

Rules of Employment for Fixed-term Employees of Nagasaki University

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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”) on a fixed-term basis (hereinafter, “Fixed-term Employees”), pursuant to the provisions of paragraph 2 of Article 6 the Rules of Employment for 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 (Act No. 128 of 2007), the Act on the Revitalization of Science, Technology, and Innovation Development (Act No. 63 of 2008) and other relevant laws and orders and applicable regulations. (Duties of University, etc.)

Article 2 The University and Fixed-term Employees shall comply with these Rules in their respective positions.

Chapter 2 Personnel Affairs

(Method of Employment)

Article 3 The employment of Fixed-term Employees shall be decided by selection.

(Term, etc. of Labor Contract)

Article 4 A term of labor contract shall be specified for each Fixed-term Employee within a scope of 5 years based on the provisions of Article 14 of the Labor Standards Act.

2 A labor contract may be renewed; provided, however, that in addition to the cases

set forth in Articles 11 and 12, if any of the following cases applies, the University shall not renew the labor contract.

(1) If the service performed by the relevant Fixed-term Employee becomes no longer necessary

(2) If the first March 31 after the day on which the Fixed-term Employee (excluding any member of the University Education Staff) who has the right to apply for transfer to a non-fixed-term labor contract (hereinafter, “Indefinite Labor Contract”) provided for in paragraph 1 of Article 18 of the Labor Contract Act reaches sixty (60) years old has passed

3 In addition to the items set forth in the preceding two paragraphs, a labor contract shall not be executed with or renewed for persons who shall have reached the mandatory retirement age set forth in paragraph 1 of Article 21-4 of the Rules of Employment for Employees after the first March 31 that comes after the date of such mandatory retirement age; provided, however, that this shall not apply in cases where the President deems it specifically necessary to continue to employ said employees.

(Indication of Working Conditions)

Article 5 When the President employs a Fixed-term Employee, the President shall deliver a document in advance describing the following matters to the person to be employed:

(1) matters relating to the term of labor contract;

(2) matters relating to the criteria when a labor contract with a fixed-term is renewed;

(3) matters relating to the place of work and the content of service in which the Employee is to be engaged;

(4) matters relating to the starting/ending time of work, the possibility of work exceeding the prescribed working hours, rest times, holidays and leave;

(5) matters relating to salary;

(6) matters relating to retirement.

(Documents to be submitted at the Time of Employment)

Article 6 Persons who are employed as Fixed-term Employees shall submit the

documents listed below to the President:

- (1) Personal resume;
- (2) Certificates on qualification;
- (3) Other documents that the President deems necessary.

2 If any changes occur in the matters described in the documents submitted under the preceding paragraph, the Fixed-term Employee shall notify the President in writing of such fact promptly.

(Probation Period)

Article 7 Newly employed Fixed-term Employees shall have a probation period of 6 months from the day of employment; provided, however, that such period may be shortened or may not be set if the President deems it appropriate.

2 If the President recognizes during the probation period that the person in question is inappropriate as a Fixed-term Employee, the person may be dismissed.

3 The probation period shall be counted as the number of years of service.

(Moving to New Place of Work)

Article 8 When a Fixed-term Employee is ordered to move to a new place of work, he/she shall do so on the same day as he/she receives the 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 of the new place of work approves that the Employee in question is unable to move to the new place of work within the prescribed period for unavoidable reasons.

(Retirement)

Article 9 If a Fixed-term Employee fall under any of the following, he/she shall retire and lose his/her status as a Fixed-term Employee:

- (1) If the Employee's term of labor contract expires;
- (2) If the Employee applies for retirement, and the President approves it;
- (3) If the Employee's 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).

(Employment of a Person Who Has the Right to Apply for Transfer to an Indefinite Labor Contract)

Article 9-2 If any person who retires pursuant to item 1 of the preceding Article is applicable to item 2 of paragraph 2 of Article 4, the President may employ such person as an Employee who works on a full-time basis on the day following the date of such retirement; provided, however, that this shall not apply if he/she is applicable to any of the reasons for dismissal as provided for in Article 11 or Article 12.

(Procedures of Retirement)

Article 10 If a Fixed-term Employee desires to resign for his/her own reason, he/she shall apply to the President in writing no later than 30 days prior to the desired date of resignation.

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

(Legitimate Dismissal)

Article 11 If a Fixed-term Employee is subject to imprisonment or heavier punishment, the President shall dismiss the Fixed-term Employee.

(Other Dismissal)

Article 12 If a Fixed-term Employee falls under any of the following items, the President may dismiss the Fixed-term 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 an Employee;
- (4) Shrinkage of business activities generates surplus personnel, and reallocation, etc., is impossible;
- (5) A natural disaster or other unavoidable event makes 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.

