

# 国家公務員法

## National Public Service Act

(昭和二十二年十月二十一日法律第一百二十号)  
(Act No. 120 of October 21, 1947)

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## 第一章 総則

### Chapter I General Provisions

（この法律の目的及び効力）

(Purpose and Effect of this Act)

第一条 この法律は、国家公務員たる職員について適用すべき各般の根本基準（職員の福祉及び利益を保護するための適切な措置を含む。）を確立し、職員がその職務の遂行に当り、最大の能率を発揮し得るように、民主的な方法で、選択され、且つ、指導さるべきことを定め、以て国民に対し、公務の民主的且つ能率的な運営を保障することを目的とする。

Article 1 (1) The purpose of this Act is to assure the people democratic and efficient administration of the public service by establishing basic standards (including adequate measures to protect the welfare and interest of officials) which is applicable to all officials who are national public employees and by providing that officials are selected and directed through democratic practices so as to promote maximum efficiency in the performance of public duties.

2 この法律は、もつぱら日本国憲法第七十三条にいう官吏に関する事務を掌理する基準を定めるものである。

(2) This Act is to establish standards solely for the administration of the civil service referred to in Article 73 of the Constitution of Japan.

3 何人も、故意に、この法律又はこの法律に基づく命令に違反し、又は違反を企て若しくは共謀してはならない。又、何人も、故意に、この法律又はこの法律に基づく命令の施行に関し、虚偽行為をなし、若しくはなそうと企て、又はその施行を妨げてはならない。

(3) No person may intentionally violate, or attempt or conspire to violate this Act or any other order issued under this Act. Furthermore, no person may

intentionally commit or attempt to commit any fraud concerning the enforcement of, or obstruct the enforcement of this Act or any other order issued under this Act.

4 この法律のある規定が、効力を失い、又はその適用が無効とされても、この法律の他の規定又は他の関係における適用は、その影響を受けない。

(4) Even if any provision of this Act loses its effect or the application thereof is held invalid, the remainder of this Act or other applications of its provisions is not affected.

5 この法律の規定が、従前の法律又はこれに基く法令と矛盾し又はてい触する場合には、この法律の規定が、優先する。

(5) If any provision of this Act is inconsistent or conflicts with former laws or laws and regulations thereunder in force as of the effective date of this Act, the provisions of this Act take precedence.

(一般職及び特別職)

(Regular and Special Service)

第二条 国家公務員の職は、これを一般職と特別職とに分つ。

Article 2 (1) National public employee positions are divided into those of regular service and special service.

2 一般職は、特別職に属する職以外の国家公務員の一切の職を包含する。

(2) Regular service comprises of all national public employee positions other than those belonging to special service.

3 特別職は、次に掲げる職員の職とする。

(3) Special service is comprised of the positions held by officials listed below:

一 内閣総理大臣

(i) the Prime Minister;

二 国務大臣

(ii) Ministers of State;

三 人事官及び検査官

(iii) Commissioners of the National Personnel Authority and Commissioners of the Board of Audit;

四 内閣法制局長官

(iv) Director-General of the Cabinet Legislation Bureau;

五 内閣官房副長官

(v) Deputy Chief Cabinet Secretaries;

五の二 内閣危機管理監

(v)-2 Deputy Chief Cabinet Secretary for Crisis Management;

五の三 国家安全保障局長

(v)-3 Secretary General of National Security Secretariat;

五の四 内閣官房副長官補、内閣広報官及び内閣情報官

(v)-4 Assistant Chief Cabinet Secretaries, Cabinet Secretary for Public Affairs

- and Director of Cabinet Intelligence;
- 六 内閣総理大臣補佐官
- (vi) Special Advisors to the Prime Minister;
- 七 副大臣
- (vii) Senior Vice-Ministers;
- 七の二 大臣政務官
- (vii)-2 Parliamentary Secretaries;
- 七の三 大臣補佐官
- (vii)-3 Special Advisors to the Minister;
- 七の四 デジタル監
- (vii)-4 Chief Digital Officer;
- 八 内閣総理大臣秘書官及び国務大臣秘書官並びに特別職たる機関の長の秘書官のうち人事院規則で指定するもの
- (viii) Private Secretaries to the Prime Minister and Private Secretaries to Ministers of State and those designated by the Rules of the National Personnel Authority from among Private Secretaries to the heads of organs included in special service;
- 九 就任について選挙によることを必要とし、あるいは国会の両院又は一院の議決又は同意によることを必要とする職員
- (ix) officials who hold positions whose assumption requires an election, or the resolution or consent of one or both Houses of the Diet;
- 十 宮内庁長官、侍従長、東宮大夫、式部官長及び侍従次長並びに法律又は人事院規則で指定する宮内庁のその他の職員
- (x) Grand Steward, Grand Chamberlain, Grand Master of the Crown Prince's Household, Grand Master of Ceremonies and Deputy Grand Chamberlain of the Imperial Household Agency, and other officials of the Imperial Household Agency designated by law or by the Rules of the National Personnel Authority;
- 十一 特命全権大使、特命全権公使、特派大使、政府代表、全権委員、政府代表又は全権委員の代理並びに特派大使、政府代表又は全権委員の顧問及び随員
- (xi) Ambassadors Extraordinary and Plenipotentiary, Envoys Extraordinary and Ministers Plenipotentiary, Ambassadors on Special Mission, Representatives of the Government, Plenipotentiaries; Acting Representatives of the Government or Alternates of Plenipotentiaries; and Advisors and Members of the Suite of Ambassadors on Special Mission, Representatives of the Government or Plenipotentiaries;
- 十一の二 日本ユネスコ国内委員会の委員
- (xi)-2 members of the Japanese National Commission for UNESCO;
- 十二 日本学士院会員
- (xii) members of the Japan Academy;
- 十二の二 日本学術会議会員

(xii)-2 members of the Science Council of Japan;

十三 裁判官及びその他の裁判所職員

(xiii) judges and other officials of courts;

十四 国会職員

(xiv) officials of the Diet;

十五 国会議員の秘書

(xv) secretaries to Members of the Diet;

十六 防衛省の職員（防衛省に置かれる合議制の機関で防衛省設置法（昭和二十九年法律第百六十四号）第四十一条の政令で定めるものの委員及び同法第四条第一項第二十四号又は第二十五号に掲げる事務に従事する職員で同法第四十一条の政令で定めるもののうち、人事院規則で指定するものを除く。）

(xvi) officials of the Ministry of Defense (excluding officials designated by the Rules of the National Personnel Authority from among the members of the council organizations established in the Ministry of Defense specified by Cabinet Order referred to in Article 41 of the Act for Establishment of the Ministry of Defense (Act No. 164 of 1954), and from among the officials specified by Cabinet Order referred to in Article 41 from among those engaged in the affairs set forth in Article 4, paragraph (1), item (xxiv) or (xxv) of the same Act );

十七 独立行政法人通則法（平成十一年法律第百三号）第二条第四項に規定する行政執行法人（以下「行政執行法人」という。）の役員

(xvii) officers of agencies engaged in administrative execution, prescribed in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (hereinafter referred to as "agencies engaged in administrative execution").

4 この法律の規定は、一般職に属するすべての職（以下その職を官職といい、その職を占める者を職員という。）に、これを適用する。人事院は、ある職が、国家公務員の職に属するかどうか及び本条に規定する一般職に属するか特別職に属するかを決定する権限を有する。

(4) The provisions of this Act apply to all positions belonging to regular service (hereinafter referred to as a "government position," and those holding such positions are hereinafter referred to as "officials"). The National Personnel Authority has the authority to decide whether a certain position comes under the service of national public employees, and whether it comes under regular service or special service as provided for in this Article.

5 この法律の規定は、この法律の改正法律により、別段の定がなされない限り、特別職に属する職には、これを適用しない。

(5) The provisions of this Act do not apply to positions which come under special service unless otherwise provided for by an amendment of this Act.

6 政府は、一般職又は特別職以外の勤務者を置いてその勤務に対し俸給、給料その他の給与を支払ってはならない。

(6) The government must not have workers other than regular service or special service, and pay salary, compensation, or other remuneration for their service.

7 前項の規定は、政府又はその機関と外国人の間に、個人的基礎においてなされる勤務の契約には適用されない。

(7) The provisions of the preceding paragraph do not apply to service contracts concluded between the government or a government organ and a foreign national on an individual basis.

## 第二章 中央人事行政機関

### Chapter II Central Personnel Agencies

(人事院)

(National Personnel Authority)

第三条 内閣の所轄の下に人事院を置く。人事院は、この法律に定める基準に従つて、内閣に報告しなければならない。

Article 3 (1) The National Personnel Authority is established under the jurisdiction of the Cabinet. The Authority must report to the Cabinet in accordance with the standards provided for in this Act.

2 人事院は、法律の定めるところに従い、給与その他の勤務条件の改善及び人事行政の改善に関する勧告、採用試験（採用試験の対象官職及び種類並びに採用試験により確保すべき人材に関する事項を除く。）、任免（標準職務遂行能力、採用昇任等基本方針、幹部職員の任用等に係る特例及び幹部候補育成課程に関する事項（第三十三条第一項に規定する根本基準の実施につき必要な事項であつて、行政需要の変化に対応するために行う優れた人材の養成及び活用の確保に関するものを含む。）を除く。）、給与（一般職の職員の給与に関する法律（昭和二十五年法律第九十五号）第六条の二第一項の規定による指定職俸給表の適用を受ける職員の号俸の決定の方法並びに同法第八条第一項の規定による職務の級の定数の設定及び改定に関する事項を除く。）、研修（第七十条の六第一項第一号に掲げる観点に係るものに限る。）の計画の樹立及び実施並びに当該研修に係る調査研究、分限、懲戒、苦情の処理、職務に係る倫理の保持その他職員に関する人事行政の公正の確保及び職員の利益の保護等に関する事務をつかさどる。

(2) The National Personnel Authority, in accordance with applicable laws, takes charge of affairs concerning recommendations for improvement in personnel administration as well as in remuneration and other conditions of work; recruitment examination (excluding particulars concerning government positions pertaining to recruitment examinations, types of recruitment examinations and human resources to be secured by recruitment examinations); appointment and dismissal (excluding particulars concerning the ability to perform standard duties, basic policy on initial appointment, promotion, etc., special provisions for appointment, etc. of executive officials and fostering courses for executive candidates (including particulars necessary

for enforcing the basic standard provided for in Article 33, paragraph (1), concerning cultivation and utilization of excellent personnel in order to deal with changes of demand for administrative services)); remuneration (excluding particulars concerning methods of deciding the pay step for officials to whom the designated service salary schedule is applied pursuant to the provisions of Article 6-2, paragraph (1) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950) and deciding and revising the fixed numbers of officials in each grade of the salary schedules under the provisions of Article 8, paragraph (1) of the same Act); formulation and implementation of plan of training (limited to those pertaining to the viewpoints set forth in Article 70-6, paragraph (1), item (i)) and research and study of the training; status; disciplinary action; processing of complaints; maintenance of ethics pertaining to the duties; and other particulars concerning maintaining fairness in personnel administration, the protection of the interests of officials and the like.

3 法律により、人事院が処置する権限を与えられている部門においては、人事院の決定及び処分は、人事院によつてのみ審査される。

(3) Within the sphere in which the National Personnel Authority is authorized to act by law, the decisions and dispositions of the Authority are subject to review only by the Authority.

4 前項の規定は、法律問題につき裁判所に出訴する権利に影響を及ぼすものではない。

(4) The provisions of the preceding paragraph do not in any way affect the right to file an action in court on legal matters.

(国家公務員倫理審査会)

(National Public Service Ethics Board)

第三条の二 前条第二項の所掌事務のうち職務に係る倫理の保持に関する事務を所掌させるため、人事院に国家公務員倫理審査会を置く。

Article 3-2 (1) The National Public Service Ethics Board is established within the National Personnel Authority in order to have it handle the affairs concerning the maintenance of ethics pertaining to the duties among functions under its jurisdiction referred to in paragraph (2) of the preceding Article.

2 国家公務員倫理審査会に関しては、この法律に定めるもののほか、国家公務員倫理法（平成十一年法律第百二十九号）の定めるところによる。

(2) Beyond what is provided for in this Act, particulars concerning the National Public Service Ethics Board are provided for by the provisions of the National Public Service Ethics Act (Act No. 129 of 1999).

(職員)

(Officials)

第四条 人事院は、人事官三人をもつて、これを組織する。



Article 4 (1) The National Personnel Authority is composed of three Commissioners.

2 人事官のうち一人は、総裁として命ぜられる。

(2) One of the Commissioners is appointed as President.

3 人事院は、事務総長及び予算の範囲内においてその職務を適切に行うため必要とする職員を任命する。

(3) The National Personnel Authority appoints a Secretary-General and other such officials as it deems necessary to appropriately perform its duties within the limitations of its budget.

4 人事院は、その内部機構を管理する。国家行政組織法（昭和二十三年法律第一百二十号）は、人事院には適用されない。

(4) The National Personnel Authority controls its own internal organizational structure. The National Government Organization Act (Act No. 120 of 1948) does not apply to the Authority.

（人事官）

（Commissioners of the National Personnel Authority）

第五条 人事官は、人格が高潔で、民主的な統治組織と成績本位の原則による能率的な事務の処理に理解があり、かつ、人事行政に関し識見を有する年齢三十五年以上の者のうちから、両議院の同意を経て、内閣が任命する。

Article 5 (1) Commissioners of the National Personnel Authority are appointed, with the consent of both Houses of the Diet, by the Cabinet from among persons 35 years of age or older, who are of the highest moral character and integrity, who understand the democratic organization of governance and efficient administration of affairs based on result-oriented principle, and have an insight concerning personnel administration.

2 人事官の任免は、天皇が認証する。

(2) The appointment and dismissal of Commissioners is certified by the Emperor.

3 次の各号のいずれかに該当する者は、人事官となることができない。

(3) No person falling under any of the following items may be appointed as Commissioner:

一 破産手続開始の決定を受けて復権を得ない者

(i) a person who received a decision for the commencement of bankruptcy proceedings and has not had their rights restored;

二 禁錮以上の刑に処せられた者又は第四章に規定する罪を犯し、刑に処せられた者

(ii) a person who has been sentenced to imprisonment without work or a severer punishment or who has been punished for committing a crime prescribed in Chapter 4;

三 第三十八条第二号又は第四号に該当する者

(iii) a person who falls under Article 38, item (ii) or item (iv).

4 任命の日以前五年間において、政党の役員、政治的顧問その他これらと同様な政治

的影響力を有する政党员であつた者又は任命の日以前五年間において、公選による国若しくは都道府県の公職の候補者となつた者は、人事院規則で定めるところにより、人事官となることができない。

(4) No person may be appointed as Commissioner if they are or have been, within five years previous to the proposed date of appointment, an officer, political advisor or other similarly politically influential member of a political party or who, within five years previous to the proposed date of appointment, has been a candidate for national or prefectural elective public office, as provided for by the Rules of the National Personnel Authority.

5 人事官の任命については、そのうちの二人が、同一の政党に属し、又は同一の大学学部を卒業した者となることとなつてはならない。

(5) With respect to the appointment of Commissioners, no two persons among them may come to belong to the same political party or be graduates of the same department of the same university.

(宣誓及び服務)

(Oath Taking and Service Discipline)

第六条 人事官は、任命後、人事院規則の定めるところにより、最高裁判所長官の面前において、宣誓書に署名してからでなければ、その職務を行つてはならない。

Article 6 (1) After appointment, Commissioner must not perform the duties until the Commissioner has signed a written oath before the Chief Justice of the Supreme Court, as provided for by the Rules of the National Personnel Authority.

2 第三章第七節の規定は、人事官にこれを準用する。

(2) The provisions of Section 7 of Chapter III apply mutatis mutandis to Commissioners.

(任期)

(Term of Office)

第七条 人事官の任期は、四年とする。但し、補欠の人事官は、前任者の残任期間在任する。

Article 7 (1) The term of office for Commissioners is 4 years; provided, however, that a Commissioner who is appointed to act as a substitute remains in office for the remaining term of the predecessor.

2 人事官は、これを再任することができる。但し、引き続き十二年を超えて在任することはできない。

(2) Commissioners may be reappointed; provided, however, that the Commissioners may not remain in office continuously for a period exceeding 12 years.

3 人事官であつた者は、退職後一年間は、人事院の官職以外の官職に、これを任命することができない。

(3) No person who was a Commissioner may be appointed to a government position other than a position in the National Personnel Authority for a period of one year after leaving the position as Commissioner.

(退職及び罷免)

(Retirement and Dismissal)

第八条 人事官は、左の各号の一に該当する場合を除く外、その意に反して罷免されることはない。

Article 8 (1) A Commissioner is not dismissed against the Commissioner's will except in cases which fall under any of the following items:

一 第五条第三項各号の一に該当するに至った場合

(i) when the Commissioner has come to fall under any of the items in Article 5, paragraph (3);

二 国会の訴追に基き、公開の弾劾手続により罷免を可とすると決定された場合

(ii) when the Commissioner's dismissal has been affirmed by public impeachment proceedings based on a prosecution filed by the Diet;

三 任期が満了して、再任されず又は人事官として引き続き十二年在任するに至った場合

(iii) when the Commissioner has completed the term of office and has not been reappointed, or when the Commissioner has come to hold office as Commissioner continuously for a period of 12 years.

2 前項第二号の規定による弾劾の事由は、左に掲げるものとする。

(2) Grounds for impeachment under the provisions of item (ii) of the preceding paragraph are the following:

一 心身の故障のため、職務の遂行に堪えないこと

(i) when the Commissioner is unable to perform official duties due to a mental or physical disorder;

二 職務上の義務に違反し、その他人事官たるに適しない非行があること

(ii) when the Commissioner has violated the obligations in the course of duties or has committed a misconduct inappropriate as a Commissioner.

3 人事官の中、二人以上が同一の政党に属することとなつた場合においては、これらの者の中の一人以外の者は、内閣が両議院の同意を経て、これを罷免するものとする。

(3) If two or more Commissioners have come to belong to the same political party, those Commissioners except one are to be dismissed, with the consent of both Houses of the Diet, by the Cabinet.

4 前項の規定は、政党所属関係について異動のなかつた人事官の地位に、影響を及ぼすものではない。

(4) The provisions of the preceding paragraph are not to jeopardize the position of a Commissioner whose political party affiliation has not changed.

(人事官の弾劾)

(Impeachment of Commissioners)

第九条 人事官の弾劾の裁判は、最高裁判所においてこれを行う。

Article 9 (1) Impeachment of a Commissioner is judged by the Supreme Court.

2 国会は、人事官の弾劾の訴追をしようとするときは、訴追の事由を記載した書面を最高裁判所に提出しなければならない。

(2) When the Diet intends to call for the impeachment of a Commissioner, the document stating the grounds for the impeachment must be submitted to the Supreme Court.

3 国会は、前項の場合においては、同項に規定する書面の写を訴追に係る人事官に送付しなければならない。

(3) In the case referred to in the preceding paragraph, the Diet must send a copy of the document prescribed in the same paragraph to the Commissioner pertaining to the prosecution.

4 最高裁判所は、第二項の書面を受理した日から三十日以上九十日以内の間において裁判開始の日を定め、その日の三十日以前までに、国会及び訴追に係る人事官に、これを通知しなければならない。

(4) The Supreme Court must set a date for commencing the trial not less than 30 days and not more than 90 days after receipt of the document referred to in paragraph (2), and notify this to the Diet and the Commissioner pertaining to the impeachment 30 days prior to the date.

5 最高裁判所は、裁判開始の日から百日以内に判決を行わなければならない。

(5) The Supreme Court must pronounce judgment within 100 days from the date of commencing the trial.

6 人事官の弾劾の裁判の手續は、裁判所規則でこれを定める。

(6) The judgment procedures for the impeachment of Commissioners are prescribed by the rules of court.

7 裁判に要する費用は、国庫の負担とする。

(7) Costs of the trial are borne by the national treasury.

(人事官の給与)

(Remuneration of Commissioners)

第十条 人事官の給与は、別に法律で定める。

Article 10 The remuneration of Commissioners is specified separately by laws.

(総裁)

(President of the National Personnel Authority)

第十一条 人事院総裁は、人事官の中から、内閣が、これを命ずる。

Article 11 (1) The President of the National Personnel Authority is appointed by the Cabinet from among the Commissioners.

2 人事院総裁は、院務を総理し、人事院を代表する。

(2) The President of the National Personnel Authority presides over the affairs of

and represents the Authority.

3 人事院総裁に事故のあるとき、又は人事院総裁が欠けたときは、前任の人事官が、その職務を代行する。

(3) A senior Commissioner acts in place of the President of the National Personnel Authority in the performance of duties if the President is unavailable, or if the President's position is vacant.

(人事院会議)

(Meetings of the National Personnel Authority)

第十二条 定例の人事院会議は、人事院規則の定めるところにより、少なくとも一週間に一回、一定の場所において開催することを常例としなければならない。

Article 12 (1) Regular meetings of the National Personnel Authority must be held at least once a week at a fixed place as a rule, as provided for by the Rules of the National Personnel Authority.

2 人事院会議の議事は、すべて議事録として記録しておかなければならない。

(2) All the business of the meetings of the National Personnel Authority must be recorded in its minutes.

3 前項の議事録は、幹事がこれを作成する。

(3) The minutes referred to in the preceding paragraph are prepared by the Director.

4 人事院の事務処理の手續に関し必要な事項は、人事院規則でこれを定める。

(4) Necessary particulars concerning the administrative procedures of the National Personnel Authority are prescribed by the Rules of the Authority.

5 事務総長は、幹事として人事院会議に出席する。

(5) The Secretary-General attends the meetings of the National Personnel Authority as Director.

6 人事院は、次に掲げる権限を行う場合においては、人事院の議決を経なければならない。

(6) When exercising the powers listed below, the National Personnel Authority requires its resolution:

一 人事院規則の制定及び改廃

(i) enactment, amendment or repeal of the Rules of the National Personnel Authority;

二 削除

(ii) deleted;

三 第二十二條の規定による関係大臣その他の機関の長に対する勧告

(iii) recommendations to the relevant ministers or heads of other government organs concerned under the provisions of Article 22;

四 第二十三條の規定による国会及び内閣に対する意見の申出

(iv) submission of opinions to the Diet and the Cabinet under the provisions of Article 23;

- 五 第二十四条の規定による国会及び内閣に対する報告  
(v) reports to the Diet and the Cabinet under the provisions of Article 24;
- 六 第二十八条の規定による国会及び内閣に対する勧告  
(vi) recommendations to the Diet and the Cabinet under the provisions of Article 28;
- 七 第四十八条の規定による試験機関の指定  
(vii) designation of examining bodies under the provisions of Article 48;
- 八 第六十条の規定による臨時的任用及びその更新に対する承認、臨時的任用に係る職員の員数の制限及びその資格要件の決定並びに臨時的任用の取消（人事院規則の定める場合を除く。）  
(viii) approval of temporary appointments and renewals thereof, restriction of the number of officials subject to temporary appointment and decisions on their requisite qualifications, and rescission of temporary appointments under the provisions of Article 60 (except cases provided for by the Rules of the National Personnel Authority);
- 九 第六十七条の規定による給与に関する法律に定める事項の改定案の作成並びに国会及び内閣に対する勧告  
(ix) preparation of proposed revision and recommendation to the Diet and the Cabinet on the particulars provided for in the Act on Remuneration under the provisions of Article 67;
- 十 第八十七条の規定による事案の判定  
(x) determination of cases under the provisions of Article 87;
- 十一 第九十二条の規定による処分の判定  
(xi) determination of dispositions under the provisions of Article 92;
- 十二 第九十五条の規定による補償に関する重要事項の立案  
(xii) drafting of important particulars concerning compensation under the provisions of Article 95;
- 十三 第百三条第五項の審査請求に対する裁決  
(xiii) determination on a request for administrative review referred to in Article 103, paragraph (5);
- 十四 第百八条の規定による国会及び内閣に対する意見の申出  
(xiv) submission of opinions to the Diet and the Cabinet under the provisions of Article 108;
- 十五 第百八条の三第六項の規定による職員団体の登録の効力の停止及び取消し  
(xv) suspension of the effect of registration of an employee organization and rescission of its registration under the provisions of Article 108-3, paragraph (6);
- 十六 その他人事院の議決によりその議決を必要とされた事項  
(xvi) other particulars so decided by the National Personnel Authority as to require a resolution of the National Personnel Authority.

(事務総局及び予算)

(General Secretariat and Budget)

第十三条 人事院に事務総局及び法律顧問を置く。

Article 13 (1) The National Personnel Authority has General Secretariat and a legal advisor under its jurisdiction.

2 事務総局の組織及び法律顧問に関し必要な事項は、人事院規則でこれを定める。

(2) The organization of General Secretariat and necessary particulars concerning the legal advisor are prescribed by the Rules of the National Personnel Authority.

3 人事院は、毎会計年度の開始前に、次の会計年度においてその必要とする経費の要求書を国の予算に計上されるように内閣に提出しなければならない。この要求書には、土地の購入、建物の建造、事務所の借上、家具、備品及び消耗品の購入、俸給及び給料の支払その他必要なあらゆる役務及び物品に関する経費が計上されなければならない。

(3) The National Personnel Authority must, prior to the beginning of each fiscal year, submit to the Cabinet for inclusion in the national budget, a written request for its expenses necessary for the ensuing fiscal year. Such requests must cover the purchase of land; construction of buildings; rental of offices; purchase of furniture, equipment and supplies; payment of salary and compensation; together with expenses for all other necessary goods and services.

4 内閣が、人事院の経費の要求書を修正する場合においては、人事院の要求書は、内閣により修正された要求書とともに、これを国会に提出しなければならない。

(4) In the event the Cabinet revises the written request for the expenses from the National Personnel Authority, the written request from the National Personnel Authority must be submitted to the Diet together with the written request as revised by the Cabinet.

5 人事院は、国会の承認を得て、その必要とする地方の事務所を置くことができる。

(5) The National Personnel Authority may establish local offices as it deems necessary with the approval of the Diet.

(事務総長)

(Secretary-General)

第十四条 事務総長は、総裁の職務執行の補助者となり、その一般的監督の下に、人事院の事務上及び技術上のすべての活動を指揮監督し、人事院の職員について計画を立て、募集、配置及び指揮を行い、又、人事院会議の幹事となる。

Article 14 The Secretary-General is the assistant to the President of the National Personnel Authority for the execution of the duties and, under the general supervision of the President of the National Personnel Authority, directs and supervises all administrative and technical activities of the National Personnel Authority, and plans, recruits, assigns and directs officials

of the National Personnel Authority, and acts as the Director at the meetings of the National Personnel Authority.

(人事院の職員の兼職禁止)

(Prohibition of Officials of the National Personnel Authority from Holding Concurrent Positions)

第十五条 人事官及び事務総長は、他の官職を兼ねてはならない。

Article 15 No Commissioner or Secretary-General may concurrently hold any other government position.

(人事院規則及び人事院指令)

(Rules and Directives of the National Personnel Authority)

第十六条 人事院は、その所掌事務について、法律を実施するため、又は法律の委任に基づいて、人事院規則を制定し、人事院指令を発し、及び手続を定める。人事院は、いつでも、適宜に、人事院規則を改廃することができる。

Article 16 (1) In order to implement laws, or as delegated by laws, the National Personnel Authority enacts the Rules of the National Personnel Authority, issues the Directives of the National Personnel Authority and establishes procedures concerning functions under its jurisdiction. The National Personnel Authority may amend or repeal its Rules at any time at its own discretion.

2 人事院規則及びその改廃は、官報をもつて、これを公布する。

(2) The Rules of the National Personnel Authority and their amendment or repeal are promulgated in the Official Gazette.

3 人事院は、この法律に基いて人事院規則を実施し又はその他の措置を行うため、人事院指令を発することができる。

(3) The National Personnel Authority may issue the Directives of the National Personnel Authority to implement the Rules of the National Personnel Authority or take other measures under this Act.

(人事院の調査)

(Investigation by the National Personnel Authority)

第十七条 人事院又はその指名する者は、人事院の所掌する人事行政に関する事項に関し調査することができる。

Article 17 (1) The National Personnel Authority, or any person designated by the National Personnel Authority, may conduct investigations concerning particulars relevant to personnel administration under its jurisdiction.

2 人事院又は前項の規定により指名された者は、同項の調査に関し必要があるときは、証人を喚問し、又調査すべき事項に関係があると認められる書類若しくはその写の提出を求めることができる。

(2) The National Personnel Authority, or persons designated pursuant to the provisions of the preceding paragraph, may, when necessary in conducting the



investigations referred to in the same paragraph, summon witnesses and demand the submission of documents, or copies thereof that are found to be related to the particulars to be investigated.

3 人事院は、第一項の調査（職員の職務に係る倫理の保持に関して行われるものに限る。）に関し必要があると認めるときは、当該調査の対象である職員に出頭を求めて質問し、又は同項の規定により指名された者に、当該職員の勤務する場所（職員として勤務していた場所を含む。）に立ち入らせ、帳簿書類その他必要な物件を検査させ、又は関係者に質問させることができる。

(3) The National Personnel Authority, if it finds it necessary for the investigations referred to in paragraph (1) (limited to those conducted with regard to the maintenance of ethics relating to the duties of officials), may summon an official subject to investigation to appear and question the official, or have the person who is designated pursuant to the provisions of the same paragraph enter the place where the official under investigation works (including places where the official worked before as an official), inspect books and documents and other materials as necessary, and question the persons concerned.

4 前項の規定により立入検査をする者は、その身分を示す証明書を携帯し、関係者の請求があつたときは、これを提示しなければならない。

(4) A person who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry a certificate for identification, and show it to the persons concerned when requested.

5 第三項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(5) Authority concerning on-site inspections under the provisions of paragraph (3) must not be construed as that granted for criminal investigation.

（国家公務員倫理審査会への権限の委任）

(Delegation of Authority to the National Public Service Ethics Board)

第十七条の二 人事院は、前条の規定による権限（職員の職務に係る倫理の保持に関して行われるものに限り、かつ、第九十条第一項に規定する審査請求に係るものを除く。）を国家公務員倫理審査会に委任する。

Article 17-2 The National Personnel Authority delegates the authority under the provisions of the preceding Article (limited to those implemented with regard to the maintenance of ethics relating to the duties of officials, and excluding those relating to the request for administrative review provided for in Article 90, paragraph (1)) to the National Public Service Ethics Board.

（給与の支払の監理）

(Control of Payment of Remuneration)

第十八条 人事院は、職員に対する給与の支払を監理する。

Article 18 (1) The National Personnel Authority controls the payments of remuneration to officials.

2 職員に対する給与の支払は、人事院規則又は人事院指令に反してこれを行つてはならない。

(2) No remuneration must be paid to officials contrary to the Rules or the Directives of the National Personnel Authority.

(内閣総理大臣)

(Prime Minister)

第十八条の二 内閣総理大臣は、法律の定めるところに従い、採用試験の対象官職及び種類並びに採用試験により確保すべき人材に関する事務、標準職務遂行能力、採用昇任等基本方針、幹部職員の任用等に係る特例及び幹部候補育成課程に関する事務（第三十三条第一項に規定する根本基準の実施につき必要な事務であつて、行政需要の変化に対応するために行う優れた人材の養成及び活用の確保に関するものを含む。）、一般職の職員の給与に関する法律第六条の二第一項の規定による指定職俸給表の適用を受ける職員の号俸の決定の方法並びに同法第八条第一項の規定による職務の級の定数の設定及び改定に関する事務並びに職員の人事評価（任用、給与、分限その他の人事管理の基礎とするために、職員がその職務を遂行するに当たり発揮した能力及び挙げた業績を把握した上で行われる勤務成績の評価をいう。以下同じ。）、研修、能率、厚生、服務、退職管理等に関する事務（第三条第二項の規定により人事院の所掌に属するものを除く。）をつかさどる。

Article 18-2 (1) The Prime Minister, in accordance with applicable laws, takes charge of affairs concerning government positions pertaining to recruitment examinations, types of recruitment examinations and human resources to be secured by recruitment examinations, affairs concerning the ability to perform standard duties, basic policy on initial appointment, promotion, etc., special provisions for appointment, etc. of executive officials and fostering courses for executive candidates (including particulars necessary for enforcing the basic standard provided for in Article 33, paragraph (1), concerning cultivation and utilization of excellent personnel conducted in order to deal with changes of demand for administrative services), affairs concerning methods of deciding the pay step for officials to whom the designated service salary schedule under the provisions of Article 6-2, paragraph (1) of the Act on Remuneration of Officials in the Regular Service applies, and decisions and revisions of the fixed numbers of officials in each grade of the salary schedules under the provisions of Article 8, paragraph (1) of the same Act, and affairs concerning personnel evaluation of officials (meaning the evaluation of official's work performance after understanding their abilities and achievements shown in the course of duty in order to form a basis for appointment, remuneration, status, and other personnel management; the same applies hereinafter), training, efficiency, welfare, service discipline, and retirement management, etc. of officials (except

those under the jurisdiction of the National Personnel Authority, pursuant to the provisions of Article 3, paragraph (2)).

2 内閣総理大臣は、前項に規定するもののほか、各行政機関がその職員について行なう人事管理に関する方針、計画等に関し、その統一保持上必要な総合調整に関する事務をつかさどる。

(2) Beyond those provided for in the preceding paragraph, the Prime Minister takes charge of affairs concerning coordination and integration necessary for maintaining uniformity with regard to particulars such as policies and programs concerning personnel management which are conducted by each administrative organ with respect to their officials.

(内閣総理大臣の調査)

(Investigation by the Prime Minister)

第十八条の三 内閣総理大臣は、職員の退職管理に関する事項（第百六条の二から第百六条の四までに規定するものに限る。）に関し調査することができる。

Article 18-3 (1) The Prime Minister may conduct investigations concerning particulars relevant to the retirement management of officials (limited to those provided for in Article 106-2 through Article 106-4).

