

Rules of Employment for Foreign Researchers 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 foreign researchers who work at Nagasaki University (hereinafter, “University”).

(Relationship with Other Laws and Regulations)

Article 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) and other relevant laws and orders and applicable regulations.

(Duties of the University, etc.)

Article 3 The University and foreign researchers shall comply with these Rules in their respective positions.

Chapter 2 Employment, Retirement, etc.

(Employment)

Article 4 The employment of foreign researchers shall be decided by selection.

2 At the time of selection under the preceding paragraph, persons who reach sixty-five (65) years of age shall be excluded.

(Indication of Working Conditions)

Article 5 At the time of employment of foreign researchers, the President shall deliver a document in advance describing the following matters to the person whom the President intends to employ:

- (1) matters relating to the term of the labor contract;
- (2) matters relating to the criteria when a fixed-term labor contract is renewed;
- (3) matters relating to the place of work and the content of service;
- (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.

(Execution of Contract)

Article 6 The labor contract shall be executed by written agreement in Japanese and in an appropriate foreign language to enable a foreigner to understand the content of the contract; provided, however, that if the foreigner can understand the content of the contract in Japanese fully, the labor contract may be executed only in Japanese.

- 2 The contract shall be executed promptly after the foreigner arrives in Japan.
- 3 If the employment term extends to two or more business years, the contract shall be executed for each business year.
- 4 At the time of executing the contract, data of the foreigner including his/her real name, nationality and status of residence shall be confirmed, and documents, etc., demonstrating such data shall be retained.
- 5 After the execution of the contract, personnel affairs records shall be prepared.

(Term of Labor Contract)

Article 7 The term of a labor contract with a foreign researcher shall not exceed one year, and if a contract is executed during a business year, the end of the term of the contract shall be the last day of the business year.

- 2 The term of a labor contract may be renewed if necessary; provided, however, that the end of the term of a renewed labor contract shall not extend longer than ten years counting from the initial date of employment.

(Retirement)

Article 8 If a foreign researcher falls under any one of the following, he/she shall retire.

- (1) If the period of the labor contract expires;
- (2) If the foreign researcher applies for retirement, and the President approves it;
- (3) If the foreign researcher dies.

2 If, in the case of item 1, the President decides not to re-employ a foreign researcher who has come to work for longer than one year as the result of re-employment, the President shall give an advance notice no later than 30 days prior to the expiration of the renewed contract.

(Retirement for Own Reason)

Article 9 If a foreign researcher desires to retire for his/her own reason prior to the end of the term under Article 7, he/she shall apply to the President in writing no later than 30 days prior to the desired date of retirement.

2 Even if the foreign researcher has submitted an application for retirement, he/she shall continue to engage in his/her duties as in the past until he/she retires.

(Legitimate Dismissal)

Article 10 If a foreign researcher is subject to imprisonment or heavier punishment, the President shall dismiss the foreign researcher.

(Other Dismissal)

Article 11 If a foreign researcher falls under any of the following items, the President may dismiss the foreign researcher:

- (1) If his/her achievement of duties, etc., is seriously substandard;
- (2) If he/she has a mental or physical disorder that makes it seriously difficult or impossible to perform his/her duties;
- (3) If he/she otherwise lacks the aptitude required to be an employee;
- (4) If shrinkage of business activities results in surplus personnel;
- (5) If a natural disaster or other unavoidable event make it impossible for the University to continue its business;

(Restrictions on Dismissal)

Article 12 Even if a foreign researcher falls under Article 10 or any of items 1 to 4 of the preceding Article, the foreign researcher shall not be dismissed during a period falling under any of the following items.

- (1) A period during which the foreign researcher becomes injured or sick for work-related reasons and is absent from work to receive medical care, and 30 days thereafter;
- (2) A period during which a foreign female researcher before/after childbirth takes leave pursuant to the provisions of items 6 and 7 of Article 26 of the Regulations on

Working Hours, Holidays, Leaves, etc., of Employees of Nagasaki University (Regulation No. 42 of 2004; hereinafter, "Working Hours Regulations") and 30 days thereafter.

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

(Advance Notice of Dismissal)

Article 13 When the President dismisses a foreign researcher pursuant to the provisions of Articles 10 and 11, he/she shall give an advance notice to the foreign researcher in person no later than 30 days in advance or pay a dismissal advance notice allowance of not less than for 30 days of average wages, except in the case where an approval of the competent labor standards office is obtained.

Chapter 3 Working Hours, Holidays, Leaves, etc.

(Working Hours, Holidays, Leaves, etc.)

Article 14 Working hours, holidays, leaves, etc., of foreign researchers shall be governed by the Working Hours Regulations.

Chapter 4 Salary

(Kind of Salary)

Article 15 The salary of foreign researchers shall be the base salary and commuting allowances.

(Base Salary)

Article 16 The salary of foreign researchers shall be as specified in Appended Table 1.

(Decision of Salary Grade)

Article 17 The salary grade of foreign researchers shall be decided based on their professional career and Appended Tables 2 and 3.

