

## 公務人員協會法 ( **Civil Servant Association Act** )

Amended on 17 May 2006

Article 1 In order to strengthen service to society, raise productivity, safeguard rights and interests, improve work conditions and facilitate fellowship and cooperation, the organization of civil service organizations is permitted.

The organization, management and activities of civil service organizations shall follow the provisions of this Act; where not stipulated in this Act, the regulations of the Civil Law governing legal persons shall apply.

Article 2 The term “civil servants” in this Act shall refer to personnel employed in salaried positions provided by organic laws and regulations at government agencies, public schools, and state-owned enterprises (hereunder referred to as “agencies”) at all levels.

The provisions of the preceding Paragraph do not include the following personnel:

1. Political appointees.
2. Chief administrators and deputy chiefs of government agencies and public schools at all levels.
3. Public school teachers.
4. Personnel other than those responsible for primary policy-making over operation strategy at assorted ventures operated by governments at all levels.
5. Military personnel.

Article 3 Civil servant associations are legal persons.

Article 4 The organization of civil servant associations consists of the following two levels:

1. Agency civil servant associations.
2. The national civil servant association.

Agency civil servant associations referred to in the preceding Paragraph include:

1. Civil service agency associations affiliated with the Office of the President, National Security Council, agencies of the five Yuans.
2. Civil service agency associations of government ministries and

agencies at the same level.

3. Civil service agency associations of special municipalities and counties (cities).

Article 5 The competent agencies for civil servant associations are as follow:

1. For the national civil servant association, agency civil servant associations of Office of the President, National Security Council, the five Yuans, various ministries and agencies at the same level, the Ministry of Civil Service is the competent agency.
2. For agency civil servant associations of special municipalities and counties (cities), the government of the special municipalities and counties (cities) is the competent agency.

Ventures operated by civil servant associations shall be subject to the direction and oversight of the competent agency for each respective venture.

Article 6 Civil servant associations may make recommendations on the following matters:

1. Examination issues.
2. Civil service qualification screening, protection, relief, and retirement.
3. Legal matters related to civil service employment and dismissal, performance evaluation, pay grade, promotion and transfer, rewards and incentives.
4. Matters related to civil service rights and interests such as manpower planning and personnel reserves, training, planning and proposal of compensation adjustments, leave, benefits, home purchase assistance, insurance, and retirement pensions.
5. Formulation, revision, and repeal of laws and regulations governing civil servants.
6. Simplification of work tasks.

Article 7 Civil servant associations may request consultation on the following matters:

1. Improvement of office environment.
2. Administrative Management.
3. Attendance methods and start/finish times.

Civil servant associations shall not request consultation on the following

matters:

1. Matters to which explicit legal provisions apply.
2. Matters to which legal appeals, reviews, complaints, and administrative litigations are allowed in accordance to laws.
3. Matters involving the individual rights and interests of civil servants.
4. Matters related to national defense, security, police administration, corrections administration, firefighting and disaster relief.

Article 8 Civil servant associations may undertake the following matters:

1. Member welfare and benefits.
2. Member training.
3. Mediation and assistance between members and agencies or between members and members.
4. Organization of academic lectures, collection and publication of library reference materials.
5. Fellowship and cooperative exchanges and visits.
6. Matters entrusted by government agencies or public/private groups.
7. Formulation of conventions on member discipline.
8. Other statutory matters.

The National civil servant association may nominate representatives to participate in agencies (institutions), groups related to the rights and interests of the civil service corps.

Article 9 Civil servants may organize and join agency civil servant associations in accordance with the provisions of this Act.

Article 10 The initiation and formation of civil servant associations shall be administered in accordance with the following regulations:

1. Agency civil servant associations:
  - a. Civil servants at the Office of the President, National Security Council, the five Yuans, at the initiative of at least 30 civil servants from each respective agency; at the initiative of at least 30 civil servants from each respective agency or subordinate agency, ministries or same-level agencies may form agency civil servant associations. Where there are fewer than 30 persons, agency civil servants may join agency civil servant associations at the same

level agency.