2 第十七条第二項から第五項までの規定は、前項の規定による調査について準用する。この場合において、同条第二項中「人事院又は前項の規定により指名された者は、同項」とあるのは「内閣総理大臣は、第十八条の三第一項」と、同条第三項中「第一項の調査（職員の職務に係る倫理の保持に関して行われるものに限る。）」とあるのは「第十八条の三第一項の調査」と、「対象である職員」とあるのは「対象である職員若しくは職員であつた者」と、「同項の規定により指名された者に、当該職員」とあるのは「当該職員」と、「立ち入らせ」とあるのは「立ち入り」と、「検査させ、又は関係者に質問させる」とあるのは「検査し、若しくは関係者に質問する」と読み替えるものとする。

(2) The provisions of Article 17, paragraphs (2) through (5) apply mutatis mutandis to the investigation under the provisions of the preceding paragraph. In this case, the phrase "The National Personnel Authority, or persons designated pursuant to the provisions of the preceding paragraph, may, when necessary in conducting the investigations referred to in the same paragraph" in paragraph (2) of the same Article is deemed to be replaced with "The Prime Minister, may, when necessary in conducting the investigations referred to in Article 18-3, paragraph (1)," and in paragraph (3) of the same Article the phrase "for the investigation referred to in paragraph (1) (limited to that conducted with regard to the maintenance of ethics relating to the duties of officials)" is deemed to be replaced with "for the investigation referred to in Article 18-3, paragraph (1)," the phrase "an official subject to investigation" is deemed to be replaced with "an official or a person that was an official subject to investigation," the phrase "have the person who is designated pursuant to

the provisions of the same paragraph, enter the place where the official" is deemed to be replaced with "the official,", the phrase "have the person who is designated pursuant to the provisions of the same paragraph enter" is deemed to be replaced with "enter", and the phrase "have the person inspect and question the persons concerned" is deemed to be replaced with "inspect and question the persons concerned".

(再就職等監視委員会への権限の委任)

(Delegation of Authority to the Reemployment Surveillance Commission)

第十八条の四 内閣総理大臣は、前条の規定による権限を再就職等監視委員会に委任する。

Article 18-4 The Prime Minister delegates the authority under the provisions of the preceding Article to the Reemployment Surveillance Commission.

(内閣総理大臣の援助等)

(Assistance by the Prime Minister)

第十八条の五 内閣総理大臣は、職員の離職に際しての離職後の就職の援助を行う。

Article 18-5 (1) The Prime Minister, upon separation of officials from service, provides assistance on new employment after the separation from service.

2 内閣総理大臣は、官民の人材交流（国と民間企業との間の人事交流に関する法律（平成十一年法律第二百二十四号）第二条第三項に規定する交流派遣及び民間企業に現に雇用され、又は雇用されていた者の職員への第三十六条ただし書の規定による採用その他これらに準ずるものとして政令で定めるものをいう。第五十四条第二項第七号において同じ。）の円滑な実施のための支援を行う。

(2) The Prime Minister provides support for the smooth implementation of personnel exchange between the government and the private sector (meaning dispatch for exchange purposes provided for in Article 2, paragraph (3) of the Act on Personnel Exchange between the Government Sector and Private Enterprise (Act No. 224 of 1999), or initial appointment under the provisions of the proviso of Article 36 of persons who are currently employed or have been employed by private enterprises, and other exchanges specified by Cabinet Order as being equivalent thereto; the same applies for Article 54, paragraph (2), item (vii)).

(官民人材交流センターへの事務の委任)

(Delegation of Affairs to the Center for Personnel Interchanges between the Government and Private Entities)

第十八条の六 内閣総理大臣は、前条に規定する事務を官民人材交流センターに委任する。

Article 18-6 (1) The Prime Minister is to delegate affairs provided for in the preceding Article to the Center for Personnel Interchanges between the

**Government and Private Entities.**

2 内閣総理大臣は、前項の規定により委任する事務について、その運営に関する指針を定め、これを公表する。

(2) The Prime Minister is to establish and make public the guidelines with respect to the operation of the affairs delegated under the provisions of the preceding paragraph.

(官民人材交流センター)

(The Center for Personnel Interchanges between the Government and Private Entities)

第十八条の七 内閣府に、官民人材交流センターを置く。

Article 18-7 (1) The Center for Personnel Interchanges between the Government and Private Entities is established within the Cabinet Office.

2 官民人材交流センターは、この法律及び他の法律の規定によりその権限に属させられた事項を処理する。

(2) The Center for Personnel Interchanges between the Government and Private Entities deals with particulars belonging to its authority pursuant to the provisions of this Act and other laws.

3 官民人材交流センターの長は、官民人材交流センター長とし、内閣官房長官をもつて充てる。

(3) The Chief Cabinet Secretary serves as the Head of the Center for Personnel Interchanges between the Government and Private Entities.

4 官民人材交流センター長は、官民人材交流センターの事務を統括する。

(4) The Head of the Center for Personnel Interchanges between the Government and Private Entities superintends the affairs of the Center for Personnel Interchanges between the Government and Private Entities.

5 官民人材交流センター長は、官民人材交流センターの所掌事務を遂行するために必要があると認めるときは、関係行政機関の長に対し、資料の提出、意見の開陳、説明その他必要な協力を求め、又は意見を述べることができる。

(5) The Head of the Center for Personnel Interchanges between the Government and Private Entities may ask the heads of the relevant administrative organs for the submission of materials, expression of opinions, explanations and other necessary cooperation, or state their own opinion if they find it necessary for performing functions under the jurisdiction of the Center.

6 官民人材交流センターに、官民人材交流副センター長を置く。

(6) The Center for Personnel Interchanges between the Government and Private Entities has Deputy Head of the Center.

7 官民人材交流副センター長は、官民人材交流センター長の職務を助ける。

(7) The Deputy Head of the Center for Personnel Interchanges between the Government and Private Entities assists with the duties of the Head of the Center.

8 官民人材交流センターに、所要の職員を置く。

(8) The Center for Personnel Interchanges between the Government and Private Entities has necessary officials.

9 内閣総理大臣は、官民人材交流センターの所掌事務の全部又は一部を分掌させるため、所要の地に、官民人材交流センターの支所を置くことができる。

(9) The Prime Minister may establish branch offices of the Center for Personnel Interchanges between the Government and Private Entities at necessary locations, in order to allot all or part of the functions under the jurisdiction of the Center.

10 第三項から前項までに定めるもののほか、官民人材交流センターの組織に関し必要な事項は、政令で定める。

(10) Beyond what is provided for in paragraph (3) through the preceding paragraph, any important particulars concerning the organization of the Center for Personnel Interchanges between the Government and Private Entities are specified by Cabinet Order.

(人事記録)

(Personnel Records)

第十九条 内閣総理大臣は、職員の人事記録に関することを管理する。

Article 19 (1) The Prime Minister administers particulars concerning personnel records of the officials.

2 内閣総理大臣は、内閣府、デジタル庁、各省その他の機関をして、当該機関の職員の人事に関する一切の事項について、人事記録を作成し、これを保管せしめるものとする。

(2) The Prime Minister is to have the Cabinet Office, Digital Agency, the ministries and other government organs prepare and retain personnel records inclusive of all particulars related to the personnel affairs of officials of the government organs.

3 人事記録の記載事項及び様式その他人事記録に関し必要な事項は、政令でこれを定める。

(3) The particulars to be entered in personnel records, the form thereof, and other necessary particulars concerning personnel records are specified by Cabinet Order.

4 内閣総理大臣は、内閣府、デジタル庁、各省その他の機関によつて作成保管された人事記録で、前項の規定による政令に違反すると認めるものについて、その改訂を命じ、その他所要の措置をなすことができる。

(4) When it is found that the personnel records prepared and retained by the Cabinet Office, Digital Agency or the ministries or other government organs contravene Cabinet Order under the provisions of the preceding paragraph, the Prime Minister may order their revisions and take other necessary measures.

(統計報告)

(Statistical Reports)

第二十条 内閣総理大臣は、政令の定めるところにより、職員の在職関係に関する統計報告の制度を定め、これを実施するものとする。

Article 20 (1) The Prime Minister is to, as specified by Cabinet Orders, provide for and implement a system of statistical reports concerning the composition of officials.

2 内閣総理大臣は、前項の統計報告に関し必要があるときは、関係庁に対し随時又は定期に一定の形式に基いて、所要の報告を求めることができる。

(2) If it is necessary in connection with the statistical reports referred to in the preceding paragraph, the Prime Minister may request any government agency concerned to submit required reports as needed or periodically in a specified format.

(権限の委任)

(Delegation of Authority)

第二十一条 人事院又は内閣総理大臣は、それぞれ人事院規則又は政令の定めるところにより、この法律に基づく権限の一部を他の機関をして行なわせることができる。この場合においては、人事院又は内閣総理大臣は、当該事務に関し、他の機関の長を指揮監督することができる。

Article 21 The National Personnel Authority or the Prime Minister may delegate part of the authority under this Act to other government organs, as provided for by the Rules of the National Personnel Authority or Cabinet Order respectively. In such cases, the National Personnel Authority or the Prime Minister may direct and supervise the heads of those organs with regard to the affairs.

(人事行政改善の勧告)

(Recommendations for Improvement of Personnel Administration)

第二十二条 人事院は、人事行政の改善に関し、関係大臣その他の機関の長に勧告することができる。

Article 22 (1) The National Personnel Authority may make recommendations to the relevant ministers or heads of other government organs concerning improvements in personnel administration.

2 前項の場合においては、人事院は、その旨を内閣に報告しなければならない。

(2) In the case referred to in the preceding paragraph, the National Personnel Authority must report to the Cabinet to that effect.

(法令の制定改廃に関する意見の申出)

(Submission of Opinions on Enactment, Amendment or Repeal of Laws and Regulations)

第二十三条 人事院は、この法律の目的達成上、法令の制定又は改廃に関し意見があるときは、その意見を国会及び内閣に同時に申し出なければならない。

Article 23 The National Personnel Authority must, in order to achieve the purpose of this Act, if it has opinions concerning the enactment or amendment or repeal of laws and regulations, submit the opinions to the Diet and to the Cabinet simultaneously.

(人事院規則の制定改廃に関する内閣総理大臣からの要請)

(Requests from the Prime Minister Regarding Enactment, Amendment or Repeal of the Rules of the National Personnel Authority)

第二十三条の二 内閣総理大臣は、この法律の目的達成上必要があると認めるときは、人事院に対し、人事院規則を制定し、又は改廃することを要請することができる。

Article 23-2 (1) The Prime Minister may request the National Personnel Authority to enact, amend or repeal the Rules of the National Personnel Authority if the Prime Minister finds it necessary in order to achieve the purpose of this Act.

2 内閣総理大臣は、前項の規定による要請をしたときは、速やかに、その内容を公表するものとする。

(2) The Prime Minister is to make public the content of a request promptly if the Prime Minister makes a request under the provisions of the preceding paragraph.

(業務の報告)

(Report on Business)

第二十四条 人事院は、毎年、国会及び内閣に対し、業務の状況を報告しなければならない。

Article 24 (1) The National Personnel Authority must report annually to the Diet and the Cabinet on the state of its business.

2 内閣は、前項の報告を公表しなければならない。

(2) The Cabinet must make public the report referred to in the preceding paragraph.

(人事管理官)

(Personnel Managers)

第二十五条 内閣府、デジタル庁及び各省並びに政令で指定するその他の機関には、人事管理官を置かなければならない。

Article 25 (1) The Cabinet Office, Digital Agency, the ministries and other government organs as designated by Cabinet Order, must have a personnel manager.

2 人事管理官は、人事に関する部局の長となり、前項の機関の長を助け、人事に関する事務を掌る。この場合において、人事管理官は、中央人事行政機関との緊密な連絡



及びこれに対する協力につとめなければならない。

(2) A personnel manager is the head of the bureau in charge of personnel affairs, assists the head of the government organ referred to in the preceding paragraph, and takes charge of affairs pertaining to personnel affairs. In this case, a personnel manager must maintain close liaison and cooperate with central personnel agencies.

第二十六条 削除

Article 26 Deleted.

### 第三章 職員に適用される基準

#### Chapter III Standards Applicable to Officials

##### 第一節 通則

##### Section 1 General Rules

(平等取扱いの原則)

(Principle of Equal Treatment)

第二十七条 全て国民は、この法律の適用について、平等に取り扱われ、人種、信条、性別、社会的身分、門地又は第三十八条第四号に該当する場合を除くほか政治的意見若しくは政治的所属関係によつて、差別されてはならない。

Article 27 In the application of this Act, all citizens are accorded equal treatment and must not be discriminated against due to race, creed, sex, social status, family origin; or due to political opinions or affiliations other than those which fall under Article 38, item (iv).

(人事管理の原則)

(Principle of Personnel Management)

第二十七条の二 職員の採用後の任用、給与その他の人事管理は、職員の採用年次、合格した採用試験の種類及び第六十一条の九第二項第二号に規定する課程対象者であるか否か又は同号に規定する課程対象者であつたか否かにとらわれてはならず、この法律に特段の定めがある場合を除くほか、人事評価に基づいて適切に行われなければならない。

Article 27-2 Appointment, remuneration and other personnel management of officials after initial appointment must not be bound by the officials' seniority, the type of recruitment examination they passed and whether they are or were persons subject to courses prescribed in Article 61-9, paragraph (2), item (ii), and must be conducted appropriately based on personnel evaluation, except as otherwise provided for in this Act.

(情勢適応の原則)

(Principle of Meeting Changing Conditions)

第二十八条 この法律及び他の法律に基づいて定められる職員の給与、勤務時間その他勤務条件に関する基礎事項は、国会により社会一般の情勢に適應するように、随時これを変更することができる。その変更に関しては、人事院においてこれを勧告することを怠つてはならない。

Article 28 (1) The fundamental particulars concerning remuneration, working hours and other working conditions of officials to be established based on this Act and other laws may be changed at any time by the Diet to bring them into accord with general conditions in society as a whole. The National Personnel Authority must not fail to recommend such changes.

2 人事院は、毎年、少くとも一回、俸給表が適當であるかどうかについて国会及び内閣に同時に報告しなければならない。給与を決定する諸条件の変化により、俸給表に定める給与を百分の五以上増減する必要が生じたと認められるときは、人事院は、その報告にあわせて、国会及び内閣に適當な勧告をしなければならない。

(2) The National Personnel Authority must report to the Diet and the Cabinet simultaneously on the propriety of the current salary schedules at least once a year. When it is found that changes in conditions affecting the determination of salaries requires an increase or decrease in salaries provided for in the salary schedules by 5 % or more, the National Personnel Authority, with such report thereon, must make appropriate recommendations to the Diet and the Cabinet.

第二十九条 削除

Article 29 Deleted.

第三十条 削除

Article 30 Deleted.

第三十一条 削除

Article 31 Deleted.

第三十二条 削除

Article 32 Deleted.

## 第二節 採用試験及び任免

### Section 2 Recruitment Examination, Appointment and Dismissal

(任免の根本基準)

(Basic Standards for Appointment and Dismissal)

第三十三条 職員の任用は、この法律の定めるところにより、その者の受験成績、人事評価又はその他の能力の実証に基づいて行わなければならない。

Article 33 (1) Appointment of an official must be made entirely based on the person's examination results, the person's personnel evaluation or other

demonstrated abilities, as provided for by this Act.

2 前項に規定する根本基準の実施に当たっては、次に掲げる事項が確保されなければならない。

(2) In enforcing the basic standards provided for in the preceding paragraph, the following particulars must be secured:

一 職員の公正な任用

(i) fair appointment of officials;

二 行政需要の変化に対応するために行う優れた人材の養成及び活用

(ii) cultivation and utilization of excellent personnel conducted in order to deal with changes of demand for administrative services.

3 職員の免職は、法律に定める事由に基づいてこれを行わなければならない。

(3) Dismissal of an official must be based on grounds as provided for in laws.

4 第一項に規定する根本基準の実施につき必要な事項であつて第二項第一号に掲げる事項の確保に関するもの及び前項に規定する根本基準の実施につき必要な事項は、この法律に定めのあるものを除いては、人事院規則でこれを定める。

(4) Particulars necessary for enforcing the basic standards provided for in paragraph (1) concerning securing the particulars set forth in paragraph (2), item (i) and particulars necessary for enforcing the basic standards provided for in the preceding paragraph are prescribed by the Rules of the National Personnel Authority, except those provided for in this Act.

第三十三条の二 第五十四条第一項に規定する採用昇任等基本方針には、前条第一項に規定する根本基準の実施につき必要な事項であつて同条第二項第二号に掲げる事項の確保に関するものとして、職員の採用、昇任、降任及び転任に関する制度の適切かつ効果的な運用の確保に資する基本的事項を定めるものとする。

Article 33-2 The basic policy on initial appointment, promotion, etc. provided for in Article 54, paragraph (1) is to provide basic particulars that contribute to securing appropriate and effective operation of the system concerning initial appointment, promotion, demotion and transfer of officials, as particulars necessary for enforcing the basic standards provided for in paragraph (1) of the preceding Article that are related to securing the particulars set forth in paragraph (2), item (ii) of the same Article.

## 第一款 通則

### Subsection 1 General Rules

(定義)

(Definitions)

第三十四条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

Article 34 (1) In this Act, the meanings of the terms set forth in the following

items are prescribed respectively in those items:

一 採用 職員以外の者を官職に任命すること（臨時的任用を除く。）をいう。

(i) initial appointment: appointing a person other than an official to a government position (excluding temporary appointment).

二 昇任 職員をその職員が現に任命されている官職より上位の職制上の段階に属する官職に任命することをいう。

(ii) promotion: appointing an official to a government position of a higher level of the classified job ladder than the one which the official is currently appointed to.

三 降任 職員をその職員が現に任命されている官職より下位の職制上の段階に属する官職に任命することをいう。

(iii) demotion: appointing an official to a government position of a lower level of the classified job ladder than the one which the official is currently appointed to.

四 転任 職員をその職員が現に任命されている官職以外の官職に任命することであつて前二号に定めるものに該当しないものをいう。

(iv) transfer: appointing an official to a government position other than the government position which the official is currently appointed to, that does not fall under those provided for in the preceding two items.

五 標準職務遂行能力 職制上の段階の標準的な官職の職務を遂行する上で発揮することが求められる能力として内閣総理大臣が定めるものをいう。

(v) ability to perform standard duties: ability specified by the Prime Minister as that is required to be shown in the course of carrying out duties of the standard government position of the classified job ladder.

六 幹部職員 内閣府設置法（平成十一年法律第八十九号）第五十条若しくは国家行政組織法第六条に規定する長官、同法第十八条第一項に規定する事務次官若しくは同法第二十一条第一項に規定する局長若しくは部長の官職又はこれらの官職に準ずる官職であつて政令で定めるもの（以下「幹部職」という。）を占める職員をいう。

(vi) executive officials: officials who hold the government position of director-general provided for in Article 50 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or Article 6 of the National Government Organization Act or administrative vice-minister provided for in Article 18, paragraph (1) of the same Act or director-general of the bureau or director-general of the department as provided for in Article 21, paragraph (1) of the same Act or an equivalent position specified by Cabinet Order (hereinafter referred to as "executive service").

七 管理職員 国家行政組織法第二十一条第一項に規定する課長若しくは室長の官職又はこれらの官職に準ずる官職であつて政令で定めるもの（以下「管理職」という。）を占める職員をいう。

(vii) managerial officials: officials who hold the government position of director of a division or a director of an office as provided for in Article 21, paragraph

(1) of the National Government Organization Act or an equivalent position specified by Cabinet Order (hereinafter referred to as "managerial service").

2 前項第五号の標準的な官職は、係員、係長、課長補佐、課長その他の官職とし、職制上の段階及び職務の種類に応じ、政令で定める。

(2) The standard government positions referred to in item (v) of the preceding paragraph are officers, unit chiefs, assistant directors, directors and other government positions, and are specified by Cabinet Order in accordance with the classified job ladder and the types of official duties.

(欠員補充の方法)

(Method of Filling Vacancies)

第三十五条 官職に欠員を生じた場合においては、その任命権者は、法律又は人事院規則に別段の定のある場合を除いては、採用、昇任、降任又は転任のいずれか一の方法により、職員を任命することができる。但し、人事院が特別の必要があると認めて任命の方法を指定した場合は、この限りではない。

Article 35 When a government position becomes vacant, its appointer, except as otherwise provided for by laws or by the Rules of the National Personnel Authority, may appoint an official through any one of initial appointment, promotion, demotion or transfer; provided, however, that this does not apply when the National Personnel Authority finds special necessity to and designates the method of appointment.

(採用の方法)

(Method of Initial Appointment)

第三十六条 職員の採用は、競争試験によるものとする。ただし、係員の官職（第三十四条第二項に規定する標準的な官職が係員である職制上の段階に属する官職その他これに準ずる官職として人事院規則で定めるものをいう。第四十五条の二第一項において同じ。）以外の官職に採用しようとする場合又は人事院規則で定める場合には、競争試験以外の能力の実証に基づく試験（以下「選考」という。）の方法によることを妨げない。

Article 36 Initial appointment of officials is to be made through competitive examinations; provided, however, that when an appointer intends to initially appoint someone to a government position other than that of an officer (a government position belonging to the classified job ladder whose standard government position provided for in Article 34, paragraph (2) is an officer and other equivalent government positions provided for by the Rules of the National Personnel Authority; the same applies for Article 45-2, paragraph (1)) or when it is provided for by the Rules of the National Personnel Authority, these provisions do not preclude the appointment by means of examinations based on demonstrated abilities other than through competitive examinations (hereinafter referred to as "selection").

第三十七条 削除

Article 37 Deleted.

(欠格条項)

(Provisions for Disqualification)

第三十八条 次の各号のいずれかに該当する者は、人事院規則で定める場合を除くほか、官職に就く能力を有しない。

Article 38 No person falling under any of the following items may be eligible to assume a government position except as provided for by the Rules of the National Personnel Authority:

一 禁錮以上の刑に処せられ、その執行を終わるまで又はその執行を受けることがなくなるまでの者

(i) a person who has been sentenced to imprisonment without work or a severer punishment, and of whom the execution of the sentence has not been completed or to whom the sentence still applies;

二 懲戒免職の処分を受け、当該処分の日から二年を経過しない者

(ii) a person who was dismissed by a disciplinary action and for whom period of two years has not expired since the day of that disposition;

三 人事院の人事官又は事務総長の職にあつて、第九十九条から第一百二十二条までに規定する罪を犯し、刑に処せられた者

(iii) a person who has committed a crime provided for in Articles 109 through 112 when the person served as Commissioner or Secretary-General of the National Personnel Authority, and has been punished;

四 日本国憲法施行の日以後において、日本国憲法又はその下に成立した政府を暴力で破壊することを主張する政党その他の団体を結成し、又はこれに加入した者

(iv) a person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or other organizations which advocated the overthrow by force of the Constitution of Japan or the government established thereunder.

(人事に関する不法行為の禁止)

(Prohibition of Illegal Acts Concerning Personnel Affairs)

第三十九条 何人も、次の各号のいずれかに該当する事項を実現するために、金銭その他の利益を授受し、提供し、要求し、若しくは授受を約束したり、脅迫、強制その他これに類する方法を用いたり、直接たると間接たるとを問わず、公の地位を利用し、又はその利用を提供し、要求し、若しくは約束したり、あるいはこれらの行為に関与してはならない。

Article 39 No person, for the purpose of realizing any cases that fall under any of the following items, may pay or receive, offer, demand, or promise to pay or receive money or other interest, use intimidation, compulsion or any other

similar methods, directly or indirectly utilize or offer, demand or promise to utilize their public status, or in any way participate in such acts:

一 退職若しくは休職又は任用の不承諾

(i) retirement or administrative leave, or failure to accept appointment;

二 採用のための競争試験（以下「採用試験」という。）若しくは任用の志望の撤回又は任用に対する競争の中止

(ii) revocation of their application for a competitive examination for initial appointment (hereinafter referred to as "recruitment examination") or appointment, or suspension of competition for appointment;

三 任用、昇給、留職その他官職における利益の実現又はこれらのことの推薦

(iii) realizing or recommending appointment, salary increase, retention or other interest concerning a government position.

（人事に関する虚偽行為の禁止）

**(Prohibition of Fraud Concerning Personnel Affairs)**

第四十条 何人も、採用試験、選考、任用又は人事記録に関して、虚偽又は不正の陳述、記載、証明、採点、判断又は報告を行つてはならない。

Article 40 No person may make any false or wrongful statement, entry, certification, scoring, appraisal or report with regard to a recruitment examination, selection, appointment or personnel records.

（受験又は任用の阻害及び情報提供の禁止）

**(Prohibition against Impeding Taking Examination or Appointment or Providing Information)**

第四十一条 試験機関に属する者その他の職員は、受験若しくは任用を阻害し、又は受験若しくは任用に不当な影響を与える目的を以て特別若しくは秘密の情報を提供してはならない。

Article 41 No person belonging to any examining body or other officials may impede the taking of an examination, or appointment, or provide any special or confidential information for the purpose of exerting unjust influence on the taking of examinations or appointment.

## 第二款 採用試験

### Subsection 2 Recruitment Examination

（採用試験の実施）

**(Holding Recruitment Examinations)**

第四十二条 採用試験は、この法律に基づく命令で定めるところにより、これを行う。

Article 42 Recruitment examinations are held as provided for by orders based on this Act.

(受験の欠格条項)

**(Disqualification for Taking Examinations)**

第四十三条 第四十四条に規定する資格に関する制限の外、官職に就く能力を有しない者は、受験することができない。

Article 43 Persons who are ineligible due to lack of qualifications prescribed in Article 44 or who otherwise are ineligible to assume a government position may not compete in examinations.

(受験の資格要件)

**(Eligibility Requirements for Taking Examinations)**

第四十四条 人事院は、人事院規則により、受験者に必要な資格として官職に応じ、その職務の遂行に欠くことのできない最小限度の客観的且つ画一的な要件を定めることができる。

Article 44 The National Personnel Authority may, by the Rules of the National Personnel Authority, provide for the minimum objective and uniform requirements indispensable to the performance of duties in accordance with government positions as the necessary qualifications for examinees.

(採用試験の内容)

**(Content of Recruitment Examinations)**

第四十五条 採用試験は、受験者が、当該採用試験に係る官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び当該採用試験に係る官職についての適性を有するかどうかを判定することをもってその目的とする。

Article 45 The purpose of recruitment examinations is to determine whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder for which the recruitment examination is being held, and aptitude required for the position for which the recruitment examination is being held.

(採用試験における対象官職及び種類並びに採用試験により確保すべき人材)

**(Government Positions Pertaining to Recruitment Examinations, Types of Recruitment Examinations and Human Resources to Be Secured by Recruitment Examinations)**

第四十五条の二 採用試験は、次に掲げる官職を対象として行うものとする。

Article 45-2 (1) Recruitment examinations are to be held for government positions listed below:

一 係員の官職のうち、政策の企画及び立案又は調査及び研究に関する事務をその職務とする官職その他これらに類する官職であつて政令で定めるもの（第三号に掲げるものを除く。）

(i) government positions whose duties are affairs concerning the planning of policies, or research and study, and other similar government positions



specified by Cabinet Order among those of an officer (excluding those set forth in item (iii));

二 定型的な事務をその職務とする係員の官職その他の係員の官職（前号及び次号に掲げるものを除く。）

(ii) government positions whose duties are clerical work and other government positions of an officer (excluding those set forth in the preceding item and the following item);

三 係員の官職のうち、特定の行政分野に係る専門的な知識を必要とする事務をその職務とする官職として政令で定めるもの

(iii) government positions specified by Cabinet Order as government positions whose duties are affairs that need expert knowledge on a specific administrative field among those of an officer;

四 係員の官職より上位の職制上の段階に属する官職のうち、民間企業における実務の経験その他これに類する経験を有する者を採用することが適当なものとして政令で定めるもの

(iv) government positions specified by Cabinet Order as those appropriate to initially appoint a person with experience in private enterprises or other similar experience among government belonging to positions higher classified job ladder than those of an officer.

2 採用試験の種類は、次に掲げるとおりとする。

(2) Types of recruitment examinations are listed below:

一 総合職試験（前項第一号に掲げる官職への採用を目的とした競争試験をいう。）であつて、一定の範囲の知識、技術その他の能力（以下この項において「知識等」という。）を有する者として政令で定めるものごとに、受験者が同号に掲げる官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び同号に掲げる官職についての適性を有するかどうかを判定することを目的として行うそれぞれの採用試験

(i) each recruitment examination called the examination for comprehensive service positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (i) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, technology and other abilities (hereinafter referred to as "knowledge, etc." in this paragraph);

二 一般職試験（前項第二号に掲げる官職への採用を目的とした競争試験をいう。）であつて、一定の範囲の知識等を有する者として政令で定めるものごとに、受験者が同号に掲げる官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力

及び同号に掲げる官職についての適性を有するかどうかを判定することを目的として行うそれぞれの採用試験

(ii) each recruitment examination called the examination for general service positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (ii) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government positions of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, etc.;

三 専門職試験（前項第三号に掲げる官職への採用を目的とした競争試験をいう。）であつて、同号に規定する特定の行政分野に応じて一定の範囲の知識等を有する者として政令で定めるものごとに、受験者が同号に掲げる官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び同号に掲げる官職についての適性を有するかどうかを判定することを目的として行うそれぞれの採用試験

(iii) each recruitment examination called the examination for specialist positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (iii) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, etc. in response to a specific administrative field prescribed in the same item;

四 経験者採用試験（前項第四号に掲げる官職への採用を目的とした競争試験をいう。）であつて、同号に規定する職制上の段階その他の官職に係る分類に応じて一定の範囲の知識等を有する者として政令で定めるものごとに、受験者が同号に掲げる官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び同号に掲げる官職についての適性を有するかどうかを判定することを目的として行うそれぞれの採用試験

(iv) each recruitment examination called the examination for experienced personnel (meaning a competitive examination to initially appoint persons to government positions set forth in item (iv) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those who have a certain range of knowledge, etc. in response to the classified job

ladder and other classification of government positions prescribed in the same item;

3 採用試験により確保すべき人材に関する事項は、前項各号に掲げる採用試験の種類ごとに、政令で定める。

(3) Particulars concerning human resources to be secured by recruitment examinations are specified by Cabinet Order for each type of recruitment examination set forth in the items of the preceding paragraph.

4 前三項の政令は、人事院の意見を聴いて定めるものとする。

(4) The Cabinet Order referred to in the preceding three paragraphs is to be specified after hearing the opinions of the National Personnel Authority.

(採用試験の方法等)

(Method of Recruitment Examinations)

第四十五条の三 採用試験の方法、試験科目、合格者の決定の方法その他採用試験に関する事項については、この法律に定めのあるものを除いては、前条第二項各号に掲げる採用試験の種類に応じ、人事院規則で定める。

Article 45-3 The method of recruitment examinations, subjects of examination, method of determination of successful candidates and other particulars concerning recruitment examinations are prescribed by the Rules of the National Personnel Authority in accordance with each type of recruitment examination set forth in the items of paragraph (2) of the preceding Article, except those provided for in this Act.

(採用試験の公開平等)

(Recruitment Examinations to Be Open and Equal)

第四十六条 採用試験は、人事院規則の定める受験の資格を有するすべての国民に対して、平等の条件で公開されなければならない。

Article 46 Recruitment examinations must be open on equal conditions to all citizens who are qualified to take the examination as provided for by the Rules of the National Personnel Authority.

(採用試験の告知)

(Announcement of Recruitment Examinations)

第四十七条 採用試験の告知は、公告によらなければならない。

Article 47 (1) Announcement of recruitment examinations must be made by public notice.

2 前項の告知には、その採用試験に係る官職についての職務及び責任の概要及び給与、受験の資格要件、採用試験の時期及び場所、願書の入手及び提出の場所、時期及び手続その他の必要な受験手続並びに人事院が必要と認めるその他の注意事項を記載するものとする。

(2) The announcement referred to in the preceding paragraph is to state the

outline of the duties and responsibilities, and the remuneration of the government positions pertaining to the recruitment examination, the requisite qualifications for taking the examination, the time and place of the recruitment examination, where, when and how application forms may be secured and submitted, and other qualifying procedures which are observed, and other related information which the National Personnel Authority finds necessary to provide.

3 第一項の規定による公告は、人事院規則の定めるところにより、受験の資格を有するすべての者に対し、受験に必要な事項を周知させることができるように、これを行わなければならない。

(3) The public notice under the provisions of paragraph (1), as provided for by the Rules of the National Personnel Authority, must be given publicity in such a way that all details necessary for taking the examination may become widely known to all persons qualified for taking the examination.

4 人事院は、受験の資格を有すると認められる者が受験するように、常に努めなければならない。

(4) The National Personnel Authority must endeavor at all times to secure the participation of persons deemed qualified to take examinations.

5 人事院は、公告された採用試験又は実施中の採用試験を、取り消し又は変更することができる。

(5) Recruitment examinations announced or in progress may be rescinded or changed by the National Personnel Authority.

(試験機関)

(Examining Bodies)

第四十八条 採用試験は、人事院規則の定めるところにより、人事院の定める試験機関が、これを行う。

Article 48 Recruitment examinations are, as provided for by the Rules of the National Personnel Authority, conducted by examining bodies designated by the National Personnel Authority.

(採用試験の時期及び場所)

(Time and Place of Recruitment Examinations)

第四十九条 採用試験の時期及び場所は、国内の受験資格者が、無理なく受験することができるように、これを定めなければならない。

Article 49 The time and place of recruitment examinations must be decided on so that they are accessible within reason for any person qualified to take them within Japan.

