

○ Hiroshima University Regulations for Employee Family Care Leave

Rule No. 93 of April 1, 2004

Hiroshima University Regulations for Employee Family Care Leave

(Principle)

- Article 1 These Rules shall provide for necessary matters in connection with caregiver leave and the partial caregiver leave for employees working for Hiroshima University (hereinafter referred to as the “University”) (hereinafter referred to as “Caregiver Leave, etc.”) based on the provisions of Article 39, Paragraph 2 of the Hiroshima University Work Regulations for Employees (Rule No. 78 of April 1, 2004); Article 57, Paragraph 2 of the Hiroshima University Work Regulations for Mariners (Rule No. 79 of April 1, 2004); Article 29, Paragraph 2 of the Hiroshima University Work Regulations for Re-Employed Employees (Rule No. 80 of April 1, 2004; hereinafter referred to as the “Rules on Employment for Reemployed Employees); Article 28, Paragraph 2 of the Hiroshima University Work Regulations for Contract Employees (Rule No. 101 of April 1, 2004); and Article 27, Paragraph 2 of the Hiroshima University Work Regulations for Part-time Employees (Rule No. 102 of April 1, 2004).
- 2 Beyond what is provided for in these Rules, matters in connection with Caregiver Leave, etc. shall be governed by the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991) and other relevant laws and regulations.

(Delegation of Authority)

- Article 2 The President may delegate part of his/her authority pursuant to these Rules to other officers or staff.

(Definitions)

- Article 3 In these Rules, caregiver leave means the leave that an employee takes in order to provide nursing care to a subject family member in a condition requiring constant nursing care for a period of two weeks or longer due to injury, sickness, or physical or mental disability (hereinafter referred to as the “Subject Family Member”).
- 2 In these Rules, the “Subject Family Member” means the following persons.
- (1) spouse (including a person in a de facto marital relationship with the employee; the same applies hereinafter);
 - (2) parent;
 - (3) children;
 - (4) parents of a spouse;
 - (5) grandparents;

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- (6) brothers and sisters;
 - (7) grandchildren;
 - (8) the following persons living together with the employee:
 - (i) spouse of parents;
 - (ii) spouse of parents' spouse;
 - (iii) spouse of children;
 - (iv) children of spouse.
- 3 In these Rules, "partial caregiver leave" means the leave that an employee takes in order to provide nursing care to the Subject Family Member, and falling under the following cases:
- (1) If the employee takes leave within the scope of four (4) consecutive hours after the work starting time or before the work ending time of a day, in units of one hour;
 - (2) If the employee takes leave during the period of one week, in units of one day (excluding cases where the employee is absent from work for five (5) consecutive days or more).

(Period of and Subject Person for Caregiver Leave, etc.)

Article 4 Employees may take caregiver leave for one Subject Family Member within a total of one hundred and eighty-six (186) days divided into up to three separate (3) times.

- 2 Employees may take partial caregiver leave for one Subject Family Member during the period counting from the initial date of reckoning, which is specified as the partial caregiver leave scheduled start date which is taken for the first time, until the day on which three (3) years have elapsed. In this case, the maximum number of days that an employee is authorized to take in units of one day is ninety-three (93) days in total.
- 3 Persons employed for a fixed period of time (excluding persons employed with a fixed term of office or a fixed period of time pursuant to the provisions of Article 9, Paragraph 1, Items 1, 3 and 8 of the Hiroshima University Regulations for Appointment and Removal of Employees (Rule No. 81 of April 1, 2004) and hospital assistant professors set forth in Article 3, Paragraph 1, Item 3 of the Hiroshima University Regulations for Appointment, Removal, Salaries, Working Hours, Time-off and Leave of Contracted Teaching and Research-Related Employees (Rule No. 67 of March 28, 2008) shall only be able to file such an application in cases where he or she falls under both of the following items.
- (1) A person employed by the University for a continuous period of at least one year; and
 - (2) A person for whom it is not obvious that his or her employment contract will not be renewed during the period from a day on which ninety-three (93) days have elapsed, specifying the first day of a period on which he or she intends to start caregiver leave (hereinafter referred to as the "Caregiver Leave Scheduled Start Date") as the initial date of reckoning, to a day on which six (6) months have elapsed.
- 4 An employee may take partial caregiver leave only in cases where his or her prescribed working hours per day exceeds four (4) hours.

(Application for Caregiver Leave)

- Article 5 Employees who intend to take caregiver leave shall file an application to the University by making clear the scheduled start date and end date of the intended caregiver leave at least seven (7) days prior to the Caregiver Leave Scheduled Start Date and by taking the necessary period into account.
- 2 If, in the application under the preceding paragraph, the day specified as the Caregiver Leave Scheduled Start Date is a day before a day on which one week has elapsed counting from the day following the day of application of the intended caregiver leave, the University may designate any day during the period from the day specified in the application as the Caregiver Leave Scheduled Start Date to a day on which one week has elapsed as the actual Caregiver Leave Scheduled Start Date.
 - 3 The University may require employees filing the application to submit documents to support the application.

