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** This Decree reflects only the amendments made until June 30, 2014*

ENFORCEMENT DECREE OF THE ACT ON EMPLOYMENT PROMOTION AND VOCATIONAL REHABILITATION FOR DISABLED PERSONS

Presidential Decree No. 13219, Dec. 31, 1990

Wholly Amended by Presidential Decree No. 20308, Oct. 10, 2007
Presidential Decree No. 20522, Jan. 3, 2008
Presidential Decree No. 20681, Feb. 29, 2008
Presidential Decree No. 21717, Sept. 8, 2009
Presidential Decree No. 21928, Dec. 30, 2009
Presidential Decree No. 21962, Dec. 31, 2009
Presidential Decree No. 22075, Mar. 15, 2010
Presidential Decree No. 22269, Jul. 12, 2010
Presidential Decree No. 22493, Nov. 15, 2010
Presidential Decree No. 22709, Mar. 15, 2011
Presidential Decree No. 22800, Mar. 30, 2011
Presidential Decree No. 23254, Oct. 26, 2011
Presidential Decree No. 23488, Jan. 6, 2012
Presidential Decree No. 24284, Dec. 28, 2012
Presidential Decree No. 24614, Jun. 17, 2013
Presidential Decree No. 24852, Nov. 20, 2013
Presidential Decree No. 25050, Dec. 30, 2013
Presidential Decree No. 25435, Jun. 30, 2014

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons and those necessary for the enforcement thereof.

Article 2 (Definition)

The definitions of the terms, as used herein, shall be governed by the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons (hereinafter referred to as "the Act"), the Framework Act on Employment Policy and the Employment Security Act. *<Amended by Presidential Decree No. 21928, Dec. 30, 2009>*

Article 3 (Criteria for Disabled Persons)

(1) A disabled person defined in subparagraph 1 of Article 2 of the Act refers to a person falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009>*

1. A person meeting the criteria for disabled persons specified in

- Article 2 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities; and
2. A person falling within the degree of injury specified in Article 14 (3) of the Enforcement Decree of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State.
- (2) The Minister of Employment and Labor may confirm whether a person falls under each subparagraph of paragraph (1) on the basis of any of the following materials: *<Newly Inserted by Presidential Decree No. 21962, Dec. 31, 2009, and Amended by Presidential Decree No. 22269, Jul. 12, 2010>*
1. A registration certificate for disabled person under Article 32 of the Act on Welfare of Persons with Disabilities;
 2. A certificate for person of distinguished services to the State under Article 101 of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State; or
 3. A medical report on disability under Article 32 of the Act on Welfare of Persons with Disabilities, which is issued by a medical specialist relating to the relevant type of disability, and can verify that a person falls under each subparagraph of paragraph (1).

Article 4 (Criteria for Persons with Severe Disabilities)

- (1) Persons with severe disabilities defined in subparagraph 2 of Article 2 of the Act refers to a person falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009; Presidential Decree No. 22269, Jul. 12, 2010; and Presidential Decree No. 25435, Jun. 30, 2014>*
1. Among disabled persons meeting the criteria described in Article 2 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities, a person who falls into the disability grade prescribed by the Ordinance of the Ministry of Employment and Labor or a higher grade; *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*
 2. Among disabled persons meeting the criteria described in Article 2 of the Enforcement Decree of the Welfare of Disable Persons Act, a person who falls into the disability grade that is one grade lower than that stated in subparagraph 1 and has a disability of brain lesion, visual disability, intellectual disorder, autistic disorder, mental disorder, cardiac dysfunction, respiratory dysfunction, cerebro-electrical disorder or upper limb disorder; and

3. Among those falling into the disability grade specified in Article 14 (3) of the Enforcement Decree of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State, a person who falls into the third degree of injury or higher.

(2) The Minister of Employment and Labor may confirm whether a person falls under each subparagraph of paragraph (1) on the basis of any of the following materials: *<Newly Inserted by Presidential Decree No. 21962, Dec. 31, 2009, and Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. A registration certificate for disabled person under Article 32 of the Act on Welfare of Persons with Disabilities;

2. A certificate for person of distinguished services to the State under Article 101 of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State; or

3. A medical report on disability under Article 32 of the Act on Welfare of Persons with Disabilities, which is issued by a medical specialist relating to the relevant type of disability, and can verify that a person falls under each subparagraph of paragraph (1).

Article 5 (Workers Excluded from Application)

“Any person whose fixed working hours fall short of the working hours set by the Presidential Decree” in the proviso to subparagraph 5 of Article 2 of the Act means a person whose monthly fixed working hours is less than 60 hours.

Article 6 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 7 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 8 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 9 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 10 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 11 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 12 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 13 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 14 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 15 (Support for Vocational Guidance)

(1) When conducting vocational guidance, such as job counseling, job aptitude tests and vocational skills evaluation, etc., pursuant to Article 10 (1) of the Act, the Minister of Employment and Labor and the Minister of Health and Welfare shall provide information on matters necessary for the employment and vocational rehabilitation of the disabled person concerned according to type and degree of disability. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; and Presidential Decree No. 22269, Jul. 12, 2010>*

(2) When providing loans or subsidies to those who conduct or intend to conduct vocational guidance under Article 10 (4) of the Act, the criteria therefor shall be determined and announced by the Minister of Employment and Labor, in consultation with the Minister of Health and Welfare, after taking account of the following matters: *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; and Presidential Decree No. 22269, Jul. 12, 2010>*

1. Business performance;
2. Status of available facilities and equipment;
3. Personnel exclusively for such business;
4. Disabled persons' accessibility to the facilities concerned;
- and
5. Demand for vocational guidance by disability type, etc.

Article 16 (Support for Vocational Adaptation Training for Disabled Persons)

(1) The vocational adaptation training under Article 11 (1) and (2) of the Act shall include vocational preparation training to facilitate the employment of disabled persons and other training aimed at improving their vocational skills, aside from the training specified in the Workers Vocational Skills Development Act.

(2) The curriculum, facility and equipment criteria, etc. of vocational adaptation training pursuant to paragraph (1) shall be determined and announced by the Minister of Employment and Labor, in consultation with the Minister of Health and Welfare, after considering the degree of adaptability necessary for working life based on the individual abilities of each disabled person seeking employment. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; and Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The criteria for providing loans or subsidies to a person who installs or operates or intends to install or operate a vocational adaptation training facility or training course pursuant

to Article 11 (3) of the Act to cover the required expenses shall be determined and announced by the Minister of Employment and Labor, in consultation with the Minister of Health and Welfare, after considering the following matters:

<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; and Presidential Decree No. 22269, Jul. 12, 2010>

1. Training plan;
2. Current state of training facilities, equipment, vocational training instructors, etc.; and
3. Training performance, etc.

(4) The criteria for granting training allowances under Article 11 (4) of the Act shall be determined and announced by the Minister of Employment and Labor, in consultation with the Minister of Health and Welfare, after taking consideration of the Workers Vocational Skills Development Act. *<Amended by Presidential Decree No. 22075, Mar. 15, 2010, and Presidential Decree No. 22269, Jul. 12, 2010>*

Article 17 (Promotion of Vocational Skills Development Training for Disabled Persons)

(1) The Minister of Employment and Labor may give preference to disabled persons in conducting vocational development training in the types of occupations deemed necessary for the employment promotion and vocational rehabilitation of disabled persons under Article 12 (1) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Matters concerning loans and subsidies for training expenses and support for training allowances under Article 12 (2) and (3) of the Act shall be determined and announced by the Minister of Employment and Labor in consideration of the contents, level, etc. of loans and subsidies specified in the Workers Vocational Skills Development Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 18 (Implementation of Supportive Employment and Support Therefor)

The contents of support necessary for implementing a supportive employment system under Article 13 of the Act shall include those described in the following subparagraphs, and detailed criteria for such support shall be determined and announced by the Minister of Employment and Labor in consultation with the Minister of Health and Welfare. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; and Presidential Decree No. 22269, Jul. 12, 2010>*

1. Training allowances for trainees;
2. Subsidies for employers; and
3. Allowances for vocational advisors assigned to workplaces.

