

\* The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

## **The University of Tokyo Rules on Temporary Absence from Work for Academic and Administrative Staff**

Established: The University of Tokyo Rules No. 81; March 27, 2014  
Revised: The University of Tokyo Rules No. 33; December 15, 2016

### **Chapter 1 General Provisions**

#### **Article 1 Purpose**

The purpose of these Rules is to provide for the handling of temporary absences from work for University of Tokyo academic and administrative staff (hereinafter collectively referred to as “employees”) pursuant to Article 14-2 of the University of Tokyo Rules on Conditions of Employment of Academic and Administrative Staff (the University of Tokyo Rules No. 11 of 2004; hereinafter referred to as the “Rules on Conditions of Employment”).

### **Chapter 2 Childcare Leave**

#### **Article 2 Employees Eligible for Childcare Leave**

1. An employee who wishes to take temporary absence from work for childcare and falls under both of the following items may take leave for the purpose of taking care of his/her child (hereinafter referred to as “Childcare Leave”) pursuant to the provisions of these Rules.
  - (1) An employee who lives with his/her child (as prescribed in Article 2, paragraph 1 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Act No. 76 of 1991; hereinafter referred to as “Child Care and Family Care Leave Act”) who has not reached three years of age and takes care of such child; and
  - (2) An employee who has an intention of returning to work after the termination of Childcare Leave.
2. Notwithstanding the preceding paragraph, an employee falling within the persons prescribed in Article 6, paragraph 1 of the Child Care and Family Care Leave Act and in Article 8 of the Ordinance for Enforcement of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Ordinance of the Ministry of Labor No. 25 of 1991; hereinafter referred to as “Ordinance for Enforcement of the Child Care and Family Care Leave Act”) and being excluded from persons subject to Childcare Leave under the agreement pursuant to the provision of Article 6 of the Child Care and Family Care Leave Act may not take Childcare Leave.

### Article 3 Application for Childcare Leave

1. An employee who wishes to take Childcare Leave shall apply by clarifying the first day of the scheduled continued period of such Childcare Leave (hereinafter referred to as “Childcare Leave Scheduled Start Date”) and the last day thereof (hereinafter referred to as “Childcare Leave Scheduled End Date”) within the period up to the day on which the child pertaining to the Childcare Leave reaches three years of age.
2. The number of times an application mentioned in the preceding paragraph can be made for a specific child (twins or more shall be deemed as one child), subject of Childcare Leave shall be limited to three times (this includes applications for Childcare Leave that are later withdrawn for a child pertaining to the Childcare Leave) for a child pertaining to the Childcare Leave (where twins or more shall be deemed as one child). However, this restriction shall not apply when there are special circumstances.
3. An application for Childcare Leave shall, in principle, be made by submitting an application form for Childcare Leave at least one month before the Childcare Leave Scheduled Start Date.
4. An employee who applies for Childcare Leave (hereinafter referred to as the “Applicant for Childcare Leave”) may be requested to submit proofs or other documents as required if it is deemed necessary to confirm reasons for such application.
5. When the child pertaining to an application for Childcare Leave is born after such application, the Applicant for Childcare Leave shall report such birth without delay.
6. Upon the application mentioned in paragraph 1 of this article, the Applicant for Childcare Leave shall be notified of the handling of Childcare Leave.

### Article 4 Withdrawal etc. of Application

1. The Applicant for Childcare Leave may withdraw an application for Childcare Leave up to and including the day preceding the Childcare Leave Scheduled Start Date.
2. If an employee who has withdrawn an application for Childcare Leave applies for another Childcare Leave for the child pertaining to the withdrawn Childcare Leave because of special circumstances, such employee may take Childcare Leave for such child (where twins or more shall be deemed as one child).