(Status, etc. during Caregiver Leave)

- Article 6 Although employees on caregiver leave have employee status, they shall not engage in their work as employees.
- 2 Employees on caregiver leave shall maintain the job grade which they had before the leave or the job grade which changed during the leave.

(Salary during Caregiver Leave)

- Article 7 The University shall not pay salary for the period during which employees are on caregiver leave.

(Termination, etc. of Caregiver Leave)

- Article 8 If any of the following circumstances occurs after the application made by employees on or before the day prior to the Scheduled Date of Starting Caregiver Leave, such application for caregiver leave shall be deemed not to have been made:
- (1) If the Subject Family Member relating to the application of the caregiver leave dies.
 - (2) If the family relationship between the Subject Family Member relating to the application of the caregiver leave and the employee is extinguished by reason of divorce, cancelation or annulment of marriage, dissolution or other reasons;
 - (3) If it becomes impossible for the employee to care for the Subject Family Member relating to the application of the caregiver leave by reason of injury, sickness or physical or mental disability;
 - (4) If the employee takes maternity leave;
 - (5) If the employee takes other caregiver leave or childcare leave.

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- 2 If any item of the preceding paragraph becomes applicable to the employee on caregiver leave, the caregiver leave shall terminate on the day of occurrence (or the immediately preceding day in the case of item (4) or (5) of the preceding paragraph).

(Return to Work)

Article 9 Employees shall return to work if the caregiver leave terminates pursuant to the provisions of Paragraph 2 of the preceding Article or if the period of caregiver leave expires.

(Application for Partial Caregiver Leave)

Article 10 The provisions of Article 5 shall apply *mutatis mutandis* to applications for partial caregiver leave.

(Cancellation and Termination of Partial Caregiver Leave)

Article 11 The provisions of Article 8 shall apply *mutatis mutandis* to the cancellation and termination of partial caregiver leave.

(Partial Cancellation of Partial Caregiver Leave)

Article 12 Employees who are on partial caregiver leave may cancel part of such partial caregiver leave by notifying the University beforehand.

(Salary during Partial Caregiver Leave)

Article 13 The University shall not pay salary for the hours or days during which employees are on partial caregiver leave.

(Prohibition of Disadvantageous Treatment)

Article 14 Employees shall not be dismissed or otherwise treated disadvantageously by reason of taking caregiver leave or partial caregiver leave.

(Miscellaneous Provision)

Article 15 If it is impossible, or if the President deems it seriously inappropriate, to apply these Rules due to any special circumstance, the University may handle the caregiver leave or partial caregiver leave by separate procedures.

Supplementary Provisions

1. These Rules shall come into force as from April 1, 2004.
2. Caregiver leave which was approved prior to the effective date of these Rules (“hereinafter referred to as the “Effective Date”) relating to the period after the Effective Date based on the Act on Working Hours, Leave, etc. for National Public Officers Engaged in Regular Services

(Act No. 33 of 1994; hereinafter referred to as the “Working Hours Act”) shall be deemed to be caregiver leave or partial caregiver leave based on these Rules, and another application after the Effective Date is not necessary.

3. An application for caregiver leave which was filed prior to the Effective Date based on the Working Hours Act relating to the period after the Effective Date shall be deemed to be an application for caregiver leave or partial caregiver leave based on these Rules, and another application after the Effective Date is not necessary.

Supplementary Provisions (Rule No. 64 of March 31, 2005)

These Rules shall come into force as from April 1, 2005.

Supplementary Provisions (Rule No. 63 of March 22, 2007)

These Rules shall come into force as from April 1, 2007.

Supplementary Provisions (Rule No. 60 of March 28, 2008)

These Rules shall come into force as from April 1, 2008.

Supplementary Provisions (Rule No. 81 of March 31, 2010)

These Rules shall come into force as from April 1, 2010.

Supplementary Provisions (Rule No. 20 of March 26, 2013)

These Rules shall come into force as from April 1, 2013.

Supplementary Provisions (Rule No. 68 of June 21, 2013)

These Rules shall come into force as from July 1, 2013.

Supplementary Provisions (Rule No. 22 of March 26, 2014)

These Rules shall come into force as from April 1, 2014.

Supplementary Provisions (Rule No. 239 of December 27, 2016)

1. These Rules shall come into force as from January 1, 2017.
2. Caregiver leave which was obtained based on the Hiroshima University Regulations for Employee Family Care Leave prior to the amendment by these Rules (hereinafter referred to as the “Old Rules”) shall be deemed to be caregiver leave which is obtained based on the Hiroshima University Regulations for Employee Family Care Leave after the amendment by these Rules (hereinafter referred to as the “New Rules”).
3. An application for partial caregiver leave which was filed prior to the effective date of these Rules (“hereinafter referred to as the “Effective Date”) based on the provisions of the Old Rules relating to the period after the Effective Date shall be deemed to be an application based on the provisions of the New Rules, and another application after the Effective Date of these Rules is not necessary.

Supplementary Provisions (Rule No. 33 of March 27, 2018)

These Rules shall come into force as from April 1, 2018.