Article 19 (Support for Job Placement)

(1) If a job placement facility establishes a job placement computer network pursuant to Article 15 (4) of the Act, the Minister of Employment and Labor may provide loans or subsidies for the establishment expenses required, and if a person running a free-of-charge job placement business under Article 18 of the Employment Security Act successfully places a disabled person in a job and maintains his/her employment for a set period or more, the Minister of Employment and Labor may pay necessary subsidies. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The criteria for providing loans or subsidies for the costs required to establish a job placement computer network in accordance to paragraph (1) shall be determined and announced by the Minister of Employment and Labor in consideration of the following matters: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009, and Presidential Decree No. 22269, Jul. 12, 2010>*

1. The capability of the facility concerned to exchange information on available jobs and job seekers with the Korea Employment Agency for the Disabled (hereinafter referred to as "Agency") under Article 43 of the Act; and
2. Accessibility, etc. of the facility for disabled persons seeking employment.

Article 20 (Support for Post-Employment Adaptation Guidance)

To help a disabled worker employed in a workplace to effectively adapt to his/her working environment pursuant to Article 19 (1) of the Act, the Minister of Employment and Labor and the Minister of Health and Welfare may provide guidance described in any of the following subparagraphs, and specific details of such guidance shall be determined and announced by the Minister of Employment and Labor, in consultation with the Minister of Health and Welfare. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15; 2010, and Presidential Decree No.22269, Jul. 12, 2010>*

1. Visits to the workplace and checks on working conditions;
2. Listening to and counseling on complaints by disabled persons; and
3. Support for the assignment, etc. of a sign language interpreter, etc.

Article 20-2 (Selection, etc., of Those Eligible for Personal Assistance Services)

(1) Services under Article 19-2 (1) of the Act (hereinafter referred to as "personal assistance services") shall be provided to workers with severe disabilities who, although they have the ability to perform the duties in their charge, experience difficulties in performing those duties due to their disabilities, and workers with severe disabilities specified in the following subparagraphs shall be given preference:

1. Workers with severe disabilities whose degree of disability is relatively more severe;
2. Severely disabled female workers; and
3. Workers with severe disabilities employed in small and medium enterprises under Article 2 (1) of the Framework Act on Small and Medium Enterprises.

(2) A severely disabled worker who intends to receive personal assistance services shall apply to the Minister of Employment and Labor as prescribed by the Ordinance of the Ministry of Employment and Labor.

(3) If the Minister of Employment and Labor has received an application under paragraph (2), he/she may provide personal assistance services deemed necessary for the number of hours determined by the Minister of Employment and Labor within the limits of the budget after taking into consideration the duties and abilities of the severely disabled worker concerned, and may have the severely disabled worker bear part of the required costs. *<Amended by Presidential Decree No. 24614, Jun. 17, 2013>*

(4) The Minister of Employment and Labor may, if a severely disabled worker selected as a person eligible for personal assistance services falls under any of the following subparagraphs, revoke his/her selection as a person eligible for personal assistance services and suspend the provision of personal assistance services: Provided that in the case of subparagraph (1), the Minister of Employment and Labor shall revoke his/her selection as a person eligible for personal assistance services and suspend the provision of personal assistance services:

1. Where the severely disabled worker was selected as a person eligible for personal assistance services in a false or any other fraudulent way;

2. Where provided personal assistance services are used for unintended purposes;

3. Where the severely disabled worker refuses to bear costs under paragraph (3); and

4. Where personal assistance services have become unnecessary because of changes in circumstances, such as the job transfer, dismissal, change of duties, etc., of the severely disabled worker receiving personal assistance services.

(5) Except as provided in this Decree, matters necessary for the provision of personal assistance services, such as the procedures for selection of those eligible for personal assistance services, etc., shall be determined by the Minister of Employment and Labor.

<This Article Newly Inserted by Presidential Decree No. 22709, Mar. 15, 2011>

Article 21 (Criteria for Support for Employers Employing Disabled Persons, etc)

(1) In determining whether to provide a loan or subsidy to an employer who employs or intends to employ disabled persons or to an employer who establishes and operates or intends to establish and operate a standard workplace for disabled persons pursuant to Article 21 (1) of the Act and Article 22 of the Act, the amount of such loan or subsidy, etc., the Minister of Employment and Labor shall take into consideration the following matters: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 23254, Oct. 26, 2011>*

1. Employment ratio of disabled persons;

2. Whether it is possible to employ disabled persons;

3. Validity of the information provided in the application for such loan or subsidy;

4. Ability to repay loans; and

5. Deleted. *<Presidential Decree No. 23254, Oct. 26, 2011>*

(2) An employer eligible to be provided with work-related assistive technology devices, equipment, etc., shall be an employer with disabilities who employs no worker or fewer than four workers at the time of applying for such support and employs or intends to employ disabled persons. *<Newly Inserted by Presidential Decree No. 23254, Oct. 26, 2011>*

(3) Necessary matters concerning the procedures, etc., for providing a loan or subsidy to an employer employing disabled persons, other than those provided for in paragraphs (1) and (2),

shall be determined by the Minister of Employment and Labor.
<Newly Inserted by Presidential Decree No. 23254, Oct. 26, 2011>

Article 21-2 (Criteria for Actual Control of Standard Workplace for Disabled Persons)

“Actually controlling a standard workplace for disabled persons in terms of the criteria prescribed by the Presidential Decree” under Article 22 (3) means holding more than 50/100 of the total number of stocks issued by or total amount invested in the relevant standard workplace for disabled persons.

<This Article Newly Inserted by Presidential Decree No. 20522, Jan. 3, 2008>

Article 21-3 Deleted. <Presidential Decree No. 24614, Jun. 17, 2013>

Article 21-4 (Publication of Criteria for Supporting Standard Workplace for Disabled Persons)

An employer who intends to support a standard workplace for disabled persons pursuant to Article 22-2 of the Act shall make public reasonable criteria for supporting the standard workplace for disabled person, such as support targets and methods, before providing such support, through the media, such as newspapers and broadcasts, or the internet homepage, etc.

<This Article Newly Inserted by Presidential Decree No. 24614, Jun. 17, 2013>

Article 21-5 (Submission of Purchase Plan, etc., for Products of Standard Workplaces of Disabled Persons)

(1) The head of a public institution under subparagraph 2 of Article 2 of the Act on Facilitation of Purchase of Small and Medium Enterprise-Manufactured Products and Support for Development of Their Markets shall submit a purchase plan for products of standard workplaces for disabled persons for the relevant year and purchase records for the previous year to the Minister of Employment and Labor by the last day of every February pursuant to Article 22-3 (2).

(2) Necessary matters concerning the submission of a purchase plan and purchase records pertaining to products of standard workplaces for disabled persons under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Newly Inserted by Presidential Decree No. 24614, Jun. 17, 2013>

Article 22 (Selection and Preferential Treatment of Excellent Employers who Employ Disabled Persons)

(1) When deemed necessary for the selection of excellent employers who employ disabled persons pursuant to Article 24 (1) of the Act, the Minister of Employment and Labor may request the Special Metropolitan City Mayor, a Metropolitan City Mayor or a Provincial Governor (hereinafter referred to as "Mayor/Provincial Governor") to recommend such employers. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The criteria for the selection and preferential treatment of excellent employers under Article 24 (2) of the Act shall be determined and announced by the Minister of Employment and Labor in consideration of the employment ratio of disabled persons, the number of disabled persons employed, size of business, etc. In such cases, additional points may be given for persons with severe disabilities and disabled females. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 23 (Submission of Plan, etc. for Employment of Disabled Public Officials)

(1) "The heads of State agencies prescribed by the Presidential Decree" in Article 27 (6) 1 of the Act refers to any of the following heads of State agencies:

1. The Secretary-General of the National Assembly, the Minister of National Court Administration, the Secretary-General of the Constitutional Court and the Secretary-General of the National Election Commission;

2. The heads of State agencies under subparagraph 3 A of Article 2 of the Decree on the Appointment of Public Officials.

(2) The head of an institution under each subparagraph of Article 27 (6) of the Act shall submit to the Minister of Employment and Labor a report on the implementation of the plan for employment of disabled public officials for the previous year and an employment plan for the relevant year by January 31st of every year and a report on the first half-yearly implementation of the employment plan for the relevant year by July 31st of the relevant year.

