

FOREIGN ASSISTANTS FOR EDUCATION OF ENGLISH, ETC. TERMS AND CONDITIONS

The Tokyo Metropolitan Board of Education (hereinafter' referred to as the "Board of Education") aims to promote foreign language education in English, German, French, Chinese, etc. (hereinafter referred to as "English, etc.") in Tokyo metropolitan high schools, junior high schools, secondary education schools, Tachikawa Kokusai Secondary Education School Elementary School and special needs education schools (hereinafter referred to as "metropolitan schools") and thus foster international understanding by appointing foreign residents in Tokyo whose mother tongue is English, etc. as assistants for education of English, etc. (hereinafter referred to as "assistants"). The Board of Education, based on the Outline of Placement of Tokyo Metropolitan Public School Employees for the Fiscal Year and the Outline of Handling of Foreign Assistants for Education of English, Etc., stipulates the following for assistants' terms and conditions of appointment. However, matters related to assistants' terms and conditions not specified below, are pursuant to laws, ordinances, regulations, outlines, etc.

(Position)

Article 1 Assistants shall be fiscal year employees prescribed in Article 22, paragraph 2, item 1 of the Local Public Service Act (Act No. 261 of 1950).

(Place of Work)

Article 2 Assistants shall work at the metropolitan schools where they are placed by the Board of Education.

(Duties)

Article 3

Section 1 The assistants shall conduct what is instructed by the teachers of English, etc. The duties shall be as listed below.

- (1) To help team-teach with JTEs at school(s) designated by the Board of Education, and prepare or wrap up before or after class (the time remaining out of 1 unit hour)
- (2) To assist classes during a long break and other off-time periods, and prepare or wrap up before or after class (the time remaining out of 1 unit hour)
- (3) Duties on other occasions
 - i. To help create, and grade performance tests during the periodical examination or other related examinations
 - ii. To participate in meetings for lesson planning at the beginning of each school term, etc.

Section 2 Assistants shall undertake training designated by the Board of Education in order to

acquire the knowledge and skills necessary to perform their duties.

(Appointment)

Article 4

Section 1 The Board of Education shall appoint via selection as assistants those who fulfill all of the following conditions and possess the necessary knowledge and skills to perform the duties.

- (1) Those who have obtained qualification equivalent to a university degree in a country where English, etc. is used or have equivalent education
- (2) Those who are interested in the education of English, etc. as a foreign language and who are suitable to work in education at high schools, etc.
- (3) Those who have obtained a residence status of “instructor,” “long-term resident,” “permanent resident,” or “spouse or child of Japanese national,” pursuant to Article 2-2, Appended Table I (2), and Appended Table II of the Immigration Control and Refugee Recognition Act (Act No. 319 of 1951, hereinafter referred to as “Immigration Control Act”), or those whose status of residence is not among the above mentioned but who have obtained permission to engage in activity other than that permitted under their status of residence pursuant to Article 19, paragraph 2 of the Immigration Control Act and are allowed to serve as assistants.

Section 2 Assistants shall generally be recruited through public recruitment, and information on this method shall be made as widely known as possible. However, assistants can be reappointed through demonstrating their abilities such as through their work performance without going through public recruitment.

Section 3 Reappointment not through public recruitment shall be limited to 4 consecutive times. Furthermore, assistants that have reached said upper limit cannot prevent the results of an objective demonstration of their abilities through public recruitment from determining whether they are reappointed.

Article 5 Anyone to which the following items apply cannot become an employee or participate in the selection.

- (1) Anyone who was sentenced to imprisonment or more serious charges and completed the execution thereof or is no longer executed
- (2) Anyone who was subject to disciplinary action by dismissal and 2 years have not passed since the date of punishment
- (3) Anyone who on or after the date of promulgation of the Constitution of Japan, has formed or joined a political party or organization advocating the destruction of the Constitution of Japan or the government established under it with force

(Period of Appointment)

Article 6

Section 1 The period of appointment shall be from the expected start date of lessons to the

expected end date of lessons or classes during a long break and other off-time periods in a fiscal year out of the work days of the assistants designated under the teaching plan drawn up by principals. However, in the case that the meeting time is planned before the expected first day of classes, that day can be counted the appointment start date.

