



On the civil service of the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 23 November 2015 № 416-IV LRK.

Unofficial translation

This Law governs social relations associated with joining the civil service of the Republic of Kazakhstan, with its performance, termination, defines the legal status, financial security and social protection of civil servants, as well as the activity of other persons working for state bodies.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) the corps "A" - administrative public offices of a managerial level, for which a special procedure for entering, passing through and terminating the public service of the Republic of Kazakhstan is provided, as well as special qualification requirements;

2) **excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication));**

3) corps "B" – administrative civil service positions not included in corps "A";

4) bonus - a monetary payment to civil servants subsequent to the results of assessment of their efficiency in the manner prescribed by the legislation of the Republic of Kazakhstan;

5) qualification requirements - requirements to the education, work experience and competencies of citizens applying for a civil service position;

5-1) contract of a contract servant- an employment contract between a state body and a citizen of the Republic of Kazakhstan, establishing his rights and functional duties, working conditions, also remuneration terms, linked with the work results (quantitative and (or) qualitative indicators), responsibility for non-achievement of labor results and other individual conditions;

6) the civil service of the Republic of Kazakhstan (hereinafter referred to as the civil service) – the activity that civil servants perform in the state bodies to exercise their official powers, which is aimed at the implementation of tasks and functions of the state power;

7) competencies - the total of knowledge, skills and experience required to efficiently perform professional activity required by a particular civil service position;

8) an official - a person who permanently, temporarily or by special authority exercises functions of a representative of state power or performs organizational and managerial, administrative and economic functions in the state bodies;

9) official powers - rights and duties envisaged by a particular civil service position that meet the goals and tasks faced by state bodies for which civil servants work;

9-1) is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

10) administrative civil servant - a civil servant who carries out his/her activities on a permanent or elected professional basis, excluding cases stipulated by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;

11) category of administrative public office - a set of administrative public positions in accordance with the roster of positions of political and administrative public servants;

12) a civil servant - a citizen of the Republic of Kazakhstan who, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, holds a public position paid from the republican or local budgets or from the funds of the National Bank of the Republic of Kazakhstan and (or) the Special State Fund determined by the legislation of the Republic of Kazakhstan on return of illegally acquired assets to the state, a public position in a state body and exercising official powers for the implementation of the tasks and functions of the state;

13) service ethics of civil servants (hereinafter – service ethics) - the rules of conduct for civil servants established by the standards of service ethics in accordance with the Code of Ethics of civil servants of the Republic of Kazakhstan;

13-1) direct supervisor of a civil servant - a person higher in public office, in relation to whom the civil servant is directly subordinate in accordance with his job description;

14) the authorized body for public service affairs (hereinafter referred to as the authorized body) - the central state body implementing the unified state policy in the field of public service;

15) a civil service position - a staffing structure unit of a state body that is entrusted with a range of official powers established by regulatory legal acts;

15-1) a contract servant of a state body (hereinafter referred to as a contract servant) - a citizen of the Republic of Kazakhstan, involved in a state body under a contract with the specifics provided for by this Law, for the implementation of national and other projects, the types of which are determined by the Government of the Republic of Kazakhstan;

16) a political civil servant – a civil servant, whose appointment (selection), dismissal and activity are associated with policymaking, who is responsible for implementation of political goals and objectives;

17) conflict of interest - a contradiction between personal interests of a civil servant and his/her official powers, which may lead to the failure or improper performance of official powers by a civil servant because of personal interests;

18) a mentor - a civil servant assigned to render practical assistance in professional adaptation to another civil servant admitted to the civil service for the first time;

18-1) is excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 No. 101-VII (shall be enforced from 31.12.2023);

19) a grass-roots position is a corps "B" civil servant position which, pursuant to the register of political and administrative civil servant positions, is a subordinate position in a lower category of positions provided for in the staffing table of a public body;

20) a temporarily vacant civil service position - a civil service position temporarily vacant in connection with the secondment of a civil servant holding this civil service position, his/her being on a social leave or training within a state order, as well as his/her absence from the workplace for more than two months in a row due to illness, if the latter is included in the list of diseases, approved by the state health care authority, for which a longer period of incapacity for work is set;

21) an authorized commission - a commission for considering the admission of citizens of the Republic of Kazakhstan to the administrative civil service, its performance and termination, as well as involvement of foreign employees in state bodies, whose status and composition are approved by the President of the Republic of Kazakhstan;

22) premium – monetary payment in addition to the official salary, set for a corps “B” administrative civil servant according to the procedure established by the legislation of the Republic of Kazakhstan;

23) secondment - civil servants' holding of civil service positions in other state bodies, foreign missions of the Republic of Kazakhstan and other institutions with concurrent security of their previous place of employment (civil service position) according to the procedure established by the legislation of the Republic of Kazakhstan.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 N 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); N 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); N 42-VII of 24.05.2021 (shall take effect ten calendar days after the date of its first official publication); dated 03.01.2022 N 101-VII (shall be enforced from 31.12.2023); dated 20.03.2023 N 214-VII (shall be enforced ten calendar days after the date of its first official publication); dated 12.07.2023 N 23-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on the civil service

1. The Constitution of the Republic of Kazakhstan, the Labor Code of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan provide the legal framework for the civil service.

2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those stipulated by this Law, the rules of the international treaty shall apply.

Article 3. Scope of this Law

1. This Law shall apply to:

- 1) all civil servants, except for cases when the Constitution, constitutional laws or other legislative acts of the Republic of Kazakhstan define a different legal status for them;
- 2) administrative civil servants appointed by local representative bodies or selected in accordance with the laws of the Republic of Kazakhstan, to the extent not regulated by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;
- 3) civil servants performing the law enforcement service with peculiarities stipulated by legislative acts of the Republic of Kazakhstan on the law enforcement service.

2. This Law shall not apply to:

- 1) persons performing the maintenance and ensuring the functioning of state bodies;
- 2) employees and technical employees of the National Bank of the Republic of Kazakhstan and its departments, the authorized body for regulation, control and supervision of the financial market and financial organizations;
- 3) persons performing activities in state bodies on an employment contract in accordance with the labor legislation of the Republic of Kazakhstan, including foreign employees of state bodies, with the exception of contract servants.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 4. Basic principles of the civil service

1. The civil service in the Republic of Kazakhstan is based on principles such as:

- 1) legality;
- 2) Kazakhstani patriotism;
- 3) the unity of the civil service system, regardless of the state power's division into legislative, executive and judicial branches;
- 4) priority of the rights, freedoms and legitimate interests of citizens over the interests of the state;
- 5) efficiency, effectiveness, transparency in the activity of state bodies;
- 6) the equal right of each citizen to be admitted to the civil service;
- 7) citizens' voluntary joining the civil service;
- 8) professionalism of civil servants;
- 9) meritocracy - recognition of personal merits and achievements of a civil servant, his/her advancement in the civil service career in accordance with his/her abilities and professional training;
- 10) mandatory implementation of decisions made by higher state bodies and officials within their authority by subordinate civil servants and civil servants of lower state bodies;
- 11) controllability and accountability of civil servants;
- 12) a civil servant's personal responsibility for failure to perform or improper performance of official duties and his/her abuse of office;

13) ethicality;

14) intolerance to legal offences;

15) due consideration for public opinion and publicity, except for the activity falling under state classified information or constituting other secrets protected by law;

16) legal and social protection of civil servants;

17) equal pay for the performance of equivalent work;

18) incentives for civil servants for exemplary performance of official duties, impeccable civil service, fulfillment of tasks of special importance and complexity;

19) continuous training of civil servants and development of required competencies;

20) practice-oriented training, retraining and advanced training of civil servants.

2. No political parties may be established within state bodies. Exercising their official powers, civil servants shall obey the requirements of the legislation of the Republic of Kazakhstan and not be connected with decisions of political parties, public associations and their bodies.

Article 5. The authorized body

1. The competent authority, its territorial subdivisions, and the organisations subordinate to the competent authority shall constitute a unified system of public service bodies.

Territorial divisions carry out their activity within the competence established by the authorized body in accordance with the legislation of the Republic of Kazakhstan.

2. The authorized body:

1) develops proposals on improving the legislation of the Republic of Kazakhstan on the civil service and also adopts regulatory legal acts within its competence according to the procedure established by the legislation of the Republic of Kazakhstan;

2) develops and approves standard qualification requirements to categories of administrative civil service positions;

3) monitors the state of the active list of political and administrative civil servants, as well as political and administrative civil service positions of the civil service, including general coordination of the formation of a single automated database (information system) of the civil service personnel;

3-1) monitors the staffing condition of the contract servants in state bodies;

4) excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication);

5) establishes the procedure, programs, organization of testing of candidates for taking administrative public positions and citizens entering the law enforcement service in accordance with the legislation of the Republic of Kazakhstan, as well as the procedure for appealing the testing results;

6) develops and submits for the approval of the President of the Republic of Kazakhstan a register of positions of political and administrative civil servants and also as acts in accordance with this Law;

7) excluded by Law of the RK No. 393-VI of 30.12.2020 (shall be enforced ten calendar days after the date of its first official publication);

7-1) develops the procedure for secondment of civil servants to state bodies, international and other organizations;

7-2) develops and approves the rules for calculating the civil servants' length of service, entitling to an official salary, in agreement with the Administration of the President of the Republic of Kazakhstan and the Office of the Government of the Republic of Kazakhstan;

7-3) is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

7-4) annually elaborates the National report on the state of civil service in the Republic of Kazakhstan and submits it to the Government of the Republic of Kazakhstan according to the procedure established by the legislation of the Republic of Kazakhstan for further submission to the President of the Republic of Kazakhstan;

8) coordinates state bodies' activity for training, retraining and advanced training of administrative civil servants, also beyond the country;

9) coordinates the formation and placement of a state order for the training, retraining and advanced training of administrative civil servants;

10) in accordance with the legislation of the Republic of Kazakhstan on observance of the legislation of the Republic of Kazakhstan on the civil service by state bodies, exercises state control over civil servants' observance of service ethics and the quality of public services' delivery;

10-1) monitors compliance with the working schedule by state bodies, develops and approves the rules for its implementation, and also conducts inspections following its results;

10-2) develops and approves the rules for application of remote work, combined remote work, work in flexible working hours for civil servants;

11) sets the competition procedure for taking up an administrative civil service position;

12) is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

13) sets the procedure for the development and approval of the job description of an administrative civil servant;

14) approves model regulations on the personnel management service (personnel department);

15) develops and approves standard forms of personnel record management of the administrative civil service;

15-1) develops and approves the rules for determining the proportion of the management and executive staff of administrative civil servants in agreement with the Administration of

the President of the Republic of Kazakhstan and the Office of the Government of the Republic of Kazakhstan;

15-2) coordinates draft regulatory legal acts related to labor remuneration of administrative and political civil servants;

15-3) coordinates the qualification requirements for administrative public positions of block "B" of state bodies;

15-4) develops the rules for calculating the amount, appointment, recalculation, implementation, termination, return, suspension and resumption of rotational payments to civil servants rotated to another locality;

16) introduces proposals to officials and state bodies to revoke their decisions made in violation of this Law and other regulatory legal acts of the Republic of Kazakhstan;

17) submits for mandatory consideration of state bodies, within their competence, recommendations for rectifying violations found as a result of civil service inspections in accordance with the legislation of the Republic of Kazakhstan;

18) participates in drafting international agreements on civil service issues;

19) assesses the effectiveness of state bodies' personnel management;

20) coordinates and carries out methodological management of personnel management services (personnel departments);

21) looks into complaints of natural and legal persons about actions (inaction) and decisions of state bodies or officials relating to the violation of the legislation of the Republic of Kazakhstan on the civil service, and also the observance of the service ethics;

22) coordinates the activity of state bodies in organizing internships for administrative civil servants;

22-1) is excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 No. 101-VII (shall be enforced from 31.12.2023);

23) exercises other functions stipulated by this Law, other regulatory legal acts of the Republic of Kazakhstan.