### 第三款 採用候補者名簿

#### Subsection 3 Lists of Candidates for Initial Appointment

(名簿の作成)

**(Preparation of Lists)**

第五十条 採用試験による職員の採用については、人事院規則の定めるところにより、採用候補者名簿を作成するものとする。

**Article 50** With regard to initial appointment of officials by recruitment examinations, a list of candidates for initial appointment is to be prepared as provided for by the Rules of the National Personnel Authority.

(採用候補者名簿に記載される者)

**(Persons to Be Entered into the List of Candidates for Initial Appointment)**

第五十一条 採用候補者名簿には、当該官職に採用することができる者として、採用試験において合格点以上を得た者の氏名及び得点を記載するものとする。

**Article 51** The names and examination scores of persons who have achieved a passing score or better in recruitment examinations are to be entered into the list of candidates for initial appointment as those eligible to be appointed for the government positions concerned.

(名簿の閲覧)

**(Inspection of Lists)**

第五十二条 採用候補者名簿は、受験者、任命権者その他関係者の請求に応じて、常に閲覧に供されなければならない。

**Article 52** The list of candidates for initial appointment must be available for inspection at all times upon request by the examinees, appointers, and other persons concerned.

(名簿の失効)

**(Invalidation of Lists)**

第五十三条 採用候補者名簿が、その作成後一年以上を経過したとき、又は人事院の定める事由に該当するときは、いつでも、人事院は、任意に、これを失効させることができる。

**Article 53** The National Personnel Authority may, at its discretion, invalidate lists of candidates for initial appointment when one year or more has passed since the lists were prepared, or at any time due to one of the reasons specified by the National Personnel Authority.

**第四款 任用**

**Subsection 4 Appointment**

(採用昇任等基本方針)

**(Basic Policy on Initial Appointment, Promotion)**

第五十四条 内閣総理大臣は、公務の能率的な運営を確保する観点から、あらかじめ、次条第一項に規定する任命権者及び法律で別に定められた任命権者と協議して職員の採用、昇任、降任及び転任に関する制度の適切かつ効果的な運用を確保するための基本的な方針（以下「採用昇任等基本方針」という。）の案を作成し、閣議の決定を求めなければならない。

Article 54 (1) The Prime Minister must, from the viewpoint of securing the efficient performance of public duties, prepare a proposal of a basic policy to secure appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials (hereinafter referred to as the "basic policy on initial appointment, promotion, etc.") through consultation in advance with appointers provided for in paragraph (1) of the following Article or appointers provided for in laws, and request a Cabinet decision.

2 採用昇任等基本方針には、第三十三条の二に規定する基本的事項のほか、次に掲げる事項を定めるものとする。

- (2) Beyond basic particulars provided for in Article 33-2, the basic policy on initial appointment, promotion, etc. is to prescribe the following particulars:
- 一 職員の採用、昇任、降任及び転任に関する制度の適切かつ効果的な運用に関する基本的な指針
    - (i) basic guidelines for appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials;
    - 二 第五十六条の採用候補者名簿による採用及び第五十七条の選考による採用に関する指針
      - (ii) guidelines for initial appointment from the list of candidates for initial appointment referred to in Article 56 and initial appointment by means of selection referred to in Article 57;
      - 三 第五十八条の昇任及び転任に関する指針
        - (iii) guidelines for promotion and transfer referred to in Article 58;
        - 四 管理職への任用に関する基準その他の指針
          - (iv) standards concerning appointment to managerial service and other guidelines;
          - 五 任命権者を異にする官職への任用に関する指針
            - (v) guidelines concerning appointment to government positions subject to another appointer;
            - 六 職員の公募（官職の職務の具体的な内容並びに当該官職に求められる能力及び経験を公示して、当該官職の候補者を募集することをいう。次項において同じ。）に関する指針
              - (vi) guidelines concerning a vacancy announcement of officials (meaning announcing vacancies for the government position by publicly notifying specific content of duties of the position, and abilities and experience required for the position; the same applies in the following paragraph);

七 官民の人材交流に関する指針

(vii) guidelines concerning personnel exchange between the government and the private sector;

八 子の養育又は家族の介護を行う職員の状況を考慮した職員の配置その他の措置による仕事と生活の調和を図るための指針

(viii) guidelines for the work-life balance by assignment of officials and other measures taking into consideration the circumstances of those officials taking care of children or other family members;

九 前各号に掲げるもののほか、職員の採用、昇任、降任及び転任に関する制度の適切かつ効果的な運用を確保するために必要な事項

(ix) beyond what is set forth in the preceding items, necessary particulars to secure the appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials.

3 前項第六号の指針を定めるに当たっては、犯罪の捜査その他特殊性を有する職務の官職についての公募の制限に関する事項その他職員の公募の適正を確保するために必要な事項に配慮するものとする。

(3) When stipulating the guidelines referred to in item (vi) of the preceding paragraph, particulars concerning restriction on vacancy announcements of the government positions with duties of criminal investigation and other peculiarities, as well as other particulars required to secure appropriateness of vacancy announcements of officials are to be considered.

4 内閣総理大臣は、第一項の規定による閣議の決定があつたときは、遅滞なく、採用昇任等基本方針を公表しなければならない。

(4) When a Cabinet decision under the provisions of paragraph (1) is made, the Prime Minister must make public the basic policy on initial appointment, promotion, etc. without delay.

5 第一項及び前項の規定は、採用昇任等基本方針の変更について準用する。

(5) The provisions of paragraph (1) and the preceding paragraph apply mutatis mutandis to changes to the basic policy on initial appointment, promotion, etc.

6 任命権者は、採用昇任等基本方針に沿って、職員の採用、昇任、降任及び転任を行わなければならない。

(6) An appointer must execute initial appointment, promotion, demotion, and transfer of officials in accordance with the basic policy on initial appointment, promotion, etc.

(任命権者)

(Appointers)

第五十五条 任命権は、法律に別段の定めのある場合を除いては、内閣、各大臣（内閣総理大臣及び各省大臣をいう。以下同じ。）、会計検査院長及び人事院総裁並びに宮内庁長官及び各外局の長に属するものとする。これらの機関の長の有する任命権は、その部内の機関に属する官職に限られ、内閣の有する任命権は、その直属する機関

(内閣府及びデジタル庁を除く。)に属する官職に限られる。ただし、外局の長(国家行政組織法第七条第五項に規定する実施庁以外の庁にあつては、外局の幹部職)に対する任命権は、各大臣に属する。

Article 55 (1) Unless otherwise provided for by laws, appointive power is to be vested in the Cabinet, each Minister (meaning the Prime Minister and Ministers of each Ministry; the same applies hereinafter), the President of the Board of Audit, the President of the National Personnel Authority, the Grand Steward of the Imperial Household Agency, and the heads of each external bureau. The appointive power held by the head of these organs is restricted to government positions within their organizational structure, while the appointive power of the Cabinet is restricted to government positions within the organizations directly attached to it (excluding the Cabinet Office and Digital Agency); provided, however, that the power to appoint heads of external bureaus (in the case of agencies other than implementing agencies provided for in Article 7, paragraph (5) of the National Government Organization Act, executive service of the external bureaus) is vested in each Minister.

2 前項に規定する機関の長たる任命権者は、幹部職以外の官職(内閣が任命権を有する場合にあつては、幹部職を含む。)の任命権を、その部内の上級の国家公務員(内閣が任命権を有する幹部職にあつては、内閣総理大臣又は国务大臣)に限り委任することができる。この委任は、その効力が発生する日の前に、書面をもつて、これを人事院に提示しなければならない。

(2) The appointer who is the head of an administrative organ provided for in the preceding paragraph may delegate appointive power of government positions other than those of executive service (including executive service when the Cabinet has appointive power) only to a high-ranking national public employee (the Prime Minister or Minister of State in the case of executive service of which the Cabinet has appointive power) within the organ. All such delegations must be presented to the National Personnel Authority in writing in advance of the effective date.

3 この法律、人事院規則及び人事院指令に規定する要件を備えない者は、これを任命し、雇用し、昇任させ若しくは転任させてはならず、又はいかなる官職にも配置してはならない。

(3) No person who has not met the requirements provided for in this Act, the Rules and the Directives of the National Personnel Authority must be appointed, employed, promoted or transferred or assigned to any government position.

(採用候補者名簿による採用)

(Initial Appointment from the List of Candidates for Initial Appointment)

第五十六条 採用候補者名簿による職員の採用は、任命権者が、当該採用候補者名簿に記載された者の中から、面接を行い、その結果を考慮して行うものとする。



Article 56 The initial appointment of an official from a list of candidates for initial appointment is to be made by the appointer, taking into consideration the result of an interview conducted by an appointer for a person on the list.

(選考による採用)

(Initial Appointment by Means of Selection)

第五十七条 選考による職員の採用（職員の幹部職への任命に該当するものを除く。）は、任命権者が、任命しようとする官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び当該任命しようとする官職についての適性を有すると認められる者の中から行うものとする。

Article 57 The initial appointment of an official by means of selection (excluding those falling under appointment to executive service) is to be made by the appointer from among persons who are found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled, and aptitude required for the position to be filled.

(昇任、降任及び転任)

(Promotion, Demotion and Transfer)

第五十八条 職員の昇任及び転任（職員の幹部職への任命に該当するものを除く。）は、任命権者が、職員の人事評価に基づき、任命しようとする官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び当該任命しようとする官職についての適性を有すると認められる者の中から行うものとする。

Article 58 (1) The promotion and transfer of an official (excluding those falling under appointment to executive service) are to be made by the appointer, based on the personnel evaluation, from among persons who are found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

2 任命権者は、職員を降任させる場合（職員の幹部職への任命に該当する場合を除く。）には、当該職員の人事評価に基づき、任命しようとする官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び当該任命しようとする官職についての適性を有すると認められる官職に任命するものとする。

(2) When an appointer demotes an official (excluding cases falling under appointment to executive service), the appointer is to appoint the official, based on the personnel evaluation of the official, to a government position which the official is found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

3 国際機関又は民間企業に派遣されていたこと等の事情により、人事評価が行われていない職員の昇任、降任及び転任（職員の幹部職への任命に該当するものを除く。）

については、前二項の規定にかかわらず、任命権者が、人事評価以外の能力の実証に基づき、任命しようとする官職の属する職制上の段階の標準的な官職に係る標準職務遂行能力及び当該任命しようとする官職についての適性を判断して行うことができる。

(3) With regard to the promotion, demotion and transfer of an official (excluding those falling under appointment to executive service) who has not had personnel evaluation due to circumstances such as having been dispatched to an international organization or a private enterprise, notwithstanding the provisions of the preceding two paragraphs, an appointer may promote, demote or transfer the official, based on demonstrated abilities other than those demonstrated by personnel evaluation, to a government position in consideration of the official's ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

(条件付任用)

(Conditional Appointment)

第五十九条 職員の採用及び昇任は、職員であつた者又はこれに準ずる者のうち、人事院規則で定める者を採用する場合その他人事院規則で定める場合を除き、条件付のものとし、職員が、その官職において六月の期間（六月の期間とすることが適当でないと認められる職員として人事院規則で定める職員にあつては、人事院規則で定める期間）を勤務し、その間その職務を良好な成績で遂行したときに、正式のものとなるものとする。

Article 59 (1) The initial appointment and promotion of officials is to be considered conditional, except for the cases where it initially appoints a person who is specified by the Rules of the National Personnel Authority from among the persons who has been an official or other equivalent persons, or where it is otherwise provided for by the Rules of the National Personnel Authority, and to become regular only after the appointee has served in the government position concerned for a period of 6 months (for a period specified by the Rules of the National Personnel Authority when an appointee is prescribed by the Rules of the National Personnel Authority as the appointee for whom a period of 6 months is considered not appropriate) during which the appointee had performed satisfactorily the duties of that position.

2 前項に定めるもののほか、条件付任用に関し必要な事項は、人事院規則で定める。

(2) Beyond what is provided for in the preceding paragraph, the particulars necessary for conditional appointment are prescribed by the Rules of the National Personnel Authority.

(臨時的任用)

(Temporary Appointment)

第六十条 任命権者は、人事院規則の定めるところにより、緊急の場合、臨時の官職に

関する場合又は採用候補者名簿がない場合には、人事院の承認を得て、六月を超えない任期で、臨時的任用を行うことができる。この場合において、その任用は、人事院規則の定めるところにより人事院の承認を得て、六月の期間で、これを更新することができるが、再度更新することはできない。

Article 60 (1) An appointer, as provided for by the Rules of the National Personnel Authority, may effect, with the approval of the National Personnel Authority, temporary appointment with a term of office not exceeding 6 months, in emergencies, in temporary government positions or in instances when a list of candidates for initial appointment does not exist. In such cases, such appointment may, with the approval of the National Personnel Authority as provided for by the Rules of the National Personnel Authority, be renewed for a period of 6 months, but may not be renewed a second time.

2 人事院は、臨時的任用につき、その員数を制限し、又は、任用される者の資格要件を定めることができる。

(2) The National Personnel Authority may, with respect to temporary appointments, limit the number of persons appointed or specify qualifications of persons to be appointed.

3 人事院は、前二項の規定又は人事院規則に違反する臨時的任用を取り消すことができる。

(3) The National Personnel Authority may rescind any temporary appointment which violates the provisions of the preceding two paragraphs or the Rules of the National Personnel Authority.

4 臨時的任用は、任用に際して、いかなる優先権をも与えるものではない。

(4) Temporary appointment does not in any way confer priority for permanent appointment.

5 前各項に定めるもののほか、臨時的に任用された者に対しては、この法律及び人事院規則を適用する。

(5) Beyond what is provided for in the preceding paragraphs, this Act and the Rules of the National Personnel Authority are applied to temporary appointees.

(定年前再任用短時間勤務職員の任用)

(Appointment of Pre-Mandatory-Retirement-Age Reappointed Short-Time Officials)

第六十条の二 任命権者は、年齢六十年に達した日以後にこの法律の規定により退職（臨時的職員その他の法律により任期を定めて任用される職員及び常時勤務を要しない官職を占める職員が退職する場合を除く。）をした者（以下この条及び第八十二条第二項において「年齢六十年以上退職者」という。）又は年齢六十年に達した日以後に自衛隊法（昭和二十九年法律第百六十五号）の規定により退職（自衛官及び同法第四十四条の六第三項各号に掲げる隊員が退職する場合を除く。）をした者（以下この項及び第三項において「自衛隊法による年齢六十年以上退職者」という。）を、人事院規則で定めるところにより、従前の勤務実績その他の人事院規則で定める情報に基

づく選考により、短時間勤務の官職（当該官職を占める職員の一週間当たりの通常の勤務時間が、常時勤務を要する官職でその職務が当該短時間勤務の官職と同種の官職を占める職員の一週間当たりの通常の勤務時間に比し短い時間である官職をいう。以下この項及び第三項において同じ。）（一般職の職員の給与に関する法律別表第十一に規定する指定職俸給表の適用を受ける職員が占める官職及びこれに準ずる行政執行法人の官職として人事院規則で定める官職（第四項及び第六節第一款第二目においてこれらの官職を「指定職」という。）を除く。以下この項及び第三項において同じ。）に採用することができる。ただし、年齢六十年以上退職者又は自衛隊法による年齢六十年以上退職者がこれらの者を採用しようとする短時間勤務の官職に係る定年退職日相当日（短時間勤務の官職を占める職員が、常時勤務を要する官職でその職務が当該短時間勤務の官職と同種の官職を占めているものとした場合における第八十一条の六第一項に規定する定年退職日をいう。次項及び第三項において同じ。）を経過した者であるときは、この限りでない。

Article 60-2 (1) An appointer, as provided for by the Rules of the National Personnel Authority, may initially appoint, by means of selection based on the previous work performance and other information specified by the Rules of the National Personnel Authority, to a short-time government position (meaning a government position where the normal working hours per week of an official who holds the position is shorter than that of an official who holds a full-time position with similar duties; hereinafter the same applies in this paragraph and paragraph (3)) (excluding positions held by an official who is subject to the application of the designated service salary schedule prescribed in Appended Table 11 of the Act on Remuneration of Officials in the Regular Service and those prescribed by the Rules of the National Personnel Authority as equivalent positions of agencies engaged in administrative execution (these positions are referred to as "designated service positions" in paragraph (4) and Section 6, Subsection 1, Division 2); hereinafter the same applies in this paragraph and paragraph (3)) a person who, pursuant to the provisions of this Act, retires (except in cases which temporary officials, other officials appointed with a term of office which is provided for by law, and officials who hold government positions not requiring full-time service retire) on or after the day when the person reaches 60 years of age (hereinafter referred to as a "retiree 60 years of age or older" in this Article and Article 82, paragraph (2)) or a person who, pursuant to the provisions of the Self-Defense Forces Act (Act No. 165 of 1954), retires (except in cases which uniformed members of the self-defense forces or other personnel set forth in any of the items in Article 44-6, paragraph (3) of the same Act retire) on or after the day when the person reaches 60 years of age (hereinafter referred to as a "retiree 60 years of age or older under the Self-Defense Forces Act" in this paragraph and paragraph (3)); provided, however, that this does not apply to a retiree 60 years of age or older or a retiree 60 years of age or older under the Self-Defense Forces Act who has

passed the day equivalent to the mandatory retirement day (meaning the mandatory retirement day prescribed in Article 81-6, paragraph (1), on the assumption that an official holding a short-time government position holds a full-time position with similar duties; the same applies in the following paragraph and paragraph (3)) for the short-time government position to which these retirees are to be initially appointed.

2 前項の規定により採用された職員（以下この条及び第八十二条第二項において「定年前再任用短時間勤務職員」という。）の任期は、採用の日から定年退職日相当日までとする。

(2) The term of office for an official initially appointed pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "pre-mandatory-retirement-age reappointed short-time official" in this Article and Article 82, paragraph (2)) is from the day on which the official is initially appointed to the day equivalent to the mandatory retirement day.

3 任命権者は、年齢六十年以上退職者又は自衛隊法による年齢六十年以上退職者のうちこれらの者を採用しようとする短時間勤務の官職に係る定年退職日相当日を経過していない者以外の者を当該短時間勤務の官職に採用することができず、定年前再任用短時間勤務職員のうち当該定年前再任用短時間勤務職員を昇任し、降任し、又は転任しようとする短時間勤務の官職に係る定年退職日相当日を経過していない定年前再任用短時間勤務職員以外の職員を当該短時間勤務の官職に昇任し、降任し、又は転任することができない。

(3) An appointer may neither initially appoint, from among retirees 60 years of age or older or retirees 60 years of age or older under the Self-Defense Forces Act, persons other than those who have not passed the day equivalent to the mandatory retirement day for the short-time government position to which these persons are to be initially appointed to the short-time government position, nor promote, demote, or transfer, from among pre-mandatory-retirement-age reappointed short-time officials, officials other than pre-mandatory-retirement-age reappointed short-time officials who have not passed the day equivalent to the mandatory retirement day for the short-time government position to which the pre-mandatory-retirement-age reappointed short-time officials are to be promoted, demoted, or transferred to the short-time government position.

4 任命権者は、定年前再任用短時間勤務職員を、指定職又は指定職以外の常時勤務を要する官職に昇任し、降任し、又は転任することができない。

(4) An appointer may not promote, demote, or transfer pre-mandatory-retirement-age reappointed short-time officials to designated service positions or other full-time positions.

#### 第五款 休職、復職、退職及び免職

#### Subsection 5 Administrative Leave, Reinstatement, Retirement and

## Dismissal

(休職、復職、退職及び免職)

(Administrative Leave, Reinstatement, Retirement and Dismissal)

第六十一条 職員の休職、復職、退職及び免職は任命権者が、この法律及び人事院規則に従い、これを行う。

Article 61 The administrative leave, reinstatement, retirement, and dismissal of officials are executed by the appointer, in accordance with this Act and the Rules of the National Personnel Authority.

### 第六款 幹部職員の任用等に係る特例

#### Subsection 6 Special Provisions for Appointment of Executive Officials

(適格性審査及び幹部候補者名簿)

(Eligibility Screening and Executive Candidates List)

第六十一条の二 内閣総理大臣は、次に掲げる者について、政令で定めるところにより、幹部職（自衛隊法第三十条の二第一項第六号に規定する幹部職を含む。第二号及び次項において同じ。）に属する官職（同条第一項第二号に規定する自衛官以外の隊員が占める職を含む。次項及び第六十一条の十一において同じ。）に係る標準職務遂行能力（同法第三十条の二第一項第五号に規定する標準職務遂行能力を含む。次項において同じ。）を有することを確認するための審査（以下「適格性審査」という。）を公正に行うものとする。

Article 61-2 (1) The Prime Minister is to implement a fair screening process (hereafter referred to as "eligibility screening") to confirm whether the persons listed below have the ability to perform standard duties (including the ability to perform standard duties prescribed in Article 30-2, paragraph (1), item (v) of the Self-Defense Forces Act; the same applies in the following paragraph) of the government position (including positions held by personnel other than uniformed members of the self-defense forces prescribed in paragraph (1), item (ii) of the same Article; the same applies in the following paragraph and Article 61-11) belonging to executive service (including executive service prescribed in Article 30-2, paragraph (1), item (vi) of the same Act; the same applies in item (ii) and the following paragraph), as specified by Cabinet Order:

一 幹部職員（自衛隊法第三十条の二第一項第六号に規定する幹部隊員を含む。次号及び第六十一条の九第一項において同じ。）

(i) executive officials (including executive self-defense forces personnel prescribed in Article 30-2, paragraph (1), item (vi) of the Self-Defense Forces Act; the same applies in the following item and Article 61-9, paragraph (1));

二 幹部職員以外の者であつて、幹部職の職責を担うにふさわしい能力を有すると見込まれる者として任命権者（自衛隊法第三十一条第一項の規定により同法第二条第五項に規定する隊員（以下「自衛隊員」という。）の任免について権限を有する者

を含む。第三項及び第四項、第六十一条の六並びに第六十一条の十一において同じ。) が内閣総理大臣に推薦した者

(ii) persons other than executive officials, whom appointers (including those who have power regarding appointment and dismissal of personnel prescribed in Article 2, paragraph (5) of the Self-Defense Forces Act (hereinafter referred to as "self-defense forces personnel") provided for in Article 31, paragraph (1) of the same Act; the same applies in paragraphs (3) and (4) of this Article and Articles 61-6 and 61-11) recommend to the Prime Minister as ones who are expected to have abilities suitable for duties of executive service;

三 前二号に掲げる者に準ずる者として政令で定める者

(iii) persons specified by Cabinet Order as equivalent to persons set forth in the preceding two items.

2 内閣総理大臣は、適格性審査の結果、幹部職に属する官職に係る標準職務遂行能力を有することを確認した者について、政令で定めるところにより、氏名その他政令で定める事項を記載した名簿（以下この条及び次条において「幹部候補者名簿」という。）を作成するものとする。

(2) The Prime Minister is to prepare a list stating the name and other particulars (hereinafter referred to as "executive candidates list" in this Article and the following Article) pertaining to persons who are confirmed to have the ability to perform standard duties of the government position belonging to executive service as a result of the eligibility screening, as specified by Cabinet Order.

3 内閣総理大臣は、任命権者の求めがある場合には、政令で定めるところにより、当該任命権者に対し、幹部候補者名簿を提示するものとする。

(3) When requested by an appointer, the Prime Minister is to present the executive candidates list to the appointer, as specified by Cabinet Order.

4 内閣総理大臣は、政令で定めるところにより、定期的に、及び任命権者の求めがある場合その他必要があると認める場合には随時、適格性審査を行い、幹部候補者名簿を更新するものとする。

(4) The Prime Minister is to implement the eligibility screening and renew the executive candidates list periodically, whenever an appointer requests to implement it and whenever the Prime Minister finds it to be necessary, as specified by Cabinet Order.

5 内閣総理大臣は、前各項の規定による権限を内閣官房長官に委任する。

(5) The Prime Minister delegates the power under the provisions of the preceding paragraphs to the Chief Cabinet Secretary.

6 第一項（第三号を除く。）及び第二項から第四項までの政令は、人事院の意見を聴いて定めるものとする。

(6) Cabinet Order referred to in paragraph (1) (excluding item (iii)) and paragraphs (2) through (4) is to be specified after hearing the opinions of the National Personnel Authority.

(幹部候補者名簿に記載されている者の中からの任用)

(Appointment from among Persons on the Executive Candidates List)

第六十一条の三 選考による職員の採用であつて、幹部職への任命に該当するものは、任命権者が、幹部候補者名簿に記載されている者であつて、当該任命しようとする幹部職についての適性を有すると認められる者の中から行うものとする。

Article 61-3 (1) In the case of initially appointing an official to a position

belonging to executive service by means of selection, an appointer is to appoint an official from among those who are on the executive candidates list and have aptitude required for the position belonging to executive service.

2 職員の昇任及び転任であつて、幹部職への任命に該当するものは、任命権者が、幹部候補者名簿に記載されている者であつて、職員の人事評価に基づき、当該任命しようとする幹部職についての適性を有すると認められる者の中から行うものとする。

(2) In the case of promoting or transferring an official to a position belonging to executive service, an appointer is to promote or transfer an official from among those who are on the executive candidates list and have aptitude required for the position belonging to the executive service based on the official's personnel evaluation.

3 任命権者は、幹部候補者名簿に記載されている職員の降任であつて、幹部職への任命に該当するものを行う場合には、当該職員の人事評価に基づき、当該任命しようとする幹部職についての適性を有すると認められる幹部職に任命するものとする。

(3) In the case of demoting an official on the executive candidates list to a position belonging to the executive service, an appointer is to appoint an official to a position belonging to the executive service for which the person has aptitude based on the official's personnel evaluation.

4 国際機関又は民間企業に派遣されていたこと等の事情により人事評価が行われていない職員のうち、幹部候補者名簿に記載されている者の昇任、降任又は転任であつて、幹部職への任命に該当するものについては、任命権者が、前二項の規定にかかわらず、人事評価以外の能力の実証に基づき、当該任命しようとする幹部職についての適性を判断して行うことができる。

(4) In the case of promoting, demoting or transferring to a position belonging to the executive service, an official on the executive candidates list who has not had personnel evaluation due to circumstances such as having been dispatched to an international organization or a private enterprise, notwithstanding the provisions of the preceding two paragraphs, an appointer may promote, demote or transfer the official, based on demonstrated abilities other than those demonstrated by personnel evaluation, to a position belonging to the executive service in consideration of the aptitude of the official to the executive service.

(内閣総理大臣及び内閣官房長官との協議に基づく任用等)

(Appointment Based on Consultation with Prime Minister and Chief Cabinet



Secretary)

第六十一条の四 任命権者は、職員の選考による採用、昇任、降任及び転任であつて幹部職への任命に該当するもの、幹部職員の幹部職以外の官職への昇任、降任及び転任（第八十一条の二第一項の規定による降任及び転任を除く。）並びに幹部職員の退職（政令で定めるものに限る。第四項において同じ。）及び免職（次項及び第三項において「採用等」という。）を行う場合には、政令で定めるところにより、あらかじめ内閣総理大臣及び内閣官房長官に協議した上で、当該協議に基づいて行うものとする。

Article 61-4 (1) In the case of initially appointing by means of selection, promoting, demoting or transferring an official to a position belonging to the executive service, of promoting, demoting or transferring (excluding demoting or transferring under the provisions of Article 81-2, paragraph (1)) an executive official to a governmental position not belonging to the executive service, or of retirement (limited to those specified by Cabinet Order; the same applies in paragraph (4)) or dismissal of executive officials (referred to as "initial appointment, etc." in the following paragraph and paragraph (3)), an appointer is to have a consultation in advance with the Prime Minister and the Chief Cabinet Secretary, and implement initial appointment, etc. based on that consultation, as specified by Cabinet Order.

2 前項の場合において、災害その他緊急やむを得ない理由により、あらかじめ内閣総理大臣及び内閣官房長官に協議する時間的余裕がないときは、任命権者は、同項の規定にかかわらず、当該協議を行うことなく、職員の採用等を行うことができる。

(2) In the case referred to in the preceding paragraph, if there is no time available to consult the Prime Minister and the Chief Cabinet Secretary in advance by any disaster or other urgent and inevitable reasons, an appointer may implement initial appointment, etc. without the consultation notwithstanding the provisions of the same paragraph.

3 任命権者は、前項の規定により職員の採用等を行った場合には、内閣総理大臣及び内閣官房長官に通知するとともに、遅滞なく、当該採用等について、政令で定めるところにより、内閣総理大臣及び内閣官房長官に協議し、当該協議に基づいて必要な措置を講じなければならない。

(3) When an appointer implements the initial appointment, etc. of officials pursuant to the provisions of the preceding paragraph, the appointer must notify the Prime Minister and the Chief Cabinet Secretary of the initial appointment, etc. and, without delay, consult the initial appointment, etc. with the Prime Minister and the Chief Cabinet Secretary, and take necessary measures based on the consultation, as specified by Cabinet Order.

4 内閣総理大臣又は内閣官房長官は、幹部職員について適切な人事管理を確保するために必要があると認めるときは、任命権者に対し、幹部職員の昇任、降任、転任、退職及び免職（第八十一条の二第一項の規定による降任及び転任を除く。以下この項において「昇任等」という。）について協議を求めることができる。この場合において、協議が調つたときは、任命権者は、当該協議に基づいて昇任等を行うものとする。

(4) If the Prime Minister or the Chief Cabinet Secretary finds it necessary to secure appropriate personnel management regarding executive officials, the Prime Minister or the Chief Cabinet Secretary may request the appointer to have a consultation on promotion, demotion, transfer, retirement and dismissal of executive officials (excluding demotion or transfer under the provisions of Article 81-2, paragraph (1); hereinafter referred to as "promotion, etc." in this paragraph). In this case, if an agreement is reached, the appointer is to implement a promotion, etc. based on the consultation.

(管理職への任用に関する運用の管理)

(Management of Operation Concerning Appointment to Managerial Service)

第六十一条の五 任命権者は、政令で定めるところにより、定期的に、及び内閣総理大臣の求めがある場合には随時、管理職への任用の状況を内閣総理大臣に報告するものとする。

Article 61-5 (1) An appointer is to report the situation of appointment to managerial service to the Prime Minister periodically, and whenever the Prime Minister requests to report, as specified by Cabinet Order.

2 内閣総理大臣は、第五十四条第二項第四号の基準に照らして必要があると認める場合には、任命権者に対し、管理職への任用に関する運用の改善その他の必要な措置をとることを求めることができる。

(2) When the Prime Minister finds it necessary in light of the standards referred to in Article 54, paragraph (2), item (iv), the Prime Minister may request the appointer to take necessary measures including the improvement of operation concerning appointment to managerial service.

(任命権者を異にする管理職への任用に係る調整)

(Coordination Pertaining to Appointment to Position Belonging to Managerial Service Subject to Another Appointer)

第六十一条の六 内閣総理大臣は、任命権者を異にする管理職（自衛隊法第三十条の二第一項第七号に規定する管理職を含む。）への任用の円滑な実施に資するよう、任命権者に対する情報提供、任命権者相互間の情報交換の促進その他の必要な調整を行うものとする。

Article 61-6 The Prime Minister is to conduct necessary coordination including provision of information to appointers, promotion of mutual exchange of information between appointers, in order to contribute to smooth implementation of appointment to managerial service (including managerial service prescribed in Article 30-2, paragraph (1), item (vii) of the Self-Defense Forces Act) subject to another appointer.

(人事に関する情報の管理)

(Management of Information Regarding Personnel Affairs)

第六十一条の七 内閣総理大臣は、この款及び次款の規定の円滑な運用を図るため、内閣府、デジタル庁、各省その他の機関に対し、政令で定めるところにより、当該機関の幹部職員、管理職員、第六十一条の九第二項第二号に規定する課程対象者その他これらに準ずる職員として政令で定めるものの人事に関する情報の提供を求めることができる。

Article 61-7 (1) The Prime Minister may request the Cabinet Office, Digital Agency, each ministry and other organs, as specified by Cabinet Order, to provide information regarding personnel affairs of executive officials of the organs, managerial officials of the organs, persons of the organs subject to courses prescribed in Article 61-9, paragraph (2), item (ii) and other officials specified by Cabinet Order as equivalent to those, to promote smooth implementation of provisions of this and following Subsections.

2 内閣総理大臣は、政令で定めるところにより、前項の規定により提出された情報を適正に管理するものとする。

(2) The Prime Minister is to appropriately manage information submitted pursuant to the provisions of the preceding paragraph, as specified by Cabinet Order.

(特殊性を有する幹部職等の特例)

(Special Provisions of Executive Service with Peculiarities)

第六十一条の八 法律の規定に基づき内閣に置かれる機関（内閣法制局、内閣府及びデジタル庁を除く。以下この項において「内閣の直属機関」という。）、人事院、検察庁及び会計検査院の官職（当該官職が内閣の直属機関に属するものであつて、その任命権者が内閣の委任を受けて任命権を行う者であるものを除く。）については、第六十一条の二から第六十一条の五までの規定は適用せず、第五十七条、第五十八条及び前条第一項の規定の適用については、第五十七条中「採用（職員の幹部職への任命に該当するものを除く。）」とあるのは「採用」と、第五十八条第一項中「転任（職員の幹部職への任命に該当するものを除く。）」とあるのは「転任」と、同条第二項中「降任させる場合（職員の幹部職への任命に該当する場合を除く。）」とあるのは「降任させる場合」と、同条第三項中「転任（職員の幹部職への任命に該当するものを除く。）」とあるのは「転任」と、前条第一項中「、政令」とあるのは「、当該機関の職員が適格性審査を受ける場合その他の必要がある場合として政令で定める場合に限り、政令」とする。

Article 61-8 (1) With regard to the government positions of the organs established within the Cabinet under the provisions of laws (excluding the Cabinet Legislation Bureau, the Cabinet Office and Digital Agency; hereinafter referred to as "organs directly under the Cabinet" in this paragraph), the National Personnel Authority, the Public Prosecutors Office and the Board of Audit (excluding those belong to organs directly under the Cabinet whose appointer executes appointive power delegated from the Cabinet), the provisions of Articles 61-2 through 61-5 do not apply. With regard to the

application of the provisions of Articles 57 and 58 and paragraph (1) of the preceding Article, the phrase "The initial appointment of an official by means of selection (excluding cases falling under appointment to executive service)" in Article 57 is deemed to be replaced with "The initial appointment of an official by means of selection", the phrase "transfer of an official (excluding cases falling under appointment to executive service)" in Article 58, paragraph (1) is deemed to be replaced with "transfer of an official", the phrase "demotes an official (excluding cases falling under appointment to executive service)" in paragraph (2) of the same Article is deemed to be replaced with "demotes an official", the phrase "transfer of an official (excluding cases falling under appointment to executive service)" in paragraph (3) of the same Article is deemed to be replaced with "transfer", and the phrase "specified by Cabinet Order" in paragraph (1) of the preceding Article is deemed to be replaced with "pursuant to the provisions of Cabinet Order only when officials of the organ are subject to the eligibility screening and in other cases specified by Cabinet Order as necessary".

