

Regulations Pertaining to Working Hours, Holidays and Leave for National University Corporation Osaka University Part-time Staff (Temporary Part-time Education and Research 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 rules shall be to provide, in accordance with Article 28 of the University Work Regulations for National University Corporation Osaka University Temporary Part-Time Education and Research Staff, terms and conditions relating to working hours, holidays and leave for members of Part-time Staff (hereinafter referred to as "Employee(s)") employed at the National University Corporation Osaka University (hereinafter referred to as "The University") to whom the said regulations apply.

(Relationship to Laws and Ordinances)

Article 2: Working hours, breaks, holidays and leave of absence for Employees shall be in accordance with The Labor Standards Law (Law No. 49 of 1947, hereinafter referred to as "The LSL") and other relevant laws and ordinances as well as the terms and provisions of the rules set out herein.

Chapter 2: Working Hours, Breaks and Holidays

(Regular Working Hours)

Article 3: The regular working hours per week shall be individually determined within the scope, which shall not exceed 30 hours.

2. Start and finish times shall be individually determined within the scope which shall not exceed 8 hours per day. In cases where the working hours per day 4 hours and more (in cases where they are 6 hours or less, they must be divided between morning and afternoon), a 45 minute break shall be allowed during said working hours, provided that the break time may not be given in cases where the working hours per day do not exceed 6 hours and as well as Employees agree on not doing so.
3. Notwithstanding the provisions of the foregoing item, when a person to whom any of the following apply makes a request, start and finish times determined herein may be changed with the proviso that the number of working hours shall not exceed the regular working hours per day. However, in cases where such change hinders the normal operation of business, this provision shall not be applicable.
 - (1) Employees raising children not yet entered in primary school
 - (2) Employees leaving to pick up or see off children of primary school age (limited to those children who use any of the services herein described) at facilities where after-school day services or after-school child sound upbringing services are operated as a project under the Child Welfare Act (Act No. 164 of 1947; hereinafter referred to as the "Child Welfare Act"), a location where mutual support activities are operated as part of a project under the Ordinance for Enforcement of the Child Welfare Act (Ordinance of the Ministry of Health and Welfare No. 11 of 1948; hereinafter referred to as the "Child Welfare Act Enforcement Ordinance"), facilities where shorter day-time support services are operated as part of a regional community life support project under the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005; hereinafter referred to as the "Services and Supports for Persons with Disabilities Act"), or a location where after-school learning activities or other activities are operated as part of a project subsidized by the Ministry of Education, Culture, Sports, Science and Technology to promote educational support activities through cooperation between schools, households and local communities
 - (3) Employees caring for relatives who are in need of nursing care
4. In addition to the provisions defined in the foregoing item, when necessary in practical terms, the start and finish times may be changed with the proviso that the number of working hours shall not exceed 8 hours per day.

(Work at Locations outside the Regular Workplace)

Article 4: In cases where an Employee is engaged in work consuming all or part of the regular working hours at a location outside their regular workplace, rendering calculation of working hours difficult, it shall be assumed that said Employee has worked the regular working hours. However, in cases where it is necessary, in order to carry out work, to work in excess of the regular working hours, the number of excess hours worked shall be assumed to be equivalent to the number of hours normally required to carry out said work.

(Overtime and Working on Holidays)

Article 5: In cases where, to accommodate the necessities of work, an Employee may be ordered either to work hours outside the regular working hours as set forth in Article 3 (in cases where the regular working hours differ due to use of the restructured working hours system as defined in the terms and provision of Article 12, the number of hours under said system. This also applies to the following article and Article 10 below), or to work on the holidays stipulated in Article 8 (In cases where the stipulated holidays differ due to use of the restructured working hours system, the holidays are to be stipulated under said system. This also applies to the following article and Articles 9 and 10 below).

