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東海国立大学機構職員休職規程（令和２年４月１日機構規程第２５号）

Tokai National Higher Education and Research System Employee Administrative Leave Rules
(THERS Rule No. 25 of April 1, 2020)

翻訳年月日：令和０４年０３月０１日

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東海国立大学機構職員休職規程

Tokai National Higher Education and Research System Employee Administrative Leave Rules
(令和２年４月１日機構規程第２５号)

(THERS Rule No. 25 of April 1, 2020)

(趣旨)

(Objectives)

第１条 東海国立大学機構職員就業規則（令和２年度機構規則第１号。以下「職員就業規則」という。）第１５条第４項に基づく東海国立大学機構（以下「機構」という。）の職員（以下「職員」という。）の休職に関する事項については、この規程に定めるところによる。

Article 1. These Rules prescribe matters regarding the administrative leave of employees (hereinafter referred to as “Employees”) of Tokai National Higher Education and Research System (hereinafter referred to as “THERS”) pursuant to Article 15, Paragraph (4) of the Tokai National Higher Education and Research System Employee Work Rules (THERS Rule No. 1 of 2020, hereinafter referred to as “Employee Work Rules”).

(休職の効果)

(Effects of Administrative Leave)

第２条 休職中の職員は、機構の職員としての身分を保有し、職務に従事しない。

Article 2. (1) Employees on administrative leave shall retain their status as Employees of THERS and shall not engage in their duties.

２ 休職中の職員は、休職にされたとき占めていた職又は休職中に異動した職を保有するものとする。

(2) Employees on administrative leave shall retain posts they occupied at the time they were placed on administrative leave or posts they were transferred to during administrative leave.

ただし、兼務に係る職については、この限りでない。

However, this shall not apply to posts which are related to concurrent posts.

3 前項の規定は、当該職を他の職員をもって補充することを妨げるものではない。

(3) The provisions set forth in the preceding paragraph do not preclude other Employees from being assigned as substitutes to the posts concerned.

4 休職中の職員は、その期間中、別段の定めがあるものを除き、給与を支給されない。

(4) Unless otherwise provided for, Employees on administrative leave shall not receive pay during the period of leave.

(休職の期間)

(Period of Administrative Leave)

第3条 職員就業規則第15条第1項第1号の休職期間は、当該負傷又は疾病が治癒（症状固定を含む。）するまでの期間とする。

Article 3. (1) The period of administrative leave set forth in Article 15, Paragraph (1), Item (i) of the Employee Work Rules shall be the period until the injury or illness concerned is cured (including symptom stabilization).

ただし、労働基準法（昭和22年法律第49号）第81条の規定により打切補償を支払う場合、又は労働者災害補償保険法（昭和22年法律第50号）第19条の規定により打切補償を支払ったとみなされる場合は、この限りでない。

However, this shall not apply where compensation for discontinuance is paid under the provisions of Article 81 of the Labor Standards Act (Act No. 49 of 1947), or is deemed to have been paid under the provisions of Article 19 of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947).

2 職員就業規則第15条第1項第2号、第4号、第6号及び第10号の休職期間は、必要に応じ、いずれも3年を超えない範囲内で機構長が定める。

(2) The Chancellor shall determine the period of administrative leave set forth in Article 15, Paragraph (1), Items (ii), (iv), (vi) and (x) of the Employee Work Rules as necessary, and no such period shall exceed three years.

3 職員就業規則第15条第1項第3号の休職期間は、その事件が裁判所に係属する期間とする。

(3) The period of administrative leave set forth in Article 15, Paragraph (1), Item (iii) of the Employee Work Rules shall be the period during which the case is pending before a court.

4 職員就業規則第15条第1項第5号、第7号及び第8号の休職期間は、必要に応じ、いずれも5年を超えない範囲内で機構長が定める。

(4) The Chancellor shall determine the period of administrative leave set forth in Article 15, Paragraph (1), Items (v), (vii) and (viii) of the Employee Work Rules as necessary, and no such period shall exceed five years.

5 職員就業規則第15条第1項第9号の休職期間は、年を単位として3年を超えない範囲内で機構長が定める。

(5) The Chancellor shall determine the period of administrative leave set forth in Article 15, Paragraph (1), Item (ix) of the Employee Work Rules within a period not exceeding three years on a year basis.

