Content

Title：	Statute Governing the Retirement of School Faculty and Staff(Repealed) Ch
Date：	2019.04.24
Legislative：	1. Promulgated on June 22, 1944 2. Amendment to Articles 1-24 promulgated on April 10, 1948. 3. Amendment to Articles 1-23 promulgated on June 12, 1962. 4. Amendment to Articles 3,4 promulgated on August 16, 1972. 5. Amendment to Articles 3,5,7,8,14 , addition of Article 14-1 promulgated on December 28, 1979. 6. Amendment to Articles 5~9,14-1,20,23 , addition of Article 4-1,5-1,21-1, and deletion of Article 19 promulgated on August 2, 1995；dated February 1, 1996. 7. Amendment to Article 9 promulgated on January 12, 2000；dated July 1, 1999. 8. Amendment to Articles 3,18 promulgated on July 11, 2007；Article 3 dated January 1, 2008；and Article 18 dated July 13, 2007. 9. Amendment to Article 18 promulgated on January 21, 2009；dated August 1, 2009. 10. Amendment to Articles 8-1,10-1 promulgated on November 18, 2009； dated November 18, 2009. 11. Amendment to Article 3 promulgated on January 13, 2010；dated January 13, 2010. 12. Amendment to Article 14 promulgated on June 08, 2016 13. Repealed on April 24,2019
Content：	**Article 1** The retirement of school faculty shall be governed by this Statute. **Article 2** “School Faculty” herein is referred to as incumbent and fulltime faculty under the employment in public schools of all levels with qualification of employment stipulated by law and registered with competent authorities of education administration. **Article 3** School faculty under any of the following conditions may apply for retirement: who has served for at least 5 years and has reached the age of 60. who has served for over 25 years. The age to retire in Subparagraph 1 of the preceding paragraph may be set lesser due to the physical requirement of the position, but no lesser than the age of 55. The Paragraph 1 regarding the length of service needs to include the following conditions: the authorization of documents, minus the length of time regarding military service (proxy) at all levels of public school service. the school teacher with the facts of suspended,dismissed,or denied a renewed employment, files appeal or administrative appeal according to law or regulation, the length of service during the appeal or administrative appeal period after the appeal or administrative appeal is reviewed and finalized to again employed. The Subparagraph 1 of the preceding paragraph will take effect on January 1, 2008. After January 1, 2008, each item of agent period of service of the teacher, will no more have and counts for the retired period of service.

Article 4

School faculty under any of the following conditions shall retire:

who has reached the age of 65.

who is mentally incapacitated or physically disabled to the extent not capable of delivering services.

School faculty who has reached the age stipulated in Subparagraph 1 of the preceding paragraph may at the request by the school of services and at own will of continuance of services apply with the competent authorities of education administration for extension of services up to five (5) years.

Article 4-1

Except for particular cause, the retirement of any teacher or principal who applies for the same in accordance with article 3 shall take effect on either February 1st or August 1st.

Any teacher or principal subject to compulsory retirement in accordance with Subparagraph 1 of Paragraph 1 of article 4 and who has reached the age of limitation between August 1st and next January 31st may retire on next February 1st; for those who has reached the age of limitation between February 1st and July 31st may retire on August 1st.

Article 5

Pension shall be paid as follows:

Lump sum pension payment to those who have served for over 5 years but less than 15 years.

One who has served for over 15 years may collect his/her pension in any of the following fashions:

(1) Lump sum payment;

(2) Monthly installments;

(3) One half in lump sum payment and the other half in monthly installments;

(4) One third in lump sum payment and two thirds in monthly installments;

(5) One fourth in lump sum payment and three fourths in monthly installments.

The unit of radix of pension in lump sum payment shall account for double of the base salary of employee of the same level on the day of retirement. One service year accounts for one and a half units of radix, the maximum of units of radix is fifty three (53) for thirty five (35) years of service. The interval of less than six months shall account for one unit of radix; the interval of more than six months shall be deemed one year of service. School faculty at the age of fifty five or more may apply for early voluntary retirement and be given five additional units of radix in the lump sum payment.

