Content

Title：	Statute Governing the Consolation Payment to Surviving Dependents at the Death of Teachers and School Staff (Repealed) Ch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 1~22 promulgated on April 1, 1972. 4. Amendment to Articles 2,4,5,7,10,15 promulgated on January 12, 1983. 5.Amendment to Articles 4-6,10,16,20,22 , deletion of Articles 8,9 , and addition of Article 4-1 promulgated on August 2, 1996 ; dated February 1, 1996. 6.Amendment to Article16 promulgated on January 12, 2000 ;dated July 1, 1999.. 7.Amendment to Article 18 , and addition of Article 13-1 promulgated on November 18, 2009；dated November 18, 2009. 8. Repealed on April 24,2019
Content：	**Article 1** The consolation of the surviving dependents at the death of teachers and school staff shall be enforced in accordance with the Statute. **Article 2** The teachers and school staff mentioned in the Statute refer to the incumbent full-time teachers and school staff of all levels of public schools, who have been appointed in accordance with the stipulated requirements and been registered in the government agencies in charge of education administration. **Article 3** The surviving dependents are entitled to the consolation payment if one of the following conditions happens to the teachers and school staff: Died of diseases or accidents; or, Died when performing duties. **Article 4** The consolation payment to those mentioned in Subparagraph 1 of the preceding Article shall be dispensed as follows: Those who have been employed less than 15 years shall only be given the lump sum consolation payment without another annual consolation payment. The teachers and school staff shall earn 1.5 units per year; however, if the odd amount in addition to the round employed time is less than 6 months, 1 unit will be given; if the odd amount in addition to the round employed time is more than 6 months but less than 1 year, it shall be regarded as 1 year. Those who have been employed for more than 15 years will be given the annual consolation payment with 5 units per year. In addition, those who have been employed for 15 years will be given the lump sum consolation payment with 15 units; an extra 0.5 unit shall be given per year after the previous 15 years of employment. If the odd amount in addition to the round employed time is less than 6 months, it shall not be taken into account; if the odd amount in addition to the round employed time is more than 6 months but less than 1 year, it shall be regarded as 1 year. The maximum units shall be 25. At the calculation of the units, the teachers and school staff’s last basic pay at the post shall be doubled. The units of the annual consolation payment shall be given in accordance with the adjusted basic pay of the

teachers and school staff who serves in the same level school and receive the same salary.

Article 4-1

If teachers and school staff have received the “cash payment in lieu of basic necessities” for themselves and their family dependents and subsidies for their family dependents at the death, an additional “cash payment in lieu of basic necessities” and subsidies shall be dispensed as follows:

The lump sum consolation payment dispensed in accordance with Article 4 shall be added another month of “cash payment in lieu of basic necessities” for school teachers and staff per unit; another two-year “cash payment in lieu of basic necessities” and subsidies for their family dependents shall also be dispensed.

The annual consolation payment dispensed in accordance with Article 4 shall be added another “cash payment in lieu of basic necessities” for teachers and school staff and their family dependents and subsidies for their family dependents.

Article 5

Those who died when performing the duties refer to the following conditions:

Died due to risking dangers or on the battlefield in the line of duty; or,

Died due to the dangers triggered by performing functions; or,

Died due to the mishap or illness caused by doing the public errand; or,

Died due to the accidents occurred in the office.

Those mentioned in the preceding paragraph shall be given the consolation payment in accordance with Articles 4 and 4-1; an extra 25 % of lump sum consolation payment shall be given. However, an extra 50 % of the lump sum consolation payment shall be given to those who died due to risking dangers or on the battlefield in the line of duty.

Those mentioned in each subparagraph of Paragraph 1, if being employed less than 15 years, shall be regarded as being employed for 15 years. However, those mentioned in Subparagraph 1, if being employed for over 15 years but less than 35 years, shall be regarded as being employed for 35 years.

Article 6

If teachers and school staff died after being employed for over 20 years and had made a will, in which they claimed their unwillingness abide by Subparagraph 2 of Paragraph 1 of Article 4 and Article 4-1 when applying for the consolation payment, “cash payment in lieu of basic necessities” and subsidies for their family dependents, the lump sum consolation payment, “cash payment in lieu of basic necessities” and subsidies for their family dependents may be dispensed in accordance with the standard of lump sum pension of Statute Governing the Retirement of Teachers and School Staff. The same applies to the surviving dependents, whom no wills have been left for and who are not willing to abide by Subparagraph 2 of Paragraph 1 of Article 4 and Article 4-1 to apply for the consolation payment.

The lump sum consolation payment added in accordance with Paragraph 2 of the preceding Article shall be calculated pursuant to Subparagraph 2 of Paragraph 1 of Article 4 and Article 4-1.

Article 7

The amount of the lump sum consolation payment may be increased for the teachers and school staff with the national medal of honor or special achievements; the increase standards shall be reported by the Ministry of Education to Executive Yuan and ratified by Executive Yuan thereafter.

Article 8

(Repealed)

Article 9

The priority for the surviving dependents of teachers and school staff to receive the consolation payment is as follows:

Parents, spouse, children and the widowed daughter-in-law; however, only the unremarried spouse and the unremarried widowed daughter-in-law may be included.

Grandparents and grandchildren.

Brothers and sisters, who have not reached the legal age, or who have reached the legal age but cannot make a living.