3. In the regions, cities of republican significance, the capital, the authorized body has ethics councils, regulations for which are approved by the President of the Republic of Kazakhstan upon the recommendation of the authorized body.

4. Decisions of the authorized body and its territorial subdivisions shall be documented in the form of orders.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); No. 393-VI of 30.12.2020 (shall enter into force ten calendar days after the date of its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced from 31.12.2023); dated

20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. Personnel management service (personnel department)

1. Personnel management service (personnel department) within its competence:

- 1) coordinates the activity of structural units of a state body for implementation of the legislation of the Republic of Kazakhstan on the civil service;
- 2) makes arrangements for the activity of disciplinary, competition and other commissions on personnel issues;
- 3) ensures compliance with procedures for assessing the activity of administrative civil servants, competitive selection, career advancement of civil servants, internal investigations, bringing civil servants to disciplinary responsibility, dismissal of civil servants;
- 4) organizes the selection of personnel, draws up documents relating to the civil service career of civil servants, records the personal data of civil servants, information on the results of assessment of administrative civil servants' performance and training, including in the single automated database (information system) of the civil service personnel;
 - 4-1) organizes selection of contract servants and the process of concluding, amending and terminating a contract with them;
- 5) ensures compliance with restrictions related to holding a civil service position;
- 6) organizes internships, mentoring, performance assessment, training, retraining and advanced training of civil servants in accordance with the established deadlines, develops the procedure for civil servants' remuneration;
- 7) exercises other powers established by the legislation of the Republic of Kazakhstan.

2. The human resources management service (personnel service) shall be organisationally independent of the other structural subdivisions of the public authority, and shall report directly to the chief of the apparatus, and in a public authority exercising leadership in the field of foreign affairs or in which the position of chief of staff has not been introduced, to the chief of apparatus of the public authority.

3. In the regions, cities of republican significance, the capital, districts, cities, it is allowed to set up, in accordance with the legislation of the Republic of Kazakhstan on the civil service, a single personnel management service (personnel department) for executive bodies financed from the budgets of respective administrative territorial units. The single personnel management service (personnel department) of executive bodies of the regions, cities of republican significance, the capital, districts, cities financed from local budgets is set up by the decision of an official (official body) authorized to appoint heads of these executive bodies.

Regional and city territorial subdivisions of a central state body and its department are allowed to set up a single personnel management service (personnel department) in the interregional or regional territorial subdivision of a central state body and its department. The single personnel management service (personnel department) of district and city territorial

subdivisions is set up by the decision of the head of the interregional or regional territorial subdivision of a central state body and its department or higher authority.

By the decision of the head of the central state body, it is allowed to create a unified personnel management service (personnel service) for the central state body, its departments and territorial divisions.

By the decision of the head of the department of the central state body, it is allowed to create a unified personnel management service (personnel service) for the department of the central state body and its territorial divisions.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 393-VI of 30.12.2020 (shall take effect ten calendar days after the date of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 7. Classification of civil service positions of civil servants

1. Civil service positions of civil servants shall be established in accordance with the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan.

2. Categories of civil service positions are established for administrative civil servants. No categories of civil service positions are established for political civil servants.

3. The register of positions of political and administrative civil servants is approved by the President of the Republic of Kazakhstan upon the recommendation of the authorized body.

Chapter 2. LEGAL STATUS OF CIVIL SERVANTS

Article 8. Status of civil servants and their legal guarantees

The status of a civil servant includes general rights, freedoms and duties of a civil servant as a citizen of the Republic of Kazakhstan with restrictions established by laws of the Republic of Kazakhstan related to holding a civil service position, as well as rights, duties and responsibilities arising from the specific nature of the civil service.

Citizens of the Republic of Kazakhstan acquire the status of a civil servant the moment they are appointed or selected to a civil service position and lose it the moment their civil service is terminated according to the procedure established by the legislation of the Republic of Kazakhstan on the civil service.

Article 9. Basic rights of civil servants

A civil servant has the right to:

1) enjoy the rights and freedoms guaranteed to the citizens of the Republic of Kazakhstan by the Constitution and laws of the Republic of Kazakhstan;

2) legal and other protection in compliance with the legislation of the Republic of Kazakhstan in the event that he/she brings to the attention of his/her superior and/or the management of the state body in which he/she works and (or) the authorised state bodies

cases of corruption offences that have come to his/her knowledge, which are being prepared, or committed;

3) labor and health protection, safe working conditions required for efficient performance;

4) social and legal protection;

5) participate, within their official powers, in the consideration of issues and making decisions on them, to require their execution of relevant bodies and officials;

6) visit organizations for the performance of official powers in accordance with the established procedure;

7) require his/her chief to precisely define the tasks and scope of official powers required by the civil service position he/she holds;

8) the respect for human dignity, fair and respectful attitude towards him/her from chiefs, other officials and citizens;

9) be remunerated and paid depending on the civil service position he/she occupies, the quality of work, experience and other grounds established by this Law;

10) training, retraining and advanced training at the expense of the relevant budget and funds of the National Bank of the Republic of Kazakhstan;

11) have the place of his/her employment (civil service position) secured in case a state body arranges his/her postgraduate education within the state order in accordance with the legislation of the Republic of Kazakhstan or in the case of his/her internship, and also in other cases stipulated by laws of the Republic of Kazakhstan;

12) freely familiarize himself/herself with materials concerning his/her career in the civil service, and, if necessary, give personal explanations;

13) career advancement in the civil service with account of qualification, competencies, abilities, merits and conscientious performance of his/her duties;

14) demand an internal investigation in the presence of charges, which he/she believes to be ungrounded;

15) voluntary resignation from the civil service, except for cases of consideration of his/her responsibility for a corruption offence or disciplinary offence discrediting the civil service ;

16) pension and social security;

17) receive, in due course, information and materials necessary for the exercise of official powers;

18) submit proposals on the civil service improvement to higher state bodies and officials.

Other rights of a civil servant may be established by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 9 as amended by Law of the RK No. 365-VI dated 06.10.2020 (shall take effect ten calendar days after its first official publication).

Article 10. Basic duties of civil servants

Civil servants are obliged:

- 1) to observe the Constitution and legislation of the Republic of Kazakhstan;
- 2) to take the oath of a civil servant according to the procedure approved by the President of the Republic of Kazakhstan;
- 3) to ensure compliance with and protection of the rights, freedoms and legitimate interests of citizens and legal entities, to consider their appeals in accordance with the procedure and within the time limits established by the legislation of the Republic of Kazakhstan and take necessary measures on them;
- 4) to perform functions in accordance with their official powers;
- 5) to be impartial and independent of the activity of political parties, public and religious associations in the exercise of official powers;
- 6) to observe service discipline;
- 7) to observe the restrictions established by the laws of the Republic of Kazakhstan;
- 8) to comply with the service ethics;
- 9) to fulfill orders and instructions of chiefs, higher authorities' and officials' decisions and orders issued within their official powers;
- 10) to keep state classified information and other secrets protected by law, also after the termination of the civil service, within the time period established by law, which they acknowledge in writing;
- 11) not to disclose information received in the course of exercising official powers, which affects the privacy, honor and dignity of citizens, and not to require them to provide such information, except for cases stipulated by laws of the Republic of Kazakhstan;
- 12) to ensure the preservation of state property, to use the entrusted state property only for official purposes;
- 13) immediately inform their superiors and/or the management of the public body in which they work and/or authorised government bodies of cases of corruption offences being prepared, or committed that have come to their attention;
- 13-1) to prevent corruption offences by subordinate civil servants;
- 14) to improve their proficiency level and qualifications for effective performance of their official duties;
- 15) to complete education within the state order on postgraduate education programs by the state body's referral, including obtaining a degree in the relevant postgraduate education program, to work immediately after completion of training in the civil service in the order and terms determined by the Government of the Republic of Kazakhstan in agreement with the Administration President of the Republic of Kazakhstan. Non-fulfillment of these obligations entails reimbursement by the person to the state of the budget funds allocated for his training and the training-associated expenses.

The obligations of civil servants provided for by this subparagraph are terminated ahead of schedule without reimbursement of budget funds in the cases determined by the

Government of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan;

16) to ensure information security in the process of working with information resources of a state body in accordance with the legislation of the Republic of Kazakhstan.

Other duties of civil servants may be established by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 365-VI of 06.10.2020 (shall come into force ten calendar days after the date of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 11. Basic functions of political civil servants who are heads of state bodies, akims of regions, cities of republican significance and the capital

1. The functional duties of political civil servants are determined by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan, regulations on a relevant state body and assignment of responsibilities.

2. Basic functions of political civil servants, who are chief executives of state bodies, and akims of regions, cities of republican significance and the capital include:

- 1) identification of the objectives of a state body, development of the respective territory;
- 2) adoption of decisions that contribute to the development, identification and implementation of state policy;
- 3) cooperation with the heads of foreign diplomatic missions in coordination with the authorized body for foreign policy;
- 4) representation of a state body in the Parliament of the Republic of Kazakhstan and other state bodies and organizations;
- 5) ensuring quality execution and control over the effective implementation of documents of the State Planning System of the Republic of Kazakhstan and other projects within its competence;
- 6) other functions stipulated by the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 11 as amended by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication).

Article 12. Powers of the heads of apparatuses of central state bodies and apparatuses of akims of regions, cities of national importance and the capital

1. The heads of apparatuses, appointed and dismissed by the head of the respective central state body, shall manage the apparatuses of the central state bodies.

2. The responsibilities of the heads of apparatuses of the central state bodies shall include:

- 1) organisation of the implementation of the objectives entrusted to the public authority;
- 2) organisation, coordination and control of the activities of the structural units of public authorities within its competence;
- 3) arrangement of the logistical, organisational, legal and financial support for the activities of the public authority, its departments and their territorial subdivisions;
- 4) after coordination with the head of the central state body, approval of the staff and staffing plan of the state body within the staffing limit of the central state body, established by the relevant regulatory legal acts.

This rule does not apply to the state body exercising leadership in foreign policy;

- 5) organising the implementation of the central state body's strategic plan;
- 6) approving, where necessary, forward-looking, annual and quarterly work plans for the public body, and ensuring their implementation;
- 7) in coordination with the head of the central state body, appointment and dismissal of heads of departments and independent divisions of the central state body, supervised by the head of the central state body or his/her deputies, except for employees, whose labour relations issues in accordance with legislative acts of the Republic of Kazakhstan are attributed to higher state bodies and officials;
- 8) approving appointments by the head of the central state body of deputy heads of departments submitted for appointment by the heads of departments, in cases stipulated by legislative acts of the Republic of Kazakhstan;
- 9) appointment of deputy heads of departments, submitted for appointment by the heads of departments, with the exception of employees whose labour relations issues are, under the legislative acts of the Republic of Kazakhstan, the responsibility of higher state bodies and officials;
- 10) in coordination with the head of the central state body, appointment and dismissal of heads of territorial subdivisions, except for employees whose labour relations issues are, in accordance with legislative acts of the Republic of Kazakhstan, referred to the competence of higher state bodies and officials;
- 11) appointment and dismissal of employees of the central state body, with the exception of the officials specified in sub-paragraph 7) of paragraph one of this paragraph, as well as employees whose labour relations issues in conformity with legislative acts of the Republic of Kazakhstan have been referred to the competence of higher public authorities and officials;
- 12) exercising general supervision of the disciplinary and competition commissions of the public authority;
- 13) monitoring the observance of discipline in the workplace;
- 14) addressing the disciplinary liability of civil servants of a public authority, with the exception of employees whose labour relations issues fall within the competence of higher-ranking officials;

15) addressing the issues of secondment, leave, material assistance, training, retraining and further training, incentives, allowances to civil servants of a public body, with the exception of employees whose labour relations issues fall within the competence of higher-ranking officials;

16) exercising general management of public procurement of the public body;

17) ensuring the preparation of the budget request of the central state body, the submission of the budget request to the head of the central state body, and the execution of other procedures of the budgetary process;

18) enforcing the requirements of the legislation of the Republic of Kazakhstan on combating corruption within its competence;

19) monitoring the implementation of decisions taken by political civil servants of a public authority;

20) exercising other powers vested in the head of apparatus.