The unit of radix of pension in monthly installments shall account for double of the base salary of the employee of the same level. One service year accounts for two percent of the radix unit; the maximum of radix unit is limited to seventy percent for thirty five years of service. The interval of less than six months shall account for additional one percent; the interval of more than six months but less than a year shall be deemed one year of service.

One who applies for retirement under the age of fifty and with working capability or one who exceeds the age of sixty five and applies for extension of service shall not collect pension in the fashion of monthly installments. Nevertheless, one with academic distinction, or a professor with academic prestige and in extension of service at school of junior college level or above, or one who has applied for retirement before amendments to this Statute, or one who has been registered for extension of service is exempt from the foregoing restriction.

The standard of academic distinction for any professor who serves at school of junior college level or above referred in the preceding Paragraph shall be established by the Ministry of Education.

The fashions of pension payment regulated in Item 3 to 5 of Subparagraph 2 of Paragraph 1 shall be calculated pro rata.

Article 5-1

The personal money in lieu of kind, dependent money in lieu of kind and/or dependent support allowance for school faculty at retirement shall be paid as follows:

The pension in lump sum payment stipulated in article 5 shall include an additional month of personal money in lieu of kind for every unit of radix, plus an addition of two years dependent money in lieu of kind or dependent support allowance.

The pension in monthly installments stipulated in article 5 shall include full payment of personal money in lieu of kind, dependent money in lieu of kind and dependent support allowance.

The pension payment stipulated in Item 3 to 5 of Subparagraph 2 of Paragraph 1shall include personal money in lieu of kind, dependent money in lieu of kind and dependent support allowance in proportion to the ratio of lump sum payment and monthly installments.

Article 6

Any teacher or principal who has served for over thirty five (35) years and being in teaching position for thirty (30) years and served as teacher or principal for the last five (5) consecutive years or more with distinction shall be given additional radix unit in accordance with article 5 when claiming the pension in lump sum payment. The maximum radix shall not exceed sixty units.

For pension payment in monthly installment, the radix unit shall increase one percent every year starting from the thirty-sixth year and to the limit of seventy five percent.

Article 7

School faculty who retires due to mentally incapacity or physically disability caused by duty in accordance with Subparagraph 2 of Paragraph 1 of article 4, is excluded from the requirement of minimum five years service.

Faulty of the preceding paragraph claiming pension in lump sum payment whose service is less than five years shall be deemed as five years. For faculty claming pension in monthly installments whose service is less than twenty years shall be deemed as twenty years.

Article 8

The pension for faculty retirement shall be paid by the pension and consolation fund that is jointly contributed by the government and the faculty. The pension payment shall be guaranteed by the government.

One who retires due to injury caused by duty in accordance with article 7 shall be given additional pension payment that ought to be paid further with government budget.

Sixty five percent of the joint contribution of the fund in the preceding paragraph shall be paid by the government and thirty five percent by the faculty at the rate of eight to twelve percent of double of the faculty's base salary. Both parties shall be exempt from the joint contributing obligation after thirty five years of payment.

Any teacher or principal who serves for more than thirty five years shall continually contribute to the fund until the fortieth year. One who is not qualified for the additional pension payment in accordance with article Six, the contribution paid after the thirty-fifth year shall be returned in lump sum to the person with interests at the one year CD rate of the Bank of Taiwan.

Faculty at the age of thirty five and/or forty five who voluntarily resigns from service may apply for return of the fund payment jointly contributed by himself/herself and the government with interests at the one year CD rate of the Bank of Taiwan in lump sum.

Faculty whose resignation is not qualified for the retirement or severance or who is dishonorably dismissed from service may apply for return of the fund payment contributed by himself/herself with interests at the one year CD rate of the Bank of Taiwan in lump sum. In the event of reemployment as a faulty, the seniority of the claimed payment shall not be calculated for pension of subsequent employment.

The contribution, management and use of the fund in Paragraph 1 shall be

governed by the Statute of Civil Service Retirement and Consolation Fund Management.