2. In cases where an Employee is ordered to work overtime or to work on holidays defined in the foregoing Item and the number of hours worked exceeds 8 hours a day (including cases where the stipulated numbers of working hours a day exceeds 8 hours due to use of the restructured working hours system), a minimum break of 1 hour shall be allowed during working hours.
3. In cases where an Employee is ordered to work overtime or to work on holidays as detailed in Item 1 and the work in question either exceeds the number of working hours defined under Article 32 onward of the LSL (hereinafter referred to as "overtime work") or constitutes work on a legal holiday as defined in Article 35 of the LSL (hereinafter referred to as "holiday work"), said work shall be subject to labor-management agreement as defined in Article 36 of the same law.
4. An Employee ordered to work overtime (only in case where said work constitutes overtime work) or to work on holidays detailed in Item 1 shall be paid the stipulated extra wages.
5. Notwithstanding the terms and provisions of Item 3, where possible, an Employee shall not be required to work overtime or to work on holidays.
6. Notwithstanding the terms and provisions of the foregoing Item 1, Employees who are engaged in care and raising of children under 3 years of age (excluding Employees who, under a labor-management agreement concluded in accordance with Item 1, Article 16-8, of the Law Governing the Welfare of Workers Taking Child Care or Family Care Leave (Law No. 76 of 1991: hereinafter referred to as "CCFCLL"), are not allowed to lodge a request for limitation on overtime work) shall not, upon lodging a request for the purpose of care of said children, be required to work overtime. The foregoing shall not, however, apply in cases where said restrictions hinder the normal operation of work.
7. Notwithstanding the terms and provisions of the foregoing Item 3, Employees (excluding those whose number of continuous service years is less than 1 year and the regular working hours per week is less than 2 days) who are engaged in care and raising of children until the attainment of the age for entry into primary school or in care of subject family members as referred to in No. 4, Article 2 of CCFCLL (hereinafter referred to as "Subject Family Members") shall not, upon lodging a request for the purpose of care of said children or said Subject Family Members, be required to work overtime in excess of 24 hours in 1 month or 150 hours in 1 year. The foregoing shall not, however, apply in cases where said restrictions hinder the normal operation of work.

(Working during Emergencies)

Article 6: In cases when necessary due to disasters or other unavoidable reasons, an Employee may, depending on the extent of the disaster or relevant circumstances, be ordered either to work, on a temporary basis, overtime hours in excess of the stipulated working hours defined in Article 3, or to work on holidays defined in Article 8 .

2. The rules stipulated in Items 2 and 4 of the foregoing article shall be conformed to the above when said circumstances defined in the foregoing item occur.
3. In cases where an Employee has been ordered to work overtime hours, or holiday work as defined in Item 1 and work corresponds to the definitions of overtime work or holiday work, the necessary procedures defined in Item 1, Article 33 of The LSL shall be applied.

(Night Work)

Article 7: To accommodate the needs of work, an Employee may be ordered to work during the period from 10.00 p.m. to 5.00 a.m. (hereinafter referred to as "Night Work").

2. An Employee ordered Night Work shall be paid the stipulated extra wages.

3. Notwithstanding the terms and details of Item 1 above, an Employee engaged in the raising of children of pre-primary school age or the care of family members and who do not fall into either of the following categories shall not be ordered Night Work providing that the necessary request for consideration in respect of the said raising of children or care of family has been lodged. However, in cases where such exception hinders the normal operation of business, this provision shall not be applicable.

(1) An Employee with a continuous employment record of less than 1 year

(2) An Employee with others aged 16 over sharing the same residence capable of implementing care of children or family members during nights said the employee is ordered to work

(Regular Holidays)

Article 8: Regular holidays shall be as defined hereunder.

(1) Sundays

(2) Saturdays

(3) Holidays defined in laws relating to The Public Holiday Law (Law No. 178 of 1948)

(4) The period commencing on 29th December and ending 3rd January (with the exception of holidays defined in each of the foregoing items)

(5) Other holidays stipulated by The University

2. Notwithstanding the foregoing Item, The University shall be entitled to stipulate holidays differing from the above with respect to a certain Employee for whom such changes are deemed necessary by The University, providing that said changes do not affect the actual number of regular holidays allocated.

(Transferring Holidays)

Article 9: In cases where it is deemed necessary that an Employee work on the regular holidays defined in the foregoing article, such holidays may be transferred in accordance with separate definitions.

2. In cases where holidays are transferred defined in the foregoing item, notwithstanding the terms and details of Item 4, Article 5, work normally carried out on the day to which the holiday is transferred shall not be subject to payment of extra wages.

Chapter 3: Night/Day Duty

(Night/Day Duty)

Article 10: To accommodate the needs of work, Employees may be ordered to work night/day duty either during hours outside the stipulated working hours defined in Article 3 (including hours between 10.00 p.m. and 5.00 a.m.) or on regular holidays defined in Article 8.

Chapter 4: Permission for Abstention from Work

(Permission for Abstention from Work)

Article 11: Subject to separate determination, an Employee may be granted permission to abstain from work during specific working hours.

(Reduced Working Hours)

Article 11-2: Regular working hours of Employees as defined in Article 3 and the following categories shall be reduced when said employees (excluding Employees who, under a labor-management agreement concluded in accordance with the proviso stated in Item 1, Article 23 of CCFCLL, are not allowed to lodge a request for a reduction of the prescribed working hours) have lodged appropriate requests for special dispensation for care of children or Subject Family Members. However, the duration shall not exceed the period of the employment contract.

(1) Reduction of regular working hours by a maximum of 2 hours per day for employees raising children of preschool age, said reduction to remain effective for the period necessary for raising said children until attainment of the age for entry into primary school.

