

## 公務人員考績法 ( **Civil Service Performance Evaluation Act** )

Amended on 21 March 2007

Article 1 The evaluation of civil servant performance shall be governed by this Act.

Article 2 Evaluation of civil servant performance shall be based on the objective appraisal of overall merits and shortcomings, with commensurate rewards and punishments.

Article 3 Civil servant performance evaluations are classified as follow:

1. Annual Rating: year-end rating assessed to the performance of personnel of all ranks for work performed from January through December.
2. Additional Ratings: performance evaluation conducted for personnel of all ranks who, during the same evaluation year, have been employed for six consecutive months and less than one full year.
3. Special Ratings: performance evaluation conducted at any given time for personnel of all ranks upon particularly outstanding or poor performance.

Article 4 In-service civil servants duly qualified employed through the end of the year are given an annual performance rating; persons employed for less than one full year, if promoted to a position of one higher rank, may undergo an annual performance rating for the position of higher rank calculated together with that of the previous approved position of one lower rank; for transfers to positions of equivalent rank or of one lower rank, the annual performance rating may be conducted for the qualified civil service rank and grade by combining with the score of the previous position at the same rank or higher rank. However, this provision is limited to persons transferring or continuing employment.

For political appointees, education personnel, or state-owned enterprise personnel possessing civil service employment qualifications who transfer to the civil service, upon review and approval of qualifications, service time not calculated for performance rating or position grading at the year of transfer may be counted in as qualified seniority described in the preceding Paragraph, to be calculated together for participation in the annual rating.

Article 5 The annual rating shall be based on routine performance evaluations. Routine evaluations shall be based on work, department, education level, and ability.

Items for evaluation described in the preceding Paragraph shall be

determined by the competent civil service agency. However, evaluation of positions of special nature may, in accordance with the requirements of various positions, be determined by various agencies and submitted to the competent civil service agency for reference.

Article 6 The maximum annual rating is 100 points; A, B, C, and D grades are scored as follow:

- A: 80 points or above.
- B: higher than 70, less than 80.
- C: higher than 60, less than 70.
- D: lower than 60.

The requirements for a grade of A shall be specified in the Enforcement Rules.

Unless otherwise stipulated in this Act, evaluation subjects to whom none of the following conditions apply during the year under evaluation shall not receive a grade of D:

1. Persons that sow dissention or lodge false accusations against others, for whom tangible evidence of serious violation exists, and efforts at guidance are unsuccessful.
2. Persons that do not follow instructions or transgress discipline, for whom tangible evidence of serious violation exists, and efforts at guidance are unsuccessful.
3. Persons that are derelict in duties, delay progress of work, resulting in negative consequences, for whom tangible evidence exists.
4. Persons guilty of conduct unbecoming, or who violate related legal prohibitions causing serious harm to the reputation of civil servants, for whom tangible evidence exists.

Article 7 Annual performance rating rewards and penalties shall be administered in accordance with the following provisions:

1. Grade A: persons with basic pay shall receive a basic pay rate promotion of one level and a lump-sum bonus of one month's wage; persons who have reached the highest attainable basic pay rate for the position, or persons with seniority pay shall receive a seniority pay grade promotion of one level and a lump-sum bonus of one month's wage; persons who have reached the highest attainable seniority pay rate shall receive a lump-sum bonus of two months' wages.
2. Grade B: persons with basic pay shall receive a basic pay rate promotion of one level and a lump-sum bonus of one-half month's wage; persons who have reached the highest attainable basic pay rate

for the position, or persons with seniority pay shall receive a seniority pay grade promotion of one level and a lump-sum bonus of one-half month's wage; persons who have reached the highest attainable seniority pay rate shall receive a lump-sum bonus of 1.5 months' wages.

3. Grade C: remain at existing pay rate.

4. Grade D: dismissal from employment.

Wages in the preceding Paragraph refers to base salary, annual salary, and other statutory allowances designated by the Civil Service Pay Act.

Article 8 Concerning rewards and punishments for additional performance ratings, persons given a Grade A rating receive a lump-sum bonus of one month's pay; persons given a Grade B rating receive a lump-sum bonus of one-half month's pay; persons rated Grade C do not receive a bonus; persons rated Grade D are dismissed from employment.

Article 9 Civil servant performance rating, other than ratings conducted by officials of the superior agency of the administrative chief, performance ratings of all other personnel shall be compared within the scope of the same rank.

Article 10 Persons who shall attain a pay rate promotion following annual performance rating, who have attained a lawful pay rate promotion during year under evaluation, or have attained a rank promotion during the year under evaluation, for whom the previously approved rank and grade has been combined at one rank or grade higher for the annual performance rating, when given a Grade B rating, are not eligible for further promotion. However, special ratings are not subject to this restriction.

Article 11 Personnel at various agencies employed at a given grade participating in annual performance rating to whom one of the following conditions apply obtain employment qualifications for the next higher position grade of the same rank:

1. Persons achieving a Grade A rating for two years.

2. Persons achieving a Grade A rating for one year and Grade B rating for two years.

Personnel employed at a given grade participating in annual performance rating described in the preceding Paragraph refers to annual performance rating of persons employed at the same grade from January through December of the year under evaluation. Years of service for additional performance ratings and annual performance ratings based on combined seniority across different ranks or grades,

may not be combined to obtain employment qualifications for the next higher grade. However, service time of annual ratings based on combined qualifications over different ranks and grades may be calculated in combination to obtain employment qualifications for promotion to higher grade from the lower rank.