Section 2

- (1) After appointment as employees for the fiscal year, the following 1 month shall be a conditional employment period (probation period). Excluding cases where for objective and reasonable reasons etc. assistants did not demonstrate enough ability, assistants shall be officially employed.
- (2) If the number of work days during the month after employment is less than 15 days, the conditional employment period shall be extended until 15 days are reached.

(Work Performance Evaluation)

Article 7 Principals shall conduct a performance evaluation on November 1st, the base evaluation day, with an understanding of the abilities and performance demonstrated by assistants in the execution of their job duties.

(Change in Employment Status)

Article 8

Section 1 When an assistant falls under any of the following items, excluding during the conditional employment period, the Board of Education may dismiss them.

- (1) In light of personnel evaluation or facts that indicate work situation, the assistant's work performance is unsatisfactory.
- (2) When due to a mental or physical disorder, the assistant has difficulty or is incompetent in performing their duties
- (3) When the assistant lacks the qualifications required for their position other than those set out in items (1) and (2)
- (4) When the assistant's position is eliminated or overstaffing has occurred, owing to a reduction of the fixed number of assistants or a reduction of budget

Section 2 When an assistant falls under any of the following items, excluding during the conditional employment period, the Board of Education may let them take leave of absence.

- (1) When due to a mental or physical disorder, the assistant requires a long period of rest
- (2) When the assistant is prosecuted with respect to a criminal case
- (3) When the assistant's life or death are unknown or whereabouts are unknown

Section 3 The duration of the leave of absence shall be limited by the period of appointment and no more than 1 year. No remuneration shall be paid and the period will be included in the number of days of absences found in the standards for disqualification of reappointment not done through public recruitment.

Section 4 Assistants shall be dismissed when they fulfill Article 5 Section 1 items (1) or (3).

(Disciplinary Action)

Article 9

Section 1 The Board of Education may reprimand, reduce remuneration, suspend or dismiss assistants if they fall under the following items.

- (1) Violation of the Constitution of Japan, other Japanese laws and ordinances, the Local Public Service Act, regulations, outlines, rules, etc.
- (2) Failure to comply with work obligations or negligence of work duties
- (3) Misconduct inappropriate to the assistant's position as a servant of the whole community

(Conduct)

Article 10

Section 1 Assistants must uphold the following items.

- (1) Dedicate all their efforts in the execution of their duties
- (2) Faithfully follow laws, regulations, outlines, etc. and other related rules, as well as the work related orders of supervisors including principals and vice principals in the execution of their duties
- (3) Assistants shall not divulge any secret which may have come to their knowledge in the course of their duties. This shall also apply after they have left their position.
- (4) As employees of the Board of Education, assistants shall not behave in a manner that would discredit their position or bring dishonor upon the Board of Education's employees as a whole.

Section 2 Employees must sign the oath (separate form) in front of a senior public employee determined by the appointing authority and uphold the duties within.

Section 3 When clocking in to work, assistants themselves must complete the fixed procedures needed to record their attendance.

(Notice of Resignation)

Article 11 Assistants resigning before the completion of their period of appointment owing to personal circumstances must notify the Board of Education 30 days before the date they intend to resign.

(Work Hours, Etc.)

Article 12

Section 1 Assistants' 1 unit hour of work shall be 60 minutes. When classes are 50 minutes long the remaining 10 minutes shall be time to prepare for class, etc. as set out in Article 3 Section 1 item (1) vii.

Section 2 When assistants are instructed to attend trainings the travel time is not counted as work hours.

Article 13

Section 1 The work hours of the assistants (including working as assistants at other schools) shall not exceed 1,015 hours per fiscal year in total and, as a rule, 7 hours per day and 29 hours per week.

Section 2 The principals shall determine the assistants' work days for each month by the end of the previous month.

Section 3 When the principals recognize that a work day is necessary for assistants to execute their duties, the principals may change a day that was not a work day to a work day.

(Yearly Paid Leave)

Article 14

Section 1 Assistants are granted yearly paid leave as set forth in the following.