- 2 警察庁の官職については、第六十一条の二、第六十一条の三、第六十一条の四第四項及び第六十一条の五の規定は適用せず、第五十七条、第五十八条、第六十一条の四第一項から第三項まで及び前条第一項の規定の適用については、第五十七条中「採用（職員の幹部職への任命に該当するものを除く。）」とあるのは「採用」と、第五十八条第一項中「転任（職員の幹部職への任命に該当するものを除く。）」とあるのは「転任」と、同条第二項中「降任させる場合（職員の幹部職への任命に該当する場合を除く。）」とあるのは「降任させる場合」と、同条第三項中「転任（職員の幹部職への任命に該当するものを除く。）」とあるのは「転任」と、第六十一条の四第一項中「に協議した上で、当該協議に基づいて行う」とあるのは「（任命権者が警察庁長官である場合にあつては、国家公安委員会を通じて内閣総理大臣及び内閣官房長官）に通知するものとする。この場合において、内閣総理大臣及び内閣官房長官は、任命権者（任命権者が警察庁長官である場合にあつては、国家公安委員会を通じて任命権者）に対し、当該幹部職に係る標準職務遂行能力を有しているか否かの観点から意見を述べることができる」と、同条第二項中「に協議する」とあるのは「（任命権者が警察庁長官である場合にあつては、国家公安委員会を通じて内閣総理大臣及び内閣官房長官）に通知する」と、「当該協議」とあるのは「当該通知」と、同条第三項中「内閣総理大臣及び内閣官房長官に通知するとともに、遅滞なく」とあるのは「遅滞なく」と、「に協議し、当該協議に基づいて必要な措置を講じなければならない」とあるのは「（任命権者が警察庁長官である場合にあつては、国家公安委員会を通じて内閣総理大臣及び内閣官房長官）に通知しなければならない。この場合において、内閣総理大臣及び内閣官房長官は、任命権者（任命権者が警察庁長官である場合にあつては、国家公安委員会を通じて任命権者）に対し、当該幹部職に係る標準職務遂行能力を有しているか否かの観点から意見を述べるものとする」と、前条第一項中「、政令」とあるのは「、当該機関の職員が適格性審査を受ける場合その他の必要がある場合として政令で定める場合に限り、政令」とする。

(2) With regard to the government positions of the National Police Agency, the provisions of Articles 61-2 and 61-3, Article 61-4, paragraph (4), and Article 61-5 do not apply. With regard to the application of the provisions of Articles 57 and 58, Article 61-4, paragraphs (1) through (3), and paragraph (1) of the preceding Article, the phrase "The initial appointment of an official by means of selection (excluding cases falling under appointment to the executive service)" in Article 57 is deemed to be replaced with "The initial appointment of an official by means of selection", the phrase "transfer of an official (excluding cases falling under appointment to the executive service)" in Article 58, paragraph (1) is deemed to be replaced with "transfer of an official", the phrase "demotes an official (excluding cases falling under appointment to the executive service)" in paragraph (2) of the same Article is deemed to be replaced with "demotes an official", the phrase "transfer of an official (excluding cases falling under appointment to the executive service)" in paragraph (3) of the same Article is deemed to be replaced with "transfer of an official", the phrase "an appointer is to have a consultation in advance with the Prime Minister and the Chief Cabinet Secretary, and implement initial appointment, etc. based on the consultation" in Article 61-4, paragraph (1) is deemed to be replaced with "an appointer is to notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency). In this case, the Prime Minister and the Chief Cabinet Secretary may state opinions from the viewpoint of having the ability to perform standard duties pertaining to executive service to the appointer (the appointer through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", the phrase "to consult the Prime Minister and the Chief Cabinet Secretary" in paragraph (2) of the same Article is deemed to be replaced with "to notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", the phrase "without the consultation" with "without the notice", the phrase "notify the Prime Minister and the Chief Cabinet Secretary of the appointment, etc. and, without delay," in the paragraph (3) of the same Article is deemed to be replaced with ", without delay," the phrase "consult the initial appointment, etc. with the Prime Minister and the Chief Cabinet Secretary pursuant to the provisions of Cabinet Order, and take necessary measures based on the consultation" with "notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police

Agency). In this case, the Prime Minister and the Chief Cabinet Secretary may state opinions from the viewpoint of having the ability to perform standard duties pertaining to executive service to the appointer (the appointer through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", and the phrase "specified by Cabinet Order" in paragraph (1) of the preceding Article is deemed to be replaced with "specified by Cabinet Order only when officials of the organ are subject to the eligibility screening and in other cases specified by Cabinet Order as necessary".

- 3 内閣法制局、宮内庁、外局として置かれる委員会（政令で定めるものを除く。）及び国家行政組織法第七条第五項に規定する実施庁の幹部職（これらの機関の長を除く。）については、第六十一条の四第四項の規定は適用せず、同条第一項及び第三項の規定の適用については、同条第一項中「内閣総理大臣」とあるのは「任命権者の属する機関に係る事項についての内閣法（昭和二十二年法律第五号）にいう主任の大臣（第三項において単に「主任の大臣」という。）を通じて内閣総理大臣」と、同条第三項中「内閣総理大臣」とあるのは「主任の大臣を通じて内閣総理大臣」とする。

- (3) With regard to the government positions of executive service of the Cabinet Legislation Bureau, the Imperial Household Agency, commissions established as external bureaus (excluding those specified by Cabinet Order) and implementing agencies provided for in Article 7, paragraph (5) of the National Government Organization Act (excluding the heads of these organs), the provisions of Article 61-4, paragraph (4) do not apply. With regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the phrase "the Prime Minister" in paragraph (1) of the same Article is deemed to be replaced with "the Prime Minister through the competent minister regarding particulars pertaining to the organ to which the appointer belongs (referred to simply as "competent minister" in paragraph (3)) prescribed in the Cabinet Act (Act No. 5 of 1947)", and the phrase "the Prime Minister" in paragraph (3) of the same Article with "the Prime Minister through the competent minister".

#### 第七款 幹部候補育成課程

#### Subsection 7 Fostering Courses for Executive Candidates

(運用の基準)

(Standards of Operation)

第六十一条の九 内閣総理大臣、各省大臣（自衛隊法第三十一条第一項の規定により自衛隊員の任免について権限を有する防衛大臣を含む。）、会計検査院長、人事院総裁その他機関の長であつて政令で定めるもの（以下この条及び次条において「各大臣等」という。）は、幹部職員の候補となり得る管理職員（同法第三十条の二第一項第七号に規定する管理職員を含む。次項において同じ。）としてその職責を担うにふさ

わしい能力及び経験を有する職員（自衛隊員（自衛官を除く。）を含む。同項において同じ。）を育成するための課程（以下「幹部候補育成課程」という。）を設け、内閣総理大臣の定める基準に従い、運用するものとする。

Article 61-9 (1) The Prime Minister, Ministers of each Ministry (including the Minister of Defense who has power concerning appointment and dismissal of self-defense forces personnel pursuant to the provisions of Article 31, paragraph (1) of the Self-Defense Act), the President of the Board of Audit, the President of the National Personnel Authority, and heads of other organs specified by Cabinet Order (hereinafter referred to as "each Minister, etc." in this Article and following Article) are to establish courses (hereinafter referred to as "fostering courses for executive candidates") to foster officials (including self-defense forces personnel (excluding uniformed members of the self-defense forces); the same applies in the following paragraph) who have appropriate abilities and experience suitable for their duties as managerial official (including managerial self-defense forces personnel prescribed in Article 30-2, paragraph (1), item (vii) of the same Act; the same applies in the same paragraph) who can become candidates for an executive official, and operate them in accordance with the standards provided for by the Prime Minister.

2 前項の基準においては、次に掲げる事項を定めるものとする。

(2) The standards referred to in the preceding paragraph are to prescribe the following particulars:

一 各大臣等が、その職員であつて、採用後、一定期間勤務した経験を有するものの中から、本人の希望及び人事評価（自衛隊法第三十一条第三項に規定する人事評価を含む。次号において同じ。）に基づいて、幹部候補育成課程における育成の対象となるべき者を随時選定すること。

(i) each Minister, etc. is to select at any time, persons subject to development under fostering courses for executive candidates from among the officials who has had work experience for a certain period after initial appointment based on their wish and personnel evaluation (including personnel evaluation prescribed in Article 31, paragraph (3) of the Self-Defense Act; the same applies in the following item);

二 各大臣等が、前号の規定により選定した者（以下「課程対象者」という。）について、人事評価に基づいて、引き続き課程対象者とするかどうかを定期的に判定すること。

(ii) each Minister, etc. is to determine periodically, based on personnel evaluation, whether the persons selected pursuant to the provisions of the preceding item (hereinafter referred to as "persons subject to courses") are to continue to be persons subject to courses;

三 各大臣等が、課程対象者に対し、管理職員に求められる政策の企画立案及び業務の管理に係る能力の育成を目的とした研修（政府全体を通ずるものを除く。）を実施すること。

(iii) each Minister, etc. is to implement training (excluding a government-wide one) for persons subject to courses for the purpose of developing their abilities pertaining to planning policies and managing duties required for managerial officials;

四 各大臣等が、課程対象者に対し、管理職員に求められる政策の企画立案及び業務の管理に係る能力の育成を目的とした研修であつて、政府全体を通ずるものとして内閣総理大臣が企画立案し、実施するものを受講させること。

(iv) each Minister, etc. is to have persons subject to courses participate in training for the purpose of developing the abilities pertaining to planning policies and managing duties required for managerial officials which the Prime Minister plans, drafts and implements as government-wide one;

五 各大臣等が、課程対象者に対し、国の複数の行政機関又は国以外の法人において勤務させることにより、多様な勤務を経験する機会を付与すること。

(v) each Minister, etc. is to give persons subject to courses opportunities to experience various duties through working in plural national administrative organs or corporations other than the government;

六 第三号の研修の実施及び前号の機会の付与に当たつては、次に掲げる事項を行うよう努めること。

(vi) in implementing training referred to in item (iii) and giving opportunities referred to in the preceding item, each Minister, etc. is to endeavor to conduct the following particulars;

イ 民間企業その他の法人における勤務の機会を付与すること。

(a) giving opportunities to work in private enterprises and other corporations;

ロ 国際機関、在外公館その他の外国に所在する機関における勤務又は海外への留学の機会を付与すること。

(b) giving opportunities to work in international organizations, diplomatic missions abroad and other organs located abroad or to study abroad;

ハ 所掌事務に係る専門性の向上を目的とした研修を実施し、又はその向上に資する勤務の機会を付与すること。

(c) implementing training for the purpose of improving expertise pertaining to the functions under the jurisdiction or giving opportunities to work that will contribute to improving expertise;

七 前各号に掲げるもののほか、幹部候補育成課程に関する政府全体としての統一性を確保するために必要な事項

(vii) beyond what is set forth in the preceding items, necessary particulars for securing the government-wide coherence concerning fostering courses for executive candidates.

(運用の管理)

(Management of Operation)



第六十一条の十 各大臣等（会計検査院長及び人事院総裁を除く。次項において同じ。）は、政令で定めるところにより、定期的に、及び内閣総理大臣の求めがある場合には随時、幹部候補育成課程の運用の状況を内閣総理大臣に報告するものとする。

Article 61-10 (1) Each Minister, etc. (excluding the President of the Board of Audit and the President of the National Personnel Authority; the same applies in the following paragraph) is to report the status of operation of fostering courses for executive candidates to the Prime Minister periodically, and whenever the Prime Minister requests to report, as specified by Cabinet Order.

2 内閣総理大臣は、前条第一項の基準に照らして必要があると認める場合には、各大臣等に対し、幹部候補育成課程の運用の改善その他の必要な措置をとることを求めることができる。

(2) When the Prime Minister finds it necessary in light of the standards referred to in paragraph (1) of the preceding Article, the Prime Minister may request each Minister, etc. to take necessary measures including the improvement of the operation of fostering courses for executive candidates.

（任命権者を異にする任用に係る調整）

(Coordination Pertaining to Appointment to Government Positions Subject to Another Appointer)

第六十一条の十一 第六十一条の六の規定は、任命権者を異にする官職への課程対象者の任用について準用する。

Article 61-11 The provisions of Article 61-6 apply mutatis mutandis to the appointment of persons subject to courses to government positions subject to another appointer.

### 第三節 給与

#### Section 3 Remuneration

（給与の根本基準）

(Basic Standard for Remuneration)

第六十二条 職員の給与は、その官職の職務と責任に応じてこれをなす。

Article 62 Remuneration to officials is paid on the basis of the duties and responsibilities of their government positions.

#### 第一款 通則

##### Subsection 1 General Rules

（法律による給与の支給）

(Payment of Remuneration under Law)

第六十三条 職員の給与は、別に定める法律に基づいてなされ、これに基づかずには、いかなる金銭又は有価物も支給することはできない。

Article 63 Remuneration to officials is paid under law provided for separately, and, unless provided for therein, no money or valuables of any kind may be given as payment.

(俸給表)

(Salary Schedules)

第六十四条 前条に規定する法律（以下「給与に関する法律」という。）には、俸給表が規定されなければならない。

Article 64 (1) Salary schedules must be prescribed in the law provided for in the preceding Article (hereinafter referred to as "the Act on Remuneration").

2 俸給表は、生計費、民間における賃金その他人事院の決定する適当な事情を考慮して定められ、かつ、等級ごとに明確な俸給額の幅を定めていなければならない。

(2) Salary schedules must be determined taking into consideration the cost of living, prevailing wage rates of the private sector and other appropriate circumstances determined by the National Personnel Authority, and must include a clearly specified range for the amount of salary for each grade.

(給与に関する法律に定めるべき事項)

(Particulars to Be Provided for in the Act on Remuneration)

第六十五条 給与に関する法律には、前条の俸給表のほか、次に掲げる事項が規定されなければならない。

Article 65 (1) Beyond the salary schedules referred to in the preceding Article, the following particulars must be provided for in the Act on Remuneration:

一 初任給、昇給その他の俸給の決定の基準に関する事項

(i) particulars concerning standards for the determination of salary, such as initial salary, and salary increase;

二 官職又は勤務の特殊性を考慮して支給する給与に関する事項

(ii) particulars concerning remuneration to be paid taking into consideration the peculiarities of the government positions or duties;

三 親族の扶養その他職員の生計の事情を考慮して支給する給与に関する事項

(iii) particulars concerning remuneration to be paid taking into consideration the supporting of relatives and other circumstances related to the livelihood of the officials;

四 地域の事情を考慮して支給する給与に関する事項

(iv) particulars concerning remuneration to be paid taking into consideration the circumstances of the area where the officials work;

五 時間外勤務、夜間勤務及び休日勤務に対する給与に関する事項

(v) particulars concerning remuneration for overtime, night and holiday work;

六 一定の期間における勤務の状況を考慮して年末等に特別に支給する給与に関する事項

(vi) particulars concerning remuneration to be paid specially at the end of the

year, etc., taking into consideration the state of performance over a certain period of time;

七 常時勤務を要しない官職を占める職員の給与に関する事項

(vii) particulars concerning remuneration of officials who hold government positions not requiring full-time service.

2 前項第一号の基準は、勤続期間、勤務能率その他勤務に関する諸要件を考慮して定められるものとする。

(2) The standards referred to in item (1) of the preceding paragraph are to be determined taking into consideration length of service, efficiency of service and other service-related requirements.

第六十六条 削除

Article 66 Deleted.

(給与に関する法律に定める事項の改定)

(Revision of Particulars Provided for in the Act on Remuneration)

第六十七条 人事院は、第二十八条第二項の規定によるもののほか、給与に関する法律に定める事項に関し、常時、必要な調査研究を行い、これを改定する必要を認めるときは、遅滞なく改定案を作成して、国会及び内閣に勧告をしなければならない。

Article 67 The National Personnel Authority, beyond what is provided for in Article 28, paragraph (2), must regularly conduct necessary research and study concerning the particulars as provided for in the Act on Remuneration and must, if it finds it necessary to revise them, prepare proposed revision without delay and make recommendations to the Diet and the Cabinet.

## 第二款 給与の支払

### Subsection 2 Payment of Remuneration

(給与簿)

(Payrolls)

第六十八条 職員に対して給与の支払をなす者は、先づ受給者につき給与簿を作成しなければならない。

Article 68 (1) A person who pays remuneration to officials must first prepare a payroll with regard to recipients.

2 給与簿は、何時でも人事院の職員が検査し得るようにしておかなければならない。

(2) Payrolls must be kept available for audit by officials of the National Personnel Authority at all times.

3 前二項に定めるものを除いては、給与簿に関し必要な事項は、人事院規則でこれを定める。

(3) Except for those provided for in the preceding two paragraphs, necessary particulars concerning payrolls are provided for by the Rules of the National

Personnel Authority.

(給与簿の検査)

(Auditing of Payrolls)

第六十九条 職員の給与が法令、人事院規則又は人事院指令に適合して行われることを確保するため必要があるときは、人事院は給与簿を検査し、必要があると認めるときは、その是正を命ずることができる。

Article 69 If it is necessary to ensure that payment of remuneration is made to officials in compliance with laws and regulations, the Rules of the National Personnel Authority or the Directives of the National Personnel Authority, the National Personnel Authority may audit payrolls and order rectifications if it finds it necessary to do so.

(違法の支払に対する措置)

(Measures against Illegal Payments)

第七十条 人事院は、給与の支払が、法令、人事院規則又は人事院指令に違反してなされたことを発見した場合には、自己の権限に属する事項については自ら適当な措置をなす外、必要があると認めるときは、事の性質に応じて、これを会計検査院に報告し、又は検察官に通報しなければならない。

Article 70 When it is discovered that payment of remuneration has been made in violation of laws and regulations, the Rules of the National Personnel Authority or the Directives of the National Personnel Authority, the National Personnel Authority must, in addition to taking appropriate measures on the particulars under its own jurisdiction on its own, if it finds it necessary to do so and according to the nature of the case, report this to the Board of Audit or notify a public prosecutor of this.

#### 第四節 人事評価

#### Section 4 Personnel Evaluation

(人事評価の根本基準)

(Basic Standards for Personnel Evaluation)

第七十条の二 職員の人事評価は、公正に行われなければならない。

Article 70-2 Personnel evaluation of officials must be conducted impartially.

(人事評価の実施)

(Implementation of Personnel Evaluation)

第七十条の三 職員の執務については、その所轄庁の長は、定期的に人事評価を行わなければならない。

Article 70-3 (1) With regard to the performance of officials' duties, personnel evaluation of officials must be periodically conducted by the head of the

competent authority.

2 人事評価の基準及び方法に関する事項その他人事評価に関し必要な事項は、人事院の意見を聴いて、政令で定める。

(2) Particulars concerning standards and methods for personnel evaluation and other necessary particulars concerning personnel evaluation are specified by Cabinet Order, after hearing the opinions of the National Personnel Authority.

(人事評価に基づく措置)

(Measures Based on Personnel Evaluation)

第七十条の四 所轄庁の長は、前条第一項の人事評価の結果に応じた措置を講じなければならない。

Article 70-4 (1) The head of the competent authority must take appropriate measures as may be called for by the findings of the personnel evaluation referred to in paragraph (1) of the preceding Article.

2 内閣総理大臣は、勤務成績の優秀な者に対する表彰に関する事項及び成績の著しく不良な者に対する矯正方法に関する事項を立案し、これについて、適当な措置を講じなければならない。

(2) The Prime Minister must plan particulars concerning commendation of persons with excellent work performance and corrective means for those with extremely poor performance, and take appropriate measures thereon.

#### 第四節の二 研修

##### Section 4-2 Training

(研修の根本基準)

(Basic Standards for Training)

第七十条の五 研修は、職員に現在就いている官職又は将来就くことが見込まれる官職の職務の遂行に必要な知識及び技能を習得させ、並びに職員の能力及び資質を向上させることを目的とするものでなければならない。

Article 70-5 (1) Training must have the purpose of helping officials to acquire necessary knowledge and skills for performing duties of the government position they currently hold or they are expected to hold in the future, and to enhance abilities and qualities of officials.

2 前項の根本基準の実施につき必要な事項は、この法律に定めのあるものを除いては、人事院の意見を聴いて政令で定める。

(2) Particulars necessary for enforcing the basic standards referred to in the preceding paragraph are specified by Cabinet Order after hearing the opinions of the National Personnel Authority, except those provided for in this Act.

3 人事院及び内閣総理大臣は、それぞれの所掌事務に係る研修による職員の育成について調査研究を行い、その結果に基づいて、それぞれの所掌事務に係る研修について適切な方策を講じなければならない。

- (3) The National Personnel Authority and the Prime Minister must conduct research and study concerning development of officials pertaining to respective functions under each jurisdiction, and take appropriate measures concerning training pertaining to respective functions under each jurisdiction based on the results of the research and study.

(研修計画)

(Training Plan)

第七十条の六 人事院、内閣総理大臣及び関係庁の長は、前条第一項に規定する根本基準を達成するため、職員の研修（人事院にあつては第一号に掲げる観点から行う研修とし、内閣総理大臣にあつては第二号に掲げる観点から行う研修とし、関係庁の長にあつては第三号に掲げる観点から行う研修とする。）について計画を樹立し、その実施に努めなければならない。

Article 70-6 (1) The National Personnel Authority, the Prime Minister and the head of the relevant agency must endeavor to formulate a plan for training of officials (in the case of the National Personnel Authority, training implemented from the viewpoints set forth in item (i), in the case of the Prime Minister, training implemented from the viewpoints set forth in item (ii), and in the case of the head of the relevant agency, training implemented from the viewpoints set forth in item (iii)) and implement it, in order to achieve the basic standards prescribed in paragraph (1) of the preceding Article.

一 国民全体の奉仕者としての使命の自覚及び多角的な視点等を有する職員の育成並びに研修の方法に関する専門的知見を活用して行う職員の効果的な育成

(i) development of officials who have awareness of their mission as servants of all citizens and diverse range of viewpoints, etc. and effective development of officials utilizing expert knowledge concerning methods of training;

二 各行政機関の課程対象者の政府全体を通じた育成又は内閣の重要政策に関する理解を深めることを通じた行政各部の施策の統一性の確保

(ii) government-wide development of persons subject to courses in each administrative organ or securing coherence of policies of administrative branches through deepening the understanding of important policies of the Cabinet;

三 行政機関が行うその職員の育成又は行政機関がその所掌事務について行うその職員及び他の行政機関の職員に対する知識及び技能の付与

(iii) development of its officials conducted by each administrative organ or grant of knowledge and skills conducted by each administrative organ pertaining to the functions under the jurisdiction of the organ to its officials and other officials who belong to other administrative organs.

2 前項の計画は、同項の目的を達成するために必要かつ適切な職員の研修の機会が確保されるものでなければならない。

(2) The plan referred to in the preceding paragraph must secure necessary and

appropriate opportunities to participate in training of officials for the achievement of the purpose referred to in the same paragraph.

3 内閣総理大臣は、第一項の規定により内閣総理大臣及び関係庁の長が行う研修についての計画の樹立及び実施に関し、その総合的企画及び関係各庁に対する調整を行う。

(3) With regard to the formulation and implementation of plans for training conducted by the Prime Minister and the head of relevant agency pursuant to the provisions of the paragraph (1), the Prime Minister conducts their comprehensive planning and coordination with relevant agencies.

4 内閣総理大臣は、前項の総合的企画に関連して、人事院に対し、必要な協力を要請することができる。

(4) The Prime Minister may request the National Personnel Authority to conduct necessary cooperation relating to the comprehensive planning referred to in the preceding paragraph.

5 人事院は、第一項の計画の樹立及び実施に関し、その監視を行う。

(5) With regard to the formulation and implementation of the plan referred to in paragraph (1), the National Personnel Authority conducts their monitoring.

(研修に関する報告要求等)

(Request of Report Concerning Training)

第七十条の七 人事院は、内閣総理大臣又は関係庁の長に対し、人事院規則の定めるところにより、前条第一項の計画に基づく研修の実施状況について報告を求めることができる。

Article 70-7 (1) The National Personnel Authority may request the Prime Minister or the head of the relevant agency to report the situation of implementation of training based on the plan referred to in paragraph (1) of the preceding Article, as provided for by the Rules of the National Personnel Authority.

2 人事院は、内閣総理大臣又は関係庁の長が法令に違反して前条第一項の計画に基づく研修を行つた場合には、必要な指示を行うことができる。

(2) If the Prime Minister or the head of the relevant agency has implemented training based on the plan referred to in paragraph (1) of the preceding Article in violation of laws and regulations, the National Personnel Authority may give necessary instructions.

## 第五節 能率

### Section 5 Efficiency

(能率の根本基準)

(Basic Standards for Efficiency)

第七十一条 職員の能率は、十分に発揮され、且つ、その増進がはかられなければならない。

Article 71 (1) Effort must be made to fully develop and improve the efficiency of officials.

2 前項の根本基準の実施につき、必要な事項は、この法律に定めるものを除いては、人事院規則でこれを定める。

(2) Except for those provided for in this Act, particulars necessary for enforcing the basic standards referred to in the preceding paragraph are prescribed by the Rules of the National Personnel Authority.

3 内閣総理大臣は、職員の能率の発揮及び増進について、調査研究を行い、その確保のため適切な方策を講じなければならない。

(3) The Prime Minister must conduct research and study concerning development and improvement of the efficiency of officials and take appropriate steps to assure the attainment of this objective.

第七十二条 削除

Article 72 Deleted.

(能率増進計画)

(Programs for Improving Efficiency)

第七十三条 内閣総理大臣及び関係庁の長は、職員の勤務能率の発揮及び増進のために、次に掲げる事項について計画を樹立し、その実施に努めなければならない。

Article 73 (1) In order to develop and improve the work efficiency of officials, the Prime Minister and the head of the relevant agency must endeavor to formulate plans for the following particulars and implement them:

一 職員の保健に関する事項

(i) particulars concerning the health of officials;

二 職員のレクリエーションに関する事項

(ii) particulars concerning the recreation for officials;

三 職員の安全保持に関する事項

(iii) particulars concerning maintaining the safety of officials;

四 職員の厚生に関する事項

(iv) particulars concerning the welfare of officials.

2 前項の計画の樹立及び実施に関し、内閣総理大臣は、その総合的企画並びに関係各庁に対する調整及び監視を行う。

(2) With regard to formulation and implementation of the plans referred to in the preceding paragraph, the Prime Minister conducts their comprehensive planning, coordination with relevant agencies, and monitoring of the agencies.

(能率の増進に関する要請)

(Request Regarding Improving Efficiency)

第七十三条の二 内閣総理大臣は、職員の能率の増進を図るため必要があると認めるときは、関係庁の長に対し、国家公務員宿舎法（昭和二十四年法律第百十七号）又は国



家公務員等の旅費に関する法律（昭和二十五年法律第百十四号）の執行に関し必要な要請をすることができる。

Article 73-2 If the Prime Minister finds it necessary to improve efficiency of officials, the Prime Minister may make necessary requests to the head of the relevant agency with regard to the enforcement of the National Public Employees' Housing Act (Act No. 117 of 1949) or the Act on Travel Expenses of National Public Employees, etc. (Act No. 114 of 1950).

## 第六節 分限、懲戒及び保障

### Section 6 Status, Disciplinary Action and Guarantee

（分限、懲戒及び保障の根本基準）

（Basic Standards for Status, Disciplinary Action and Guarantee）

第七十四条 すべて職員の分限、懲戒及び保障については、公正でなければならない。

Article 74 (1) With regard to their status, disciplinary action and guarantee, officials must be treated impartially.

2 前項に規定する根本基準の実施につき必要な事項は、この法律に定めるものを除いては、人事院規則でこれを定める。

(2) Except for those provided for in this Act, particulars necessary for enforcing the basic standards provided for in the preceding paragraph are prescribed by the Rules of the National Personnel Authority.

## 第一款 分限

### Subsection 1 Status

#### 第一目 降任、休職、免職等

#### Division 1 Demotion, Administrative Leave, Dismissal, etc.

（身分保障）

（Guarantee of Status）

第七十五条 職員は、法律又は人事院規則で定める事由による場合でなければ、その意に反して、降任され、休職され、又は免職されることはない。

Article 75 (1) Officials are not to be demoted, placed on administrative leave or dismissed against their will, unless there are grounds to do so provided for by law or the Rules of the National Personnel Authority.

2 職員は、この法律又は人事院規則で定める事由に該当するときは、降給されるものとする。

(2) Officials are to suffer a reduction in pay if falling under the grounds provided for by this Act or the Rules of the National Personnel Authority.

（欠格による失職）

（Forfeiture of Position Due to Disqualification）

第七十六条 職員が第三十八条各号（第二号を除く。）のいずれかに該当するに至ったときは、人事院規則で定める場合を除くほか、当然失職する。

Article 76 When officials come to fall under any of the items of Article 38 (excluding item (ii)), they are to automatically forfeit their position, except as provided for by the Rules of the National Personnel Authority.

(離職)

(Separation from Service)

第七十七条 職員の離職に関する規定は、この法律及び人事院規則でこれを定める。

Article 77 The provisions for officials' separation from service are provided for by this Act and the Rules of the National Personnel Authority.

(本人の意に反する降任及び免職の場合)

(Demotion and Dismissal against an Official's Will)

第七十八条 職員が、次の各号に掲げる場合のいずれかに該当するときは、人事院規則の定めるところにより、その意に反して、これを降任し、又は免職することができる。

Article 78 If any official falls under any of the following items, the official may be demoted or dismissed against their will, as provided for by the Rules of the National Personnel Authority:

一 人事評価又は勤務の状況を示す事実を照らして、勤務実績がよくない場合

(i) when the official's work performance is deemed not satisfactory in light of personnel evaluation or facts that show the state of the official's performance;

二 心身の故障のため、職務の遂行に支障があり、又はこれに堪えない場合

(ii) when due to a mental or physical disorder, the official has difficulty or is incompetent in performing duties;

三 その他その官職に必要な適格性を欠く場合

(iii) when the official otherwise lacks the qualifications required for the government position;

四 官制若しくは定員の改廃又は予算の減少により廃職又は過員を生じた場合

(iv) when the position is abolished or the official becomes redundant due to amendment or repeal of the laws and regulations concerning the administrative organization or of the ceiling of the number of officials, or as a result of a reduction in budget.

(幹部職員の降任に関する特例)

(Special Provisions for Demotion of Executive Officials)

第七十八条の二 任命権者は、幹部職員（幹部職のうち職制上の段階が最下位の段階のものを占める幹部職員を除く。以下この条において同じ。）について、次の各号に掲げる場合のいずれにも該当するときは、人事院規則の定めるところにより、当該幹部職員が前条各号に掲げる場合のいずれにも該当しない場合においても、その意に反し

て降任（直近下位の職制上の段階に属する幹部職への降任に限る。）を行うことができる。

Article 78-2 If an executive official (excluding an executive official who holds the lowest level in a classified job ladder in executive service; hereinafter the same applies in this Article) falls under all of the following items, an appointer may execute demotion (limited to demotion to the immediately lower level in the classified job ladder in executive service) against the executive their will, as provided for by the Rules of the National Personnel Authority, even if the executive official does not fall under any cases set forth in the items of the preceding Article:

一 当該幹部職員が、人事評価又は勤務の状況を示す事実を照らして、他の官職（同じ職制上の段階に属する他の官職であつて、当該官職に対する任命権が当該幹部職員の任命権者に属するものをいう。第三号において「他の官職」という。）を占める他の幹部職員に比して勤務実績が劣つているものとして人事院規則で定める要件に該当する場合

(i) the case where the executive official meets the requirements specified by the Rules of the National Personnel Authority as the case where the work performance of the executive official is deemed inferior compared to other executive officials who hold other government positions (meaning those who belong to the same level in the classified job ladder, and of which appointive power belongs to the executive official's appointer; referred to as "another government position" in item (iii)) in light of personnel evaluation of the executive official or facts that show their working state;

二 当該幹部職員が現に任命されている官職に幹部職員となり得る他の特定の者を任命すると仮定した場合において、当該他の特定の者が、人事評価又は勤務の状況を示す事実その他の客観的な事実及び当該官職についての適性に照らして、当該幹部職員より優れた業績を挙げることが十分見込まれる場合として人事院規則で定める要件に該当する場合

(ii) the case where, supposing that an appointer appoints another specific person who can be an executive official to the government position which the executive official is currently appointed to, another specific person meets the requirements specified by the Rules of the National Personnel Authority as the case where another specific person is sufficiently expected to achieve better performance than the executive official in light of personnel evaluation or facts that show their working state and other objective facts, and aptitude pertaining to the government position;

三 当該幹部職員について、欠員を生じ、若しくは生ずると見込まれる他の官職についての適性が他の候補者と比較して十分でない場合として人事院規則で定める要件に該当すること若しくは他の官職の職務を行うと仮定した場合において当該幹部職員が当該他の官職に現に就いている他の職員より優れた業績を挙げることが十分見込まれる場合として人事院規則で定める要件に該当しないことにより、転任させる

べき適当な官職がないと認められる場合又は幹部職員の任用を適切に行うため当該幹部職員を降任させる必要がある場合として人事院規則で定めるその他の場合

(iii) the case where the executive official is found not to have any appropriate government positions to which the official is to be transferred because (a) the executive official meets the requirements specified by the Rules of the National Personnel Authority as the case where aptitude of the executive official is not sufficient compared to other candidates in another government position which becomes vacant or will become vacant or (b) supposing that the executive official perform duties of another government position, the executive official does not meet the requirements specified by the Rules of the National Personnel Authority as the case where the executive official is sufficiently expected to achieve better performance than another official who currently holds the other government position, or other cases specified by the Rules of the National Personnel Authority as the case where it is necessary to demote the executive official in order to maintain appropriate appointment of executive officials.