- b. Special municipalities, counties (cities) may, with the initiative of more than 30 civil servants from a local agency within the administrative region, form special municipalities, county (cities) agency civil servant associations.
- c. Civil servant associations of the Office of the President, National Security Council, five Yuans, central government ministries and agencies at the same level shall carry the name of their respective agencies; civil servant associations of special municipalities, county (cities) agencies shall carry the name of the administrative area.
- d. Agencies shall be limited to the establishment of one agency civil servant association.

2. The national civil servant association:

- a. In the event that the number of agency civil servant associations established in accordance with the provisions of this Act by the Office of the President, National Security Agency, five Yuans, central government ministries, and agencies at the same level exceed one-fifth the number of agencies affiliated with the Office of the President, National Security Council, five Yuans, government ministries, and agencies at the same level, and when special municipalities, county (cities) agency civil servant associations exceed one-third the number of affiliated agencies, together they may initiate and form the national civil servant association.
- b. The national civil servant association shall carry the name “Republic of China.”

Civil servant members from central government ministries and agencies at the same level, subordinate agencies of ministries, and local government agencies within the administrative territory of special municipalities, counties (cities) may establish respective ministry and same level civil servant association chapters within the service agency, or civil servant association chapters for the respective Special municipality, county (city). Each agency shall be limited to one chapter.

The affairs of association chapters described in the preceding Paragraph are subject to the direction and coordination of the related agency civil servant association.

Article 11 For the initiation and formation of a civil servant association, the initiator shall submit application, association charter, and charter-member name list to the competent agency for legal registration.

Following submission of application for legal registration to the competent agency, the initiator shall establish a preparatory committee to administer such preparatory tasks as member recruitment and convening a founding congress. The agency civil servant association may hold its founding congress only when the number of members recruited reaches 800, or exceeds one-fifth of the agency's budgeted personnel and has no less than 30 persons.

The competent agency shall be notified in writing of the founding congress convention for reference. The competent agency may assign personnel to attend.

The civil servant association shall, within 30 days of the founding congress, submit the association charter, member name register, and one brief biography for each director, supervisor, and operational personnel to the competent agency for approval. Those in compliance with the provisions of this Act shall be issued a registration certificate and official seal.

Article 11-1 Should the competent agency receive multiple applications for registration from different initiators, applications should be processed in the order of receipt; approvals shall be limited to one application set only.

Within six months of receiving competent agency approval, the initiator shall convene a founding congress. Failure to do so within the allotted time period shall result in forfeiture of approval. However, upon the approval of the competent agency one extension may be permitted up to a maximum period of three months.

Article 12 The civil servant association charter shall indicate the following matters:

1. Association name.
2. Association mission.
3. Association address.
4. Association organization.
5. Membership entry, exit, and removal.
6. Member rights and obligations.
7. Number, authority, terms of office, and selection and removal of association directors, supervisors, alternate directors and supervisors.
8. Meetings.

9. Funding and accounting.
10. Allocation of property.
11. Revision and amendment of association charter.
12. For associations with member representative boards, the organization of the board and the authority, term duration, selection and removal of member representatives thereof.
13. For associations setting rewards and punishments, enumeration of related matters thereof.
14. For associations with funds, matters related to the establishment and management thereof.
15. For the establishment of ventures, the name and matters pertaining to the venture.
16. Other matters required to indicate in detail in accordance with laws and regulations.

The formulation and revision of the civil servant association charter shall be approved by a two-thirds majority of members or member representatives at a meeting with over half of all members or member representatives are in attendance.

Revisions to the civil servant association charter shall be submitted to the competent authority for reference.

