

○ Hiroshima University Regulations for Employee Childcare Leave

April 1, 2004 Regulations No. 92

Hiroshima University Regulations for Employee Childcare Leave

Article 1 (Purpose)

1. These Regulations prescribe the necessary matters regarding childcare leave and partial childcare leave (hereinafter, Childcare Leave, etc.) for employees who work at Hiroshima University (hereinafter, the University) in accordance with the provisions of Article 38, paragraph 2 of the Hiroshima University Work Regulations for Employees (April 1, 2004 Regulations No. 78), Article 56, p

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according to the form of the nursery service being utilized, the commuting circumstances, and other factors.

Article 4 (Period of and Eligibility for Childcare Leave, etc.)

1. The period for which an employee may take a childcare leave shall be until the day immediately prior to the day on which the dependent Child reaches three years of age; provided, however, that employees who are employed for a fixed period (excluding employees who have been employed for a set term of office or a fixed period 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 (April 1, 2004 Regulations No. 81; hereinafter, the Regulations for Appointment and Dismissal) and hospital assistant professors as defined 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 (March 28, 2008 Regulations No. 67); hereinafter, Fixed-term Employees) may take childcare leave only if they fall under both of the following conditions:
 - (1) The period of consecutive employment by the University is one year or more; and
 - (2) It is not clear that the employment agreement will not be renewed until the day six months after the end of the current childcare leave period (or if the Child is less than one year and six months old as of such day, until the day on which the Child reaches one year and six months old).
2. Employees and Fixed-term Employees (hereinafter, Employees, etc.) may take a partial childcare leave only if their prescribed working hours per day is over six hours, and the period during which partial childcare leave is available to them shall be until the first March 31 following the day immediately prior to the ninth birthday of the Child (hereinafter, the Date of Turning Nine Years of Age).

Article 5 (Application for Childcare Leave)

1. Employees, etc. may take childcare leave once per Child by applying to the University. Twins and other multiples shall be counted as one Child.
2. Notwithstanding the provisions of the preceding paragraph, an Employee, etc. may apply for childcare leave again if she falls under any of the following:
 - (1) In the case where the Employee, etc. taking a childcare leave becomes pregnant with a new Child and the current childcare leave ends upon the commencement of the new childcare leave or maternity leave for the new Child, it becomes certain, prior to the expiry of the maternity leave period or the period of childcare leave for the Child given birth to during the maternity leave, that the new Child will not live with the Employee, etc. because all of her Children have died or been adopted by other households or other circumstances;
 - (2) In the case where the childcare leave being taken by an Employee, etc. ends upon the commencement of a caregiver leave, the family member for whom the Employee, etc. has

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adoption (hereinafter, Upon Non-establishment of a Special Adoption, etc.).

Article 6 (Procedure for Application for Childcare Leave)

1. An Employee, etc. intending to take a childcare leave shall apply to the University not later than one month (or two weeks in the case of an application under paragraph 2, item 7 of the preceding article) prior to the Childcare Leave Scheduled Starting Date by specifying the Childcare Leave Scheduled Starting Date and Childcare Leave Scheduled Finishing Date.
2. In the case where the Child for whom the application has been made is yet to be born, the Employee, etc. shall make an application promptly after the birth of the Child.
3. In the case of an application under paragraph 1, if the day specified as the Childcare Leave Scheduled Starting Date is prior to the day on which one month has elapsed from the day following the date on which an application for the childcare leave was made (hereinafter in this paragraph, the One Month Elapsed Day), the University may designate any day during the period from the day specified as the Childcare Leave Scheduled Starting Date until the One Month Elapsed Day as the Childcare Leave Scheduled Starting Date; provided, however, that

- (3) It becomes difficult for the spouse to take care of the Child for whom a childcare leave has been applied due to injury or sickness;
 - (4) The spouse ceases to live with the Child for whom a childcare leave has been applied;
 - (5) The Child for whom the Employee, etc. has applied for a childcare leave enters a state that requires care for a period of two weeks or more due to injury, sickness or physical or mental disability;
 - (6) With respect to the Child for whom a childcare leave has been applied, the Employee, etc. wishes to use daycare at a nursery center and has applied therefor but such daycare use will not come into effect for some time to come; or
2. In making an application to change the date under the preceding paragraph, if the date specified as the Childcare Leave Scheduled Starting Date in such application of change is prior to the day on which one week has elapsed from the day following the date on which such application for change was made, the University may designate any date during the period from the date specified as the Childcare Leave Scheduled Starting Date until the day on which one week has elapsed from the said date (or the original Childcare Leave Scheduled Starting Date if the day on which one week has elapsed is after the original Childcare Leave Scheduled Starting Date (or the date specified as the Childcare Leave Scheduled Starting Date in the case where the University has designated the Childcare Leave Scheduled Starting Date under Article 6, paragraph 3) as the Childcare Leave Scheduled Starting Date.
 3. With respect to an application for change of a childcare leave, the University may request the Employee, etc. who has made such application to submit supporting documentation.