### Article 5 Change etc. of Childcare Leave Period

1. The Applicant for Childcare Leave may, in principle, make a request to change the Childcare Leave Scheduled Start Date only once so long as it is made at least one week before such Childcare Leave Scheduled Start Date.
2. An employee taking Childcare Leave may, in principle, change the Childcare Leave Scheduled End Date only once by requesting such change at least one month before such Childcare Leave Scheduled End Date. However, if it is recognized that there are special circumstances, the said employee may change the Childcare Leave Scheduled End Date

several times.

#### Article 6 Extension of Childcare Leave Period under Special Circumstances

1. If an employee taking Childcare Leave is under special circumstances such as he/she cannot leave his/her child in a nursery center at the time when such child reaches three years of age, he/she may extend the period of Childcare Leave up to the first April 1 on and after the day on which the child reaches three years of age.
2. The extension of the period of Childcare Leave as mentioned in the preceding paragraph shall be limited to once except when taking care of the child pertaining to such Childcare Leave is significantly hindered without another extension of such period due to any fact that was unpredictable at the time of application for extension of the period such as an injury or illness to the spouse.
3. The extension of the Childcare Leave period as provided for in the preceding two paragraphs shall, in principle, be requested at least one month before the Childcare Leave Scheduled End Date.

#### Article 7 Termination of Childcare Leave

1. In the event that any of the circumstances listed in the following items occurs on or before the day preceding the Childcare Leave Scheduled End Date (or the changed or extended Childcare Leave Scheduled End Date if such Childcare Leave Scheduled End Date is changed or extended under Article 5 hereof or the preceding article), Childcare Leave shall be terminated on the day on which such circumstance occurs (or on the preceding day in the case of item (5)):
  - (1) When the child pertaining to Childcare Leave dies;
  - (2) When the child pertaining to Childcare Leave is no longer a child of the Applicant for Childcare Leave;
  - (3) When the child pertaining to Childcare Leave no longer lives with the Applicant for Childcare Leave;
  - (4) Trials concerning the domestic relations as required by Article 817-2 paragraph 1 of the Civil Code has been completed (excluding cases where the rulings on special adoption has been concluded) or measures stipulated by Article 27 paragraph 1 item 3 of the Child Welfare Act has been lifted before the adoption has been finalized
  - (5) When the Applicant for Childcare Leave becomes unable to take care of the child pertaining to such Childcare Leave because of an injury, illness, or physical or mental disability;
  - (6) When the Applicant for Childcare Leave obtains special leave pursuant to the provision of Article 11, paragraph 1, item (6) or (7) of the University of Tokyo Detailed Rules on Working Hours and Leave, etc. for Academic and Administrative Staff (the University of Tokyo Rules No. 14 of 2004; hereinafter referred to as “Detailed Rules on Working Hours”) or starts taking Nursing Care Leave or new Childcare Leave; or

- (7) When an employee comes to fall under Article 2, paragraph 2 hereof.
2. An employee taking Childcare Leave shall report the occurrence of any of the circumstances listed in the items of the preceding paragraph without delay.

### **Chapter 3 Nursing Care Leave**

#### **Article 8 Employees Eligible for Nursing Care Leave**

1. An employee who takes care of a family member who needs constant nursing care because of his/her injury, illness, or physical or mental disability (hereinafter referred to as “Care-requiring Condition”) for two weeks or more, may take a temporary absence from work for the purpose of taking care of such family member (hereinafter referred to as “Nursing Care Leave”) pursuant to the provisions of these Rules.
2. The family member provided for in the preceding paragraph shall be a person falling under any of the following items (hereinafter referred to as “Subject Family Member”).
  - (1) A spouse;
  - (2) A parent;
  - (3) A child (a child that has a parent-child relation with the fixed-term, part-time employee in the eyes of the law, including adopted children);
  - (4) A spouse’s parent;
  - (5) Grandparents, siblings, and grandchildren;
  - (6) Family member other than those listed in the preceding items who is recognized by the University.
3. Notwithstanding the paragraph 1 of this article, an employee falling within the persons prescribed in Article 12, paragraphs 2 and 3 of the Child Care and Family Care Leave Act and in Article 24 of the Ordinance for Enforcement of the Child Care and Family Care Leave Act and being excluded from persons subject to Nursing Care Leave under the agreement pursuant to the provision of Article 12 of the Child Care and Family Care Leave Act may not take Nursing Care Leave.

