

## **Civil Servant and Teacher Insurance Act**

- Article 1 This Act is enacted in order to provide security of the lives of civil servants and teachers, and to process the insurance of civil servants and teachers (hereinafter referred to as this Insurance); other laws are applicable to matters not regulated under this Act.
- Article 2 This Insurance is applicable to the following personnel:
1. Appointed full-time personnel with pay in the system of legal agencies.
  2. Appointed full-time teachers with pay in the system of public schools.
  3. Appointed full-time teachers and staffs with pay in the system of private schools established in accordance to the Private School Act and registered as consortium legal person while approved by competent authority of education.
- Article 3 This Insurance includes disability insurance, old-aged insurance, death insurance, dependents funeral insurance, and parental leave allowance.
- Article 4 The competent authority for this Insurance is the Ministry of Civil Service.
- In order to supervise on the operation of this Insurance, a supervisory committee shall be organized. The Ministry of Civil Service shall invite related agencies, experts, scholars, and the representative of the insured to compose such committee. The organic regulation of such committee shall be determined by the Examination Yuan after consulting the Executive Yuan.
- The supervisory committee as referred to in the proceeding Paragraph shall consist of government representatives, representative for the insured, and experts and scholars. Each shall take 1/3 of the entire committee.
- Article 5 The operation of this Insurance shall be administered by the

institution appointed by the Examination Yuan (hereinafter referred to as the Insurer) after consulting the Executive Yuan. If this Insurance suffers loss in its finance and such loss and hidden liabilities is resulted from the period prior to 30 May 1999, the Ministry of Finance shall put in subsidies after duly auditing the loss. If the loss is from the period after 30 May 1999, the premium rate of this Insurance shall be adjusted in order to make up the loss.

The balance resulting from this Insurance's financial operations shall be listed as the insurance reserve; the management and use of such insurance reserve shall be determined by the competent authority.

The fees necessary for processing this Insurance for the Insurer shall be provided by the central government from the designated budget, and the amount shall not exceed the total amount of the annual insurance premium by 3.5%.

Article 6

Those who are qualified to be insured under Article 2 shall join the Insurance to be the insured, and the duration shall be from the date he or she is insured to the date he or she depart from post.

The insured shall join this Insurance in the institution which gives the insured a full pay, and shall not join this Insurance in another institution at the same period of time.

If the insured join this Insurance in two institutions at the same period of time, the premium fees shall not be returned. However, the above restriction shall not apply if the reason for joining this Insurance in two institutions at the same period of time was not attributed to the Insured or the institution which the Insured is serving.

Those who join the military insurance, labor insurance, or farmer health insurance at the same period of time shall be administered in accordance with the preceding Paragraph unless otherwise regulated under this Act.

The payment for the same insurance shall not be claimed for a second time for the same incident.

Article 7

The beneficiary of the insured shall be the insured himself

or herself, or the legal inheritor. If there is an absence of legal inheritor, a beneficiary shall be appointed.

Article 8 The premium rate for the insured is 4.5% to 9% of the monthly insurance pay.

The premium rate in the preceding Paragraph shall be calculated by an actuary hired by the Insurer, or an institution entrusted by the Insurer on a regular basis. The competent authority shall, after reviewing the actual revenues and expenditures of this Insurance and the result of calculation made by the actuary, report to the Examination Yuan and the Executive Yuan for the verification of the premium rate.

The term “monthly insurance pay” as referred to in the First Paragraph of this Article shall be based on the basic pay or seniority pay under pay laws for civil servants and teachers from public schools. The monthly insurance pay for teachers from private schools shall be administered in accordance with the teachers in the public schools of the same level, type, and pay rate.

Article 9 The insurance premium shall be paid on a monthly basis, and the insured shall pay 35%, and the government shall subsidize 65%. However, both the government and the school shall subsidize the teachers in the private schools by 32.5%.

The competent authority of education of all levels shall designate a budget that shall be used as the insurance premium provided by the government for the teachers in private schools.