<This Article Wholly Amended by Presidential Decree No. 24614, Jun. 17, 2013>

Article 24 (Estimation, etc. of Value of Construction Work)

(1) The value of construction work in the construction business under Article 28 (1) of the Act shall be equal to the value of total construction work minus the value of construction

work which is legally subcontracted under the Framework Act on the Construction Industry or other relevant Acts and subordinate statutes.

(2) For the construction business in which the number of workers is difficult to identify pursuant to Article 28 (1) of the Act, the total number of workers shall be a number calculated according to the following formula (any fraction less than one shall be discarded): *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

$$\frac{\text{The value of construction work under paragraph (1)}}{\text{The amount determined and announced by the Minister of Employment and Labor pursuant to Article 28 (1) of the Act}} \times 50 \text{ persons}$$

(3) In applying Article 28 (1) of the Act, the number of workers ordinarily employed shall be calculated by dividing the total number of workers employed for 16 days or more (referring to cases where the number of days in the payroll period is 16 days or more) each month of the relevant year by the number of working months (the months in which the number of working days is less than 16 shall not be counted) in the same year. In such cases, for businesses that manage common housings under the Housing Act, the number of workers ordinarily employed shall be calculated on a workplace basis.

Article 25 (Mandatory Employment Ratio for Employers)

The mandatory employment ratio of ordinarily employed disabled workers, applicable to employers who have the obligation to employ disabled persons pursuant to Article 28 (1) of the Act, is as follows: Provided that if an employer directly establishes and operates a vocational rehabilitation facility for disabled persons under Article 9 (2) 3 of the Act, disabled workers in such a facility shall be included in the number of disabled workers the employer is obligated to employ: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009>*

1. Mandatory employment ratio relating to the obligation to establish a plan for employment of disabled persons under Article 29 (3) of the Act, obligation to employ disabled persons and contributory charges concerning employment of disabled persons under Article 33 of the Act:

- A. From January 1, 2010 to December 31, 2011: 23/1,000
- B. From January 1, 2012 to December 31, 2013: 25/1,000
- C. 2014 and beyond: 27/1,000

2. Mandatory employment ratio relating to subsidy for employing disabled persons under Article 30 of the Act: 27/1,000

Article 26 (Employment Ratio, etc. of Specific Disabled Persons)

Pursuant to Article 28 (2) of the Act, types of jobs deemed suitable for specific disabled persons and the scope and employment ratio of such disabled persons are provided for in the attached Table 1.

Article 26-2 (Persons with Severe Disabilities Excluded from Special Case concerning Calculation of Number of Disabled Persons Employed)

"persons with severe disabilities whose contractual working hours are less than what is prescribed by the Presidential Decree" in the proviso to Article 28-3 of the Act refers to persons with severe disabilities whose contractual working hours are less than 60 hours a month.

<This Article Newly Inserted by Presidential Decree No.21962, Dec. 31, 2009>

Article 27 (Submission of Plan, etc., for Employment of Disabled Persons, etc.)

Pursuant to Article 29 (1) of the Act, the Minister of Employment and Labor may require an employer obligated to employ disabled persons under Article 28 (1) of the Act to submit a report on implementation of a plan for employment of disabled public officials for the previous year and an employment plan for the current year by January 31st and a report on first half-yearly implementation of an employment plan for the current year by July 31st, as prescribed by the Ordinance of the Ministry of Employment and Labor.
<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 23254, Oct. 26, 2011>

<This Article Wholly Amended by Presidential Decree No. 20522, Jan. 3, 2008>

Article 28 (Payment of Employment Subsidies)

An employer who intends to receive an employment subsidy pursuant to Article 30 (1) of the Act shall apply for such subsidy to the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor.
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 29 (Restrictions on Payment of Employment Subsidies)

If an employer has received a grant or subsidy under any of the following Acts as disabled workers employed by him/her are subject to the payment of such grant or subsidy, he/she shall not be paid any grant under this Act during the duration of such grant or subsidy pursuant to Article 30 (4) of the Act: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009>*

1. Employment Insurance Act;
2. Industrial Accident Compensation Insurance Act; and
3. Social Enterprise Promotion Act.

Article 30 (Order, etc. to Return Undue Benefits or Other Payments)

(1) If a decision has been made to collect an employment subsidy or collect an additional amount pursuant to Article 31 (1) of the Act, the person liable for such payment shall be notified, without delay, of the payment of the amount.

(2) A person who has received a notification pursuant to paragraph (1) shall pay the amount due within 30 days of the date on which the notification is received.

Article 31 (Report, etc. of Fraudulent Recipients of Employment Subsidies)

(1) A person who intends to report a person (hereinafter referred to as "fraudulent recipient") who has received an employment subsidy under Article 32 of the Act by any false or other fraudulent means shall make that report to a local employment and labor office or the Agency as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) An investigating authority shall inform, without delay, the Agency of any report it has received regarding a fraudulent recipient of employment subsidy pursuant to Article 32 of the Act.

(3) If a person who has reported or accused a fraudulent recipient of employment subsidy under Article 32 of the Act intends to receive a reward (hereinafter referred to as "reward") under the same Article, he/she shall request a reward to the Minister of Employment and Labor as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 32 (Criteria for Payment of Rewards)

A reward shall be paid by the Minister of Employment and Labor in accordance with the following criteria and shall not exceed ten million won. In such cases, the amount below the one thousand won unit of the estimated reward shall not be paid.

<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. Where the amount of the employment subsidy received by any false or other fraudulent means (hereinafter referred to as "fraudulently received amount" in this Article) is 100 million won or more: 6 million won + (fraudulently received amount in excess of 100 million won \times 3/100);
2. Where the fraudulently received amount is 20 million won or more but less than 100 million won: 2 million won + (fraudulently received amount in excess of 20 million won \times 5/100); and
3. Where the fraudulently received amount is less than 20 million won: fraudulently received amount \times 10/100.

Article 33 (Deadline for Report or Accusation)

A reward shall be paid only for reports or accusations that are made within three years from the date on which the fraudulent recipient receives the employment subsidy.

Article 34 (Payment of Rewards Upon Concurrent Reports or Accusations)

(1) If two or more persons report or accuse the same fraudulent receipt of an employment subsidy, such reports or accusations shall be regarded as a single report or accusation in calculating rewards.

(2) In the case of paragraph (1), the reward shall be properly divided among the informers in consideration of the extent to which each informer contributes to the finding of the fraudulent receipt, and so on, but if the persons entitled to the reward have agreed in advance on the division of the reward, then such reward shall be paid as agreed upon.

Article 35 (Timing of Payment of Rewards)

A reward shall be paid after end of the objection period after the fraudulent recipient is notified of the collection of undue benefits (including the collection of additional amounts; hereinafter the same shall apply in this Article) under Article 31 (1) of the Act or after confirmation of the decision to collect undue benefits following conclusion of the objection procedure.