In order to fulfil the duties of her/his office, the head of apparatus may adopt legal acts of individual application.

3. The powers of the heads of the akims of the oblasts, major cities and the capital shall be laid down in the Law of the Republic of Kazakhstan “On Local Government and Self-Government in the Republic of Kazakhstan”.

4. It shall not be allowed to assign the duties of the chief executives of the central state bodies and their deputies to the heads of the offices of the central state bodies, also the duties of the heads of the offices of the state bodies to the senior executives of the central state bodies and their deputies.

The assignment of duties of the heads of the administrations of akims of oblasts, cities of republican scale and the capital to deputy akims is allowed only in the part of supervised executive bodies financed from the local budget.

5. The powers of the heads of the apparatuses of law enforcement agencies shall be determined by their first chiefs.

6. The heads of the apparatuses of the central state bodies and the akims of the oblasts, major cities and the capital shall be personally liable for the performance of their duties as prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 12 - as reworded by Law of the RK No. 393-VI of 30.12.2020 (shall be enacted ten calendar days after the date of its first official publication); as amended by the laws of the Republic of Kazakhstan dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 13. Restrictions related to holding a civil service position

1. A civil servant shall not be entitled to:

1) be a deputy of the representative body;

2) engage in other paid activity, except for pedagogical, scientific and other creative activities;

3) engage in entrepreneurial activity, including participation in the management of a commercial organization, regardless of its institutional and legal form, if direct participation in the management of a commercial organization is not part of his/her official powers in accordance with the legislation of the Republic of Kazakhstan;

At that, civil servants, with the exception of the Chairman of the National Bank of the Republic of Kazakhstan and his deputies, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations and his deputies, have the right to acquire and (or) sell shares of open and interval mutual investment funds, bonds on the organized securities market, shares of commercial organizations (common shares in an amount not exceeding five per cent of the total number of voting shares of organizations) on the organized securities market;

4) represent third parties in the state body, for which he/she works, or which is directly subordinate to him/her, or is under his/her control;

5) use, for non-official purposes, the means of material, technical, financial and information support of his/her official activity, other state property and official information;

6) participate in actions that impede normal operation of state bodies and performance of official duties, including strikes;

7) use, for personal purposes, the services of citizens and legal entities in connection with the execution of official powers.

2. A civil servant in the manner prescribed by the legislation of the Republic of Kazakhstan, within thirty calendar days from the date of entry into a public office, is obliged, during the public service, to transfer to trust management the owned shares, shares (stock) in the authorized capital of commercial organizations and other property, the use of which entails the receipt of income, with the exception of money lawfully belonging to this person, as well as property transferred into property lease. The contract for the trust management of property is subject to notarization. A copy of a notarized contract for the trust management of property is submitted by a civil servant within ten days from the date of notarization to the personnel management service (personnel service) at the place of work.

3. Civil servants, with the exception of members of the Government of the Republic of Kazakhstan, the persons specified in paragraph 6 of this Article, may not transfer to trust management their bonds, shares of open and interval mutual investment funds.

4. A civil servant has the right to receive income from property transferred for trust management.

Civil servants, with the exception of members of the Government of the Republic of Kazakhstan, shall have the right to transfer housing to property rental.

5. The rules for the transfer of civil servants' property to trust management shall be approved by the authorized body.

6. The Chairman of the National Bank of the Republic of Kazakhstan and his deputies, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations and his deputies, within a month from the date of appointment to these public positions, are obliged to transfer to trust management and submit to the personnel service of the National Bank of the Republic of Kazakhstan, an authorized body for regulation, control and supervision of the financial market and financial organizations, a copy of a notarized trust management contract for shares of investment funds, bonds and shares of commercial organizations.

The Chairman of the National Bank of the Republic of Kazakhstan and his deputies, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations and his deputies are not entitled to purchase shares of mutual investment funds, bonds, shares of commercial organizations.

7. A civil servant may not occupy a public post which is directly subordinate to the post occupied by his/her close relatives (parent(s), children, adoptive parents, full-siblings and half-siblings, grandparents and grandchildren), spouse and/or in-laws (full and half brothers and sisters, parents and children of the spouse), as well as to have close relatives, spouse and/or in-laws in direct subordination.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 26.11.2019 No. 273-VI (the order of enforcement see Art. 2); No. 365-VI of 06.10.2020 (shall come into force ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 3. ADMISSION TO THE CIVIL SERVICE

Article 14. Admission to the political civil service

1. Citizens enter the political civil service as a result of appointment or selection, and also in other cases in the manner and under conditions prescribed by the legislation of the Republic of Kazakhstan.

2. Admission to political public position is subject to the approval required for occupying this position in cases provided for by laws and other regulatory legal acts of the Republic of Kazakhstan, and obtaining positive results of the background check.

Candidates for a political public office must meet the qualification requirements for this position, in their existence.

Appointment (election) to a political public position of a political civil servant, who within a year before the appointment (election) resigned for a corruption crime committed by a directly subordinate employee, is not allowed.

3. The President of the Republic of Kazakhstan may set additional requirements to admission to the political civil service.

4. Political civil servants are prohibited from concurrent holding of administrative civil service positions.

Footnote. Article 14 as amended by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 15. Admission to the administrative civil service

1. An administrative civil service position is taken up on a competitive basis, except for cases stipulated by this Law, and also in the event of appointment by local representative bodies or selection in accordance with the laws of the Republic of Kazakhstan.

2. Appointment of citizens entering the civil service for the first time or re-entering it after the termination of the civil service is made subsequent to positive results of a background check.

2-1. A civil servant is not considered to have re-entered the public service after its termination if he holds a public service position no later than the next working day after his dismissal from his previous position.

In this case, the requirements for mandatory passage of a special verification, establishment of a probationary period and submission of a declaration of income and property belonging to him on the basis of the right of ownership do not apply to a civil servant.

3. The following persons may occupy the administrative public offices of corps “B” without a competition, as decided by the authorised commission:

1) serving judges, members of Parliament, full-time members of the maslikhats, political civil servants and international civil servants who have been in office for at least six months;

2) international civil servants, judges who have served in their post for at least six months and have terminated their mandate, except those who have ceased to serve for negative reasons;

3) political civil servants who have been in office for at least six months and have terminated their mandate, with the exception of those who terminated their mandate for negative reasons, provided that their positions are classified as political civil servants in keeping with the register of political and administrative civil servants in force at the time of the decision of the competent commission;

4) persons with at least five years' work experience in international, foreign or transnational organisations, foreign governmental structures;

5) persons with at least two years' professional experience and who have completed their doctoral studies (PhD, Doctor of Philosophy) at leading foreign institutions of higher education, as determined by the Republican Commission for Overseas Training;

6) excluded by the Law of the Republic of Kazakhstan dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication);

7) persons enrolled in the Presidential Youth Talent Pool.

Corps “A” administrative civil servants who meet the established qualification requirements may occupy corps “B” administrative civil posts without a competition, as agreed with the competent authority.

3-1. Excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication).

3-2. Persons enrolled in the regional personnel pool of an oblast, city of republican scale, the capital may take administrative public positions of block "B" of local executive bodies in agreement with the authorized body or its territorial subdivision without holding a competition.

Formation of a regional personnel pool of an oblast, the city of republican scale, the capital and appointment from it shall be carried out in the order determined by the President of the Republic of Kazakhstan.

4. Akims of a city of district significance, a village, settlement, rural district may occupy administrative state positions of corps “B” without a competition in compliance with the legislation of the Republic of Kazakhstan on public service within one year after termination of the term of office by agreement with the authorized body or its territorial division.

Note!

The second part of paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 27.03.2023 No. 216-VII (shall be enforced from 15.07.2024).

Persons who have completed the training and passed the qualification exam at the Academy of Justice under the Supreme Court of the Republic of Kazakhstan may take up administrative civil service positions of corps “B” in the authorised body for the organisational and logistical support of the Supreme Court, local and other courts and in its territorial subdivisions without a competition in compliance with the legislation of the Republic of Kazakhstan on civil service within one year after graduation, in agreement with the authorised body or its territorial subdivision.

5. Persons who have completed training in educational organizations under the President of the Republic of Kazakhstan within the framework of the state order for postgraduate education programs with the result of training not lower than the value established by the authorized body may occupy administrative public positions of the “B” corps in local executive bodies, maslikhat office, audit commissions, territorial subdivisions of central state bodies and their departments (except for local executive bodies, the maslikhat office, the audit commission, territorial subdivisions of central state bodies and their departments in the capital and its districts) within one year after graduation in agreement with the authorized body or its territorial subdivision without holding a competition.

6. Persons who have completed training in educational institutions within the framework of the state order for higher and (or) postgraduate education programs with the result of

training not lower than the value established by the authorized body, within one year after the end of this training, without a competition, may occupy the following administrative state positions of the "B" corps without holding a competition:

1) low-ranking position of the akim and maslikhat offices of a district of the region or a city of regional significance (except for the city that is an administrative center of the region);

2) a non-leading position of the executive body of a district of the region and a city of regional significance (except for the city that is an administrative center of the region), financed from the local budget;

3) a non-leading position of the akim's office of a city of district significance, a village, a township, a rural district;

4) a non-leading position of a territorial subdivision of a central state body and its department in a district of a region or a city of regional significance (except for a city that is an administrative center of the region).

7. It is allowed to occupy without holding a competition in agreement with the authorized body of administrative public the positions of corps "B":

1) of the head of an independent structural subdivision of the central state body;

2) of the head of the territorial subdivision of the central state body and its department in the region, the city of republican significance, the capital;

3) of the head of the executive body of the region, the city of republican significance, the capital, financed from the regional budget, the budgets of the city of republican significance, the capital;

4) of the deputy head of the department of the central state body;

5) of the deputy head of the authorized body for organizational and logistical support of the activities of the Supreme Court;

6) of the deputy head of the Office of the Supreme Judicial Council of the Republic of Kazakhstan.

Note.

In this Article, international servants shall be recognized the citizens of the Republic of Kazakhstan who are not civil servants, who carry out activities in international organizations and shall be recognized by international servants in accordance with international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 15 as amended by the laws of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced from 01.01.2016); dated 20.12.2016 № 33-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.06.2018 No. 163-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.02.2019 No. 227-VI (the order of enforcement see Art. 2); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of

03.07.2020 (shall come into force ten calendar days after the date of its first official publication); No. 393-VI of 30.12.2020 (shall be enacted ten calendar days after the date of its first official publication); dated 30.12.2022 No. 177-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication); dated 27.03.2023 No. 216-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 16. Requirements to entering the civil service

1. Citizens of the Republic of Kazakhstan who meet qualification requirements and have competencies, health and educational background allowing to perform official duties entrusted to them and who haven't reached the retirement age established by the law of the Republic of Kazakhstan are eligible for the civil service.