- (1) Yearly paid leave shall be granted as set forth in Appended Table 1 by each school corresponding to the assistants' number of work days and work hours during their period of appointment and duration of employment.

The time calculated by dividing the total work hours by the total work days during assistants' period of appointment (when this time has a fraction of less than 1 hour, it shall be rounded up to 1 hour) shall be the conversion unit for 1 day of yearly paid leave.

- (2) The yearly paid leave shall be granted in daily units. This yearly paid leave can be taken in hourly units when the period of the requested paid leave is deemed not to interfere with smooth work operations.
- (3) Assistants must fill out the required information on the leave or work exemption sheet, stamp their seal or write their signature, and submit it to the vice principal before they take yearly paid leave. The vice principal shall approve the period of the yearly paid leave in accordance with the assistant's request. Notwithstanding this, the vice principal may, when they deem it necessary for operations, change the date of the assistant's requested paid leave before approving it.
- (4) When assistants request paid leave on the day of due to sickness, etc., they shall contact the vice principal as soon as possible before the start of their work hours and complete the procedures set forth in the previous item.

Section 2 When assistants are continuously appointed as assistants, if they have unused days of yearly paid leave on March 31st, the yearly paid leave granted in the current fiscal year may be carried over to the next fiscal year but not further. However, this is not the case for assistants that worked less than 80% of required work days.

Section 3 To be "continuously appointed" as stated in the previous item means that when the previous fiscal year's period of appointment ends in March and the next fiscal year's period of appointment starts in April, assistants will be considered as continuously appointed from the previous year. When assistants cannot be considered as continuously appointed from the previous year, they cannot carry over yearly paid leave and their duration of employment shall

be calculated counting starting over from the first year.

(Other Leaves, Etc.)

Article 15 Leave for exercise of civil rights, etc. is allowed to be taken for the amount of time deemed necessary.

Article 16 Marriage and condolence leave, maternity leave for pregnancy and childbirth, maternal and child health checkup leave, commuting time during pregnancy, childbirth support leave, childcare participation leave is allowed to be taken in accordance with the provisions applicable to part-time employees. Childbirth support leave, childcare participation leave is allowed to be taken by assistants whose work days during the year at each school are 121 days or more.

Article 17 Summer leave is allowed to be taken by assistants whose work days during the year at each school are 121 days or more as set forth in Appended Table 2 during the summer period for keeping the assistant's health.

Article 18 The leaves set forth in Articles 15 to 17 shall be paid.

Article 19 As set forth by the stipulations on work hours, leave, etc. for public school employees for the fiscal year, childcare time, child nursing care leave, menstrual leave, leave for pregnancy-related medical symptoms, short-term nursing care leave, nursing care leave, nursing care time, childcare leave and partial leave are unpaid. The number of leave and required conditions depend on each leave.

(Engaging in Profit-Making Business, Etc.)

Article 20 Assistants shall notify their principal in advance if engaging in profit-making business, etc. (side job).

Article 21 Even when assistants engage in profit-making business, etc. regulations on the conduct of local public service workers still apply. Therefore, assistants cannot engage in any side job that falls under the following items.

- (1) Obstruction of public operations
- (2) Negative effect on the efficiency of public services
- (3) Possessing a vested interest in the side business
- (4) Causing a loss in faith in the assistant's work

(Remuneration, Expense Reimbursement, Biannual Allowance and Performance Allowance)

Article 22

Section 1 The type-1 remuneration for assistants shall be 5,640 yen per unit hour.

Section 2 The amount of type-2 remuneration for assistants shall be the lowest fare, etc. (the amount of fare, etc. using a regular route and method that are deemed the most economic and reasonable while taking into consideration fare, time, distance, etc.) needed to commute.

Section 3 Type-1 remuneration and type-2 remuneration will be the amount from the first day

of the month to the last day of the month and be deposited via bank transfer on the 15th of the following month. However, when the 15th of the following month is a Sunday, Saturday or holiday, the remuneration shall be paid on the closest day that is not a Sunday, Saturday or holiday (when there are two such days, it shall be the day before the 15th of the following month).

