

# Civil Service Act

## Article 1

Civil servants shall take the oath of office and faithfully devote to their work and perform their duties in accordance with the law and orders.

## Article 2

The Civil Service Act (hereinafter referred to as the Act) shall apply to civil and military civil servants who are salaried and to personnel that are not covered under private contracts in government-operated enterprises.

The preceding paragraph shall not apply to researchers and research technicians of the Academia Sinica who do not concurrently assume administrative positions.

## Article 3

Civil servants are obliged to obey the orders issued under the supervision of their official superior and report any unlawful orders; if the official superior considers that the order is not unlawful and gives the order in signed and written form, a civil servant shall obey the order. Thus, any liability arising therefrom shall be borne by the official superior. However, if the order is in breach of a criminal law, the civil servant shall not be required to obey it.

In cases falling under the preceding paragraph that the order is not signed and written, the civil servant may request the superior to sign a written order. A refusal to such request is deemed a withdrawal of the order.

## Article 4

For civil servants who receive orders from officials at two levels at the same time, the order of the superior officer shall prevail; for the orders issued simultaneously by the official superior and the officer concurrently in charge, the order of the official superior shall prevail.

## Article 5

Civil servants are under an absolute obligation to maintain confidentiality of government agencies (institutions) and not to divulge confidential information within or without the scope of their supervision; same is true after resignation.

Without the consent of the agency (institution), civil servants shall not, on behalf of the agency (institution) or under their position titles, make any statement in connection with their duties or the functions of the agency (institution) they serve.

The regulations of the conditions, procedures and other matters to be followed for the aforementioned consent shall be determined by the Examination Yuan in conjunction with the Executive Yuan.

#### Article 6

Civil servants shall be impartial, honest, incorruptible, prudent and diligent, and shall not engage in acts that would bring disrepute to the civil servants or the credibility of the government.

#### Article 7

Civil servants shall not use their authority to seek the interests of themselves or others, and shall not take advantage of opportunities in their positions to the detriment of others.

#### Article 8

Civil servants shall perform their duties with the utmost diligence and shall not avoid difficulties, mutually prevaricate or delay work for no cause.

#### Article 9

A civil servant shall take office within one month after receiving a personnel assignment order. An extension may be issued upon reasonable cause with the agreement of the authority (institution) responsible for the appointment and dismissal. The extension is limited to one month.

Personnel stationed abroad shall assume (take) office within three months after receiving the personnel dispatch order. In case of failure to commence duties in time for causes not attributable to the person concerned, an application for extension may be granted. The person shall assume (take) office, however, within one month after extinction of that cause.

#### Article 10

Civil servants on duty travel shall return within the approved schedule, except in cases of natural disaster or other irrevocable delay in completing their work.

#### Article 11

Civil servants are not allowed to leave their posts without the consent of the agency (institution); the same applies to their business trips.

## Article 12

Unless otherwise provided in the statutory law, civil servants shall stay on legally prescribed work schedule as well as keep arrival and departure times. A civil servant shall work eight hours per day and forty hours per week, with two regular rest days per week.

The work hours and rest days in the preceding paragraph may be adjusted by each agency (institution), provided that the quality of service to the public is not affected, as follows:

1. The Presidential Office, the National Security Council, and the Five Yuan may adjust the number of daily work hours and the number of weekly rest days of their respective agencies (institutions), while maintaining the total weekly work hours.

2. School authorities at all levels may adjust the school's daily and weekly work hours and weekly rest days while maintaining the total annual office hours.

3. The Executive Yuan may adjust the weekly work hours and weekly rest days in accordance with the holidays of memorial days and festivals.

All agencies (institutions) may assign civil servants to work overtime for extended office hours for the needs to promote business. The extended work hours, together with the work hours in the first paragraph, shall not exceed twelve hours per day; the extended work hours shall not exceed sixty hours per month. However, for exceptional circumstances such as rescue of major disasters, handling emergencies or major emergencies, dealing with major projects or seasonal and periodic work, the specialized maximum extended work hours shall be determined by the Presidential Office, the National Security Council, and the Five Yuan respectively.

