

## Regulations Pertaining to Outside Assignment of National University Corporation Osaka University Staff

**Note: The document below is an English translation of the University Work Regulations, originally composed in Japanese. The English version of the Work Regulations has been provided merely as a reference for international researchers and employees. Therefore, it should not be considered an official employment contract. Please note that any official employment contracts have been concluded solely on the basis of the Japanese version of the Work Regulations.**

### Chapter 1: General Provisions

#### (Purpose)

Article 1: The purpose of these regulations shall be to define matters pertaining to the outside assignment by full-time Staff (hereinafter referred to as "Employee") of National University Corporation (hereinafter referred to as "The University") in accordance with the provisions of Article 32 of Work Regulations Pertaining to National University Corporation Osaka University Staff and Article 28 of Work Regulations Pertaining to National University Corporation Osaka University Limited Term Staff.

#### (Definitions)

Article 2: "Outside assignment" used in these regulations shall refer to the following, regardless of whether or not remuneration occurs.

(1) Cases where an Employee holds a post as a director in a company or other organization (hereinafter referred to as "profit-making enterprise") with the purpose of operating a private enterprise for achieving profits as a goal (hereinafter referred to as "outside assignment as a director in a profit-making enterprise").

(2) Cases where an Employee, in addition to their own duties, operates a profit-making enterprise themselves (including cases where said profit-making enterprise is registered under the name of a person other than said member of Staff but, from an objective standpoint, is deemed to be operated by said member of Staff, hereinafter referred to as "self-employment outside assignment").

(3) Notwithstanding the foregoing 2 provisions, cases where an Employee concurrently holds a post other than the stated post, or is engaged in an enterprise work affairs other than the stated work (hereinafter referred to as "outside assignment other than outside assignment as a director in profit-making enterprises and self-employment outside assignment").

2. The term "special interests" shall refer to contracts such as commodity purchase agreements and construction agreements, inspections and audits, or the exercise of rights of permission or approval.
3. Determination of the presence or lack of contract interest cited in the foregoing item shall be dependent on participation or non-participation relating to sanctioning of the conclusion of contracts. However, in the case of the conclusion of contracts pertaining to joint and commissioned research, such determination shall be dependent on the presence or lack thereof of the right to sanction conclusion of contracts.

#### (Permission for Outside Assignment)

Article 3: With the exception of cases where The University grants permission on the grounds that the outside assignment in question does not run contrary to the public character of The University or to the obligation of the member of Employee in question to devote themselves to their duties, the Employee shall not engage in outside assignment.

2. Permission as stipulated in the foregoing item shall be granted by the President of The University or by the head of the department to which the Employee in question belongs (hereinafter referred to as "immediate manager").

### Chapter 2: Outside Assignment as Director in Profit-making Enterprise

#### (Outside Assignment as a Director in Profit-making Enterprise)

Article 4: With the exception of the cases cited hereunder, outside assignment as a director in a profit-making enterprise shall not be permitted.

(1) Outside assignment by a member of Academic Staff or Researchers (hereinafter referred to as "Academic Staff, Etc.") in a technology-transfer enterprise (outside assignment on technology transfer)

(2) Outside assignment by a member of Academic Staff, Etc. in an enterprise applying the results of

research (outside assignment on research application)

(3) Outside assignment by a member of Academic Staff, Etc. as an auditor or external director for a joint-stock company, etc. (outside assignment as auditor)

2. In order to ensure the transparency and fairness of procedures pertaining to permission and other administrative work relating to outside assignment as a director in a profit-making enterprise, The University shall establish an investigative committee in The University.
3. In addition to the provisions of the foregoing 2 items, matters pertaining to the handling of outside assignment as a director of a profit-making Enterprises shall be determined in accordance with National University Corporation Osaka University Regulations Pertaining to Outside Assignment in Profit-making Enterprise and Self-employment Outside Assignment (hereinafter referred to as "Regulations pertaining to Outside Assignment as a director in a profit-making enterprise").

### Chapter 3: Self-employment Outside Assignment

(Self-employment Outside Assignment)

Article 5: With the exception of cases where an Employee engages in a self-employment outside assignment due to succession of a family enterprise as the result of inheritance of or bequeathing of said enterprise, self-employment outside assignment shall not be permitted. However, the foregoing shall not apply to Employee engaged in enterprises such as agriculture, cattle breeding, dairy farming, fruit growing or poultry farming or in real estate or parking lot leasing.

2. In addition to the provisions of the foregoing item, matters pertaining to the handling of self-employment outside assignment shall be determined in accordance with Regulations for Outside Assignment as a Director in Profit-making Enterprise.