The spouse's parents and grandparents with no supports.

If several people are listed in the same priority level mentioned in the preceding paragraph, the consolation payment shall be distributed evenly. When a failure to receive the consolation payment due to death, abandonment or legal matters happens, the consolation payment shall be dispensed to other surviving dependents.

If teachers and school staff had made a will before they died, stating which of the surviving dependents mentioned in Paragraph 1 shall receive the consolation payment, their will shall be abided by.

Article 10

The annual consolation payment dispensed to the surviving dependents shall be given the following month after the death of the teachers and school staff thereof. The regulations of the year limits are as follows:

Those died of illness or accidents shall be given for 10 years.

Those died when performing duties shall be given for 15 years.

However, if died due to risking dangers or on the battlefield in the line of duty, they shall be given for 20 years.

If the surviving dependents mentioned in the preceding paragraph are the parents of only son or only daughter, or the widow or widower with no children, they shall be given for their lifetime.

If the year limits mentioned in Paragraph 1 expire but the surviving children thereof are still under the legal age, the consolation payment may be dispensed continually until they reach the legal age; or if the surviving children thereof have reached the legal age but their education is not suspended, the consolation payment may be dispensed continually until their university graduation.

Article 11

If one of the following conditions occurs to the surviving dependents, their rights to receive the consolation payment shall be revoked:

Be deprived of civil rights for the lifetime; or,

Be convicted of civil strife or foreign invasion; or,

Lose the citizenship of R.O.C.

Article 12

The surviving dependents of teachers and school staff, if being deprived of their civil rights and have not been recuperated, shall be suspended from the rights to receive the consolation payment until the annulment of the causes.

Article 13

The right to apply for the consolation payment and request for receiving the consolation payment of each stage shall be valid from the following month after the incidents qualifying to apply for or request for receiving the consolation payment until five years later. If the rights to apply for or request for the consolation payment have not been exercised five years after the incidents, the rights thereof shall be extinguished. However, if the rights have not been exercised due to the force majeure, the validity of the rights may be recalculated after the matters causing the suspense extinguish.

Article 13-1

The school faculty during the period of dismission, suspension,

suspension due to the indictment,or transacting unpaid leaves according the stipulations, except being convicted of corruption, or being sentenced to a prison term for more than two year without probation, or being unpaid leaves by the civil servants temporary-transferred by the laws of appointment and promotion, with the conditions in Subparagraph 1 of Article 3 of the Statute, and his/her bereaved family members without the conditions in Article 11, may apply for consolation which stipulated in the Statute. The teacher who transacts unpaid leaves without returning to the teaching position before the age of 65, likewise in the event of the death of the school faculty within five year upon the date they reach age of 65.

Article 14

The rights to receive the consolation payment and the consolation payment not received by the surviving dependents may not be detained, transferred or used as guarantee.

Article 15

The teachers and school staff who died at the post shall be subsidized with funeral payment; the standards thereof shall be reported to Executive Yuan by the Ministry of Education and ratified by Executive Yuan.

Article 16

The seniority of teachers and school staff before and after the enforcement of the amended Statute shall be counted together and the consolation payment shall be dispensed in accordance with the amended Statute.

The consolation payment of teachers and school staff shall be disbursed from the pension fund established by the government, the teachers and school staff; the government shall guarantee to pay for the final payment. However, the consolation payment of teachers and school staff calculated from the period before the enforcement of the amended Statute shall be disbursed from the budgets of each level of government.

The payment, management and operation of the fund mentioned in the preceding paragraph shall be handled in accordance with the Statute Governing the Management of Pension Fund for Functionaries.

The additional lump sum consolation payment given to those who died due to performing duties prescribed in Article 5 shall be disbursed from the budgets of each level of government.

The consolation cases in which the death occurs before the enforcement of the amended Statute shall be handled in accordance with the regulations prescribed before the enforcement of the amended Statute.

The consolation payment for the surviving dependents shall be disbursed by the government. If the case occurs in national schools, it shall be disbursed from the state treasury; if in provincial or municipal schools, it shall be disbursed from the provincial or municipal treasury; if in county or city schools, it shall be disbursed from the county or city treasury.

For the provincial schools integrated into the Ministry of Education due to the adjustment of functions and organization of Taiwan Provincial Government since 1 July 1999, the government shall be responsible for the consolation payment of the teachers and school staff thereof and the state treasury shall disburse the consolation payment, not limited by the preceding paragraph.

Article 17

The teachers and school staff who have received the pension from other positions, when counting the seniority of the consolation payment, shall have their seniority reduced from the years they have already received the pension.

Article 18

The consolation of the staff of the public social education and academic institutes, the nursing teacher who is occupied military training nursing curriculum introduced and designated by the Ministry of Education, may

apply mutatis mutandis to the Statute.
Before the date of October 30, 2001, the consolation payment of the period of service to those nursing teachers mentioned in the preceding paragraph, should be paid by the government budget.

Article 19

(Repealed)

Article 20

Foreign teachers of R.O.C. public high schools and higher levels, if died when performing duties, may apply mutatis mutandis to the Statute; however, only the lump sum consolation payment may be given.

Article 21

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

Article 22

The Statute shall come into force as the day of promulgation.The amended articles of the Statute shall come into force after ordained by Executive Yuan along with Examination Yuan.

Data Source： Laws and Regulations Retrieving System