

## **Appointment and Change in Employment Status**

### **(1) Promotion**

Results of competency evaluations conducted during the 2-year period before the supposed date of promotion and the most recent results made on performance on overall duty assignments should be utilized.

\*In the case of promotion to Director level, a different framework should be set.

The licensee is qualified to grant a promotion to an official who is considered to be the most appropriate among those who have demonstrated competency and suitability (i.e., general work ability and suitability to perform duties of the positions concerned) for such positions as 1. positions under the Ministry Director level, 2. positions of the Ministry Director level and 3. positions of levels such as Ministry Vice Minister level and Director General level, based on personnel evaluation results and other circumstances including personnel planning. (Only those who have a sophisticated and deep insight concerning the duties and functions of the entire government and presiding ministries should be granted promotions for such positions as 3 as stated above.) Promotions are granted to employees who meet the requirements for each level of work position classified in 1 to 3 below.

Transitional measures are taken during the 3-year period from the date of enforcement (1 April 2009) of utilization of evaluation results for promotions from the perspective that it should be conducted step-by-step according to the levels of skill and experience of both evaluator and the evaluated. The conditions for promotion to be considered in each period of time are as follows:

\*At organizations other than Ministries, positions for which promotion are to be granted should be classified properly depending on of which of the levels from 1 to 3, stated above, the position levels of each organization correspond to.

**[Transitional Measures: Adopted for the 3-year period from the date of enforcement (till March 31, 2012.)]**

\*The parts that are modified by transitional measures are underscored.

#### **1. Promotion for positions under the Ministry Director level (i.e., positions of the Heads of Offices at Ministry level or below.)**

- a Results on performance of overall duty assignments made for the most recent 2 successive Competency Evaluations have been 'high level' or 'average level' (level B or above).
- b Results on performance of overall duty assignments made for the most recent Performance Evaluation have been 'high level' or 'average level' (level B or above).

- c Disciplinary action or other punishment has not been received for a year prior to the date of promotion.
- 2. Promotion for positions of the Ministry Director level (Transitional measures are not taken in this case.)**
- a Among results on performance of overall duty assignments made for the most recent 3 successive Competency Evaluations, results made for the latest evaluation were 'high level' (levels S or A) and results made for the evaluation for the rest of the same period were 'average level' (level B or above).
  - b Results on performance of overall duty assignments made for the most recent Performance Evaluation have been 'high level' or 'average level' (level B or above).
  - c Disciplinary action or other punishment has not been received for two years prior to the date of promotion. (Promotion should be affected when the evaluated has suffered reduction in pay for one year and a half before, or has been admonished for one year before the date of promotion.)
- 3. Promotion for positions of the Ministry Vice Minister or Director General levels:**
- a Among results on performance of overall duty assignments made for the most recent 3 successive Competency Evaluations, results made for the latest evaluation were 'high level' (levels S or A) and results made for the evaluation for the rest of the same period were 'average level' (level B or above).
  - b Results on performance of overall duty assignments made for the most recent Performance Evaluation have been 'high level' or 'average level' (level B or above).
  - c Disciplinary action or other punishment has not been received for two years prior to the date of promotion. (Promotion should be affected when the evaluated has suffered reduction in pay for one year and a half before or has been admonished for one year before the date of promotion.)

**[Adopted 3 years after the date of enforcement (from April 1, 2012.)]**

**1. Promotion for positions under the Ministry Director level**

- a Of the results on performance of overall duty assignments made for the most recent 2 successive Competency Evaluations, results made for one of those evaluations were 'high level' (levels S or A) and results made for the other evaluation was 'average level' (level B or above). (In the case of promotion for Ministry Unit Chief, the conditions that NPA provides and based on the conditions stated above might be adopted.)
  - ★ The conditions provided by NPA should be recognized as following the same lines as the conditions stated above. One example would be: "The results on

performance of overall duty assignment made for the most recent 2 successive Competency Evaluations before the date of promotion are of the moderate level (level B), and also the evaluated has shown particularly good behavior in the light of the evaluation items in performing his/her duties, while his/her other activities during the evaluation period have been recognized as acceptable in general.”

- b Results on performance of overall duty assignment made for the most recent Performance Evaluation have been ‘high level’ or ‘average level’ (level B or above).
- c Disciplinary action or other punishment has not been received for one year prior to the date of promotion.

**2. Promotion for positions of the Ministry Director level:**

- a Among results on performance of overall duty assignments made for the most recent 3 successive Competency Evaluations, results made for the latest evaluation were ‘high level’ (levels S or A) and results made for the evaluation for the rest of the same period were ‘high level’ or ‘average level’ (level B or above).
- b Results on performance on overall duty assignment made for the most recent Performance Evaluations were ‘high level’ or ‘average level’ (level B or above).
- c Disciplinary action or other punishment has not been received two years prior to the date of promotion. (Promotion should be affected when the evaluated has suffered reduction in pay for one year and a half before or been admonished for one year before the date of promotion.)

