

Civil Servant Employment Act

Article 1

The employment of civil servants shall be governed by the Civil Servant Employment Act (hereinafter referred to as the Act).

Article 2

Civil servants shall be appointed based on expertise, professionalism, suitability, and appropriateness. Their appointments and promotions should be emphasized in a manner that ensures maximum compatibility with their positions.

Article 3

The following terms are used in the Act:

1. Rank: Refers to the determination of appointment standards and the range of required qualifications.
2. Grade: Refers to the determination of responsibility and required qualifications for a position.
3. Position: Refers to the designation of duties and responsibilities of a specific official title.
4. Series: Refers to a group of positions that are similar in terms of duty nature and required expertise.
5. Group of positions: Refers to a group of series with similar duty nature.
6. Basis for Grading: The legal document that describes the complexity, simplicity, difficulty, and ease of work, the level of responsibility and required qualifications for each grade.
7. Position Description: The legal document that describes the nature of work and responsibilities for each position
8. Description of Series: The legal document that describes the nature of work for each series.

9. Tabulation of Grades: The legal document that lists all positions, in order of the level of responsibility, alongside appropriate grades.

Article 4

The appointment of civil servants shall be made with an additional focus on the moral character and loyalty to the country. Their expertise, talent, experience, and physical condition shall be commensurate with the duties involved the position they are being appointed to. If the position is supervisory, emphasis shall also be placed on leadership capability.

The moral character and loyalty of personnel mentioned in the preceding paragraph shall be reviewed by respective agencies prior to appointment. When necessary, the competent authority may request assistance from relevant agencies in the review process. In cases involving national security or compelling interests, special inspection may be conducted. The competent authority, applicable persons, regulations, execution procedure, and remedy procedure for special inspection shall be stipulated by the Executive Yuan in conjunction with the Examination Yuan.

When conducting the aforementioned review or inspection, each agency shall notify the person under review or inspection. In the case of a negative decision, the person shall be given the opportunity to state his/her opinions and lodge an appeal.

Article 5

Civil servants are appointed based on ranks and grades.

Levels of rank: elementary, junior, and senior.

Levels of grade: 1 to 14, with 14 being the highest.

Levels of the elementary rank: 1 to 5; levels of the junior rank: 6 to 9; levels of the senior rank: 10 to 14.

Article 6

Each agency shall adopt the Basis for Grading to place, in the Tabulation of Grades, the positions established under its organizational regulations, and the placement of these positions shall be based on job responsibilities and required qualifications. When necessary, one position may be divided into two or three levels.

The Basis for Grading and Tabulation of Grades mentioned in the preceding paragraph are decided by the Examination Yuan based on the level

of responsibility, the nature of work, and the organizational structure of the agency. When necessary, the Basis for Grading and Tabulation of Grades may be formulated by the Ministry of Civil Service after consultation with relevant agencies and submitted to the Examination Yuan for approval.

Unless position titles, ranks, grades, and personnel quota are stipulated by law, each agency should select and set up titles based on work nature from an applicable Tabulation of Grades as well as allocate ranks, grades, duties corresponding to the titles to establish a personnel chart. The chart shall be submitted to the Examination Yuan for approval. The competent authority with certain needs or under special circumstances, however, may collaborate with agencies of the same level and category, after receiving the approval of the Examination Yuan, to establish a common personnel chart.

The criteria for allocating the position titles, ranks, grades, and personnel quota mentioned in the preceding paragraph shall be decided by the Examination Yuan in conjunction with the Executive Yuan.

If the rank and grade for each position that are designated in the organizational regulations of each agency are inconsistent with the Tabulation of Grades generally amended by the Examination Yuan in January 1996 to achieve equivalence in position between civil servants of Grade 8 and below in the central government and those in local government, the provisions of the Tabulation of Grades shall temporarily apply. However, if the organizational regulations of each agency are enacted or amended after the enforcement of this article, the organizational regulations shall still prevail.