(休職の期間の更新)

(Renewal of Administrative Leave)

第4条 職員就業規則第15条第1項第2号、第4号、第6号及び第10号の休職期間が3年に満たない場合においては、休職した日から引き続き3年を超えない範囲内においてこれを更新することができる。

Article 4. (1) In cases where the period of administrative leave set forth in Article 15, Paragraph (1), Items (ii), (iv), (vi) and (x) of the Employee Work Rules is less than three years, such leave may be renewed for a period not exceeding three years continuously from the date on which administrative leave was taken.

2 職員就業規則第15条第1項第2号の休職期間が引き続き3年に達する際、特に必要であると機構長が認める場合においては、前項の規定にかかわらず、3年を超えて当該休職期間を更新することができる。

(2) Notwithstanding the provision set forth in the preceding paragraph, where the Chancellor finds it particularly necessary, when administrative leave set forth in Article 15, Paragraph (1), Item (ii) of the Employee Work Rules reaches a period of three continuous years, the period of said leave may be renewed beyond three years.

3 職員就業規則第15条第1項第4号及び第6号の休職期間が引き続き3年に達する際、特に必要であると機構長が認める場合においては、第1項の規定にかかわらず、2年を超えない範囲内において当該休職期間を更新することができる。

(3) Notwithstanding the provision set forth in Paragraph (1), where the Chancellor finds it particularly necessary, when administrative leave set forth in Article 15, Paragraph (1), Items (iv) and (vi) of the Employee Work Rules reaches a period of three continuous years, the period of said leave may be renewed for a period not exceeding two years.

この更新した休職期間が2年に満たない場合においては、機構長は、必要に応じ、その期間の初日から起算して2年を超えない範囲内において、再度これを更新することができる。

In cases where the period of such renewed administrative leave is less than two years, the Chancellor may renew such leave again for a period not exceeding two years counted from the first day of the period of same.

4 職員就業規則第15条第1項第5号、第7号及び第8号の休職期間が5年に満たない場合においては、休職した日から引き続き5年を超えない範囲内においてこれを更新することができる。

(4) In cases where the period of administrative leave set forth in Article 15, Paragraph (1), Items (v), (vii) and (viii) of the Employee Work Rules is less than five years, such leave may be renewed for a period not exceeding five years continuously from the date on which administrative leave was taken.

5 第3項の規定に基づく職員就業規則第15条第1項第6号の休職期間及び前項の規定に基づく職員就業規則第15条第1項第5号の休職期間が引き続き5年に達する際、やむ

(5) In cases where the Chancellor finds it unavoidable, when the period of administrative leave set forth in Article 15, Paragraph (1), Item (vi) of the Employee Work Rules pursuant to the provisions of Paragraph (3) and the period of administrative leave set forth in Article 15, Paragraph (1), Item (v) of the Employee Work Rules pursuant to the provisions of the preceding paragraph reach five continuous years, such leave may be renewed as necessary.

(休職期間の取扱い)

(Handling of Periods of Administrative Leave)

第5条 職員就業規則第15条第1項第2号の規定により休職した職員が復職し、その後同一傷病により再び休職する場合において、復職後の出勤日数（週休日及び休日を含む。）が30日を超えない場合の休職期間は、当該復職による中断がなかったものとする。

Article 5. (1) In cases where an Employee who took administrative leave under the provisions of Article 15, Paragraph (1), Item (ii) of the Employee Work Rules returns to work and subsequently takes administrative leave again owing to the same injury or illness, the period of administrative leave shall be regarded as not having been interrupted by said return if the number of working days (including weekly holidays and holidays) after the return does not exceed 30 days.

2 職員就業規則第15条第1項第2号の規定により休職した職員が、復職後再び同項の規定による休職をする場合の当該休職期間は、機構の職員として在職した期間の3分の1に相当する期間から従前の休職期間（以下「前休職期間」という。）を減じた期間を限度とする。

(2) In cases where an Employee who took administrative leave under the provisions of Article 15, Paragraph (1), Item (ii) of the Employee Work Rules takes administrative leave under the provisions of the same paragraph again after having returned to work, the period of such administrative leave shall be limited to the period remaining after deduction of the period of the preceding administrative leave (hereinafter referred to as “the Period of Previous Administrative Leave”) from a period equivalent to one third of said employee's period of employment as an Employee of THERS.