Article 13 The civil servant association provides for directors and supervisors, who respectively form the Board of Directors and Board of Supervisors. Directors and supervisors shall be selected from among the entire membership or member representatives. The number of seats on each body is administered in accordance with the following provisions:

1. Agency civil servant association Boards of Directors are composed of five to 15 persons.
2. The national civil servant association Board of Directors shall not exceed 35 persons.
3. The number of seats on the Board of Supervisors of civil servant associations at all levels may not exceed one-third the seats allotted to the Board of Directors.
4. Civil servant associations at all levels may provide for alternate directors and supervisors, the number of whom may not exceed one-third the number of seats on the Board of Directors and Board of

Supervisors. When the quota of one-third results in a fraction, it shall be tallied as one person.

Alterations to directors and supervisors in the various subparagraphs of the preceding Paragraph shall be submitted in writing to the competent agency for review.

When the number of directors and supervisors exceeds three persons, each may select standing directors and standing supervisors, respectively, the number of whom may not exceed one-third of the total number of directors or supervisors; directors shall select one standing director for the position of Director to represent the association to the outside. Associations not establishing standing directors shall select a Director from among the directors. When the number of standing supervisors exceeds three persons, one person shall be nominated as the Board of Supervisors Convener.

Article 14 The term length of civil servant association directors and supervisors is two years, and is renewable. The Director may serve a maximum of two consecutive terms.

Article 15 Civil servant association Boards of Directors and Boards of Supervisors shall carry out their respective duties in accordance with the charter and the resolutions of members or the membership council.

The Board of Directors administers civil servant association affairs, the Board of Supervisors oversees compliance with the charter and the execution of matters determined by the members or the membership council, and reviews account ledgers submitted by the Board of Directors.

Article 16 Civil servant association directors and supervisors to whom one of the following conditions apply shall be relieved immediately:

1. Persons disqualified from membership.
2. Persons whose resignation is approved by the Board of Directors or Board of Supervisors.
3. Persons recalled or removed from their position.
4. Persons suspended upon a resolution by members or the membership council whose suspension exceeds one-half of the term of office.

Members or the membership council shall be tasked with following up on the circumstances described in Subparagraph 2 of the preceding Paragraph.

Article 17 Civil servant association directors or supervisors who, in the course of executing duties, violate laws, the charter, or the resolutions of members or the membership council, in addition to proceeding in accordance with relevant laws and the charter, may be recalled upon the approval of members or the membership council.

Article 18 Civil servant association Boards of Directors and Boards of Supervisors convene for a meeting at least once every three months; alternate directors and alternate supervisors may attend.

All resolutions described in the preceding Paragraph shall be approved by a majority or plurality of all attendees at a meeting with over half of all directors and supervisors are in attendance.

Article 19 Failure by the civil servant association Director or Board of Supervisors Convener to convene a Board of Directors or Board of Supervisors meeting more than two times shall result in removal from Director or Board of Supervisors Convener duties by the competent agency; a replacement shall be selected or appointed to fill the resulting vacancy.

Article 20 Civil servant association directors and supervisors shall attend directors' and supervisors' meetings in person and may not enlist a proxy; absence is not permitted without a legitimate reason; two consecutive unexplained absences are deemed tantamount to resignation, with the vacancy filled by an alternate director or alternate supervisor in sequence.

Article 21 In the event of violations of legal statutes or the charter, transgression of authority, damage to public interest, or neglect association affairs by the civil servant association, the competent authority shall take the following punitive measures:

1. Issue a warning.
2. Rescind its directives.
3. Terminate certain or all affairs.
4. Dismiss directors and supervisors.

The procedures taken in Subparagraphs 1 through 3 of the preceding Paragraph may also be taken by the competent agency of the concerned matter.

Article 22 When a vacancy among civil servant association directors or supervisors arises, it shall be filled in order by an alternate director or supervisor; the alternate shall serve through the termination of the original term.

Article 23 The body of members or membership council is the civil servant association's highest body.

The following matters shall be determined by the resolutions of members or the membership council.