(2) Reduction of regular working hours by a maximum of 4 hours per day for employees engaged in care of Subject Family Members.

Chapter 5: Special Cases Relating to Working Hours

(Restructured Working Hours System Applicable for a Maximum of 1 Month)

Article 12: An Employee requiring a special work structure to accommodate needs imposed by duties may, notwithstanding the terms and details of Items 1 and 2, Article 3 and Article 8, work a restructured work schedule based on working hours and holidays differing to those defined in the aforementioned articles providing that working hours are assigned in advance and work does not exceed 30 working hours per week based on the average for a prescribed period no longer than 1 month.

2. In cases as mentioned in the foregoing item, when a person to whom any of the following apply makes a request, previously assigned start and finish times as well as the duration of breaks may be changed with the proviso that the number of working hours shall not exceed the stipulated number of working hours per day. However, in cases where such change hinders the normal operation of business, this detail shall not be applicable.

(1) Employees raising children not yet entered in primary school

(2) Employees leaving to pick up or see off children of primary school age (limited to those children who use any of the services herein described) at facilities where after-school day services or after-school child sound upbringing services are operated as a project under the Child Welfare Act, a location where mutual support activities are operated as part of a project under the Child Welfare Act Enforcement Ordinance, facilities where shorter day-time support services are operated as part of a regional community life support project under the Services and Supports for Persons with Disabilities Act or a location where after-school learning activities or other activities are operated as part of a project subsidized by the Ministry of Education, Culture, Sports, Science and Technology to promote educational support activities through cooperation between schools, households and local communities

(3) Employees caring for relatives who are in need of nursing care

3. In cases where, due to working hour assignments mentioned in Item 1, the working hours for 1 day or 1 week exceed 8 days or 40 hours respectively, or in cases where regular holidays defined in Article 8 are set as work days, notwithstanding the terms and details of Item 4, Article 5, extra wages shall not be paid for work carried out on the regular holidays set as regular working hours and work days.

4. Working hour assignment detailed in Item 1 shall be subject to separate determination.

5. The provisions set forth in Item 4, Article 3 shall be applied to the extent provided for in Item 1.

(Flextime System)

Article 13: In cases where recognized as necessary to accommodate work-related or other needs, Employees may work a schedule within which Employees are entrusted the setting of start and finish times. In such cases, as a basic rule, the scopes within which start and finish may be set shall be as follows.

(1) Start time: between 7:00 a.m. and 10:00 a.m.

(2) Finish time: between 3:00 p.m. and 7:00 p.m.

2. The scope of the Employees and other related issues pertinent to the foregoing Item shall be subject to decisions reached through labor-management agreement in accordance with the terms and details of, Article 32-3 of The LSL.

Chapter 6: Leave

(Types of Leave)

Article 14: An Employee shall be entitled to annual paid leave and special leave.

(Annual Paid Leave)

Article 15: The number of days for annual paid leave to be granted to an Employee shall be as shown below.

An Employee who has worked 80% or more of the stipulated working day total in each period shall not, however, be granted to take annual paid leave.

(1) An Employee whose regular working hours are less than 30 hours per week and simultaneously defined working days are 4 days or less per week or 216 days or less per year.

Number of regular working days per	Number of	Continuous service period/Number. of paid leave days
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week	regular working days per year	6 months	1 year and 6 months	2 years and 6 months	3 years and 6 months	4 years and 6 months	5 years and 6 months	6 years and 6 months
4 days	169 - 216 days	7 days	8 days	9 days	10 days	12 days	13 days	15 days
3 days	121 - 168 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
2 days	73 - 120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
1 day	48 - 72 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days

(2) Other Employees stipulated in the foregoing No. 1 of the above applies

Continuous Service Period	6 months	1 year and 6 months	2 years and 6 months	3 years and 6 months	4 years and 6 months	5 years and 6 months	6 years and 6 months
Number of Paid Leave days	10 days	11 days	12 days	14 days	16 days	18 days	20 days

2. The periods defined hereunder shall qualify as work time in respect of the proviso as defined in the foregoing Item.

(1) Periods of leave for medical treatment and recuperation necessary due to occurrence of accidents incurred during the performance of duties as defined in No. 1, Item 1, Article 7 of The Workers' Accident Compensation Insurance Law (Law No. 50 of 1947) or accidents during commutation to or from the place of work as defined in No. 2 of the same item

(2) Periods of child care leave as defined in Article 20 of this set of rules or of family care leave as defined in Article 21 of the same

(3) Periods of pre-post maternity leave for female Employees in accordance with Article 65 of The LSL

(4) Periods of annual paid leave

(5) Periods other than the above specially recognized as necessary by The University

(Stipulation of and Changes to Timing of Leave)

Article 16: In cases where an Employee wishes to take days of annual paid leave, an Employee shall stipulate the timing of leave (commencement and end of period of leave) and shall lodge a corresponding request with their immediate manager no later than 2 days prior to commencement of said period of leave. The foregoing shall not apply, however, in cases of extenuating circumstances.