**3. Promotion for positions of the Ministry Vice Minister or Director General levels:**

- a Among results on performance of overall duty assignments made for the most recent 3 successive Competency Evaluations, the results made for the recent 2 successive evaluations were ‘high level’ (levels S or A) and results made for the other evaluation within the same period was ‘average level’ (level B or above).
  - ★ In the case that promotion is made for the position which is two or more levels higher than the level that the evaluated currently belongs to (e.g., from the Ministry Director level to the Ministry Director General level), all the results made for the recent 3 successive evaluations must be ‘high level’ (levels S or A).
- b Results on performance of overall duty assignments made for the most recent 6 successive Performance Evaluations have been ‘high level’ or ‘average level’ (level B or above). (Only if the results made for at least one evaluation among the most recent 4 successive evaluations were ‘high level’ (levels either S or A).
- c Disciplinary action or other punishment has not been received two years prior to the date of promotion. (Promotion should be affected when the evaluated has suffered

reduction in pay for one year and a half before or been admonished for one year before the date of promotion.)

**\*1 Special provisions for transfer to positions of Ministry Office Heads level**

The same conditions as stated above should be adopted to cases of transfer to positions of Ministry Office Heads level.

This rule would not be adopted, though, if the specified salary schedule has already been applied to the official to be transferred, in which cases if the person has been in such positions as stated above before, or if the transfer is to the position of Ministry Director General or higher.

**\*2 Special provisions for cases where all or a part of the evaluation results are missing because of circumstances such as the evaluated having been dispatched to an international organization or a private company:**

In case all or a part of the evaluation results, 1 to 3 stated above, are missing because of circumstances such as the evaluated having been dispatched to an international organization or a private company, promotion may be made by judging if the evaluated has the appropriate competency and aptitude for the position to which he/she is to be promoted to, based on comprehensive consideration of such factors as evaluation results or work performance verified as of the time of promotion, on-the-job performance of duties at the work place that the evaluated has been dispatched to and other conditions including personnel planning.

[Note] These special provisions will be adopted for the period of time after the implementation of the Personnel Evaluation system until the evaluation results are available. In particular, in cases of officials employed at organizations other than Ministries, these special provisions will be adopted even after the specified period of time stated above, until the necessary evaluation results are available, because in such organizations, in principle, utilization of the evaluation results will start one year after it is started in the Ministries.

**(2) Demotion and Dismissal**

In case that the results on performance of overall duty assignments in competency or performance evaluation were marked 'Lowest', it may be utilized as grounds for demotion or dismissal.
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1) and 2) below represent the case when an official may be demoted or dismissed because "his/her performance on duty is not satisfactory in light of the facts shown by the Personnel Evaluation or general work performance" as provided in the National Public Service Act article 78-(i), which is the case that the work performance of the official is still clearly unsatisfactory

even after measures provided by the NPA (i to iii shown below), including giving reprimands or guidance, were taken.

When the official is expected to be able to perform duties assigned to positions of lower levels than that of his/her current position, he/she may be demoted; If he/she is not expected to be able to perform the duty assigned to positions of lower levels than that of his/her current position, he/she may be dismissed.

**[Conditions that may be utilized as a momentum for demotion or dismissal]**

**1) In cases where the results on performance of overall duty assignments in competency or performance evaluation is marked 'D' (the second grade (otsu) for Vice Minister class; grade 'C' for Director General class).**

When results on an official's performance on overall duty assignment in competency or performance evaluation is marked 'D' (the second grade (otsu) for Vice Minister class; grade 'C' for Director General class), the appointer must disclose the evaluation results or give him/her guidance or advice and when his/her performance still does not improve, the appointer must notify him/her that there is danger that he/she might be demoted or dismissed.

**2) In cases where an official's work performance is recognized as unsatisfactory in light of his/her general work conditions, other than the case 1) as stated above.**

**[Measures provided by the NPA]**

- i. A supervisor of the official or someone who is in an appropriate position should repeatedly reprimand or give guidance to the official.
- ii. The duty the official is engaged in, including transfer, should be reviewed.
- iii. The official should be required to undergo training aimed to reform him/her.
- iv. Any other measures that the appointer considers to be necessary to reform the official should be taken.

**[To issue a warning letter and to give the official an opportunity to make excuses]**

The appointer must issue a warning letter to the official and then give him/her an opportunity to make excuses before the order of dismissal is issued (except in such cases that there is necessity to take disciplinary measures swiftly in consideration of the degree of the official's inefficiency and/or the fear of negative effects on the overall job performance.)

The warning letter must cover such points as 1) concrete facts that can be considered as bad work performance, and requirements to the official to improve the situation, and 2) mention of the danger that the official may be demoted or dismissed if his/her work performance does not

improve.