Article 7

Job duties, appropriate workload, and clearly defined responsibilities shall be assigned to positions designated under the organizational regulations of each agency. A position description shall be formulated for each position as the basis for work assignment and performance evaluation. In the event of any changes to the job duties, this description shall be revised accordingly.

Each agency shall conduct a census of all the aforementioned positions annually or biennially.

Article 8

The positions stipulated in the organizational regulations of each agency shall be determined, in accordance with the Description of Series, under appropriate series. A list of the positions and their corresponding series shall be reported to the Ministry of Civil Service for recordation.

Article 9

The employment of civil servants shall be based on one of the following criteria:

1. Having passed an examination in accordance with law.
2. Having been duly qualified in accordance with law.
3. Having been promoted in accordance with law.

In the employment of civil servants with special work nature, selection provisions specified by law, if any, shall be followed, in addition to meeting any of the aforementioned criteria.

Newly-employed personnel shall possess the qualifications for the grades of the positions they are being appointed to. Those who do not have such qualifications may be appointed to act for higher positions within two grades of their own ranks. Personnel acting for higher positions may be transferred at any time to positions that are similar to their own grades.

Article 10

New employees of all grades in each agency shall, unless otherwise specified by law, be accepted as in-quota qualifiers by assigning or examining agencies at various levels of civil service examinations and receive training according to the categories and disciplines of their examinations. Those who attain the required grades at the end of their training will be assigned and appointed to a position. If in-quota qualifiers are all appointed, extra-quota qualifiers on the reserve list shall be assigned on a regular basis by examining agencies to receive training in order of examination scores, and those who attain the required grades at the end of their training will be appointed to a position.

If any vacancy occurs and no aforementioned qualifiers can be appointed, each agency may, with the approval of assigning agencies, select candidates with necessary qualifications.

The procedures, methods, restrictions, and relevant matters as mentioned in Paragraph 1 of this article concerning training, assignment, and appointment shall be stipulated by the Examination Yuan in conjunction with the Executive Yuan.

Article 11

Personnel holding confidential positions in each agency may be exempted from Article 9 in the Act. The head of the agency may discharge such personnel from employment at any time. The departure of the head of the agency will result in the simultaneous departure of such personnel. ◦

Article 11-1

Each agency shall ensure the fairness, legitimacy, and appropriateness of the selection of the best candidate who meets the requirements of the post for confidential personnel.

Each agency shall follow the regulations established by the Examination Yuan regarding the quotas, scopes of job duties, and required qualifications for the employment of confidential personnel.

Article 12

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Article 13

The employment of civil servants who have passed an examination in accordance with law is governed by the following provisions:

1. Those who have passed the Level 1 Senior Examination or Class 1 Special Examination shall be eligible for appointment to the junior positions of Grade 9.

2. Those who have passed the Level 2 Senior Examination or Class 2 Special Examination shall be eligible for appointment to the junior positions of Grade 7.

3. Those who have passed the Level 3 Senior Examination or Class 3 Special Examination shall be eligible for appointment to the junior positions of Grade 6.

4. Those who have passed the Junior Examination or Class 4 Special Examination shall be eligible for appointment to the elementary positions of Grade 3.

5. Those who have passed the Elementary Examination or Class 5 Special Examination shall be eligible for appointment to the elementary positions of Grade 1.

Prior to the implementation of the amendments to the Civil Service Examination Act on January 17, 1996, the employment of candidates who have passed the civil service examination is governed by the following provisions:

1. Those who have passed Grade A Special Examination shall be eligible for appointment to the senior positions of Grade 10. They shall not hold a senior managerial position within three years of the initial appointment.

2. Those who have passed the Senior Examination or Grade B Special Examination shall be eligible for appointment to the junior positions of Grade 6. Those who have passed the Senior Examination of Level 1 or 2 (depending

on their education levels) shall be eligible for appointment to the junior positions of Grade 7 or 6.

3. Those who have passed the Junior Examination or Grade C Special Examination shall be eligible for appointment to the elementary positions of Grade 3.