The age limit, stipulated in part one of this paragraph, does not apply to political civil service positions, the terms of powers for which are established by the Constitution and laws of the Republic of Kazakhstan.

In other cases not provided for by this article, a person who has reached a retirement age may be appointed to a political public position only by the President of the Republic of Kazakhstan.

Restrictions on the age of citizens applying for law enforcement positions are established by the laws of the Republic of Kazakhstan.

2. Citizens entering the service of law enforcement agencies shall be tested, including an assessment of personal qualities, in an authorized body, with the exception of persons:

- 1) applicants for training in educational organizations of law enforcement agencies;
- 2) entering the initial professional training for the positions of ordinary and junior commanding staff;
- 3) provided for in paragraph 8 of Article 6, paragraph 3 of Article 7, and paragraph 1 of Article 7-1 of the Law of the Republic of Kazakhstan "On Law Enforcement Service".

The procedure and programs for testing citizens entering the law enforcement service shall be determined by the authorized body in agreement with the law enforcement agencies.

3. A citizen may not be admitted to the civil service, if:

- 1) he/she is under eighteen years of age, unless other requirements are established by the legislation of the Republic of Kazakhstan with regard to respective civil service positions;
- 2) he/she is legally recognized as incapacitated or partially incapacitated;
- 3) he/she is ruled ineligible to hold a civil service position for a certain period by court;
- 4) he/she has a disease affecting the performance of official duties, according to a medical institution's conclusion, in cases when the qualification requirements to holding respective civil service positions include special requirements for health;

5) he/she refused to accept the restrictions stipulated by this Law, in order to prevent actions that may lead to the use of his/her status and authority based on it in personal, group and other non-official interests;

6) he/she was brought to disciplinary responsibility for a disciplinary offence discrediting the civil service within three years before entering the civil service. At the same time, a civil servant who was dismissed for committing a disciplinary offence discrediting the civil service is not allowed to enter the civil service;

6-1) who, within three years before enrollment in the civil service, was dismissed from the political civil service due to loss of confidence;

7) who has been subject to an administrative penalty for a corruption offence within three years prior to entering the civil service;

8) he/she committed a corruption crime;

9) a court found him/her guilty of committing a criminal offence or crimes of minor and medium gravity within three years before entering the civil service, or who was released from criminal liability for committing a criminal offence or crimes of minor and medium gravity under paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

10) he/she has a criminal record not cancelled or expunged in the legally prescribed manner by the time of entering the civil service;

11) he/she was previously convicted or released from criminal liability for committing a crime under paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing grave or especially grave crimes;

12) he/she committed a crime as a criminal group member;

13) in relation to him/her, a criminal case for a crime as a criminal group member was terminated by a prosecuting agency or court under paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of a custodian sentence stipulated in the relevant article of the Special Part of the Criminal Code of the Republic of Kazakhstan;

Note!

An amendment is provided for subparagraph 14) by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

14) dismissed for negative reasons from law enforcement bodies, special state bodies, from the position of a judge, military service, with the exception of cases of dismissal of a citizen for absence from work (service) without a good reason for three or more hours in a row, who has the right for re-admission to the state service three years after such dismissal;

Note!

Paragraph 3 is supplemented by subparagraph 14-1) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

15) in other cases provided by the Laws of the Republic of Kazakhstan.

4. Failure to provide or deliberate distortion of information specified in paragraph 3 of this article is a ground to refuse admission to the civil service.

5. No discrimination in admission to the civil service is permitted for the reasons of birth, social, official and property status, sex, race, nationality, language, relation to religion, beliefs, place of residence or any other circumstances.

6. Restrictions on persons' admission to law enforcement bodies are established by the laws of the Republic of Kazakhstan.

7. Persons entering the civil service and their spouses shall submit a declaration of assets and liabilities to the state revenue authorities under the procedure established by the tax legislation of the Republic of Kazakhstan and within the time limits established by the Law of the Republic of Kazakhstan "On Combatting Corruption".

Persons who have entered the civil service and their spouses shall be obliged to submit personal declarations to the state revenue authorities in the manner and within the time limits prescribed by the tax legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated No. 26-VI of 30.11.2016 (shall be enacted from 01.01.2021); dated 02.04.2019 No. 241-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); dated 11.07.2022 No. 136-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 17. Qualification requirements

1. Citizens applying for administrative civil service positions shall meet the established qualification requirements.

2. Qualification requirements may be established for certain political public offices by decision of the President of the Republic of Kazakhstan.

3. Special qualification requirements to corps "A" administrative civil service positions are approved by the President of the Republic of Kazakhstan.

4. Qualification requirements to corps "B" administrative civil service positions are developed with account of main activities of a state body and its structural units, official powers of administrative civil servants.

Qualification requirements for administrative public positions of corps "B" shall be approved by an official (body) entitled to appoint to public positions, in agreement with the authorized body or its territorial subdivision, on the basis of standard qualification requirements for administrative public positions.

Standard qualification requirements to corps “B” administrative civil service positions are approved by the authorized body.

If the powers of the central executive body or its department include the coordination of local executive bodies in the areas of activity of this central executive body or its department, then the qualification requirements for administrative public service positions of heads of executive bodies of regions, cities of republican significance, the capital, financed from local budgets, are subject to agreement with the relevant central executive body.

5. Qualification requirements to civil service positions in law enforcement bodies shall be established in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); or 03.07.2020 No. 357-VI (shall take effect ten calendar days after the date of its first official publication); dated 30.12.2022 No. 177-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 18. Restrictions accepted in connection with entry to the civil service

Entering the civil service, citizens accept the restrictions established by this Law and other laws of the Republic of Kazakhstan in order to prevent actions that may lead to the use of their official powers and authority based on them in personal, group and other non-official interests.

These restrictions are fixed in writing by the personnel management service (personnel department) within thirty calendar days from the date of admission to the civil service.

Non-acceptance of the restrictions established by the laws of the Republic of Kazakhstan entails refusal to admit to the civil service or dismissal.

Article 19. Background check

1. Citizens entering the civil service for the first time or re-entering the civil service after its termination, with the exception of the persons referred to in paragraph 8 of Article 27 of this Law, must receive positive results of a special check conducted by the national security authorities for compliance with the eligibility requirements for civil service in accordance with this Law and the legislation of the Republic of Kazakhstan on combating corruption.

The term for conducting a special verification shall be up to three months, with the exception of a special verification of candidates for elected akims.

A special verification of candidates for elected akims shall be carried out within thirty calendar days from the date of receipt of necessary documents by the national security authorities.

2. Citizens entering the civil service in accordance with this Law, with the exception of political servants appointed or elected by the President of the Republic of Kazakhstan and the Chambers of the Parliament of the Republic of Kazakhstan, shall temporarily perform the duties required by the public position, until the day the results of a special check come out.

Labor relations with them are regulated in accordance with the labor legislation of the Republic of Kazakhstan.

During the period of a background check, these citizens shall obey the provisions of this Law regarding the duties and responsibilities of civil servants, restrictions related to holding a civil service position. The rights of these citizens are set out in the employment contract.

Admission to work is documented by a state body's statement.

The provisions of this paragraph shall not be applied to the elected akim.

3. The duration of the temporary performance of the duties of an administrative public office shall be included in the length of public service.

Footnote. Article 19 as amended by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication); No. 42-VII of 24.05.2021 (shall come into force ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 20. Probationary period of a civil servant

1. For citizens entering the civil service for the first time, a probationary term shall be established to verify their compliance with the public positions they hold. The condition for passing the probationary period is provided for in the act of the state body on admission to the position.

For citizens who were previously dismissed from a public position on the results of assessment of their performance, probationary period, attestation, or for negative reasons and re-entering the public service, a probationary period is mandatory.

For civil servants who entered the political civil service, the administrative civil service of the corps "A", elected akims, a probationary period shall not be established.

For civil servants who have entered the service of law enforcement agencies, a probationary period is established in accordance with the laws of the Republic of Kazakhstan.

2. Probationer civil servants' absence periods for valid reasons are not included in the total of the probationary period.

3. The probationary period shall last for three months.

If the results of a probationary period are unsatisfactory, the probation period is extended for three months, without another subsequent extension, by the decision of an official (official body) entitled to appoint to a civil service position or an official authorized by him/her.

Dismissal of a citizen on probation shall be subject to the approval of the competent authority or its territorial subdivision.

3-1. If a probationary citizen is appointed to another position without a change in duties, his/her probationary period shall be continued.

In case of appointment to a position with other functional duties, a new probationary period is established.

4. For the duration of the probationary period, including its extension, citizens entering the administrative civil service for the first time shall be assigned mentors.

This provision does not apply to citizens entering administrative public positions as heads of territorial divisions of central state bodies and their departments, regional executive bodies, executive bodies of cities of republican significance, the capital, financed from the local budget, district, town executive bodies financed from the local budget.

5. The procedure and conditions for the probation period and the procedure for assigning mentors are set by the authorized body.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 29.06.2018 No. 163-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); No. 42-VII of 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 21. Taking the oath by civil servants

Civil servants take the oath in the manner determined by the President of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 4. PECULIARITIES OF ENTERING CORPS “A” ADMINISTRATIVE CIVIL SERVICE AND ITS PERFORMANCE

Article 22. Selection to the personnel reserve of corps “A” administrative civil service

Footnote. Excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enforced ten calendar days after the date of its first official publication).

Article 23. Occupation of administrative public office of corps “A”

Appointment of citizens to administrative public offices of corps “A” shall be made by the official (body) entitled to appoint to these public offices, or by an official authorised by him/her, without competition, in agreement with the authorised commission.

The President of the Republic of Kazakhstan shall appoint citizens to and dismiss them from the administrative public offices of corps “A”, to which they are appointed without the approval of the authorised commission.

Footnote. Article 23 as reworded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication); as amended by Law of

the RK No. 393-VI of 30.12.2020 (shall go into effect ten calendar days after the date of its first official publication).

Article 24. Employment contracts with corps “A” administrative civil servants

A person appointed to a corps “A” administrative civil service position signs an employment contract.

An employment contract with a corps “A” administrative civil servant is concluded by an official (official body) entitled to appoint to a civil service position and remove from a civil service position, or by an official (official body) authorized by him/her.

The procedure for concluding, extending and terminating an employment contract with a corps “A” administrative civil servant is determined by the authorized body.

Article 24-1. Career planning for corps “A” administrative civil servants

Footnote. Chapter 4 is supplemented with Article 24-1 in accordance with the law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 25. Transformation of a civil service position into a corps “A” administrative civil service position

1. The holding of a public office converted to an administrative public office of corps “A” shall be exercised in obedience to this Law within three months from the date of its conversion.

1-1. A civil servant whose civil service position has been converted to an administrative civil service position of corps “A” shall be entitled to continue in service until the civil service position is occupied in pursuance of paragraph 1 hereof.

2. A state body offers a civil servant, whose civil service position has been transformed into a corps “A” administrative civil service position, a civil service position consistent with his/her qualification and given a vacancy.

If the civil servant refuses from employment, he/she shall be dismissed. In this case, the state body pays the civil servant with at least three years of civil service experience a severance pay in the amount of four average monthly salaries.

Footnote. Article 25 as amended by Law of the RK No. 357-VI dated 03.07.2020 (shall be enforced ten calendar days after the date of its first official publication).

Article 25-1. Transformation of administrative public service positions in block "A"

1. In the case of transformation of an administrative public service position of block "A" into an administrative public service position of block "B", the civil servant holding this position is offered a transformed public position, provided that it meets the established qualification requirements.