(本人の意に反する休職の場合)

(Administrative Leave against an Official's Will)

第七十九条 職員が、左の各号の一に該当する場合又は人事院規則で定めるその他の場合においては、その意に反して、これを休職することができる。

Article 79 When an official falls under one of the following items, or in other cases established by the Rules of the National Personnel Authority, the official may be placed on administrative leave against the official's will:

一 心身の故障のため、長期の休養を要する場合

(i) when the official requires a prolonged period of rest due to a mental or physical disorder;

二 刑事事件に関し起訴された場合

(ii) when the official is prosecuted with respect to a criminal case.

(休職の効果)

(Effect of Administrative Leave)

第八十条 前条第一号の規定による休職の期間は、人事院規則でこれを定める。休職期間中その事故の消滅したときは、休職は当然終了したものとし、すみやかに復職を命じなければならない。

Article 80 (1) The period of administrative leave under the provisions of item (i) of the preceding Article is provided for by the Rules of the National Personnel Authority. If a disorder abates during the period of administrative leave, the administrative leave is deemed to have automatically terminated and reinstatement must be ordered promptly.

2 前条第二号の規定による休職の期間は、その事件が裁判所に係属する間とする。

(2) The period of administrative leave under the provisions of item (ii) of the preceding Article is the period of time during which such case is pending in court.

3 いかなる休職も、その事由が消滅したときは、当然に終了したものとみなされる。

(3) Any administrative leave is deemed to have automatically terminated when the reason for such administrative leave is extinguished.

4 休職者は、職員としての身分を保有するが、職務に従事しない。休職者は、その休職の期間中、給与に関する法律で別段の定めをしない限り、何らの給与を受けてはならない。

(4) Although an official on administrative leave still retains the status as an official, the official does not attend to their duties during the period of the administrative leave. An official on administrative leave must not receive remuneration of any kind during the period of the administrative leave unless otherwise provided for in the Act on Remuneration.

(適用除外)

(Exclusion from Application)

第八十一条 次に掲げる職員の分限（定年に係るものを除く。次項において同じ。）については、第七十五条、第七十八条から前条まで及び第八十九条並びに行政不服審査法（平成二十六年法律第六十八号）の規定は、適用しない。

Article 81 (1) With regard to the status (excluding those pertaining to the mandatory retirement age, the same applies in the following paragraph) of officials listed below, the provisions of Article 75, and Articles 78 through the preceding Article, and Article 89, and the provisions of the Administrative Complaint Review Act (Act No. 68 of 2014) do not apply:

一 臨時的職員

(i) temporary officials;

二 条件付採用期間中の職員

(ii) officials currently serving during a period of conditional initial appointment.

2 前項各号に掲げる職員の分限については、人事院規則で必要な事項を定めることができる。

(2) With regard to the status of officials set forth in the items of the preceding paragraph, necessary particulars may be provided for by the Rules of the National Personnel Authority.

## 第二目 管理監督職勤務上限年齢による降任等

### Division 2 Demotion Due to the Upper Age Limit for a Managerial-Supervisory Position

(管理監督職勤務上限年齢による降任等)

(Demotion Due to the Upper Age Limit for a Managerial-Supervisory Position)

第八十一条の二 任命権者は、管理監督職（一般職の職員の給与に関する法律第十条の二に規定する官職及びこれに準ずる官職として人事院規則で定める官職並びに指定職（これらの官職のうち、病院、療養所、診療所その他の国の部局又は機関に勤務する医師及び歯科医師が占める官職その他のその職務と責任に特殊性があること又は欠員の補充が困難であることによりこの条の規定を適用することが著しく不相当と認められる官職として人事院規則で定める官職を除く。）をいう。以下この目及び第八十一条の七において同じ。）を占める職員でその占める管理監督職に係る管理監督職勤務上限年齢に達している職員について、異動期間（当該管理監督職勤務上限年齢に達した日の翌日から同日以後における最初の四月一日までの間をいう。以下この目及び同条において同じ。）（第八十一条の五第一項から第四項までの規定により延長された期間を含む。以下この項において同じ。）に、管理監督職以外の官職又は管理監督職勤務上限年齢が当該職員の年齢を超える管理監督職（以下この項及び第三項においてこれらの官職を「他の官職」という。）への降任又は転任（降給を伴う転任に限る。）をするものとする。ただし、異動期間に、この法律の他の規定により当該職員について他の官職への昇任、降任若しくは転任をした場合又は第八十一条の七第一項の規定により当該職員を管理監督職を占めたまま引き続き勤務させることとした場合は、この限りでない。

Article 81-2 (1) An appointer is to demote or transfer (limited to transfer with a reduction in pay) an official who holds a managerial-supervisory position (meaning a position prescribed in Article 10-2 of the Act on Remuneration of Officials in the Regular Service, an equivalent position prescribed by the Rules of the National Personnel Authority, or a designated service position (except positions held by doctors and dentists working at hospitals, sanatoriums, clinics, or other national government bureaus or organs, or other positions prescribed by the Rules of the National Personnel Authority as those for which it is found extremely inappropriate to apply the provisions of this Article because their duties and responsibilities have peculiarities or it is difficult to fill vacancies in the positions from among these positions); hereinafter the same applies in this Division and Article 81-7) and reaches the upper age limit for the managerial-supervisory position during a transfer period (meaning a period from the day following the date when the official reaches the upper age limit for the managerial-supervisory position to the first April 1 after the date; hereinafter the same applies in this Division and the same Article) (including the extended period pursuant to the provisions of Article 81-5, paragraphs (1) through (4); hereinafter the same applies in this paragraph) to a position other than managerial-supervisory positions or a managerial-supervisory position whose upper age limit exceeds the age of the official (hereinafter these positions will be referred to as "another government position" in this paragraph and paragraph (3)); provided, however, that this does not apply to a case in which, during a transfer period, the official is promoted, demoted, or transferred to another government position pursuant to other provisions of this

Act, or the official is kept in the managerial-supervisory position pursuant to the provision of Article 81-7, paragraph (1).

2 前項の管理監督職勤務上限年齢は、年齢六十年とする。ただし、次の各号に掲げる管理監督職を占める職員の管理監督職勤務上限年齢は、当該各号に定める年齢とする。

(2) The upper age limit for the managerial-supervisory position referred to in the preceding paragraph is 60 years of age; provided, however, that the upper age limit for officials holding managerial-supervisory positions set forth in the following items is as provided for in those respective items:

一 国家行政組織法第十八条第一項に規定する事務次官及びこれに準ずる管理監督職のうち人事院規則で定める管理監督職 年齢六十二年

(i) managerial-supervisory positions prescribed by the Rules of the National Personnel Authority from among administrative vice-ministers provided for in Article 18, paragraph (1) of the National Government Organization Act and their equivalent managerial-supervisory positions: 62 years of age;

二 前号に掲げる管理監督職のほか、その職務と責任に特殊性があること又は欠員の補充が困難であることにより管理監督職勤務上限年齢を年齢六十年とすることが著しく不相当と認められる管理監督職として人事院規則で定める管理監督職 六十年を超え六十四年を超えない人事院規則で定める年齢

(ii) beyond managerial-supervisory positions set forth in the preceding item, managerial-supervisory positions prescribed by the Rules of the National Personnel Authority as those for which it is found extremely inappropriate to set the upper age limit at 60 years of age because their duties and responsibilities have peculiarities or it is difficult to fill vacancies in the positions: years of age provided for by the Rules of the National Personnel Authority, which is over 60 years but not more than 64 years.

3 第一項本文の規定による他の官職への降任又は転任（以下この目及び第八十九条第一項において「他の官職への降任等」という。）を行うに当たつて任命権者が遵守すべき基準に関する事項その他の他の官職への降任等に関し必要な事項は、人事院規則で定める。

(3) In implementing demotion or transfer to another government position under the provisions of the main clause of paragraph (1) (hereinafter referred to as "demotion or transfer to another government position" in this Division and Article 89, paragraph (1)), particulars concerning standards which an appointer is to observe and other necessary particulars for demotion or transfer to another government position are prescribed by the Rules of the National Personnel Authority.

（管理監督職への任用の制限）

(Restrictions on Appointment to Managerial-Supervisory Positions)

第八十一条の三 任命権者は、採用し、昇任し、降任し、又は転任しようとする管理監督職に係る管理監督職勤務上限年齢に達している者を、その者が当該管理監督職を占

めているものとした場合における異動期間の末日の翌日（他の官職への降任等をされた職員にあつては、当該他の官職への降任等をされた日）以後、当該管理監督職に採用し、昇任し、降任し、又は転任することができない。

Article 81-3 An appointer may not initially appoint, promote, demote, or transfer a person who has reached the upper age limit for the managerial-supervisory position to which the person is to be initially appointed, promoted, demoted, or transferred to the managerial-supervisory position on or after the day following the last day of the transfer period on the assumption that the person holds the managerial-supervisory position (in the case of the official who has gotten a demotion or transfer to another government position, the day on which the official got the demotion or transfer to another government position).

(適用除外)

(Exclusion from Application)

第八十一条の四 前二条の規定は、臨時的職員その他の法律により任期を定めて任用される職員には適用しない。

Article 81-4 The provisions of the preceding two Articles do not apply to temporary officials or other officials appointed with a term of office which is provided for by law.

(管理監督職勤務上限年齢による降任等及び管理監督職への任用の制限の特例)

(Special Provisions for Demotion Due to the Upper Age Limit for Managerial-Supervisory Position and Restriction on Appointment to Managerial-Supervisory Position)

第八十一条の五 任命権者は、他の官職への降任等をすべき管理監督職を占める職員について、次に掲げる事由があると認めるときは、当該職員が占める管理監督職に係る異動期間の末日の翌日から起算して一年を超えない期間内（当該期間内に次条第一項に規定する定年退職日（以下この項及び次項において「定年退職日」という。）がある職員にあつては、当該異動期間の末日の翌日から定年退職日までの期間内。第三項において同じ。）で当該異動期間を延長し、引き続き当該管理監督職を占める職員に、当該管理監督職を占めたまま勤務をさせることができる。

Article 81-5 (1) An appointer may extend a transfer period for an official who is to be gotten a demotion or transferred to another government position, if it finds that any of the following grounds exist for the official, within the period not exceeding one year from the day following the last day of the transfer period for the managerial-supervisory position which the official holds (for an official whose mandatory retirement day provided for in paragraph (1) of the following Article (hereinafter referred to as "mandatory retirement day" in this paragraph and the following paragraph) falls within the period, within the period from the day following the last day of the transfer period to the mandatory retirement day; the same applies in paragraph (3)) and keep the



official holding a managerial-supervisory position in the present position:

一 当該職員の職務の遂行上の特別の事情を勘案して、当該職員の他の官職への降任等により公務の運営に著しい支障が生ずると認められる事由として人事院規則で定める事由

(i) the grounds prescribed by the Rules of the National Personnel Authority concluding that the official's demotion or transfer to another government position may cause extreme difficulty in administering public duties in view of special circumstances of the performance of their duties;

二 当該職員の職務の特殊性を勘案して、当該職員の他の官職への降任等により、当該管理監督職の欠員の補充が困難となることにより公務の運営に著しい支障が生ずると認められる事由として人事院規則で定める事由

(ii) the grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties that would make it difficult in filling a vacancy in the managerial-supervisory position following the official's demotion or transfer to another government position in view of the peculiarities of their duties.

2 任命権者は、前項又はこの項の規定により異動期間（これらの規定により延長された期間を含む。）が延長された管理監督職を占める職員について、前項各号に掲げる事由が引き続きあると認めるときは、人事院の承認を得て、延長された当該異動期間の末日の翌日から起算して一年を超えない期間内（当該期間内に定年退職日がある職員にあつては、延長された当該異動期間の末日の翌日から定年退職日までの期間内。第四項において同じ。）で延長された当該異動期間を更に延長することができる。ただし、更に延長される当該異動期間の末日は、当該職員が占める管理監督職に係る異動期間の末日の翌日から起算して三年を超えることができない。

(2) An appointer may, with the approval of the National Personnel Authority, further extend the transfer period for the official in a managerial-supervisory position whose transfer period (including the transfer period extended pursuant to the after-mentioned provisions) has been extended pursuant to the provisions of the preceding paragraph and this paragraph, if it finds that grounds set forth in each of the items of the preceding paragraph still exist, within the period not exceeding one year from the day following the last day of the extended transfer period for the managerial-supervisory position (for an official whose mandatory retirement day falls within the period, within the period from the day following the last day of the transfer period to the mandatory retirement day; the same applies to paragraph (4)); provided, however, that the last day of the further extended transfer period must not exceed 3 years from the day following the last day of the transfer period for the managerial-supervisory position.

3 任命権者は、第一項の規定により異動期間を延長することができる場合を除き、他の官職への降任等をすべき特定管理監督職群（職務の内容が相互に類似する複数の管理監督職（指定職を除く。以下この項及び次項において同じ。）であつて、これらの

欠員を容易に補充することができない年齢別構成その他の特別の事情がある管理監督職として人事院規則で定める管理監督職をいう。以下この項において同じ。)に属する官職を占める職員について、当該職員の他の官職への降任等により、当該特定管理監督職群に属する管理監督職の欠員の補充が困難になることにより公務の運営に著しい支障が生ずると認められる事由として人事院規則で定める事由があると認めるときは、当該職員が占める管理監督職に係る異動期間の末日の翌日から起算して一年を超えない期間内で当該異動期間を延長し、引き続き当該管理監督職を占めている職員に当該管理監督職を占めたまま勤務をさせ、又は当該職員を当該管理監督職が属する特定管理監督職群の他の官職に降任し、若しくは転任することができる。

(3) An appointer may, except for the cases which it can extend a transfer period pursuant to the provision of paragraph (1), extend a transfer period for an official holding a position belonging to a specific managerial-supervisory position group (meaning multiple managerial-supervisory positions (except designated service positions; hereinafter the same applies in this paragraph and the following paragraph) whose content of duties is similar to one another, and managerial-supervisory positions prescribed by the Rules of the National Personnel Authority that their vacancy cannot be easily filled in view of age distribution or other special circumstances; hereinafter the same applies in this paragraph), if it finds that there are grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties to create a hardship in filling a vacancy in a managerial-supervisory position belonging to the specific managerial-supervisory position group as a result of the official's demotion or transfer to another government position, within the period not exceeding one year from the day following the last day of the transfer period for the managerial-supervisory position which the official holds, and keep the official in the present managerial-supervisory position, or demote or transfer the official to another position in the specific managerial-supervisory position group to which the managerial-supervisory position belongs.

4 任命権者は、第一項若しくは第二項の規定により異動期間（これらの規定により延長された期間を含む。）が延長された管理監督職を占める職員について前項に規定する事由があると認めるとき（第二項の規定により延長された当該異動期間を更に延長することができるときを除く。）、又は前項若しくはこの項の規定により異動期間（前三項又はこの項の規定により延長された期間を含む。）が延長された管理監督職を占める職員について前項に規定する事由が引き続きあると認めるときは、人事院の承認を得て、延長された当該異動期間の末日の翌日から起算して一年を超えない期間内で延長された当該異動期間を更に延長することができる。

(4) An appointer, if it finds there are grounds provided for in the preceding paragraph for an official holding a managerial-supervisory position whose transfer period (including the period extended pursuant to the after-mentioned provisions) is extended pursuant to the provisions of paragraph (1) or (2)

(except when the extended transfer period can be further extended pursuant to the provision of paragraph (2)), or if it finds that any of the grounds provided for in the preceding paragraph still exists for an official holding a managerial-supervisory position whose transfer period (including the period extended pursuant to the provisions of the preceding three paragraphs or this paragraph) is extended pursuant to the provisions of the preceding paragraph or this paragraph, with the approval of the National Personnel Authority, may further extend the extended transfer period, within the period not exceeding one year from the day following the last day of the extended transfer period.

5 前各項に定めるもののほか、これらの規定による異動期間（これらの規定により延長された期間を含む。）の延長及び当該延長に係る職員の降任又は転任に関し必要な事項は、人事院規則で定める。

(5) Beyond what is provided for in the preceding paragraphs, particulars necessary for an extension of a transfer period (including a period extended pursuant to these provisions), and a demotion or a transfer of an official pertaining to the extension pursuant to these provisions are prescribed by the Rules of the National Personnel Authority.

### 第三目 定年による退職等

#### Division 3 Retirement Due to Mandatory Retirement Age

(定年による退職)

(Retirement at the Mandatory Retirement Age)

第八十一条の六 職員は、法律に別段の定めのある場合を除き、定年に達したときは、定年に達した日以後における最初の三月三十一日又は第五十五条第一項に規定する任命権者若しくは法律で別に定められた任命権者があらかじめ指定する日のいずれか早い日（次条第一項及び第二項ただし書において「定年退職日」という。）に退職する。

Article 81-6 (1) Unless otherwise prescribed by laws, when an official reaches the mandatory retirement age, the official retires on whichever day comes earlier (referred to as the "mandatory retirement day" in paragraph (1) and the proviso of paragraph (2) of the following Article); the first March 31 after the official reaches the mandatory retirement age or the day which is designated in advance by the appointer, provided for in Article 55, paragraph (1) or provided for in other laws.

2 前項の定年は、年齢六十五年とする。ただし、その職務と責任に特殊性があること又は欠員の補充が困難であることにより定年を年齢六十五年とすることが著しく不相当と認められる官職を占める医師及び歯科医師その他の職員として人事院規則で定める職員の定年は、六十五年を超え七十年を超えない範囲内で人事院規則で定める年齢とする。

(2) The mandatory retirement age referred to in the preceding paragraph is 65 years of age; provided, however, that the mandatory retirement age for officials

provided for by the Rules of the National Personnel Authority as doctors and dentists or other officials holding positions for which the mandatory retirement age of 65 is found to be extremely inappropriate due to the special nature of their duties and responsibilities or the difficulty of filling vacancies in those positions is the age provided for by the Rules of the National Personnel Authority, which is over 65 years but not more than 70 years.

3 前二項の規定は、臨時的職員その他の法律により任期を定めて任用される職員及び常時勤務を要しない官職を占める職員には適用しない。

(3) The provisions of the preceding two paragraphs do not apply to temporary officials or other officials appointed with a term of office which is provided for by law, and officials who hold government positions not requiring full-time service.

(定年による退職の特例)

(Special Provisions for Retirement at the Mandatory Retirement Age)

第八十一条の七 任命権者は、定年に達した職員が前条第一項の規定により退職すべきこととなる場合において、次に掲げる事由があると認めるときは、同項の規定にかかわらず、当該職員に係る定年退職日の翌日から起算して一年を超えない範囲内で期限を定め、当該職員を当該定年退職日において従事している職務に従事させるため、引き続き勤務させることができる。ただし、第八十一条の五第一項から第四項までの規定により異動期間（これらの規定により延長された期間を含む。）を延長した職員であつて、定年退職日において管理監督職を占めている職員については、同条第一項又は第二項の規定により、当該定年退職日まで当該異動期間を延長した場合であつて、引き続き勤務させることについて人事院の承認を得たときに限るものとし、当該期限は、当該職員が占めている管理監督職に係る異動期間の末日の翌日から起算して三年を超えることができない。

Article 81-7 (1) If an official who has reached the mandatory retirement age is to retire pursuant to the provisions of paragraph (1) of the preceding Article, an appointer may keep the official in the present position, notwithstanding the provisions of the same paragraph, setting a due date within the limit of not more than one year from the day following the date of their mandatory retirement day, in order to let the official perform duties that the official is doing on the mandatory retirement day, when it finds any of the following grounds exist; provided, however, that, in the case of an official whose transfer period (including the period extended pursuant to the after-mentioned provisions) is extended pursuant to the provisions of Article 81-5, paragraphs (1) through (4) and who is holding a managerial-supervisory position on the mandatory retirement day, the grounds are limited to when approval is obtained from the National Personnel Authority pursuant to the provisions of paragraphs (1) or (2) of the same Article for extending the transfer period until the mandatory retirement day and keeping the official in the position, and the

due date must not exceed 3 years from the day following the last day of the transfer period for the managerial-supervisory position which the official holds:

一 前条第一項の規定により退職すべきこととなる職員の職務の遂行上の特別の事情を勘案して、当該職員の退職により公務の運営に著しい支障が生ずると認められる事由として人事院規則で定める事由

(i) the grounds prescribed by the Rules of the National Personnel Authority concluding that the retirement of the official may cause extreme difficulty in administering public duties in view of special circumstances of the performance of the duties of the official who is to retire pursuant to the provisions of paragraph (1) of the preceding Article;

二 前条第一項の規定により退職すべきこととなる職員の職務の特殊性を勘案して、当該職員の退職により、当該職員が占める官職の欠員の補充が困難となることにより公務の運営に著しい支障が生ずると認められる事由として人事院規則で定める事由

(ii) the grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties to create a hardship in filling a vacancy in the position which the official holds following the retirement of the official in view of the peculiarities of duties of the official to be about to retire pursuant to the provisions of paragraph (1) of the preceding Article.

2 任命権者は、前項の期限又はこの項の規定により延長された期限が到来する場合において、前項各号に掲げる事由が引き続きあると認めるときは、人事院の承認を得て、これらの期限の翌日から起算して一年を超えない範囲内で期限を延長することができる。ただし、当該期限は、当該職員に係る定年退職日（同項ただし書に規定する職員にあつては、当該職員が占めている管理監督職に係る異動期間の末日）の翌日から起算して三年を超えることができない。

(2) If the due date referred to in the preceding paragraph or the due date extended pursuant to the provisions of this paragraph is to arrive, an appointer may extend the due date within the limit of not exceeding one year from the day following the last day of these due dates, with the approval of the National Personnel Authority, if it finds that any of the grounds set forth in each item of the preceding paragraph still exists; provided, however, that the due date must not exceed 3 years from the day following the date of the mandatory retirement day (for an official provided for in the proviso of the same paragraph, the last day of the transfer period for the managerial-supervisory position which the official holds) pertaining to the official.

3 前二項に定めるもののほか、これらの規定による勤務に関し必要な事項は、人事院規則で定める。

(3) Beyond what is provided for in the preceding two paragraphs, particulars necessary for the service under these provisions are prescribed by the Rules of the National Personnel Authority.

(定年に関する事務の調整等)

**(Adjustment of Affairs Concerning the Mandatory Retirement Age)**

第八十一条の八 内閣総理大臣は、職員の定年に関する事務の適正な運営を確保するため、各行政機関が行う当該事務の運営に関し必要な調整を行うほか、職員の定年に関する制度の実施に関する施策を調査研究し、その権限に属する事項について適切な方策を講ずるものとする。

Article 81-8 In order to ensure the proper administration of affairs concerning the mandatory retirement age of officials, the Prime Minister is to initiate coordination as may be required with regard to the administration of the affairs by administrative organs, conduct research and study of measures concerning enforcement of the mandatory retirement age system for officials, and take appropriate measures for particulars within the jurisdiction.

**第二款 懲戒**

**Subsection 2 Disciplinary Action**

(懲戒の場合)

**(Instances of Disciplinary Action)**

第八十二条 職員が次の各号のいずれかに該当する場合には、当該職員に対し、懲戒処分として、免職、停職、減給又は戒告の処分をすることができる。

Article 82 (1) When an official falls under any of the following items, the official may be dismissed, suspended from duty, suffer a reduction in pay or be reprimanded as disciplinary action:

一 この法律若しくは国家公務員倫理法又はこれらの法律に基づく命令（国家公務員倫理法第五条第三項の規定に基づく訓令及び同条第四項の規定に基づく規則を含む。）に違反した場合

(i) when the official has violated this Act, the National Public Service Ethics Act or orders issued under these laws (including the official directives under the provisions of Article 5, paragraph (3) of the National Public Service Ethics Act, and the codes under the provisions of paragraph (4) of the same Article);

二 職務上の義務に違反し、又は職務を怠った場合

(ii) when the official has breached the obligations in the course of duties or has neglected duties;

三 国民全体の奉仕者たるにふさわしくない非行のあつた場合

(iii) when the official is guilty of malfeasance rendering the official unfit to fulfill the role as a servant of all citizens.

2 職員が、任命権者の要請に応じ特別職に属する国家公務員、地方公務員又は沖縄振興開発金融公庫その他その業務が国の事務若しくは事業と密接な関連を有する法人のうち人事院規則で定めるものに使用される者（以下この項において「特別職国家公務

員等」という。)となるため退職し、引き続き特別職国家公務員等として在職した後、引き続き当該退職を前提として職員として採用された場合(一の特別職国家公務員等として在職した後、引き続き一以上の特別職国家公務員等として在職し、引き続き当該退職を前提として職員として採用された場合を含む。)において、当該退職までの引き続く職員としての在職期間(当該退職前に同様の退職(以下この項において「先の退職」という。)、特別職国家公務員等としての在職及び職員としての採用がある場合には、当該先の退職までの引き続く職員としての在職期間を含む。以下この項において「要請に応じた退職前の在職期間」という。)中に前項各号のいずれかに該当したときは、当該職員に対し同項に規定する懲戒処分を行うことができる。定年前再任用短時間勤務職員が、年齢六十年以上退職者となつた日までの引き続く職員としての在職期間(要請に応じた退職前の在職期間を含む。)又は第六十条の二第一項の規定によりかつて採用されて定年前再任用短時間勤務職員として在職していた期間中に前項各号のいずれかに該当したときも、同様とする。

- (2) When an official who retired, upon request of the appointer to become a national public employee in the special service, a local public employee, or an employee of the Okinawa Development Finance Corporation or any other corporation designated by the Rules of the National Personnel Authority from among corporations whose business is closely related to that of the national government (hereinafter referred to as "a national public employee in the special service, etc." in this paragraph), was continuously appointed as a national public employee in the special service, etc., and then was continuously appointed as an official on the premise of the retirement (including cases where an official who held the position of a national public employee in the special service, etc., continuously held one or more government positions in the special service, etc., and was continuously appointed as an official on the premise of the retirement) falls under any of the items in the preceding paragraph during the continuous period of holding office as an official up to the retirement (in cases of an official who, before the retirement, had a similar retirement (hereinafter referred to as "the previous retirement" in this paragraph), had held office as a national public employee in the special service, etc., and had held office as an official, the period up to the previous retirement is included, hereinafter referred to as "the period of holding office as an official up to the previous retirement responding to the request" in this paragraph), any of the disciplinary actions prescribed in the same paragraph may be taken against the official. When a pre-mandatory-retirement-age reappointed short-time official falls under any of the items of the preceding paragraph during the continuous period of holding office as an official up to the day when it becomes a retiree 60 years of age or older (including the period of holding office as an official up to the previous retirement responding to the request), or the period that the official had held office as a pre-mandatory-retirement-age reappointed short-time official after the appointment pursuant to the provisions of Article

60-2, paragraph (1), the same also applies.

(懲戒の効果)

(Effect of Disciplinary Action)

第八十三条 停職の期間は、一年をこえない範囲内において、人事院規則でこれを定める。

Article 83 (1) The period of suspension from duty is provided for by the Rules of the National Personnel Authority within the limit of not exceeding one year.

2 停職者は、職員としての身分を保有するが、その職務に従事しない。停職者は、第九十二条の規定による場合の外、停職の期間中給与を受けることができない。

(2) Although an official suspended from duty still retains the status as an official, the official does not engage in their duties during this time. An official suspended from duty may not receive remuneration of any kind during the period of suspension except the case under the provisions of Article 92.

(懲戒権者)

(Administrator of Disciplinary Action)

第八十四条 懲戒処分は、任命権者が、これを行う。

Article 84 (1) Disciplinary action is taken by an appointer.

2 人事院は、この法律に規定された調査を経て職員を懲戒手続に付することができる。

(2) The National Personnel Authority may initiate disciplinary proceedings against officials through investigation as provided for in this Act.

(国家公務員倫理審査会への権限の委任)

(Delegation of Authority to the National Public Service Ethics Board)

第八十四条の二 人事院は、前条第二項の規定による権限（国家公務員倫理法又はこれに基づく命令（同法第五条第三項の規定に基づく訓令及び同条第四項の規定に基づく規則を含む。）に違反する行為に関して行われるものに限る。）を国家公務員倫理審査会に委任する。

Article 84-2 The National Personnel Authority is to delegate the authority under the provisions of paragraph (2) of the preceding Article (limited to those implemented with regard to the acts violating the National Public Service Ethics Act or orders issued thereunder (including the official directives under the provisions of Article 5, paragraph (3) and codes under the provisions of paragraph (4) of the same Article of the same Act)) to the National Public Service Ethics Board.

(刑事裁判との関係)

(Relation with Criminal Court)

第八十五条 懲戒に付せらるべき事件が、刑事裁判所に係属する間においても、人事院又は人事院の承認を経て任命権者は、同一事件について、適宜に、懲戒手続を進める



ことができる。この法律による懲戒処分は、当該職員が、同一又は関連の事件に関し、重ねて刑事上の訴追を受けることを妨げない。

Article 85 Even while a case which is to be subject to disciplinary action is pending in the criminal court, disciplinary proceedings may be taken for the same case at the discretion of the National Personnel Authority or the appointer with the approval of the National Personnel Authority. Any disciplinary action under this Act does not preclude the official involved from being subjected to criminal prosecution for the same or related cases.

### 第三款 保障

#### Subsection 3 Guarantee

##### 第一目 勤務条件に関する行政措置の要求

#### Division 1 Request for Administrative Measures on Working Conditions

(勤務条件に関する行政措置の要求)

(Request for Administrative Measures on Working Conditions)

第八十六条 職員は、俸給、給料その他あらゆる勤務条件に関し、人事院に対して、人事院若しくは内閣総理大臣又はその職員の所轄庁の長により、適当な行政上の措置が行われることを要求することができる。

Article 86 Officials may make requests to the National Personnel Authority that appropriate administrative action be accorded by the National Personnel Authority, the Prime Minister, or the head of the competent authority, relating to salary, compensation, or any other working conditions.

(事案の審査及び判定)

(Review and Determination of Cases)

第八十七条 前条に規定する要求のあつたときは、人事院は、必要と認める調査、口頭審理その他の事実審査を行い、一般国民及び関係者に公平なように、且つ、職員の能率を發揮し、及び増進する見地において、事案を判定しなければならない。

Article 87 When a request provided for in the preceding Article is filed, the National Personnel Authority must conduct investigations, hearings or other fact-finding reviews as it finds necessary, and reach a determination on the case with due regard to impartiality to the general public and the persons concerned and in terms of developing and improving the efficiency of officials.

(判定の結果採るべき措置)

(Measures to Be Taken as a Result of Determinations)

第八十八条 人事院は、前条に規定する判定に基き、勤務条件に関し一定の措置を必要と認めるときは、その権限に属する事項については、自らこれを実行し、その他の事項については、内閣総理大臣又はその職員の所轄庁の長に対し、その実行を勧告しな

なければならない。

Article 88 When the National Personnel Authority finds it necessary to take certain measures with regard to working conditions based on the determinations provided for in the preceding Article, it must implement its own measures on the particulars under its jurisdiction, and recommend the Prime Minister or the head of the competent authority to take measures on other particulars.

## 第二目 職員の意に反する不利益な処分に関する審査

### Division 2 Review of Disadvantageous Dispositions Made against the Will of Officials

(職員の意に反する降給等の処分に関する説明書の交付)

(Delivery of Written Explanations Concerning Dispositions Such as Reduction in Pay Made against an Official's Will)

第八十九条 職員に対し、その意に反して、降給（他の官職への降任等に伴う降給を除く。）、降任（他の官職への降任等に該当する降任を除く。）、休職若しくは免職をし、その他職員に対し著しく不利益な処分を行い、又は懲戒処分を行おうとするときは、当該処分を行う者は、当該職員に対し、当該処分の際、当該処分の事由を記載した説明書を交付しなければならない。

Article 89 (1) When an official, against the official's will, is subject to pay reduction (except for pay reduction caused by demotion or transfer to another government position), demotion (except for demotion corresponding to demotion or transfer to another government position), administrative leave, or dismissal, or when an official is otherwise subject to a significantly disadvantageous disposition or disciplinary action, the person making the disposition must deliver a written explanation setting forth the reasons for the disposition to the official at the time of the disposition.

2 職員が前項に規定する著しく不利益な処分を受けたと思料する場合には、同項の説明書の交付を請求することができる。

(2) When an official considers that the official has been subjected to a significantly disadvantageous disposition provided for in the preceding paragraph, the official may request delivery of the written explanation referred to in the same paragraph.

3 第一項の説明書には、当該処分につき、人事院に対して審査請求をすることができる旨及び審査請求をすることができる期間を記載しなければならない。

(3) The written explanation referred to in paragraph (1) must contain a statement to the effect that a request for administrative review on the disposition may be filed to the National Personnel Authority, and the period of time for filing such request.

