

☆～☆～☆～☆～☆～☆

本文書は、全学からの依頼に基づいて英文化チームで翻訳したものであり、本学の最新版・正式文書でないことがあります。このことにご注意の上、翻訳支援のツールとしてご利用ください。最新版・正式文書が必要な場合は、必ずその文書を管理している担当部局に照会して入手してください。

This document has been translated by the English Translation Team on request by University members. The documents may not be current or official University documents. Please keep this in mind and use this database as a translation support tool. If you require the most recent or the official version of a document, please inquire with the department responsible for managing the document to acquire it.

☆～☆～☆～☆～☆～☆

東海国立大学機構海外拠点勤務者の就業規則等の特例に関する規程（令和2年4月1日機構規程第22号）

Tokai National Higher Education and Research System Rules on Exceptions to Employee Work Rules for Employees Working at Overseas Office (THERS Rule No. 22 of April 1, 2020)

翻訳年月日：令和3年10月19日

Translation Date: October 19, 2021

東海国立大学機構海外拠点勤務者の就業規則等の特例に関する規程

Tokai National Higher Education and Research System Rules on Exceptions to Employee Work Rules for Employees Working at Overseas Offices

（令和2年4月1日機構規程第22号）

(THERS Rule No. 22 of April 1, 2020)

（趣旨）

(Purpose)

第1条 この規程は、名古屋大学海外拠点認定規程（平成25年度規程第98号。以下「海外拠点規程」という。）第4条に定める海外拠点（以下「海外拠点」という。）に勤務する教職員（以下「海外拠点勤務者」という。）の東海国立大学機構職員就業規則（令和2年度機構規程第1号。以下「職員就業規則」という。）、東海国立大学機構限定職員就業規則（令和2年度機構規程第2号。以下「限定職員就業規則」という。）、東海国立大学機構契約職員就業規則（令和2年度機構規程第3号。以下「契約職員就業規則」という。）、東海国立大学機構パートタイム勤務職員就業規則（令和2年度機構規程第4号。以下「パート職員就業規則」という。）その他関係規程及び東海国立大学機構旅費規程（令和2年度機構規程第63号。以下「旅費規程」という。）に関わる特例に関し、必要な事項を定めるものとする。

Article 1 These Rules set out necessary matters in relation to the exceptions to the Tokai National Higher Education and Research System Employee Work Rules (THERS Rule No. 1 of 2020; hereinafter referred to as the “Employee Work Rules”), Tokai National Higher Education and Research System Designated Employee Work Rules (THERS Rule No. 2 of 2020; hereinafter

referred to as the “Designated Employee Work Rules”), Tokai National Higher Education and Research System Contract Employee Work Rules (THERS Rule No. 3 of 2020; hereinafter referred to as the “Contract Employee Work Rules”), Tokai National Higher Education and Research System Part-time Employee Work Rules (THERS Rule No. 4 of 2020; hereinafter referred to as the “Part-Time Employee Work Rules”), other relevant rules and the Tokai National Higher Education and Research System Travel Allowance Rules (THERS Rule No. 63 of 2020; hereinafter referred to as the “Travel Allowance Rules”) for faculty and staff members (hereinafter referred to as “Overseas Employees”) working at overseas offices (hereinafter referred to as “Overseas Offices”) as set out under Article 4 of the Nagoya University Overseas Offices Authorization Rules (Rule No. 98 of 2013; hereinafter referred to as the “Overseas Office Rules”).

(定義)

(Definitions)

第2条 この規程において「海外拠点勤務者」とは、海外拠点における勤務を命ぜられた者又はこれに準ずる者をいう。

Article 2 (1) As used under these Rules, “Overseas Employee” shall mean a person who has been ordered to work at an overseas office, or equivalent person.

2 「在勤国」とは、海外拠点のおかれている国のうち、海外拠点勤務者が勤務を命ぜられている拠点の存在する国をいう。

(2) As used under these Rules, “Country of Work” shall mean the country of the overseas office where the Overseas Employee has been ordered to work.