4. Those who have passed Grade D Special Examination shall be eligible for appointment to the elementary positions of Grade 1.

If there are no positions available of equivalent grades for those who have passed the exams described in Subparagraphs 1 to 3 of Paragraph 1 and Subparagraphs 1 and 2 of Paragraph 2, the successful candidates may be appointed to positions of one grade lower.

Those who have passed any level of the examinations as referred to in Paragraphs 1 and 2 shall be eligible for appointment to positions within the respective series for which they have passed the examinations.

Those who have passed any level of the examinations as referred to in Paragraphs 1 and 2 shall, within the purview of their employing organizations and series, be subject to the regulations set forth for the respective examinations and their employment.

Article 13-1

Any person who has passed an examination or attained civil servant qualifications in accordance with law prior to the enforcement of the Act shall be eligible for appointment to an existing position that is equivalent in nature and level to the position that person is being appointed to.

For those who have passed the examinations described in the preceding paragraph, the series applicable to the categories of these examinations shall be established by the Ministry of Civil Service in conjunction with the Ministry of Examination.

The preceding paragraph shall apply if no examination held pursuant to the Civil Service Examinations Act specifies any applicable series.

Article 14

The series, group of positions, and Description of Series shall be established by the Examination Yuan.

Article 15

The employment of those who have passed a rank promotion examination is governed by the following provisions:

1. Those who have passed an Elementary Rank Promotion Examination shall be eligible for appointment to elementary positions of Grade 1.
2. Those with elementary positions who have passed a Junior Rank Promotion Examination shall be eligible for appointment to junior positions of Grade 6.
3. Those with junior positions who have passed a Senior Rank Promotion Examination shall be eligible for appointment to senior positions of Grade 10.

Article 16

Those who have passed a Senior Examination or an equivalent Special Examination may, when being transferred to positions of comparable nature and levels, have their prior years of distinguished service as employees of administrative agencies, teachers at public schools, or employees of government-owned enterprises taken into account for promotion to higher ranks or grades, unless specific restrictions on transfer are made in law. The regulations for such promotion shall be established by the Examination Yuan.

Article 17

Civil servants shall pass a rank promotion examination or completed rank promotion training for promotion to higher ranks.

Civil servants who currently hold junior positions of Grade 9 through designation by the Ministry of Civil Service can be appointed to senior positions of Grade 10, if they have (1) received a rating of "A" in two of the past three annual performance evaluations and a "B" or higher in one annual performance evaluation for their current positions, (2) completed training for promotion to a senior rank after reaching the maximum level of base salary at their current positions, and (3) fulfilled one of the following criteria:

1. Having passed a Senior Examination (or an equivalent Special Examination), a Junior Rank Promotion Examination, a Grades 6 to 9 Examination or a Grade 6 Rank Promotion Examination (before the enforcement of the Act), and held a junior position of Grade 9 for three years with verified qualifications for employment.
2. Not only having graduated from university or an independent college but also held a junior position of Grade 9 for six years with verified qualifications for employment.

For civil servants stationed abroad or other under special circumstances, those who met the requirements described in the preceding paragraph other than the training for promotion may be transferred to a senior position upon approval by competent authorities. A make-up training shall be passed within one year of promotion or return from abroad.

If any of the individuals mentioned in the preceding paragraph who is supposed to receive a make-up training does not attend or pass the training, he/she shall be dismissed from his/her senior position and re-appointed to the original junior position. Subparagraph 2 of Paragraph 1 of Article 18 does not apply to such individuals, and they shall no longer be transferred to any senior position pursuant to the preceding paragraph.

Civil servants with junior positions of Grade 9 who fail to complete training for promotion to a senior rank or are disqualified from the training shall be transferred to senior positions pursuant to Paragraph 3 only after completing the training procedure established according to Paragraph 9.