### Chapter 4: Outside Assignment other than Outside Assignment as a Director in Profit-making Enterprise and Self-employment Outside Assignment

(Outside Assignment other than Outside Assignment as a Director in Profit-making Enterprise and Self-employment Outside Assignment)

Article 6: Employee (excluding immediate managers: This shall also apply hereinafter.) wishing to take up outside assignment other than outside assignment as a director in profit-making enterprises and self-employment outside assignment shall require the permission of their immediate manager.

2. If an immediate manager wishes to take up outside assignment described in the preceding Item, "Employee and "immediate manager" shall be read as "immediate manager" and "President," respectively, in the application of this Article and the articles hereinafter.

(Outside Assignment other than Outside Assignment in a Profit-making Enterprise)

Article 6-2: Regarding the outside assignment set forth in the preceding Article, if an Employee engages in outside assignment for any business other than the business of a profit-making enterprise or works for or is involved in any business other than the business of a profit-making enterprise, the Employee shall be required only to submit a notification to his or her immediate manager, notwithstanding the provision of the preceding Article. However, in cases in which the criteria under the following Article are not satisfied, such as where said outside assignment interferes with the performance of duties of the Employee in question, the Employee shall not engage in work in said outside assignment.

(Criteria for Permission for Outside Assignment other than Outside Assignment as a Director in Profit-making Enterprise and Self-employment Outside Assignment)

Article 7: Permission for said outside assignment shall be granted in cases where an immediate manager recognizes compliance of an outside assignment as defined in the foregoing provisions with any of the following criteria.

- (1) Engaging in said outside assignment shall not interfere with the proper implementation of duties by the Employee concerned.
- (2) Engaging in said outside assignment shall not result in mental and/or physical exhaustion which adversely affect efficiency in the performance of the duties of the Employee in question.
- (3) The Employee in question has no special interests in the location of said outside assignment nor does there exist the possibility of the future development of such special interests.

(4) The outside assignment in question shall not adversely affect the reputation nor damage the honor of The University.

(5) The outside assignment in question shall not interfere with the fairness and reliability in the performance of the duties of the Employee in question.

2. Notwithstanding the provisions of the foregoing item, an immediate manager shall, in principle, not grant permission for outside assignment stipulated in the foregoing articles falling into any of the categories hereunder.

(1) Cases where said outside assignment involves full-time work at an enterprise outside The University (with the exception of, however, appointment to full time posts requiring no change of workplace)

(2) Cases of direct concern to the business of profit-making enterprises (with the exception of, however, engagement in work pertaining to research and development and technical guidance (including technical guidance for enterprises other than those of technology transfer enterprises), advice relating to management and judicial affairs, work as part-time doctor (including part-time dentist) or lecturer in treatment or research centers at place of said outside assignment).

(3) Cases of the undertaking of posts of major importance to business other than a profit-making enterprise (however, with the exception of the undertaking of the posts of public corporations, general incorporated association, general incorporated foundation, special non-profit activities corporations and organizations without corporate qualification (hereinafter referred to as "corporations") which aim to engage in activities relating to academic research, intra-school activities, international exchange, scholarships for education, industry-university liaison/cooperation or in the activities given in the appendix (pertaining to Article 2) of the Special Non-profit Activities Promotion Law (Law No. 7 of 1998, hereinafter referred to as "The Special Non-profit Activities Promotion Law").

(4) Cases of outside assignment involving the undertaking of work as the head of public or private schools, vocational schools, educational organizations of schools or of social education institutions such as libraries.

(5) Cases of outside assignment involving the undertaking of work as lecturer in cram schools or in other similar classrooms, supplementary private schools or lecture rooms established or offering lectures for the purpose of preparation for university entrance examinations.

(Withdrawal of Permission for Outside Assignment other than Outside Assignment as Director in Profit-making Enterprise and Self-employment Outside Assignment)

Article 8: In cases where an outside assignment for which permission was granted by an immediate manager in accordance with the provisions of Article 6 ceases to comply with the relevant criteria set out in Item 1 of the foregoing article, the immediate manager in question shall be entitled to withdraw said permission, and in cases where the possibility exists that said outside assignment will cease to comply with said criteria, said immediate manager shall be entitled to apply restrictions to said outside assignment.

## Chapter 5: Period of Outside Assignment

(Permitted Period)

Article 9: The period of permission for outside assignment shall be within 2 years in principle. However, in the case of posts the terms of which are fixed in accordance with laws and ordinances, said period may be permitted within 5 years.

2. The provisions of the foregoing item shall not preclude renewal of the period of permission.

## Chapter 6: Short Term Outside Assignment

(Short Term Outside Assignment)

Article 10: In cases of outside assignment stipulated in the provisions of Article 6, which fall into any of the following categories, the Employee in question shall be required only to submit a notification to his or her immediate manager, in accordance with the provisions of Article 6-2.

(1) Cases of outside assignments requiring less than 1 day of work.

(2) Cases of outside assignments requiring less than 10 working hours and within a period of more than 2 days and less than 6 days of work.