(費用負担の範囲)

(Scope of Expenses Borne)

第3条 この規程に定める事項について、国立大学法人東海国立大学機構（以下「機構」という。）が負担する費用は、機構において負担することが規定されている事項のみとする。

Article 3 (1) The National University Corporation Tokai National Higher Education and Research System (hereinafter referred to as “THERS”) shall only bear expenses for matters provided for under these Rules when it has been stipulated at THERS that such expenses shall be borne by THERS.

2 海外勤務者が家族の帯同を希望する場合、機構は、帯同家族にかかる費用を負担しない。
(2) In the case that an Overseas Employee wishes to be accompanied by his or her family overseas, the expenses of the accompanying family members shall not be borne by THERS.

(赴任及び帰住にかかる旅費)

(New Posting and Return Travel Expenses)

第4条 海外拠点勤務者の赴任及び帰住にかかる旅費の支給については、旅費規程による。

Article 4 The payment of travel expenses in relation to new posting and return travel for Overseas Employees shall be in accordance with the Travel Allowance Rules.

(給与の送金)

(Transfer of Pay)

第5条 機構が海外拠点勤務者に支給する給与は、職員就業規則等、限定職員就業規則、契約職員就業規則及びパート職員就業規則に定める支給日に、機構より送金可能な通貨で送金するものとする。

Article 5 (1) The pay by THERS to Overseas Employees shall be made via bank transfer by THERS in a transferrable currency on the payment date stipulated in the Employee Work Rules, etc., Designated Employee Work Rules, Contract Employee Work Rules or Part-time Employee Work Rules.

2 機構が支給する給与の額は、本邦通貨で支給した場合の相当額を保証する。

(2) THERS guarantees that the amount of pay shall be an equivalent amount to the amount that would have been paid in Japanese currency.

(所得税等)

(Income Taxes, etc.)

第6条 機構が海外拠点勤務者に支給する給与、旅費、その他機構がこの規程に基づき負担する費用に対して、在勤国等において所得税をはじめとする税金及び強制徴収の社会保険料（以下「所得税等」という。）が課される場合、機構は必要に応じて、日本国内における課税状況等を勘案し、所得税等の額から当該海外拠点勤務者が本邦において勤務したものと仮定して算出した所得税額を減じた額を負担することができる。

Article 6 In the case that taxes such as incomes taxes and compulsory social insurance premiums (hereinafter referred to collectively as “Income Taxes, etc.”) are charged in the Country of Work in respect to the pay and/or travel expenses paid by THERS to Overseas Employees and any other expenses borne by THERS under these Rules, THERS may, as necessary, bear the expense of said Income Taxes, etc. after subtracting the amount of incomes taxes that would have been paid had the Overseas Employee remained working in Japan, as calculated in consideration of the tax situation in Japan and other factors.

(勤務時間及び休憩時間)

(Working Hours and Break Times)

第7条 海外拠点勤務者の勤務時間及び休憩時間は、東海国立大学機構職員の勤務時間、休暇等に関する規程（令和2年度機構規程第30号。以下「職員勤務時間規程」という。）第3条から第6条まで及び第8条、限定職員就業規則第15条第1項及び第16条第1項並びに東海国立大学機構契約職員の勤務時間、休暇等に関する規程（令和2年度機構規程第32号。以下「契約職員勤務時間規程」という。）第3条及び第4条の規定にかかわらず、在勤国の法令、慣習又は機構における勤務時間、始業・終業時刻及び休憩時間の取扱いに準じて、海外拠点の長又は海外拠点規程第6条により海外拠点の認定申請を行った部局の長が定める。

Article 7 The working hours and break times of Overseas Employees shall be decided upon by the Head of the Overseas Office or the Head of Department who applied for authorization of the Overseas Office under Article 6 of the Overseas Office Rules, in accordance with the laws and regulations and customs of the Country of Work, and working hours, starting and finishing times and break times at THERS, irrespective of the provisions of Articles 3 through 6 and Article 8 of the Tokai National Higher Education and Research System Employee Working Hours and Leave Rules (THERS Rule No. 30 of 2020; hereinafter referred to as “the Employee Working Hours Rules”), Article 15, Paragraph (1) and Article 16, Paragraph (1) of the Designated Employee Work Rules and Articles 3 and 4 of the Tokai National Higher Education and Research System Contract Employee Working Hours and Leave Rules (THERS Rule No. 32 of 2020; hereinafter referred to as the “Contract Employee Working Hours Rules”).

