

Civil Service Promotion and Transfer Act

Amended on 22 April 2009

- Article 1 The promotion and transfer of civil servants shall be governed by this Act, unless otherwise provided by laws.
- Article 2 The promotion and transfer of civil servants, should be based on the objective to exact match of person and job, giving ample consideration to organizational characteristics and the relevant position requirements, equally regarding seniority and performance, comporting with the complementary principles of internal human resource development and external supplementation thereof, adopted through means ensuring transparency, equitableness and impartiality, providing preferential promotion for the meritorious, and transfer for additional accumulation of experience, to enhance and nurture human capital.
- Article 3 This Act shall apply to personnel with the position titles set out under the organic laws of all levels of government agencies and public schools (hereinafter referred to as agencies) who have been legally employed or assigned, with the exception of political appointees and confidential employees.
- Article 4 The promotion and transfer of civil servants as referred to in this Act means any of the following conditions:
1. Promotion to a higher position.
 2. Promotion or transfer from a previous non-supervisory position to a supervisory position.
 3. Transfer to a position with equivalent grade.
- Article 5 Whenever there shall arise a vacancy in any position for any agency, besides as by law provided permitting the vacancy to be filled by someone with a passing examination or where this Act elsewhere provides for waiving the screening (selection) procedures, the vacancy ought to be filled by someone with the employment qualifications for the position, giving due regard to the principles of merit-based promotion and transfer.
- If any agency's vacancies are to be filled by someone within the agency through their promotion and transfer, a screening procedure should be conducted. Should the position be filled by someone from outside of the agency, with the following exceptions excluded, an open selection procedure should be conducted:

1. Someone who is to be assigned or transferred in consequence of government policies or organizational restructuring.
2. The personnel with the same position grade, title, level, and class (hereinafter referred to as grading of position) and equivalent position, may mutual transfer upon the approval by the Promotion Review Board of the respective responsible agencies.
3. The overseas representative personnel who transfer in accordance with the regulations of transfer determined by the supervisory agencies.

Article 6 Each agency shall establish a list of promotion order in accordance with its scale of positions and administrative needs, which may provide for differentiated treatment of positions according to their respective natures.

In any agency when a vacancy shall be filled through internal promotion or transfer, such promotion or transfer should conform to the list of promotion order. If a number of members at the same order are eligible for promotion, their respective priority may be determined in accordance with the grade, official job title, official job status, and class (hereinafter referred to as grade) approved by the Ministry of Civil Service. However when any next order shall be found lacking of any appropriate candidates for promotion, reference may be made to the next following order from which a promotion may also be made.

Article 7 Whenever various agencies shall conduct internal merit based promotions, they should give due regard to the personnel's moral character and loyalty to the country, then they shall establish the requisite merit-based promotional qualifications, including examinations, educational diploma, prior relevant experience, training, advanced studies, seniority, performance evaluation, awards/penalties and development potential, and the appropriate standards therefor, providing for an evaluative scoring rubric, taking into account the vacancy's requisite degree of duties and responsibilities and nature of job, providing for additional points in recognition of seniority through primary government service or for possession of relevant occupational certifications. When necessary, an interview or other practical examination may be conducted. Where the vacancy is for a supervisory position, concomitant evaluation of the candidates' respective leadership skills should also be provided.

When it is anticipated that any agency's vacancy shall be filled by someone

from outside the agency, the regulation of the preceding Paragraph may be referred in determining the eligibility criteria and qualifications.

Where in accordance with Paragraph 1, there are two or more candidates with same assessment scores, the priority should be based on further evaluation of the higher grade or training and advanced studies, and developmental potential.

The specific standards of Paragraph 1 shall be as determined by each supervisory Yuan. However, each supervisory Yuan may delegate the preparation of appropriate standards based on the specific nature of business to its subordinate agencies as circumstances may deem proper.

All agencies engaging in any personnel transfer of its agency may consider the provisions of Paragraph 1, and develop their own eligible screening criteria.