2. Regarding the calculation of the number of days cited in the foregoing item, calculation shall be based either on consecutive days of work, or in cases where days of work are non-consecutive, but are

predetermined and are recognized as comprising continuity in terms of work content on the total number of days worked.

3. In cases where an outside assignment is in accordance with No. 1 or 2, Item 1, but where said outside assignment continues over an extended period of time, permission to undertake said post from the immediate manager of the Employee in question shall be required.
4. Notwithstanding the provision of Item 1, the notification may be omitted if so permitted by The University.

#### Chapter 7: Times Engaged in Work at Outside Assignment

##### (General Outside Regular Working Hours Rule)

Article 11: As a general rule, the employee shall engage in outside assignments outside regular working hours.

2. Notwithstanding the provisions of the foregoing item, in cases where necessity is recognized by the immediate manager, work at outside assignments may be undertaken within regular working hours. However, in such cases, the Employee concerned shall be subject to a reduction in salary in accordance with the number of hours during which Employee in question is engaged in work at said outside assignment.

##### (Outside Assignments involving Work within Regular Working Hours and Payment of Salary)

Article 12: Notwithstanding the proviso of Item 2 of the foregoing article, the salary of an Employee engaging in work at an outside assignment within regular working hours falling into any of the categories detailed hereunder shall not be subject to reduction provided that said an Employee is not in receipt of consideration in excess of the scope of actual expenses such as travel expenses.

(1) Work at an outside assignment in an outside assignment in National or local authorities, incorporated administrative agencies, national university corporations, inter-university research institute corporations, local incorporated administrative agencies or public university corporations.

(2) Work at an outside assignment in corporations the purpose of which is academic research.

(3) Work at a corporations whose purpose is intra-school activities.

(4) Work at an outside assignment recognized as an organizational or unified contribution as a university to industry-academia-government liaison activities or regional societies.

(5) Work at an outside assignment the purpose of which is international exchange, scholarships for education, industry-university liaison/collaboration or activities cited in the appended table (pertaining to Article 2) of the Special Non-profit Activities Promotion Law and which are recognized as representing a high degree of public interest.

#### Chapter 8: Supplementary Provisions

##### (Exemption from Responsibilities of the University)

Article 13: The University shall be exempt from all responsibilities for accidents or calamities arising from work at an outside assignment.

##### (Regulations for Implementation)

Article 14: Matters necessary for implementation of these regulations shall be determined separately.

##### Supplementary Provisions

##### (Date of Implementation)

1. The foregoing regulations shall be implemented from 14<sup>th</sup> April 2004 and applied from 1<sup>st</sup> April 2004.

##### (Interim Measures)

2. With respect to the period after application of these regulations, renewal under these regulations of permission for outside assignment granted prior to the date of application of said regulations shall be unnecessary.

##### Supplementary Provision

The foregoing amendments shall be implemented from 20<sup>th</sup> June 2005.

##### Supplementary Provisions

(Date of Implementation)

1. The foregoing amendments shall be implemented from 1<sup>st</sup> October 2007.

(Interim Measures relating to Integration)

2. With respect to Employees who held office in the National University Corporation Osaka University of Foreign Studies prior to the integration as of 30<sup>th</sup> September 2007 whose status was transferred to The University due to the integration and fall under the description of "Employee" set forth in Article 1, those who are listed in the following table shall be subject to appropriate interim measures in accordance with the provisions of the following table.

Applied Articles	Relevant persons subject to interim measures	Detail of interim measures	Term of interim measures
Item 1, Article 9	Persons who obtained permission for an outside assignment in accordance with Article 16 of the Regulations pertaining to Outside Assignment for Employees of National University Corporation Osaka University of Foreign Studies (hereinafter referred to as "The Regulations pertaining to Outside Assignment for Employees of The Former OUFS") by the day preceding the date of implementation and continue to meet the requirements for obtaining the permission on the date of implementation	Prior regulations shall remain applicable	Term based on the permission obtained for the outside assignment
Article 12	Persons who obtained permission for an outside assignment in accordance with Article 19 of the Regulations pertaining to Outside Assignment for Employees of The Former OUFS by the day preceding the date of implementation, and continue to meet the requirements for obtaining the permission on the date of implementation	Prior regulations shall remain applicable	Term based on the permission obtained for the outside assignment

Supplementary Provision

The foregoing amendments shall be implemented from 1<sup>st</sup> April 2009.

Supplementary Provisions

(Date of Implementation)

1. The foregoing amendments shall be implemented from 1<sup>st</sup> April 2010.

(Interim Measure)

2. If permission of The University is already obtained, by the date preceding the date of implementation of these Supplementary Provisions, for an outside assignment to be engaged in within the period on and after the date of implementation of these Supplementary Provisions, new permission under these regulations shall not be required for such outside assignment.