Article 10 The institution or school which the insured is serving shall deduct from the insured’s monthly salary as the insurance premium, along with the subsidized insurance premium, and pay to the Insurer. The Insurer may proceed with the benefits covered once those institutions or schools that pay over the deadline have cleared their payment. The institution or the school which the insured is serving shall

be liable if the above has resulted in the loss of the insured or the insured's beneficiary.

If the insured has been enlisted in the army in accordance to laws and the original post is kept, his or her share of insurance premium shall be subsidized by the government. However, if the insured in this case was serving in a private school, then the private school shall pay for that part of insurance premium.

Unless otherwise described in the preceding Paragraph, any other insured shall choose to withdraw from this Insurance, or continue to pay for this Insurance by the insured himself or herself completely before applying for the reservation of post without pay. Once the above decision is made, it cannot be changed. However, when the provision of parental leave allowance of this Act becomes effective, those who have chosen to withdraw from this Insurance for reasons of taking parental leave may be entitled to choose again before his or her children reach three years old during the period of parental leave.

If the insured has made a decision pursuant to the preceding Paragraph, the institution or the school that the insured is serving shall proceed with the withdrawal from Insurance procedures or the continuation thereof after the insured has filled out a letter of consent. If the insured chooses to continue to be insured, the monthly insurance pay shall be adjusted in accordance with the raise of pay for a civil servant who is at the same pay rate with the insured.

If the Protection Act for Rights and Interests of Physically and Mentally Disabled Citizens and the Gender Equality in Employment Act also have regulations on the insurance premium as stated in Paragraph One and Paragraph Three, the above Acts shall apply.

Article 11 All levels of government or the insured private schools shall cover for all of the insurance premium and the National Health Insurance premium for those insured who were originally under the civil servant insurance or private school teacher insurance, and who have paid the insurance

premium for, or under thirty years, and will continue to pay for the Insurance premium for thirty years prior to the enactment of the amended Act. If circumstances under Article 3 have occurred, the insured may still be entitled to the insurance pay in accordance to this Act.

Article 12 If the insured has suffered circumstances defined under the disability insurance, old-aged insurance, death insurance, and dependent's funeral insurance during the effective period of the insurance, cash shall be paid to those insured; the amount shall be based on the insured's insurance pay of that month.

Article 13 If the insured has been deemed as fitting the standards set for disability and is approved by the hospital that is validated by the central health authority and that ranks higher than community hospitals as having permanent disability when the insured has suffered injuries or rare disease, and the insured's physical condition still has impairment that cannot be improved after the medical treatment, the disability benefits shall be given to the insured based on the insurance pay of that month after being deemed as disabled in accordance to the following rules:

1. Disability benefits of thirty six months shall be given for complete disability resulting from the execution of civil duties or military service; half disabled shall be given an insurance pay of eighteen months; partially disabled shall be given an insurance pay of eight months.
2. Disability benefits of thirty months shall be given for disability resulting from disease or accidents; half disabled shall be given an insurance pay of fifteen months; partially disabled shall be given an insurance pay of six months.

The competent authority shall determine the standards for complete disability, half disabled, and partially disabled mentioned in the preceding Paragraph.

The Insurer shall investigate, reexamine, and authenticate the application for claiming the insurance pay for disability.

Article 13-1 The approval and procedures concerning the claim for insurance pay shall be administered as follows:

1. Those insured that are already disabled before joining the Insurance shall not claim the insurance pay for disability.
2. If two types of disability are applicable to the same part of disability, insurance pay shall be paid in accordance with the highest among such items, and shall not be claimed as one or separately.
3. Different parts of disability, notwithstanding the priority of which one happened first, the maximum number of months for claiming the insurance pay is thirty months. The maximum number of months for claiming the insurance pay shall be thirty six months for those who suffered such due to the execution of civil duties.
4. If the original disabled part has increased in its seriousness due to reoccurring disease, injury, the insurance pay shall be given as the difference between the two types of standards in claiming disability insurance pay.
5. Except for those insured who survive for one month after organ removal operation, those disability certificate provided one month before the insured is dead, or the insured is in a coma, or is dead, shall not claim for the disability insurance pay.