Article 36 (Payment, etc. of Contributory Charges Concerning Employment of Disabled Persons)

(1) Employers shall, pursuant to Article 33 (1) and (5) of the Act, report and pay contributory charges concerning

employment of disabled persons (hereinafter referred to as "contributory charges") for the relevant year to the Minister of Employment and Labor by filing a report that contains the following matters: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009 and Presidential Decree No. 22269, Jul. 12, 2010>*

1. Name of the employer and name and location of the workplace;
 2. Number of workers employed for 16 days or longer each month of the relevant year and number of disabled workers employed for 16 days or longer each month of the relevant year (referring to each month following the month containing the commencement date of business if business commences in the middle of the relevant year, and each month preceding the month containing the closure date of business if business is closed in the middle of the relevant year);
 3. Amount of contributory charges for the relevant year and a list of monthly payments (If no contributory charges are due, this shall be specified);and
 4. Other matters determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*
- (2) The report specified in paragraph (1) shall be accompanied by documents that can prove that the disabled workers of the workplace concerned meet the criteria for disabled persons under this Decree.
- (3) The Minister of Employment and Labor shall give a payment period of 10 days or longer when collecting contributory charges or additional charges pursuant to Article 33 (6) and (7) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 37 (Notice of Refund of Contributory Charges)

The Minister of Employment and Labor shall notify, without delay, an employer of any overpayment or erroneous payment of contributory charges pursuant to Article 33 (7) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 38 (Payment of Contributory Charges in Installments)

- (1) Payment of contributory charges in installments under Article 33 (8) of the Act shall be limited to cases where the contributory charges to be paid for the relevant year amount to one million won or more.
- (2) When paying contributory charges in installments pursuant to paragraph (1), the employer shall divide the

amount into four equal quarterly installments per year and pay the first installment by January 31st, second installment by April 30th, third installment by July 31st and fourth installment by October 31st. *<Amended by Presidential Decree No. 23254, Oct. 26, 2011>*

(3) A person who intends to pay contributory charges in installments pursuant to paragraphs (1) and (2) shall submit to the Minister of Employment and Labor an application for payment of contributory charges in installments prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) "Amount prescribed by the Presidential Decree" in the latter part of Article 33 (8) of the Act shall be 3/100 of the amount of contributory charges.

Article 39 (Appropriation and Refund of Overpayment or Erroneous Payment of Contributory Charges, etc.)

(1) "The order prescribed by the Presidential Decree" in Article 34 of the Act means the order set forth in the following subparagraphs: In such cases, if there are two or more contributory charges or other charges falling into the same priority category in the order, then the one due on an earlier date shall take priority:

1. Fees associated with the disposition on default under Article 37 of the Act;
2. Arrears under Article 35 (2) of the Act;
3. Additional charges under Article 35 (1) of the Act; and
4. Contributory charges under Article 33 of the Act.

(2) If when paying contributory charges or other charges, an employer is entitled to receive an employment subsidy under Article 30 of the Act or a refund under Article 33 (7) of the Act, he/she may request the Minister of Employment and Labor to appropriate such subsidy or refund for the payment of the contributory charges or other charges under Article 34 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) If the Minister of Employment and Labor intends to appropriate any employment subsidy or overpaid or erroneously paid contributory charges, etc. for the payment of contributory charges or other charges or to refund the balance thereof pursuant to Article 34 of the Act, he/she shall inform the employer of this. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 40 (Collection of Arrears)

(1) If a person obligated to pay contributory charges fails to pay such contributory charges until the payment deadline, the Minister of Employment and Labor shall collect arrears equivalent to 12/1000 of the overdue amount and additionally collect arrears equivalent to 12/1000 of the overdue amount each month after end of the payment deadline pursuant to Article 35 (2) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) If the period during which arrears are imposed pursuant to paragraph (1) exceeds 36 months, the period of imposition of arrears shall be 36 months.

Article 41 (Exceptions to Collection of Additional Charges and Arrears)

(1) Additional charges under Article 35 (1) of the Act shall be exempted in any of the following cases pursuant to Article 35 (3) of the Act: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Where the amount of additional charges is less than 3000 won;
2. Where the Minister of Employment and Labor deems that there is a natural disaster or any other unavoidable circumstance.

(2) Arrears under Article 35 (2) of the Act shall be exempted in any of the following cases pursuant to Article 35 (3) of the Act: *<Amended by Presidential Decree No. 20522, Jan. 3, 2008 and Presidential Decree No. 22269, Jul. 12, 2010>*

1. Where the amount of arrears is less than 3000 won;
2. Where the payment is urged through the sending of a public notice because the address, residence, place of business or office of the obligor is unknown; or
3. Where there is suspension of collection pursuant to Article 140 of Debtor Rehabilitation and Bankruptcy Act
4. Where the Minister of Employment and Labor deems that there is a natural disaster or any other unavoidable circumstance.

Article 42 (Order of Priority in Collection of Overdue Charges)

If contributory charges or other charges are collected in accordance with the disposition on default under Article 37 (3) of the Act, Article 39 (1) shall apply mutatis mutandis with respect to the order in which such contributory charges or other charges are to be collected.

Article 43 (Request, etc. for Vicarious Execution of Public Sale)

(1) If the Minister of Employment and Labor requests the Korea Asset Management Corporation to execute a public sale of seized property vicariously pursuant to Article 37 (4) of the Act, he/she shall send the Korea Asset Management Corporation a request form specifying the following matters;
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. Name, address and residence of the defaulter;
2. Type, quantity, quality and location of the property to be sold at a public sale;
3. Detailed list and payment deadline of contributory charges and other charges related to the seizure; and
4. Other matters necessary for executing a public sale of the seized property vicariously.

(2) In the case of requesting the vicarious execution of a public sale pursuant to paragraph (1), the Minister of Employment and Labor shall notify the following persons of it:
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. Defaulter;
2. Owner of the collateral;
3. Any person who holds the right to lease on a deposit basis, right of pledge, mortgage or other rights over the relevant property; and
4. Person who keeps the seized property in his/her custody.

Article 44 (Transfer of Seized Property)

(1) In the case of requesting the vicarious execution of a public sale pursuant to Article 43 (1) of the Act, the Minister of Employment and Labor may transfer the seized property in the possession of the Agency or placed under the custody of a third party to the Korea Asset Management Corporation: Provided that the transfer of the property kept in the custody of a third party may be done by handing over the certificate of custody of the property concerned. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) Upon receiving a seized property pursuant to paragraph (1), the Korea Asset Management Corporation shall issue a certificate of transfer.

Article 45 (Request to Terminate Vicarious Execution of Public Sale)

(1) The Korea Asset Management Corporation may, if property is not purchased at a public sale for two years from the date of receiving a request for the vicarious execution of a

public sale, request the Minister of Employment and Labor to terminate the request for the vicarious execution of a public sale of the relevant property. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) If receiving a request for termination pursuant to paragraph (1), the Minister of Employment and Labor shall comply with such request except in special circumstances. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 46 (Details Concerning Vicarious Execution of Public Sales)

Except as otherwise provided in this Decree, necessary matters concerning public sales executed vicariously by the Korea Asset Management Corporation pursuant to Article 37 (4) of the Act shall be determined by the Minister of Employment and Labor in consultation with the Korea Asset Management Corporation.

<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 47 (Disposal of Deficits of Contributory Charges or Other Charges)

(1) The disposal of deficits under subparagraph 3 of Article 42 of the Act shall be authorized in the following circumstances: *<Amended by Presidential Decree No. 20522, Jan. 3, 2008>*

1. Where the whereabouts of the defaulter is unknown or where the defaulter is found to have no property;
2. Where the execution of the disposition on default is suspended as the estimated value of the total property subject to the disposition on default is less than fees associated with the disposition on default;
3. Where the execution of the disposition on default is suspended as there is no possibility that anything is left after the total property subject to the disposition on default is appropriated to pay debts, such as national and local taxes, etc., that take precedence over contributory charges or other charges; and
4. Where the delinquent company has been exempted from the obligation to pay contributory charges, etc. pursuant to Article 251 of the Debtor Rehabilitation and Bankruptcy Act.

(2) Where the disposal of deficits is to be carried out pursuant to subparagraph 1 of paragraph (1), the Minister of Employment and Labor shall inquire with the district tax office or local government agency to investigate and verify the whereabouts of the defaulter and the status of his/her property: Provided that this

shall not apply if the delinquent amount is less than 100,000 won. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) When another property that can be seized is found after the disposal of deficits under paragraph (1), the Minister of Employment and Labor shall cancel the disposition without delay and deliver another disposition on default. *<Newly Inserted by Presidential Decree No. 20522, Jan. 3, 2008 and Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 48 (Approval for Establishment of Branch Office)

If the Agency intends to obtain approval for establishment of a branch office pursuant to Article 45 (2) of the Act, it shall submit to the Minister of Employment and Labor an application for such approval that contains the following matters; *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Name;
2. Location;
3. Purpose of establishment;
4. Planned date of establishment;
5. Organization and fixed number of employees; and
6. Business description.

