

○ National University Corporation Kobe University Rules on Conditions of Employment for Non-Regular Staff Members

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Chapter 1 General Provisions

(Purpose)

Article 1 These Rules on Conditions of Employment (hereinafter referred to as “Rules”) provide for the working conditions, service discipline, and other necessary matters concerning employment of non-regular staff members employed by the National University Corporation Kobe University (hereinafter referred to as “University”) under a fixed-term labor contract (hereinafter referred to as “Fixed-Term Labor Contract”).

2 Any matters not provided for in these Rules shall be governed by the Labor Standards Act (Act No. 49 of 1947; hereinafter referred to as “LSA”) and other applicable laws and regulations.

(Definitions)

Article 2 In these Rules, the term “non-regular staff members” means persons who are engaged in specialized operations or operations in a specific field, or persons who are engaged in auxiliary and routine operations

(including persons whose contracts have been converted to indefinite-term labor contracts in accordance with Article 18, paragraph 1 of the Labor Contracts Act (Act No. 128 of 2007) (hereinafter referred to as “Indefinite-Term Non-Regular Staff Members”)), and the non-regular staff members are divided into the following categories:

- (1) Staff members hired on a daily basis whose prescribed working hours do not differ from those of regular staff members (hereinafter referred to as “Full-Time Employees”);
- (2) Staff members whose prescribed working hours per day or week are shorter than those of Full-Time Employees (hereinafter referred to as “Part-Time Employees”).

(Term of Fixed-Term Labor Contract)

Article 3 The term of a Fixed-Term Labor Contract of each of the non-regular staff members (excluding Indefinite-Term Non-Regular Staff Members; the same shall apply hereinafter in this Article) shall be determined individually for each staff member within the scope of the relevant business year; provided, however, that when the University deems it particularly necessary, the term may be set within the scope of three years, even if it extends beyond the business year.

2 The term of a Fixed-Term Labor Contract may be renewed if the University deems it necessary.

3 The total term of a Fixed-Term Labor Contract shall not exceed three years.

4 If the total term of a Fixed-Term Labor Contract reaches three years, only when the University deems it particularly necessary, the Fixed-Term Labor Contract may be renewed for an additional period of up to two years.

5 Notwithstanding the preceding two paragraphs, the total term of a Fixed-Term Labor Contract of a person recognized by the University as being subject to Article 15-2, paragraph 1 of the Act on the Revitalization of Science, Technology, and Innovation (Act No. 63 of 2008) shall not exceed 10 years.

6 The term of a Fixed-Term Labor Contract provided for in the preceding three paragraphs shall include the term of any Fixed-Term Labor Contract previously concluded with the University (excluding the terms provided for in Article 18, paragraph 2 of the Labor Contracts Act (Act No. 128 of 2007) and Article 15-2, paragraph 2 of the Act on the Revitalization of Science, Technology, and Innovation).

7 Notwithstanding paragraphs 1 to 5, if a University faculty member who has retired at the mandatory retirement age pursuant to Article 66 of the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members continues to be employed as a non-regular staff member (limited to that whose title is any of the titles specified in Article 4 of the National University Corporation Kobe University Regulations on Employment, etc., of Non-Regular Staff Members (hereinafter referred to as “Regulations on Employment, etc.”)) after his or her retirement, the term of his or her Fixed-Term Labor Contract shall be up to 10 years.

8 Unless otherwise provided, the provisions of the preceding paragraphs may not apply if the University determines that there are particular duties or other unavoidable circumstances.

Article 4 Deletion

(Observance of Rules)

Article 5 The University and its non-regular staff members must observe and sincerely implement these Rules.

Chapter 2 Employment

(Employment)

Article 6 Non-regular staff members shall be employed through selection.

2 Necessary matters concerning the procedures for employing non-regular staff members shall be governed by the Regulations on Employment, etc.

(Documents to Be Submitted)

Article 7 A person who is employed as a non-regular staff member must promptly submit the documents specified in the Regulations on Employment, etc.

2 Whenever there is a change in the matters stated in the submitted documents, notification of the change must be provided promptly.

(Clear Indication of Working Conditions)

Article 8 In concluding a labor contract with a non-regular staff member, the University shall clearly indicate the following working conditions:

(1) Matters concerning the term of the Fixed-Term Labor Contract (including the upper limit on the total contract term, if any);

(2) Matters concerning the workplace and duties to be assigned (including the scope of change in the workplace and duties to be assigned);

(3) Matters concerning the starting and ending times of work, the presence or absence of work exceeding the prescribed working hours, breaks, holidays and leave, and shift transitions if workers are divided into two or more groups for work;

(4) Matters concerning raises;

(5) Matters concerning the methods of determination, calculation, and payment of salaries, and the timing of closing and payment of salaries;

(6) Matters concerning retirement and resignation (including reasons for dismissal);

(7) Matters concerning retirement allowances;

(8) Matters concerning year-end and diligence bonuses;

(9) Consultation desk for matters concerning improvement of employment management, etc.;

(10) Matters concerning safety and health;

(11) Matters concerning job training;

(12) Matters concerning accident compensation;

(13) Matters concerning rewards and punishments.