2. When two or more administrative public service positions in block "A" are transformed into one position in block "A", a civil servant who has not been offered the transformed public service position of block "A" is offered the next lower public service position provided for by the staffing table of the state body, provided that it complies with the established qualification requirements.

In the absence of a vacant next lower position, with the consent of the civil servant, he may be offered another public position, provided for by the staffing table of the state body.

3. In case of refusal of a civil servant from the proposed public office, he shall be dismissed. At the same time, a civil servant with a public service experience of at least three years receives a severance pay from the state body in the amount of four average monthly salaries.

Footnote. Chapter 4 is supplemented with Article 25-1 in accordance with the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 5. PECULIARITIES OF TAKING UP A CORPS "B" ADMINISTRATIVE CIVIL SERVICE POSITION

Article 26 Selection for civil service positions of corps "B" of citizens entering or re-entering the civil service for the first time

Citizens entering for the first time or re-entering public positions of the corps "B" after the termination of public service, shall go through the stages of selection, determined by the President of the Republic of Kazakhstan.

Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2022 No. 177-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 27. Competition for taking up a corps "B" administrative civil service position

1. The competition for a vacant or temporarily vacant administrative public post of corps "B" shall consist of:

- 1) general competition;
- 2) internal competition.

1-1. Selection of candidates for a vacant or temporarily vacant position shall be carried out in accordance with the procedure for holding a competition, determined by the authorized body.

By the decision of the head of the central state body, it is allowed to create a single competition commission for the central state body, its departments and territorial divisions, or by the decision of the head of the department of the central state body, it is allowed to create a single competition commission for the department of the central state body and its territorial divisions.

In the regions, cities of republican significance, the capital, districts, towns, it is allowed to create a single competition commission for executive bodies financed from the budgets of the corresponding administrative-territorial units. A single competition commission of executive bodies of regions, cities of republican significance, the capital, district, town, financed from local budgets, is created by the decision of a person who has the right to appoint the heads of these executive bodies.

For district, town territorial divisions of the central state body and its department, it is allowed to create a single competition commission in the interregional or regional territorial division of the central state body and its department. A single competition commission of regional, town territorial divisions is created by the decision of the head of the interregional or regional territorial division of the central state body and its department or by the decision of a higher authority.

2. The stages of the competition for holding an administrative public position of corps "B" shall be determined by the President of the Republic of Kazakhstan.

The competition includes an additional stage of approval of the participants of the competition before the interview stage in accordance with the laws of the Republic of Kazakhstan in the field of culture, physical culture and sports, education and healthcare.

The competition procedure is determined by the authorized body.

3. When holding a competition in central state bodies, departments and their territorial subdivisions, announcements shall be posted on the Internet resources of central state bodies and the authorized body. Additional publication of announcements is allowed on other Internet resources and in periodicals distributed throughout the territory of the Republic of Kazakhstan.

Announcements on holding a competition in the executive bodies financed from the local budget shall be posted on the Internet resources of the executive bodies financed from the local budget and the authorized body. Additional publication of announcements is allowed on other Internet resources and in periodicals distributed on the territory of the corresponding administrative-territorial unit.

If a single personnel management service (personnel department) is set up, announcements are also posted on the Internet resource of the state body, whose structural unit this service is.

3-1. If the powers of the central executive body or its department include the coordination of local executive bodies in the areas of activity of this central executive body or its department, then representatives of this central executive body or its department have the right to participate in the work of competition commissions created to hold competitions for positions of heads of the relevant executive bodies of regions, cities of republican significance, the capital, financed from local budgets.

The state body that creates a competition commission for holding competitions for the positions of heads of executive bodies of regions, cities of republican significance, the capital,

financed from local budgets, is obliged to send a request to the appropriate central executive body to recommend a candidate to the competition commission.

4. If a competition is held for a temporary vacant corps “B” administrative civil service position, this condition shall be indicated in the announcement of the competition.

5. A competition’s participant with the positive opinion of a competition commission has the right to hold a vacant or temporarily vacant corps “B” administrative civil service position . An official who has the right to appoint is obliged to employ him/her for the announced civil service position. At the same time, the requirements stipulated by the legislation of the Republic of Kazakhstan on the civil service shall be met.

6. The decision of the Competition Commission may be appealed against in the procedures laid down in the laws of the Republic of Kazakhstan.

7. The occupation of vacant or temporarily vacant administrative public positions of assistants or advisers to the first heads of state bodies, press secretaries is allowed without a competition.

Subsequent transfers of persons who have taken up administrative public office in the manner prescribed in part one of this paragraph shall be prohibited within a public body.

Persons who have taken up administrative public office in the manner prescribed in part one of this paragraph shall be permitted to participate in an internal competition after one year has elapsed from holding public office, subject to testing and assessment of personal attributes.

8. Within thirty calendar days from the date of dismissal from civil service, with the exception of those dismissed for negative reasons or based on the results of their performance evaluation, probationary period or the results of attestation, a person shall be entitled to take up an administrative public office of corps “B” and/or to participate in a competition and election for an administrative public office of corps “B” without being tested, provided that he/she has no employment relationship with other natural or legal persons other than a public authority, or has not travelled outside the Republic of Kazakhstan.

Under these circumstances, the person shall not be subject to the requirement to undergo a mandatory special inspection and to submit a declaration of assets and liabilities.

However, only a person who has been dismissed from a public authority which employees are entitled to participate in the internal competition of that public authority may participate in the internal competition.

9. Civil servants participating in the competition do not take tests.

Civil servants and persons, specified in part one of paragraph 8 of this article, participating in the competition undergo assessment of personal qualities in cases determined by the authorized body.

10. The occupation of vacant or temporarily vacant administrative public service positions of block "B" in the order of transfer without a competition may be carried out in the cases and in the manner determined by the President of the Republic of Kazakhstan.

Footnote. Article 27 as amended by Law of the RK No. 26-VI of 30.11.2016 (shall be enacted on 01.01.2021); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall enter into force ten calendar days after the date of its first official publication); No. 351-VI of 29.06.2020 (shall take effect on 01.07.2021); dated 30.12.2022 No. 177-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 28. General competition

1. A general competition shall be held for the vacant or temporarily vacant administrative civil service office of corps "B", as well as for another vacant or temporarily vacant administrative civil service office that is not a civil service office, in the cases provided for in paragraph 2 of Article 29 of this Law.

2. Excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication).

3. Citizens who previously passed the testing procedures and have results not lower than the values established by the authorized body are allowed to participate in general competition.

The procedure for appealing the test results is established by the authorized body.

The competition commission takes into account the participation of citizens of the Republic of Kazakhstan, applying for the civil service, in the work of public associations, public councils, non-governmental organizations, the performance of volunteer, charitable activity.

4. The authorized body and its territorial subdivisions conduct personal evaluation of citizens and issue their opinion. The procedure for the assessment of citizens' personal qualities is established by the authorized body. Making a decision, a competition commission takes into account the results of the assessment of citizens' personal qualities.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 20.12.2016 № 33-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication).

Article 29. Internal competition

1. To fill a vacant or temporarily vacant administrative public position of block "B", with the exception of the grassroots positions, the state body shall conduct an internal competition in which civil servants of this state body, its departments, territorial divisions, as well as other persons specified by this Law and the law that defines the legal framework and organization of the activities of the diplomatic service of the Republic of Kazakhstan, may also participate.

If unified personnel management service (human resources service) or unified competition commission is established, internal competition shall be held among civil servants of state bodies for which the said service or commission has been set up.

1-1. Civil servants of the central state body, as well as of other territorial subdivisions of that central state body, its departments and the territorial subdivisions of those departments may also participate in internal competitions held by the territorial subdivisions of the central state body.

1-2. Civil servants of the central state body and its departments, the territorial subdivisions of the central state body and its departments may also participate in internal competitions organised by the administrative entity of the central state body.

1-3. Civil servants of the central state body and its departments, the territorial subdivisions of the central state body and its departments may also participate in internal competitions held by the territorial subdivisions of the administrative entity of the central state body.

1-4. Civil servants of all local executive bodies and/or executive bodies financed from the local budget of a given oblast, city of republican importance or capital city may also take part in the internal competition organised by the local executive body and/or executive body funded from the local budget.

2. If there are no participants in the competition who have received a positive conclusion from the competition commission or a single competition commission, a general competition shall be held in conformity with Article 28 of this Law.

2-1. Excluded by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication).

3. Excluded by Law of the RK No. 357-VI of 03.07.2020 (shall take effect ten calendar days after the date of its first official publication).

4. is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4-1. When a public body is established, there shall be no internal competition.

5. is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 29 as amended by the Laws of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 20.12.2016 № 33-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official

publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 30. Appointment to a civil service position

1. The appointment of citizens to civil service positions and removal of civil servants from civil service positions shall be carried out by an official (official body) entitled to it by his/her official powers or by another official (official body) to whom these powers were delegated.

2. Documenting citizens' admission to the civil service, the state body ensures compliance with the requirements of the legislation of the Republic of Kazakhstan on the civil service and on combating corruption.

3. The personnel management services (personnel departments) file employment sheets for civil servants. An employment sheet form is approved by the authorized body.

4. An administrative civil servant, other than a civil servant referred to in part three of this paragraph, shall be issued an identification card, which is a document certifying his/her public office and official powers.

The details of identification cards, their issuance and use shall be approved by the competent authority.

A political civil servant, an administrative civil servant of block "A", as well as an administrative civil servant of the Office of the Chamber of the Parliament of the Republic of Kazakhstan, the Office of the Security Council of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan, the Office of the Government of the Republic of Kazakhstan shall be issued an official certificate, which is a document confirming their public position and official powers.

The public authority shall approve the procedure for issuing the identity card and its description.

Where appropriate, a public servant referred to in part three of this paragraph may be issued an identification card.

Footnote. Article 30 as amended by Law of the RK No. 273-VI of 26.11.2019 (shall be enacted six months after the date of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

Chapter 6. PERFORMANCE OF THE CIVIL SERVICE

Article 31. Job descriptions

The qualification requirements underlie the description of official powers and responsibilities of administrative civil servants under the Constitution, this Law and other legislation of the Republic of Kazakhstan, which are reflected in job descriptions.

Job descriptions are approved by an official, who has the right to appoint to a civil service position and remove from a civil service position, and contain a specific list of functions required of a civil service position.

The procedure for the development and approval of job descriptions is established by the authorized body.

Article 32. Working hours

1. The duration of working hours for civil servants is set according to the labor legislation of the Republic of Kazakhstan with account of peculiarities stipulated by this Law.

2. Civil servants shall have a five-day work week with two days off.

3. Rules of the labor regulations of civil servants, approved by state bodies, set the working hours and rest time.

4. In order to perform urgent, unforeseen work, civil servants may be called on to work overtime, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan.

In the cases stipulated by this paragraph, a civil servant is given days (hours) of rest or this work is compensated in accordance with the civil service remuneration system.

Article 33. Performance evaluation of civil servants

1. In order to determine the efficiency and quality of civil servants' work, an assessment of their activities shall be conducted.

The procedure and terms for assessing the civil servants' activities is determined by the President of the Republic of Kazakhstan on the authorized body's proposal.

The results of the evaluation of civil servants' activities shall be the ground for making decisions on the payment of bonuses, incentives, training, rotation, promotion, demotion or dismissal.

2. The performance evaluation of political civil servants is carried out by the authorized person (body) designated by the President of the Republic of Kazakhstan.