Article 8 (Change of the Childcare Leave Scheduled Finishing Date)

1. An Employee, etc. who has applied for a childcare leave may change the Childcare Leave Scheduled Finishing Date to a later date, only once, by applying to the University not later than one month prior to the Childcare Leave Scheduled Finishing Date:
2. In the case where a Fixed-term Employee, an individual employed by specifying the term of office under the provisions of Article 9, paragraph 1, item 1 or 8 of the Regulations for Appointment and Dismissal or a hospital assistant professor, for whom the Childcare Leave Scheduled Finishing Date falls on the last day of the employment period or the set term of office, becomes an employee without the renewal of employment, recruitment or set term of office, and if such person changes the Childcare Leave Scheduled Finishing Date in order to take another childcare leave, such change shall not be counted as once in the preceding paragraph.
3. Notwithstanding the provisions of paragraph 1 above, if the Employee, etc. is expected to have significant difficulty in taking care of the Child for whom the Employee, etc. has taken the childcare leave unless the Employee, etc. changes the Childcare Leave Scheduled Finishing Date again due to an event that was unpredictable as of the day on which an application for change of the Childcare Leave Scheduled Finishing Date was made, such as separation from

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the spouse, the Employee, etc. shall be permitted to apply for another change.

Article 9 (Status during Childcare Leave, etc.)

Although Employees, etc. taking a childcare leave still retain the status as an Employee, etc., they do not attend to their duties during such leave.

Article 10 (Compensation during Childcare Leave)

No compensation shall be paid for the period when an Employee, etc. is taking a childcare leave.

Article 11 (Substitute Employee during Childcare Leave)

When an Employee, etc. has made an application under the provisions of Article 6, paragraph 1 or Article 7, paragraph 1 or Article 8, paragraphs 1 and 3, the University may hire a substitute employee during the childcare leave period, if it is deemed difficult to carry out the duties of the Employee, etc. during the childcare leave period by changing the positions of other Employees, etc. or by making other arrangements.

Article 12 (Withdrawal of Application for Childcare Leave)

1. An Employee, etc. who has applied for a childcare leave may withdraw the application by notifying thereof to the University not later than the day immediately prior to the Childcare Leave Scheduled Starting Date (or the designated Childcare Leave Scheduled Starting Date if the University has designated the Childcare Leave Scheduled Starting Date pursuant to Article 6, paragraph 3 or Article 7, item 2).
2. An Employee, etc. who has withdrawn an application for a childcare leave pursuant to the provisions of the preceding paragraph may not apply for another childcare leave with respect to the Child relating to the first childcare leave, unless the Employee, etc. has any of the following special circumstances:
 - (1) The spouse of the Employee, etc. dies;
 - (2) It becomes difficult for the spouse to take care of the Child for whom a childcare leave has been applied due to the injury, sickness, or physical or mental disability;
 - (3) It becomes certain that the spouse will not live with the Child for whom a childcare leave has been applied due to marriage dissolution or other circumstances;
 - (4) The Child for whom a childcare leave has been applied enters a state that requires care for a period of two weeks or more due to injury, sickness or physical or mental disability;
 - (5) With respect to the Child for whom a childcare leave has been applied, the Employee, etc. wishes to use daycare at a nursery center and has applied therefor but such daycare use will not come into effect for some time to come; or
3. An application for a childcare leave shall be deemed not to have been made in the event of any of the following events during the period from when the application for a childcare leave is made until the day immediately prior to the day specified as the Childcare Leave Scheduled Starting Date:
 - (1) The Child for whom a childcare leave has been applied dies;

- (2) In the case where the Child for whom a childcare leave has been applied is an adopted Child, the Employee, etc. dissolves the adoptive relationship with the Child or rescinds the adoption of the Child;
- (3) It becomes certain that the Employee, etc. and the Child for whom a childcare leave has been applied will not live together because the Child has been adopted or due to other circumstances;
- (4) It becomes difficult for the Employee, etc. to take care of the Child for whom a childcare leave has been applied due to injury, sickness, or physical or mental disability;
- (5) In the case where the Child for whom a childcare leave has been applied falls under Article 3, paragraph 1, items 3 through 5, the special adoption, etc. of the Child results in a non-established state or other similar situations.