Article 8-1

For faculty whose retirement is governed by the Statute, unless stipulated otherwise in the Statute, their seniority after the enactment of the Statute at February 1 of the Republic of China 85 years shall be calculated according to the exact number of months when contributions of pension and consolation fund have been lawfully made, and shall exclude any period of services when no such contributions have been lawfully made, when application for the refund of pension fund has been filed upon severance or dismissal from work, or when pension or severance payment has already been made.After the amendment and enactment of the Statute, faculty who have already had seniority from their previous positions as civil servants, military personnel , or politically appointed personnel from May 1 of the Republic of China 85 to December 31 of the Republic of China 92 , shall, upon their job transfer, have all their paid and deposited pension, including principal and interests, transferred to the designated account of pension and consolation fund before their previous seniority may be carried over.After the amendment and enactment of the Statute, faculty who may have their previous seniority from other public functions or jobs at a government-owned business carried over, the school of services, upon their job transfer, shall have the total amount of pension principal and compound interests calculated by the fund management agency concerned according to the pension contributions standard of employee of the same level, which then shall inform the school to remit the said amount to the designated pension and consolation fund account, before their previous seniority may be carried over.After the amendment and enactment of the Statute, faculty who have previously served as full-time faculty at an overseas Chinese school registered with the Overseas Chinese Affairs Commission but have not received pension or severance payment, provided that such fact has been verified with proof produced by the previous school in service and bearing stamped seal of the Overseas Chinese Affairs Commission for verification, the school of services, upon their job transfer, shall have the total amount of pension principal and compound interests calculated by the fund management agency concerned according to the pension contributions standard of employee of same level, which then shall inform the school to remit the said amount to the designated pension and consolation fund account, before their previous seniority may be carried over.Faculty have previous seniority of compulsory military services, for which no pension has been remitted upon discharge or decommission, such seniority may be carried over upon the strength of certificate of discharge issued by the Ministry of Defense or of other documents proving the decommission of said personnel. However, any seniority of compulsory military services incurred after the amendment and enactment of the Statute shall be carried over only after the school of services and the said personnel, by referring to the agreed-upon level of salary at employment, have calculated their respective pension contributions according to respective proportions stipulated in Paragraph 3 of this article of the Statute and have both paid such contributions in accordance with Paragraph 3 of this article.

According to Act of Governing the Appointment of Educators and its amendment and enactment of the relevant statutes, Teachers' Act and the other relevant laws, teacher has agreement from school for temporary transferring to private enterprises, private schools, the Executive Yuan sets up or designates an institution to handle the affairs relating to any dealings between the peoples of the Taiwan Area and the Mainland Area, incorporated foundations, to transact the length of service on a temporary transfer, s/he can begin to calculate the length of service by following the precedent of Paragraph 3 for repaying the expenses to pension and consolation fund when returning to the teaching position and paying for the salary.

The regulations of the preceding six paragraphs regarding to the standard of paying (repaying) the expenses to pension and consolation fund, term, applying procedure and other relevant matters, shall be drawn up by the fund management agency.

Article 9

The government contribution to the faculty pension for national schools shall be paid by national treasury, for provincial (municipal) schools by provincial (municipal) treasury, for county (city) schools by county (city) treasury. Due to the reorganization of the Taiwan Provincial Government as of the first date of July of 1999, the pension for faculty of the provincial schools managed by the Ministry of Education shall be paid by national treasury and not subject to the preceding paragraph.

Article 10

The right to claim the pension payment shall be revoked after five (5) years commencing from the month following retirement. In the event of force majure and such right can not be exercised, the statue of limitation shall commence on the time when it is exercisable.

Article 10-1

Teacher transacts unpaid leaves under regulations on a temporary transfer, except the civil servants temporary-transferred by the laws of appointment and promotion, during the period of temporary transfer to meet the Subparagraph 1 of Paragraph 1 of Article 4 about the stipulations of due or required for retirement, also without the conditions of Article 12 and Article 13, those teacher whose severance can be applied for within five year upon the date they reach age of 65.

The preceding person unpaid leaves on a temporary transfer, when the length of service meets Paragraph 3, 4, and 6 of Article8-1 about the stipulations of repaying the expenses to pension and consolation fund, within five year upon the date reach age of 65, s/he can ask the school before temporary-transfered to apply for repaying the expenses to pension and consolation fund for fund management agency, the person who apply to repay the expenses over 3 months from the date of age 65, should begin to count the period of service after adding the interests.