(休日等)

(Holidays)

第8条 海外拠点勤務者の週休日及び休日（以下「休日等」という。）は、職員勤務時間規程第10条及び第12条、限定職員就業規則第18条及び第19条、契約職員勤務時間規程第8条及び第10条並びに東海国立大学機構パートタイム勤務職員の勤務時間、休暇等に関する規程（令和2年度機構規程第33号。以下「パート職員勤務時間規程」という。）第7条及び第9条の規定にかかわらず、原則として、次の各号に掲げるものをいう。

Article 8 As a general rule, weekly days off work and holidays for Overseas Employees (hereinafter referred to as “Holidays”) shall be as follows, irrespective of the provisions of Articles 10 and 12 of the Employee Working Hours Rules, Articles 18 and 19 of the Designated Employee Work Rules, Articles 8 and 10 of the Contract Employee Working Hours Rules and Articles 7 and 9 of the Tokai National Higher Education and Research System Part-time Employee Working Hours and Leave Rules (THERS Rule No. 33 of 2020; hereinafter referred to as the “Part-time Employee Working Hours and Leave Rules”):

一 日曜日及び土曜日。

(i) Sundays and Saturdays.

ただし、日曜日及び土曜日に代えて他の曜日が休日等と定められている在勤国にあっては、当該曜日

Provided, however, that in the case that other days are stipulated as holidays in the Country of Work instead of Saturday and/or Sunday, Holidays shall be granted on the day(s) in question instead;

二 在勤国の法令又は慣習による祝日

(ii) National holidays in accordance with the laws and regulations or customs of the Country of Work;

三 前2号に規定する休日等の和が職員勤務時間規程第10条及び第12条、限定職員就業規則第18条及び第19条、契約職員勤務時間規程第8条及び第10条並びにパート職

員勤務時間規程第 7 条及び第 9 条に定める休日等の日数より少ない場合は、その差の範囲内において、海外拠点の長又は海外拠点規程第 6 条により海外拠点の認定申請を行った部局の長が、指定する日

(iii) Any additional Holidays stipulated by the Head of the Overseas Office or the Head of the Department who applied for authorization of the Overseas Office under Article 6 of the Overseas Office Rules, in the case that the total number of Holidays provided for under the preceding two items is smaller than the number of Holidays as stipulated under the provisions of Articles 10 and 12 of the Employee Working Hours Rules, Articles 18 and 19 of the Designated Employee Work Rules, Articles 8 and 10 of the Contract Employee Working Hours Rules and Articles 7 and 9 of the Part-time Employee Working Hours and Leave Rules, up to a maximum of the shortfall in Holidays; and

四 前 3 号に規定する休日等のほか、在勤国の慣習等により、勤務する海外拠点への立ち入りが禁止される等、海外拠点勤務者が勤務することが著しく困難であると海外拠点の長又は海外拠点規程第 6 条により海外拠点の認定申請を行った部局の長が、認める日

(iv) In addition to the Holidays provided for under the preceding three items, any days on which the Head of the Overseas Office or the Head of the Department who applied for authorization of the Overseas Office under Article 6 of the Overseas Office Rules deems it to be exceptionally difficult for an Overseas Employee to attend work for reasons such as access to the Overseas Office being prohibited by local customs in the Country of Work.