#### **Article 9 Application for Nursing Care Leave**

1. An employee who wishes to take Nursing Care Leave shall apply by clarifying that a Subject Family Member is in a Care-requiring Condition while also clarifying the first day of the scheduled continued period of such Nursing Care Leave (hereinafter referred to as “Nursing Care Leave Scheduled Start Date”) and the last day thereof (hereinafter referred to as “Nursing Care Leave Scheduled End Date”).
2. The number of times an application mentioned in the preceding paragraph can be made or a

specific family member shall be limited to three times totaling a period of six months, including any period pertaining to the Special Provisions for Nursing Care Leave (Partial Nursing Care Leave) provided for in Article 13 hereof, for one instance of condition requiring care. However, this shall not apply when there are special circumstances.

3. When an employee taking Nursing Care Leave pursuant to the Special Provisions for Nursing Care Leave (Partial Nursing Care Leave) provided for in Article 13 hereof continues to take Nursing Care Leave for the specific Family Member pertaining to the application under the preceding paragraph, an application for such Nursing Care Leave shall be deemed as one application.
4. An application for Nursing Care Leave shall, in principle, be made by submitting an application form for Nursing Care Leave at least two weeks before the Nursing Care Leave Scheduled Start Date.
5. An employee who applies for Nursing Care Leave (hereinafter referred to as the “Applicant for Nursing Care Leave”) may be requested to submit any proofs or other documents as required if it is deemed necessary to confirm reasons for such application.
6. Upon the application mentioned in paragraph 1 of this article, the Applicant for Nursing Care Leave shall be notified of the handling of Nursing Care Leave.

#### Article 10 Withdrawal etc. of Application

1. The Applicant for Nursing Care Leave may withdraw his/her application up to and including the day preceding the Nursing Care Leave Scheduled Start Date.
2. If an employee who has withdrawn an application for Nursing Care Leave applies for another Nursing Care Leave for the Subject Family Member pertaining to the withdrawn Nursing Care Leave, such employee may take Nursing Care Leave for such Subject Family Member.

#### Article 11 Change of Nursing Care Leave Period

1. The Applicant for Nursing Care Leave may, in principle, make a request to change the Nursing Care Leave Scheduled Start Date only once so long as it is made at least one week before such Nursing Care Leave Scheduled Start Date.
2. An employee taking Nursing Care Leave may, in principle, change the Nursing Care Leave Scheduled End Date only once by requesting such change at least two weeks before such Nursing Care Leave Scheduled End Date. However, if it is recognized that there are special circumstances, the said employee may change the Nursing Care Leave Scheduled End Date several times.

#### Article 12 Termination of Nursing Care Leave

1. In the event that any of the circumstances listed in the following items occurs on or before the day preceding the Nursing Care Leave Scheduled End Date (or the changed Nursing Care Leave Scheduled End Date if the Nursing Care Leave Scheduled End Date is changed under the preceding article), Nursing Care Leave shall be terminated on the day on which such circumstance occurs (or on the preceding day in the case of item (4)):

- (1) When the Subject Family Member pertaining to Nursing Care Leave dies;
  - (2) When the Subject Family Member pertaining to Nursing Care Leave is no longer a Subject Family Member of the Applicant for Nursing Care Leave;
  - (3) When the Applicant for Nursing Care Leave becomes unable to take care of the Subject Family Member because of an injury, illness, or physical or mental disability;
  - (4) When the Applicant for Nursing Care Leave obtains special leave pursuant to Article 11, paragraph 1, item (6) or (7) of the Detailed Rules on Working Hours or starts taking Childcare Leave or new Nursing Care Leave; or
  - (5) When an employee comes to fall under Article 8, paragraph 3 hereof.
2. An employee taking Nursing Care Leave shall report the occurrence of any of the circumstances listed in the items of the preceding paragraph without delay.