Article 11

The monthly pension installment shall be issued from the next month retirement takes effective.

Article 12

The retired faculty shall be deprived of the right to claim pension payment for any of the following conditions:

death;
deprivation of citizen rights for life
being convicted of domestic disturbance or treason
loss of citizenship of the Republic of China

Article 13

The retired faculty’s suspended right to claim pension payment shall be reinstated in the event of any of the following conditions ceases to exist:

deprivation of citizen rights remains
being reemployed as a civil servant while receiving pension in monthly installments.

Article 14

If a person who has already retired, been dismissed with a severance payment, or resigned in accordance with the provisions of this Act or any other applicable ordinance then takes a teaching or other staff position at an educational institution, that person is not required to pay back the retirement, severance, or resignation payment already received. If the person subsequently applies to retire, their years of service before their previous retirement, dismissal with a severance payment, or resignation will not be taken into account.

When an educator at a public educational institution; a civil servant; a political appointee; a public enterprise employee; a democratically elected senior official; or a member of the military forces or some other public servant who transferred to a teaching or other staff position at an

educational institution on or after 1 February 1996, in accordance with the provisions of this Act or any other ordinance has already collected a retirement (discharge), severance, or resignation (dismissal) payment, or a final settlement payment equivalent to the amount of retirement (discharge), severance, or resignation (dismissal) payment that the person would receive based on equivalent seniority, if such a person then takes or transfers to a teaching or other staff position at an educational institution, when the person subsequently applies to retire or is dismissed with a severance payment, their total seniority, comprising their seniority earned at their most recent position calculated in accordance with the provisions of this Act or any other applicable ordinance, together with the senority on the basis of which any previous retirement (discharge), severance, resignation (dismissal), or final settlement payment was made using a government budget allocation, cannot exceed the maximum calculated as stipulated in Article 5, Paragraph 2 and Paragraph 3, and in Article 21-1, Paragraph 1.

When any person referred to in the preceding paragraph who has served for 15 or more full years since taking or transferring to a position at an educational institution subsequently retires, they may receive retirement payment in accordance with the provisions of Article 5, Paragraph 1 and Paragraph 4, and the amount will be calculated based on their approved seniority at retirement. However, any seniority earned by a person after they took or transferred to such a position but before the implementation of the new pension scheme shall be calculated for that part earned in the years following their previous receipt of any retirement (discharge), severance, or final settlement payment which was made using a government budget allocation, and the retirement payment for their years of service following implementation of the new pension scheme shall be made in accordance with the pension category and calculation standards applicable to those years. The same method shall be used to calculate the seniority earned before the implementation of the new pension scheme in order to issue a severance payment to a person who is once again dismissed with a severance payment under some other ordinace.

Article 14-1

When one who receives pension in monthly installments in accordance with this Statute dies, an additional consolation payment shall be given to the dependant of the deceased.

The consolation payment in the preceding paragraph shall be calculated based on the assessed seniority of retirement and the base salary of employee of the same level when death occurs and in compliance with article 5 to determine the lump sum receivable pension amount, the balance of which deducting the claimed pension amount in monthly installments plus consolation payment equal to six radix units payable to employee of the same base salary level shall be given, likewise in the event that the balance is zero.

In the event of the dependant is the parent, the spouse or minor offspring, the consolation payment may be claimed monthly at the amount of half of the monthly pension installments instead of the lump sum payment.

In the event that one who receives pension in monthly installments dies without dependant nor will designating use of pension, the consolation payment shall be claimed by the institute previously employed as funeral expenses, the balance, if any, shall be returned to national treasury.

Article 15

The right to claim the pension payment shall not be seized, conveyed, or pledged.

Article 16

The retired faculty and the spouse and direct offspring to whom the institute last employed pays living expenses may also apply for traveling expenses base on the traveling distance to return home.

Article 17

The retirement of the accounting and personnel staff shall be subject to

the Civil Service Retirement Act.