2 With regard to the matters set forth in items (1) to (9) of the preceding paragraph, a document stating these matters shall be delivered.

3 When a Fixed-Term Labor Contract is concluded under which the non-regular staff member becomes eligible to apply for the conclusion of an indefinite-term labor contract subject to Article 18, paragraph 1 of the Labor Contracts Act (Act No. 128 of 2007) (hereinafter referred to as "Application for Indefinite-Term Conversion under Article 18, Paragraph 1 of the Labor Contracts Act") within the term of the labor contract referred to in paragraph 1, in addition to those provided for in paragraph 1, the University shall clearly indicate the matters concerning the Application for Indefinite-Term Conversion under Article 18, Paragraph 1 of the Labor Contracts Act and the matters concerning working conditions that constitute the content of the indefinite-term labor contract associated with said application and are set forth in the items of paragraph 1. In this case, with regard to the matters set forth in paragraph 1, items (1) to (9), a document stating these matters shall be delivered.

Chapter 3 Service

(General Principles)

Article 9 Non-regular staff members must be aware of their work responsibilities, perform their duties sincerely and fairly, and endeavor to maintain order in the University.

(Obligation to Devote Themselves to Duties)

Article 10 Non-regular staff members must devote themselves to their duties during work.

(Workplace Discipline)

Article 11 Non-regular staff members must follow work-related orders and instructions from their superiors, maintain order in the workplace, and perform their duties in cooperation with one another.

(Rules to Be Observed)

Article 12 Non-regular staff members must observe the following rules:

- (1) Do not engage in any acts that may discredit the University, harm its interests, or dishonor its staff members as a whole, whether during or outside of duties;
- (2) Do not divulge to others any secret obtained in the course of duties;
- (3) Do not engage in competitive activities by using any secret referred to in the preceding item without permission;
- (4) Do not use their duties or positions for private purposes;
- (5) Do not commit noisy or other acts that disturb order and public morals on the grounds and facilities of the University (hereinafter referred to as “Campus”);
- (6) Do not smoke outside the designated areas;
- (7) Do not use equipment, articles, etc., of the University for private purposes;
- (8) Do not broadcast, advertise, hold meetings, or distribute, circulate, or display documents or pictures outside of duties within the Campus without permission;
- (9) Do not lend or borrow money or goods, or buy or sell articles, etc., for the purpose of profit within the Campus without permission;
- (10) Do not commit other acts equivalent to those set forth in the preceding items.

(Candidacy for Public Office)

Article 13 If a non-regular staff member runs for public office, such as a member of the Diet, the head of a local government, or a member of the assembly of a local government (hereinafter referred to as “public office” in this and following Articles), the non-regular staff member must notify the University of the candidacy in advance.

2 In addition to what is provided for in the preceding paragraph, matters concerning candidacy for public office shall be prescribed separately.

(Guarantee of the Exercise of Civil Rights)

Article 13-2 The University shall guarantee the acceptance of a non-regular staff member’s request for time needed to exercise the right to vote or any other civil right or to perform a public duty during working hours in any of the following cases; provided, however, that the time requested by the non-regular staff member may be changed as long as the change does not hinder the exercise of said right or the performance of said public duty:

- (1) In addition to the right to vote provided for in the Public Offices Election Act (Act No. 100 of 1950), when the non-regular staff member exercises the right pertaining to a national referendum on judges of the Supreme Court or a vote for removal of a member of the assembly or the head of an ordinary local government;
 - (2) When the non-regular staff member appears as a saiban-in, witness, expert, person of reference, etc., at the Diet, a court, the assembly of a local government, or any other public agency;
 - (3) When the non-regular staff member conducts an election campaign in association with candidacy for public office during the period of election campaign specified in the Public Offices Election Act (from the date of notification of candidacy to the day preceding the date of the election).
- 2 Salary shall be paid to a non-regular staff member during a period in which the non-regular staff member does not work pursuant to item (1) or (2) of the preceding paragraph, and shall not be paid during a period in which the non-regular staff member does not work pursuant to item (3) of the preceding paragraph.
- 3 In addition to what is provided for in the preceding two paragraphs, matters concerning the guarantee for the exercise of civil rights shall be prescribed separately.

