

Overview of the System for Changes in Status

Definition of Changes in Status

It refers to a change in status in relation to government position (administrative leave, dismissal, etc.), based on the assumption that the employee's status is guaranteed.

With regard to their change in status, disciplinary action and guarantee, officials shall be treated fairly. (Article 74 (1) of the National Public Service Act)

Guarantee of Status

It refers to the institutional guarantee that officials will not lose their government positions against their will, nor will they be restricted or deprived of various rights based on the holding of government positions.

Officials shall not be demoted, placed on administrative leave or dismissed against their will, unless they come under a cause provided by law or the rules of the National Personnel Authority. (Article 75 (1) the National Public Service Act)

Differences
between change in
status and
disciplinary actions

Change in Status

Exclusion of employees from government positions or duties to maintain the efficiency of the public duties

Disciplinary Actions

Sanctions imposed to maintain order in the public service for violation of duties or malfeasance of employees

Types of Change in Status

Demotion

Appointing an employee to a lower governmental position of the classified job ladder than the current position

Dismissal

Forcing an official to resign against his/her will

Reasons for Demotion and Dismissal

- (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;
- (ii) when due to a mental or physical disorder, the official has difficulty or is incompetent in performing duties;
- (iii) when the official otherwise lacks the qualifications required for the government position;
- (iv) when the position is abolished or the official becomes redundant due to a revision or repeal of the laws and regulations concerning the administrative organization or of the fixed number of officials, or as a result of a reduction in budget.

(Article 78 of the National Public Service Act)

Administrative Leave

Not allowing an employee to engage in duties while retaining his/her status as an official

Reasons for Administrative Leave

- (i) Reasons for Administrative Leave Stipulated in the National Public Service Act (Article 79 of the National Public Service Act)
 - Administrative leave due to illness (when the official requires a prolonged period of rest due to a mental or physical disorder)
 - Administrative leave due to indictment on criminal charges (when the official is prosecuted with respect to a criminal case)
- (ii) Reasons for Administrative Leave Stipulated in the NPA (Rule 11-4 Article 3)
 - Administrative Leave for Research Engagement, Administrative Leave for Partnership Research Engagement, Administrative Leave for Holding Concurrent Positions as Executives Members and so on in Enterprise Utilizing Research Results, Administrative Leave for Support for Establishment of Public Institution, Administrative Leave for Missing due to Disaster, Administrative Leave for No Vacancy at Time of Reinstatement