Civil servants who currently hold elementary positions of Grade 5 through designation by the Ministry of Civil Service can be appointed to junior positions of Grade 6, if they have (1) received a rating of "A" in two of the past three annual performance evaluations and a "B" or higher in one annual performance evaluation for their current positions, (2) completed training for promotion to a junior rank after reaching the maximum level of base salary at their current positions, and (3) fulfilled one of the following criteria:

1. Having passed a Junior Examination (or an equivalent Special Examination), a qualification assessment examination equivalent to elementary positions of Grade 3 or above, or a Grades 3 to 5 Examination (before the enforcement of the Act), and held a junior position of Grade 5 for three years with verified qualifications for employment.

2. Having graduated from high school and held an elementary position of Grade 5 for ten years with verified qualifications for employment; graduated from a junior college and held an elementary position of Grade 5 for eight years with verified qualifications for employment; or graduated from an independent college and held an elementary position of Grade 5 for six years with verified qualifications for employment.

Those who are promoted to the junior position mentioned in the preceding paragraph shall be appointed to a grade of no higher than 7. However, those who hold a Master's degree or above and have received an "A" in four of the past five annual performance evaluations and a "B" in one

annual performance evaluation for a junior position of Grade 7 may be appointed to a grade of no higher than 8.

Under the Civil Service Performance Evaluation Act, service years and performance that are disqualified from promotion or combined for transfer to a lower-grade position of the same rank as the current position shall be ineligible for provisions described in Paragraphs 2 and 6 of the Act.

The duration, implementation procedure, eligibility, quota and trainee selection, performance evaluation, extension, suspension, exemption, revocation and retention of training eligibility, expenses, and other related matters concerning rank promotion training, which are all referred to in Paragraphs 2 and 6, shall be established by the Examination Yuan.

Article 18

The transfer of current civil servants is governed by the following provisions:

1. Current civil servants who hold a senior position of Grade 12 or above may be transferred to a position in any series. Those who hold a position of a lower grade may be transferred a position that belongs to the same group of positions in any series and whose series has been approved on the record.

2. Civil servants who are appointed in accordance with law may not be transferred to a position of a lower rank, unless they volunteer to do so. Those who voluntarily apply to be transferred to a position of a lower rank shall be appointed to the highest grade for that rank.

3. Transfer to a position of a lower grade in the same rank is limited to one grade lower than the current position and shall only apply to volunteers; those who do not volunteer are transferred to positions of their corresponding grades. The head and deputy head of a government agency may not be transferred to any other position of their corresponding grade within the same organization. Managerial personnel may not be transferred to a deputy or non-managerial position within the same unit. Personnel holding a deputy-managerial position may not be transferred to a non-managerial position within the same unit. However, the above restrictions shall not apply in exceptional circumstances where the Presidential Office, the Executive Yuan, or the National Security Council grants its approval.

Where necessary, the personnel as referred to in preceding paragraph may be transferred to positions within a series whose required expertise is

compatible with the personnel's examination results, educational levels, work experiences, or training outcomes.

The transfer of those who have passed an examination shall be subject to relevant examination and employment regulations, depending on the agency and series they are transferred to.

For the transfer of current civil servants, the criteria for determining series, restrictions for further transfer, and other related matters shall be established by the Examination Yuan.

Article 18-1

If an agency establishes two or three grades, pursuant to the Tabulation of Grades, for a position it offers, those hired for that position shall be employed at the lowest grade. However, if any employee does not have the qualifications for the lowest grade, Paragraph 3 of Article 9 shall apply. If any employee has the qualifications for a higher grade for a position, the appointment shall be limited to the highest grade for that position.

Transferred personnel are governed by Subparagraphs 2 and 2 of Paragraph 1 of Article 18.

Re-employed personnel who are eligible for a position of a grade higher than the lowest grade specified in the Tabulation of Grades for that position may be appointed to their previous grade within the scope of the position as defined in the table. However, their appointment is limited to the highest grade within that range.