Article 14 The old-aged benefits shall be given in one lump sum for those insured who retire in accordance to laws, being given severance pay, or have paid for the insurance premium for fifteen years and withdraw from this Insurance at the age of fifty-five. In accordance to the year of the insured's insurance, 1.2 months of the insurance pay shall be given for every one year, and the maximum number of months for claiming shall be thirty six months. Insurance pay for fractional months shall be paid in proportion.

The years under the insurance for those insured before or after the amended Act was enforced on 31 May 1999 shall be calculated as part of the basis for giving the old-aged

benefits, and shall comply with the thirty six months limitation; the years under the insurance for those insured before the amended Act was enforced shall be calculated based on the standards for the Civil Servant Insurance Act, or The Statute for Private School Teachers and Staff Insurance, and those who are insured for less than five years shall be given one month of insurance pay for every one year, and the insurance pay for fractional months shall be paid in proportion. The years under the insurance for those insured after the amended Act was enforced shall be calculated based on the standards in the preceding Paragraph.

If the old-aged benefits for those insured whose total years under the insurance before the amended Act was enforced on 31 May 1999 came to twelve years and six months or more have not reached 1.2 months for every single year, it shall be calculated as 1.2 months for every single year; if the months for old-aged benefits for those whose total years under the insurance have not come to twelve years and six months and have not reached the standards for the Civil Servant Insurance Act, or The Statute for Private School Teachers and Staff Insurance, the differences for the number of months shall be supplemented.

The preceding Paragraph shall be enforced as of 31 May 1999.

If the insured joins this Insurance for a second time after the insured has claimed the old-aged benefits, the insured do not need to return the old-aged benefits that are already claimed, and shall keep the original years under such insurance without calculating such years into the years under the Insurance. The maximum number of months for claiming the old-aged benefits shall still be thirty six months. The difference shall be supplemented for those insured who have not claimed the old-aged benefits up to the maximum months; those who have already claimed the old-aged benefits up to the maximum months shall not be given insurance pay.

The insured cannot be given the old-aged benefits when the

insured retires or leaves his or her post if the insured plans to join this Insurance again after claiming the old-aged benefits up to the maximum months. However, if the insured has not claimed other benefits under this Insurance, the voluntary part of insurance premium shall be reimbursed with interests.

Those insured that have paid the insurance premium for fifteen years and withdraw from this Insurance at the age of fifty five after 1 March 1995 and before 30 May 1999 shall be paid a lump sum of the old-aged benefits in accordance to the Civil Servant Insurance Act or the Statute for Private School Teachers and Staff Insurance.

Article 15 Years under the civil servant insurance and the private school teacher and staff insurance shall be included prior to the enforcement of the amendment of this Act. The maximum number of months for claiming the old-aged benefits shall be thirty six months.

If those insured who have claimed the old-aged benefits in accordance to the Civil Servant Insurance Act prior to the enforcement of the amendment of this Act also joined the private school teachers and staffs insurance, or have claimed the old-aged benefits in accordance to private school teachers and staffs insurance also joined the civil servant insurance, the years of joining such insurance again shall be calculated in accordance to the preceding Article when claiming the old-aged benefits.

Article 15-1 If the insured decided to withdraw and transfer to labor insurance or military insurance, the years for those who are not eligible to claim for the old-aged benefits under this Insurance shall be reserved. When the insured retires in accordance to laws while under the labor insurance or the military insurance, the insured shall claim the old-aged benefits of this Insurance through the original authority or school that the insured was serving pursuant to Article 14 in accordance to the insurance pay on the month that the insured has withdrew. This will not be applicable to those

who have already reserved their years and claimed the compensation.

Article 16 In the event of death for the insured, death benefits shall be given in accordance to the following rules:

1. Benefits of thirty six months shall be given for death as a result of the execution of civil duties.
2. Benefits of thirty months shall be given for death as a result of disease or accidents. However, those who have paid for the insurance premium for more than twenty years shall be given benefits of thirty six months.

Those who claim the benefits in accordance to the preceding Paragraphs have already claimed the old-aged benefits for this Insurance or civil service insurance or private school teachers and staffs insurance shall deduct the amount given as the old-aged benefits.