Article 8 Any agency engaging in any promotion or transfer of civil servants, other than township/city councils, should convene a Promotion Review Board to conduct all screening (selection) activities.

Transfers among positions at the same order in the list of promotion order within any agency may be exempted from the screening procedures.

Agencies with substantially few personnel or with special respective nature of business, upon authorization from the supervisory agency, may rely on screening (selection) activities uniformly conducted for them by the superior agency, as exempt from the restrictions imposed by Paragraph 1.

Article 9 Whenever an agency engages in civil service promotion and transfer, the personnel office should prepare lists of candidates possessing the employment qualifications for promotional and/or transfer appointment of the available positions, discern appropriate promotion or recruitment pools, in lists by scores ranking and qualifications, assemble the relevant materials, and submit to the agency head for commissioning the agency's Promotion Review Board for review, and in accordance with established procedures request approval from the agency head for determining of one among the top three listed prospective candidates; where agency with more than two vacancies, then twice the number of prospective candidates shall be available for determining to fill the position vacancies. Any prospective candidates possessing the employment qualifications for promotional appointment of the available position of the agency who announce that not participate in the

promotion by the written notice or other verified means of notice, and thereupon may be removed from that list of candidates under consideration.

Where the agency head is not satisfied with the potential candidates as approved for consideration by the Promotion Review Board, the agency head may veto the slated list of prospective candidates and remand in accordance with the procedures of this Act for alternate selection procedures.

Article 10 The candidates for following positions at all agencies, may be exempted from the screening (selection) procedures, when so approved by the agency head or the head of the superior agency without regard to the provisions of Article 12 Paragraph 1 Subparagraphs 6 and 7:

1. Agency head or deputy head.
2. Chief or deputy chief of staff.
3. Internal first-level unit supervisory positions.
4. Positions with higher grade than internal first-level implementation unit supervisory positions.
5. Positions of the embassies and consulates (representative organizations), institutions of the Republic of China, with senior grade 12 or above.

Where any civil servant holding any of the positions described in the subparagraphs of the preceding Paragraph, shall be subject to re-transfer to another position in accordance with the Civil Service Employment laws, such transfer may be made without the screening (selection) procedures. However, whenever someone specified in Article 4 shall be promoted, except as otherwise provided in this Act, they shall be subject to screening (selection) procedures.

Article 11 Where any agency personnel as a candidate has none of the conditions specified in Article 12 Paragraph 1, and the candidate possesses the requisite qualifications for promotion, those among any of the following may be given preferential precedence for promotion upon approval by the Promotion Review Board:

1. Anyone having received distinguished merit medal, model medal or professional medals within the past three years.
2. Anyone having been awarded two major merits at one time in special ratings within the past three years.

3. Anyone having been selected as a model civil servant within the past three years.
4. Anyone having been awarded the national medal of honor, selected for a distinguished achievement award for civil servants within the past five years.
5. Anyone passing the civil servant examinations has been initially assigned to a position of lower grade in relative to one's qualifications.

Where there are two or more qualified candidates for preferential treatment under the preceding Paragraph, should any candidate qualify by Subparagraph 5, shall be given preferential precedence for promotion, as the remaining qualified candidates for promotion are evaluated based on the scores in promotion criteria for priority; the bona fides of any such preferential promotion, may only be relied on for such a promotion preference one time. The regulation also applies for those who qualify under two or more of the subparagraphs above.

The professional medal mentioned in Paragraph 1 Subparagraph 1 does not include commendations based on years of service.

Article 12 The following personnel in any agency may not enjoy promotion:

1. Anyone under final sentence of conviction for a specific intent crime to a term of incarceration within the past three years. However this shall not apply to any person with a suspended sentence.
2. Anyone who had been dismissed, suspended, or decreased of pay rates in accordance with the Civil Service Discipline Act within the past two years.
3. Anyone who had been subject to removal from employment in accordance with the Civil Service Performance Evaluation Act within the past two years.
4. Anyone who had been subject to a reduction in pay or other official demerit of record in accordance with the Civil Service Discipline Act within the past year.
5. Anyone who had been given a performance evaluation of Grade C, or who had accumulated with one major demerit or more record in accordance with the Civil Service Performance Evaluation Act within the past year. However merits shall not apply to counteract such demerits.

