Content

Title：	Enforcement Rules of the Statute Governing the Consolation Payment to Surviving Dependents at the Death of Teachers and School Staff Ch
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Content：

Chapter 1: General Rules

Article 1　ò The Enforcement Rules are enacted in accordance with Article 21 of the Statute Governing the Consolation Payment to Surviving Dependents at the Death of Teachers and School Staff (hereinafter referred to as the －Statute—).

Article 2　ò The term －all levels of public schools— mentioned in Article 2 of the Statute refers to national, provincial, municipal, county and city schools.ò
The term －teachers and school staff— mentioned in the same article refers to the principals, teachers and assistants appointed in accordance with the Statute Governing the Appointment of Educators and ratified to be qualified thereafter; and also the school staff who had been employed before the enforcement of the Statute Governing the Appointment of the Educators and did not need to apply for the change of rank and contract , whose job titles are listed under the framework of the schools or the subsidiary institutes they serve, and who have been ratified by the government agencies in charge of education administration and registered thereafter.
The teachers and school staff mentioned in the preceding paragraph only refer to those who are integrated under the framework of the schools, work full-time and are paid.

Article 3　ò For those qualified to the consolation in accordance with the Statute, their seniority after the enforcement of the amended Statute shall be counted from the actual months they have paid in accordance with the related laws to the Public Service Pension Fund (hereinafter referred to as the －Pension Fund—). The period when they have not paid in accordance with the related laws to the Pension Fund, or the period when they have applied to have certain amount of money returned due to resignation or dismissal, or the period when they have been returned the pension, layoff payment cannot be counted into

their actual seniority.
The principals, teachers and assistants of the public schools, if having held the positions as political appointees, public servants or the military personnel, shall transfer the principal and interest of their previous fund which they have paid but not yet applied to withdraw to the Pension Fund during the change of the jobs so that the seniority during the period of previous jobs can be counted into the seniority of the current jobs.
If the principals, teachers and assistants of the public schools have been employed in other public offices or state-owned enterprises where the seniority may be counted together in accordance with the related regulations after the enforcement of the amended Statute, the schools they serve shall transfer the seniority to the government agencies in charge of the management of Public Service Pension Fund (hereinafter referred to as the –Fund Management Agencies). The Fund Management Agencies shall calculate the total sum of the final value in compound interest by comparing the seniority and rank level with the fee standard that the teachers and school staff shall pay and notify the schools the teachers and school staff serve to transmit the pension to the savings account of Pension Fund. The seniority may be counted together after the process.
If the principals, teachers and assistants of the public schools have been employed full-time in overseas Chinese schools registered at Overseas Chinese Affairs Commission after the enforcement of the amended Statute and the seniority thereof have not been counted to be dispensed pension or layoff payment, the schools they serve, after the verification of the original schools they have served and proved by the seals of Overseas Chinese Affairs Commission, shall transfer the seniority to the Fund Management Agencies. The Fund Management Agencies shall calculate the total sum of the final value in compound interest by comparing the seniority and rank level with the fee standard that the teachers and school staff shall pay and notify the schools the teachers and school staff serve to transmit the pension to the savings account of Pension Fund. The seniority may be counted together after the process.
The teachers and school staff who died at the posts after 5 June 1998, if the seniority which they had served the army was not counted into pension and been given payment, may have their seniority counted together with the Demobilization Certificates or other proofs of demobilization. However, the seniority during which they had served the army after the enforcement of the amended Statute shall be calculated by the teachers and school staff and the schools they serve in accordance with the payment proportion prescribed in Paragraph 3 of article 8 of the Statute Governing the Pension to Teachers and School Staff with the contracted salary level at the first employed school. The seniority may be counted together only after the fund fee is paid in accordance with Paragraph 3 of this Article.