(Prohibition of Entry and Leaving)

Article 14 The University may prohibit a non-regular staff member from entering the Campus or order him or her to leave the Campus in any of the following cases:

- (1) If the non-regular staff member disrupts, or is likely to disrupt, public morals or order in the workplace;
 - (2) If the non-regular staff member possesses dangerous goods such as firearms or weapons;
 - (3) If the non-regular staff member is recognized as harmful to public health;
 - (4) If the non-regular staff member is deemed unsuitable for work in circumstances equivalent to those set forth in the preceding items.
- 2 If a non-regular staff member is prohibited from entering the Campus or ordered to leave the Campus before the prescribed ending time pursuant to the preceding paragraph, the non-regular staff member shall be deemed absent from work thereafter and no salary shall be paid to him or her.

(Staying at Home)

Article 15 The University may order a non-regular staff member to stay at home if it deems it inappropriate to have the non-regular staff member work. In this case, salary shall be paid to him or her.

(Ethics of Non-Regular Staff Members)

Article 16 With regard to ethics of non-regular staff members, ethical principles to be observed relating to their duties and matters necessary for the maintenance of their ethics shall be governed by the National University Corporation Kobe University Ethical Regulations for Staff Members.

(Prohibition of Harassment)

- Article 17 Non-regular staff members must not engage in any behavior against the will of others to grant advantages or disadvantages to the others' duties or studies, resulting in deteriorating the environment for work, study, education, or research.
- 2 Matters concerning the prevention and prohibition of harassment (including sexual violence; the same shall apply hereinafter) shall be governed by the Regulations for the Prevention of Harassment, etc., at the National University Corporation Kobe University.

(Damage Compensation)

Article 18 If a non-regular staff member causes damage to the University intentionally or by gross negligence, the University shall have the non-regular staff member compensate for the damage in whole or in part.

(Handling of Intellectual Property)

Article 19 Necessary matters concerning intellectual property shall be governed mutatis mutandis by the National University Corporation Kobe University Regulations on Handling Intellectual Property.

Chapter 4 Working Hours, Holidays, Leave, etc.

Section 1 Working Hours of Full-Time Employees

(Prescribed Working Hours)

Article 20 The prescribed working hours shall be eight hours per day, and the break shall be 45 minutes per day.

(Starting and Ending Times, etc.)

Article 21 The starting time, ending time, and break shall be as follows:

- (1) Starting time: 8:30 a.m.;
- (2) Ending time: 5:15 p.m.;
- (3) Break: From 12:15 p.m. to 1:00 p.m.

2 Notwithstanding the preceding paragraph, the starting time, ending time, and break may be changed as long as the working hours do not exceed eight hours per day, when necessary in the course of business or upon application by a non-regular staff member who takes care of a child or family member.

3 Breaks shall be granted simultaneously; provided, however, that in a department where simultaneous granting is not appropriate due to the nature of its operations, breaks shall be granted in shifts in accordance with the labor-management agreement.

(Shift System)

Article 22 The University may have non-regular staff members work in shifts when necessary in the course of business. In this case, the starting time, ending time, and break shall be governed by the National University Corporation Kobe University Regulations on Working Hours, Holidays, Paid Leave, etc., of Non-Regular Staff Members (hereinafter referred to as “Regulations on Working Hours, etc.”).

(Holidays)

Article 23 Holidays shall be as follows; provided, however, that for a non-regular staff member who uses the Shorter Working Hours for Childcare under Article 32, paragraph 2, holidays may be provided for five days from Monday to Friday in addition to the days below, according to the details of said Shorter Working Hours for Childcare, as necessary:

- (1) Sundays;
- (2) Saturdays;
- (3) Holidays specified by the Act on National Holidays (Act No. 178 of 1948);
- (4) From December 29 to January 3 of the following year (excluding the holidays specified in the preceding three items);
- (5) Other days designated by the University.

2 The University may transfer any of the holidays referred to in the preceding paragraph to another day in advance if it deems it necessary for business reasons.

3 The holidays under Article 35 of the LSA (hereinafter referred to as “Statutory Holidays”) shall be the holidays referred to in paragraph 1, item (1); provided, however, that the Statutory Holidays for non-regular staff members subject to the preceding Article, as well as Articles 4, 5, and 6 of the Regulations on Working Hours, etc., shall be specified separately.

(Types of Leave)

Article 24 Leave shall consist of annual paid leave and special leave.

(Working Hours, Holidays, Leave, etc.)

Article 25 In addition to what is provided for in the preceding five Articles, necessary matters concerning working hours, holidays, leave, etc., shall be governed by the Regulations on Working Hours, etc.

