

Hiroshima University Regulations on Side Businesses of Employees

April 1, 2004 Regulation No. 89

Hiroshima University Regulations on Side Businesses of Employees

(Purpose)

Article 1. These Regulations shall prescribe necessary matters concerning sideline businesses of employees who work at Hiroshima University (hereinafter "the University") based on the provisions of Paragraph 2 of Article 33 of Hiroshima University Work Regulations for Employees (April 1, 2004 Regulation No. 78), Paragraph 2 of Article 34 of Hiroshima University Work Regulations for Mariners (April 1, 2004 Regulation No. 79), Paragraph 2 of Article 23 of Hiroshima University Work Regulations for Re-Employed Employees (April 1, 2004 Regulation No. 80) and Paragraph 3 of Article 22 of Hiroshima University Work Regulations for Contract Employees (April 1, 2004 Regulation No. 101; hereinafter "Contact Employee Employment Regulations").

(Criteria, Etc. for Permission for Sideline Businesses)

Article 2. In cases where an employee has made an application for permission for a sideline business based on these Regulations, the University may give permission only when it recognizes that no special interests exist or may be developed between the employee and the organization where the sideline business is carried out and when engagement in the sideline business poses no problem for the execution of duties.

(2) The President shall delegate the authority based on these Regulations with regards to sideline businesses of any person subject to the provisions of Contact Employee Employment Regulations (excluding the sideline businesses listed in the items of Paragraph 1 of Article 4 and the proviso of Article 4-2) to the head of the department, etc. to which the person is assigned or belongs.

(3) Except those prescribed in the preceding paragraph, the President may delegate part of the authority based on these Regulations to other executives or employees.

(Definition)

Article 3. For the purpose of these Regulations, "sideline business" shall mean the holding of any of the following positions in a continuous, regular, or temporary manner irrespective of whether or not remuneration is paid.

[1] Position as an executive (including a position prescribed as executive in the articles of incorporation), promoter, advisor, or councilor (hereinafter "Executive, Etc.") of a commercial, industrial, financial, or other business entity whose principal purpose is to make profits and allocate them to its constituent members (meaning a company as set forth in the Companies Act (Act No. 86 of 2005) and judicial persons, etc. established by acts mainly including organizations that operate commercial activities; hereinafter "For-profit Enterprise") (hereinafter "Sideline Business as an Executive, Etc. of a For-profit Enterprise") or position other than that of Executives Etc. of

For-profit Enterprises (hereinafter "Sideline Business as Other Than Executives, Etc. of For-profit Enterprises")

[2] Position as an employee who runs a For-profit Enterprise in his/her own name (including cases where it is judged objectively that the employee runs the For-profit Enterprise even if the registered owner is a different person; hereinafter "Self-employed Sideline Business")

[3] Position as an executive or position in the business of a medical corporation, incorporated educational institution, the Open University of Japan, public interest corporation, or organization without legal personality (hereinafter "Sideline Business in an Organization Other Than For-profit Enterprises")

[4] Position in an educational business or clerical position in a national university corporation or Inter-University Research Institute Corporation established based on the provisions of National University Corporation Act (Act No. 112 of 2003) (hereinafter "National University Corporation, Etc."), National Institute of Technology, public or private school (including incorporated municipal universities established based on the provisions of the Act on Regional Incorporated Administrative Agencies (Act No. 118 of 2003); hereinafter "Incorporated Municipal University"), specialized training college, miscellaneous school, or the Open University of Japan or other educational facility (hereinafter "Educational Sideline Business")

[5] Part-time position as a member of a council, etc. established in an administrative organ of the national or local government (hereinafter "Administrative Organ of the National Government, Etc.") for the study and deliberation of important matters based on an act, cabinet order, or ordinance, etc., a part-time position equivalent thereto, or a position established in the organization on an as-needed basis (hereinafter "Sideline Business in an Administrative Organ of the National Government, Etc.")

[6] Position in a legal entity established under individual acts based on the provisions of Article 2 of the Act on the General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) or Article 2 of the Act on Regional Incorporated Administrative Agencies (excluding National Institute of Technology and Incorporated Municipal Universities) (hereinafter "Sideline Business in an Incorporated Administrative Agency")

[7] Position acting as an attorney based on the Attorney Act (Act No. 205 of 1949) (hereinafter "Sideline Business as an Attorney")

(Sideline Business as an Executive, Etc. of a For-profit Enterprise)

Article 4. A Sideline Business as an Executive, Etc. of a For-profit Enterprise shall not be permitted as a general rule; provided, however, that this shall not apply where the case falls under any of the following items.