The death as a result of disease or accident referred to in

		Subparagraph 1 of Article 3 of the Statute does not include instances of a person taking their own life because of having committed a crime.
Article 3-1		
Article 4	ò	If the teachers and school staff do not qualify for the application to the consolation payment in accordance with Article 3 of the Statute at their death, the Fund Management Agencies shall return the principal and interest they have paid to the Pension Fund. The principal and interest of the Pension Fund mentioned in the preceding paragraph refer to the fee they themselves have paid to the Pension Fund and the interest gaining earned in accordance with Statute Governing the Management of Pension Fund for the Functionaries.ò
Article 5	ò	The term –basic pay— mentioned in the Statute refers to the actual salary or annual bonus which the teachers and school staff receive in accordance with the related regulations.

Article 6	ò	The term- died in the course of duties assuming riskand danger —mentioned in Subparagraph 1 of Paragraph 1 of Article 5 of the Statute refers to those who experience dangerous accidents and know that there is a high probability of daeth when performing such duties while such death can not be excluded in advance based on the circumstances at that time but still strive to perform such duties to death, regardless of personal safety.The phrase -[died] on the battlefield in the course of duties— refers to those who died from performing their duties or supporting the military mission at war on the battlefield . The phrase "died from the dangers arise from the course of performing duties" mentioned in Subparagraph 2 of Paragraph 1 of Article 5 of the Statute refers to one of the following circumstances when performing duties or on the way to or back to duties:. 1. died from violence or dangerous accidents, and there is proximate causation between the death and the violence or dangerous accidents 2.died of sudden disease, and there is proximate causation between the death and the sudden disease. The phrase -died from the danger or illness arise out of the public business — mentioned in Subparagraph 3 of Paragraph 1 of Article 5 of the Statute refers to those who were assigned by the serving schools to excute certain missions starting from the set-off to the completion of the mission and until the return to the office or the residence with one of the following circumstances . 1. died from violence or dangerous accidents, and there is proximate causation between the death and the violence or dangerous accidents 2.died of sudden disease, and there is proximate causation between the death and the sudden disease. The phrase -died from the accidents occurred in the office— mentioned in Subparagraph 4 of Paragraph 1 of Article 5 of the Statute refers to those who perform the duties in the place where they handle the office affairs within the office hours or the designated working hours with one of the following circumstances. 1. died from accidents, and there is proximate causation between the death and the accidents. 2.died of sudden disease, and there is proximate causation between the death and the sudden disease. The educational authorities can, if necessary, invite experts and scholars to form a specialized team to review the qualification of the consolation cases arise from the death on duty.
Article 7	ò	The term -will— mentioned in Paragraph 1 of Article 6 and Paragraph 3 of Article 9 of the Statute shall abide by Civil Code.

Article 8	ò	The national medal of honor mentioned in Article 7 of the Statute refers to the medal conferred in accordance with the Statute Governing National Medal of Honor; the special achievements mentioned refer to one of the following conditions: 1. Be commended by Presidentωs public proclamation and the biography thereof be recorded in Academia Historica; or, 2. Be ratified to receive the ampler consolation payment by the government agencies in charge of education administration.
Article 9	ò	The brothers and sisters who cannot make a living mentioned in Subparagraph 3 of Paragraph 1 of Article 9 of the Statute refer to those who are mentally or physically disabled and proved by the doctors. Those who have no supports mentioned in Subparagraph 4 of Paragraph 1 of Article 9 of the Statute refer to the surviving dependents who have no relatives obligatory to take care of one another in accordance with Civil Code and be proved by office of township, town, city or district that they cannot support themselves and have no capability to make a living.
Article 10	ò	The consolation cases involving the death before the enforcement of the amended Statute shall be handled in accordance with the original regulations. However, if the surviving dependents qualify the conditions prescribed in Paragraphs 2 and 3 of Article 10 of the Statute shall be paid the consolation payment for lifetime or until they reach the legal age or until they graduate from the university in accordance with the previous standard of consolation payment before the enforcement of the amended Statute.
Article 11	ò	The subsidies for the funeral payment mentioned in Article 15 of the Statute shall be disbursed by the budget of each level of government.
Article 12	ò	The staff of the related public social education and academic institutes mentioned in Article 18 of the Statute who are qualified to apply mutatis mutandis to the Statute shall be handled and examined by the respective government agencies.
Chapter 2: Procedures to Apply for the Consolation Payment		
Article 13	ò	The consolation cases of teachers and school staff shall be reported by the schools they serve to the government agencies in charge of education administration for further examination; national or provincial schools shall be examined by Ministry of Education; municipal schools shall be examined by Bureau of Education of municipal governments; county or city schools shall be examined by county or city governments.
Article 14	ò	The surviving dependents shall fill in two copies of consolation forms while applying for consolation payment. The forms along with death proofs, the complete employment certificates and copies of census register shall be collected by the schools that the teachers and school staff thereof serve before death and transfer to government agencies in charge of education administration for further examination. The surviving dependents mentioned in each subparagraph of Paragraph 1 of Article 9 of the Statute shall be detailed in the consolation forms in order.