3. The performance of the Secretary of the Supreme Judicial Council - Head of the Apparatus of the Supreme Judicial Council of the Republic of Kazakhstan shall be evaluated by the Chairman of the Supreme Judicial Council of the Republic of Kazakhstan.

4. The performance evaluation of corps "A" administrative civil servants, with the exception of persons referred to in paragraph 3 hereof, shall be made by the official (body) entitled to appoint to and dismiss from public office an administrative civil servant of corps "A".

The methodology for performance evaluation of corps "A" administrative civil servants is approved by the authorized body.

The unsatisfactory evaluation of a corps "A" administrative civil servant is a ground to terminate his/her employment contract in coordination with the authorized commission.

5. State bodies develop and approve a methodology for assessing the activities of administrative public servants of block "B" on the basis of a standard methodology approved by the authorized body.

6. Receiving unsatisfactory grades by an administrative civil servant of corps "B" in accordance with the procedure and terms for assessing the activities of civil servants, which are determined by the President of the Republic of Kazakhstan shall entail his/her demotion in a public position if he/she meets qualification requirements and there is a vacant lower public position.

In the absence of a vacant lower public service position or refusal of the civil servant from the proposed public service position, the civil servant is dismissed from the occupied public position.

7. A civil servant has the right to appeal against the results of his/her performance evaluation according to the procedure established by the legislation of the Republic of Kazakhstan.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); No. 393-VI of 30.12.2020 (shall take effect ten calendar days after the date of its first official publication); dated 30.12.2022 No. 177-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 34. Training of civil servants

1. Training of civil servants includes the training, retraining and advanced training of civil servants.

Training of civil servants is the process of education aimed at obtaining academic and scientific degrees by completing postgraduate education programs.

Retraining of civil servants is carried out through training courses for obtaining additional professional knowledge.

Advanced training of civil servants means training workshops to improve their competencies.

2. Administrative civil servants shall undertake advanced training at least once every three years.

3. The acquisition of services for retraining and advanced training of civil servants is carried out in the educational organizations under the President of the Republic of Kazakhstan and their branches, as well as in autonomous educational organizations.

The advanced training of civil servants can be carried out in other educational organizations according to the profile of the state body's activity.

4. The training, retraining and professional development of civil servants and the requirements for educational organisations providing professional development for civil servants shall be determined by the Government of the Republic of Kazakhstan in coordination with the Administration of the President of the Republic of Kazakhstan.

Footnote. Article 34 as amended by the Laws of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall go into effect ten calendar days after the date of its first official publication).

Article 35. Incentives

1. Civil servants may be given incentives for exemplary performance of official duties, impeccable civil service, fulfillment of tasks of special importance and complexity and other achievements in the work, and also as a result of evaluation of their performance.

Civil servants may receive the following incentives:

- 1) a one-time cash reward;
- 2) a letter of commendation;
- 3) a valuable gift;
- 4) a certificate of merit;
- 5) an honorary title;
- 6) other forms of incentives, including departmental awards.

2. For the same merit, a civil servant may be given only one of the forms of incentives specified in the second part of paragraph 1 of this article, and only once, with indication of specific merits in the act of the state body.

The procedure for applying incentives shall be determined by acts of state bodies.

3. For special merits, civil servants may be recommended for a decoration with state awards in accordance with the Law of the Republic of Kazakhstan “On State Awards of the Republic of Kazakhstan”.

Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 36. Internships for civil servants

State bodies arrange internships for civil servants away from their permanent place of employment to help them acquire professional knowledge and experience. During the internship period, civil servants have their place of employment (civil service position) and salary secured.

Internships of administrative civil servants are carried out in the manner determined by the authorized body.

Article 37. Career advancement in the civil service

1. Career advancement of civil servants in the civil service takes into account their qualifications, competencies, abilities, merits and conscientious performance of their official duties.

2. Career advancement in the civil service in a state body provides for consistent movement upward to higher civil service positions envisaged by the staffing structure of the state body.

Higher public offices in a given public authority, as well as in other public authorities shall mean public offices for which the qualifications are higher, and where the qualifications are equal, a higher salary shall be fixed.

3. If a civil servant has an unreleased disciplinary sanction for violating the norms of official ethics or committing a disciplinary offense that discredits the public service, holding of a public service position by him through transfer, as well as based on the results of competitions, is not allowed.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication).

Article 38. Temporary assignment of duties

1. In connection with the service needs, a civil servant may be temporarily assigned the duties of another civil service position without dismissing him/her from the current civil service position, except for cases established by this Law and acts of the President of the Republic of Kazakhstan.

Temporary assignment of duties of heads of independent structural divisions of central state bodies, heads of territorial divisions of central state bodies and their departments, regional executive bodies, executive bodies of cities of republican significance, the capital, financed from the local budget, district, town executive bodies, financed from the local budget, deputy akims of towns and districts is allowed for a period not exceeding three months.

At the same time, the duties of a leading public position cannot be assigned to assistants and advisers to the first heads of state bodies.

Temporary assignment of duties of elected akims to another administrative civil servant without dismissal from public position shall be carried out by the order of a superior akim.

2. A civil servant shall be paid extra for temporary overlapping of civil service positions and performance of duties of a temporarily absent civil servant in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten

calendar days after the day of its first official publication); No. 42-VII of 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023).

Article 39. Secondment of civil servants to state bodies, foreign institutions of the Republic of Kazakhstan and other organizations

1. For the purpose of performing the tasks assigned to the state bodies, civil servants may be seconded to the state bodies, foreign missions of the Republic of Kazakhstan, international and other organizations in agreement with their first heads in the manner determined by the Government of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan.

2. The seconded civil servants have their previous place of employment (civil service position) secured as well as the rights, guarantees, benefits, compensations, allowances, payments, pensions and social protection established by this Law and other regulatory legal acts of the Republic of Kazakhstan.

Footnote. Article 39 as amended by the laws of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 40. The call of civil servants to military service

If civil servants are called to compulsory military service, they are granted an unpaid leave of absence and have their place of employment (civil service position) secured for the period of compulsory military service in accordance with the legislation of the Republic of Kazakhstan.

Article 41. Rotation of civil servants

1. In order to ensure a more effective use of professional potential in the public service, the rotation of civil servants is carried out.

Rotation of political civil servants and administrative civil servants in block "A" means their official transfers to vacant or temporarily vacant political public positions and administrative public positions in block "A" or between political civil servants and administrative civil servants in block "A".

Rotation of administrative civil servants in corps "B" shall refer to office transfers to vacant administrative civil service offices in corps "B" or between administrative civil servants of Corps B, except in circumstances specified in the law governing the legal basis and organisation of the activities of the diplomatic service of the Republic of Kazakhstan.

2. The procedure and terms for the rotation, categories and positions of civil servants subject to rotation shall be determined by the President of the Republic of Kazakhstan, except for the cases prescribed by the law that establishes the legal framework, as well as the

procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan.

Rejection of rotation in cases stipulated by the procedure and terms of rotation, categories and positions of civil servants subject to rotation may be the ground for making decisions on demotion or dismissal, except for the cases referred to in part six of this paragraph. Demotion in public office shall be made without competitive procedures.

At the same time, within one year, a person may not be appointed to the previous position from which the rotation was made, also from which he was demoted or dismissed due to the rejected rotation, unless otherwise decided by the President of the Republic of Kazakhstan.

In rotating to another locality, civil servants shall be provided with official accommodation in accordance with the Law of the Republic of Kazakhstan “On Housing Relations”, and in the absence of official accommodation, for the period of their official duties rotated civil servants shall be given rotational payments in accordance with the rules for calculating the amount, appointment, recalculation, implementation, termination, return, suspension and resumption of rotational payments to civil servants rotated to another locality, approved by the Government of the Republic of Kazakhstan.

The authorized body shall coordinate the interregional rotation of the administrative civil servants of block "B".

Rotation associated with moving to another locality of civil servants who are persons with disabilities, pregnant, single parents raising a child under the age of fourteen, having (being guardians to) children with disabilities, including adopted, parents with many children (guardians) or having a dependent parent (parents) with a disability or a parent (parents) who is a pensioner (who are pensioners) by age established by the legislation on pension provision of the Republic of Kazakhstan, shall be allowed only with the consent of these civil servants, unless otherwise provided by the law defining the legal framework, as well as the procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan.

These circumstances must be documented.

3. The provisions laid down herein shall not apply to civil servants elected in conformity with the laws of the Republic of Kazakhstan.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by Law of the RK No. 357-VI of 03.07.2020 (shall be enacted ten calendar days after the date of its first official publication); No. 393-VI of 30.12.2020 (shall come into force ten calendar days after the date of its first official publication); No. 42-VII of 24.05.2021 (shall go into effect ten calendar days after the date of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 42. Employment of citizens during the period of establishment of a state body

1. From the date of adoption of an act on the establishment of a state body, in connection with the needs of the service, citizens may be employed for a period of not more than three months for temporary execution of duties.

During this period, which may not be extended, the said civil service positions shall be occupied in accordance with this Law.

Recruitment for the temporary performance of the responsibilities of vacant and (or) temporarily vacant administrative public offices of corps “A” shall be from among persons who meet the prescribed special qualifications for administrative public offices of corps “A” and other requirements prescribed by this Law.

2. The number of persons employed to perform temporary duties shall not exceed twenty per cent of the size of the staff of a state body.

Labor relations of such persons, who are not civil servants, and the state body that temporarily employs them are regulated by the labor legislation of the Republic of Kazakhstan.

Footnote. Article 42 as amended by Law of the RK No. 357-VI of 03.07.2020 (shall take effect ten calendar days after the date of its first official publication).

Chapter 7. SERVICE DISCIPLINE

Article 43. Responsibility of civil servants

1. For failure to perform or improper performance of their official duties, civil servants bear civil, disciplinary, administrative, criminal liability in accordance with the laws of the Republic of Kazakhstan.

If there is any doubt as to the legitimacy of an order received for execution, a civil servant shall notify his/her immediate manager and the manager, who issued the order, about it in writing and without delay. In the event that the manager holding a superior civil service position confirms this order in writing, the civil servant is obliged to execute it, if the execution does not entail actions that are criminal offences. Responsibility for consequences of the civil servant’s execution of an illegitimate order is borne by the manager who confirmed this order.

2. Officials are prohibited from giving orders and instructions not relating to the exercise of official duties and (or) aiming to violate the legislation of the Republic of Kazakhstan.

3. Civil servants shall be entitled to appeal against the decisions and actions (inaction) of a public body under the statutory procedure of the Republic of Kazakhstan.

4. Civil servants holding the positions of the first heads of state bodies, heads of independent structural divisions of central and local state bodies, with the exception of cases provided for by this Law, bear disciplinary responsibility in accordance with the laws of the Republic of Kazakhstan for commission of corruption crimes by their directly subordinate civil servants, under the following conditions:

1) a connection has been established between a corruption crime committed by a subordinate and guilt in non-fulfilment or improper fulfilment of official duties to prevent the commission of corruption offences;

2) in relation to the subordinate, there is a judicial act that has entered into legal force on bringing to criminal liability for a corruption offense or a criminal case for committing a corruption offense has been terminated by the criminal prosecution body or by the court on the basis of paragraphs 3), 4), 9), 10), 11) and 12) of part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan.

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 351-VI of 29.06.2020 (shall be enforced on 01.07.2021).

Article 44. Disciplinary offences and sanctions

1. A disciplinary offence of a civil servant (hereinafter referred to as an offence) is an unlawful, culpable failure to perform or improper performance of duties assigned to a civil servant, abuse of official powers, violation of service discipline and service ethics, as well as failure to comply with the restrictions relating to the entry to the civil service established by laws of the Republic of Kazakhstan.