Article 49 (Registration for Establishment)

The following matters shall be registered for the establishment of Agency pursuant to Article 46 of the Act:

1. Purpose;
2. Name;
3. Location of the principal and branch offices;
4. Location of its affiliated organizations under Article 55 of the Act;
5. Name and address of officers;
6. Total value of assets; and
7. Notice method.

Article 50 (Registration for Establishment of Branch Office)

(1) If the Agency establishes a branch office (including affiliated organizations under Article 55 of the Act; hereinafter the same shall apply) pursuant to Article 45 (2) of the Act, it shall register in accordance with the following classification:

1. Area where the principal office is located: the name and location of the newly established branch office shall be registered within three weeks of the establishment: Provided that if the Agency and its branch office are established at the same time, the establishment of the

- branch office shall be registered when the establishment of the Agency is registered;
2. Area where the newly established branch office is located: matters prescribed in each subparagraph of Article 49 shall be registered within three weeks of the establishment; and
 3. Area where an existing branch office is located: the name and location of the newly established branch office shall be registered within three weeks of the establishment.
- (2) If a new branch office is established within the jurisdiction of a registration office that has jurisdiction over the principal office or an existing branch office, only the name and location of the new branch office shall be registered within three weeks of establishment.

Article 51 (Registration of Transfer)

- (1) If the Agency transfers its principal or branch office to the jurisdiction of a different registration office, it shall register the new location and date of transfer within two weeks at the previous location, and the matters described in each subparagraph of Article 49 within three weeks at the new location.
- (2) If the Agency transfers its principal or branch office within the jurisdiction of the same registration office, it shall register the new location and date of transfer within three weeks.

Article 52 (Registration of Change)

If any change is made to matters described in each subparagraph of Article 49, the Agency shall register such change within two weeks at the location of its principal office and within three weeks at the location of its branch office.

Article 53 (Documents to Be Attached to Registration Application)

When applying for registration according to this Decree, the following documents shall be attached to the application;
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. Registration for establishment under Article 49: articles of incorporation of the Agency;
2. Registration for establishment of branch offices under Article 50: approval of the establishment of branch offices from the Minister of Employment and Labor;
3. Registration for transfer under Article 51: documents proving the transfer of principal or branch offices; or
4. Registration for changes under Article 52: documents proving the changes concerned.

Article 54 (Estimation of Registration Period)

When matters regarding registration under this Decree require authorization or approval from the Minister of Employment and Labor, the registration period shall be counted from the date on which such certificate of authorization or approval is received.
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 55 (Officers)

(1) The ex officio non-standing directors of the Agency shall be appointed by the head of the relevant institution from among public officials of Grade III (including public officials in special services and fixed-term public officials equivalent thereto) in the Ministry of Strategy and Finance, Ministry of Health and Welfare, and Ministry of Employment and Labor or public officials who are involved in duties relating to disabled persons and members of the senior civil service. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008; Presidential Decree No. 21962, Dec. 31, 2009; Presidential Decree No. 22709, Mar. 15, 2010; Presidential Decree No. 22269, Jul. 12, 2010; and Presidential Decree No. 24852, Nov. 20, 2013>*

(2) Those with extensive knowledge and experience with disabled persons shall become non-standing directors, other than ex officio non-standing directors, of the Agency. *<Amended by Presidential Decree No. 21962, Dec. 31, 2009>*

Article 56 (Advisory Committee and Support Committee)

(1) The Agency may establish an Advisory Committee to seek advice on its major business regarding employment promotion and vocational rehabilitation for disabled persons.

(2) The Agency may establish a Support Committee to efficiently conduct its business and ensure effective cooperation with relevant institutions.

(3) Matters necessary for the composition, operation, etc. of the Advisory Committee and the Support Committee under paragraph (1) and (2), respectively, shall be determined by the articles of incorporation of the Agency.

Article 57 (Disposal, etc. of Major Property)

The Agency shall obtain approval from the Minister of Employment and Labor before delegating, acquiring, leasing, exchanging, or offering as collaterals, any property specified in the following subparagraphs: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Any land, forest and building of the Agency;
2. Educational facilities, diagnosis and checkup equipment, and other relevant major equipment; or
3. Other property that may critically contribute to the increase or decrease of the Agency's property.

Article 58 (Application for Approval for Borrowing of Funds)

If the Agency intends to obtain approval for borrowing of funds pursuant to Article 57 of the Act, it shall submit to the Minister of Employment and Labor an application for such approval that contains the following matters: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Purpose of loan;
2. Lender;
3. Amount of loan;
4. Conditions of loan;
5. Method and duration of repayment; and
6. Other matters necessary for loans and repayment thereof.

Article 59 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 60 Deleted. *<Presidential Decree No. 21962, Dec. 31, 2009>*

Article 61 (Submission of Settlement of Revenue and Expenditure Accounts)

When submitting the settlement of revenue and expenditure accounts each business year to the Minister of Employment and Labor pursuant to Article 61 of the Act, the Agency shall attach the following documents: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Business plan of the relevant year and a comparison of the cash flow plan and the actual results of its execution of the relevant year;
2. Income statements and balance sheet of the relevant year;
3. Statements from the Agency's auditor and a certified public accountant designated by the Minister of Employment and Labor; and
4. Other reference documents that can verify the settlement of accounts.

Article 62 (Application for Permission for Establishment of Management Organization)

If the Agency intends to establish a management organization after obtaining permission from the Minister of Employment and Labor pursuant to Article 64 (2) of the Act, it

shall submit to the Minister of Employment and Labor a application for such permission that contains the following matters: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Needs to establish a management organization;
2. Business overview; and
3. Other matters necessary for the establishment of the management organization.

Article 63 (Approval of Internal Regulations)

If the Agency intends to establish or amend any internal regulations on the following matters, it shall obtain approval from the Minister of Employment and Labor: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Matters concerning the organization and fixed number of employees of the Agency;
2. Matters concerning the accounting and management of properties and goods;
3. Matters concerning the remuneration and service of officers and employees;
4. Matters concerning the business delegated to the Agency under Article 82 (2); and
5. Other matters critical to the operation of the Agency.

Article 64 (Supervision)

A public official inspecting the books, documents and other belongings of the Agency pursuant to Article 65 of the Act shall carry a certificate indicating his/her authority and produce such certificate to a relevant person.

Article 65 (Government Contributions)

(1) If the government intends to contribute to the Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons (hereinafter referred to as "Fund") under Article 68 of the Act or to pay from the Fund the expenses required for the Agency to perform its business pursuant to Article 69 (1) 1 and subparagraph 1 of Article 71 of the Act, the Minister of Employment and Labor shall make that contribution or payment by reflecting it in the budget or the Fund management plan under Article 70. *<Amended by Presidential Decree No. 21962, Dec. 31, 2009 and Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The Minister of Employment and Labor shall, if the budget or fund management plan under paragraph (1) is confirmed, notify the Agency of such confirmation. *<Amended by*

Presidential Decree No. 22269, Jul. 12, 2010>

(3) If the Agency intends to receive the expenses required to perform its business, it shall submit to the Minister of Employment and Labor an application for payment of business expenses along with a quarterly business plan and a quarterly budget execution plan. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Upon receipt of an application under paragraph (3), if the quarterly business plan and quarterly budget execution plan are deemed reasonable, the Minister of Employment and Labor shall pay the expenses required for the Agency to perform its business accordingly. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 66 (Contributions, etc. from Persons Other Than Government)

If a person other than the government intends to make any contribution or donation pursuant to Article 69 (1) 1 of the Act, the Minister of Employment and Labor may determine the method, etc. of contribution or donation in consultation with the person. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 67 (Usage of Fund)

Pursuant to subparagraph 14 of Article 71, the Fund may cover costs and expenses for the following subparagraphs:

1. Supportive employment projects under Article 18;
2. Management and operation of the Fund; and
3. Projects delegated to the Governors of Cities and Provinces or entrusted to the Agency under Article 82 of the Act.