Article 15	ò	If the surviving dependentsω rights to receive the consolation payment mentioned in Subparagraphs 1 to 3 of Paragraph lof Article 9 are nullified due to death, abandonment or legal matters, the consolation payment thereof shall be dispensed to other receivers of the same priority level, but if no other receivers in the same priority level apply for the consolation payment, it shall be conceded to the surviving dependents of the next level.
Chapter 3: Dispensation of the Consolation Payment		
Article 16	ò	After the examination of the lump sum consolation payment and the first year annual consolation payment, the payment shall be dispensed in accordance with the applied salary level. If the salary is adjusted later, the consolation payment of the adjusted year shall be made a balance the following year.
Article 17	ò	If there is more than one receiver in the same priority level among the surviving dependents mentioned in Paragraph 2 of Article 9 of the Statute, the receivers may elect one representative to receive the consolation payment after the consensus. The consensus mentioned in the preceding paragraph shall be made with letters of consent; in addition, the consenters may apply for the alteration.
Article 18	ò	After the surviving dependentsω application for the consolation payment is ratified, the ratification authorities shall complete the certificates of consolation payment and send them along with the originally sent certificates to the original schools where the teachers and school staff served. The schools shall transmit the certificates to the receivers and send another copies to the government agencies in charge of audit, disbursement and the Fund Management Agencies.ò
Article 19	ò	If teachers and school staff have been employed before and after the enforcement of the amended Statute, the seniority shall be counted together. However, the maximum seniority before the enforcement of the amended Statute shall be 30 years in accordance with the original Statute. The seniority after the enforcement of the amended Statute may be accumulated with the previous one and the maximum seniority shall be 35 years.

Article 20	ò	The consolation payment of the period when teachers and school staff have been employed before the enforcement of the amended Statute shall be disbursed from the budget of each level of government; the consolation payment shall be dispensed in accordance with the stipulated standards of the amended Statute. The consolation payment of the period when teachers and school staff have been employed after the enforcement of the amended Statute, if being counted in accordance with Article 3, shall be disbursed from the Pension Fund; the consolation payment shall be dispensed in accordance with the stipulated standards of the amended Statute. The consolation payment mentioned in the preceding two paragraphs shall be calculated in the proportion of the seniority before and after the amendment of the Statute and be disbursed respectively from the budget of each level of government and Pension Fund. The seniority which is over 35 years shall have the priority to be calculated in the way stipulated in the amended Statute. If the surviving dependents of teachers and school staff apply for the consolation payment in accordance with Paragraph 3 of Article 5 of the Statute, the lump sum consolation payment and annual consolation payment shall be disbursed both from the Pension Fund and the budget of each level of government in the proportion of the paid pension fee out of the ratified consolation payment.
Article 21	ò	The disbursement of both the consolation payment calculated from the seniority before the enforcement of the amended Statute and the additional consolation payment due to the death when performing duties shall depend on the last schools the teachers and school staff served. If the schools are national or provincial ones, the state treasury shall be responsible for the disbursement, but the Ministry of Education shall handle the disbursement; if the schools are municipal ones, the municipal treasury shall be responsible for the disbursement, but the Bureau of Finance of the municipal government shall handle the disbursement; if the schools are county or city ones, the county or city treasury shall be responsible for the disbursement, but the county or city government shall handle the disbursement.
Article 22	ò	The surviving dependents shall make a discrete decision whether to choose to receive the lump sum consolation payment in accordance with Article 6 of the Statute. Once the consolation payment is received after the ratification of the government agencies in charge of education administration, no excuses may be made to request any alteration.