2. Disciplinary misconduct is also a dismissal at will of persons who have committed a disciplinary offence, entailing dismissal for negative reasons, unlawful appointment of persons to administrative public positions and (or) dismissal of persons from administrative public positions, unlawful imposition of disciplinary sanctions on administrative civil servants, disclosure of content of tests and other competitive questions, deliberate failure to take measures to prevent and resolve conflicts of interest, failure to perform or improper performance of official duties to prevent the commission of corruption offences by subordinate civil servants.

3. For the commission of a disciplinary offence, the following types of sanctions are imposed against civil servants:

1) reprimand;

2) reproof;

3) severe reproof;

4) a warning of incompetence;

4-1) demotion in a public position, with the exception of civil servants carrying out their activities on an elected basis;

5) dismissal from a civil service position.

Laws of the Republic of Kazakhstan may establish other types of sanctions.

4. Disciplining by way of demotion in a public position shall be applied in the presence of the subsequent vacant lower public position in a state body, with the exception of temporarily

vacant public positions, and if the civil servant meets the qualification requirements established for this public position. Demotion in public office shall be made without competitive procedures.

A disciplinary sanction in the form of a service incompetence note is imposed, if there is no possibility to impose a disciplinary sanction in the form of demotion.

A disciplinary sanction in the form of dismissal from a civil service position is imposed for reasons stipulated by this Law, the legislation of the Republic of Kazakhstan.

5. The civil servant's commission of any disciplinary offence specified in subparagraphs 1), 6), 7), 8), 10), 11), 12) and 15) of paragraph 1 of article 50 of this Law, if it is not a criminal or administrative offence, entails demotion in a civil service position, and in the absence of a vacant lower civil service position - the imposition of disciplinary sanction in the form of a service incompetence note in the manner prescribed by law.

Repeated commission of any of these disciplinary offences within a year after imposing a disciplinary sanction for the first disciplinary offence shall result in dismissal from a civil service position.

6. The civil servant's commission of any disciplinary offence specified in subparagraphs 2), 3), 4) and 5) of paragraph 1 of article 50 of this Law, if it is not a criminal or administrative offence, entails the imposition of disciplinary sanction in the manner prescribed by law in the form of a service incompetence note or dismissal.

Repeated commission of any of these disciplinary offences within a year after imposing a disciplinary sanction for the first disciplinary offence shall result in dismissal from a civil service position.

7. The civil servant's commission of any disciplinary offence specified in subparagraphs 9), 13), 14), 16), 17), 18) and 19) of paragraph 1 and paragraph 2 of article 50 of this Law, if it is not a criminal or administrative offence, entails dismissal from a civil service position.

8. A disciplinary sanction:

1) is imposed by officials (official body) entitled to it by their official powers;

2) may not be imposed repeatedly for the same offence provided that the first disciplinary sanction was imposed legitimately and suited the seriousness of the offence;

3) is imposed according to the procedure established by the legislation of the Republic of Kazakhstan.

9. In the regions, cities of republican significance, the capital, districts, cities, it is allowed to set up a single disciplinary commission for executive bodies financed from the budgets of respective administrative-territorial units. A single disciplinary commission of executive bodies of the regions, cities of republican significance, the capital, districts, cities who are financed from local budgets shall be established by the decision of an official (official body) entitled to appoint heads of these executive bodies.

For the regional and city territorial subdivisions of a central state body and its department, it is allowed to set up a single disciplinary commission in the interregional or regional

territorial subdivision of the central state body and its departments. A single disciplinary commission of district and city territorial subdivisions shall be established by the decision of head of the interregional or regional territorial subdivision of the central state body and its department or higher body.

By the decision of the head of the central state body, it is allowed to create a single disciplinary commission for the central state body, its departments and territorial divisions, or by the decision of the head of the department of the central state body, it is allowed to create a single disciplinary commission for the department of the central state body and its territorial divisions.

10. The procedure for imposing a disciplinary sanction is established by the President of the Republic of Kazakhstan.

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 42-VII of 24.05.2021 (shall come into force ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 45. Terms of imposition of disciplinary sanctions

1. A disciplinary sanction shall be imposed not later than one month after the reveal of an offence and may not be imposed later than six months from the day it was committed.

An offence is recognized as continuing, if it has uniform elements of a certain offence and has been committed on a continuous basis and is not completed by the time of its reveal.

2. A disciplinary sanction for committing disciplinary offences discrediting the civil service stipulated by this Law shall be imposed not later than three months after the reveal of the offence and may not be imposed later than one year from the day the offence was committed.

In the event that a prosecuting agency or court terminates a criminal case or proceedings on administrative offence, but there are signs of committing a disciplinary offence discrediting the civil service stipulated by this Law, a disciplinary sanction shall be imposed not later than three months after the date of the decision to terminate the criminal case, but not later than one year from the day the offence was committed.

A disciplinary sanction for violating the budget legislation of the Republic of Kazakhstan is imposed not later than three months after the reveal of the offence and may not be imposed later than one year from the day the offence was committed.

3. A sanction may not be imposed if:

- 1) a civil servant is temporarily incapacitated for work;
- 2) a civil servant is on vacation or business trip;
- 3) a civil servant is relieved from performing his/her official duties during the time of performing state or public duties;

- 4) a civil servant is at training, retraining, advanced training courses and in internship;
- 5) appealing to the courts by a civil servant against acts of public authorities concerning disciplinary offences committed by the civil servant.

4. Consideration of the issue of disciplinary liability and the duration of the period for imposing a disciplinary sanction is suspended in the cases specified in paragraph 3 of this article, for the period of criminal proceedings or administrative proceedings, as well as until the entry into force of a judicial act affecting the resolution of the issue of disciplinary responsibility of a civil servant.

Disciplinary action shall also be suspended for the period of consideration of prosecutorial supervision and response acts and is resumed from the day a decision on this act is made.

Footnote. Article 45 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 351-VI of 29.06.2020 (shall take effect on 01.07.2021); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 46. Guarantees of the rights of civil servants brought to disciplinary responsibility

1. A civil servant shall be familiarized with all the materials related to his/her bringing to disciplinary responsibility, he/she is given the right to personally participate in the official investigation.

2. Actions (inaction) and decisions of a public authority or official may be appealed against by civil servants who have been prosecuted in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 351-VI of 29.06.2020 (shall be enacted on 01.07.2021).

Article 47. Liability of civil servants for causing damage

1. The liability for damage of a civil servant is incurred for damage caused to a state body, in cases and amounts stipulated by the legislation of the Republic of Kazakhstan.

2. A civil servant is obliged to compensate for direct actual damage caused to the state body.

3. The liability of a civil servant for damage caused to a state body is disregarded if the damage arose as a result of force majeure or extreme necessity, justifiable defense, as well as the state body's failure to ensure necessary conditions for the preservation of property entrusted to a civil servant.

Article 48. Civil servant's temporary suspension from duty

Civil servant's temporary suspension from duty may occur:

- 1) in accordance with the criminal procedure legislation of the Republic of Kazakhstan;

2) in the case of official investigation - by an official (official body) entitled to appoint to a civil service position and remove from a civil service position, until a decision on liability is taken, but for a period not exceeding one month with the salary secured.

A statement on civil servant's temporary suspension from duty is issued by an official (official body) entitled to it in accordance with official powers or by another official (official body) to whom these powers were delegated.

Chapter 8. SERVICE ETHICS OF CIVIL SERVANTS

Article 49. Requirements to civil servants to comply with service ethics

1. Civil servants are obliged to comply with the standards of civil servants' service ethics, prescribed by the Code of Ethics for civil servants of the Republic of Kazakhstan.

The Code of Ethics for Civil Servants of the Republic of Kazakhstan is approved by the President of the Republic of Kazakhstan.

2. Violation of the service ethics by civil servants entails disciplinary liability established by this Law.

3. Monitoring and control of the observance of service ethics by civil servants is carried out by the ethics commissioner. The regulation on the ethics commissioner is approved by the President of the Republic of Kazakhstan upon the recommendation of the authorized body.

Coordination and methodological support of the activity of the ethics commissioner are carried out by the authorized body.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 50. Disciplinary offences discrediting the civil service

1. Actions of civil servants recognized as disciplinary offences discrediting the civil service by this Law are as follows:

- 1) unlawful interference with the activities of other state bodies, organizations;
- 2) use of their official powers to settle issues of material interest to them or their close and in-law relatives;
- 3) illegal advantages (protectionism, nepotism) in admission to and career advancement in the civil service;
- 4) undue preference to natural and (or) legal persons in the elaboration and making of decisions;
- 5) any assistance not stipulated by the legislation of the Republic of Kazakhstan to whosoever in the implementation of entrepreneurial and other activity associated with deriving revenue;
- 6) use in the personal or group interests of information obtained in the course of performance of public functions, if it is not subject to official dissemination;

7) unreasonable refusal to provide information to natural and legal persons, which is stipulated by the legislation of the Republic of Kazakhstan, or its delay, conveyance of inaccurate or incomplete information;

8) requiring from natural and legal persons of information, the provision of which by these persons is not stipulated by the legislation of the Republic of Kazakhstan;

9) transfer of state financial and material resources to the election funds of some candidates;

10) giving gifts and rendering unofficial services to officials to obtain material benefits, gains or advantages through the use of their official powers;

11) obvious obstruction of natural or legal persons' exercise of their rights, freedoms and legitimate interests;

12) gross violations of the requirements to the organization and conduct of inspections in respect of business entities set forth in subparagraphs 1), 2), 3), 4) and 7) of article 151, subparagraphs 2), 6) and 8) of paragraph 2 of article 156 of the Entrepreneurial Code Republic of Kazakhstan;

13) delegation of powers for state regulation of entrepreneurial activity to natural and legal persons carrying out such activities, as well as for control over and supervision of it;

14) delegation of state control and supervisory functions to organizations not having the status of a state body;

15) participation in gambling games of the monetary or other material nature with officials in higher or lower positions or with those whose service or work somehow depends on them;

16) any remuneration in the form of money, services and other kinds for the performance of their public or equivalent functions from organizations, in which a civil servant does not perform relevant functions, as well as from individuals, unless otherwise provided for by the legislation of the Republic of Kazakhstan.

Money transferred to the account of a civil servant without his/her knowledge, as well as funds received by him/her in connection with the performance of respective functions in violation of the first item of this subparagraph, shall, not more than two weeks after they are found, be transferred to the state budget and explanation shall be submitted to the relevant state revenue body on the circumstances of the receipt of such funds;

17) gifts or services received in connection with the performance of their state or equivalent functions from civil servants and other persons dependent on them in the line of service, for general patronage or connivance in the service.

Gifts received without the civil servant's awareness, as well as those received by him/her with regard to the fulfilment of relevant functions in violation of paragraph one of this subparagraph, shall be transferred free of charge to the competent authority for state property management within seven calendar days from the date of receipt of the gift, or from the day when the civil servant became aware of the gift received, and the services rendered to the

civil servant under the same circumstances must be paid for by transferring money to the national budget within seven calendar days from the day the service was rendered or from the day when the civil servant became aware of the rendered service.