#### Article 13 Special Provisions for Nursing Care Leave

1. An employee who wishes to take Nursing Care Leave may take Nursing Care Leave by the day (hereinafter referred to as “Partial Nursing Care Leave”) if specifically necessary.
2. The provisions of Article 9 (except paragraph 3) through Article 12 hereof shall apply *mutatis mutandis* to applications for Partial Nursing Care Leave under the preceding paragraph.
3. When an employee taking Nursing Care Leave provided for in Article 9 hereof continues to take Partial Nursing Care Leave for the Subject Family Member pertaining to the application under the preceding paragraph, an application for such Partial Nursing Care Leave shall be deemed as one application.
4. An employee who applies for Partial Nursing Care Leave shall report the days on which he/she is scheduled not to work because of nursing care (hereinafter referred to as “Nursing Care Days”) at least one week before such Nursing Care Days, provided that the first Nursing Care Day shall be the same as the Partial Nursing Care Leave Scheduled Start Date and that the Nursing Care Days shall be reported all at once for a period of at least two weeks.

### **Chapter 4 Leave for Self-development, etc.**

#### Article 14 Leave for Self-development, etc.

1. When an employee is to voluntarily become a student and take a course at any university, etc. (including a graduate school at any Japanese university or a foreign university equivalent to such graduate school; the same applies hereinafter) in order to acquire knowledge useful for his/her work or is to participate in international contribution activities, he/she may be permitted to take leave for self-development, etc. for a period not exceeding three years.
2. The international contribution activities provided for in the preceding paragraph shall be,

among volunteer work in developing areas that is subject to the carrying out of duties performed by the Japan International Cooperation Agency itself pursuant to Article 13, paragraph 1, item (iv) of the Act on the Japan International Cooperation Agency, Independent Administrative Agency (Act No. 136 of 2002) (including training and other preparation in Japan that is necessary for such volunteer work; hereinafter the same applies in this paragraph) or other volunteer work in foreign countries that would contribute to the promotion of international contribution, that which is found appropriate for an employee to participate in as an academic or administrative worker.

3. The period of leave for self-development, etc. mentioned in paragraph 1 of this article may be extended only once within a period not exceeding three years.
4. An employee who is permitted to take leave for self-development, etc. shall be notified of the handling of leave for self-development, etc.

#### Article 15 Procedure for Requesting Permission for Leave for Self-development, etc.

1. An employee shall request permission for leave for self-development, etc. by submitting a written request for permission for leave for self-development, etc. at least one month before the day on which he/she intends to start such leave for self-development, etc. In that case, the said employee may be required to submit any proof or other documents to confirm such request.
2. The provision of the preceding paragraph shall apply *mutatis mutandis* to request for an extension of the period of leave for self-development, etc.

#### Article 16 Annulment etc. of Permission for Leave for Self-development, etc.

1. When an employee is taking leave for self-development, etc., if such employee takes a leave of absence as prescribed in Article 14 of the Rules on Conditions of Employment or is disciplined with short-term or long-term suspensions as prescribed in Article 39 of the same, permissions for leave for self-development, etc. shall cease to be effective.
2. Permission for leave for self-development, etc. shall be rescinded if any of the following items applies:
  - (1) When an employee taking leave for self-development, etc. ceases attending the university, etc. pertaining to the permission for such leave for self-development, etc. or ceases engaging in the international contribution activities pertaining to the same;
  - (2) When an employee taking leave for self-development, etc. is absent from the university at which he/she takes a course or has frequently missed classes, without any justifiable reason, or does not engage in the whole or any part of the volunteer work in which he/she participates; or
  - (3) When the attendance at university, etc. or the international contribution activities in relation to the request pertaining to an employee taking leave for self-development, etc. is hindered as he/she is absent or suspended from the university at which he/she takes a course, or has missed classes, or does not engage in the whole or any part of the volunteer work in which he/she participates or due to other reasons.