(審査請求)

(Requests for Administrative Review)

第九十条 前条第一項に規定する処分を受けた職員は、人事院に対してのみ審査請求をすることができる。

Article 90 (1) Officials subject to the disposition provided for in paragraph (1) of the preceding Article may file a request for administrative review only to the National Personnel Authority.

2 前条第一項に規定する処分及び法律に特別の定めがある処分を除くほか、職員に対する処分については、審査請求をすることができない。職員がした申請に対する不作為についても、同様とする。

(2) Except dispositions provided for in paragraph (1) of the preceding Article and dispositions otherwise provided for by law, a request for administrative review may not be filed with regard to the dispositions made against officials. The same applies to any inaction with regard to the applications filed by officials.

3 第一項に規定する審査請求については、行政不服審査法第二章の規定を適用しない。

(3) The provisions of Chapter II of the Administrative Complaint Review Act do not apply to the requests for administrative review provided for in paragraph (1).

(審査請求期間)

(Period for Requests for Administrative Review)

第九十条の二 前条第一項に規定する審査請求は、処分説明書を受領した日の翌日から起算して三月以内にしなければならない。処分があつた日の翌日から起算して一年を経過したときは、することができない。

Article 90-2 A request for administrative review provided for in paragraph (1) of the preceding Article must be filed within three months from the day following the date when the official concerned received the written explanation of the disposition, and may not be filed when one year has passed from the day following the day on which the disposition was made.

(調査)

(Investigation)

第九十一条 第九十条第一項に規定する審査請求を受理したときは、人事院又はその定める機関は、直ちにその事案を調査しなければならない。

Article 91 (1) On receipt of the request for administrative review provided for in Article 90, paragraph (1), the National Personnel Authority, or any organ designated by the National Personnel Authority must immediately investigate the case.

2 前項に規定する場合において、処分を受けた職員から請求があつたときは、口頭審理を行わなければならない。口頭審理は、その職員から請求があつたときは、公開して行わなければならない。

(2) In the cases provided for in the preceding paragraph, a hearing must be held if requested by the official subject to the disposition. If so requested by the official concerned, the hearing must be open to the public.

3 処分を行った者又はその代理者及び処分を受けた職員は、すべての口頭審理に出席し、自己の代理人として弁護人を選任し、陳述を行い、証人を出席せしめ、並びに書類、記録その他のあらゆる適切な事実及び資料を提出することができる。

(3) The person who made the disposition or their deputy, and the official subject to the disposition may appear at all the hearings, appoint defense counsel as a representative, make statements, present witnesses, and submit documents, records and any other pertinent facts and data.

4 前項に掲げる者以外の者は、当該事案に関し、人事院に対し、あらゆる事実及び資料を提出することができる。

(4) Persons other than those set forth in the preceding paragraph may submit to the National Personnel Authority any facts and data concerning the case.

(調査の結果採るべき措置)

(Measures to Be Taken as a Result of an Investigation)

第九十二条 前条に規定する調査の結果、処分を行うべき事由のあることが判明したときは、人事院は、その処分を承認し、又はその裁量により修正しなければならない。

Article 92 (1) If, as a result of the investigation provided for in the preceding Article, it is found that there are grounds for the disposition to be made, the National Personnel Authority must approve the disposition or revise it at its discretion.

2 前条に規定する調査の結果、その職員に処分を受けるべき事由のないことが判明したときは、人事院は、その処分を取り消し、職員としての権利を回復するために必要で、且つ、適切な処置をなし、及びその職員がその処分によつて受けた不当な処置を是正しなければならない。人事院は、職員がその処分によつて失つた俸給の弁済を受けられるように指示しなければならない。

(2) If, as a result of the investigation provided for in the preceding Article, it is found that there are no grounds for the disposition to be made against the official, the National Personnel Authority must rescind the disposition and take necessary and appropriate action to restore the official's rights and rectify any injustice that may have been done to the official due to the disposition. The National Personnel Authority must instruct that the official be paid any salary lost due to the disposition.

3 前二項の判定は、最終のものであつて、人事院規則の定めるところにより、人事院によつてのみ審査される。

(3) Determinations referred to in the preceding two paragraphs are final and reviewed only by the National Personnel Authority as provided for by the Rules of the National Personnel Authority.

(審査請求と訴訟との関係)

(Relation between Requests for Administrative Review and Lawsuits)

第九十二条の二 第八十九条第一項に規定する処分であつて人事院に対して審査請求をすることができるものの取消しの訴えは、審査請求に対する人事院の裁決を経た後でなければ、提起することができない。

Article 92-2 With regard to any of the dispositions provided for in Article 89, paragraph (1) of which officials may file a request for administrative review to the National Personnel Authority, no lawsuit may be filed for the rescission of the dispositions until after the National Personnel Authority has rendered a judgment on the administrative request.

### 第三目 公務傷病に対する補償

#### Division 3 Compensation for Injury and Disease Incurred in the Line of Public Duty

(公務傷病に対する補償)

(Compensation for Injury and Disease Incurred in the Line of Public Duty)

第九十三条 職員が公務に基き死亡し、又は負傷し、若しくは疾病にかかり、若しくはこれに起因して死亡した場合における、本人及びその直接扶養する者がこれによつて受ける損害に対し、これを補償する制度が樹立し実施せられなければならない。

Article 93 (1) A system of compensating the official and the official's immediate dependents for damage due to the death, injury or disease of the official incurred in the line of public duty or the death of the official resulting from injury or disease incurred in the line of public duty must be established and enforced.

2 前項の規定による補償制度は、法律によつてこれを定める。

(2) The compensation system under the provisions of the preceding paragraph is provided for by law.

(法律に規定すべき事項)

(Particulars to Be Provided for in Law)

第九十四条 前条の補償制度には、左の事項が定められなければならない。

Article 94 In the compensation system referred to in the preceding Article, the following particulars must be provided for:

一 公務上の負傷又は疾病に起因した活動不能の期間における経済的困窮に対する職員の保護に関する事項

(i) particulars concerning protection of the official against economic hardship during periods of incapacity resulting from injury or disease incurred in the line of public duty;

二 公務上の負傷又は疾病に起因して、永久に、又は長期に所得能力を害せられた場合におけるその職員の受ける損害に対する補償に関する事項

(ii) particulars concerning compensation to the official for damage due to permanent or prolonged harm to the official's earning capacity resulting from injury or disease incurred in the line of public duty;

三 公務上の負傷又は疾病に起因する職員の死亡の場合におけるその遺族又は職員の死亡当時その収入によつて生計を維持した者の受ける損害に対する補償に関する事項

(iii) particulars concerning compensation to the bereaved family of the official or those who depended on the income of the official at the time of the official's death, for damage due to the death of the official resulting from injury or disease incurred in the line of public duty.

(補償制度の立案及び実施の責務)

(Responsibility for Drafting and Implementing the Compensation System)

第九十五条 人事院は、なるべくすみやかに、補償制度の研究を行い、その成果を国会及び内閣に提出するとともに、その計画を実施しなければならない。

Article 95 The National Personnel Authority must conduct studies on the compensation system, submit the results thereof to the Diet and the Cabinet, and implement the program as promptly as possible.

## 第七節 服務

### Section 7 Service Discipline

(服務の根本基準)

(Basic Standards for Service Discipline)

第九十六条 すべて職員は、国民全体の奉仕者として、公共の利益のために勤務し、且つ、職務の遂行に当つては、全力を挙げてこれに専念しなければならない。

Article 96 (1) Every official must, as a servant of all citizens, serve the public interest, and devote their utmost attention to the performance of duties.

2 前項に規定する根本基準の実施に関し必要な事項は、この法律又は国家公務員倫理法に定めるものを除いては、人事院規則でこれを定める。

(2) Except for those specified by this Act or the National Public Service Ethics Act, particulars necessary for enforcing the basic standards prescribed in the preceding paragraph are provided for by the Rules of the National Personnel Authority.

(服務の宣誓)

(Oath of Service)

第九十七条 職員は、政令の定めるところにより、服務の宣誓をしなければならない。

Article 97 Officials must take an oath of service, as specified by Cabinet Order.

(法令及び上司の命令に従う義務並びに争議行為等の禁止)

(Obligation to Obey Laws and Regulations and Orders of Superiors; Prohibition of Acts of Dispute)

第九十八条 職員は、その職務を遂行するについて、法令に従い、且つ、上司の職務上の命令に忠実に従わなければならない。

Article 98 (1) Officials must, in the performance of their duties, comply with laws and regulations, and faithfully observe the orders of their superiors in the course of duties.

2 職員は、政府が代表する使用者としての公衆に対して同盟罷業、怠業その他の争議行為をなし、又は政府の活動能率を低下させる怠業的行為をしてはならない。又、何人も、このような違法な行為を企て、又はその遂行を共謀し、そそのかし、若しくはあおつてはならない。

(2) Officials must not strike or engage in a strike, a lockout or other acts of dispute against the public as their employer represented by the government, or resort to a neglectful act which would reduce the efficiency of government operations, and no person must attempt, or conspire to effect, instigate or incite the illegal acts.

3 職員で同盟罷業その他前項の規定に違反する行為をした者は、その行為の開始とともに、国に対し、法令に基いて保有する任命又は雇用上の権利をもつて、対抗することができない。

(3) Any official who resorts to a strike or other acts violating the provisions of the preceding paragraph may not, with the commencement of such acts, be asserted against the national government with the rights to appointment or employment possessed by officials under laws and regulations.

(信用失墜行為の禁止)

(Prohibition of Acts Causing Discredit)

第九十九条 職員は、その官職の信用を傷つけ、又は官職全体の不名誉となるような行為をしてはならない。

Article 99 No official may act in such a way as to discredit their government positions or bring dishonor upon all government positions.

(秘密を守る義務)

(Obligation to Preserve Secrecy)

第一百条 職員は、職務上知ることのできた秘密を漏らしてはならない。その職を退いた後といえども同様とする。

Article 100 (1) An official must not divulge any secret which may have come to the official's knowledge in the course of duties. This also applies after the official has left the position.

2 法令による証人、鑑定人等となり、職務上の秘密に属する事項を発表するには、所轄庁の長（退職者については、その退職した官職又はこれに相当する官職の所轄庁の長）の許可を要する。

(2) In order for an official to make a statement concerning any secret in the course of duties as a witness, an expert witness or in other capacities provided for by laws and regulations, the official is to require the permission of the head of the competent authority (in the case of a person who has retired, the head of the government agency having jurisdiction over the government position the official held at the time of the retirement or any government position equivalent thereto).

3 前項の許可は、法律又は政令の定める条件及び手続に係る場合を除いては、これを拒むことができない。

(3) The permission referred to in the preceding paragraph may not be refused, except in cases pertaining to the conditions and procedures provided for by law or by Cabinet Orders.

4 前三項の規定は、人事院で扱われる調査又は審理の際人事院から求められる情報に関しては、これを適用しない。何人も、人事院の権限によつて行われる調査又は審理に際して、秘密の又は公表を制限された情報を陳述し又は証言することを人事院から求められた場合には、何人からも許可を受ける必要がない。人事院が正式に要求した情報について、人事院に対して、陳述及び証言を行わなかつた者は、この法律の罰則の適用を受けなければならない。

(4) The provisions of the preceding three paragraphs do not apply to information that is requested by the National Personnel Authority during an investigation or hearing conducted by the National Personnel Authority. It is not necessary for any person to secure permission from anyone to make a statement or testify on any confidential or restricted information when so requested by the National Personnel Authority during or as part of such investigations or hearings conducted by the authority of the National Personnel Authority. Any person who fails to make a statement or testify before the National Personnel Authority on information officially requested by the National Personnel Authority must be subject to the penal provisions of this Act.

5 前項の規定は、第十八条の四の規定により権限の委任を受けた再就職等監視委員会が行う調査について準用する。この場合において、同項中「人事院」とあるのは「再就職等監視委員会」と、「調査又は審理」とあるのは「調査」と読み替えるものとする。

(5) The provisions of the preceding paragraph apply mutatis mutandis to the investigation conducted by the Reemployment Surveillance Commission, to which the authority is delegated pursuant to the provisions of Article 18-4. In this case, the term "National Personnel Authority" in the same paragraph is deemed to be replaced with "Reemployment Surveillance Commission," and the term "investigation or hearing" is deemed to be replaced with "investigation."

(職務に専念する義務)

(Obligation to Devote Themselves to Duties)



第百一条 職員は、法律又は命令の定める場合を除いては、その勤務時間及び職務上の注意力のすべてをその職責遂行のために用い、政府がなすべき責を有する職務にのみ従事しなければならない。職員は、法律又は命令の定める場合を除いては、官職を兼ねてはならない。職員は、官職を兼ねる場合においても、それに対して給与を受けてはならない。

Article 101 (1) An official, except in cases provided for by laws or orders, must devote their full working hours and all of their occupational attention to the performance of their duties, and engage only in those duties which the government assumes the responsibility to perform. Officials, except in cases specified by laws or orders, must not hold concurrently two or more government positions. Even when an official holds additional government positions, they must not be paid for them.

2 前項の規定は、地震、火災、水害その他重大な災害に際し、当該官庁が職員を本職以外の業務に従事させることを妨げない。

(2) The provisions of the preceding paragraph do not preclude the agency from having their officials engage in duties other than regular ones in the event of an earthquake, fire, flood or other serious disasters.

(政治的行為の制限)

(Restriction on Political Acts)

第百二条 職員は、政党又は政治的目的のために、寄附金その他の利益を求め、若しくは受領し、又は何らの方法を以てするを問わず、これらの行為に関与し、あるいは選挙権の行使を除く外、人事院規則で定める政治的行為をしてはならない。

Article 102 (1) An official must not solicit, receive, or be in any manner involved in soliciting or receiving any donation or other benefit for any political party or political purpose, nor must engage in any political acts as provided for by the Rules of the National Personnel Authority other than to exercise the right to vote.

2 職員は、公選による公職の候補者となることができない。

(2) No official may be a candidate for elective public office.

3 職員は、政党その他の政治的団体の役員、政治的顧問、その他これらと同様な役割をもつ構成員となることができない。

(3) No official may be an officer, a political adviser, or any other member with a similar role of any political party or political organization.

(私企業からの隔離)

(Separation from Private Enterprises)

第百三条 職員は、商業、工業又は金融業その他営利を目的とする私企業（以下営利企業とをいう。）を営むことを目的とする会社その他の団体の役員、顧問若しくは評議員の職兼ね、又は自ら営利企業を営んではならない。

Article 103 (1) No official must concurrently hold the position of an officer,

advisor or councilor in a company or any other organizations established for the purpose of operating a commercial, industrial, financial or other for-profit private enterprises (hereinafter referred to as an "enterprise for profit"), nor may they personally operate any enterprise for profit.

2 前項の規定は、人事院規則の定めるところにより、所轄庁の長の申出により人事院の承認を得た場合には、これを適用しない。

(2) The provisions of the preceding paragraph do not apply to cases wherein approval is given by the National Personnel Authority on the report of the head of the competent authority, as provided for by the Rules of the National Personnel Authority.

3 営利企業について、株式所有の関係その他の関係により、当該企業の経営に参加し得る地位にある職員に対し、人事院は、人事院規則の定めるところにより、株式所有の関係その他の関係について報告を徴することができる。

(3) With respect to an enterprise for profit, when an official is in a position in which the official is able to participate in the management of the enterprise because of the official's holding of shares therein or because of some other relationships with it, the National Personnel Authority may call upon such an official to submit a report regarding the official's holding of shares and other relationships, as provided for by the Rules of the National Personnel Authority.

4 人事院は、人事院規則の定めるところにより、前項の報告に基き、企業に対する関係の全部又は一部の存続が、その職員の職務遂行上適当でないと認めるときは、その旨を当該職員に通知することができる。

(4) If the National Personnel Authority, based on the report referred to in the preceding paragraph, finds that the continuance of all or part of the official's relationship with the enterprise is inappropriate in the course of the performance of their duties, it may notify the official to that effect, as provided for by the Rules of the National Personnel Authority.

5 前項の通知を受けた職員は、その通知の内容について不服があるときは、その通知を受領した日の翌日から起算して三月以内に、人事院に審査請求をすることができる。

(5) If an official, upon receipt of the notice referred to in the preceding paragraph, has an objection to the content thereof, the official may file a request for administrative review to the National Personnel Authority within three months from the day following the date when the official received such notice.

6 第九十条第三項並びに第九十一条第二項及び第三項の規定は前項の審査請求のあつた場合について、第九十二条の二の規定は第四項の通知の取消しの訴えについて、それぞれ準用する。

(6) The provisions of Article 90, paragraph (3) and Article 91, paragraphs (2) and (3) apply mutatis mutandis to cases where the request for administrative review referred to in the preceding paragraph has been filed, and the provisions of Article 92-2 apply mutatis mutandis to lawsuits filed for rescission of the notice referred to in paragraph (4) respectively.

7 第五項の審査請求をしなかつた職員及び人事院が同項の審査請求について調査した結果、通知の内容が正当であると裁決された職員は、人事院規則の定めるところにより、人事院規則の定める期間内に、その企業に対する関係の全部若しくは一部を絶つか、又はその官職を退かなければならない。

(7) An official who has not filed a request for administrative review referred to in paragraph (5) and an official who has received a judgment as a result of an investigation by the National Personnel Authority of the request for administrative review referred to in the same paragraph stating that the content of the notice was justifiable must, as provided for by the Rules of the National Personnel Authority, divest themselves of the relationships with that enterprise entirely or in part, or relinquish their government positions within the period provided for by the Rules of the National Personnel Authority.

(他の事業又は事務の関与制限)

(Restrictions on Participation in Other Business or Affairs)

第百四条 職員が報酬を得て、営利企業以外の事業の団体の役員、顧問若しくは評議員の職を兼ね、その他いかなる事業に従事し、若しくは事務を行うにも、内閣総理大臣及びその職員の所轄庁の長の許可を要する。

Article 104 If an official is to concurrently hold the position of an officer, advisor or councilor in any business organization other than an enterprise for profit, or to engage in any other businesses or to carry out affairs, by receiving remuneration, the official is required to obtain permission of the Prime Minister and the head of the official's competent authority.

(職員の職務の範囲)

(Scope of Duties of Officials)

第百五条 職員は、職員としては、法律、命令、規則又は指令による職務を担当する以外の義務を負わない。

Article 105 An Official bears no other obligations apart from taking charge of those duties under laws, orders, rules or directives.

(勤務条件)

(Working Conditions)

第百六条 職員の勤務条件その他職員の服務に関し必要な事項は、人事院規則でこれを定めることができる。

Article 106 (1) Working conditions of officials and other necessary particulars pertinent to service discipline may be provided for by the Rules of the National Personnel Authority.

2 前項の人事院規則は、この法律の規定の趣旨に沿うものでなければならない。

(2) The Rules of the National Personnel Authority referred to in the preceding paragraph must be consistent with the purpose of the provisions of this Act.

## 第八節 退職管理

### Section 8 Retirement Management

#### 第一款 離職後の就職に関する規制

#### Subsection 1 Regulations on Employment after Separation from Service

(他の役職員についての依頼等の規制)

(Regulations of Requests Regarding Other Officers or Officials)

第百六条の二 職員は、営利企業等（営利企業及び営利企業以外の法人（国、国際機関、地方公共団体、行政執行法人及び地方独立行政法人法（平成十五年法律第百十八号）第二条第二項に規定する特定地方独立行政法人を除く。）をいう。以下同じ。）に対し、他の職員若しくは行政執行法人の役員（以下「役職員」という。）をその離職後に、若しくは役職員であつた者を、当該営利企業等若しくはその子法人（当該営利企業等に財務及び営業又は事業の方針を決定する機関（株主総会その他これに準ずる機関をいう。）を支配されている法人として政令で定めるものをいう。以下同じ。）の地位に就かせることを目的として、当該役職員若しくは役職員であつた者に関する情報を提供し、若しくは当該地位に関する情報の提供を依頼し、又は当該役職員をその離職後に、若しくは役職員であつた者を、当該営利企業等若しくはその子法人の地位に就かせることを要求し、若しくは依頼してはならない。

Article 106-2 (1) An official, for the purpose of having another official or officer of an agency engaged in administrative execution (hereinafter referred to an "officer or official") after separation from service, or a person that was an officer or official assume a position in an enterprise for profit, etc. (meaning an enterprise for profit and a corporation other than an enterprise for profit (excluding the national government, international organizations, local governments, agencies engaged in administrative execution and specified local incorporated administrative agencies provided for in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)); the same applies hereinafter) or its subsidiary corporation (meaning a corporation specified by Cabinet Order as having institutions that make decisions on financial or operational, or business policies (meaning shareholders meetings and other equivalent institutions) controlled by the enterprise for profit, etc.; the same applies hereinafter), must not, to the enterprise for profit, etc., provide information on the officer or official, or the person who was an officer or official, request to provide information on the position, or demand or request that the officer or official after separation from service, or a person who was as officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.

2 前項の規定は、次に掲げる場合には適用しない。

(2) The provisions of the preceding paragraph do not apply to the following cases:

- 一 職業安定法（昭和二十二年法律第百四十一号）、船員職業安定法（昭和二十三年法律第百三十号）その他の法令の定める職業の安定に関する事務として行う場合
- (i) when conducted as affairs concerning security of employment as provided for in the Employment Security Act (Act No. 141 of 1947), the Mariners Employment Security Act (Act No. 130 of 1948) and other laws and regulations.
- 二 退職手当通算予定職員を退職手当通算法人の地位に就かせることを目的として行う場合（独立行政法人通則法第五十四条第一項において読み替えて準用する第四項に規定する退職手当通算予定役員を同条第一項において準用する次項に規定する退職手当通算法人の地位に就かせることを目的として行う場合を含む。）
- (ii) when conducting for the purpose of having an official scheduled to receive an aggregate retirement allowance assume a position in an aggregate retirement allowance corporation (including cases where the purpose is to have an officer scheduled to receive an aggregate retirement allowance provided for in paragraph (4) as applied mutatis mutandis by replacing the terms pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency, assume a position in the aggregate retirement allowance corporation provided for in the following paragraph as applied mutatis mutandis pursuant to the provisions of paragraph (1) of the same Article).
- 三 官民人材交流センター（以下「センター」という。）の職員が、その職務として行う場合
- (iii) when an official of the Center for Personnel Interchanges between the Government and Private Entities (hereinafter referred to as "the Center") conducts as their duties.
- 3 前項第二号の「退職手当通算法人」とは、独立行政法人（独立行政法人通則法第二条第一項に規定する独立行政法人をいう。以下同じ。）その他特別の法律により設立された法人でその業務が国の事務又は事業と密接な関連を有するもののうち政令で定めるもの（退職手当（これに相当する給付を含む。）に関する規程において、職員が任命権者又はその委任を受けた者の要請に応じ、引き続いて当該法人の役員又は当該法人に使用される者となつた場合に、職員としての勤続期間を当該法人の役員又は当該法人に使用される者としての勤続期間に通算することと定めている法人に限る。）をいう。
- (3) An "aggregate retirement allowance corporation" referred to in item (ii) of the preceding paragraph means a corporation specified by Cabinet Order from among incorporated administrative agencies (meaning incorporated administrative agencies provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency; the same applies hereinafter) and corporations established under other special Acts, whose business is closely related to the administration or business of the national government (limited to corporations which prescribe in their rules concerning

retirement allowance (including equivalent payments) that in case an official becomes an officer or becomes employed by the corporation without interruption upon the request of an appointer or a person who has been delegated by the appointer, the length of service as an official is aggregated to the length of service as an officer of the corporation or as a person employed by the corporation).

4 第二項第二号の「退職手当通算予定職員」とは、任命権者又はその委任を受けた者の要請に応じ、引き続いて退職手当通算法人（前項に規定する退職手当通算法人をいう。以下同じ。）の役員又は退職手当通算法人に使用される者となるため退職することとなる職員であつて、当該退職手当通算法人に在職した後、特別の事情がない限り引き続いて選考による採用が予定されている者のうち政令で定めるものをいう。

(4) An "official scheduled to receive an aggregate retirement allowance" in paragraph (2), item (ii) means an official specified by Cabinet Order from among officials who, upon the request of an appointer or a person who has been delegated by the appointer, have come to retire to become officers of the aggregate retirement allowance corporation (meaning the aggregate retirement allowance corporation prescribed in the preceding paragraph; the same applies hereinafter) or to become employed by the aggregate retirement allowance corporation without interruption, and are expected to be appointed by means of selection without interruption, unless there are special circumstances, after employment in the aggregate retirement allowance corporation.

（在職中の求職の規制）

(Regulations of Job-Seeking While Holding Office)

第百六条の三 職員は、利害関係企業等（営利企業等のうち、職員の職務に利害関係を有するものとして政令で定めるものをいう。以下同じ。）に対し、離職後に当該利害関係企業等若しくはその子法人の地位に就くことを目的として、自己に関する情報を提供し、若しくは当該地位に関する情報の提供を依頼し、又は当該地位に就くことを要求し、若しくは約束してはならない。

Article 106-3 (1) An official must not provide information concerning themselves, request the provision of information on a position, or demand or promise to assume a position to an interested enterprise, etc. (meaning an organization specified by Cabinet Order from among enterprise for profits, etc. that have an interest in the duties of the official; the same applies hereinafter), for the purpose of assuming the position in the interested enterprise, etc. or its subsidiary corporation after separation from service.

2 前項の規定は、次に掲げる場合には適用しない。

(2) The provisions of the preceding paragraph do not apply to the following cases:

一 退職手当通算予定職員（前条第四項に規定する退職手当通算予定職員をいう。以下同じ。）が退職手当通算法人に対して行う場合

(i) when conducted by the official scheduled to receive an aggregate retirement

allowance (meaning an official scheduled to receive an aggregate retirement allowance as provided for in paragraph (4) of the preceding Article; the same applies hereinafter) against the aggregate retirement allowance corporation.

二 在職する局等組織（国家行政組織法第七条第一項に規定する官房若しくは局、同法第八条の二に規定する施設等機関その他これらに準ずる国の部局若しくは機関として政令で定めるもの、これらに相当する行政執行法人の組織として政令で定めるもの又は都道府県警察をいう。以下同じ。）の意思決定の権限を実質的に有しない官職として政令で定めるものに就いている職員が行う場合

(ii) when conducted by an official, who is in a government position specified by Cabinet Order as having no substantial authority on decision making in the organization such as a bureau, etc. where the official holds office (meaning a secretariat or bureau provided for in Article 7, paragraph (1) of the National Government Organization Act, an organization specified by Cabinet Order as facilities and other organs, etc. provided for in Article 8-2 of the same Act, other national government bureaus or organ equivalent to these, an organization specified by Cabinet Order as an organization of an agency engaged in administrative execution equivalent to these or prefectural police; the same applies hereinafter).

三 センターから紹介された利害関係企業等との間で、当該利害関係企業等又はその子法人の地位に就くことに関して職員が行う場合

(iii) when conducted by an official with interested enterprises, etc. introduced by the Center, with regard to assuming a position in the interested enterprises, etc. or their subsidiary corporations.

四 職員が利害関係企業等に対し、当該利害関係企業等若しくはその子法人の地位に就くことを目的として、自己に関する情報を提供し、若しくは当該地位に関する情報の提供を依頼し、又は当該地位に就くことを要求し、若しくは約束することにより公務の公正性の確保に支障が生じないと認められる場合として政令で定める場合において、政令で定める手続により内閣総理大臣の承認を得た職員が当該承認に係る利害関係企業等に対して行う場合

(iv) when conducted by an official who has obtained the approval of the Prime Minister through procedures specified by Cabinet Order against the interested enterprises, etc. pertaining to the approval under the circumstances specified by Cabinet Order as the case that, for the purpose of assuming a position in the interested enterprises, etc. or their subsidiary corporations, the official providing information concerning the official, requesting to provide information on the position, or demanding or promising to assume the position in the interested enterprises, etc. is found not to pose any impediment to ensuring fairness in public duties.

3 前項第四号の規定による内閣総理大臣が承認する権限は、再就職等監視委員会に委任する。

(3) The authority approved by the Prime Minister under the provisions of item (iv)

of the preceding paragraph is delegated to the Reemployment Surveillance Commission.

4 前項の規定により再就職等監視委員会に委任された権限は、政令で定めるところにより、再就職等監察官に委任することができる。

(4) The authority delegated to the Reemployment Surveillance Commission pursuant to the provisions of the preceding paragraph, may be delegated to the reemployment surveillance inspector, as specified by Cabinet Order.

5 再就職等監視委員会が第三項の規定により委任を受けた権限に基づき行う承認（前項の規定により委任を受けた権限に基づき再就職等監察官が行う承認を含む。）についての審査請求は、再就職等監視委員会に対して行うことができる。

(5) With respect to the approval made by the Reemployment Surveillance Commission based on the authority delegated pursuant to the provisions of paragraph (3) (including approvals made by the reemployment surveillance inspector based on the authority delegated pursuant to the provisions of the preceding paragraph), a request for administrative review may be filed to the Reemployment Surveillance Commission.

（再就職者による依頼等の規制）

(Regulations of Requests by Reemployed Officials)

第百六条の四 職員であつた者であつて離職後に営利企業等の地位に就いている者（退職手当通算予定職員であつた者であつて引き続いて退職手当通算法人の地位に就いている者（以下「退職手当通算離職者」という。）を除く。以下「再就職者」という。）は、離職前五年間に在職していた局等組織に属する役職員又はこれに類する者として政令で定めるものに対し、国、行政執行法人若しくは都道府県と当該営利企業等若しくはその子法人との間で締結される売買、貸借、請負その他の契約又は当該営利企業等若しくはその子法人に対して行われる行政手続法（平成五年法律第八十八号）第二条第二号に規定する処分に関する事務（以下「契約等事務」という。）であつて離職前五年間の職務に属するものに関し、離職後二年間、職務上の行為をするように、又はしないように要求し、又は依頼してはならない。

Article 106-4 (1) A person who was an official holding a position in an enterprise for profit, etc. after separation from service (excluding a person that has been an official scheduled to receive an aggregate retirement allowance and holds a position at the aggregate retirement allowance corporation (hereinafter referred to as an "official separated from service with an aggregate retirement allowance"); hereinafter referred to as a "reemployed official") must not demand or request to, or not to perform acts in the course of duties during the period of 2 years after separation from service, to an officer or official belonging to an organization such as bureau where the officer or official had held office during the period of 5 years prior to the separation from service, or to a person specified by Cabinet Order as being similar to the officer or official, concerning sales, leases, contracts for work and other contracts concluded



between the national government, an agency engaged in administrative execution or a prefecture and the enterprise for profit, etc. or its subsidiary corporation, or affairs concerning dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act (Act No. 88 of 1993) against the enterprise for profit, etc. or its subsidiary corporation (hereinafter referred to as "contract affairs, etc."), which has belonged to the duties during the period of 5 years prior to separation from service.

2 前項の規定によるもののほか、再就職者のうち、国家行政組織法第二十一条第一項に規定する部長若しくは課長の職又はこれらに準ずる職であつて政令で定めるものに、離職した日の五年前の日より前に就いていた者は、当該職に就いていた時に在職していた局等組織に属する役職員又はこれに類する者として政令で定めるものに対し、契約等事務であつて離職した日の五年前の日より前の職務（当該職に就いていたときの職務に限る。）に属するものに関し、離職後二年間、職務上の行為をするように、又はしないように要求し、又は依頼してはならない。

(2) Beyond what is prescribed in the preceding paragraph, a reemployed official who held the position of director-general of the department or director of the division as provided for in Article 21, paragraph (1) of the National Government Organization Act or an equivalent position specified by Cabinet Order prior to the day which is 5 years previous to the day of separation from service, must not demand or request to, or not to perform acts in the course of duties, during the period of 2 years after separation from service, to an officer or official belonging to an organization such as the bureau where the reemployed official has been holding the position, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that has been the official's duties prior to the day which is 5 years previous to the day of separation from service (limited to duties while in the position).

3 前二項の規定によるもののほか、再就職者のうち、国家行政組織法第六条に規定する長官、同法第十八条第一項に規定する事務次官、同法第二十一条第一項に規定する事務局長若しくは局長の職又はこれらに準ずる職であつて政令で定めるものに就いていた者は、当該職に就いていた時に在職していた府省その他の政令で定める国の機関、行政執行法人若しくは都道府県警察（以下「局長等としての在職機関」という。）に属する役職員又はこれに類する者として政令で定めるものに対し、契約等事務であつて局長等としての在職機関の所掌に属するものに関し、離職後二年間、職務上の行為をするように、又はしないように要求し、又は依頼してはならない。

(3) Beyond what is prescribed in the preceding two paragraphs, a reemployed official who held the position of director-general provided for in Article 6 of the National Government Organization Act, an administrative vice-minister provided for in Article 18, paragraph (1) of the same Act or director of the executive office or director-general of the bureau provided for in Article 21, paragraph (1) of the same Act, or an equivalent position specified by Cabinet

Order, must not demand or request to, or not to perform acts in the course of duties, during the period of 2 years after separation from service, to an officer or official belonging to the Cabinet Office and Ministries and other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police where the reemployed official had held the position (hereinafter referred to as an "organ for which they served as director-general of the bureau, etc.") or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that are under the jurisdiction of the organ for which they served as director-general of the bureau, etc.

4 前三項の規定によるもののほか、再就職者は、在職していた府省その他の政令で定める国の機関、行政執行法人若しくは都道府県警察（以下この項において「行政機関等」という。）に属する役職員又はこれに類する者として政令で定めるものに対し、国、行政執行法人若しくは都道府県と営利企業等（当該再就職者が現にその地位に就いているものに限る。）若しくはその子法人との間の契約であつて当該行政機関等においてその締結について自らが決定したもの又は当該行政機関等による当該営利企業等若しくはその子法人に対する行政手続法第二条第二号に規定する処分であつて自らが決定したものに関し、職務上の行為をするように、又はしないように要求し、又は依頼してはならない。

(4) Beyond what is prescribed in the preceding three paragraphs, a reemployed official must not demand or request to, or not to perform acts in the course of duties, to an officer or official belonging to the Cabinet Office and Ministries where the reemployed official had held office, and other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police (hereinafter referred to as "administrative organ, etc." in this paragraph) or to a person specified by Cabinet Order as being similar to the officer or official, concerning contracts concluded between the national government, an agency engaged in administrative execution or a prefecture and enterprise for profit, etc. (limited to which the reemployed official is currently holding a position) or its subsidiary corporation which the reemployed official has personally made decisions on the conclusion at the administrative organ, etc., or has made decisions on dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act against the enterprise for profit, etc. or its subsidiary corporation by the administrative organ, etc.