Article 13 (Termination of Childcare Leave Period)

In the event of any of the following events concerning an Employee, etc. taking a childcare leave, the childcare leave shall be terminated on the day on which the event occurs (or the day immediately prior to such day in the case where either of the events of item 5 or 6 occurs):

- (1) The Child for whom the childcare leave has been taken dies;
- (2) In the case where the Child for whom the childcare leave has been taken is an adopted Child, the Employee, etc. dissolves the adoptive relationship with the Child or rescinds the adoption of the Child;
- (3) It becomes certain that the Employee, etc. and the Child for whom the childcare leave has been taken will not live together because the Child has been adopted or due to other circumstances;
- (4) It becomes difficult for the Employee, etc. to take care of the Child for whom the childcare leave has been applied due to injury, sickness, or physical or mental disability;
- (5) The Employee, etc. takes a maternity leave;
- (6) The Employee, etc. newly takes a childcare leave or a caregiver leave;
- (7) In the case where the Child for whom a childcare leave has been taken falls under any of Article 3, paragraph 1, items 3 through 5, the special adoption, etc. of the Child results in a non-established state or other similar situations.

Article 14 (Return to Work)

When the childcare leave being taken by an Employee, etc. is terminated due to any of the events in the preceding article or the said childcare leave expires, the Employee, etc. shall return to, in principle, the work in which he/she was engaged prior to the childcare leave.

Article 15 (Notification Pertaining to Childcare Leave)

The University shall issue a notification to an Employee, etc. in the event of any of the following situations:

- (1) The University approves the childcare leave of an Employee, etc. (including when approving change of the Childcare Leave Scheduled Starting Date)

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- (2) The University approves change of the Childcare Leave Scheduled Finishing Date for an Employee, etc.;
- (3) An Employee, etc. who has taken a childcare leave returns to work;
- (4) The University approves that an Employee, etc. whose childcare leave has ended successively takes a childcare leave for a Child other than the Child for whom the previous childcare leave was taken; and
- (5) A childcare leave ends prior to its Childcare Leave Scheduled Finishing Date (excluding the cases of the preceding item).

Article 16 (Procedure for Application for Partial Childcare Leave)

1. An Employee, etc. intending to take a partial childcare leave shall apply to the University by aggregating the periods of time necessary not later than one month prior to the intended date of starting the partial childcare leave (hereinafter, the Partial Childcare Leave Scheduled Finishing Date).
2. In the case of an application under the preceding paragraph, if the day specified as the Partial Childcare Leave Scheduled Starting Date is prior to the day on which one month has elapsed from the day following the date on which the application for the partial childcare leave was made, the University may designate any day during the period from the day specified as the Childcare Leave Scheduled Starting Date until the day on which one month has elapsed as the Partial Childcare Leave Scheduled Starting Date; provided, however, that the University may designate any day, during the period from the day following the date on which the application for the childcare leave is made until the day on which one week has passed, as the Partial Childcare Leave Scheduled Starting Date, in the event of any of the following events prior to the date on which the application for the partial childcare leave is made:
 - (1) The Child is born prior to the expected date of birth;
 - (2) The spouse of the Employee, etc. dies;
 - (3) It becomes difficult for the spouse to take care of the Child for whom a partial childcare leave has been applied due to injury or sickness;
 - (4) The spouse ceases to live with the Child for whom a partial childcare leave has been applied;
 - (5) The Child for whom a partial childcare leave has been applied enters a state that requires care for a period of two weeks or more due to injury, sickness or physical or mental disability;
 - (6) With respect to the Child for whom a partial childcare leave has been applied, the Employee, etc. wishes to use daycare at a nursery center and has applied therefor but such daycare use will not come into effect for some time to come; or
3. With respect to an application for a partial childcare leave, the University may request the Employee, etc. who has made the application to submit supporting documentation.

Article 17 (Termination of Partial Childcare Leave Period)

In the event of any of the following events to an Employee, etc. taking a partial childcare leave, the partial childcare leave shall be terminated on the day on which the event occurs (or the day immediately prior to such day in the case where any of the events of items 6 through 8 occur):

- (1) The Child for whom the partial childcare leave has been taken dies;
- (2) In the case where the Child for whom the partial childcare leave has been taken is an adopted Child, the Employee, etc. dissolves the adoptive relationship with the Child or rescinds the adoption of the Child;
- (3) It becomes certain that the Employee, etc. and the Child for whom the partial childcare leave has been taken will not live together because the Child has been adopted or due to other circumstances;
- (4) It becomes difficult for the Employee, etc. to take care of the Child for whom the partial childcare leave has been applied due to injury, sickness, or physical or mental disability;
- (5) The Employee, etc. takes a maternity leave;
- (6) The Employee, etc. newly takes a childcare leave or a caregiver leave;
- (7) The Employee, etc. enters a leave;
- (8) The Employee, etc. is subject to a disposition of punitive leave, long-term suspension or short-term suspension; or
- (9) The Employee, etc. becomes unable to, or will not, take care of the Child for whom the Employee, etc. has taken a partial childcare leave.