Section 2 Working Hours of Part-Time Employees

(Prescribed Working Hours)

Article 26 The prescribed working hours shall be determined individually for each Part-Time Employee within the scope of less than 40 hours per week.

(Starting and Ending Times, etc.)

Article 27 The starting and ending times shall be determined individually for each Part-Time Employee; provided, however, that the prescribed working hours shall not exceed eight hours per day.

2 If the prescribed working hours exceed four hours per day, a 45-minute break shall be granted between the working hours; provided, however, that if the prescribed working hours do not exceed six hours per day and there are special circumstances, a break may not be granted.

3 The break referred to in the preceding paragraph shall be from 12:15 p.m. to 1:00 p.m.

4 Notwithstanding the preceding two paragraphs, the starting time, ending time, and break may be changed as long as the working hours do not exceed eight hours per day, when necessary in the course of business or upon application by a Part-Time Employee who takes care of a child or family member.

5 Breaks shall be granted simultaneously; provided, however, that in a department where simultaneous granting is not appropriate due to the nature of its operations, breaks shall be granted in shifts in accordance with the labor-management agreement.

(Shift System)

Article 28 The University may have Part-Time Employees work in shifts when necessary in the course of business. In this case, the starting time, ending time, and break shall be governed by the Regulations on Working Hours, etc.

(Holidays)

Article 29 Holidays shall be as follows; provided, however, that for a Part-Time Employee who uses the Shorter Working Hours for Childcare under Article 32, paragraph 2, holidays may be provided for five days from Monday to Friday in addition to the days below, according to the details of said Shorter Working Hours for Childcare, as necessary:

(1) Sundays;

(2) Saturdays;

(3) Holidays specified by the Act on National Holidays (Act No. 178 of 1948);

(4) From December 29 to January 3 of the following year (excluding the holidays specified in the preceding items);

(5) Other days designated by the University.

2 The University may transfer any of the holidays referred to in the preceding paragraph to another day in advance if it deems it necessary for business reasons.

3 The Statutory Holidays shall be the holidays referred to in paragraph 1, item (1); provided, however, that the Statutory Holidays for Part-Time Employees subject to the preceding Article, as well as Articles 4, 5, and 6 of the Regulations on Working Hours, etc., shall be specified separately.

(Types of Leave)

Article 30 Leave shall consist of annual paid leave and special leave.

(Working Hours, Holidays, Leave, etc.)

Article 31 In addition to what is provided for in the preceding five Articles, necessary matters concerning working hours, holidays, leave, etc., shall be governed by the Regulations on Working Hours, etc.

Section 3 Childcare Leave, etc., and Nursing Care Leave, etc.

(Childcare Leave, etc.)

Article 32 A non-regular staff member who needs to take care of a child under 1 year and 6 months of age may take childcare leave upon his or her request.

2 A non-regular staff member who needs to take care of a child who has not yet reached the first March 31 that occurs on or after the child's ninth birthday may work on the days and during the time frame that the non-regular staff member desires while holding his or her position (hereinafter referred to as "Shorter Working Hours for Childcare") upon his or her request.

3 In addition to the preceding paragraph, a non-regular staff member who needs to take care of a child who has not yet reached the first March 31 that occurs on or after the child's ninth birthday may be absent from work up to two hours per day (hereinafter referred to as "Childcare Time") upon his or her request.

4 Persons eligible for, periods of, and procedures for taking childcare leave, Shorter Working Hours for Childcare, and Childcare Time shall be governed by the National University Corporation Kobe University Regulations on Childcare Leave, etc., of Staff Members.

(Nursing Care Leave, etc.)

Article 33 A non-regular staff member who has a family member requiring nursing care may take nursing care leave, partial nursing care leave, or nursing care time (hereinafter referred to as "Nursing Care Leave, etc.") upon his or her request.

2 Persons eligible for, periods of, and procedures for taking Nursing Care Leave, etc., shall be governed by the National University Corporation Kobe University Regulations on Nursing Care Leave, etc., of Staff Members.

(Leave for Accompanying Spouse)

Article 33-2 If any of the Indefinite-Term Non-Regular Staff Members or a non-regular staff member with a Fixed-Term Labor Contract whose total term exceeds five years applies for leave to live at a domicile or residence in a

foreign country with his or her spouse (including a person in a de facto marital relationship without registering a marriage with the non-regular staff member) who has taken up said domicile or residence due to work, etc., in the foreign country (hereinafter referred to as “Leave for Accompanying Spouse”), when the performance of his or her duties is deemed not to be interfered with, the non-regular staff member may take the Leave for Accompanying Spouse.