Article 23	ò	After the consolation cases are examined, the government agencies in charge of disbursement shall be notified at once so as to dispense the checks of the lump sum consolation payment and the first year annual consolation payment. Along with the checks shall the calculation sheet and the receipt of the payment be sent to the original schools to transmit the payment. The receipts shall be sent immediately back to the government agencies which disbursed the consolation payment after the receivers of the consolation payment have signed the receipt of the payment to prove their receipt of the check.
Article 24	ò	The surviving dependents of teachers and school staff, when applying to receive the annual consolation payment, shall prepare the following materials to the government agencies in charge of disbursement before each May: certificates of the annual consolation payment, the information about the census register, the name of the representative surviving dependent, and the information about the savings accounts of the designated post offices or banks.The government agencies in charge of disbursement shall deposit the annual consolation payment to the savings accounts of the post offices or banks the surviving dependents designate. The annual consolation payment shall be dispensed all at once on July 16th every year. The dispensation procedures of the annual consolation payment mentioned in the preceding paragraph shall be prescribed by each government agency in charge of disbursement.
Article 25	ò	The procedures to write off the consolation payment for teachers and school staff are as follows: 1. Disbursed by the state treasury: Ministry of Education, after dispensing the consolation payment, shall prepare the receipt to the Ministry of Audit to write off after verification. 2. Disbursed by the municipal treasury: The Bureau of Finance of the municipal government, after dispensing the consolation payment, shall prepare the receipt to the Division of Audit to write off after verification. 3. Disbursed by the county or city treasury: The county or city government, after dispensing the consolation payment, shall prepare the receipt to the Division or Office of Audit to write off after verification. 4. Disbursed by the fund management government agency: The fund management agency, after dispensing the consolation payment, shall prepare the receipt to the Ministry of Audit to write off after verification.

Article 26	ò	When the surviving dependents that lose or be suspended the rights to receive the consolation payment, they shall be on the initiative to notify the original schools they serve; the schools shall report to the government agencies in charge of education administration and disbursement to terminate or suspend the disbursement of the consolation payment. If any continuance of receiving the consolation payment occurs, the government agencies in charge of disbursement shall pursue the payment back; besides, the cases shall be sent to the judicial agencies for further investigation.
Chapter 4: Supplementary Provisions		
Article 27	ò	If there is any change to one receiver of the annual consolation payment, other receivers shall prepare the proofs along with the original certificates of consolation payment to report to the schools the teachers and school staff serve; the schools shall transfer them to the government agencies in charge of education administration for nullification or alteration and notification to the government agencies in charge of disbursement. 1. If the receiver has died, or the spouse and the widowed daughter-in-law have remarried, the copies of the census register shall be prepared. 2. If the receiver has had the capability of making a living or has been adopted by relatives, the proofs offered by the office of the Township, Town, City, or District shall be prepared.
Article 28	ò	The certificates of the consolation payment, if lost or stained, shall be reissued or changed from the government agencies in charge of education administration.
Article 29	ò	If the surviving dependents live in the areas where they cannot receive the consolation payment, the schools the teachers and staff serve shall list the time of death, title, salary rank, seniority as well as the names of the surviving dependents to report to the government agencies in charge of education administration so as to apply for the preservation of their surviving dependentsω rights to claim the consolation payment.
Article 30	ò	The seniority of teachers and school staff before the enforcement of the amended Statute shall apply to Article 2 of the original Enforcement Rules before the amendment.
Article 31	ò	All kinds of formats and forms for the Enforcement Rules shall be regulated by the Ministry of Education.
Article 32	ò	The date of these Enforcement Rules shall be set by an order. These amendments to these Enforcement Rules are effective from the date of promulgation.

Data Source： Laws and Regulations Retrieving System