Article 16-1 Disability resulting from the execution of civil duties or disability resulted from being enlisted in the army, and death as a result of the execution of civil duties referred to in Article 13 shall mean one of the following:

1. Disability or death due to the hazards involved in the execution of duties.
2. Disability or death due to over fatigue from the execution of duties.
3. Disability or death due to the hazards or disease involved from the accident during business trip
4. Disability or death due to the hazards involved going to or from work, or in the office space.
5. Disability or death due to the hazards from going to the army, or when returning home after serving a full term in the army.
6. Disability or death due to over fatigue when enlisted in the army.
7. Disability or death due to hazards involved in the accident during military maneuver.

Over fatigue mentioned under Subsection 2 and Subsection 6 shall be evidenced by the institution or

school with substantial facts and certificates, and the medical diagnosis.

Article 17 The following shall be the guidelines for giving subsidy if death should occur to the dependents of the insured due to disease or accidents:

1. Subsidy of three months shall be given for the death of parents or spouse.
2. Subsidy given for the death of offspring shall be as follows:
  - (1) Subsidy of two months shall be given for the death of offspring who is above twelve years old and under twenty- five years old.
  - (2) Subsidy of one month shall be given for the death of offspring who is under twelve years old and has birth registration.

If the offspring and the parents are both insured under the subsidy described in the preceding Paragraph, only one party can claim for such subsidy.

Article 17-1 If the insured has paid for this Insurance for one year and is rearing offspring under three years old, and such insured is also in the process of applying for parental leave, the insured can claim for subsidy for such.

The above subsidy shall be computed on the basis of 60% of average monthly insured rates of insurance for the last six months prior to the month in which the insured has applied for parental leave, and be given in a monthly manner; the maximum number of such insurance pay shall be given for six months. If the period for parental leave has not reached six months, insurance pay shall be given in accordance to the actual months such insured has applied for parental leave; fractional months shall be counted in accordance to the days such insured has applied for parental leave.

Subsidy can only be claimed for one child when rearing two children at the same time.

Subsidy shall be claimed individually when choosing to continue to pay for this Insurance while applying for

parental leave to rear the same child in different times while the husband and wife are both insured.

- Article 18 The benefits from the insurance pay that shall be claimed by the insured or its beneficiary shall not be used as an object to transfer, offset, detain, guarantee. However, the Insurer can deduct from the insured's cash, subsidy, or reimbursed premium if the insured has owed insurance premium, or delay in the payment of voluntary insurance premium in accordance to laws, or has claimed an insurance payment by mistake.
- Article 19 The right to claim insurance pay shall cease to exist within five years from the day of the application to claim such insurance pay and the lack of execution thereof. However, if the lack of execution of such right is due to reasons attributable to force majeure, the years that the insured's right to claim shall be calculated from the time that such right can be executed.
- Article 20 The insurance pay shall not be given if one of the following occurs to the insured:
1. If the insured is a criminal sentenced to death.
  2. Disability or death as a result of war.
- Article 21 If the insurance pay is claimed by way of fraud, the insured shall pay the principal and interest in addition to criminal sanction.
- Article 22 Insurance pay shall be given within fifteen days after the Insurer has approved of the insurance pay under the Act; if the delay in giving the insurance pay is due to reasons attributed to the Insurer, then the part of such insurance pay that was delayed shall be given with interests.
- Article 23 All account books, receipts, revenues and expenses from the operation shall not be taxed.

- Article 24 This Act shall apply, *mutatis mutandis*, to the public servants with pay at legal agencies.
- Article 24-1 Those who joined the insurance for retirees before 1 July 1985 and are still insured when the amendments of this Act are enforced shall continue to join such insurance; and the regulations shall be stipulated by the Examination Yuan after consulting the Executive Yuan.
- Article 25 The Enforcement Rules of this Act shall be determined by the Examination Yuan after consulting the Executive Yuan.
- Article 26 This Act shall take effect on the date of promulgation unless otherwise regulated.  
The implementation date of articles amended on 12 June 2009 shall be determined by the Examination Yuan after consulting the Executive Yuan.