All agencies (institutions) shall protect the health of the staff who need to take shifts due to the characteristics of their duty or the special functions of their work, and shall provide appropriate continuous rest hours during the working day, and may adjust the work hours, extend the work hours and rest days with reasonable flexibility.

Unless for duty (operational) requirements or other special circumstances, civil servants on shift work shall have at least eleven consecutive hours of rest between shifts.

The minimum number of continuous rest hours, the flexible adjustment of work hours, the maximum extended work hours, the adjustment of continuous rest hours when changing shifts, and the number of rest days in the preceding two paragraphs, including their applicable targets, special circumstances and minimum guarantees for service conditions, shall be set by the Presidential Office, the National Security

Council, and the Five Yuan respectively, or the delegated subordinate agencies (institutions) in accordance with the characteristics of duties, under the principle of safeguarding the right to health of civil servants.

#### Article 13

If a civil servant needs to leave the office due to official duties, statutory obligations, or other matters related to his duties, he/she shall be granted official leave with the consent of the agency (institution).

Civil servants who have served continuously for a certain period of time shall be granted annual leave according to their length of service.

Civil servants may take time off due to business, caring for family members, wedding, funeral, illness, childbirth or other proper causes.

Unless otherwise provided in the statutory law, regulations for leave of civil servants concerning the types, days, procedures and other related matters of leave in the preceding three paragraphs shall be established by the Examination Yuan in conjunction with the Executive Yuan; regulations for leave of non-civil servants shall be established by the Presidential Office, the National Security Council, and the Five Yuan respectively.

#### Article 14

A civil servant is not allowed to engage in business.

Business engagement in the preceding paragraph includes acting as a promoter or responsible person of a company in the Company Act, as a business responsible person in the Business Registration Act, or as a responsible person, director, supervisor, or similar position of a for-profit organization in accordance with other laws and regulations. The restrictions of the preceding paragraph, however, shall not apply to the shareholder representing a managing agency (institution) controlling the government-owned shares, nor the director, supervisor or similar position in an enterprise directly or indirectly invested by the government, with the prior approval of the agency (institution) or, in the case of a person that serves as the head of an agency (institution), the prior approval of the authority (institution) at higher organizational levels.

A civil servant shall terminate his/her former duties or business mentioned above with written resignation prior to the first day of taking up office. The registration of the dismissal shall be carried out within three months and the relevant documents

shall be submitted to the agency (institution). However, an extension may be granted upon special circumstances with permission from the agency (institution) or, in the case of a person that serves as the head of the agency (institution), from the agency at higher organizational levels. The extension is limited to three months. Any engagement in business or remuneration received therefrom during the process of registration of the dismissal shall be prohibited.

A civil servant who holds a position of direct supervisory or managerial authority over a for-profit organization shall not acquire shares or capital contributions of it.

All shares or capital contributions of the for-profit organization in the preceding paragraph acquired before the civil servant taking up office, as well as those acquired during the civil service for other legitimate reasons, shall be transferred or entrusted to the trust entity within three months of assumption of office.

## Article 15

Unless otherwise provided in the statutory law ,civil servants shall not concurrently assume other public service; anyone who holds a public service and a part-time at the same time in accordance with the law shall not be paid from the part-time job.

Unless otherwise provided in the statutory law, civil servants shall not concurrently take jobs that require licenses or participate in any other business activities performed repeatedly. However, such restriction does not apply to social welfare activities or non-recurring and continuous jobs outside the statutory work hours which do not affect their official work.

Civil servants who concurrently assume the public offices or businesses in the preceding two paragraphs shall obtain permission from the agency (institution); in the case of a civil servant that serves as the head of the agency (institution), he/she shall obtain permission from the agency (institution) at higher organizational levels.