Article 19

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Article 20

Newly hired personnel of each rank with less than six months of experience equivalent to the responsibilities of the position they are about to assume or having held a position of a lower grade for less than six months should be subject to a probation of six months and receive supervision from an individual assigned by the agency. Those who have passed the probation shall be officially employed, and those who fail shall be dismissed.

Probationary personnel shall be considered as failing their probation under any of the following circumstances:

1. Receiving a "D" in the annual performance evaluation as referred to in the Civil Service Performance Evaluation Act.

2. Punished with at least one major demerit pursuant to the Civil Service Performance Evaluation Act.

3. Having at least one major demerit after their merits are offset during regular evaluation.

4. Absent without reason for two consecutive days or three cumulative days.

5. Any other specific fact sufficient to indicate unsuitability.

The unsuitability as mentioned in Subparagraph 5 in the preceding paragraph shall be assessed based on the employee's work performance, compliance to the law, conduct and attitudes, potential for development, physical fitness, and other related measures. Facts about their unsuitability shall also be recorded in an exact and detailed manner.

Upon the expiration of their probation, probationary employees' performance shall be evaluated by their supervisors. The evaluation results shall be approved by the head of the agency and submitted to the Ministry of Civil Service for review. If the employees' performance is deemed unsatisfactory, it shall be reviewed by the Performance Appraisal Committee before being approved by the head of the agency.

In case of doubt over the unsatisfactory probationary performance of an employee, the Performance Appraisal Committee may review records and documents regarding the employee's performance during their probation or investigate the relevant personnel. Those with unsatisfactory probationary performance shall be given an opportunity to state their opinions and lodge an appeal to the Performance Appraisal Committee.

Those with unsatisfactory probationary performance shall be dismissed from office from the date ratified by the head of the agency. The dismissal shall be enforced from the date the adjudication is finalized, and prior to that, the personnel should be suspended from office.

Probationary employees shall not assume a managerial position of any level.

Probationary employees shall not be transferred to a position of any other series.

Article 21

Unless otherwise specified by law, no agencies shall appoint personnel who do not possess the qualifications prescribed in Article 9 to act or concurrently assume, any position that requires those qualifications.

Article 22

No agencies shall employ personnel from each other. In the case of business needs, job transfers may be made. However, any transfer of personnel who have passed an examination shall still be subject to the restrictions in Paragraph 5 of Article 13 and Paragraph 3 of Article 18.

Those who are subject to the transfer restrictions specified in the regulations of the examination they have passed and have passed the Senior Examination of any level, Junior Examination, Elementary Examination, Special Examination for Local Government, Special Examination for the Disabled, or Special Examination for Indigenous Peoples, may be transferred, without being limited to agencies described in relevant regulations, to an agency located in the municipality or county (city) where their child under three years of age actually resides during their restricted transfer period, if they raise the child personally as well as meet all the following conditions (such transfer can only be done once):

1. Having written evidence that a child under three years of age that actually resides in a different municipality or county (city) from where the current employer is located.

2. Serving for more than one third of the restricted transfer period as specified in the Civil Service Examinations Act.

Prior to transferring a civil servant in accordance with the preceding paragraph, all agencies shall confirm that the employee's child meets stipulated requirements for age and actual residence, and only then may proceed with the job transfer. The employee's current employer shall be given priority consideration for the transfer.

If civil servants transferred in accordance with Paragraph 2 are transferred again within the restricted transfer period as specified in the regulations of the examination they have passed, they shall only work for the competent authority and affiliated organizations of the agency that authorizes the transfer, and for the employing agency as specified in the aforementioned regulations.

Article 23

All agencies shall reassign their current employees who, prior to the enforcement of the Act, have obtained qualifications for employment according to other legal regulations or held non-temporary positions on a dispatch basis and have qualifications for employment. The procedure for such reassignment shall be established by the Examination Yuan.

If any of the individuals as mentioned in the preceding paragraph holds a

position lower than their previous position after the transfer, their appointment to a position equivalent to their previous position shall be retained. This appointment shall be restored when they are transferred to the equivalent position.