Article 68 (Entrustment of Fund Payments)

The Minister of Employment and Labor may entrust any financial institution or postal service agency under the Banking Act or other relevant Acts and subordinate statutes to perform duties concerning the provision of loans, support or subsidies by the Fund. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 69 (Operation and Management of Fund)

(1) The accounting of the Fund shall be based on generally accepted accounting principles.

(2) Any surplus left after the settlement of the Fund may be put into reserves of the Fund.

(3) Matters necessary for the management of the reserves or amount left after expenditures shall be determined by the

Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) "The level prescribed by the Presidential Decree" in Article 72 (3) of the Act means the rate of return determined by the Minister of Employment and Labor in consideration of interest rates on 1-year fixed deposits in banks with nationwide operations, among banks authorized under the Banking Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 22493, Nov. 15, 2010>*

(5) "Any other person prescribed by the Presidential Decree" in Article 72 (3) 3 of the Act means State or a local government.

Article 70 (Fund Management Plan)

(1) The Minister of Employment and Labor shall establish a fund management plan containing the following matters: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Matters concerning revenue and expenditure of the Fund;
2. Matters concerning the business plan, plan on actions incurring expenditures and funding plan of the relevant year;
3. Matters concerning the handling of the balance carried forward from the previous year;
4. Matters concerning fund reserves; and
5. Other matters necessary for the management of the Fund.

(2) When a fund management plan under paragraph (1) is drawn up, the quarterly plan on actions incurring expenditures and monthly funding plan shall be determined in consultation with the Minister of Strategy and Finance. The same shall apply to cases where any modification is made to such plans. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008>*

Article 71 (Fund Management Assistants)

The Minister of Employment and Labor may, if deemed necessary for the effective management of the Fund, assign fund management assistants to aid the accounting agency of the Fund under Article 73 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

Article 72 (Fund Account)

The Minister of Employment and Labor shall establish an Employment Promotion and Vocational Rehabilitation Fund Account for Disabled Persons (hereinafter referred to as "Fund Account") in the Bank of Korea in which the revenues of the

Fund is separated from the expenditures thereof in order to clarify the revenues and expenditures of the Fund.

<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 73 (Procedure for Receipt of Fund Revenues)

(1) If the fund revenue collection officer intends to collect fund revenues, he/she shall notify the person responsible for the payment to make such payments into the Fund Account.

(2) Upon receiving fund revenues, the Bank of Korea shall issue a receipt to the payer and send, without delay, a notice of receipt to the fund revenue collection officer.

(3) The Bank of Korea shall place the fund revenues received pursuant to paragraph (2) in the Fund Account established in its principal office in accordance with the procedure for handling national funds.

Article 74 (Procedure for Fund Expenditure)

(1) If the fund financial officer has taken an action incurring expenditures, he/she shall send documents related to such action to the fund disbursing officer.

(2) If, after the fund financial officer has taken an action incurring expenditures, any amount is left undisbursed in the relevant fiscal year for an inevitable reason, it may be carried forward to the following fiscal year and then be disbursed.

Article 75 (Assignment of Limit on Amount Subject to Actions Incurring Expenditures)

(1) The Minister of Employment and Labor shall assign a quarterly limit on the amount subject to actions incurring expenditures to each fund financial officer within the scope of the quarterly plan on actions incurring expenditures under Article 70. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) When a quarterly limit on the amount subject to actions incurring expenditures is assigned pursuant to paragraph (1), the Minister of Employment and Labor shall notify the fund financial officer concerned and the Minister of Strategy and Finance of such limit. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008 and Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The fund financial officer shall be prohibited from taking an action incurring expenditures in excess of the limit assigned pursuant to paragraph (1).

Article 76 (Assignment of Fund Expenditure Limit)

(1) The Minister of Employment and Labor shall assign a

monthly expenditure limit to each fund disbursing officer within the scope of the monthly funding plan under Article 70.
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) When a monthly expenditure limit is assigned pursuant to paragraph (1), the Minister of Employment and Labor shall notify the Governor of the Bank of Korea of such limit.
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 77 (Report of Fund Management Status)

The Minister of Employment and Labor may determine the matters to be reported with respect to the management and operation of the Fund. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

Article 78 (Report of Fund Settlements)

The Minister of Employment and Labor shall draft an annual report on Fund settlements, to which the following documents regarding settlements of the Fund are attached, and file the report with the Minister of Strategy and Finance no later than 60 days following the end of the fiscal year of the Fund.
<Amended by Presidential Decree No. 20681, Feb. 29, 2008 and Presidential Decree No. 22269, Jul. 12, 2010>

1. General status of the Fund;
2. Overview of settlements;
3. A comparison of the fund management plan and its actual results;
4. Statement of revenues and expenditures;
5. Statement of loan status;
6. Statement of property status; and
7. Statement of the annual status of financial resources provided to the Fund.

Article 79 (Application Mutatis Mutandis of Other Acts and Subordinate Statutes)

With regard to the operation and management of the Fund, Acts and subordinate statutes concerning budget and accounting shall apply mutatis mutandis to matters not provided for in the Act and this Decree.

Article 80 (Assignment of Counsellor for Working Life of Disabled Persons)

(1) Employers required to employ counsellors for working life of disabled persons (hereinafter referred to as "counselor") pursuant to Article 75 (2) of the Act are those ordinarily employing

10 or more disabled workers: Provided that an employer ordinarily employing less than 10 disabled workers may employ a counselor in consideration of the characteristics of each type of disability, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Any employer required to employ a counselor shall assign a counselor within 90 days from the date on which such circumstances arise.

Article 81 (Support for Expenses)

The State and local governments may, pursuant to Article 78 of the Act, provide employers and rehabilitation institutes that conduct any of the following projects and other organizations involved in welfare facilities for disabled persons which carry out the work of promoting the employment of disabled persons, with all or part of the expenses within the budgetary limit:

1. Employment promotion and vocational rehabilitation projects for disabled persons;
2. Surveys, research, publicity campaigns and various contests aimed at employment promotion for disabled persons;
3. Other projects deemed necessary by the head of a State agency or a local government for the employment promotion and vocational rehabilitation of disabled persons.

Article 81-2 (Request, etc., for Provision of Materials)

"Relevant electronic networks or materials prescribed by the Presidential Decree" in Article 81 (1) and (2) of the Act refers to any of the following electronic networks or materials:

1. Electronic networks or materials concerning wage and salary incomes under Article 20 of the Income Tax Act, such as a report on the status of tax withholding, a book of wage and salary income taxes withheld for each income earner and a statement on wage and salary payment for daily workers;
2. Electronic networks or materials concerning property, such as a certified copy of the land and building register, a certified copy of the farmland register, a certified copy of the motor vehicle and construction machinery register and a certified copy of the ship register;
3. Electronic networks or materials concerning the collection of insurance premiums, delinquency in payment, etc., under the National Health Insurance Act and the National Pension Act;

and

4. Electronic networks or materials concerning registration of disabled persons and disability grades, immigration control, resident registration, corporate registration, family relation registration, etc.

