

Transfer of Professional and Technical Personnel to Civil Servant Act

Article 1 This Act is enacted in accordance with Article 34 of the Civil Servant Employment Act (hereinafter the “Employment Act”).

Article 2 Any persons transferred to civil servants after passing Senior or Junior Examinations for Professional and Technical Personnel or equivalent Special Examinations are subject to this Act, unless otherwise governed by different laws.
The persons referred to in the preceding Paragraph do not include those deemed qualified through a review process.

Article 3 The term “professional and technical personnel” referred to in this Act are those who have passed any of the following examinations and met the qualifications for conducting the professional practices of their professions:

1. Having passed a Senior or Junior Examination for Professional and Technical Personnel in accordance with the Examinations Act, prior to the implementation of the Professionals and Technologists Examinations Act.
2. Having passed a Senior or Junior Examination for Professional and Technical Personnel after the implementation of the Professionals and Technologists Examinations Act.
3. Having passed a Special Examination that is equivalent to a Senior or Junior Examination for Professional and Technical Personnel.

Article 4 Professional and technical personnel shall be transferred only to civil service positions which are similar in terms of level, category, and job series to the examinations they have passed.

The categories, levels, and applicable job series of the examinations by which the professional and technical personnel referred to in the preceding paragraph take to be transferred to civil servants are determined by the Ministry of Civil Service and Ministry of Examination.

The available position openings offered by each agency to professional and technical personnel, and the quota of the openings, shall be determined on the basis of the situations of the civil service examinations held and the number of

candidates who have passed them. The quota may be increased, depending on each agency's needs, and this matter is handled in accordance with the enforcement rules of this Act.

Any professional and technical personnel newly transferred to civil servants at any agencies shall receive training for newly appointed civil servants in accordance with the Civil Service Training and Continuing Education Act.

Any professional and technical personnel transferred to civil servants at any agencies shall not assume a managerial or deputy managerial position within one year of service. Nor shall they be transferred to agencies other than their original agency and its subsidiary agencies within three years of service.

Article 5 Any government agencies which intend to employ professional and technical personnel shall establish a selection committee for reviewing candidates' professional experience and performance and arrange open recruitment campaigns.

The selection committee shall consist of a representative from the employing agency and scholars or experts outside the agency. The scholars or experts shall comprise no less than half of the membership of the committee and selected from the talent pool built by the Ministry of Civil Service.

The composition and operations of the selection committee referred to in the preceding paragraph, the matters reviewed by the committee, the deliberative practices implemented by the committee, and the recusal of the committee's members are specified in accordance with the enforcement rules of this Act.

All members of the selection committee shall not pursue personal gains or reveal confidential information. If any of them violates this provision, he or she shall be punished or discharged from membership, depending on the severity of his or her violation, and shall no longer be recruited into the committee. If this violation amounts to a criminal offence, it shall be adjudicated in accordance with the Criminal Code.

Article 6 Any professional and technical personnel who have passed Senior Examinations for Professional and Technical Personnel or equivalent Special

Examinations shall be appointed in accordance with any of the following provisions:

1. For those who have served in professional or technical positions for two years or above, attained actual work experiences, and had documents proving their work performance, they may be transferred to junior positions and appointed to Grade 6 for such positions. If no junior positions are available, these persons may instead be appointed to the elementary positions of Grade 5.
2. For those who have served in professional or technical positions for five years or above, attained actual work experiences, and had documents proving their work performance, they may be transferred to junior positions ranked at least Grade 7 or above, and appointed to Grade 7 for such positions. Employing agencies shall issue a public announcement for their open recruitment campaigns that qualified candidates are publicly selected for junior positions of Grade 7.
3. For those who have served professional or technical positions for nine years or above, attained actual work experiences, and had documents proving their work performance, they may be transferred to junior positions ranked at least Grade 8 or above, and appointed to Grade 8 for such positions. Employing agencies shall issue a public announcement for their open recruitment campaigns that qualified candidates are publicly selected for junior positions of Grade 8.

Any professional and technical personnel who have passed Junior Examinations for Professional and Technical Personnel or equivalent Special Examinations, served in professional or technical positions for two years or above, attained actual work experiences, and had documents proving their work performance may be transferred to elementary positions and appointed to Grade 3.

Article 7 Any professional and technical personnel transferred to civil servants shall be offered the lowest pay rate of the positions they are appointed to in accordance with the preceding article. However, those appointed to elementary positions of Grade 5 in accordance with Subparagraph 1, Paragraph 1, of the preceding article

shall obtain the base pay of Level 5 for such positions.

The raising of the pay rate of any professional and technical personnel transferred to civil servants is handled in accordance with the Civil Service Pay Act.

Article 8 The transfer of professional and technical personnel transferred to civil servants is limited to the job series referred to in Paragraph 2, Article 4, or to the ones approved by the Ministry of Civil Service in accordance with this Act. However, this restriction does not apply under any of the following circumstances:

1. Those who have served for six years in the positions they were transferred to through the same qualifications, attained an A in the year-end performance review for two of the most recent three years and a B or higher rating in the review for the remaining one year, and, in accordance with the Regulations on the Transfer of In-Service Civil Servants and the List of Job Groups and Series, shall transfer to positions in the administrative or technical category, depending on the job series they were transferred to. Those previously transferred to positions in the technical category shall transfer to positions in the administrative category which are deemed to belong in the same job groups as the job series they were first transferred to. However, they shall not transfer to any other job series in the same or deemed to belong in the same job groups of the administrative category.

2. The promotion of transferred professional and technical personnel to senior positions, or their transfer to different senior positions, is handled in accordance with regulations governing job series for civil servants transferring to different positions.

Article 9 Transferred professional and technical personnel whose qualifications for serving their current junior positions of Grade 9 have been approved by the Ministry of Civil Service, and who have passed Senior Examinations for Professional and Technical Personnel or equivalent Special Examinations, served in the aforementioned positions for three years, attained an A for two of the most

recent three years and a B or higher rating for the remaining one year while holding such positions, advanced to the highest base pay level of such positions, and passed training for promotion to senior ranks, shall be appointed to senior positions of Grade 10.

Article 10 In-service civil servants in government agencies who have passed higher-level examinations for professional and technical personnel and met the eligibility criteria for being transferred that had been set forth before the enactment of the amendments to this Act amended on December 9, 2022, shall, within two years after the enactment of these amendments, be promoted in accordance with the pre-amended version of this Act to the higher rank of their current positions.

Article 11 Any in-service technical personnel who have been appointed to technical positions through qualification review by the Ministry of Civil Service and passed Senior or Junior Examinations for Professional and Technical Personnel or equivalent Special Examinations shall, within two years after the enactment of the amendments to this Act amended on December 9, 2022, be re-appointed *mutatis mutandis* in accordance with the pre-amended version of this Act and Article 23 of the Employment Act.

Article 12 Each government agency may, depending on its business needs, establish the position of public attorney, public architect, or various public professional and technical positions.

Article 13 Matters not stipulated in this Act are governed by the Employment Act, Civil Servant Promotion and Transfer Act, and other related laws.

Article 14 The enforcement rules of this Act shall be established by the Examination Yuan.

Article 15 The effective date of this Act shall be decided by the Examination Yuan, except for Articles 8 and 9, which shall take effect from the date of the

promulgation of this Act.