(移転休暇)

(Relocation Leave)

第 9 条 海外拠点への赴任において、住居の移転（同一市内への移転を除く。）を伴う場合、海外拠点勤務者は、海外拠点での勤務前後の諸準備のために、移転休暇を取得することができる。

Article 9 (1) When a posting at an Overseas Office requires relocation of residence (excluding relocation within the same city), an Overseas Employee may acquire relocation leave for the purposes of making preparations prior to and after relocating to work at the new Overseas Office.

2 移転休暇の期間は、住居の移転予定日から起算して 15 日前から当該住居移転の日後 30 日を経過する日までの間に 5 日の範囲内の日数とする。

(2) The period of relocation leave shall be a maximum of 5 days, and shall be taken no longer than 15 days prior to the planned date for relocation of residence or 30 days after the actual date of relocation of residence.

3 移転休暇は、連続又は 1 日ごとに分割して取得することができる。

(3) Relocation leave may be taken consecutively, or divided into single days of leave.

4 移転休暇は、職員勤務時間規程第 25 条第 1 項、契約職員勤務時間規程第 19 条第 1 項及びパート職員勤務時間規程第 18 条第 1 項（限定職員就業規則第 21 条第 1 項の規定により準用する場合を含む。）の規定にかかわらず、特別休暇として取り扱う。

(4) Relocation leave shall be treated as special leave, irrespective of the provisions of Article 25, Paragraph (1) of the Employee Working Hours Rules, Article 19, Paragraph (1) of the Contract Employee Working Hours Rules and Article 18, Paragraph (1) of the Part-time Employee Working Hours Rules (including where the provisions are applied with the necessary changes pursuant to the provisions of Article 21, Paragraph (1) of the Designated Employee Work Rules).

(海外勤務休暇)

(Leave from Overseas Work)

第 10 条 機構長は、生活様式、社会環境、気候風土の違い等から生じる精神的負担等を勘案し、一の年（1 月 1 日から 12 月 31 日までをいう。）において、休日等及び代休日を除き、原則として連続する 4 日の範囲内の期間、休養を目的とするための休暇（以下「海外勤務休暇」という。）を与えることができる。

Article 10 (1) In consideration of the psychological burden, etc. of differences in lifestyles, social environment, climate and culture, the Chancellor may grant, as a general rule, up to a maximum of four consecutive calendar days of leave for every year (from January 1 to December 31), excluding Holidays and substitute holidays, for the purposes of rest and recuperation (hereinafter referred to as “Leave from Overseas Work”).

ただし、海外拠点勤務者のうち、在勤国の国民及び海外勤務を命じられた日から起算した継続勤務期間が 1 年に満たない者については、適用しない。

Provided, however, that this shall not apply to Overseas Employees who are citizens of the Country of Work, or whose period of continuous service from the day on which the order to work overseas was given is less than one year.

2 前項の海外勤務休暇の日数に、往復に要する日数として、4 日の範囲内の期間を加えることができる。

(2) A maximum of four days may be added to the above Leave from Overseas Work as days required to travel from and back to the Country of Work.

3 海外勤務休暇は、職員勤務時間規程第 25 条第 1 項、契約職員勤務時間規程第 19 条第 1 項及びパート職員勤務時間規程第 18 条第 1 項（限定職員就業規則第 21 条第 1 項の規定により準用する場合を含む。）の規定にかかわらず、特別休暇として取り扱い、その単位は 1 日とする。

(3) Leave from Overseas Work shall be treated as special leave, irrespective of the provisions of Article 25, Paragraph (1) of the Employee Working Hours Rules, Article 19, Paragraph (1) of the Contract Employee Working Hours Rules and Article 18, Paragraph (1) of the Part-time Employee Working Hours Rules (including where the provisions are applied with the necessary changes pursuant to the provisions of Article 21, Paragraph (1) of the Designated Employee Work Rules), and shall be handled in one-day units.