Article 24

Each agency shall appoint civil servants first on an acting status in accordance with their authority. This appointment shall be submitted to the Ministry of Civil Service for approval within three months from the date of actual acting. However, in case of failure to submit in time to the Ministry of Civil Service for approval due to special circumstances, the extension shall be limited to a maximum of two months, unless otherwise specified. If the Ministry of Civil Service deems the civil servants unqualified, the acting status shall be immediately terminated.

Article 24-1

The human resources personnel of each agency shall be responsible for investigating and notifying the appointments of probationary and prospective employees and proactively assist in submitting appointments to the Ministry of Civil Service for approval within the time limit as specified in the preceding article. The agency may terminate the acting status of those who fail to be reviewed within the time limit. For probationary and prospective employees who are deemed qualified by the Ministry of Civil Service within the time limit, their probationary period and seniority shall be counted from the actual date of employment or acting. For civil servants who fail to submit their appointments in time for themselves, their probationary period and seniority shall be counted from the date of submission by the agency. If the delay is due to the negligence of human resources personnel, the agency shall investigate, issue a punishment, and report to the Ministry of Civil Service for reference.

A civil servant may, when disagreeing with the decision made by the Ministry of Civil Service, file for remedy in accordance with the Civil Service Protection Act. If there is a cause for reopening of the administrative procedure, such as an obvious error, the occurrence of a new fact, or discovery of new evidence, the person may take measures under the applicable provisions of the Administrative Procedure Act.

Article 25

Newly employed elementary, junior, and senior civil servants shall be qualified by the Ministry of Civil Service and appointed by the President.

Article 26

The head of each agency shall not appoint their spouses or relatives within the third degrees of kinship by blood or marriage to any position in the same agency or as their direct subordinates. The spouses or relatives within the third degrees of kinship by blood or marriage of the management personnel of each level in the agency shall be avoided for employment within their respective units.

Any person who shall be avoided for employment is subject to the restrictions in the preceding paragraph, unless that person is hired before the relevant management personnel assume office.

Article 26-1

The heads of agencies shall not employ or promote and transfer any personnel during the following periods:

1. From the date of retirement approval until the date of departure.
2. From the date of discharge, reassignment, or the issuance of a new appointment order until the date of departure.
3. For elected public officials, from the date of the announcement of a list of candidates for the next election until the announcement of a list of elected candidates. However, those who fail to be re-elected or do not seek re-election shall be restricted until the date of departure.
4. For the heads of the legislative branch, from the date of the announcement of a list of candidates for the next election until the date when the elected head takes the oath of office.
5. For personnel who participate in a public office election, from the date of the announcement of a list of candidates for the election until the date of their resignation. However, those who are not elected shall be restricted until the announcement of a list of elected candidates.
6. For central government officials whose term of office is not specified by the Constitution or law, when the incumbent president fails to be re-elected or does not seek re-election, they shall be restricted from the date of the announcement of a list of elected candidates for the next election until the candidates are sworn in. This restriction also applies to the heads of local government organizations and their counterparts in the same level of government when an elected public official fails to be re-elected or does not seek re-election.
7. For elected public officials and the heads of the legislative branch who have been recalled from office, from the date of the declaration of the recall

until the announcement of the outcomes of the recall vote.

8. From the date of the submission of a resignation letter, issuance of a suspension order, or finalization of an adjudication of discharge, dismissal, suspension or other disciplinary action, until the date of departure.

9. For other officials with fixed terms of office, from one month before the expiration of the terms to the date of the termination of their employment. However, for those who are re-elected, the period lasts until the day their re-election is confirmed.

The employment or transfer of personnel stationed abroad may be exempted from restrictions in the preceding paragraph, if necessary.

The assignment and appointment of any person who passes examinations is exempted from the restrictions in Paragraph 1.

If any vacancy occurs during any of the periods specified in Paragraph 1, it may be filled on acting status in accordance with relevant regulations.

Article 27

Agencies shall not employ anyone who has reached the statutory retirement age.