(Restrictions on Dismissal)

Article 13 Even if a part-timer falls under Article 11 or any of items 1 to 4 or 6 of the preceding Article, the part-timer shall not be dismissed during a period falling under any of the following items: However, this shall not apply in the case of item 1 where an injury or disease is not cured even after 3 years have elapsed since the start of medical care and the Fixed-term 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 Fixed-term 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 Fixed-term 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 the preceding Article, he/she shall not dismiss such person if the dismissal lacks objectively reasonable reasons and is not considered socially acceptable.

(Advance Notice of Dismissal)

Article 14 When the President dismisses a Fixed-term Employee pursuant to the provisions of Articles 11 and 12, the President shall give advance notice to the Employee himself/herself no later than 30 days in advance or pay a dismissal advance notice allowance for not less than 30 days of average wages, except in the case where a Fixed-term Employee on a probationary period (excluding those who are employed continuously for longer than 14 days) is dismissed or approval of the competent labor standards office is obtained.

Chapter 3 Salary

(Salary)

Article 15 The decision, calculation, payment method, etc. of Fixed-term Employees' salaries ("Decision of Salary, etc." in the next paragraph) 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 Fixed-term Employees, taking the content of work, etc., into consideration, the Decision of Salary, etc., for such Fixed-term 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 16 The provisions of Articles 14 to 18, 27, 28, 30 to 49 (excluding the provisions of item 1 of paragraph 1 of Article 41) of the Rules of Employment for Employees shall apply mutatis mutandis to Fixed-term Employees.
- 2 The provisions of Article 50 of the Rules of Employment for Employees shall apply mutatis mutandis to the Fixed-term Employees who are listed below (excluding those who are subject to the annual pay system and other persons whose salary is decided pursuant to the provisions of paragraph 2 of the preceding Article and whose salary includes an amount equal to the retirement allowance):
 - (1) Tenure track teachers set forth in the Regulations on the Tenure Track System for Education Employees at Nagasaki University (Regulation No. 43 of 2009);
 - (2) Outstanding young teachers set forth in the Regulations on the Tenure Track System for Outstanding Young Education Employees at Nagasaki University (Regulation No. 4 of 2022); and
 - (3) Medical Care Assistant Professors set forth in the Regulations on the Treatment of Nagasaki University Hospital Medical Care Assistant Professors (Regulation No. 45 of 2009).
 - 3 The provisions of Article 18-2 of the Rules of Employment for Employees shall apply mutatis mutandis to Fixed-term Employees who are separately specified by the President.

(Application for the Execution of a Labor Contract without a Fixed-term)

- Article 17 An application for the execution of an Indefinite Labor Contract shall be made no later than 30 days prior to the date of expiration of the term of labor contract.

(Additional Provisions)

Article 18 In addition to the matters prescribed in these Rules, necessary matters shall be specified separately.

Supplementary Provisions

- 1 These Rules shall come into effect as of April 1, 2005.
- 2 For the time being, with regard to the application of paragraph 2 of Article 4 to persons engaged in guard or other similar services or in performing operations or other labor services, the term “sixty (60) years old” as used in the same paragraph shall be deemed to be replaced with “sixty-three (63) years old.”

Supplementary Provisions (Rule No. 12 of March 24, 2006)

These Rules shall come into effect as of April 1, 2006.

Supplementary Provisions (Rule No. 19 of March 27, 2008)

These Rules shall come into effect as of March 27, 2008.

Supplementary Provisions (Rule No. 27 of September 25, 2009)

These Rules shall come into effect as of September 25, 2009.

Supplementary Provisions (Rule No. 18 of March 29, 2011)

These Rules shall come into effect as of March 29, 2011.

Supplementary Provisions (Rule No. 9 of March 26, 2013)

- 1 These Rules shall come into effect as of April 1, 2013.
- 2 To Fixed-term Employees whose term of labor contract with a fixed-term, which has actually and already been executed by the day immediately preceding the effective date of these Rules (hereinafter, “Effective Date”), expires after the day immediately preceding the Effective Date, then notwithstanding the provisions of the proviso to paragraph 2 of Article 4 after the amendment, the day immediately following the expiration date in question shall be deemed to be the date of initial employment, and the provisions of said paragraph shall apply.

Supplementary Provisions (Rule No. 9 of March 28, 2014)

These Rules shall come into effect as of April 1, 2014.

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

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

Supplementary Provisions (Rule No. 30 of December 9, 2019)

These Rules shall come into effect as of December 9, 2019.

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

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

Supplementary Provisions (Rule No. 3 of January 31, 2022)

These Rules shall come into effect as of January 31, 2022.

Supplementary Provisions (Rule No. 24 of March 28, 2023)

Amended: Rule No. 6 of March 21, 2024

These Rules shall come into effect as of April 1, 2023. However, the revised provisions of paragraph 2 of Article 4, the revised provisions for adding Article 9-2, and the revised provisions of Article 17 shall come into effect as of April 1, 2024.

Supplementary Provisions (Rule No. 6 of March 21, 2024)

These Rules shall come into effect as of March 21, 2024.