(懲戒)

(Disciplinary Action)

第 11 条 海外拠点勤務者の行為が、職員就業規則第 45 条に規定する懲戒事由に該当し、職員就業規則第 46 条第 1 項第 3 号から第 5 号までの懲戒処分を行おうとする場合、機構長は、当該海外拠点勤務者を本邦へ帰国させるものとする。

Article 11 (1) Where the behavior of an Overseas Employee falls under any of the grounds for disciplinary action as set out under the provisions of Article 45 of the Employee Work Rules, and any of the disciplinary actions described under Article 46, Paragraph (1), Items (iii) through (v) of the Employee Work Rules are to be taken, the Chancellor shall require the return to Japan of the Overseas Employee.

2 前項の規定により帰国した者が、懲戒処分を受ける前に勤務していた国へ帰る場合の航空賃等は、旅費規程第 4 条第 3 項の規定にかかわらず機構が負担する。

(2) Where the Overseas Employee who has returned to Japan under the provisions of the preceding paragraph is to return to the overseas country in which he/she worked prior to receiving the disciplinary action, the airfare shall be borne by THERS, irrespective of the provisions of Article 4, Paragraph (3) of the Travel Allowance Rules.

3 前項の航空賃等の額は、原則として旅費規程第 35 条第 1 項第 1 号ハ又は第 2 号ロの定めに準じた額の航空賃に、東海国立大学機構旅費細則（令和 2 年度機構細則第 57 号）第 27 条第 1 項、第 3 項及び第 4 項に定めるもののうち航空券の手配にあたって必要となった額を加えたものとする。

(3) As a general rule, the amount of the airfare as set out in the preceding paragraph shall be the airfare in accordance with the provisions of Article 35, Paragraph (1), Item (i), (c) or Item (ii), (b) of the Travel Allowance Rules and the amount of any additional expenses incurred to arrange the air tickets as set out under the provisions of Article 27, Paragraphs (1), (3) and (4) of the Tokai National Higher Education and Research System Detailed Travel Allowance Rules (THERS Detailed Rule No. 57 of 2020).

（健康診断）

(Medical Examinations)

第 12 条 機構長は、名古屋大学安全衛生管理規程（平成 16 年度規程第 80 号）第 29 条に規定する定期健康診断を海外拠点勤務者に対して行わなければならない。

Article 12 (1) The Chancellor must ensure that regular medical examinations are carried out in respect to Overseas Employees in accordance with the provisions of Article 29 of the Nagoya University Safety and Health Management Rules (Rule No. 80 of 2004).

2 機構長は、海外拠点勤務者を海外拠点に 6 月以上派遣しようとするときは、あらかじめ、当該海外拠点勤務者に対し、労働安全衛生規則（昭和 47 年労働省令第 32 号）第 45 条の 2 第 1 項に定める健康診断を行わなければならない。

(2) The Chancellor must ensure that a medical examination is carried out in advance in respect to Overseas Employees who are to be dispatched to an Overseas Office for a period of six months or greater, in accordance with the provisions of Article 45-2, Paragraph (1) of the Industrial Safety and Health Regulations (Ordinance of the Ministry of Labor No. 32 of 1972).

3 機構長は、海外拠点において6月以上勤務した海外拠点勤務者を本邦へ赴任させるときは、当該海外拠点勤務者に対し、労働安全衛生規則第45条の2第2項に定める健康診断を行わなければならない。

(3) When an Overseas Employee who has worked at an Overseas Office for six months or longer is posted to Japan, the Chancellor must ensure that the Overseas Employee undergoes a medical examination in accordance with the provisions of Article 45-2, Paragraph (2) of the Industrial Safety and Health Regulations.

4 海外拠点勤務者は、前3項に規定する健康診断を受診しなければならない。

(4) Overseas Employees must undergo the medical examinations described in the preceding three paragraphs.

この場合において、健康診断に必要な費用は、機構が負担するものとする。

In such cases, the cost of taking medical examinations shall be borne by THERS.

