

○ **Hiroshima University Regulations for Employee Leave for Spouse Overseas Transfers**

Regulation No. 42 of March 27, 2018

Hiroshima University Regulations for Employee Leave for Spouse Overseas Transfers

(Purpose)

Article 1 These Regulations prescribe the matters necessary for putting in practice leave for spouse overseas transfers at Hiroshima University in accordance with the provisions of Article 40-3 (2) of the Hiroshima University Work Regulations for Employees (Regulation No. 78 of April 1, 2004; hereinafter referred to as the “Work Regulations for Employees”), Article 58-2 (2) of the Hiroshima University Work Regulations for Mariners (Regulation No. 79 of April 1, 2004; hereinafter referred to as the “Work Regulations for Mariners”), and Article 28-2 (2) of the Hiroshima University Work Regulations for Contract Employees (Regulation No. 101 of April 1, 2004; hereinafter referred to as the “Work Regulations for Contract Employees”).

(Delegation of Authority)

Article 2 The President may delegate part of his/her authority under these Regulations to other officers or employees.

(Definitions)

Article 3 (1) The term “employee” as used in these Regulations shall mean a person to whom the Work Regulations for Employees, the Work Regulations for Mariners, or the Work Regulations for Contract Employees apply, however, excluding the persons specified in the following items:

- (i) Person on probation as set forth in Article 9 of the Work Regulations for Employees, Article 8 of the Work Regulations for Mariners, or Article 8 of the Work Regulations for Contract Employees;
- (ii) Person who is employed for a fixed term pursuant to the provisions of Article 9 (1) (ii) to (vii)-2 of the Hiroshima University Regulations for Appointment and Removal of Employees (Regulation No. 81 of April 1, 2004); or
- (iii) Person who is employed for a fixed term and does not fall under any of the following:
  - (a) Person who has been continuously employed by Hiroshima University for one year or more; or
  - (b) Person whose employment contract is clearly to be renewed prior to the day on which one year has elapsed from the expiration of the period of leave for spouse overseas transfer.

(2) The term “leave for spouse overseas transfer” as used in these Regulations shall mean leave that enables an employee to reside together with his/her spouse staying at a specific overseas address or residence due to one of the reasons specified in the following items (limited to the reasons that remain applicable for at least six months; hereinafter referred to as a “reason for the spouse’s overseas stay”):

- (i) Working abroad;

## Regulations for Employee Leave for Spouse Overseas Transfers

- (ii) Managing a business or conducting other activities as an individual's business in a foreign country;
- (iii) Studying at a foreign university (including educational facilities equivalent thereto) that is equivalent to universities under the School Education Act (Act No. 26 of 1947) and located abroad (except for studying falling under either of the preceding two items); or
- (iv) Aside from the preceding three items, other reasons that the President especially approves as equivalent to those specified above.

(Period of Leave for Spouse Overseas Transfer)

Article 4 Leave for spouse overseas transfer may be taken for a period not exceeding three years.

(Application for Leave for Spouse Overseas Transfer)

Article 5 (1) An employee who intends to obtain leave for spouse overseas transfer shall apply for it to Hiroshima University (hereinafter referred to as the "University") at least one month prior to the planned commencement date of the leave, specifying the first day and last day of the period of the leave, and the reason for the spouse's overseas stay in connection with the leave. In such case, the period of leave for spouse overseas transfer must be a consecutive period of time.

(2) The University may require the employee who has applied as under the preceding paragraph to submit documents regarded as necessary in confirming the details of his/her application.

(Approval for Leave for Spouse Overseas Transfer)

Article 6 When an application is made pursuant to the provisions of paragraph (1) of the preceding Article, the University is to approve the leave for spouse overseas transfer upon taking account of the performance results of the applicant employee and other circumstances, if it finds that the leave will not cause any obstacle to the University's execution of operations.

(Re-application for Leave for Spouse Overseas Transfer)

Article 7 (1) In cases where an employee has engaged in work for at least a year after returning to work subsequent to his/her previous leave for spouse overseas transfer, he/she may apply for leave for spouse overseas transfer again.

(2) The provisions of the preceding two Articles shall apply mutatis mutandis to the re-application and approval for leave for spouse overseas transfer pursuant to the preceding paragraph.