5 前各項の規定は、次に掲げる場合には適用しない。

(5) The provisions of the preceding paragraphs do not apply to the following cases:

一 試験、検査、検定その他の行政上の事務であつて、法律の規定に基づく行政庁による指定若しくは登録その他の処分（以下「指定等」という。）を受けた者が行う当該指定等に係るもの若しくは行政庁から委託を受けた者が行う当該委託に係るも

のを遂行するために必要な場合、又は国の事務若しくは事業と密接な関連を有する業務として政令で定めるものを行うために必要な場合

(i) when it is necessary for a person who received designations, registrations or other dispositions by administrative agencies under the provisions of laws (hereinafter referred to as "designations, registrations or other dispositions ") to carry out examinations, inspections, and other affairs of administration pertaining to the designations, registrations or other dispositions, or for a person who received entrustment from administrative agencies to carry out affairs of administration pertaining to the entrustment, or when it is necessary to conduct business specified by Cabinet Order as being closely related to the administration or business of the national government;

二 行政庁に対する権利若しくは義務を定めている法令の規定若しくは国、行政執行法人若しくは都道府県との間で締結された契約に基づき、権利を行使し、若しくは義務を履行する場合、行政庁の処分により課された義務を履行する場合又はこれらに類する場合として政令で定める場合

(ii) when exercising rights or performing obligations, under laws and regulations that define the rights or obligations to administrative agencies, or under the contracts concluded between the national government, agencies engaged in administrative execution or prefectures, or when performing obligations imposed by disposition of administrative agencies, or when it is specified by Cabinet Order as being similar to these cases;

三 行政手続法第二条第三号に規定する申請又は同条第七号に規定する届出を行う場合

(iii) when making applications provided for in Article 2, item (iii) of the Administrative Procedure Act, or notifications provided for in item (vii) of the same Article;

四 会計法（昭和二十二年法律第三十五号）第二十九条の三第一項に規定する競争の手續、行政執行法人が公告して申込みをさせることによる競争の手續又は地方自治法（昭和二十二年法律第六十七号）第二百三十四条第一項に規定する一般競争入札若しくはせり売りの手續に従い、売買、貸借、請負その他の契約を締結するために必要な場合

(iv) when it is necessary to conclude sales, leases, contracts for work and other contracts, in accordance with procedures of competition as provided for in Article 29-3, paragraph (1) of the Public Accounting Act (Act No. 35 of 1947), procedures of competition by having agencies engaged in administrative execution issuing public notices and filing applications, or procedures for open competitive bidding or auction sale as provided for in Article 234, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947);

五 法令の規定により又は慣行として公にされ、又は公にすることが予定されている情報の提供を求める場合（一定の日以降に公にすることが予定されている情報を同日前に開示するよう求める場合を除く。）

(v) when requesting to provide information that is made public or that is scheduled to be made public pursuant to the provisions of laws and regulations or as practice (excluding cases of requesting to disclose information before the certain date when it is scheduled to be made public);

六 再就職者が役職員（これに類する者を含む。以下この号において同じ。）に対し、契約等事務に関し、職務上の行為をするように、又はしないように要求し、又は依頼することにより公務の公正性の確保に支障が生じないと認められる場合として政令で定める場合において、政令で定める手続により内閣総理大臣の承認を得て、再就職者が当該承認に係る役職員に対し、当該承認に係る契約等事務に関し、職務上の行為をするように、又はしないように要求し、又は依頼する場合

(vi) when the reemployed official who has obtained the approval of the Prime Minister through procedures specified by Cabinet Order demands or requests to, or not to perform acts in the course of their duties to an officer or official (including persons similar thereto; the same applies for this item hereinafter), concerning contract affairs, etc. pertaining to the approval under the circumstances specified by Cabinet Order as the case where the reemployed official demanding or requesting to an officer or official to perform or not to perform acts in the course of their duties regarding contract affairs, etc. is found not to pose any impediment to ensuring fairness in public duties.

6 前項第六号の規定による内閣総理大臣が承認する権限は、再就職等監視委員会に委任する。

(6) The authority approved by the Prime Minister under the provisions of item (vi) of the preceding paragraph is delegated to the Reemployment Surveillance Commission.

7 前項の規定により再就職等監視委員会に委任された権限は、政令で定めるところにより、再就職等監察官に委任することができる。

(7) The authority delegated to the Reemployment Surveillance Commission pursuant to the provisions of the preceding paragraph may be delegated to a reemployment surveillance inspector, as specified by Cabinet Order.

8 再就職等監視委員会が第六項の規定により委任を受けた権限に基づき行う承認（前項の規定により委任を受けた権限に基づき再就職等監察官が行う承認を含む。）についての審査請求は、再就職等監視委員会に対して行うことができる。

(8) With respect to the approval made by the Reemployment Surveillance Commission based on the authority delegated pursuant to the provisions of paragraph (6) (including approvals made by a reemployment surveillance inspector based on the authority delegated pursuant to the provisions of the preceding paragraph), a request for administrative review may be filed to the Reemployment Surveillance Commission.

9 職員は、第五項各号に掲げる場合を除き、再就職者から第一項から第四項までの規定により禁止される要求又は依頼を受けたとき（独立行政法人通則法第五十四条第一

項において準用する第一項から第四項までの規定により禁止される要求又は依頼を受けたときを含む。)は、政令で定めるところにより、再就職等監察官にその旨を届け出なければならない。

- (9) When an official receives a demand or request from a reemployed official that is prohibited pursuant to the provisions of paragraphs (1) through (4), except for the cases set forth in each item of paragraph (5) (including the cases of receiving a demand or request that is prohibited pursuant to the provisions of paragraphs (1) through (4) as applied mutatis mutandis pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency), the official must notify the reemployment surveillance inspector to that effect, as specified by Cabinet Order.

## 第二款 再就職等監視委員会

### Subsection 2 Reemployment Surveillance Commission

(設置)

(Establishment)

第百六条の五 内閣府に、再就職等監視委員会（以下「委員会」という。）を置く。

Article 106-5 (1) The Reemployment Surveillance Commission (hereinafter referred to as the "Commission") is established in the Cabinet Office.

2 委員会は、次に掲げる事務をつかさどる。

(2) The Commission takes charge of the following affairs:

一 第十八条の四の規定により委任を受けた権限に基づき調査を行うこと。

(i) conducting investigations based on the authority delegated pursuant to the provisions of Article 18-4;

二 第百六条の三第三項及び前条第六項の規定により委任を受けた権限に基づき承認を行うこと。

(ii) giving approvals based on the authority delegated pursuant to the provisions of Article 106-3, paragraph (3), and paragraph (6) of the preceding Article;

三 前二号に掲げるもののほか、この法律及び他の法律の規定によりその権限に属させられた事項を処理すること。

(iii) beyond what is set forth in the preceding two items, dealing with the particulars belonging to its authority pursuant to the provisions of this Act or other laws.

(職権の行使)

(Exercise of Authority)

第百六条の六 委員会の委員長及び委員は、独立してその職権を行う。

Article 106-6 The Chairperson and Commission members independently exercise their authority.

(組織)

(Organization)

第百六条の七 委員会は、委員長及び委員四人をもつて組織する。

Article 106-7 (1) The Commission is composed of the Chairperson and four Commission members.

2 委員は、非常勤とする。

(2) Commission members are of part-time service.

3 委員長は、会務を総理し、委員会を代表する。

(3) The Chairperson presides over the affairs of the Commission and represents it.

4 委員長に事故があるときは、あらかじめその指名する委員が、その職務を代理する。

(4) If the Chairperson is unavailable, a member designated in advance by the Chairperson acts in place of the Chairperson in the performance of duties.

(委員長及び委員の任命)

(Appointment of the Chairperson and Commission Members)

第百六条の八 委員長及び委員は、人格が高潔であり、職員の退職管理に関する事項に関し公正な判断をすることができ、法律又は社会に関する学識経験を有する者であつて、かつ、役職員又は自衛隊員としての前歴（検察官その他の職務の特殊性を勘案して政令で定める者としての前歴を除く。）を有しない者のうちから、両議院の同意を得て、内閣総理大臣が任命する。

Article 106-8 (1) The Chairperson and Commission members are appointed, with the consent of both Houses of the Diet, by the Prime Minister from among persons who are of the highest moral character and integrity, can make fair judgment on retirement management of officials, have relevant knowledge and experience concerning law or society, and having no previous experience as an officer or an official or a self-defense forces personnel (excluding previous experience as public prosecutors and other persons specified by Cabinet Order by taking the peculiarities of their duties into consideration).

2 委員長又は委員の任期が満了し、又は欠員を生じた場合において、国会の閉会又は衆議院の解散のために両議院の同意を得ることができないときは、内閣総理大臣は、前項の規定にかかわらず、委員長又は委員を任命することができる。

(2) The Prime Minister may appoint the Chairperson or a Commission member notwithstanding the provisions of the preceding paragraph, if the consent of both Houses of the Diet cannot be obtained due to the closing of the Diet or dissolution of the House of Representatives, if the term of office of the Chairperson or a Commission member has expired or a vacancy occurs.

3 前項の場合においては、任命後最初の国会において両議院の事後の承認を得なければならない。この場合において、両議院の事後の承認を得られないときは、内閣総理大臣は、直ちにその委員長又は委員を罷免しなければならない。

(3) In the case referred to in the preceding paragraph, ex post facto consent by both Houses of the Diet must be obtained in the first Diet session after appointment. In this case, if the ex post facto consent cannot be obtained by both Houses of the Diet, the Prime Minister must immediately dismiss the Chairperson or Commission member.

(委員長及び委員の任期)

(Term of Office of the Chairperson and Commission Members)

第百六条の九 委員長及び委員の任期は、三年とする。ただし、補欠の委員長及び委員の任期は、前任者の残任期間とする。

Article 106-9 (1) The term of office of the Chairperson and Commission members is 3 years; provided, however, that the term of office of the Chairperson and Commission members appointed to fill a vacancy is the remaining term of their predecessor.

2 委員長及び委員は、再任されることができる。

(2) The Chairperson and Commission members may be reappointed.

3 委員長及び委員の任期が満了したときは、当該委員長及び委員は、後任者が任命されるまで引き続きその職務を行うものとする。

(3) When the term of office of the Chairperson and a Commission member expires, the Chairperson and Commission member are to continuously perform their duties until their successor is appointed.

(身分保障)

(Guarantee of Status)

第百六条の十 委員長及び委員は、次の各号のいずれかに該当する場合を除いては、在任中、その意に反して罷免されることがない。

Article 106-10 The Chairperson and Commission members are not dismissed against their will while they are in office, except when they fall under any of the following items:

一 破産手続開始の決定を受けたとき。

(i) when they receive the decision of commencement of bankruptcy proceedings.

二 禁錮以上の刑に処せられたとき。

(ii) when they are sentenced to imprisonment without work or a severer punishment.

三 役職員又は自衛隊員（第百六条の八第一項に規定する政令で定める者を除く。）となつたとき。

(iii) when they become an officer or an official or a self-defense forces personnel (excluding those specified by Cabinet Order provided for in Article 106-8, paragraph (1)).

四 委員会により、心身の故障のため職務の執行ができないと認められたとき、又は職務上の義務違反その他委員長若しくは委員たるに適しない非行があると認められ

たとき。

- (iv) when they are found by the Commission to be incapable of performing their duties due to a mental or physical disorder or are found to be guilty of violating their obligations in the course of carrying out their duties and other malfeasance that renders themselves unfit to be the Chairperson or a Commission member.

(罷免)

(Dismissal)

第百六条の十一 内閣総理大臣は、委員長又は委員が前条各号のいずれかに該当するときは、その委員長又は委員を罷免しなければならない。

Article 106-11 The Prime Minister must dismiss the Chairperson or any Commission member if the Chairperson or the Commission member falls under any of the items of the preceding Article.

(服務)

(Service Discipline)

第百六条の十二 委員長及び委員は、職務上知ることのできた秘密を漏らしてはならない。その職を退いた後も同様とする。

Article 106-12 (1) The Chairperson and Commission members must not divulge any secret which may have come to their knowledge in the course of duties.

This applies even after they have left their position.

2 委員長及び委員は、在任中、政党その他の政治的団体の役員となり、又は積極的に政治運動をしてはならない。

(2) The Chairperson or Commission members must neither be an officer of any political party or political organization nor engage in political movements actively while in office.

3 委員長は、在任中、内閣総理大臣の許可のある場合を除くほか、報酬を得て他の職務に従事し、又は営利事業を営み、その他金銭上の利益を目的とする業務を行つてはならない。

(3) The Chairperson, while in office, must not engage in other jobs with remuneration, operate any enterprise for profit, or conduct any business for the purpose of profit, except when they are permitted to do so by the Prime Minister.

(給与)

(Remuneration)

第百六条の十三 委員長及び委員の給与は、別に法律で定める。

Article 106-13 The remuneration of the Chairperson and Commission members is specified separately by laws.



(再就職等監察官)

(Reemployment Surveillance Inspector)

第百六条の十四 委員会に、再就職等監察官（以下「監察官」という。）を置く。

Article 106-14 (1) The Commission has reemployment surveillance inspectors (hereinafter called "inspectors").

2 監察官は、委員会の定めるところにより、次に掲げる事務を行う。

(2) An inspector carries out the following duties, as provided for by the Commission:

一 第百六条の三第四項及び第百六条の四第七項の規定により委任を受けた権限に基づき承認を行うこと。

(i) giving approvals based on the authority delegated pursuant to the provisions of Article 106-3, paragraph (4) and Article 106-4, paragraph (7);

二 第百六条の四第九項の規定による届出を受理すること。

(ii) receiving notifications under the provisions of Article 106-4, paragraph (9);

三 第百六条の十九及び第百六条の二十第一項の規定による調査を行うこと。

(iii) conducting investigations under the provisions of Article 106-19 and Article 106-20, paragraph (1);

四 前三号に掲げるもののほか、この法律及び他の法律の規定によりその権限に属させられた事項を処理すること。

(iv) beyond what is set forth in the preceding three items, dealing with the particulars belonging to their authority pursuant to the provisions of this Act or other Acts.

3 監察官のうち常勤とすべきものの定数は、政令で定める。

(3) The fixed number of inspectors who should be in full-time service is specified by Cabinet Order.

4 前項に規定するもののほか、監察官は、非常勤とする。

(4) Beyond what is provided for in the preceding paragraph, inspectors are of part-time service.

5 監察官は、役職員又は自衛隊員としての前歴（検察官その他の職務の特殊性を勘案して政令で定める者としての前歴を除く。）を有しない者のうちから、委員会の議決を経て、内閣総理大臣が任命する。

(5) An inspector is appointed, with the resolution of the Commission, by the Prime Minister from among persons who do not have previous experience as officers or officials or self-defense forces personnel (excluding previous experience as public prosecutors and other persons specified by Cabinet Order by taking the peculiarities of their duties into consideration).

(事務局)

(Secretariat)

第百六条の十五 委員会の事務を処理させるため、委員会に事務局を置く。

Article 106-15 (1) Secretariat is established in the Commission to deal with the

administrative affairs of the Commission.

2 事務局に、事務局長のほか、所要の職員を置く。

(2) Secretariat has Secretary General and other necessary officials.

3 事務局長は、委員長の命を受けて、局務を掌理する。

(3) The Secretary General takes control of the affairs of Secretariat, as ordered by the Chairperson.

(違反行為の疑いに係る任命権者の報告)

(Report by an Appointer on Suspected Acts of Violation)

第百六条の十六 任命権者は、職員又は職員であつた者に再就職等規制違反行為（第百六条の二から第百六条の四までの規定に違反する行為をいう。以下同じ。）を行つた疑いがあると思料するときは、その旨を委員会に報告しなければならない。

Article 106-16 If an appointer considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. (meaning an act that is in violation of the provisions of Articles 106-2 through 106-4; the same applies hereinafter), the appointer must report to the Commission to that effect.

(任命権者による調査)

(Investigation by Appointers)

第百六条の十七 任命権者は、職員又は職員であつた者に再就職等規制違反行為を行つた疑いがあると思料して当該再就職等規制違反行為に関して調査を行おうとするときは、委員会にその旨を通知しなければならない。

Article 106-17 (1) If an appointer considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. and intends to investigate the act that violates regulations of reemployment, etc., the appointer must notify the Commission to that effect.

2 委員会は、任命権者が行う前項の調査の経過について、報告を求め、又は意見を述べることができる。

(2) The Commission may request the appointer to report the progress of the investigation referred to in the preceding paragraph conducted by an appointer or state its opinion.

3 任命権者は、第一項の調査を終了したときは、遅滞なく、委員会に対し、当該調査の結果を報告しなければならない。

(3) If the appointer completes the investigation referred to in paragraph (1), the appointer must report the results of the investigation to the Commission without delay.

(任命権者に対する調査の要求等)

(Request for Investigation by Appointers)

第百六条の十八 委員会は、第百六条の四第九項の届出、第百六条の十六の報告又はそ

の他の事由により職員又は職員であつた者に再就職等規制違反行為を行つた疑いがあると思料するときは、任命権者に対し、当該再就職等規制違反行為に関する調査を行うよう求めることができる。

Article 106-18 (1) If the Commission considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. due to a notification referred to in Article 106-4, paragraph (9), a report referred to in Article 106-16, or other reasons, the Commission may request the appointer to conduct investigation of the act that violates regulations of reemployment, etc.

2 前条第二項及び第三項の規定は、前項の規定により行われる調査について準用する。

(2) The provisions of paragraphs (2) and (3) of the preceding Article apply mutatis mutandis to the investigation conducted pursuant to the provisions of the preceding paragraph.

(共同調査)

(Joint Investigations)

第百六条の十九 委員会は、第百六条の十七第二項（前条第二項において準用する場合を含む。）の規定により報告を受けた場合において必要があると認めるときは、再就職等規制違反行為に関し、監察官に任命権者と共同して調査を行わせることができる。

Article 106-19 When the Commission receives a report pursuant to the provisions of Article 106-17, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), and if it finds it necessary, the Commission may have an inspector conduct investigation of an act that violates regulations of reemployment, etc. jointly with the appointer.

(委員会による調査)

(Investigation by the Commission)

第百六条の二十 委員会は、第百六条の四第九項の届出、第百六条の十六の報告又はその他の事由により職員又は職員であつた者に再就職等規制違反行為を行つた疑いがあると思料する場合であつて、特に必要があると認めるときは、当該再就職等規制違反行為に関する調査の開始を決定し、監察官に当該調査を行わせることができる。

Article 106-20 (1) When the Commission considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. due to a notification referred to in Article 106-4, paragraph (9), a report referred to in Article 106-16, or other reasons, and if it finds it particularly necessary, the Commission may decide to start investigating the act that violates regulations of reemployment, etc., and may have an inspector conduct the investigation.

2 任命権者は、前項の調査に協力しなければならない。

(2) An appointer must cooperate in the investigation referred to in the preceding paragraph.

3 委員会は、第一項の調査を終了したときは、遅滞なく、任命権者に対し、当該調査の結果を通知しなければならない。

(3) When the Commission completes the investigation referred to in paragraph (1), it must notify the results of the investigation to the appointer without delay.

(勧告)

(Recommendations)

第百六条の二十一 委員会は、第百六条の十七第三項（第百六条の十八第二項において準用する場合を含む。）の規定による調査の結果の報告に照らし、又は第百六条の十九若しくは前条第一項の規定により監察官に調査を行わせた結果、任命権者において懲戒処分その他の措置を行うことが適当であると認めるときは、任命権者に対し、当該措置を行うべき旨の勧告をすることができる。

Article 106-21 (1) If the Commission finds it appropriate for the appointer to take disciplinary action or other measures, in light of a report on the results of the investigation under the provisions of Article 106-17, paragraph (3) (including as applied mutatis mutandis pursuant to Article 106-18, paragraph (2)), or as a result of having an inspector conduct investigation pursuant to the provisions of Article 106-19 or paragraph (1) of the preceding Article, the Commission may recommend that the appointer should take the measures.

2 任命権者は、前項の勧告に係る措置について、委員会に対し、報告しなければならない。

(2) An appointer must report on the measures pertaining to the recommendation referred to in the preceding paragraph to the Commission.

3 委員会は、内閣総理大臣に対し、この節の規定の適切な運用を確保するために必要と認められる措置について、勧告することができる。

(3) The Commission may make a recommendation to the Prime Minister concerning the measures which it finds necessary to assure appropriate application of the provisions of this Section.

(政令への委任)

(Delegation to Cabinet Order)

第百六条の二十二 第百六条の五から前条までに規定するもののほか、委員会に関し必要な事項は、政令で定める。

Article 106-22 Beyond what is provided for in Article 106-5 through the preceding Article, necessary particulars concerning the Commission are specified by Cabinet Order.

### 第三款 雑則

#### Subsection 3 Miscellaneous Provisions

(任命権者への届出)

(Notification to Appointers)

第百六条の二十三 職員（退職手当通算予定職員を除く。）は、離職後に営利企業等の地位に就くことを約束した場合には、速やかに、政令で定めるところにより、任命権者に政令で定める事項を届け出なければならない。

Article 106-23 (1) When an official (excluding an official scheduled to receive an aggregate retirement allowance) promises to assume a position in an enterprise for profit, etc. after separation from service, the official must promptly notify the particulars specified by Cabinet Order to the appointer, as specified by the provisions of Cabinet Order,.

2 前項の届出を受けた任命権者は、第百六条の三第一項の規定の趣旨を踏まえ、当該届出を行つた職員の任用を行うものとする。

(2) An appointer who received the notification referred to in the preceding paragraph is to appoint the official who submitted the notification by taking the purpose of the provisions of Article 106-3, paragraph (1) into consideration.

3 第一項の届出を受けた任命権者は、当該届出を行つた職員が管理又は監督の地位にある職員の官職として政令で定めるものに就いている職員（以下「管理職職員」という。）である場合には、速やかに、当該届出に係る事項を内閣総理大臣に通知するものとする。

(3) appointer who received the notification referred to in paragraph (1) is to promptly notify the particulars pertaining to the notification to the Prime Minister, when the official who submitted the notification is an official holding a position specified by Cabinet Order as a managerial or supervisory government position (hereinafter referred to as a "managerial-supervisory official").

(内閣総理大臣への届出)

(Notification to the Prime Minister)

第百六条の二十四 管理職職員であつた者（退職手当通算離職者を除く。次項において同じ。）は、離職後二年間、次に掲げる法人の役員その他の地位であつて政令で定めるものに就こうとする場合（前条第一項の規定により政令で定める事項を届け出た場合を除く。）には、あらかじめ、政令で定めるところにより、内閣総理大臣に政令で定める事項を届け出なければならない。

Article 106-24 (1) When a person who was a managerial-supervisory official (excluding an official separated from service with an aggregate retirement allowance; the same applies in the following paragraph) intends to assume a position of an officer or other position of the following corporations that is specified by Cabinet Order (excluding cases where the particulars specified by Cabinet Order are notified pursuant to the provisions of paragraph (1) of the preceding Article), during the period of 2 years after separation from service, the person must notify the Prime Minister of the particulars specified by

Cabinet Order in advance, as specified by Cabinet Order:

一 行政執行法人以外の独立行政法人

(i) incorporated administrative agencies other than agencies engaged in administrative execution;

二 特殊法人（法律により直接に設立された法人及び特別の法律により特別の設立行為をもつて設立された法人（独立行政法人に該当するものを除く。）のうち政令で定めるものをいう。）

(ii) special corporations (meaning corporations specified by Cabinet Order from among those directly incorporated by Acts and those incorporated through special acts for establishment under special laws (excluding those falling under the category of incorporated administrative agencies));

三 認可法人（特別の法律により設立され、かつ、その設立に関し行政庁の認可を要する法人のうち政令で定めるものをいう。）

(iii) authorized corporations (meaning corporations specified by Cabinet Order from among those incorporated under special Acts and where approval from administrative agencies is required for their incorporation);

四 公益社団法人又は公益財団法人（国と特に密接な関係があるものとして政令で定めるものに限る。）

(iv) public interest incorporated associations or public interest incorporated foundations (limited to those specified by Cabinet Order as having an especially close relationship with the national government).

2 管理職職員であつた者は、離職後二年間、営利企業以外の事業の団体の地位に就き、若しくは事業に従事し、若しくは事務を行うこととなつた場合（報酬を得る場合に限る。）又は営利企業（前項第二号又は第三号に掲げる法人を除く。）の地位に就いた場合は、前条第一項又は前項の規定による届出を行つた場合、日々雇入れられる者となつた場合その他政令で定める場合を除き、政令で定めるところにより、速やかに、内閣総理大臣に政令で定める事項を届け出なければならない。

(2) When a person who was a managerial-supervisory official has assumed a position, engaged in business or conducted affairs in any business organization other than an enterprise for profit (limited to the cases of receiving remuneration), or assumed a position in an enterprise for profit (excluding the corporations set forth in item (ii) or (iii) of the preceding paragraph) during the period of 2 years after separation from service, the person must promptly notify the Prime Minister of the particulars specified by Cabinet Order, as specified by Cabinet Order, except when the person submits the notification under the provisions of paragraph (1) of the preceding Article or the preceding paragraph, or the person becomes an employee employed on a daily basis, or in other cases specified by Cabinet Order.

（内閣総理大臣による報告及び公表）

(Reports and Publication by the Prime Minister)

第百六条の二十五 内閣総理大臣は、第百六条の二十三第三項の規定による通知及び前条の規定による届出を受けた事項について、遅滞なく、政令で定めるところにより、内閣に報告しなければならない。

Article 106-25 (1) The Prime Minister must report on notices under the provisions of Article 106-23, paragraph (3) and notified particulars under the provisions of the preceding Article to the Cabinet without delay, as specified by Cabinet Order.

2 内閣は、毎年度、前項の報告を取りまとめ、政令で定める事項を公表するものとする。

(2) Each fiscal year, the Cabinet is to compile the reports referred to in the preceding paragraph, and makes public the particulars specified by Cabinet Order.

(退職管理基本方針)

(Basic Policy on Retirement Management)

第百六条の二十六 内閣総理大臣は、あらかじめ、第五十五条第一項に規定する任命権者及び法律で別に定められた任命権者と協議して職員の退職管理に関する基本的な方針（以下「退職管理基本方針」という。）の案を作成し、閣議の決定を求めなければならない。

Article 106-26 (1) The Prime Minister must prepare a proposal of the basic policy regarding the retirement management of officials (hereinafter referred to as the "basic policy on retirement management") in an advance consultation with appointers provided for in Article 55, paragraph (1) or provided for separately in laws, and ask for a Cabinet decision.

2 内閣総理大臣は、前項の規定による閣議の決定があつたときは、遅滞なく、退職管理基本方針を公表しなければならない。

(2) If a Cabinet decision under the provisions of the preceding paragraph is made, the Prime Minister must make public the basic policy on retirement management without delay.

3 前二項の規定は、退職管理基本方針の変更について準用する。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to the revision of the basic policy on retirement management.

4 任命権者は、退職管理基本方針に沿つて、職員の退職管理を行わなければならない。

(4) An appointer must conduct retirement management of officials in accordance with the basic policy on retirement management.

(再就職後の公表)

(Publication after Reemployment)

第百六条の二十七 在職中に第百六条の三第二項第四号の承認を得た管理職職員が離職後に当該承認に係る営利企業等の地位に就いた場合には、当該管理職職員が離職時に在職していた府省その他の政令で定める国の機関、行政執行法人又は都道府県警察

(以下この条において「在職機関」という。)は、政令で定めるところにより、その者の離職後二年間(その者が当該営利企業等の地位に就いている間に限る。)、次に掲げる事項を公表しなければならない。

Article 106-27 When an managerial-supervisory official who obtained the approval referred to in Article 106-3, paragraph (2), item (iv) while in office assumes a position in an enterprise for profit, etc. pertaining to the approval after separation from service, the Cabinet Office and Ministries or other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police where the managerial-supervisory official held office at the time of separation from service (hereinafter referred to as "organ for which they served" in this Article), as specified by Cabinet Order, must make public the following particulars during the period of 2 years after separation of the person from service (limited to the period during which the person is holding a position in the enterprise for profit, etc.):

一 その者の氏名

(i) the person's name;

二 在職機関が当該営利企業等に対して交付した補助金等(補助金等に係る予算の執行の適正化に関する法律(昭和三十年法律第百七十九号)第二条第一項に規定する補助金等をいう。)の総額

(ii) the total amount of subsidies, etc. (meaning subsidy, etc. prescribed in Article 2, paragraph (1) of the Act on Rationalization of Budgetary pending on Subsidies (Act No. 179 of 1955)) that the organ for which they served granted to the enterprise for profit, etc.;

三 在職機関と当該営利企業等との間の売買、貸借、請負その他の契約の総額

(iii) the total amount of sales, leases, contracts for work or other contracts

between the organ for which they served and the enterprise for profit, etc.;

四 その他政令で定める事項

(iv) other particulars specified by Cabinet Order.

## 第九節 退職年金制度

### Section 9 Retirement Pension System

(退職年金制度)

(Retirement Pension System)

第七百七条 職員が、相当年限忠実に勤務して退職した場合、公務に基く負傷若しくは疾病に基き退職した場合又は公務に基き死亡した場合におけるその者又はその遺族に支給する年金に関する制度が、樹立し実施せられなければならない。

Article 107 (1) A system that governs the pension issuable to officials or to their bereaved families when an official has retired after having faithfully served for a reasonable number of years or as the result of injury or disease incurred in the line of public duty or when they have died in the line of public duty must be



established and implemented.

2 前項の年金制度は、退職又は死亡の時の条件を考慮して、本人及びその退職又は死亡の当時直接扶養する者のその後における適当な生活の維持を図ることを目的とするものでなければならない。

(2) The pension system referred to in the preceding paragraph must have as its purpose the provision of an income necessary to enable the person concerned and the official's immediate dependents at the time of the official's retirement or death to maintain thereafter a standard of living appropriate to the conditions prevailing at the time of the retirement or death.

3 第一項の年金制度は、健全な保険数理を基礎として定められなければならない。

(3) The pension system referred to in paragraph (1) must be provided for on a sound actuarial basis.

4 前三項の規定による年金制度は、法律によつてこれを定める。

(4) The pension system under the provisions of the preceding three paragraphs is provided for by laws.

(意見の申出)

(Submission of Opinions)

第百八条 人事院は、前条の年金制度に関し調査研究を行い、必要な意見を国会及び内閣に申し出ることができる。

Article 108 The National Personnel Authority may conduct research and study with regard to the pension system referred to in the preceding Article and submit opinions as it may consider necessary to the Diet and the Cabinet.

## 第十節 職員団体

### Section 10 Employee Organizations

(職員団体)

(Employee Organizations)

第百八条の二 この法律において「職員団体」とは、職員がその勤務条件の維持改善を図ることを目的として組織する団体又はその連合体をいう。

Article 108-2 (1) The term "employee organization" as used in this Act means an organization which is formed by officials for the purpose of maintaining and improving their working conditions, or a federation of such organizations.

2 前項の「職員」とは、第五項に規定する職員以外の職員をいう。

(2) The term "officials" referred to in the preceding paragraph means all officials other than those provided for in paragraph (5).

3 職員は、職員団体を結成し、若しくは結成せず、又はこれに加入し、若しくは加入しないことができる。ただし、重要な行政上の決定を行う職員、重要な行政上の決定に参画する管理的地位にある職員、職員の任免に関して直接の権限を持つ監督的地位にある職員、職員の任免、分限、懲戒若しくは服務、職員の給与その他の勤務条件又

は職員団体との関係についての当局の計画及び方針に関する機密の事項に接し、そのためにその職務上の義務と責任とが職員団体の構成員としての誠意と責任とに直接に抵触すると認められる監督的地位にある職員その他職員団体との関係において当局の立場に立つて遂行すべき職務を担当する職員（以下「管理職員等」という。）と管理職員等以外の職員とは、同一の職員団体を組織することができず、管理職員等と管理職員等以外の職員とが組織する団体は、この法律にいう「職員団体」ではない。

(3) Officials may organize or refrain from organizing, or may join or refrain from joining an employee organization; provided, however, that officials making important administrative decisions, holding managerial positions who participate in making the aforementioned decisions, holding supervisory positions with direct authority on the appointment and dismissal of officials, or those holding supervisory positions with access to confidential details related to plans and policies of the proper authorities on appointment and dismissal, status, disciplinary action or service discipline, remuneration and other working conditions of officials, or on their relations with employee organizations, whose obligations and responsibilities in the course of duties are thus found to directly conflict with sincerity and responsibilities as members of employee organizations, and other officials taking charge of duties which, in their relations with employee organizations, should be performed from the standpoint of the proper authorities (hereinafter referred to collectively as "managerial personnel, etc.") may not form the same employee organization with officials other than managerial personnel, etc., and furthermore, an organization formed jointly by managerial personnel, etc. and by the officials other than managerial personnel, etc., is not the employee organization referred to in this Act.

4 前項ただし書に規定する管理職員等の範囲は、人事院規則で定める。

(4) The scope of managerial personnel, etc. provided for in the proviso of the preceding paragraph is provided for by the Rules of the National Personnel Authority.