Article 28

Any person who meets any of the following conditions shall not be employed as a civil servant:

1. Holding no nationality of the Republic of China or having lost the nationality.

2. Holding the nationality of the Republic of China and that of a foreign country. However, this restriction does not apply if the Act or any other law stipulates otherwise.

3. Having once committed any offences against internal or external security after the end of the Period of National Mobilization in Suppression of Communist Rebellion, and been convicted or wanted for arrest for such crime with the case still pending.

4. Having once committed any graft or corruption-related offences while in civil service position and been convicted or wanted for arrest for such crime with the case still pending.

5. Having committed any crime other than prescribed in the preceding two subparagraphs and is thus sentenced to fixed-term imprisonment or more severe, and the punishment has not yet been executed or completed. However, this restriction does not apply to those who are subject to a suspended sentence.

6. Having been discharged from post..
7. Having been suspended from employment in accordance with law.
8. Having been deprived of civil rights, which have not yet been reinstated.
9. Having passed the Special Examination for Indigenous Peoples but holding no indigenous peoples status or having lost that status. However, those who have passed any other examination may be employed based on their passing of the examination.
10. Not eligible to be employed in accordance with other laws.
11. Subject to the commencement of guardianship or assistantship that has yet been revoked.

For those who hold the nationality of both the Republic of China and that of another country, as stated in Subparagraph 2 or the preceding paragraph, but cannot complete the process of relinquishing their foreign nationality and obtain a proof certificate thereof due to the relevant laws of the foreign country and has duly followed the prescribed procedure for renouncing their foreign nationality prior to starting employment and obtained written confirmation thereof verified by the Ministry of Foreign Affairs, they may still be employed as civil servants for positions and agencies that do not involve national security or state secrets.

The agencies and positions that involve national security or state secrets, as mentioned in the preceding paragraph, shall be established in the enforcement rules of the Act.

Civil servants who meet any of the conditions listed in Subparagraphs 1 to 10 of Paragraph 1 shall be discharged. Civil servants who meet the conditions listed in Subparagraph 2 of the paragraph at the time of employment shall also be discharged if they not only fail to complete the loss of foreign nationality and obtain a proof certificate thereof within one year from the date of employment after renouncing foreign citizenship pursuant to Paragraph 4 of Article 20 of the Nationality Act before the assumption of office but also does not meet the condition mentioned in Paragraph 2. Those who meet the condition listed in Subparagraph 11 shall retire from their positions or receive severance in accordance with relevant regulations. If it is found after employment that the civil servant meets any of the conditions listed in all the subparagraphs of Paragraph 1, the appointment shall be revoked.

The work-related actions of the personnel mentioned in the preceding paragraph shall remain effective during their tenure. Remuneration and other

financial payments that have been issued in accordance with relevant regulations shall not be recovered, unless their appointment is revoked due to the condition listed in Subparagraph 2 of Paragraph 1.

Article 28-1

Civil servants may have their positions retained without pay for childbirth, caretaking of a family member, pursuit of further education, or any other reason approved by their employing agency, and they shall resume positions and receive salary once the reason ceases.

Regulations governing the suspension of employment without pay for civil servants shall be established by the Examination Yuan in conjunction with the Executive Yuan.

Article 29

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Article 30

The Ministry of Civil Service shall notify the agency whose employees are in violation of the Act, ask the agency to rectify their behavior, and inform the Audit Office to withhold the confirmation of their pay. In case of a major violation, the Ministry of Civil Service shall report directly to the Examination Yuan for demotion or dismissal, and may refer the case to the Control Yuan for further action in accordance with law.

Article 31

Where the organizational regulations of an agency are in conflict with the Act, the latter shall prevail.

Article 32

The appointment of judicial officials, auditors, budgetary, accounting and statistical officials, customs officials, diplomatic and consular officials, and police officials is governed by other applicable laws. However, the qualifications for such appointment shall not contravene the Act.