6. The person has served in current position for less than one year, with the exception of the following:
 - (1) The seniority will be more than one year by combining with the seniority that the person had been employed to the position of the same or higher order in the promotion order list at the same agency, or who had been previously employed to a higher or equivalent grading of position at another agency.
 - (2) All agency personnel of the next order in the promotion order list employed for less than one year without the condition specified in the preceding Item.
 - (3) Anyone with the condition specified in Paragraph 1 Subparagraph 5 of the preceding Article.
7. Anyone approved by their agency for leave with pay while undertaking full-time training or advanced studies of greater than six months in duration, during such effective period.
8. Anyone approved by their agency for leave without pay, during such effective period. However where consonant with the government's policies or official requirements, for assistance abroad to an ally or for deployment on assignment to another agency, government-owned or private enterprise, or foundation, with approval for an unpaid leave therefor, such person shall be exempted therefor.
9. During any suspension according to law, or where a sick leave has been extended.

Any situation in the subparagraphs of the preceding Paragraph, shall also apply as to any agency's external candidate promotional pool.

Article 13 Among personnel within the agency of the same grading of position and equivalent position, an agency shall conduct transfer procedures conforming to their nature of positions and administrative requirements for:

1. Transfers among the agency's supervisory personnel or deputy supervisory personnel.
2. Transfers among the agency's non-supervisory personnel.
3. Transfers among the agency's supervisory personnel and all subordinate agencies' heads, deputy heads or supervisory personnel.

4. Transfers among the heads, deputy heads or supervisory personnel of the subordinate agencies.
5. Transfers among the agency and its subordinate agencies' or among the subordinate agencies' non-supervisory personnel.

Any transfer of the preceding Paragraph may be conducted without application of the screening (selection) procedure; the applicable transfer regulations, shall be as determined by the supervisory agency.

Article 14 When any civil servant is promoted to a position of higher rank, they shall as by law have qualified in civil service rank promotion training.

Upon any initial assignment to a supervisory position at any rank, each supervisory agency shall conduct training on management abilities development.

Article 15 Whenever any civil servant feels aggrieved by any agency's conduct of promotion and transfer, believing there to have been any unlawful infringement of their rights, the civil servant may apply for relief in accordance with the Civil Service Protection Act.

Article 16 When any agency personnel engage in promotion and transfer, they shall refrain from any improper nepotism or infringement of the public integrity, omissions or errors or improper release of confidential information; where any screening (selection) may involve participation by the person, their spouse or relatives by blood to the third degree and by marriage, they shall recuse themselves from participation. Any violation may be appropriately penalized in accordance with the nature of the circumstances.

Article 17 The provisions of this Act may apply mutatis mutandis to the promotion and transfer of education, transportation enterprise, and government-owned enterprise personnel.

Article 18 The regulations of promotion and transfer of personnel officials, budgetary, accounting and statistical officials, and ethics officials shall be established by their respective supervisory agency of the personnel administration regulations in accordance with this Act and Enforcement Rules of this Act.

The provisions of the preceding Paragraph may apply mutatis mutandis to the promotion and transfer of personnel serving in the agency with military and civilian clerical staff.

The regulations governing promotion and transfer of the preceding two

Paragraphs shall be submitted to the Examination Yuan for reference.

Article 19 The respective agency's standards determined according to Article 7, various regulations for transfers determined pursuant to Article 13, or applicable mutatis mutandis regulations determined according to Article 17, when issued and promulgated, shall be submitted to the Ministry of Civil Service for reference.

Article 20 The Enforcement Rules of this Act shall be determined by the Examination Yuan.

Article 21 This Act shall take effect on the date of promulgation.