5 警察職員及び海上保安庁又は刑事施設において勤務する職員は、職員の勤務条件の維持改善を図ることを目的とし、かつ、当局と交渉する団体を結成し、又はこれに加入してはならない。

(5) Police officials and officials working in the Japan Coast Guard or in penal facilities must not organize or join an organization whose purpose is the maintenance and improvement of their working conditions and which conducts negotiations thereon with the proper authorities.

（職員団体の登録）

(Registration of Employee Organizations)

第百八条の三 職員団体は、人事院規則で定めるところにより、理事その他の役員の氏名及び人事院規則で定める事項を記載した申請書に規約を添えて人事院に登録を申請

することができる。

Article 108-3 (1) An employee organizations may, as provided for by the Rules of the National Personnel Authority, apply for registration to the National Personnel Authority by submitting a written application stating the names of its directors and other officers, and the particulars provided for by the Rules of the National Personnel Authority, together with its constitution.

2 職員団体の規約には、少なくとも次に掲げる事項を記載するものとする。

(2) The constitution of an employee organization is to include at least the following particulars:

一 名称

(i) name;

二 目的及び業務

(ii) purpose and business;

三 主なる事務所の所在地

(iii) location of its principal office;

四 構成員の範囲及びその資格の得喪に関する規定

(iv) provisions governing the scope of membership and the acquisition and loss of membership;

五 理事その他の役員に関する規定

(v) provisions governing its directors and other officers;

六 次項に規定する事項を含む業務執行、会議及び投票に関する規定

(vi) provisions governing business execution, meetings and voting, including the particulars provided for in the following paragraph;

七 経費及び会計に関する規定

(vii) provisions governing expenses and accounts;

八 他の職員団体との連合に関する規定

(viii) provisions governing association with other employee organizations;

九 規約の変更に関する規定

(ix) provisions governing revision of the constitution;

十 解散に関する規定

(x) provisions governing dissolution.

3 職員団体が登録される資格を有し、及び引き続いて登録されているためには、規約の作成又は変更、役員選挙その他これらに準ずる重要な行為が、すべての構成員が平等に参加する機会を有する直接かつ秘密の投票による全員の過半数（役員選挙については、投票者の過半数）によつて決定される旨の手續を定め、かつ、現実にその手續によりこれらの重要な行為が決定されることを必要とする。ただし、連合体である職員団体又は全国的規模をもつ職員団体にあつては、すべての構成員が平等に参加する機会を有する構成団体ごと又は地域若しくは職域ごとの直接かつ秘密の投票による投票者の過半数で代議員を選挙し、この代議員の全員が平等に参加する機会を有する直接かつ秘密の投票による全員の過半数（役員選挙については、投票者の過半数）によつて決定される旨の手續を定め、かつ、現実に、その手續により決定される

ことをもって足りるものとする。

- (3) In order to qualify for and maintain registration, an employee organization is required to provide procedures whereby the adoption or revision of its constitution, election of officers, and other equivalently important acts are decided by a majority of all its members (by a majority of those who voted, in the case of the election of officers) by direct secret vote in which every member is given an equal opportunity to participate, and is required to ensure that these important acts are actually determined in accordance with such procedures; provided, however, that in the case of an employee organization which is a federation or national in scale, it is to suffice to establish and to actually observe the procedures by which delegates are elected by a majority vote by direct secret vote held for each constituent organization or each geographical area or occupational area which every member is given an equal opportunity to participate in, and furthermore, that the foregoing important acts be decided by a majority of all the delegates (by a majority of the delegates who voted, in the case of the election of officers) by direct secret vote in which each delegate is given an equal opportunity to participate.
- 4 前項に定めるもののほか、職員団体が登録される資格を有し、及び引き続いて登録されているためには、前条第五項に規定する職員以外の職員のみをもつて組織されていることを必要とする。ただし、同項に規定する職員以外の職員であつた者でその意に反して免職され、若しくは懲戒処分としての免職の処分を受け、当該処分を受けた日の翌日から起算して一年以内のもの又はその期間内に当該処分について法律の定めるところにより審査請求をし、若しくは訴えを提起し、これに対する裁決若しくは裁判が確定するに至らないものを構成員にとどめていること、及び当該職員団体の役員である者を構成員としていることを妨げない。
- (4) Beyond what is provided for in the preceding paragraph, it is required that an employee organization, in order to qualify for and maintain its registration, be formed exclusively by officials other than those provided for in paragraph (5) of the preceding Article; provided, however, that this does not preclude an employee organization from retaining in its membership those that have been officials other than those provided for in the same paragraph and who have been dismissed against their will or subject to dismissal in a disciplinary action, and for whom a period of one year has not elapsed since the day following the date of their dismissal, or who have filed a request for administrative review or filed a lawsuit against the position, in accordance with the applicable law, within the one-year period but the judgment or court judgment thereon is still pending, and it does not preclude an employee organization from having current officers in its membership.
- 5 人事院は、登録を申請した職員団体が前三項の規定に適合するものであるときは、人事院規則で定めるところにより、規約及び第一項に規定する申請書の記載事項を登録し、当該職員団体にその旨を通知しなければならない。この場合において、職員で

ない者の役員就任を認めている職員団体を、そのゆえをもつて登録の要件に適合しないものと解してはならない。

- (5) When an employee organization that has applied for registration conforms to the provisions of the preceding three paragraphs, the National Personnel Authority must, as provided for by the Rules of the National Personnel Authority, register its constitution and the particulars to be stated in the written application prescribed in paragraph (1), and must notify the employee organization to this effect. In this case, an employee organization that allows persons other than its officials to hold positions as officers must not be construed to be disqualified for registration merely on that account.
- 6 登録された職員団体が職員団体でなくなつたとき、登録された職員団体について第二項から第四項までの規定に適合しない事実があつたとき、又は登録された職員団体が第九項の規定による届出をしなかつたときは、人事院は、人事院規則で定めるところにより、六十日を超えない範囲内で当該職員団体の登録の効力を停止し、又は当該職員団体の登録を取り消すことができる。
- (6) If a registered employee organization ceases to be an employee organization, if it has been found that a registered employee organization no longer conforms to the provisions of paragraphs (2) through (4), or if a registered employee organization has failed to submit the notification under the provisions of paragraph (9), the National Personnel Authority may suspend the effect of its registration for a period not exceeding 60 days or may rescind its registration, as provided for by the Rules of the National Personnel Authority.
- 7 前項の規定による登録の取消しに係る聴聞の期日における審理は、当該職員団体から請求があつたときは、公開により行わなければならない。
- (7) The proceedings on the date of hearing pertaining to the rescission of registration under the provisions of the preceding paragraph must be conducted open to the public, if requested by the employee organization.
- 8 第六項の規定による登録の取消しは、当該処分取消しの訴えを提起することができる期間内及び当該処分取消しの訴えの提起があつたときは当該訴訟が裁判所に係属する間は、その効力を生じない。
- (8) The rescission of registration under the provisions of paragraph (6) does not come into effect during the periods when a lawsuit for the rescission the disposition can be filed, and while the lawsuit is pending in court if a lawsuit has actually been filed.
- 9 登録された職員団体は、その規約又は第一項に規定する申請書の記載事項に変更があつたときは、人事院規則で定めるところにより、人事院にその旨を届け出なければならない。この場合においては、第五項の規定を準用する。
- (9) If a registered employee organization has made any changes to its constitution or to the particulars to be stated in the written application as provided for in paragraph (1), it must notify the National Personnel Authority to that effect, as provide for by the Rrules of the National Personnel Authority.

In this case, the provisions of paragraph (5) apply mutatis mutandis.

10 登録された職員団体は、解散したときは、人事院規則で定めるところにより、人事院にその旨を届け出なければならない。

(10) If a registered employee organization has been dissolved, it must notify the National Personnel Authority to that effect, as provided for by the provisions of the Rules of the National Personnel Authority.

#### 第百八条の四 削除

Article 108-4 Deleted.

(交渉)

(Negotiations)

第百八条の五 当局は、登録された職員団体から、職員の給与、勤務時間その他の勤務条件に関し、及びこれに附帯して、社交的又は厚生的活動を含む適法な活動に係る事項に関し、適法な交渉の申入れがあつた場合においては、その申入れに応ずべき地位に立つものとする。

Article 108-5 (1) When a registered employee organization proposes lawfully to negotiate with the proper authorities on officials' remuneration, working hours or other conditions of work or, in connection therewith, on particulars pertaining to lawful activities including social and welfare activities, the proper authorities are to place themselves in the position to respond to such proposal.

2 職員団体と当局との交渉は、団体協約を締結する権利を含まないものとする。

(2) The negotiation between the employee organization and the proper authorities is not to include the right to conclude a collective agreement.

3 国の事務の管理及び運営に関する事項は、交渉の対象とすることができない。

(3) Particulars concerning the administration and operation of the national government business may not be the subject of negotiation.

4 職員団体が交渉することのできる当局は、交渉事項について適法に管理し、又は決定することのできる当局とする。

(4) The proper authorities with whom the employee organization may negotiate are those who may lawfully administer the particulars to be negotiated or make decisions thereon.

5 交渉は、職員団体と当局があらかじめ取り決めた員数の範囲内で、職員団体がその役員の中から指名する者と当局の指名する者との間において行なわなければならない。交渉に当たっては、職員団体と当局との間において、議題、時間、場所その他必要な事項をあらかじめ取り決めて行なうものとする。

(5) A negotiation must be conducted between the persons designated by the employee organization from among its officers and the persons designated by the proper authorities, within the number of such representatives as agreed upon in advance between the two parties concerned. In conducting the

negotiation, the employee organization and the proper authorities are to agree in advance upon the agenda, time and place of the meeting and other necessary details concerning the negotiation.

- 6 前項の場合において、特別の事情があるときは、職員団体は、役員以外の者を指名することができるものとする。ただし、その指名する者は、当該交渉の対象である特定の事項について交渉する適法な委任を当該職員団体の執行機関から受けたことを文書によつて証明できる者でなければならない。
- (6) In the case referred to in the preceding paragraph, the employee organization may, if special circumstances exist, designate persons other than its officers; provided, however, that the persons so designated must be the ones who are able to prove by documents that they have been lawfully authorized by the executive organ of the employee organization to negotiate on specific particulars that are the subject of the negotiation.
- 7 交渉は、前二項の規定に適合しないこととなつたとき、又は他の職員の職務の遂行を妨げ、若しくは国の事務の正常な運営を阻害することとなつたときは、これを打ち切ることができる。
- (7) The negotiation may be terminated if it has ceased to conform to the provisions of the preceding two paragraphs or has obstructed the performance of duties by other officials, or has impeded the normal operation of the national government business.
- 8 本条に規定する適法な交渉は、勤務時間中においても行なうことができるものとする。
- (8) The lawful negotiation provided for in this Article may also take place during working hours.
- 9 職員は、職員団体に属していないという理由で、第一項に規定する事項に関し、不満を表明し、又は意見を申し出る自由を否定されてはならない。
- (9) An official must not be denied the freedom to express dissatisfaction or submit the opinion on any of the particulars provided for in paragraph (1) on the grounds of the official's non-membership in an employee organization.

(人事院規則の制定改廃に関する職員団体からの要請)

(Request from Employee Organizations on Enactment, Amendment or Repeal of the Rules of the National Personnel Authority)

第百八条の五の二 登録された職員団体は、人事院規則の定めるところにより、職員の勤務条件について必要があると認めるときは、人事院に対し、人事院規則を制定し、又は改廃することを要請することができる。

Article 108-5-2 (1) A registered employee organization may request the National Personnel Authority to enact, amend or repeal rules of the National Personnel Authority if it finds it necessary to do so regarding working conditions of officials, as provided for by the Rules of the National Personnel Authority.

- 2 人事院は、前項の規定による要請を受けたときは、速やかに、その内容を公表する

ものとする。

- (2) If receiving the request under the provisions of the preceding paragraph, the National Personnel Authority is to promptly make public the content of the request.

(職員団体のための職員の実務の制限)

(Restriction on Officials' Actions on Behalf of Employee Organizations)

第百八条の六 職員は、職員団体の業務にもつぱら従事することができない。ただし、所轄庁の長の許可を受けて、登録された職員団体の役員としてもつぱら従事する場合は、この限りでない。

Article 108-6 (1) No official may engage exclusively in any business of an employee organization; provided, however, that this does not apply when an official, with permission of the head of the competent authority, engages exclusively in such business as an officer of a registered employee organization.

- 2 前項ただし書の許可は、所轄庁の長が相当と認める場合に与えることができるものとし、これを与える場合においては、所轄庁の長は、その許可の有効期間を定めるものとする。

- (2) The permission referred to in the proviso of the preceding paragraph is to be granted when the head of the competent authority finds it appropriate, and in granting the permission, the head of the competent authority is to establish the period for which such permission is effective.

- 3 第一項ただし書の規定により登録された職員団体の役員として専ら従事する期間は、職員としての在職期間を通じて五年（行政執行法人の労働関係に関する法律（昭和二十三年法律第二百五十七号）第二条第二号の職員として同法第七条第一項ただし書の規定により労働組合の業務に専ら従事したことがある職員については、五年からその専ら従事した期間を控除した期間）を超えることができない。

- (3) The period for which an official engages exclusively in the business of a registered employee organization as its officer pursuant to the provisions of the proviso of paragraph (1), may not exceed 5 years throughout the period of the service as an official (in the case of an official who has formerly engaged exclusively in the business of a trade union pursuant to the provisions of the proviso of Article 7, paragraph (1) of the Act on Labor Relations of Agency Engaged in Administrative Execution (Act No. 257 of 1948) as the employee referred to in Article 2, item (ii) of the same Act, this 5-year period is reduced by subtracting the period during which the official has formerly engaged exclusively in such business).

- 4 第一項ただし書の許可は、当該許可を受けた職員が登録された職員団体の役員として当該職員団体の業務にもつぱら従事する者でなくなつたときは、取り消されるものとする。

- (4) The permission referred to in the proviso of paragraph (1) is to be rescinded if the official who has been granted the permission no longer engages exclusively



as an officer of the registered employee organization in the business of the employee organization.

5 第一項ただし書の許可を受けた職員は、その許可が効力を有する間は、休職者とする。

(5) An official who has been granted the permission referred to in the proviso of paragraph (1) is deemed to be a person who is placed on administrative leave during the period the permission is effective for.

6 職員は、人事院規則で定める場合を除き、給与を受けながら、職員団体のためその業務を行ない、又は活動してはならない。

(6) No official may carry out the business of or act on behalf of an employee organization while receiving remuneration, except for cases where it is otherwise provided for by the Rules of the National Personnel Authority.

(不利益取扱いの禁止)

(Prohibition of Adverse Treatment)

第百八条の七 職員は、職員団体の構成員であること、これを結成しようとしたこと、若しくはこれに加入しようとしたこと、又はその職員団体における正当な行為をしたことのために不利益な取扱いを受けない。

Article 108-7 No official is subjected to adverse treatment on the grounds that they are members of an employee organization, or that they have attempted to organize or join an employee organization, or that they have performed a justifiable act in an employee organization.

#### 第四章 罰則

#### Chapter IV Penal Provisions

第百九条 次の各号のいずれかに該当する者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 109 Any person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen:

一 第七条第三項の規定に違反して任命を受諾した者

(i) any person who has accepted an appointment in violation of the provisions of Article 7, paragraph (3);

二 第八条第三項の規定に違反して故意に人事官を罷免しなかつた閣員

(ii) any Cabinet member who has intentionally failed to dismiss a Commissioner in violation of the provisions of Article 8, paragraph (3);

三 人事官の欠員を生じた後六十日以内に人事官を任命しなかつた閣員（此の期間内に両議院の同意を経なかつた場合には此の限りでない。）

(iii) any Cabinet member who has failed to appoint a Commissioner within 60 days after a vacancy among the Commissioners occurs (This does not apply if

- the consent of both Houses of the Diet has not been obtained during the period.);
- 四 第十五条の規定に違反して官職を兼ねた者  
(iv) any person who has concurrently held more than one government position in violation of the provisions of Article 15;
- 五 第十六条第二項の規定に違反して故意に人事院規則及びその改廃を官報に掲載することを怠つた者  
(v) any person who has intentionally withheld publication of the Rules of the National Personnel Authority and its amendment or repeal in the Official Gazette in violation of the provisions of Article 16, paragraph (2);
- 六 第十九条の規定に違反して故意に人事記録の作成、保管又は改訂をしなかつた者  
(vi) any person who has intentionally failed to prepare, retain or revise personnel records in violation of the provisions of Article 19;
- 七 第二十条の規定に違反して故意に報告しなかつた者  
(vii) any person who has intentionally failed to report in violation of the provisions of Article 20;
- 八 第二十七条の規定に違反して差別をした者  
(viii) any person who has discriminated in violation of the provisions of Article 27;
- 九 第四十七条第三項の規定に違反して採用試験の公告を怠り又はこれを抑止した職員  
(ix) any official who has withheld or restrained public notice of recruitment examinations in violation of the provisions of Article 47, paragraph (3);
- 十 第八十三条第一項の規定に違反して停職を命じた者  
(x) any person who has ordered a suspension from duty in violation of the provisions of Article 83, paragraph (1);
- 十一 第九十二条の規定によつてなされる人事院の判定、処置又は指示に故意に従わなかつた者  
(xi) any person who has intentionally failed to comply with determination, action or instruction of the National Personnel Authority made under the provisions of Article 92;
- 十二 第百条第一項若しくは第二項又は第百六条の十二第一項の規定に違反して秘密を漏らした者  
(xii) any person who has divulged secrets in violation of the provisions of Article 100, paragraph (1) or (2) or Article 106-12, paragraph (1);
- 十三 第百三条の規定に違反して営利企業の地位についた者  
(xiii) any person who has assumed a position in any enterprise for profit in violation of the provisions of Article 103;
- 十四 離職後二年を経過するまでの間に、離職前五年間に在職していた局等組織に属する役職員又はこれに類する者として政令で定めるものに対し、契約等事務であつて離職前五年間の職務に属するものに関し、職務上不正な行為をするように、又は

相当の行為をしないように要求し、又は依頼した再就職者

(xiv) any reemployed official who demanded or requested to commit unlawful acts or refrain from acting in the course of duties during a period of 2 years after separation from service, to an officer or official belonging to an organization such as a bureau where the reemployed official had held office during the period of 5 years prior to separation from service, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that has belonged to the duties during the period of 5 years prior to separation from service;

十五 国家行政組織法第二十一条第一項に規定する部長若しくは課長の職又はこれらに準ずる職であつて政令で定めるものに離職した日の五年前の日より前に就いていた者であつて、離職後二年を経過するまでの間に、当該職に就いていた時に在職していた局等組織に属する役職員又はこれに類する者として政令で定めるものに対し、契約等事務であつて離職した日の五年前の日より前の職務（当該職に就いていたときの職務に限る。）に属するものに関し、職務上不正な行為をするように、又は相当の行為をしないように要求し、又は依頼した再就職者

(xv) any reemployed official who had held the position of director-general of the department or director of the division provided for in Article 21, paragraph (1) of the National Government Organization Act or an equivalent position specified by Cabinet Order prior to the day which is 5 years previous to the day of separation from service, and who demanded or requested to commit unlawful acts or refrain from acting in the course of duties during the period of 2 years after separation from service, to an officer or official belonging to an organization such as the bureau where the reemployed official had been holding the position, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that had been the official's duties prior to the day which is 5 years previous to the day of separation from service (limited to duties while in the position);

十六 国家行政組織法第六条に規定する長官、同法第十八条第一項に規定する事務次官、同法第二十一条第一項に規定する事務局長若しくは局長の職又はこれらに準ずる職であつて政令で定めるものに就いていた者であつて、離職後二年を経過するまでの間に、局長等としての在職機関に属する役職員又はこれに類する者として政令で定めるものに対し、契約等事務であつて局長等としての在職機関の所掌に属するものに関し、職務上不正な行為をするように、又は相当の行為をしないように要求し、又は依頼した再就職者

(xvi) any reemployed official who had held the position of director-general provided for in Article 6 of the National Government Organization Act, administrative vice-minister provided for in Article 18, paragraph (1) of the same Act, director of the executive office or director-general of the bureau provided for in Article 21, paragraph (1) of the same Act, or an equivalent position specified by Cabinet Order, and who demanded or requested to

commit unlawful acts or refrain from acting in the course of duties during a period of 2 years after separation from service, to an officer or official belonging to the organ for which they served as director-general of the bureau, etc. or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. belonging to the jurisdiction of the organ for which they served as director-general of the bureau, etc.;

十七 在職していた府省その他の政令で定める国の機関、行政執行法人若しくは都道府県警察（以下この号において「行政機関等」という。）に属する役職員又はこれに類する者として政令で定めるものに対し、国、行政執行法人若しくは都道府県と営利企業等（再就職者が現にその地位に就いているものに限る。）若しくはその子法人との間の契約であつて当該行政機関等においてその締結について自らが決定したもの又は当該行政機関等による当該営利企業等若しくはその子法人に対する行政手続法第二条第二号に規定する処分であつて自らが決定したものに關し、職務上不正な行為をするように、又は相当の行為をしないように要求し、又は依頼した再就職者

(xvii) any reemployed official who demanded or requested to commit unlawful acts or refrain from acting in the course of duties, to an officer or official belonging to the Cabinet Office and Ministries, other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police (hereinafter referred to as "administrative organs, etc." in this item) where the reemployed official had held office, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contracts concluded between the national government, an agency engaged in administrative execution or a prefecture and the enterprise for profit, etc. (limited to which the reemployed official currently holds a position) or its subsidiary corporation which the reemployed official has personally made decisions on their conclusions at the administrative organs, etc., or concerning dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act against the enterprise for profit, etc. or its subsidiary corporation by the administrative organs, etc. on which the reemployed official has personally made decisions;

十八 第十四号から前号までに掲げる再就職者から要求又は依頼（独立行政法人通則法第五十四条第一項において準用する第十四号から前号までに掲げる要求又は依頼を含む。）を受けた職員であつて、当該要求又は依頼を受けたことを理由として、職務上不正な行為をし、又は相当の行為をしなかつた者

(xviii) any official who has received a demand or request (including a demand or request set forth in items (xiv) through the preceding item, as applied mutatis mutandis pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency) from reemployed officials set forth in items (xiv) through the preceding item, and has committed unlawful

acts or refrained from acting in the course of duties for the reason of receiving the demand or request.

第一百十条 次の各号のいずれかに該当する者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 110 (1) Any person who falls under any of the following items is punished by imprisonment for not more than three years or a fine of not more than one million yen:

一 第二条第六項の規定に違反した者

(i) any person who has violated the provisions of Article 2, paragraph (6);

二 削除

(ii) deleted;

三 第十七条第二項（第十八条の三第二項において準用する場合を含む。次号及び第五号において同じ。）の規定による証人として喚問を受け虚偽の陳述をした者

(iii) any person who has been summoned as a witness under the provisions of Article 17, paragraph (2) (including as applied mutatis mutandis pursuant to Article 18-3, paragraph (2)); the same applies in the following item and item (v)) and has made a false statement;

四 第十七条第二項の規定により証人として喚問を受け正当の理由がなくてこれに 응 ぜず、又は同項の規定により書類又はその写の提出を求められ正当の理由がなくてこれに 応 じなかつた者

(iv) any person who has been summoned as a witness pursuant to the provisions of Article 17, paragraph (2) and has not responded without any justifiable reason for not doing so, or one who, pursuant to the provisions of the same paragraph, has been ordered to submit documents or copies thereof, and has not complied with such order without any justifiable reason for not doing so;

五 第十七条第二項の規定により書類又はその写の提出を求められ、虚偽の事項を記載した書類又は写を提出した者

(v) any person who has been ordered to submit documents or copies thereof pursuant to the provisions of Article 17, paragraph (2) and has submitted documents with false entries or copies thereof;

五の二 第十七条第三項（第十八条の三第二項において準用する場合を含む。）の規定による検査を拒み、妨げ、若しくは忌避し、又は質問に対して陳述をせず、若しくは虚偽の陳述をした者（第十七条第一項の調査の対象である職員（第十八条の三第二項において準用する場合にあつては、同条第一項の調査の対象である職員又は職員であつた者）を除く。）

(v)-2 any person who has refused, obstructed or evaded the investigation conducted pursuant to the provisions of Article 17, paragraph (3) (including as applied mutatis mutandis pursuant to Article 18-3, paragraph (2)), or has not made a statement or has made a false statement to the questions

- (excluding an official subject to the investigation referred to in Article 17, paragraph (1) (when it is applied mutatis mutandis pursuant to Article 18-3, paragraph (2), any official or a person who was an official subject to the investigation referred to in paragraph (1) of the same Article));
- 六 第十八条の規定に違反して給与を支払った者  
(vi) any person who has paid remuneration in violation of the provisions of Article 18;
- 七 第三十三条第一項の規定に違反して任命をした者  
(vii) any person who has made an appointment in violation of the provisions of Article 33, paragraph (1);
- 八 第三十九条の規定による禁止に違反した者  
(viii) any person who has violated the prohibition under the provisions of Article 39;
- 九 第四十条の規定に違反して虚偽行為を行つた者  
(ix) any person who has committed a fraud in violation of the provisions of Article 40;
- 十 第四十一条の規定に違反して受験若しくは任用を阻害し又は情報を提供した者  
(x) any person who has impeded the taking of an examination or appointment or provided information in violation of the provisions of Article 41;
- 十一 第六十三条の規定に違反して給与を支給した者  
(xi) any person who has given remuneration in violation of the provisions of Article 63;
- 十二 第六十八条の規定に違反して給与の支払をした者  
(xii) any person who has paid remuneration in violation of the provisions of Article 68;
- 十三 第七十条の規定に違反して給与の支払について故意に適切な措置をとらなかつた人事官  
(xiii) any Commissioner who has intentionally failed to take appropriate measures with regard to payment of remuneration in violation of the provisions of Article 70;
- 十四 第八十三条第二項の規定に違反して停職者に俸給を支給した者  
(xiv) any person who has paid salary to a person suspended from duty in violation of the provisions of Article 83, paragraph (2);
- 十五 第八十六条の規定に違反して故意に勤務条件に関する行政措置の要求の申出を妨げた者  
(xv) any person who, in violation of the provisions of Article 86, has intentionally prevented a request for an administrative measures concerning working conditions from being filed.;
- 十六及び十七 削除  
(xvi) and (xvii) deleted;
- 十八 第百条第四項（同条第五項において準用する場合を含む。）の規定に違反して

陳述及び証言を行わなかつた者  
(xviii) any person who has failed to make a statement or testify in violation of the provisions of Article 100, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article);

十九 削除

(xix) deleted;

二十 第百八条の二第五項の規定に違反して団体を結成した者

(xx) any person who has formed an organization in violation of the provisions of Article 108-2, paragraph (5).

2 前項第八号に該当する者の収受した金銭その他の利益は、これを没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(2) Money or any other benefit received by a person who falls under item (viii) of the preceding paragraph is confiscated. If it is not possible to confiscate such an amount, either in whole or in part, the value thereof is collected.

第百十一条 第百九条第二号より第四号まで及び第十二号又は前条第一項第一号、第三号から第七号まで、第九号から第十五号まで、第十八号及び第二十号に掲げる行為を企て、命じ、故意にこれを容認し、そそのかし又はそのほう助をした者は、それぞれ各本条の刑に処する。

Article 111 Any person who has attempted, ordered, intentionally permitted, instigated, or has been an accessory to the accomplishment of any of the acts set forth in Article 109, items (ii) through (iv) and (xii), or paragraph (1), item (i) and items (iii) through (vii), items (ix) through (xv), and items (xviii) and (xx) of the preceding Article is punished by the penalty referred to in the respective Articles.

第百十一条の二 次の各号のいずれかに該当する者は、三年以下の禁錮又は百万円以下の罰金に処する。

Article 111-2 Any person who falls under any of the following items is punished by imprisonment without work for not more than three years or a fine of not more than one million yen:

一 何人たるを問わず第九十八条第二項前段に規定する違法な行為の遂行を共謀し、唆し、若しくはあおり、又はこれらの行為を企てた者

(i) any person who has conspired to effect, instigated or incited an illegal act provided for in the first sentence of Article 98, paragraph (2), or has attempted any such act;

二 第百二条第一項に規定する政治的行為の制限に違反した者

(ii) any person who has violated the restrictions on political acts provided for in Article 102, paragraph (1).

第百十二条 次の各号のいずれかに該当する者は、三年以下の懲役に処する。ただし、

刑法（明治四十年法律第四十五号）に正条があるときは、刑法による。

Article 112 Any person who falls under any of the following items is punished by imprisonment for not more than three years; provided, however, that the Penal Code (Act No. 145 of 1907) applies when there are applicable provisions in the same Code.

一 職務上不正な行為（第百六条の二第一項又は第百六条の三第一項の規定に違反する行為を除く。次号において同じ。）をすること若しくはしたこと、又は相当の行為をしないこと若しくはしなかつたことに関し、営利企業等に対し、離職後に当該営利企業等若しくはその子法人の地位に就くこと、又は他の役職員をその離職後に、若しくは役職員であつた者を、当該営利企業等若しくはその子法人の地位に就かせることを要求し、又は約束した職員

(i) any official who demanded or promised to an enterprise for profit, etc., in connection with engaging or having engaged in unlawful acts (excluding acts in violation of the provisions of Article 106-2, paragraph (1) or Article 106-3, paragraph (1); the same applies in the following item) or refraining or having refrained from acting in the course of duties, in order to assume a position in the enterprise for profit, etc. or its subsidiary corporation after separation from service, or to have another officer or official after separation from service, or a person who was an officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.

二 職務に関し、他の役職員に職務上不正な行為をするように、又は相当の行為をしないように要求し、依頼し、若しくは唆すこと、又は要求し、依頼し、若しくは唆したことに関し、営利企業等に対し、離職後に当該営利企業等若しくはその子法人の地位に就くこと、又は他の役職員をその離職後に、若しくは役職員であつた者を、当該営利企業等若しくはその子法人の地位に就かせることを要求し、又は約束した職員

(ii) any official who demanded or promised: a) to demand, request, or instigate another officer or official to commit unlawful acts or refrain from acting in the course of duties, or b) in connection with having demanded, requested, or instigated an enterprise for profit, etc. to assume a position in the enterprise for profit, etc. or its subsidiary corporation after separation from service, or to have another officer or official after separation from service, or a person who was an officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.

三 前号（独立行政法人通則法第五十四条第一項において準用する場合を含む。）の不正な行為をするように、又は相当の行為をしないように要求し、依頼し、又は唆した行為の相手方であつて、同号（同項において準用する場合を含む。）の要求又は約束があつたことの情を知つて職務上不正な行為をし、又は相当の行為をしなかつた職員

(iii) any official who is the counterparty to the person who demanded, requested, or instigated to commit unlawful acts or refrain from acting as



referred to in the preceding item (including as applied mutatis mutandis by Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency), and committed unlawful acts or refrained from acting in the course of duties knowing that there was a demand or promise referred to in the same item (including as applied mutatis mutandis pursuant to the same paragraph).

第百十三条 次の各号のいずれかに該当する者は、十万円以下の過料に処する。

Article 113 Any person who falls under any of the following items is punished by a civil fine of not more than 100,000 yen.

一 第百六条の四第一項から第四項までの規定に違反して、役職員又はこれらの規定に規定する役職員に類する者として政令で定めるものに対し、契約等事務に関し、職務上の行為をするように、又はしないように要求し、又は依頼した者（不正な行為をするように、又は相当の行為をしないように要求し、又は依頼した者を除く。）

(i) any person who, in violation of the provisions of Article 106-4, paragraphs (1) through (4), demanded or requested an officer or official, or a person specified by Cabinet Order as being similar to the officer and official prescribed in these provisions, to act duly or refrain from acting duly in the course of duties concerning contract affairs, etc. (excluding any person who demanded or requested to commit unlawful acts or refrain from acting);

二 第百六条の二十四第一項又は第二項の規定による届出をせず、又は虚偽の届出をした者

(ii) any person who has failed to make a notification under the provisions of Article 106-24, paragraph (1) or (2), or has made a false notification.

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

第八条 令和五年四月一日から令和十三年三月三十一日までの間における第八十一条の六第二項の規定の適用については、次の表の上欄に掲げる期間に応じ、同項中「六十五年」とあるのはそれぞれ同表の中欄に掲げる字句と、同項ただし書中「七十年」とあるのはそれぞれ同表の下欄に掲げる字句とする。

Article 8 (1) With regard to the application of the provisions of Article 81-6, paragraph (2), during the period from April 1, 2023 to March 31, 2031, in accordance with the period set forth in the left column of the following table, the phrase "65 years" in the same paragraph is deemed to be replaced with the phrase set forth in the middle column of the same table, and the phrase "70 years" in the proviso of the same paragraph is deemed to be replaced with the phrase set forth in the right column of the same table respectively.

令和五年四月一日から 令和七年三月三十一日 まで From April 1, 2023 to March 31, 2025	六十一年 61 years	六十六年 66 years
令和七年四月一日から 令和九年三月三十一日 まで From April 1, 2025 to March 31, 2027	六十二年 62 years	六十七年 67 years
令和七年四月一日から 令和九年三月三十一日 まで From April 1, 2025 to March 31, 2027	六十二年 62 years	六十七年 67 years
令和九年四月一日から 令和十一年三月三十一 日まで From April 1, 2027 to March 31, 2029	六十三年 63 years	六十八年 68 years
令和九年四月一日から 令和十一年三月三十一 日まで From April 1, 2027 to March 31, 2029	六十三年 63 years	六十八年 68 years
令和十一年四月一日か ら令和十三年三月三十一 日まで From April 1, 2029 to March 31, 2031	六十四年 64 years	六十九年 69 years
令和十一年四月一日か ら令和十三年三月三十一 日まで From April 1, 2029 to March 31, 2031	六十四年 64 years	六十九年 69 years

2～5 略

(2) to (5) [omitted]