2. In cases where the granting of days of annual paid leave as stipulated by an Employee in accordance with the foregoing Item details interferes with the normal implementation of work, the timing of period of leave may be changed.

3. In cases where, in accordance with resolution resulting from labor-management agreement based on the rules stipulated in Item 6, Article 39 of The LSL, the timing of part of the total period of annual paid leave is set, the part shall be granted in accordance with the timing determined by the resolution.

(Units of Annual Paid Leave)

Article 17: Annual paid leave shall be calculated in units of whole days. In cases of extenuating circumstances recognized by the immediate manager, annual paid leave may be taken in units of 1 hour.

2. Annual paid leave taken in accordance with the provisions of the foregoing Item shall be deemed to be time worked and shall, accordingly, be subject to payment of wages.

(Carrying over Annual Paid Leave)

Article 18: Remaining days of annual paid leave (exclusive of days carried over in accordance with the details of this article and units of less than 1 whole day which shall be discarded) may be carried over to the

following year.

(Special Leave)

Article 19: Details governing leave for an Employee for special reasons such as medical treatment for injury, illness, marriage, birth or the exercise of voting rights shall be defined separately.

Chapter 7: Child Care Leave and Family Care Leave

(Child Care Leave)

Article 20: An Employee needing to provide care for children less than 3 years of age may take child care leave by submission of the necessary application to its immediate manager.

2. The provisions of the foregoing item shall not apply to Employees not entitled to child care leave in accordance with labor-management agreement based on the proviso stated in Item 1, Article 6 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Law No. 76 of 1991, hereinafter referred to as "The Child Care and Family Care Leave Law.").
3. Salaries shall not be paid during periods of child care leave in accordance with the provisions of Item 1 above.
4. Issues relating to child care leave other than the rules detailed in Item 3 above shall be determined in accordance with rules relating to child and family care leave for National University Corporation Osaka University Part-time Employees.

(Family Care Leave)

Article 21: An Employee needing to provide care for family members may take family care leave by submission of the necessary application to its immediate manager.

2. The provisions of the foregoing Item shall not apply to an Employee not entitled to family care leave in accordance with labor-management agreement based on the proviso of Item 1, Article 6 of the Child Care and Family Care Leave Law applicable under Item 2, Article 12 of the same law.
3. Items 3 and 4 of the foregoing article shall apply to family care leave.

Chapter 8: Female Employees

(Work Restrictions for pre/post maternity Employees)

Article 22: An Employee who is either undergoing a term of pregnancy or who is within a period of less than 1 year after giving birth (hereinafter referred to as "pre/post maternity Employee(s)") shall not be permitted to engage in work that may have adverse effects on pregnancy, birth or child nursing.

2. Notwithstanding the details of Item 1, Article 5, Item 1, Article 6 and Item 1, Article 7, pre/post maternity Employees shall not, after submission of the appropriate request, be required to work overtime, to work on holidays or at nights.
3. Provisional to submission of appropriate requests, pre/post-maternity Employees shall be allocated a lightened work load or assigned to light work.

Supplementary Provisions

(Date of Implementation)

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

(Special Cases relating to Physicians and Dentists)

2. Notwithstanding the provisions in Item 1 of Article 3 and Item 1 of Article 12, for the present time, the "30 hours" stipulated in said provisions shall be read as "32 hours" for physicians and dentists.

(Special Cases relating to Calculation of Continuous Employment Records)

3. The "continuous employment record" stipulated in No. 1, Item 3, Article 7, No. 1 and 2, Item 1, Article 15, No. 1, Item 1, Article 20 and No. 1, Item 1, Article 21 shall include continuous employment records prior to Osaka University acquiring National University Corporation status (however, previous periods of employment shall not be taken into account in cases where a period of one month or more elapses between periods of employment).

(Interim Measure relating to Annual Paid Leave)

4. Notwithstanding the provisions of Item 1 of Article 15, annual paid leave of those who were Employees prior

to the acquisition by Osaka University of National University Corporation status 2days before, the application date of these rules shall be handled in accordance with previous details.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2005.

Supplementary Provision

The foregoing amendments shall be implemented from 18th June 2006.

Supplementary Provision

The foregoing amendments shall be implemented from 19th February 2008.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2010.

Supplementary Provision

The foregoing amendments shall be implemented from 30th June 2010.

Supplementary Provision

These rules shall be implemented from 29th November 2012.