Section 4 When assistants attend trainings designated by the Board of Education, the cost will be reimbursed.

Section 5 Assistants employed during a base date (June 1st and December 1st) that have been appointed for 6 or more months during the fiscal year will be paid a biannual allowance and a performance allowance. However, there are some cases that assistants will not be paid a biannual allowance and a performance allowance: assistants who are newly employed at a base date and so on.

Section 6 When assistants do not work during all or part of their fixed work hours, they will not be paid type-1 remuneration for the time they did not work. When the total time during a month that is basis for reduction of remuneration has a fraction that is less than 1 hour, if that fraction is 30 minutes or more than it will round up to 1 hour, and if that fraction is less than 30 minutes it will be rounded down.

Section 7 When assistants do not work for the following reasons the days or hours will be counted as absence, they may be exempt from reduction of remuneration.

- (1) When working is restricted due to laws on the prevention of infectious disease and medical care for patients with infectious disease
- (2) When traffic is obstructed by wind, water, earthquake, fire or other disaster or emergency
- (3) When absent due to a force majeure event including traffic disruption
- (4) Suspension of work based on the operational needs of their place of work

(Compensation for Casualties Incurred in the Course of Performing Duties, etc.)

Article 23 Compensation for accidents on duty or during commuting shall be stipulated by the Industrial Accident Compensation Act (Act No. 50 of 1947).

(Health Checkup)

Article 24 The Board of Education will provide health checkups.

(Acquisition of Mutual-Aid Association Qualifications)

Article 25

Section 1 If the Assistant's weekly work hours are 15 hours and 30 minutes or more and their continuous period of appointment is one month or more, they will be enrolled in the Tokyo Metropolitan Employee Mutual-Aid Association (*Tokyo-to Shokuin Gojo Kumiai*).

Section 2 The mutual-aid association's fee shall be 0.37% of the Assistant's monthly remuneration.

Appended Table 1 (Re: Article 14)**Section 1 Assistants continuously appointed from the previous fiscal year to the current fiscal year**

Number of work days in the current FY Duration of Employment	169 days or more days	121 days to 168 days	73 days to 120 days	48 days to 72 days	Less than 48 days
Less than 1 year	10 days	5 days	3 days	1 days	0 days
1 year	11 days	6 days	4 days	2 days	
2 years	12 days	6 days	4 days	2 days	
3 years	14 days	8 days	5 days	2 days	
4 years	16 days	9 days	6 days	3 days	
5 years	18 days	10 days	6 days	3 days	
6 or more years	20 days	11 days	7 days	3 days	

※Duration of employment refers to the period assistants have been continuously appointed. “Continuously appointed” means that when the previous fiscal year’s period of appointment ends in March and the next fiscal year’s period of appointment starts in April, assistants will be considered as continuously appointed from the previous year. When assistants cannot be considered as continuously appointed from the previous year, they cannot carry over yearly paid leave and their duration of employment shall be calculated counting starting over from the first year.

Section 2 Assistants newly appointed in the current fiscal year

(Assistants who were appointed in the previous fiscal year but cannot be considered as continuously appointed from the previous year)

Number of Work Days in the current FY Period of Appointment in the current FY	169 or more days	121 days to 168 days	72 days to 120 days	48 days to 72 days	Less than 48 days
12 months	10 days	5 days	3 days	1 day	0 days
11 months	10 days	5 days	3 days	1 day	
10 months	9 days	5 days	3 days	1 day	
9 months	8 days	5 days	3 days	1 day	
8 months	7 days	5 days	3 days	1 day	
7 months	7 days	5 days	3 days	1 day	
6 months	6 days	3 days	2 days	1 day	
5 months	5 days	2 days	1 day	0 days	
4 months	4 days	1 day	1 day	0 days	
3 months	3 days	0 days	0 days	0 days	
2 months	2 days	0 days	0 days	0 days	
1 month	1 day	0 days	0 days	0 days	

Appended Table 2 (Re: Article 17)

Number of Work Days in the current FY	Number of Days Granted
169 days or more	3 days
121 days to 168 days	2 days