Article 18

The following teachers and faculty member may be subject to this Statute with the exception of faculty members that are admitted as civil servants shall be subject to the Civil Service Retirement Act：.

faculty members at any public social education and academic institutes.

nursery teachers legally appointed by The Ministry of Education to teach military training or nursing courses at public or private schools.

After the Preschool Education Act takes effect, certified principals and teachers who shall be inclulded as recognized personnel by the designated government educational institutions.

The retirement pension before October 30, 2001, for nursery teachers specified in subparagraph 2 of the preceding paragraph shall be paid from the national treasury. The retirement pension after October 31, 2001, for nursery teachers specified in subparagraph 2 of the preceding paragraph shall be paid by the pension and consolation fund.

Working experiences of eligible teachers hired under Pilot Program Directions for The Non-funded Preschools Affiliated with Elementary Schools of Taiwan Provincial Government will be consolidated for their period of service when they become principals and teachers as specified in subparagraph 3 of the 1 paragraph.

The preceding paragraph will take effect on August 1, 2009.

Article 19

(deleted)

Article 20

The retirement of the foreign teacher who serves in any public middle schools or above in the R.O.C. may be subject to this Statute. The pension to the same shall be made in lump sum payment.

Article 21

The name of retired faculty shall be recorded in the faculty member name list and be invited by the principal to the school’s events of celebration.

Article 21-1

The seniority of a faculty before and after the promulgation of the amendment to this Statute shall be consolidated. The maximum seniority before the promulgation of the amendment to this Statute is thirty years in accordance with the previously promulgated provisions of this Statute.

The seniority of one who is qualified for the pension payment stipulated in article 6 before and after the promulgation of the amendment to this Statute may be up to forty years. The application of stipulation with regard to seniority shall be in the most favorable fashion to the applicant.

The seniority less than a year before the promulgation of the amendment to this Statute shall be consolidated with the seniority after the promulgation of the amendment to this Statute.

The pension for the faculty who has seniority before and after the promulgation of the amendment to this Statute shall be calculated and given in any of the following fashions:

The receivable pension for the seniority before the promulgation of the amendment to this Statute shall be paid by governments of all level with budgets in accordance with the previously promulgated provisions of this Statute.

The receivable pension for the seniority after the promulgation of the amendment to this Statute shall be paid by funds stipulated in Paragraph 2 to 4 of article 5.

In the event that the seniority of a faculty who serves before and after the promulgation of the amendment to this Statute exceeds fifteen years,

the pension payment shall be claimed in the same fashion.

In the event that an incumbent faculty whose seniority is less than fifteen years before the promulgation of the amendment to this Statute elects to retire with pension in monthly installments after the promulgation of the amendment to this Statute, a compensation payment may be given in any of the following fashions that are established based on the seniority of less than fifteen years:

A lump sum compensation payment of a half of a radix unit is given for every year of difference between the seniority and fifteen years.

A compensation payment in monthly installments of zero point five percent of a radix unit is given for every year of difference between the seniority and fifteen years.

In the event that an incumbent faculty whose seniority is less than twenty years before the promulgation of the amendment to this Statute but exceeds fifteen years in total elects to retire with pension in monthly installments after the promulgation of the amendment to this Statute, a compensation payment of a half of a radix unit is given for each six months to the maximum of three radix units for twenty years. When the seniority before and after the promulgation of the amendment to this Statute exceeds twenty years, a half of a radix unit shall be deducted for each year, no adjustment will be made in the event of twenty six years. The radix unit of adjustment shall be paid by the fund.

The pension payment in monthly installments and the consolation payment to the dependant for the retired faculty before the promulgation the amendment to this Statute shall be given in accordance with the previously promulgated provisions of this Statute.

When the dependant in the preceding paragraph is the parent, the spouse or minor offspring, the dependant may elect to receive the monthly consolation payment of a half of the pension payment in monthly installment instead of a lump sum consolation payment.

Article 22

The enforcement rules of this Statute shall be stipulated by the Ministry of Education.

Article 23

This Statute takes effect on the date of promulgation.
The promulgation date of the amendment to this Statute shall be jointly decided by the Executive Yuan and the Examination Yuan.

Data Source： Laws and Regulations Retrieving System