1. Revisions and amendments to association charter.
2. Recall of directors and supervisors.
3. Removal of members.
4. Allocation of property.
5. Recommendations on the formulation, revision, and repeal of laws and regulations governing civil servants.
6. Allocation of budget revenue and expenditure.
7. Preparation of status reports and verification of revenue and expenditure final accounting.
8. Deliberation and determinations on proposals by Board of Directors and Board of Supervisors.
9. The induction or exit of the national civil servant association or international organizations.
10. Other matters requiring the resolutions of members or the membership council.

Article 24 Members and membership council meetings consist of regular and provisional meetings, convened by the Director. When the Director is unavailable to convene a meeting, the directors appoint a fellow member to do so.

At least one regular meeting shall be held per year. Provisional meetings shall be convened upon the resolution of the Board of Directors, the request of one-fifth the members or membership council, or at the request of the Board of Supervisors.

Notification of the purpose, time, and place together with the agenda shall be issued to the body of members or membership council 15 days in advance and at least 5 days in advance for regular meetings and provisional meetings, respectively, and submitted to the competent agency for review.

Article 25 More than one-half of the members or membership council shall attend for meetings to be convened; resolutions are determined upon the

approval of over half the members or membership council present. However, resolutions described in Article 23 Paragraph 2 Subparagraphs 1 to 5 require the approval of two-thirds of the members or membership council in attendance.

Article 26 The national civil servant association shall be collectively organized with agency civil servant associations from the Office of the President, National Security Council, the five Yuans, central government ministries and same-level agency civil servant associations, and civil servant associations representing special municipalities, counties (cities) as members. The civil servant association of each body appoints member representatives, one for membership under 1000 persons, with one representative per additional 1000 members, to be rounded down to the lowest unit of 1000, who exercise the rights and responsibilities on behalf of the civil servant association of their respective agency.

Article 27 The sources of civil servant association funding are as follow:

1. Membership entry fees.
2. Annual membership dues.
3. Donations.
4. Contracted gains.
5. Funds and interest accrued.
6. Government subsidies.
7. Other income and interest accrued.

The amount and payment method described in Subparagraphs 1 and 2 of the preceding Paragraph shall be resolved by the membership or membership council.

In accordance with Subparagraph 3 of the preceding Paragraph, outlay of contributors may be listed as tax-free allowance in line with the provisions of the Income Tax Act.

Article 28 The national civil servant association or agency civil servant associations filing petitions for consultation in accordance with the provisions of Article 7 shall indicate the nature of such matters of consultation to the competent agency. Agencies in receipt of consultation notification that are not the competent agency for the consultation case shall forward the consultation case to the attention of the proper competent agency.

Article 29 The competent agency and related agency responsible for processing consultations shall, within 30 days of receipt of consultation notification,

appoint personnel to negotiate with the civil servant association. Additionally, the topic, time, venue, participating members, and other relevant matters shall be jointly determined in advance.

During formal consultations, in the event of attendance by unauthorized representatives, or interference with normal agency operation, or disruption of consultations, consultations may be suspended.

Article 30 Agencies and civil servant associations participating in consultations shall duly carry out the outcome of consultations among civil servant associations, the competent agency in charge of concerned matters, and related agencies.

Civil servant associations shall not request the competent agency or related agencies to enter into collective agreements.

Article 31 Pursuant to the provisions of Article 28, when the civil servant association proposes consultation, should the processing agency fail to enter into consultation by the deadline, or does not successfully complete consultation, or fails to fully carry out the outcome of consultations, the civil servant association may petition its competent agency for mediation.

Article 32 When a civil servant association petitions for mediation, the competent agency shall form a mediation committee to process the request.

The mediation committee in the preceding Paragraph consists of three members, the composition of whom follows:

1. One third party selected by each of the two parties entered into the dispute.
2. One impartial and highly learned and seasoned person.

The member described in Subparagraph 2 of the preceding Paragraph shall be jointly nominated by the mediation committee members selected by both parties entered in the dispute, and serves as the meeting chairperson. The mediation committee shall convene within 10 days of the chairperson's confirmation.