5 海外拠点勤務者は、本邦へ一時帰国したときに、機構が契約する医療機関において第1項の健康診断を受診しようとする場合は、所定の様式により、受診日の2月前までに、受診希望日を申請しなければならない。

(5) When an Overseas Employee intends to undergo during his or her temporary return to Japan a medical examination as provided for under Paragraph (1) at a medical institution with which THERS has entered into an agreement, he or she must apply for the desired date to undergo the medical examination using the prescribed form at least two months prior to the planned date of the medical examination.

6 海外拠点勤務者は第1項から第3項までの健康診断を日本国内で受診することが困難な場合、在勤国の医療機関において受診することができる。

(6) In the case that it would be difficult for an Overseas Employee to undergo a medical examination as provided for under Paragraphs (1) through (3) in Japan, he or she may undergo a medical examination at a medical institution in the Country of Work.

7 機構長は、海外拠点勤務者が他の健康診断を受けた場合において、当該健康診断の検査の結果を利用することができると認めるときは、その検査をもって第1項及び第2項に定める健康診断を受診したものとすることができる。

(7) In the case that an Overseas Employee has received another medical examination and it is deemed that the screening results of said medical examination can be used, the Chancellor may deem that a medical examination as provided for under Paragraphs (1) and (2) has been received by means of the screening in question.

8 第1項、第2項及び第3項の健康診断結果を踏まえて再検査を行う場合、その費用は海外拠点勤務者が負担する。

(8) In the case that further medical investigation is required based on the results of a medical examination described under Paragraphs (1) through (3), the cost of such further investigations shall be borne by the Overseas Employee.

(予防接種)

(Vaccinations)

第13条 海外拠点勤務者が予防接種を希望する場合は、機構が、その費用を負担するものとする。

Article 13 In the case that an Overseas Employee wishes to receive a vaccination(s), the cost of such vaccination(s) shall be borne by THERS.

(医療にかかる保険等)

(Medical Insurance)

第14条 海外拠点勤務者は、原則として、在勤国の国民が一般的に加入する公的若しくは民間の保険、採用される前に自身が居住していた国の保険又は機構が指定する海外旅行保険のいずれかに加入することとする。

Article 14 (1) As a general rule, an Overseas Employee must be covered by the public or private health insurance generally taken out by nationals of the Country of Work, or health insurance in a country in which he or she resided prior to being hired, or overseas travel insurance specified by THERS.

2 海外拠点勤務者は、原則として、労働者災害補償保険に特別加入するものとする。

(2) As a general rule, an Overseas Employee shall take out special cover for workers' accident compensation insurance.

3 前2項の保険にかかる費用は、機構が負担するものとする。

(3) The cost of taking out insurance under the preceding two paragraphs shall be borne by THERS.

(雑則)

(Miscellaneous Provisions)

第15条 この規程及び他の機構の規程に定めるもののほか、海外拠点勤務者の就業等に関し必要な事項は、機構長が別に定める。

Article 15 Any matters not provided for under these Rules or other rules of THERS in respect to employment and other matters relating to Overseas Employees shall be decided upon by the Chancellor as necessary.

(この規程により難しい場合の措置)

(Measures in the case that these Rules are difficult to adhere to)

第16条 特別の事情によりこの規程によることができない場合又はこの規程によることが著しく不適当であると機構長が認める場合は、別段の取扱いをすることができる。

Article 16 Where it is not possible to adhere to these Rules due to exceptional circumstances, or the Chancellor deems it to be inappropriate to adhere to these Rules, special handling may be adopted.

附 則

Supplementary Provisions

1 この規程は、令和 2 年 4 月 1 日から施行する。

(1) These Rules shall come into force as of April 1, 2020.

2 この規程の施行の日前から在勤国において勤務する海外拠点勤務者については、第 10 条第 1 項中「海外勤務を命じられた日から」とあるのは「名古屋大学において海外勤務を命じられた日から」と読み替えるものとする。

) 2) In respect of Overseas Employees who already worked in the Country of Work prior to these Rules coming into force, “from the day on which the order to work overseas was given” under Article 10, Paragraph (1) shall be read as “from the day on which the order to work overseas was given by Nagoya University”.