2 Persons eligible for, periods of, and procedures for taking Leave for Accompanying Spouse shall be governed by the National University Corporation Kobe University Regulations on Leave for Accompanying Spouse of Staff Members.

Chapter 5 Salary

(Salary)

Article 34 Necessary matters concerning the salary for non-regular staff members shall be governed by the National University Corporation Kobe University Regulations on Salary for Non-Regular Staff Members.

Chapter 6 Personnel Affairs

(Transfer)

Article 35 The University may order a non-regular staff member to change the workplace, etc. (hereinafter referred to as “Transfer”) for business reasons.

2 A non-regular staff member ordered to Transfer shall not refuse the order without reasonable grounds.

(Business Trip)

Article 36 The University shall order a non-regular staff member to go on a business trip when it is deemed necessary in the course of business.

2 A non-regular staff member must promptly report to his or her superior upon completion of a business trip.

(Job Training)

Article 37 The University may order a non-regular staff member to receive job training in order to improve knowledge and skills necessary for his or her duties.

2 Necessary matters concerning job training shall be governed mutatis mutandis by the National University Corporation Kobe University Regulations on Job Training for Staff Members.

Chapter 7 Safety, Health, and Accident Compensation

Section 1 Safety and Health

(Measures to Ensure Safety and Health)

Article 38 The University shall take measures to ensure safety and health necessary for promoting the health of its non-regular staff members and preventing dangers in accordance with the Industrial Safety and Health Act (Act No. 57 of 1972) and other applicable laws and regulations.

2 Non-regular staff members must cooperate with the measures referred to in the preceding paragraph that are taken by the University.

(Education on Safety and Health)

Article 39 Non-regular staff members must receive education and training on safety and health provided by the University.

(Measures at Time of Extraordinary Disaster)

Article 40 If a non-regular staff member becomes aware of the occurrence or potential occurrence of a fire or any other extraordinary disaster, the non-regular staff member must take urgent measures, immediately notify his or her superior, and follow the superior's instructions to minimize the damage.

(Rules to Be Observed Concerning Safety and Health)

Article 41 Non-regular staff members must observe the following rules:

- (1) Always endeavor to keep the workplace organized, tidy, and clean, and work to prevent disasters and improve sanitation;
- (2) Do not move safety and health equipment, fire extinguishing equipment, sanitary equipment, or other equipment for hazard prevention, or enter related facilities, without permission;
- (3) Obey and carry out orders and instructions from superiors regarding safety and health.

(Medical Examinations)

Article 42 The University must conduct a medical examination of its non-regular staff members at regular intervals every year; provided, however, that this shall not apply to certain Part-Time Employees as specified separately.

2 In addition to the case provided for in the preceding paragraph, a medical examination may be conducted on a temporary basis for all or some non-regular staff members, as necessary.

3 Non-regular staff members must undergo the medical examinations referred to in the preceding two paragraphs; provided, however, that this shall not apply when a non-regular staff member has undergone a medical examination by a physician and has submitted a document certifying the results of the medical examination.

4 When the University deems it necessary based on the results of non-regular staff members' medical examinations, it shall take necessary measures to maintain the health of said non-regular staff members, such as prohibiting them from working or limiting their working hours.

5 Non-regular staff members must not refuse the measures referred to in the preceding paragraph without reasonable grounds.

(Prohibition of Work)

Article 43 The University shall prohibit a non-regular staff member from working if the non-regular staff member falls under any of the following items:

- (1) A person who has contracted a contagious disease and is likely to transmit disease germs;
- (2) A person who has contracted a disease of the heart, kidney, lungs, etc., that may be exacerbated significantly by working;
- (3) A person who has contracted a disease that is equivalent to those set forth in the preceding items and specified by the Minister of Health, Labour and Welfare.

2 When the University intends to prohibit a non-regular staff member from working pursuant to the preceding paragraph, it must hear the opinion of an industrial physician or any other specialist in advance.

3 If a non-regular staff member is prohibited from working pursuant to paragraph 1, no salary shall be paid to him or her.

(Necessary Matters Concerning Safety and Health)

Article 44 In addition to what is provided for in this Section, other necessary matters concerning the safety and health management of non-regular staff members shall be governed mutatis mutandis by the National University Corporation Kobe University Regulations on Safety and Health Management.

Section 2 Accident Compensation

(Work-Related Disasters)

Article 45 Any non-regular staff member who has a work-related disaster shall receive compensation benefits referred to in the LSA and the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947; hereinafter referred to as “IACIA”) pursuant to the same Acts.

2 In addition to what is provided for in the preceding paragraph, matters concerning compensation to be provided by the University shall be prescribed separately.