<This Article Newly Inserted by Presidential Decree No. 24614, Jun. 17, 2013>

Article 82 (Delegation and Entrustment of Authority)

(1) The Minister of Employment and Labor shall, pursuant to Article 82 of the Act, delegate the authority specified in the following subparagraphs to the heads of local employment and labor offices: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 24284, Dec. 28, 2012>*

1. Order to submit a plan for employment of disabled persons and a report on implementation thereof, order to revise a plan for employment of disabled persons, receipt of a plan for employment of disabled persons revised as a consequence, a report on implementation thereof and a plan for employment change, and publication of employment details under Article 29 of the Act;
2. Reports and inspections under Article 76 of the Act (limited to cases where it is necessary for dealing with the delegated business affairs);
3. Matters concerning the imposition and collection of fines for negligence under Article 86 of the Act; and
4. Approval for disposition on default of charges and disposal of deficits under paragraph (3)

(2) The Minister of Employment and Labor shall, pursuant to Article 82 of the Act, entrust the authority specified in the following subparagraphs to the Agency: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22709, Mar. 15, 2011; and Presidential Decree No. 24614, Jun. 17, 2013>*

1. Vocational guidance under Article 10 of the Act;
2. Vocational adaptation training under Article 11 of the Act;
3. Vocational skills development training under Article 12 of the Act;
4. Supportive employment under Article 13 of the Act;
5. Job placement services under Article 15 of the Act;
6. Establishment, etc. of job placement computer networks under Article 16 of the Act;
7. Support for self-employed disabled persons under Article 17 of the Act;

8. Support for disabled workers under Article 18 of the Act;
9. Post-employment adaptation guidance under Article 19 of the Act;
- 9-2. Duties relating to the provision of personal assistance services under Article 19-2 of the Act;
10. Employment guidance for employers under Article 20 of the Act;
11. Loans or subsidies for employers employing disabled workers under Article 21 of the Act;
12. Loans or subsidies for standard workplaces for disabled persons under Article 22 of the Act;
- 12-2. Receipt of purchase plans for products of standard workplaces for disabled persons and purchase records for the previous year under Article 22-3 (2) of the Act;
- 12-3. Certification of standard workplaces for disabled persons, revocation thereof and public notification of such certification and revocation under Article 22-4 of the Act;
13. Cancellation of undue loans or support, collection of undue loans or subsidies, requests for correction and restrictions on loans or support under Article 23 of the Act;
14. Selection and preferential treatment of exemplary employers employing disabled persons under Article 24 of the Act;
15. Provision of materials concerning disabled persons to employers under Article 25 of the Act;
16. Survey on the current state of employment of disabled persons under Article 26 of the Act;
17. Deleted. <Presidential Decree No. 24284, Dec. 28, 2012>
18. Payment of subsidies for the employment of disabled persons under Article 30 of the Act;
19. Collection of undue benefits and restrictions on payment under Article 31 of the Act;
20. Collection and reduction of contributory charges, additional payment of employment subsidies, additional collection and refund of contributory charges and payment of contributory charges in installments under Article 33 of the Act;
21. Appropriation and refund of overpaid or erroneously paid contributory charges, etc. under Article 34 of the Act;
22. Collection of additional charges and arrears under Article 35 of the Act;

23. Notification of the collection, additional collection and refund of contributory charges under Article 36 of the Act;
 24. Urging of payment, disposition on default and vicarious execution of public sales under Article 37 of the Act;
 25. Disposal of deficits under Article 42 of the Act;
 26. Loans, subsidies, contributions and aid from the Fund under subparagraphs 3 through 10, 12 and 14 of Article 71 of the Act;
 27. Matters concerning specialized personnel, such as counselors for working life of disabled persons under Article 75 of the Act;
 28. Reports and inspections under Article 76 of the Act (limited to cases where it is necessary for dealing with entrusted business affairs);
 29. Receipt of applications for payment of rewards under Article 31 (3); and
 30. Payment of rewards under Article 32;
- (3) The Agency shall obtain prior approval from the Minister of Employment and Labor if it intends to conduct any of the following acts: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 24614, Jun. 17, 2013>*
1. Revocation of the certification of a standard workplace for disabled persons under paragraph (2) 12-3;
 2. Cancellation of loans or support and restrictions on loans or support under paragraph (2) 13;
 3. Disposition on default under paragraph (2) 24; and
 4. Disposal of deficits under paragraph (2) 25.

Article 82-2 (Management of Sensitive Information and Unique Identifying Information)

The Minister of Employment and Labor (including persons to whom the authority of the Minister of Employment and Labor is delegated and entrusted pursuant to Article 82), the Minister of Health and Welfare or the Agency may manage information on health under Article 23 of the Personal Information Protection Act, criminal records under subparagraph 2 of Article 18 of the Enforcement Decree of the same Act, and data containing resident registration numbers or foreigner registration numbers under subparagraph 1 or 4 of Article 19 of the same Decree if it is inevitable in order to perform the following duties: *<Amended by Presidential Decree No. 24614, Jun. 17, 2013>*

1. Duties concerning vocational guidance under Article 10 of

the Act;

2. Duties concerning vocational adaptation training under Article 11 of the Act;

3. Duties concerning vocational skills development training under Article 12 of the Act;

4. Duties concerning supportive employment under Article 13 of the Act;

5. Duties concerning job placement, etc., under Article 15 of the Act;

6. Duties concerning coordination, etc., between job placement agencies under Article 16 of the Act;

7. Duties concerning post-employment adaptation guidance under Article 19 of the Act;

8. Duties concerning provision of personal assistance services under Article 19-2 of the Act;

9. Duties concerning support for employers who employ disabled persons under Article 21 of the Act;

10. Duties concerning support for standard workplaces for disabled persons under Article 22 of the Act;

11. Duties concerning cancellation of undue loans or support, collection of undue loans or subsidies, requests for correction and restrictions on loans or support under Article 23 of the Act;

12. Duties concerning plans for employment of disabled persons and reports on implementation thereof under Article 29 of the Act;

13. Duties concerning payment of subsidies for employing disabled persons under Article 30 of the Act;

14. Duties concerning report of illegal receipt of subsidies for employing disabled persons and payment of reward money therefor under Article 32 of the Act;

15. Duties concerning report, payment, etc., of contributory charges relating to employment of disabled persons under Article 33 of the Act;

16. Duties concerning appropriation and refund of overpaid or erroneously paid amounts under Article 34 of the Act;

17. Duties concerning the creation and management of computer networks for job placement and related services, such as publicity, education and skills contests for disabled persons under Article 43 (2) 8 of the Act;

18. Duties concerning identification of reasons for disqualification of officers under Article 51 of the Act; and

19. Duties concerning training of counsellors for working life

of disabled persons under Article 75 of the Act.

<This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012>

Article 82-3 (Review of Regulations)

The Minister of Employment and Labor shall review the reasonableness of any of the following matters and take measures, such as making improvements, every three years (referring to the period until the day before the same reference date of every third year) from the reference date referred to in the following subparagraphs:

1. Matters concerning the assignment of counselors for working life of disabled persons under Article 80: January 1, 2014;

2. The criteria for imposition of fines for negligence under Article 83 and in Table 2: January 1, 2014.

<This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013>

Article 83 (Criteria for Imposition of Fines for Negligence)

The criteria for the imposition of fines for negligence under Article 86 (1) through (3) of the Act are provided for in Table 2.

<This Article Wholly Amended by Presidential Decree No. 21962, Dec. 31, 2009>

Addenda *<Presidential Decree No. 20308, Oct. 4, 2007>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures Concerning Criteria, etc. for Disabled Persons)

Disabled persons or persons with severe disabilities included in employment plans and reports on implementation thereof pursuant to the previous provisions of Article 22 and 26 when the Enforcement Decree of the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons amended by Presidential Decree No. 18415 enters into force shall be subject to the previous provisions until December 31, 2008 notwithstanding the revised provisions of subparagraph 3 of Article 3 and subparagraph 4 of Article 4 of the Enforcement Decree of the Act on Employment Promotion and Vocational Rehabilitation for

Disabled Persons amended by Presidential Decree No. 18415.

Article 3 (Relations with Other Acts and Subordinate Statutes)

Any reference to the previous provisions of the Enforcement Decree of the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons in other Acts and subordinate statutes at the time this Decree enters into force shall be construed as a reference to the corresponding provisions of this Decree, if any, in lieu of the previous provisions.

Addenda *<Presidential Decree No. 20681, Feb. 29, 2008>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. *<Proviso Omitted>*

Articles 2 and 4 Omitted.

Article 5 (Revision of Other Decrees)

(1) through (17) Omitted.

(18) Parts of the enforcement Decree of the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons shall be revised as follows:

“Ministry of Finance and Economy, Ministry of Education and Human Resources Development, Ministry of Commerce, Industry and Energy, Ministry of Employment and Labor, Ministry of Planning and Budget, Ministry of Patriots and Veterans Affairs and the Civil Service Commission” in Article 6 (2) shall be changed to “Ministry of Strategy and Finance, the Ministry of Education and Science Technology, the Ministry of Public Administration and Security, the Ministry of Knowledge and Economy, the Ministry for Health Welfare and Family Affairs, the Ministry of Employment and Labor, and Ministry of Patriots and Veterans Affairs”.