ただし、機構の職員として在職した期間が9年に満たない場合の当該休職期間は、前休職期間と通算して3年までとする。

However, where the period of employment as an Employee of THERS is less than nine years, the combined total of such period of administrative leave and such Period of Previous Administrative Leave shall be up to three years.

(復職)

(Return to Work)

第6条 機構長は、休職中の職員の休職事由が消滅した場合は、速やかに復職させるものとする。

Article 6. (1) Where the grounds for administrative leave of an Employee on such leave have been resolved, the Chancellor shall have such Employee return to work promptly.

ただし、職員就業規則第15条第1項第1号及び第2号の休職については、職員が休職期間の満了までに機構長が必要と認める事項について記載された医師の診断書を提出の上復職を願い出て、産業医が休職事由が消滅したと認めた場合に限り、復職させる。

However, with regard to administrative leave set forth in Article 15, Paragraph (1), Items (i) and (ii) of the Employee Work Rules, only where an Employee applies to return to work after submitting, by the expiration of the period of administrative leave, a medical certificate from a physician in which are stated matters which the Chancellor finds necessary, and an industrial physician has found that the grounds for leave have been resolved, shall the President have said Employee return to work.

2 休職の期間が満了した場合は、復職する。

(2) Where the period of administrative leave has expired, the Employee shall return to work.

3 前2項の場合、機構長は原則として休職前の職場に復帰させる。

(3) Where an Employee falls under the preceding two paragraphs, the Chancellor shall have said Employee return to work at the same workplace as before the administrative leave.

ただし、心身の条件その他を考慮し、他の職務に就かせることがある。

However, the Employee may be assigned to other duties considering his/her physical and mental condition and other matters.

(意に反する休職の審査)

(Review of Involuntary Administrative Leave)

第7条 職員の意に反する休職の審査については、別に定める。

Article 7. Review of administrative leave against an Employee's will shall be prescribed separately. .

(雑則)

(Miscellaneous Provisions)

第8条 この規程の施行に関し必要な事項は、別に定める東海国立大学機構職員休職規程取扱細則（令和2年度機構細則第9号）において定める。

Article 8. Necessary matters relating to the enforcement of these Rules shall be separately prescribed in the Detailed Rules on the Handling of the Tokai National Higher Education and Research System Administrative Leave Rules (THERS Rule No. 9 of 2020).

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 effect on April 1, 2020.

2 この規程の施行前において、岐阜大学又は名古屋大学の在職期間（契約職員および常時勤務を要しない職員としての在職期間を除く。以下「統合前の在職期間」という。）を有する者の第 3 条から第 5 条に規定する休職期間および第 5 条第 2 項に規定する職員として在職した期間の規定の適用については、国立大学法人岐阜大学職員就業規則（平成 16 年度規則第 62 号）又は名古屋大学職員休職規程（平成 16 年度規程第 45 号）に基づく休職期間をこの規程に基づく休職期間とみなし、統合前の在職期間を職員として在職した期間とみなす。

(2) The application of the provisions for the period of administrative leave set forth in Articles 3 to 5 for any person who has a period of employment at Gifu University or Nagoya University before these Rules come into effect (excluding the period of employment as a contract employee or an employee not required to work full-time, hereinafter referred to as the “Employment Period Before Integration”) as well as the person’s period of employment as an Employee set forth in Article 5, Paragraph (2), the period of administrative leave indicated in the National University Corporation Gifu University Employee Work Rules (Rule No. 62 of 2004) or Nagoya University Employee Administrative Leave Rules (Rule No. 45 of 2004) shall be the period of administrative leave in these Rules, and the Employment Period Before Integration shall be the person’s period of employment as an Employee.

3 前項の規定にかかわらず、施行日の前日において国立大学法人岐阜大学の職員であった者の第 5 条第 2 項の規定の適用については、休職期間に施行日前に発令された休職期間を算入しない。

(3) Notwithstanding the provisions of the preceding paragraph, for the application of the provisions of Article 5, Paragraph (2) for persons who had been employees of National University Corporation Gifu University the day before these Rules come into effect, the period of administrative leave issued the day before these Rules come into effect shall not be included in the period of administrative leave.