

Supplementary regulations for calculating maximum duration of fixed-term employment
March 8, 2018, Reg. 20
With revisions effective April 1, 2021

This is an English translation of the Japanese regulations and is for information purposes only.

Article 1 Purpose

The purpose of these supplementary regulations is to set forth the exemptions provided by RIKEN for calculating the maximum duration of fixed-term employment based on Article 4, paragraphs 2 and 3 of the Fixed-term Employee Work Regulations (Reg. 34, 2003); Article 5, paragraphs 2 and 3 of the Special Appointment Employee Work Regulations (Reg. 7, 2007); Article 5 paragraph 2 of the Temporary Employee Work Regulations (Reg. 38, 2003); Article 4 paragraph 2 of the Work Regulations for Clerical Staff (Reg. 43, 2010); and Article 4 paragraph 2 of the Part-time Employee Work Regulations (Reg. 68, 2016) (collectively, hereinafter referred to as "work regulations").

Article 1-2 Definition

In these regulations, terms are defined as given below.

- (1) Total duration of employment: the total duration of fixed-term employment that is calculated based on the "Method to calculate duration of employment for Fixed-term Employees (Directive 51, 2016)" (hereinafter referred to as "directive on calculation method").
- (2) Service period: period of one or more continuing employment contracts with RIKEN from April 1, 2013, which does not include a period of non-employment (hereinafter referred to as a blank period), as explained in Article 2 of the directive on calculation method.
- (3) Limited-duration employee(s): Fixed-term Employee(s), Special Appointment Employee(s), Temporary Employee(s), Clerical Staff (Task-specific employees), and Part-time Employee(s) under fixed-term contracts who are employed for a specified maximum duration of employment.
- (4) Five-year rule: The rule stipulating that the total duration of employment for certain Fixed-term Employees is limited to five years in accordance with the work regulations.
- (5) Ten-year rule: The rule stipulating that the total duration of employment for certain Fixed-term Employees is limited to ten years in accordance with the work regulations and the "Total term of employment for fixed-term employees (Directive 50, 2016)."
- (6) Technical staff and the equivalent: Among positions eligible for the ten-year rule, Research Administrator, Research Administrative Support Staff, Partnership-Promotion Coordinator, Senior Technical Staff and Technical Staff I & II are stipulated in the directive above.
- (7) Right to conversion to indefinite-term position: Right to apply to RIKEN for conversion to an employment contract with no fixed duration based on Article 18 of the Labor Contract Act (Act. 128, 2007).

Article 2 Exemptions from the five-year rule

1. Among Limited-duration employees to whom the five-year rule applies, the five-year rule is waived for Fixed-term Employees, Special Appointment Employees, Temporary Employees, and Clerical Staff (Task-specific employees), provided that they entered into an employment contract with RIKEN on March 31, 2016 or earlier, that their work record does not include a blank period of two or more years (excluding a blank period that ended on March 31, 2016 or earlier), and that their work duties have continued for a period longer than the 5-year maximum period of employment. Part-time Employees who entered into an employment contract with RIKEN on July 31, 2016 or earlier and whose work record does not include a blank period of two or more years (excluding a blank period that ended on July 31, 2016 or earlier) are also eligible for the exemption from the five-year rule if their work duties continue for a period longer than their 5-year maximum period of employment. Hereinafter, such employees shall be referred to as employees eligible for exemption from the five-year rule.
The five-year rule is also waived for Clerical Staff (Task-specific employees) who were employed by RIKEN on March 31, 2013, provided that their work duties have continued for a period of more than five years, even if a blank period exceeding two years existed or exists prior to, and including, April 1, 2021.