## Article 17 Return to Work

Upon the expiration of the period of leave for self-development, etc. or in the event of the permission for leave for self-development, etc. being rescinded, the employee pertaining to such leave for self-development, etc. shall return to his/her work.

## Chapter 5 Temporary Leave to Accompany a Spouse

### Article 18 Leave to Accompany a Spouse

1. When a spouse (including a person in a relationship with an employee where a marital relationship is de facto, though a marriage has not been registered) of an employee stays in any foreign country at a fixed address or residence because of an overseas assignment etc., if such employee is to live together with his/her spouse at such address or residence, temporary leave to accompany a spouse may be permitted for a period not exceeding three years.
2. The period of temporary leave to accompany a spouse as mentioned in the preceding paragraph may be extended only once within a period not exceeding three years.
3. An employee who is permitted to take temporary leave to accompany a spouse shall be notified of the handling of the temporary leave to accompany a spouse.

### Article 19 Procedure for Requesting Permission for Temporary Leave to Accompany a Spouse

1. An employee shall request permission for temporary leave to accompany a spouse by submitting a written request for permission for temporary leave to accompany a spouse at least one month before the day on which he/she intends to start such temporary leave to accompany a spouse. In that case, the said employee may be required to submit any proof or other documents to confirm such request.
2. The provision of the preceding paragraph shall apply *mutatis mutandis* to request an extension of the period of temporary leave to accompany a spouse.

### Article 20 Annulment etc. of Temporary Leave to Accompany a Spouse

1. When an employee is taking temporary leave to accompany a spouse, if such employee takes a leave of absence as prescribed in Article 14 of the Rules on Conditions of Employment or is disciplined with short-term or long-term suspensions as prescribed in Article 39 of the same or if the spouse pertaining to such temporary leave to accompany a spouse dies or is no longer a spouse of the employee, permission for such temporary leave to accompany a spouse shall cease to be effective.
2. In the event that an employee taking temporary leave to accompany a spouse no longer lives together with the spouse pertaining to such temporary leave to accompany a spouse, permission for such temporary leave to accompany a spouse shall be rescinded.

## Article 21 Return to Work



Upon the expiration of the period of temporary leave to accompany a spouse or in the event of the permission for temporary leave to accompany a spouse being rescinded, the employee pertaining to such temporary leave to accompany a spouse shall return to his/her work.

### **Supplementary Provisions**

Effective Date

1. These Rules shall come into force on April 1, 2014.

Abolition of the University of Tokyo Regulations on Childcare and Nursing Care Leave for Academic and Administrative Staff

2. The University of Tokyo Regulations on Childcare and Nursing Care Leave for Academic and Administrative Staff (established on April 1, 2004) shall be abolished.

Transitional Measures for Childcare Leave

3. Employees to whom the University of Tokyo Regulations on Childcare and Nursing Care Leave for Academic and Administrative Staff that are abolished as provided for in the preceding paragraph (hereinafter referred to as “Old Regulations”) have applied and who are taking Childcare Leave, upon the effective date of these Rules, shall be deemed as employees taking Childcare Leave pursuant to these Rules.

Transitional Measures for Nursing Care Leave

4. Employees to whom the Old Regulations have applied and who are taking Nursing Care Leave (including Partial Nursing Care Leave under Article 13, paragraph 1 of the Old Regulations), upon the effective date of these Rules, shall be deemed as employees taking Nursing Care Leave pursuant to these Rules.

Transitional Measures for Leave to Attend University or Graduate School, etc.

5. Employees who have received permission pursuant to the provision of Article 4-2, paragraph 1 of the University of Tokyo Regulations on Leave of Absence for Academic and Administrative Staff (the University of Tokyo Rules No. 24 of 2004) as amended under the University of Tokyo Rules for Partial Revision of Regulations on Leave of Absence for Academic and Administrative Staff (the University of Tokyo Rules No. 89 of 2014) shall be deemed as employees who have received permission pursuant to the provision of Article 14, paragraph 1 hereof.

### **Supplementary Provisions**

These Rules shall come into force on January 1, 2017.