Article 33

The appointment of educators, healthcare professionals, transportation and communications employees, and government-owned enterprise employees is governed by other applicable laws.

Article 33-1

Following the abolition of the Regulations on the Employment of Technical Personnel (hereinafter the “Regulations”), which were introduced on November 1, 1991, those who were previously duly qualified on the record in accordance with the Regulations are governed by the following provisions, except for those who are eligible for reassignment in pursuant to the Medical Personnel Regulations:

1. Those who were previously duly qualified on the record in accordance with Paragraph 1 of Article 5 of the Regulations shall be employed pursuant to the Act.

2. Those who were duly qualified on the record in accordance with Paragraph 3 of Article 5 of the Regulations shall remain employed. However, they shall not be transferred to other series or any administrative positions in non-public healthcare institutions.

3. Those who were previously duly qualified on the record and employed as technical personnel in accordance with Article 10 of the Regulations shall remain employed in their current positions, and may be promoted to higher grades in the same ranks or transferred to positions in technical categories. Their promotion shall be subject to passing a rank promotion examination.

Article 34

The transfer of professional and technical personnel who pass a Senior, Junior, or Special examination to civil service is governed by other applicable laws.

Article 35

Upon the abolition of the Act Governing the Appointment of Personnel from the Mongolia and Tibet Regions, those who were previously duly qualified in accordance with law and employed as personnel from Mongolia and Tibet may, pursuant to the aforementioned act, remain employed in their current positions until their retirement or the termination of their employment, but they are limited to transfer to central government agencies.

Article 36

The employment of specialized or technical personnel on a fixed-term contract by each agency is governed by other applicable laws.

Article 36-1

After the abolition of the Temporary Assigned Worker Assignment Act (hereinafter the “Assignment Act”), current employees who were previously duly qualified on the record in accordance with the Regulations are governed

by the following provisions:

1. Dispatch workers hired by temporary agencies:

(1) Those who are qualified for the stated job ranks or grades shall be employed in accordance with the Assignment Act or any existing law that is applicable.

(2) Those who are not qualified for the stated job ranks or grades may continue to be dispatched in accordance with the Assignment Act and its implementation rules within nine years from the date of its abolition. Starting from the day after the expiration of nine years since the abolition of the act, they may continue to hold their existing job titles and ranks or grades until the date of departure.

2. Temporary full-time dispatch personnel may continue to be dispatched in accordance with the Assignment Act and relevant provisions until their dispatch periods expire within nine years after the abolition of the act. Starting from the day after nine years since the abolition of the act, they may hold their existing job titles and ranks or grades until their dispatch periods expire. When their dispatch periods expire without being extended, retirement or severance shall be arranged. However, if their employing agencies deem it necessary to extend their dispatch periods for business needs, the periods may be extended for up to three years each time.

3. Dispatch personnel whose dispatch agencies became their employers prior to the abolition of the Assignment Act and who retain their positions or continue to be dispatched in accordance with the respective organizational regulations of the agencies are governed by such regulations.

The temporary agencies as referred to in Subparagraph 1 of Paragraph 1 shall, within three years after the abolition of the Assignment Act, revise their organizational regulations to become employing agencies.

After the abolition of the Assignment Act, any agency whose organizational regulations are in conflict with the article shall be governed by the article.

Article 37

Regulations on Employee Management shall be established by the Examination Yuan.

The preceding regulation was effective until December 31, 1997. Those who have been employed since the regulation expired may continue work until the date of departure.

No agencies shall hire new employees after this amended article is enacted.

Article 38

The Act does not apply to political appointees, except for Articles 26, 26-1, and 28.

Article 39

The enforcement rules of the Act shall be established by the Examination Yuan.

Article 40

The effective date of the Act shall be decided by the decree of the Examination Yuan.

The amended articles of the Act shall take effect from the date of promulgation

The articles of the Act which were amended on December 15, 2009, take effect from November 23, 2009.

Article 29 of the Act, which was amended on July 13, 2010, take effect from January 1, 2011.