any of the following items, the President may dismiss said Specially-Converted Employee after the deliberation of the Personnel Affairs Committee:

- (1) The Employee's achievement of duties, etc., is seriously substandard;
- (2) The Employee has a mental or physical disorder that makes it seriously difficult or impossible to perform his/her duties;
- (3) The Employee otherwise lacks the aptitude required to be a Specially-Converted Employee;
- (4) Shrinkage of business activities generates surplus personnel, and reallocation, etc., is impossible;
- (5) Natural disasters or other unavoidable events make it impossible for the University to continue its business;
- (6) Services are unavoidably terminated by reasons of discontinuation of inflow of external funds, completion of project business, and so on.

2 In the case of University Education Staff, the deliberation of the Education and Research Council shall be conducted after the deliberation of the Personnel Affairs Committee except in the cases set forth in item 5 of the preceding paragraph.

(Restrictions on Dismissal)

Article 15 Even if a Specially-Converted Employee falls under Article 13 or any of items 1 to 4 or 6 of paragraph 1 of the preceding Article, the Specially-Converted Employee shall not be dismissed during the period falling under any of the following items; provided, however, that this shall not apply in the case of item 1 where an injury or disease is not cured even after three years have elapsed since the start of medical care, and the Specially-Converted Employee in question receives an injury and disease compensation pension provided for in Article 18 of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947):

(1) The period during which a Specially-Converted Employee is injured or is affected by a disease for work-related reasons and is absent from work to receive medical care, and 30 days thereafter;

(2) The period during which a female Specially-Converted Employee before/after childbirth takes leave pursuant to the provisions of items 6 and 7 of Article 26 of the Regulations on Working Hours, Holidays, Leave, etc., for Nagasaki University Employees (Regulation No. 42 of 2004), and 30 days thereafter.

2 Even if the President intends to dismiss a person falling under any of items 1 to 4 or 6 of paragraph 1 of the preceding Article, the President shall not dismiss said person if the dismissal lacks an objectively reasonable reason and is not considered socially acceptable.

(Advance Notice of Dismissal)

Article 16 When the President dismisses a Specially-Converted Employee pursuant to the provisions of Articles 13 and 14, he/she shall give advance notice to said Employee himself/herself no later than 30 days in advance or pay a dismissal advance notice allowance of not less than 30 days of average wages, except in the case where an approval of the competent labor standards office is obtained.

Chapter 3 Salary

(Salary)

Article 17 The decision, calculation, payment method, etc. (“Decision of Salary, etc.” in the next paragraph) of the salaries of Specially-Converted Employees shall be governed by the provisions of the Regulations on Salaries for Nagasaki University Employees (Regulation No. 47 of 2004: “Salary Regulations” in the next paragraph).

2 If it is deemed that the provisions of the Salary Regulations cannot be applied to the Decision of Salary, etc., for Specially-Converted Employees, taking the content of the work, etc., into account, the Decision of Salary, etc., for such Specially-Converted Employees may be made as approved by the President, notwithstanding the provisions of the preceding paragraph.

Chapter 4 Miscellaneous Provisions

(Mutatis Mutandis Application of Rules of Employment for Employees)

Article 18 The provisions of Articles 14 to 18, 27, 28, 30 to 40, 41 (excluding the

provisions of item 1 of paragraph 1) and 42 to 49 of the Rules of Employment for Employees shall apply mutatis mutandis to Specially-Converted Employees.

2 The provisions of Article 18-2 of the Rules of Employment for Employees shall apply mutatis mutandis to Specially-Converted Employees who are separately specified by the President.

(Additional Provisions)

Article 19 In addition to the matters prescribed in these Rules, necessary matters shall be specified separately.

Supplementary Provisions

These Rules shall come into effect as of April 1, 2013.

Supplementary Provisions (Rule No. 17 of March 30, 2018)

These Rules shall come into effect as of April 1, 2018.

Supplementary Provisions (Rule No. 17 of April 1, 2020)

These Rules shall come into effect as of April 1, 2020.