Article 12 Agencies shall administer routine civil service evaluations and special performance ratings in accordance with the following provisions:

1. Routine evaluations: rewards consist of commendations, merits, major merits; penalties consist of warnings, demerits, and major demerits. Rewards and penalties are combined and added or deducted to the total score at the time of annual performance rating. Routine evaluation awards and penalties may cancel each other out; persons with two accumulated major demerits not mitigated by awards shall receive an annual rating of Grade D.
2. Special performance ratings are conducted for major achievements or transgressions; awards and punishments are administered in accordance with the following provisions:
  - a. Persons awarded two major merits at one time receive a basic pay grade promotion of one level and a bonus award of one month's wage; persons who have reached the highest attainable basic pay rate for the position, or persons with seniority pay shall receive a seniority pay grade promotion of one level and a lump-sum bonus of one month's wage; persons who have reached the highest attainable seniority pay rate shall receive a lump-sum bonus of two months' wage. However, persons accorded an additional special performance rating within the same year for two major merits at one time do not receive a further pay rate promotion, and receive one lump-sum compensation of two-months' pay.
  - b. Persons given two major demerits at one time shall be removed from employment.

The standards for the award of two major merits at one time described in Subparagraph 2 of the preceding Paragraph shall be explicitly defined in the Enforcement Rules. Special performance ratings may not be balanced out against routine evaluation merits and demerits.

Persons to whom one of the following conditions do not apply may not be penalized with two major demerits at one time:

1. Persons conspiring to commit treason, for whom tangible evidence exists.

2. Persons who fail to effectively execute national policy, or who are derelict in duties, or who disclose confidential professional information, resulting in serious damage to the government, for whom tangible evidence of such transgressions exists.
3. Persons who contravene major government decrees, or cause serious damage to the government's reputation, for whom tangible evidence of such transgressions exists.
4. Persons involved in corruption cases, entrusted with major administrative accountability, for whom tangible evidence of transgression exists.
5. Persons who seek to gain illicit profits or exhibit indiscreet speech or conduct, resulting in serious damage to the reputation of the government or civil service, for whom tangible evidence of such transgressions exists.
6. Persons who intimidate publicly humiliate, or lodge groundless accusations against a superior, for which tangible evidence of serious violations exists.
7. Persons who sow dissent or disrupt order, for which tangible evidence of serious violations exists.
8. Persons with four days of consecutive unexcused absences from work or an accumulated 10 unexcused absences in one year.

Article 13 Routine performance evaluation ratings and awards/penalties, shall serve as the vital basis for evaluation scoring. Except where in accordance with the provisions of the preceding Article routine evaluation merits and demerits cancel out or dismissal from duties results, personnel awarded two major merits may not receive a performance evaluation lower than Grade B; personnel awarded one major merit may not receive a performance evaluation lower than Grade C; personnel penalized with one major demerit may not receive a performance evaluation higher than Grade B.

Article 14 Regarding civil servant performance evaluation, supervisory personnel at all agencies shall with reference to ratings of performance evaluation items, deliver to the Performance Evaluation Board for initial assessment, for review by agency chiefs and upon the approval of the supervisory agency or authorized subordinate agency, dispatched to the Ministry of Civil Service for approval. However, additional performance ratings not conducted at year's end, or where there is only one level of superior, or due to special circumstances no Performance Evaluation

Board is convened with the approval of the superior agency, except for referral of personnel removed from duties upon performance evaluation to the Performance Evaluation Board of the superior agency for assessment, the immediate superior may conduct the evaluation.

When disputes arise amongst Performance Evaluation Board members concerning performance evaluation cases, review of relevant evaluation records and files and queries with concerned personnel may be made.

When considering assessing a performance grade of D and two major demerits at one time to personnel undergoing performance evaluation, prior to taking punitive action the Performance Evaluation Board shall afford the subject the opportunity to make expression of views and rebuttal.

Supervisory agencies described in Paragraph 1 consist of the Office of the President, National Security Council, the five Yuans, ministries (departments, sections, bureaus, administrations and agencies at the same level), provincial government, provincial consultative council, municipal governments under direct central government jurisdiction, city councils of municipalities under direct central government jurisdiction, county (municipal) governments, and county (city) councils.

- Article 15 Each and every agency shall convene a Performance Evaluation Board, the organizational provisions of which are determined by the Examination Yuan.
- Article 16 In the event violations of the provisions of the Performance Evaluation Act are discovered upon submission of a civil servant performance evaluation case for review and approval by the Ministry of Civil Service, the case shall be returned in accordance with established procedures for submission to the original performance evaluation agency for appropriate punishment according to law.
- Article 17 (Revoked)
- Article 18 Outcome of annual rating shall be acted upon from January of the following year; special ratings for two major merits at one time and additional ratings not conducted at year's end, enter into effect from date of supervisory agency approval. However, removal of personnel from duty upon evaluation of performance shall be acted upon from date of confirmation; suspension shall be carried out prior to confirmation.
- Article 19 In the event of impropriety or corruption among agency personnel responsible for administering performance evaluations, the supervisory agency shall ascertain responsibility and punishment accordingly, and inform the performance evaluation agency to conduct a new evaluation

of the affected subject.

- Article 20 Performance evaluation personnel must maintain utmost secrecy throughout the evaluation process and may not reveal mistakes. Violators will be accorded punishment commensurate with the seriousness of the transgression.
- Article 21 The provisions of this Act shall apply mutatis mutandis to the evaluation of hired non-civil service personnel.
- Article 22 The evaluation of personnel not subject to employment qualification restrictions and other personnel under evaluation for whom this Act does not apply, may be administered by various agencies with reference to the provisions of this Act.
- Article 23 The regulations for performance evaluation of education and state-owned enterprise personnel shall be separately set by law.
- Article 24 The Enforcement Rules of this Act shall be determined by the Examination Yuan.
- Article 25 The implementation date of this Act shall be determined by the Examination Yuan.

The amended articles of this Act shall take effect on its date of promulgation.