Civil servants concurrently assuming a teaching or research position, or a position in a non-profit organization shall obtain permission from the agency (institution); in the case of a civil servant that serves as the head of the agency (institution), he/she shall obtain permission from the agency (institution) at higher organizational levels. However, such restriction does not apply to concurrently serving as an unpaid worker without interfering with the public service work.

In circumstances described in the proviso of the second paragraph and the proviso of the preceding paragraph, the civil servant shall report to the agency (institution) for future reference; in the case of a civil servant that serves as the head

of the agency (institution), he/she shall report to the agency (institution) at higher organizational levels for future reference.

Civil servants may be appropriately remunerated for their talent performance outside statutory working hours, and may obtain reasonable compensation for disposition of property as well as licensing or use of intellectual property rights or portrait rights.

The activities described in Paragraphs 2, 4 and 6 shall not be performed in a manner that would be detrimental to or in conflict with the reputation of civil servants, the credibility of the government, or the nature of their duties.

In circumstances described in Paragraphs 3 and 4, the conditions, procedures, restrictions and other matters to be complied with regarding acquiring permission shall be determined by the Examination Yuan in conjunction with the Executive Yuan.

#### Article 16

A civil servant shall not, within three years of leaving the service, be a director, supervisor or manager of a for-profit organization, nor shall he/she be a shareholder or consultant designated to conduct the business operations directly related to his/her duties within five years prior to the resignation date.

#### Article 17

Civil servants are not allowed to offer any gift to the official superior nor accept any gift in connection with the affairs they handle, except as provided in the relevant laws and regulations against corruption.

#### Article 18

Civil servants shall not take advantage of opportunities such as inspections or investigations to accept entertainment or gifts, except as provided in the relevant laws and regulations against corruption.

#### Article 19

A civil servant shall, in accordance with the law, recuse himself/herself to avoid a conflict of interest involving his/her relatives (family members) when performing official duties.

#### Article 20

A civil servant shall use administrative resources only for the requirement of the duties specific to the position held.

#### Article 21

Civil servants shall exercise the due care of a good-faith administrator with respect to the administrative resources they manage in their positions. Those resources shall not be damaged, replaced, personally used, nor lent to others.

#### Article 22

Civil servants shall not borrow money from, make mutually beneficial contracts by, nor enjoy other improper benefits from the following in connection with their duties:

1. A construction work contracting with the agency (institution) or its affiliated agencies.
2. A bank handling the transaction of funds of the agency (institution) or its affiliated enterprise.
3. A for-profit organization as an appointed supplier of goods of the agency (organization) or its affiliated enterprise.
4. A person or juristic person receiving awards (subsidies) from government agencies (institutions).

#### Article 23

Any civil servant who violates the provisions of this Act shall be subjected to disciplinary punishment under administrative or judicial regulatory authority depending on the severity of the situation; in the case of violation of a criminal offence, the civil servant shall also be punished in accordance with the relevant laws and regulations.

#### Article 24

A resigned civil servant who violates the provisions of Article 16 herein shall be sentenced to imprisonment for not exceeding two years and in addition thereto, a fine of not more than one million New Taiwan Dollars may be imposed.

#### Article 25

The official superior that is aware of any violation of this Act by a civil servant and fails to handle and dispose of it according to law shall be subjected to disciplinary punishment under administrative or judicial regulatory authority.

#### Article 26

The provisions of Article 14 and Article 15 shall not apply to personnel other than those who are responsible for major decision-making on business policies in government-operated enterprises, nor to teachers who hold administrative positions in public schools; in such cases, the regulations for restrictions and procedures relating to business operations, business execution, part-time teaching, and part-time employment shall be established by the respective competent authorities.

The scope of duties of the personnel responsible for the main decision-making on the operation of the government-operated enterprises in the preceding paragraph shall be listed by the competent authority of such enterprises and reported to the Ministry of Civil Service for future reference.

#### Article 27

This Act shall take effect from the date of promulgation.

The effective date of Article 12 of this Act amended on May 30, 2022 shall be determined by the Examination Yuan.