(50% Reduction of Base Salary)

Article 18 If a foreign researcher fails to work for longer than 90 days continuously for reason of his/her private sickness, his/her base salary on and after the 90th day shall be handled by applying mutatis mutandis the provisions of Article 33 of the Regulations on Salaries of Employees of Nagasaki University (Regulation No. 47 of 2004; hereinafter, "Salary Regulations").

(Commuting Allowances)

Article 19 The University shall pay commuting allowances to foreign researchers in accordance with Article 16 of the Salary Regulations.

(Payment of Salary)

Article 20 The payment of salary shall be made in the manner specified in the Salary Regulations.

Chapter 5 Travel Expenses

(Travel Expenses)

Article 21 Travel expenses if a foreign researcher is ordered to go on a business trip for work-related reasons shall be governed by the provisions of the Regulations on Travel Expenses of Nagasaki University (Regulation No. 89 of 2004), and a foreign researcher's travel expenses for coming to Japan and going back to his/her country shall be governed by the provisions of the Regulations on Travel Expenses for Foreign Researchers of Nagasaki University (Regulation No. 91 of 2004).

Chapter 6 Miscellaneous Provisions

(Mutatis Mutandis Application of Provisions of Rules of Employment for Employees)

Article 22 The provisions of Articles 27, 28, 30 to 37, 40, 41 (excluding the provisions of item 1 of paragraph 1), 42 to 45, and 47 to 49 of the Rules of Employment for Employees shall apply mutatis mutandis to foreign researchers.

(Complementary Provisions)

Article 23 In addition to the matters set forth in these Rules, necessary matters shall be specified separately.

Supplementary Provisions

These Rules shall come into effect as of April 1, 2004.

Supplementary Provisions (Rule No. 19 of March 31, 2005)

These Rules shall come into effect as of April 1, 2005.

Supplementary Provisions (Rule No. 22 of March 28, 2006)

- 1 These Rules shall come into effect as of April 1, 2006.
- 2 In the case of foreign researchers who were enrolled in the University on March 31, 2006 and are employed continuously on and after the effective date of these Rules, if the monthly amount of the base salary paid to them is less than the monthly amount of the base salary which was paid on March 31, 2006, the University shall pay the difference in addition to the monthly amount of the base salary in question.

Supplementary Provisions (Rule No. 13 of March 26, 2013)

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

Supplementary Provisions (Rule No. 41 of November 28, 2014)

- 1 These Rules shall come into effect as of April 1, 2015.
- 2 In the case of foreign researchers who have been continuously employed by the University since the previous day of the date of enforcement of these Rules (hereinafter, "Date of Enforcement"), if the monthly amount of the base salary paid to them is less than the monthly amount of the base salary which was paid as of the previous day of the Date of Enforcement, the University shall pay the difference in addition to the monthly amount of the base salary in question, until March 31, 2018.

Supplementary Provisions (Rule No. 9 of February 29, 2016)

These Rules shall come into effect as of April 1, 2016.

Supplementary Provisions (Rule No. 24 of March 31, 2016)

These Rules shall come into effect as of April 1, 2016.

Supplementary Provisions (Rule No. 43 of December 27, 2016)

These Rules shall come into effect as of April 1, 2017.

Supplementary Provisions (Rule No. 41 of December 26, 2017)

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

Supplementary Provisions (Rule No. 53 of December 25, 2018)

These Rules shall come into effect as of April 1, 2019.

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

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

Appended Table 1 (relating to Article 16)

Table of Monthly Amount of Base Salary for Foreign Researchers

Category	Monthly Amount of Base Salary	
Grade	Term of Employment	
	Six months or longer	Shorter than six months
1	386,000 yen	337,000 yen
2	438,000 yen	383,000 yen
3	490,000 yen	429,000 yen

4	531,000 yen	464,000 yen
5	571,000 yen	500,000 yen
6	614,000 yen	538,000 yen
7	642,000 yen	563,000 yen

Appended Table 2 (relating to Article 17)

Table of Standards for the Rating of Grades for Foreign Researchers

Grade	Number of Years of Experience after Graduation from University	Number of Years of Experience after Graduation from Junior College
1	0 years—shorter than 2 years	0 years—shorter than 5 years
2	2 years—shorter than 7 years	5 years—shorter than 10 years
3	7 years—shorter than 12 years	10 years—shorter than 15 years
4	12 years—shorter than 19 years	15 years—shorter than 22 years
5	19 years—shorter than 26 years	22 years—shorter than 29 years
6	26 years—shorter than 32 years	29 years—shorter than 35 years
7	32 years or more	35 years or longer

Appended Table 3 (relating to Article 17)

Conversion Table for Number of Years of Experience

Professional Career		Conversion Rate
Period of employment as an employee of an official agency including foreign governments or educational or research organizations	Period of employment as an employee of an educational or research organization	100 / 100
	Other periods	80 / 100
Period of study at a school or educational organization similar to school (which shall be limited to periods with a legitimate number of		100 / 100

study periods)		
Period of employment as an employee of a private-sector company		80 / 100
Period of military service, Christian ministry, service as a nun, etc.		80 / 100
Other periods	Period in which a person engaged in a job relating to education or research, the experience of which is considered to be directly useful for his/her job	100 / 100
	Other periods	50 / 100