(Accidents while Commuting)

Article 46 Any non-regular staff member who has an accident while commuting to or from work shall receive benefits referred to in the IACIA pursuant to the same Act.

2 In addition to what is provided for in the preceding paragraph, matters concerning benefits to be provided by the University shall be prescribed separately.

Chapter 8 Women

(Restriction on Work for Non-Regular Staff Member Who Is an Expectant or Nursing Mother, etc.)

Article 47 The University shall not assign operations hazardous to pregnancy, childbirth, nursing, etc., to a pregnant non-regular staff member or a non-regular staff member who is in the first year after childbirth (hereinafter referred to as “Non-Regular Staff Member Who Is an Expectant or Nursing Mother”).

2 Upon request from a Non-Regular Staff Member Who Is an Expectant or Nursing Mother, the University shall not have her work between 10:00 p.m. and 5:00 a.m. or work outside the prescribed working hours.

(Health Examination for Non-Regular Staff Member Who Is an Expectant or Nursing Mother)

Article 48 Upon request from a Non-Regular Staff Member Who Is an Expectant or Nursing Mother, the University shall approve that she is absent from work in order to receive the health guidance provided for in Article 10 of the Maternal and Child Health Act (Act No. 141 of 1965) or the health examination provided for in Article 13 of the same Act.

(Reduction of Duties of Non-Regular Staff Member Who Is an Expectant or Nursing Mother, etc.)

Article 49 Upon request from a Non-Regular Staff Member Who Is an Expectant or Nursing Mother, the University must reduce her duties or assign other light duties to her.

2 Upon request from a Non-Regular Staff Member Who Is an Expectant or Nursing Mother, when her duties are deemed to affect the health maintenance of the mother or the fetus, the University may approve that she is absent from work during the time necessary to take appropriate rest or consume supplementary meals.

3 Upon request from a Non-Regular Staff Member Who Is an Expectant or Nursing Mother, when the level of congestion in the public transportation she uses for commuting is deemed to affect the health maintenance of the mother or the fetus, the University must approve that she is absent from work, either at the beginning or end of the prescribed working hours, for no more than one hour per day.

(Measures for Non-Regular Staff Member Who Finds It Extremely Difficult to Work on Menstrual Days)

Article 50 Upon request from a non-regular staff member who finds it extremely difficult to work on menstrual days, the University shall not have her work on the menstrual days.

Chapter 9 Rewards and Punishments

(Awards)

Article 51 The University shall give an award to any non-regular staff member who falls under any of the following items:

- (1) A person recognized for exceptionally outstanding achievements in education and research, administrative operations, or other work-related activities;
- (2) A person who has made outstanding achievements in preventing work-related accidents, etc.;
- (3) A person whose social, award-winning acts have brought honor to the University;
- (4) A person who has rendered service equivalent to those set forth in item (1) to the preceding item.

(Disciplinary Action)

Article 52 The University shall take disciplinary action against a non-regular staff member in any of the following cases:

- (1) If the non-regular staff member fails to follow work-related orders or instructions;
- (2) If the non-regular staff member neglects to work by repeatedly being absent, arriving late, or leaving early without any reasonable grounds;
- (3) If the non-regular staff member commits an act that constitutes a criminal offence under the Penal Code, such as theft, embezzlement, or bodily injury, or an act that violates the Road Traffic Act, such as drunk driving;
- (4) If the non-regular staff member damages the honor or credibility of the University;
- (5) If the non-regular staff member disturbs the order or public morals within the Campus due to his or her bad behavior;
- (6) If the non-regular staff member forges his or her credentials;
- (7) If the non-regular staff member causes damage to the University intentionally or by gross negligence;
- (8) If the non-regular staff member engages in conduct deemed to be harassment;
- (9) If the non-regular staff member violates these Rules or commits any other disadvantageous act equivalent to those set forth in the preceding items.

2 Disciplinary action against a non-regular staff member shall be issued after review by the Kobe University Disciplinary Committee provided for in Article 8 of the National University Corporation Kobe University Disciplinary Regulations on Staff Members (hereinafter referred to as “Disciplinary Regulations”).

(Types of Disciplinary Action, etc.)

Article 53 Disciplinary action against a non-regular staff member shall be taken in accordance with the following categories, depending on the level of disciplinary action:

- (1) Reprimand: The University has the non-regular staff member submit a letter of apology and warns him or her regarding the future;
- (2) Salary reduction: The University has the non-regular staff member submit a letter of apology and reduces his or her salary; provided, however, that the amount of salary reduction at one time shall not exceed half of his or her average salary per day and the total amount shall not exceed one-tenth of his or her total salary per pay period;

(3) Suspension: The University has the non-regular staff member submit a letter of apology, suspends him or her from duty for up to two weeks, and does not pay salary to him or her during that period;

(4) Disciplinary dismissal: The University dismisses the non-regular staff member immediately without advance notice.