Article 18 (Partial Cancellation of Partial Childcare Leave)

An Employee, etc. who is on partial childcare leave may cancel part of such partial childcare leave by notifying the University beforehand.

Article 19 (Compensation during Partial Childcare Leave)

No compensation shall be paid for the time when an Employee, etc. is taking a partial childcare leave.

Article 20 (Prohibition of Disadvantageous Treatment)

No Employee, etc. shall receive disadvantageous treatment, such as dismissal, because of taking a childcare leave or partial childcare leave.

Article 21 (Miscellaneous)

If a special circumstance arises to which the application of these Regulations is deemed by the President to be not possible or to be significantly inappropriate, such situation may be treated differently.

Supplementary Provisions

1. These Provisions shall come into effect as of April 1, 2004.
2. Where an Employee, etc. has been taking a childcare leave or partial childcare leave under the Act on Childcare Leave, etc. of National Government Employees (1991 Law No. 109; hereinafter the Childcare Leave Act) prior to the date on which these Provisions came into effect (hereinafter, the Effective Date) and childcare leave or partial childcare leave will be

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succeeded on and after the Effective Date, such leave shall be deemed to be one under these Regulations and the Employee, etc. shall not be required to newly apply for such leave on and after the Effective Date.

3. Where an Employee, etc. applied for a childcare leave or partial childcare leave under the Childcare Leave Act prior to the Effective Date and the period of such leave extends beyond the Effective Date, such leave shall be deemed to be one under there Regulations and the Employee, etc. shall not be required to newly apply for such leave on and after the Effective Date.

Supplementary Provisions (March 31, 2005 Provisions No. 63)

1. These Provisions shall come into effect as of April 1, 2005.
2. The Outline of the Temporary Measures Pertaining to Childcare Leave of Employees Employed for a Fixed Period of Employment (July 30, 2004 President Decision; hereinafter, the Former Outline of the Temporary Measures) shall be abolished.
3. Where an Employee, etc. applied for a childcare leave under the Former Outline of the Temporary Measures prior to the effective date of these Provisions (hereinafter, the Effective Date) and such leave extends beyond the Effective Date, such leave shall be deemed to have applied for a childcare leave under the Hiroshima University Regulations for Employee Childcare Leave as amended by these Provisions, and shall not be required to newly apply for such leave on and after the Effective Date.

Supplementary Provisions (March 22, 2007 Regulations No. 62)

These Provisions shall come into effect as of April 1, 2007.

Supplementary Provisions (March 28, 2008 Regulations No. 59)

1. These Provisions shall come into effect as of April 1, 2008.
2. If a Fixed-term Employee who applied for a childcare leave prior to the effective date of these Provisions (hereinafter, the Effective Date) (limited to where the Childcare Leave Scheduled End Date is after the Effective Date and is specified as the date on which the Child reaches one year old) wishes to change the Childcare Leave Scheduled End Date to a later date, such change shall not be counted as once in Article 8, paragraph 1 of the Hiroshima University Regulations for Employee Childcare Leave as amended by these Provisions.

Supplementary Provisions (March 31, 2010 Provisions No. 80)

These Provisions shall come into effect as of April 1, 2010.

Supplementary Provisions (March 26, 2013 Provisions No. 19)

These Provisions shall come into effect as of April 1, 2013.

Supplementary Provisions (June 21, 2013 Provisions No. 67)

These Provisions shall come into effect as of July 1, 2013.

Supplementary Provisions (March 26, 2014 Provisions No. 21)

These Provisions shall come into effect as of April 1, 2014.

Supplementary Provisions (December 24, 2014 Provision No. 111)

These Regulations shall come into effect as of January 1, 2015.

Supplementary Provisions (December 27, 2016 Provisions No. 238)

1. These Regulations shall come into effect as of January 1, 2017.
2. Notwithstanding the provisions of the Hiroshima University Regulations for Employee Childcare Leave as amended by these Provisions (hereinafter, the New Regulations), during the period from the effective date of these Provisions until March 31, 2017, Child whose care is entrusted to the Employee, etc. as a foster parent in an adoption in Article 3, paragraph 1, item 4 of the New Regulations shall be read as Child who has been entrusted to the Employee as a foster parent and for whom the Employee, etc. wishes to become a parent by adoption through an adoption.

Supplementary Provisions (March 27, 2018 Provisions No. 32)

These Provisions shall come into effect as of April 1, 2018.