Article 8 (1) In the case where the approval for leave for spouse overseas transfer was revoked after the provisions of Article 15 (2) (i), (iii), (iv) or (v) had come to be applied, and where the relevant employee subsequently ceases to be subject to those items of the same paragraph during the period of the approval-revoked leave, the employee may re-apply for leave for spouse overseas transfer for a period within the period of the approval-revoked leave, notwithstanding the provisions of paragraph (1) of the preceding Article.

(2) The provisions of Article 5 and Article 6 shall apply mutatis mutandis to the application and approval for leave for spouse overseas transfer pursuant to the preceding paragraph.

(Extension of Period of Leave for Spouse Overseas Transfer)

Article 9 (1) An employee on leave for spouse overseas transfer may apply to the University for an

extension of the leave period up to the extent that the total period from the commencement date of the ongoing leave to and including the extended part of the leave will not exceed three years.

- (2) An extension of the period of leave for spouse overseas transfer may only be applied for once, unless otherwise approved by the University on the basis of special circumstances.

Article 10 (1) An employee who intends to extend the period of his/her leave for spouse overseas transfer shall apply for an extension to the University at least one month prior to the planned commencement date of the extension, specifying the last day of the extended period of the leave, and the reason for such extension. In such case, the period of the extension and the original period of the relevant leave for spouse overseas transfer must be a consecutive period of time.

- (2) The University may require the employee who has applied as under paragraph (1) to submit documents regarded as necessary in confirming the details of his/her application.

Article 11 When an application is made pursuant to the provisions of paragraph (1) of the preceding Article, the University is to approve an extension of the relevant leave for spouse overseas transfer, if it finds that such extension will not cause any obstacle to the University's execution of operations.  
(Effect during Leave for Spouse Overseas Transfer)

Article 12 An employee on leave for spouse overseas transfer continues to hold the status of employee and his/her job title as of the day prior to the commencement date of the leave (in the case where the job title is changed after the commencement date of the leave, he/she shall hold the job title after the change), but will not engage in duties.  
(Salary during Leave for Spouse Overseas Transfer)

Article 13 No salary will be paid for the period of any leave for spouse overseas transfer.  
(Substitute Employee Incidental to Leave for Spouse Overseas Transfer)

Article 14 In the case where an application is made pursuant to the provisions of Article 5 (1) or Article 7 (1), and the handling of the duties of the applicant employee is regarded as difficult, even with such means as the reassignment of other employees, during the period of the leave for spouse overseas transfer under application, the University may place a substitute employee whose employment is up to the extent of the period of the leave under application.  
(Lapse of Approval for Leave for Spouse Overseas Transfer, etc.)

Article 15 (1) The approval for leave for spouse overseas transfer lapses if the employee on that leave comes to fall under any of the following items:

- (i) The employee is placed on administrative leave pursuant to the provisions of Article 14 of the Work Regulations for Employees, Article 13 of the Work Regulations for Mariners, or Article 10-2 of the Work Regulations for Contract Employees;
- (ii) The employee becomes subject to one of the disciplinary actions prescribed in Article 45 (iii) or (iv) of the Work Regulations for Employees, Article 63 (iii) or (iv) of the Work Regulations for Mariners, or Article 33 (1) (iii) or (iv) of the Work Regulations for Contract Employees; or
- (iii) The spouse associated with the relevant leave for spouse overseas transfer has died or ceased

to be the spouse of the employee concerned.

(2) The University revokes its approval for leave for spouse overseas transfer if an employee on that leave is found to fall under any of the following items:

- (i) The employee no longer resides with the spouse associated with the leave for spouse overseas transfer;
- (ii) The spouse associated with the leave for spouse overseas transfer no longer stays aboard or otherwise the spouse's reason for staying abroad no longer falls under any of the above-specified reasons for the spouse's overseas stay;
- (iii) The employee is to take special leave prescribed in item (vi) or (vii) of the table in Article 23 (1) of the Hiroshima University Regulations for Working Hours, Time-off and Leave for Employees (Regulation No. 91 of April 1, 2004), special leave prescribed in item (vi) or (vii) of the table in Article 53 (1) of the Work Regulations for Mariners, special leave prescribed in item (vi) or (vii) of the table in Article 55 (1) of the Hiroshima University Regulations for Appointment, Removal, Salaries, Working Hours, Time-off and Leave of Contracted Teaching and Research-Related Employees (Regulation No. 67 of March 28, 2008; hereinafter referred to as the "Regulations for Appointment, Removal, etc. of Contracted Teaching and Research-Related Employees") (including cases in which the provisions concerned apply mutatis mutandis in Article 75, Article 109 (1), Article 148, Article 156, Article 165, Article 172, Article 184, Article 196 and Article 207-11 of the Regulations for Appointment, Removal, etc. of Contracted Teaching and Research-Related Employees), special unpaid leave prescribed in item (iv) or (v) of the table in Article 65 (1) of the Regulations for Appointment, Removal, etc. of Contracted Teaching and Research-Related Employees (including cases in which the provisions concerned apply mutatis mutandis in Article 123, Article 149, Article 157, Article 173, Article 207, Article 207-12 and Article 207-21 of the Regulations for Appointment, Removal, etc. of Contracted Teaching and Research-Related Employees), special leave prescribed in item (vi) or (vii) of the table in Article 58 (1) of the Hiroshima University Regulations for Appointment, Removal, Salaries, Working Hours, Time-off and Leave of Contracted Administrative/Technical Employees (Regulation No. 68 of March 28, 2008; hereinafter referred to as the "Regulations for Appointment, Removal, etc. of Contracted Administrative/Technical Employees") (including cases in which the provisions concerned apply mutatis mutandis in Article 83, Article 99 and Article 110 of the Regulations for Appointment, Removal, etc. of Contracted Administrative/Technical Employees), or special unpaid leave prescribed in item (iv) or (v) of the table in Article 66 (1) of the Regulations for Appointment, Removal, etc. of Contracted Administrative/Technical Employees (including cases in which the provisions concerned apply mutatis mutandis in Article 84, Article 100 and Article 111 of the Regulations for Appointment, Removal, etc. of Contracted Administrative/Technical Employees).

- (iv) The employee has applied for and is granted childcare leave pursuant to the provisions of Article 5 of the Hiroshima University Regulations for Employee Childcare Leave (Regulation No. 92 of April 1, 2004); or
- (v) The employee has applied for and is granted family care leave pursuant to the provisions of Article 5 of the Hiroshima University Regulations for Employee Family Care Leave (Regulation No. 93 of April 1, 2004).

(Notification)

Article 16 (1) If any of the grounds for the lapse of approval under Article 15 (1) (iii) or Article 15 (2) (i), (ii) or (iii) comes to apply to an employee on leave for spouse overseas transfer, he/she shall promptly notify the University to that effect.

(2) The University may require the employee who has provided notification as prescribed in the preceding paragraph to submit documents regarded as necessary in confirming the details of his/her notification.

(Reinstatement in Work)

Article 17 An employee on leave for spouse overseas transfer shall return to work upon the expiration of the period of the leave, when the approval for the leave has lapsed pursuant to the provisions of Article 15 (1) (iii), or when the approval for the leave has been revoked pursuant to the provisions of Article 15 (2) (i), (ii) or (iii).

(Notification Concerning Leave for Spouse Overseas Transfer)

Article 18 If any of the following cases arises, the University shall notify the relevant employee to that effect:

- (i) Where the University approves the employee's leave for spouse overseas transfer;
- (ii) Where the University approves an extension of the employee's leave for spouse overseas transfer;
- (iii) Where the employee who took leave for spouse overseas transfer has returned to work;
- (iv) Where the employee's leave for spouse overseas transfer is to lapse; or
- (v) Where the approval for the employee's leave for spouse overseas transfer is to be revoked.

(Miscellaneous Provisions)

Article 19 When reference to these Regulations is difficult due to special circumstances, or when the President deems it significantly inappropriate to refer to these Regulations, exceptional handling may be accepted.

Supplementary Provisions

1. These Regulations shall come into force on April 1, 2018.
2. In the application of the provisions of Article 5 (1) to employees who are to start their leave for spouse overseas transfer during the period from the date of enforcement of these Regulations to April 30, 2018, the phrase "at least one month prior to the planned commencement date of the leave" in said paragraph shall be replaced with "in advance."

## Regulations for Employee Leave for Spouse Overseas Transfers

(Up to 700)