2 The University may suspend a non-regular staff member subject to disciplinary action from duty and order him or her to stay at home until the disciplinary action is carried out. In this case, salary shall be paid to him or her.

3 Article 63 shall apply mutatis mutandis to the case of disciplinary dismissal based on paragraph 1, item (4).

(Notification of Grounds for Review)

Article 54 In the event of review of disciplinary action, a document stating the grounds for the review shall be delivered to the relevant non-regular staff member in advance.

(Request for Opportunity to Provide Explanation)

Article 55 A non-regular staff member who has received a document provided for in the preceding Article may request an opportunity to provide an explanation within 14 days from the day following the receipt date.

(Necessary Matters Concerning Disciplinary Action)

Article 56 In addition to what is provided for in the preceding four Articles, necessary matters concerning disciplinary procedures, etc., shall be governed mutatis mutandis by the Disciplinary Regulations.

(Admonitory Warning, etc.)

Article 57 Even if the University does not take any disciplinary action provided for in Article 53, when it is deemed necessary to ensure strict adherence to duty and maintain discipline, the University may give a non-regular staff member an admonitory warning or a stern warning.

(Damage Compensation and Disciplinary Action, etc.)

Article 58 Even if a non-regular staff member is subject to disciplinary action, etc., in accordance with Article 53 or the preceding Article, the non-regular staff member shall not be exempted from damage compensation based on Article 18.

Chapter 10 Retirement/Resignation, Dismissal, and Retirement Allowance

Section 1 Retirement/Resignation and Dismissal

(Retirement/Resignation)

Article 59 A non-regular staff member shall retire or resign in any of the following cases:

- (1) If the non-regular staff member applies for resignation and obtains approval from the University, or if 14 days have passed since the submission of his or her letter of resignation;
- (2) If the term of the non-regular staff member's labor contract expires and is not renewed;
- (3) If the non-regular staff member assumes public office, such as becoming a Minister of State, a member of the Diet, the head of a local government, or a member of the assembly of a local government;
- (4) If the non-regular staff member dies;
- (5) If the non-regular staff member reaches mandatory retirement age (only for Indefinite-Term Non-Regular Staff Members);

2 If a non-regular staff member is to resign pursuant to item (1) of the preceding paragraph, the non-regular staff member must continue his or her existing duties until the resignation.

(Upper Age Limit for Employment)

Article 60 The upper age limit for employment of non-regular staff members (excluding Indefinite-Term Non-Regular Staff Members) shall conform to the mandatory retirement age provided for in Article 66 of the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members, and shall be specified in the Regulations on Employment, etc.

(Mandatory Retirement Age for Indefinite-Term Non-Regular Staff Members)

Article 60-2 The mandatory retirement age for Indefinite-Term Non-Regular Staff Members shall be specified in the Regulations on Employment, etc.

2 The mandatory retirement date of Indefinite-Term Non-Regular Staff Members shall be the first March 31 that occurs on or after the day on which they reach the mandatory retirement age.

(Dismissal)

Article 61 The University may dismiss a non-regular staff member in any of the following cases:

- (1) If the non-regular staff member's work performance is extremely poor;
- (2) If the non-regular staff member is unable to perform his or her duties or is incapable of bearing the demands of the duties due to mental or physical disorder;
- (3) If the non-regular staff member lacks the qualifications required for a non-regular staff member;
- (4) If continued employment of the non-regular staff member becomes difficult due to organizational restructuring, integration, reduction, etc.;
- (5) If there are other material grounds equivalent to those set forth in the preceding items.

2 Any non-regular staff member whose dismissal has been determined against his or her will may file a complaint against the president.

3 Other necessary matters concerning dismissal shall be governed by the Regulations on Employment, etc.

(Restriction on Dismissal)

Article 62 Notwithstanding paragraph 1 of the preceding Article, the University shall not dismiss any non-regular staff member during the following periods; provided, however, that this shall not apply if, in the case of item (1), the relevant injury or illness has not healed within three years after the commencement of medical treatment and compensation for discontinuance is paid pursuant to Article 81 of the LSA, or if the continuation of business becomes impossible due to natural disaster or other unavoidable circumstances:

- (1) A period of absence from work for medical treatment for injury or illness caused in the course of business and 30 days thereafter;
- (2) A period of absence from work taken by a non-regular staff member before and after childbirth pursuant to Article 22, paragraph 2, item (3) or (4) of the Regulations on Working Hours, etc., and 30 days thereafter.