Article 33 Upon receipt of the civil servant association's petition for mediation, the competent agency shall within three days notify the parties entered in the dispute to select their respective mediation committee members, and provide the name, sex, age, profession, and address of the mediation committee member within five days. Failure to do so within the designated period will be considered unsuccessful mediation.

Article 34 Upon receipt of the list of mediation committee members selected by

both parties entered in the dispute, the competent agency shall within three days notify both parties' mediation committee members to jointly nominate a highly learned and seasoned person in accordance with Article 32 Paragraph 3. Failure to do so within the designated period will be considered unsuccessful mediation.

The competent authority shall prepare a list of highly learned and seasoned persons as reference for nomination.

Article 35 In the event of successful mediation, the competent agency shall prepare a mediation agreement, signed by the parties entered in the dispute and all mediation committee members in attendance; in the event of unsuccessful mediation, a statement of failed mediation shall be issued within seven days.

Article 36 The petition for mediation may be rescinded prior to the mediation date; further petitions on the same matter as the rescinded mediation may not be issued.

Failure to appear on the set mediation date by the civil servant association petitioning for mediation without legitimate justification shall be considered a rescinded mediation appeal.

Article 37 Failure to appear on the set mediation date by participating counterparts without legitimate justification shall be considered a failed mediation. However, should the competent agency find reason for hope of successful mediation, an alternate mediation date may be set.

A limit of one such alternate mediation date described in the preceding Paragraph may be set.

Article 38 Upon receipt of a petition for mediation by the national civil servant association or the governing body of an agency civil servant association, in the event of failure to enter mediation by the deadline or unsuccessful mediation the civil servant association that made the request for mediation may request dispute arbitration from its competent agency within seven days of the date for mediation or receipt of the statement of mediation failure.

The competent authority of the national civil servant association, the Office of the President, five Yuans, central government ministries and same-level agency civil servant associations shall form an Arbitration Committee within 14 days of receipt of the request of the national civil servant association or agency civil servant association for dispute arbitration. The governing authorities of agency civil servant associations of special municipalities, counties (cities) shall submit a dispute arbitration petition within 10 days from the date of receipt of request,

requesting in writing that the Ministry of Civil Service form an Arbitration Committee. Within 14 days of the date of receipt for dispute arbitration request, the Ministry of Civil Service shall assemble an Arbitration Committee to process the case.

Article 39 The Arbitration Committee consists of nine Arbitration Committee members, composed of the following personnel, with one individual nominated from among Arbitration Committee members to serve as the chairperson:

1. The Ministry of Civil Service, Civil Service Protection and Training Commission, and Central Personnel Administration each appoint one person as an ex-officio member.
2. Concerned agencies and civil servant association representatives select two members from among the Arbitration Committee Member List.
3. The members described in the preceding Paragraph shall draw two persons from among the Arbitration Committee Member List who possess expertise related to the field of the matter under dispute.

Arbitration Committee members described in Subparagraph 2 of the preceding Paragraph shall be selected and reported by both parties entered in the dispute within five days from the date of receipt of notification sent by the competent agency. The competent agency shall make appointments in place of persons not duly reported by the deadline. If due to the special nature of a dispute arbitration case an appropriate candidate cannot be found among personnel retained in Article 40, both parties entered in the dispute may select other personnel as Arbitration Committee members with the approval of the competent agency.

Article 40 Every two years the Ministry of Civil Service shall request the national civil servant association and related governing agencies to respectively nominate 12 to 48 impartial learned and experienced persons to be retained as Arbitration Committee members, and prepare an Arbitration Committee Member List for selection. However, prior to the establishment of the national civil servant association, an Arbitration Committee Member List from among competent agency nominees in related fields shall be prepared for selection.

Arbitration Committee administrative operations are performed by competent Ministry of Civil Service personnel.

Article 41 During an Arbitration Committee meeting, parties entered into dispute or other related agencies may be invited to appoint personnel to attend for

purposes of testimony.