2. Notwithstanding the provisions of the preceding paragraph, the five-year rule is waived for employees eligible for exemption from the five-year rule, provided that they leave RIKEN at the end of their five-year maximum period of employment and are rehired by RIKEN within one year after resignation through an open call for positions with the five-year rule (excluding *Jun jimur kikan* Administrative Employee positions) in principle, and that their work duties continue for a period longer than their 5-year maximum period of employment.
The five-year rule is also waived for Clerical Staff (Task-specific employees) who were employed by RIKEN on March 31, 2013, including those who have a blank period of two or more years that ended before April 1, 2021 (however, if a blank period starts before April 1, 2021 and includes April 1, 2021, the period must be less than two years), provided that they leave RIKEN at the end of their five-year maximum period of employment and are rehired by RIKEN within one year after resignation through an open call for positions with the five-year rule in principle, and that their work duties continue for a period longer than their 5-year maximum period of employment.
3. Notwithstanding the provisions of paragraph 1, among Limited-duration employees to whom the ten-year rule applies, the five-year rule is waived for Fixed-term Employees and Special Appointment Employees eligible for exemption from the ten-year rule who have signed an employment contract with RIKEN before and on March 31, 2016 and have no blank period of two or more years (excluding a blank period that ended before March 31, 2016 or earlier), provided that they leave RIKEN after they reach five years of employment and are rehired by RIKEN within less than six months after resignation through an open call for positions with the five-year rule in principle.
4. Notwithstanding the provisions of paragraph 1, the five-year rule is waived for employees who are given eligibility for exemption from the five-year rule due to the revision of these regulations and have signed an employment contract beyond the five-year maximum duration (including employees who have converted or will convert themselves to Limited Indefinite-term Employees using the right to conversion to indefinite-term position), provided that they leave RIKEN and are rehired by RIKEN within less than six months after resignation through an open call for positions with the five-year rule in principle. Such employees shall be deemed to have the right to conversion to an indefinite-term position.
5. Notwithstanding the provisions of paragraph 1, the five-year rule is waived for Permanent Employee stipulated in Article 2 of the Permanent Employee Work Regulations (Reg. 33, 2003), Indefinite-term Employee stipulated in Article 2 of the Indefinite-term Employee Work Regulations (Reg. 46, 2016), and Special Administrative Employee stipulated in Article 2 of the Special Administrative Employee (Reg. 67, 2016) (hereinafter referred to as Permanent Employees and the equivalent) who entered into an employment contract with RIKEN on March 31, 2016 or earlier and have no blank period of two or more years (excluding a blank period that ended before March 31, 2016 or earlier), provided that they leave RIKEN after they serve more than 5 years but before they reach their retirement age and are rehired by RIKEN within less than six months after resignation through an open call for positions with the five-year rule in principle. Such employees shall be deemed to have the right to conversion to an indefinite-term position.

Article 3 Exemptions from the ten-year rule

1. Among Limited-duration employees to whom the ten-year rule applies, Fixed-term Employees and Special Appointment Employees who serve as technical staff and the equivalent are exempted from the five-year rule, provided that they entered into an employment contract with RIKEN on March 31, 2016 or earlier, that their work record does not include a blank period of two or more years (excluding a blank period that ended on March 31, 2016 or earlier), and that their work duties have continued for a period longer than the ten-year maximum period of employment.
2. Notwithstanding the provisions of the preceding paragraph, the ten-year rule is waived for employees eligible for exemption from the ten-year rule, provided that they leave RIKEN at the end of their ten-year maximum period of employment and are rehired by RIKEN within one year after the period is terminated through an open call for technical staff and equivalent positions in principle, and that their work duties continue for a period longer than their 10-year maximum period of employment.

3. Notwithstanding the provisions of paragraph 1, when employees eligible for exemption from the five-year rule leave RIKEN and are rehired by RIKEN within less than six months after resignation through an open call for technical staff or equivalent positions, the ten-year rule is waived for them, provided that their work duties continue for a period longer their 10-year maximum period of employment. If such employees' service period has exceeded 10 years at the start of re-employment, they shall be deemed to have the right to conversion to an indefinite-term position.
4. Notwithstanding the provisions of paragraph 1, the five-year rule is waived for employees who are given eligibility for exemption from the ten-year rule due to the revision of these regulations and have signed an employment contract beyond the ten-year maximum duration (including employees who have converted or will convert themselves to Limited Indefinite-term Employee using the right to conversion to an indefinite-term position), provided that they leave RIKEN and are rehired by RIKEN within less than six months after resignation through an open call for positions with the five-year rule in principle. Such employees shall be deemed to have the right to conversion to an indefinite-term position.
5. Notwithstanding the provisions of paragraph 1, when employees eligible for exemption from the ten-year rule leave RIKEN and are rehired by RIKEN within less than six months after resignation through an open call for technical staff or equivalent positions, in principle, the ten-year rule is waived for them. Such employees shall be deemed to have the right to conversion to an indefinite-term position.
6. Notwithstanding the provisions of paragraph 1, the ten-year rule is waived for Permanent Employees and the equivalent who entered into an employment contract with RIKEN on March 31, 2016 or earlier, and have no blank period of two or more years (excluding a blank period that ended before March 31, 2016 or earlier), provided that they leave RIKEN after they serve more than 10 years but before they reach their retirement age and are rehired by RIKEN within less than six months after resignation through an open call for technical staff and equivalent positions in principle. Such employees shall be deemed to have the right to conversion to an indefinite-term position.

Article 4 Handling of retirees

Notwithstanding the provisions of the preceding Articles, these regulations shall not apply to retirees who leave RIKEN at the end of the fiscal year in which they reach retirement age in accordance with Article 42 of the Permanent Employee Work Regulations (Reg. 33, 2003), Article 45 of the Indefinite-term Employee Work Regulations (Reg. 46, 2016), Article 6 of the Special Administrative Employee Work Regulations (Reg.67, 2016), Article 40-2 of the Fixed-term Employee Work Regulations (Reg. 34, 2003), Article 32-2 of the Part-time Employee Work Regulations (Reg. 68, 2016) and Article 27-2 of the Work Regulations for Clerical Staff (Reg. 43, 2010).