“Minister of Health and Welfare” in parts except each subparagraph of Article 15(1) and (2), parts except each subparagraph of Article 16 (2) and (3), and (4), parts except each subparagraph of Article 18, parts except each subparagraph of Article 20, and Article 59 (1) 3 and 60 shall be changed to “Minister of Health, Welfare and Family Affairs.”

“Ministry of Health and Welfare, Ministry of Employment and Labor and Ministry of Planning and Budget” in Article 55(1) shall be changed to “Ministry of Strategy and Finance, Ministry of Health, Welfare and Family Affairs, and Ministry of Employment

and Labor.” *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

“The quarterly plan on actions incurring expenditures shall be determined in consultation with the Minister of Budget and Planning and the monthly funding plan shall be determined in consultation with the Minister of Finance and Economy” in Article 70 (2) shall be changed to “the quarterly plan on actions incurring expenditures and monthly funding plan shall be determined in consultation with the Minister of Strategy and Finance.”

(19) through <20> Omitted.

Addenda *<Presidential Decree No. 21717, Sept. 8, 2009>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. *<Proviso Omitted>*

Articles 2 and 3 Omitted.

Article 4 (Revisions of Other Laws)

(1) through (8) Omitted.

(9) Parts of the Enforcement Decree of the Employment Promotion and Vocational Rehabilitation for Disabled Persons Act shall be revised as follows:

Subparagraph 1 of Article 23 shall be changed as follows.

1. Relevant ministers under subparagraph 3 of Article 2 of the Decree on the Appointment of Public Officials

(10) Omitted.

Addendum *<Presidential Decree No. 22709, Mar. 15, 2011>*

This Decree shall enter into force on the date of its promulgation.

Addenda *<Presidential Decree No. 22800, Mar. 30, 2011>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Fine for Negligence)

(1) The application of the criteria for imposition of fines for negligence to offenses committed before this Decree enters into force shall be governed by the previous provisions notwithstanding the amended provisions of Table 2.

(2) The imposition of fines for negligence for offenses committed before this Decree enters into force shall not be included in calculating the number of offenses under the amended provisions of Table 2.

Addenda *<Presidential Decree No. 23254, Oct. 26, 2011>*

Article 1 (Enforcement Date)

This Decree shall enter into force on October, 26, 2011.

Article 2 (Applicability concerning Deadline for Payment of Contributory Charges in Installments)

The amended provisions of Article 38 (2) shall apply to payment in installments of contributory charges that shall be paid starting from 2012.

Addenda *<Presidential Decree No. 23488, Jan. 6, 2012; Revision of the Enforcement Decree of the Act on the Submission and Management of Taxation Data to Provide a Basis for the Management of Sensitive Information and Unique Identifying Information>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. *<Proviso Omitted>*

Article 2 Omitted.

Addendum *<Presidential Decree No. 24284, Dec. 28, 2012>*

This Decree shall enter into force on March 1, 2013.

Addenda *<Presidential Decree No. 24614, Jun. 17, 2013>*

Article 1 (Enforcement Date)

This Decree shall enter into force on June 19, 2013.

Article 2 (Applicability concerning Number of Hours For Which to Provide Personal Assistance Services)

The amended provisions of Article 20-2 (3) shall apply to severely disabled persons who apply for personal assistance services after this Decree enters into force.

Addenda *<Presidential Decree No. 24852, Nov. 20, 2013; Revision of the Decree on the Appointment of Public Officials>*

Article 1 (Enforcement Date)

This Decree shall enter into force on December 12, 2013.

Articles 2 through 7 Omitted.

Article 8 (Revisions of Other Decrees)

(1) through (35) Omitted.

(36) Parts of the Enforcement Decree of the Employment Promotion and Vocational Rehabilitation for Disabled Persons Act shall be revised as follows:

"Special or contract public officials" in Article 55 (1) shall be changed to "public officials in special services or fixed-term public officials".

(37) through (50) Omitted.

Article 9 Omitted.

Addendum *<Presidential Decree No. 25050, Dec. 30, 2013; Partial Revision of the Enforcement Decree of the Housing Act, etc., to Set Deadlines for Review of Regulations According to an Amendment to the Framework Act on Administrative Regulations>*

This Decree shall enter into force on January 1, 2014.
<Proviso omitted>

Addenda *<Presidential Decree No. 25435, Jun. 30, 2014; Partial Revision of the Enforcement Decree of the Individual Consumption Tax Act, etc., to Improve Disparaging Legal Terms for the Disabled>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 Omitted.

[Table 2] <Amended on Mar. 30, 2011>

Criteria for Imposition of Fines for Negligence

(relating to Article 83)

1. General criteria

- A. The criteria for the imposition of fines for negligence according to the number of offenses shall apply to cases where a fine for negligence has been imposed for the same offense in the past two years. In such cases, the number of offenses shall be calculated based on the date on which a fine for negligence is imposed for the relevant offense and the date on which the same offense is found again.
 - B. The Minister of Employment and Labor shall, if an offender falls under any of the following conditions, may reduce the amount of fine for negligence under subparagraph 2 by up to half thereof: Provided that this shall not apply to offenders who delay payment of a fine for negligence.
 - 1) Where the offender falls under any subparagraph of Article 2-2 (1) of the Enforcement Decree of the Act on the Regulation of Violations of Public Order;
 - 2) Where the offender has a reason, such as suffering a considerable loss to property due to a natural disaster, fire, etc., or facing a serious crisis due to worsening business conditions;
 - 3) Where the offense is deemed to have been caused by a mistake, such as minor carelessness or error; or
 - 4) Other cases where it is deemed necessary to reduce the amount of fine for negligence in consideration of the degree of the offense, the motive and consequences of the offense, etc.
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- C. The Minister of Employment and Labor may increase the amount of fine for negligence under subparagraph 2 by up to half thereof in any of the following cases: Provided that the amount shall not exceed the maximum amount of fine for negligence under Article 86 (1) through (3) of the Act:
- 1) Where the offender have committed two offenses or more
 - 2) Other cases where it is deemed necessary to raise the amount of fine for negligence in consideration of the degree of the offense, the motive and consequences of the offense, etc.

2. Specific criteria

Offense	Provision	Amount of fine for negligence (10,000 won)		
		1 s t offense	2 n d offense	3 r d offense and subsequent offense
A. Where a person violates an order to submit a plan for employment of disabled persons and a report on implementation thereof, or an order to revise a plan for employment of disabled persons under Article 29 (1) or (2) of the Act	Article 86 (1) of the Act			
1) Where the delay period is less than one month		200	200	200
2) Where the delay period is one month or more		300	300	300

or the person fails to submit or revise the plan				
B. Where a person fails to make a report under Article 33 (5) of the Act or makes a false report	Article 86 (2) 1 of the Act			
1) Where a person makes a false report		200	200	200
2) Where a person fails to make a report		100	100	100
C. Where a person violates the ban on the use of similar titles under Article 66 of the Act	Article 86 (3) 1 of the Act	20	50	100
D. Where a person fails to employ a counselor for vocational life of disabled persons under Article 75 (2) of the Act	Article 86 (3) 2 of the Act			
1) Where a person employs 30 disabled workers or more and fails to employ a vocational life counselor for six months or more		50	50	50
2) Where a person employs 20 disabled workers or more and fails to employ a vocational life counselor for six months		30	30	30

or more				
3) Where a person employs 10~19 disabled workers and fails to employ a vocational life counselor for six months or more		20	20	20
E. Where a person refuses, obstructs or evades an inspection by a relevant public official under Article 76 (1) of the Act, or fails to make a report or makes a false report	Article 86 (2) 2 of the Act			
1) Where a person refuses, obstructs or evades an inspection		50	100	200
2) Where a person fails to make a report or makes a false report		40	80	160
F. Where a person refuses to answer, obstructs or evades questions by a relevant public official under Article 76 (1) of the Act or give false answers	Article 86 (3) 3 of the Act	20	50	100