(Advance Notice of Dismissal)

Article 63 If the University dismisses a non-regular staff member pursuant to Article 61, it must provide at least 30 days advance notice to the non-regular staff member, or when the University fails to provide 30 days advance notice, it must pay 30 days' worth of the average wage provided for in Article 12 of the LSA (hereinafter referred

to as “Average Wage”); provided, however, that this shall not apply if the continuation of business becomes impossible due to a natural disaster or other unavoidable circumstances, or if the dismissal is for reasons attributable to the non-regular staff member.

- 2 The number of days of advance notice referred to in the preceding paragraph may be reduced by the number of days for which the Average Wage is paid.

(Responsibility at and after Retirement/Resignation)

Article 64 A retired, resigned, or dismissed person must promptly hand over duties to his or her successor and report the completion of this task to his or her immediate manager.

- 2 A retired, resigned, or dismissed person must promptly return supplies, documents, and all other articles in his or her custody.

- 3 A retired, resigned, or dismissed person must not divulge to others any secret obtained during his or her tenure.

(Leaving Certificate)

Article 65 When a retired, resigned, or dismissed person requests the issuance of a leaving certificate, the University shall issue it without delay.

- 2 If a non-regular staff member requests a certificate of the grounds for his or her dismissal during the period from the date of advance notice of the dismissal referred to in Article 63, paragraph 1 to the date of his or her retirement, the University shall issue it without delay; provided, however, that when the non-regular staff member resigns on or after the date of said advance notice for reasons other than the dismissal, it is not required to issue the certificate on or after his or her resignation date.

Section 2 Retirement Allowance

(Retirement Allowance)

Article 66 No retirement allowance shall be paid to non-regular staff members.

Supplementary Provisions

- 1 These Rules shall come into effect on April 1, 2004.
- 2 Notwithstanding Article 4, prior rules shall continue to govern the renewal and expiration of the labor contract of a person who serves as a non-regular staff member at the Kobe University as of March 2004 and is employed in April 2004 under similar working conditions.
- 3 Notwithstanding Article 66, a retirement allowance may be paid to a person who serves as a staff member hired on a daily basis at Kobe University as of March 2004, is employed as one of the Full-Time Employees in April 2004, and then retires by the end of the 2005 business year. The retirement allowance in this case shall be prescribed separately.
- 4 If Indefinite-Term Non-Regular Staff Members who retire at the mandatory retirement age pursuant to Article 60-2 prior to the revision by the Rules Partially Revising These Rules (established on March 25, 2024) or Indefinite-Term Non-Regular Staff Members who retire at the mandatory retirement age pursuant to Article 60-2 after the revision during the period from April 1, 2024, to March 31, 2031, desire to work as rehired staff members (meaning non-regular staff members who have been rehired under a Fixed-Term Labor Contract after their mandatory retirement; the same shall apply hereinafter) and do not fall under the grounds for dismissal or retirement, the University shall rehire them until the first March 31 that occurs on or after their 65th birthday.

- 5 During the period from April 1, 2024, to March 31, 2032, the University may rehire following persons who desire to work as rehired staff members, by applying the provisions of the preceding paragraph mutatis mutandis:
- (1) Persons each of whom has been subject to the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members, the National University Corporation Kobe University Rules on Conditions of Employment for Mariners, or the National University Corporation Kobe University Rules on Conditions of Employment for Quasi-Regular Staff Members at the time of his or her mandatory retirement, which falls in the business year preceding the business year of rehiring;
 - (2) Persons each of whom has been subject to the National University Corporation Kobe University Rules on Conditions of Employment for Rehired Staff Members Before Mandatory Retirement Age and has retired due to the expiration of the term of his or her Fixed-Term Labor Contract on the last day of the business year preceding the business year of rehiring;
 - (3) Persons each of whom has been recommended by the University as a candidate for division head, etc., of a national university corporation, etc., has transitioned to a division head, etc., of a national university corporation, etc., and has retired at the mandatory retirement age at another institution;
 - (4) Persons, other than those set forth in the preceding three items, each of whom is deemed particularly necessary by the University, in consideration of his or her knowledge, experience, etc., to ensure the efficient operation of business.
- 6 The term of the Fixed-Term Labor Contract for a rehired staff member may be renewed within the scope not exceeding a business year.
- 7 When the term of a Fixed-Term Labor Contract is renewed pursuant to the preceding paragraph, the consent of the relevant rehired staff member shall be obtained in advance.

Supplementary Provisions between the original and the latest are omitted.

Supplementary Provisions (March 25, 2024)

These Rules shall come into effect on April 1, 2024.