[1] When the person concurrently holds a position as an Executive, Etc. (excluding

corporate auditors) of a technology transfer operator

[2] When the person concurrently holds a position as an Executive, Etc. (excluding corporate auditors) of a business that utilizes research results

[3] When the person concurrently holds a position as a corporate auditor of a stock company or special limited liability company

[4] When the person concurrently holds a position as an Executive, Etc. who is not directly involved in the business of a For-profit Enterprise other than those listed in the preceding three items

(2) Prior to granting permission for a sideline business prescribed in the items of the preceding paragraph, the University shall consult the examination board on the Sideline Business as an Executive, Etc. of a For-profit Enterprise prescribed separately to ensure the transparency and fairness thereof.

(Sideline Business as Other Than an Executive, Etc. of a For-profit Enterprise)

Article 4-2. A Sideline Business as Other Than an Executive, Etc. of a For-profit Enterprise shall not be permitted as a general rule; provided, however, that it is permitted with permission of the University if the person concurrently holds a position that is not directly involved in the business of the For-profit Enterprise.

(Self-employed Sideline Business)

Article 5. A Self-employed Sideline Business shall not be permitted as a general rule; provided, however, that it may be held with permission of the University if it is objectively judged that the principal purpose of the business is not to make profits.

(Sideline Business in an Organization Other Than For-profit Enterprises)

Article 6. A Sideline Business in an Organization Other Than a For-profit Enterprise shall require permission of the University.

(Educational Sideline Business)

Article 7. An Educational Sideline Business shall require permission of the University.

(Sideline Business in an Administrative Organ of the National Government, Etc. or Incorporated Administrative Agency)

Article 8. A Sideline Business in an Administrative Organ of the National Government, Etc. or Sideline Business in an Incorporated Administrative Agency shall require permission of the University.

(Sideline Business as an Attorney)

Article 8-2. A Sideline Business as an Attorney shall require permission of the University.

(Sideline Business for a Short Time)

Article 9. In cases where a sideline business meets the criteria for permission as prescribed in Article 4 through the preceding article and falls under any of the following items, permission of the University shall not be required; provided, however, that advance notification shall be made to the University.

[1] When the sideline business is conducted for one day only

[2] When the sideline business is conducted for two days or more and six days or less and the total number of hours spent on the business is less than 15 hours

(Permitted Period)

Article 10. A sideline business shall be permitted for two years or less as a general rule except in cases where the term is prescribed by law, etc.

(Handling of the Time Spent on Sideline Businesses)

Article 11. The time spent on a sideline business (including the time needed for the round trip) shall not be included in the working hours at the University as a general rule.

(2) Notwithstanding the provision of the preceding paragraph, a sideline business may be conducted during working hours with permission of the University. In this case, the salary shall be reduced for the time during the working hours spent on the sideline business.

(Restrictions on Sideline Businesses)

Article 12. The total time spent on a sideline business per week (excluding sideline businesses for a short time based on Article 9 and sideline businesses without remuneration) shall be up to 15 hours as a general rule; provided, however, that it may be permitted to spend more time than the upper limit when the University finds it necessary.

(Miscellaneous Provisions)

Article 13. Cases where these Regulations may not apply due to special circumstances or cases where the President recognizes that the application of these Regulations would be highly inappropriate may be handled separately.

Supplementary Provisions

1. These Regulations shall come into effect on April 1, 2004.
2. Any sideline business for which notification, permission, approval, or agreement (hereinafter "Permission, Etc.") has already been obtained prior to the date of enforcement of these Regulations shall be handled as having obtained the Permission, Etc. based on these Regulations.

Supplementary Provisions (March 31, 2005 Regulation No. 60)

These Regulations shall come into effect on April 1, 2005.

Supplementary Provisions (March 22, 2007 Regulation No. 59)

These Regulations shall come into effect on April 1, 2007.

Supplementary Provisions (January 28, 2008 Regulation No. 16)

1. These Regulations shall come into effect on January 28, 2008.
2. Any sideline business for which permission has already been obtained prior to the date of enforcement of these Regulations shall be handled as having obtained permission based on Hiroshima University Regulations on Side Businesses of Employees after revision pursuant to these Regulations.

Hiroshima University Regulations on Side Businesses of Employees

Supplementary Provisions (March 1, 2016 Regulation No. 10)

1. These Regulations shall come into effect on March 1, 2016.
2. Any sideline business for which permission has already been obtained prior to the date of enforcement of these Regulations shall be handled as having obtained permission based on Hiroshima University Regulations on Side Businesses of Employees after revision pursuant to these Regulations.

Supplementary Provisions (March 24, 2016 Regulation No. 43)

These Regulations shall come into effect on April 1, 2016.