Article 42 Within 12 days from the date of Arbitration Committee formation, the Ministry of Civil Service shall convene a dispute arbitration meeting and notify parties entered in the dispute and other concerned agencies of the place and time of the meeting. The Arbitration Committee shall prepare a judgment within three months of the conclusion of the meeting; postponement may be permitted when necessary. A limit of one postponement may be made, up to a maximum of two months.

Article 43 Judgment deliberation procedures by the Arbitration Committee are closed.

Arbitration Committee meetings may be held upon the attendance of a majority of all Arbitration Committee members; judgments must be approved by a majority of members in attendance; when the number of members in favor and opposed to a resolution is equal, the chairman's decision presides. Dissenting members and their opinions may be entered into the record.

Article 44 Upon issue the Arbitration Committee's judgment is binding upon the parties entered in the dispute and related agencies. Parties entered in the dispute and other related agencies may not declare refusal to abide by the Arbitration Committee's judgment.

The related agency which shall act in accordance with the Arbitration Committee's judgment shall, within two months from the date following the day the judgment is received, report back to the Ministry of Civil Service on related prosecution. When necessary, a request for postponement of one month may be submitted to the Ministry of Civil Service.

Article 45 Upon failure by related agencies to act in accordance with the provisions of Paragraph 2 of the preceding Article, the Ministry of Civil Service shall prepare evidence for referral of noncompliant parties to the Control Yuan for prosecution according to law. When the noncompliant party holds Junior Grade 9 or below, the Ministry of Civil Service shall inform the superior agency over the agency at which the party is employed for handling in accordance with law; where there is no superior agency, the employing agency shall be notified to handle the case in accordance with law.

In the event the noncompliant personnel described in the preceding Paragraph is the chief of a representative agency, the Ministry of Civil Service shall levy a fine of not less than NT\$100,000 and no greater than NT\$500,000 and make public the facts of noncompliance.

Fines described in the preceding Paragraph are to be paid by the date notified; persons failing to complete payment by the set date shall be prosecuted according to law to compel compliance.

Article 46 Civil servant associations may not initiate, organize, aid, or participate in any strike, work stoppage, or other event resulting in a similar outcome, and may not participate in political activities.

Article 47 Civil servant associations shall prepare the following in writing to the competent agency by March of each year for reference:

1. Membership register.
2. Report of financial revenues and expenditures.
3. Status report on current affairs.
4. Description of resolution of various disputes.

Regarding the items for submission described in the preceding Paragraph, when deemed necessary the competent agency may dispatch auditors or request a civil servant association to submit a written report at any time.

Article 48 Alliances or conventions between civil servant association and foreign civil service groups are subject to the resolution of members or membership councils, and shall be submitted in writing to the competent agency for consent.

Article 49 Various agencies shall not discriminate against civil service personnel for initiating, forming, or joining a civil servant association, holding a position in a civil servant association, or lawful conduct related to a civil servant association.

Article 50 Without interfering in the affairs of the service agency and upon reporting to the agency chief, the civil servant association may convene a meeting of the Board of Directors or Board of Supervisors, or conduct consultations or mediations during office hour. Civil service personnel may be permitted official leave to engage in consultation, mediation, or attend Arbitration Committee meetings.

Chairman of the Board of Directors, directors, and supervisors may be permitted official leave to attend to association affairs. Leave times are prescribed as follow:

1. The chairman of an agency civil service association Board of Directors may not be excused for longer than 20 hours per month; the chairman of the national civil servant association Board of Directors may not be

excused for longer than 40 hours per month.

2. Agency civil service association directors and supervisors may not be excused for longer than 10 hours per month; national civil servant association directors and supervisors may not be excused for longer than 20 hours per month.

Article 51 The provisions of Article 9 may apply, *mutatis mutandis*, to personnel lawfully hired or contracted by various agencies, so as to join the civil servant association of the agency of service.

Article 52 The implementation date of this Act shall be determined by the Examination Yuan.