The civil servant who has received gifts shall be entitled, with notification of the superior official, to redeem them at cost determined in conformity with the Law of the Republic of Kazakhstan “On Valuation Activity in the Republic of Kazakhstan”, under the sales contract concluded with the competent authority on management of the state property. The money from the sale of gifts shall be transferred to the national budget;

18) acceptance of invitations to domestic and foreign tourist, medical and recreational and other tours at the expense of natural and legal persons, both from abroad and Kazakhstan, except for trips:

at the invitation of the husband (wife), relatives at their expense;

at the invitation of other individuals (with the consent of a superior official or official body), if the relations with them do not affect official activity of the invited;

taken in accordance with international treaties of the Republic of Kazakhstan or by mutual agreement between state bodies of the Republic of Kazakhstan and state bodies of foreign states at the expense of the funds of relevant state bodies and (or) international organizations;

carried out with the consent of a superior official or official body to participate in scientific, sporting, creative, professional, humanitarian events at the expense of organizations, including travels within the framework of statutory activities of such organizations;

19) use of benefits not stipulated by the legislation of the Republic of Kazakhstan in obtaining credits, loans, securities, real estate and other property.

2. Family members of a civil servant may not accept gifts and services, invitations to travel, therapeutic and other trips at the expense of individuals and legal entities, both foreign and of the Republic of Kazakhstan, with which the said person is related in service. A civil servant shall donate gifts illegally received by members of his/her family to the authorised state property management body within seven calendar days from the day when the civil servant became aware of the receipt of the gift, and shall reimburse the cost of services illegally used by his/her family members by transferring money to the republican budget within seven calendar days from the day when the civil servant became aware of the rendering of the service.

Footnote. Article 50 as amended by Law of the RK No. 365-VI of 06.10.2020 (shall be enacted ten calendar days after the date of its first official publication).

Article 51. Conflict of interest

1. A civil servant shall be prohibited from exercising official powers if there is a conflict of interest.

2. A civil servant shall take measures to prevent and resolve conflicts of interest.

3. A civil servant shall be obliged to notify his/her immediate supervisor or chief executives of a state body of a conflict of interest or possibility of its occurrence in writing, as soon as he/she becomes aware of it.

The immediate supervisor or chief executives of a state body shall take timely measures to prevent and resolve a conflict of interest after a civil servant's application or after receiving information from other sources, also by:

- 1) charging another civil servant with official powers of the said civil servant concerning the issue in connection with which a conflict of interest arose or may arise;
- 2) changing official duties of a civil servant;
- 3) taking other measures to eliminate the conflict of interest.

4. A civil servant, his/her immediate manager or chief executives of a state body bear disciplinary responsibility for failure to take measures to prevent and resolve conflicts of interest they are aware of.

Article 52. Anti-corruption behavior of civil servants

1. Civil servants shall resist manifestations of corruption, not allow corruption offences.

2. Civil servants shall prevent the facts of corruption offences committed by other civil servants.

3. If a civil servant is aware of a corruption offence being prepared, attempted or committed, he/she shall make the necessary arrangements to prevent and stop such an offence, including immediately notify in writing his/her superior and/or the management of the public authority where he/she works, and/or the competent public authorities. A civil servant also shall be obliged to promptly notify these persons and authorities in writing of any incitement by others to commit corruption offences.

In case of fulfilment of the obligation provided for by this paragraph, the civil servant shall be guaranteed by the state the protection measures provided for by the Law of the Republic of Kazakhstan "On Combating Corruption".

Chief executives of a state body shall be obliged, within a month from the date of receiving information, to take measures pursuant to statements of a civil servant about corruption offences, cases of inducing him/her to commit these violations, including through inspections and applications to authorized bodies.

4. Chief executives of a state body shall be obliged to take measures to protect a civil servant who reported corruption offences, inducing him/her to commit these violations, from persecution that infringes his/her rights, freedoms and legitimate interests.

5. Civil servants shall not allow action (inaction) complicating the exercise of rights, freedoms and legitimate interests of natural and legal persons.

6. When a civil servant is publicly charged with unjustified accusation of corruption, he/she shall take measures to refute it within a month from the date of detection of such an accusation.

Footnote. Article 52 as amended by Law of the RK No. 365-VI dated 06.10.2020 (shall go into effect ten calendar days after the date of its first official publication); dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Chapter 9. SOCIAL GUARANTEES OF STATE EMPLOYEES, THEIR FAMILY MEMBERS

Article 53. Civil service pay

1. The civil service pay shall ensure sufficient material conditions for unconditional and thorough performance of official duties, facilitate the staffing of state bodies with competent and experienced personnel, stimulate their conscientious and initiative work.

2. The civil service pay is settled differentially, depending on the nature, scope and results of the work performed by civil servants.

3. The civil service pay, except for salaries of civil servants of the National Bank of the Republic of Kazakhstan, is consistent with a single system of labor remuneration for all bodies maintained at the expense of the state budget approved by the Government of the Republic of Kazakhstan in coordination with the President of the Republic of Kazakhstan.

The procedure and conditions for the payment of bonuses, the provision of financial assistance to civil servants, and fixing of perks to official salaries of corps “B” administrative civil servants shall be determined by the Government of the Republic of Kazakhstan in coordination with the Administration of the President of the Republic of Kazakhstan.

4. Civil servants’ salaries shall be paid from the republican and local budgets, funds of the National Bank of the Republic of Kazakhstan, unless otherwise provided by the Law of the Republic of Kazakhstan “On the return of illegally acquired assets to the state”.

5. Salaries and other payments to administrative civil servants shall be indexed according to the procedure established by the legislation of the Republic of Kazakhstan.

6. The service length of civil servants, entitling them for an official salary, shall be calculated according to the procedure determined by the authorized body in coordination with the Administration of the President of the Republic of Kazakhstan and the Office of the Government of the Republic of Kazakhstan.

Footnote. Article 53 as amended by the laws of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced from 01.01.2016); dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication; dated 12.07.2023 No. 23-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 54. Vacations of civil servants

1. Civil servants are granted a paid annual vacation of thirty calendar days with the payment of a health benefit in the amount of two official salaries.

Civil servants are granted a paid annual vacation for the first and subsequent years of work at any time of a work year by agreement of the parties.

Payment for the annual vacation is made not later than three calendar days before its start, and in the case of providing an off-schedule paid vacation - not later than three calendar days from the date of its granting.

1-1. The elected akim goes on vacation by issuing his/her own act in agreement with the superior akim.

2. At the request of civil servants, paid annual vacations may be granted to them in parts. In this case, one part of the paid annual vacation shall be at least two calendar weeks.

3. Civil servants may be granted an unpaid leave of absence according to the procedure established by the labor legislation of the Republic of Kazakhstan, including during their postgraduate training within the state order.

4. By decision of the head of a public authority or the head of apparatus or another official determined by the President of the Republic of Kazakhstan, civil servants may, with their consent, be recalled from annual or additional leave. The remainder of the unused leave shall be available to civil servants at any other time of the year concerned or shall be added to the leave of the following year.

Footnote. Article 54 as amended by Law of the RK No. 393-VI of 30.12.2020 (shall be enacted ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023).

Article 55. Pension and social security of civil servants

Pension and social security of civil servants shall be carried out in accordance with the laws and other regulatory legal acts of the Republic of Kazakhstan.

Article 56. Measures of social protection of civil servants

1. Civil servants are provided with housing in the manner determined by the Law of the Republic of Kazakhstan "On housing relations" and other legislation of the Republic of Kazakhstan.

2. Civil servants who need to improve their living conditions are provided with land plots for individual housing construction. The conditions for the provision of land plots are determined by the legislation of the Republic of Kazakhstan.

3. Civil servants and members of their families living with them, in accordance with the established procedure, enjoy medical care in the relevant state health care institutions.

4. In the event of a reduction in the staffing of a state body, a civil servant holding a reduced public service position receives a severance pay in the amount of four average monthly salaries provided that he has a public service experience of at least three years.

5. In the event of the abolition (liquidation) of a state body, the administrative civil servants receive a severance pay in the amount of four average monthly salaries, provided that they have a public service experience of at least three years.

6. When transferring to a state body the functions, powers and (or) staffing units of another state body, including the abolished (liquidated) or reorganized state body, the administrative civil servants who performed the transferred functions, powers and (or) occupied these staffing units are offered equivalent public positions in a state body to which the functions, powers and (or) staffing units of another state body are transferred, including the abolished (liquidated) or reorganized state body, in accordance with their qualifications.

In the absence of an equivalent position, an administrative civil servant may be offered another public service position in the same state body, provided that he meets the established qualification requirements.

If an administrative civil servant refuses employment, he is subject to dismissal.

An administrative civil servant who has refused the proposed position, who has had a public service experience of at least three years, receives a severance pay in the amount of four average monthly wages from a state body to which the functions, powers and (or) staffing units of another state body have been transferred, including an abolished (liquidated) or reorganized state body.

Note. For the purposes of this paragraph, another state body means a state body registered as an independent legal entity.

7. In case of a change in the management structure within a state body, an administrative civil servant is appointed to a position equivalent to the previously held position, corresponding to the previously performed official powers.

In the absence of an equivalent position, an administrative civil servant may be offered another position, provided that he meets the established qualification requirements.

In case of refusal of an administrative civil servant from the proposed position, he is subject to dismissal. Administrative civil servants with at least three years of public service experience receive a severance pay in the amount of four average monthly wages.

8. In the cases provided for in paragraphs 6 and 7 of this article, it is not allowed to appoint administrative civil servants to temporarily vacant public positions in the presence of another vacant public position, except in the cases of substitution of a temporarily absent civil servant or the consent of the civil servant himself.

An administrative civil servant who has received notification of a proposed position in accordance with paragraphs 6 and 7 of this article is obliged to inform about the decision taken within five working days.

In the absence of a decision within the specified period, the civil servant is subject to dismissal.

9. Changing the name of the position of an administrative civil servant or the name of the state body (structural unit) in which he works, which does not entail a change in working conditions, is not a reason for termination of public service of an administrative civil servant or reassignment to another position.

In this case, the authorized person (body), who has the right to appoint to an administrative public position, issues an appropriate act on the appointment to a public position.

10. If the main employee vacated his administrative public service position without going to work, then the civil servant holding this temporarily vacant public service position can continue to work on a permanent basis without holding a competition.

In this case, the authorized person (body), who has the right to appoint to an administrative public position, issues an appropriate act on the appointment of a person hired for a temporarily vacant public position to a public position on a permanent basis.

11. In the event of the death of a civil servant, his family members receive a lump sum in the amount of three average monthly salaries at the last place of service in a state body, while the amount of the benefit cannot be lower than the amount established by the Law of the Republic of Kazakhstan "On state social benefits for disability and loss of breadwinner in the Republic of Kazakhstan".

12. Administrative civil servants in corps "B", excluding those in managerial positions, who work and reside in rural areas shall be provided with additional social support measures stipulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by Law of the RK No. 357-VI of 03.07.2020 (shall take effect ten calendar days after the date of its first official publication).

Article 57. Guarantees and compensations to civil servants for business trips

1. Civil servants shall be reimbursed for expenses on business travel, including to foreign states, in the manner determined by the Government of the Republic of Kazakhstan.

Guarantees and the right to receive daily allowances for the time on a business trip, travel expenses to and from the destination, expenses for renting an accommodation as prescribed by the legislation of the Republic of Kazakhstan shall apply to civil servants and contract servants in state bodies.

2. Civil servants who are seconded shall retain their place of work (public office) and salary for the duration of the secondment.

Footnote. Article 57 as amended by Law of the RK No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 58. Guarantees and compensations to diplomatic staff

Guarantees and compensations to the personnel of the diplomatic service are established by the law defining the legal framework, as well as the procedure for ensuring the activity of the diplomatic service of the Republic of Kazakhstan.

Chapter 10. TERMINATION OF THE CIVIL SERVICE BY CIVIL SERVANTS

Article 59. Termination of the civil service by political civil servants

Powers of a political civil servant at an occupied political position shall be terminated in cases such as:

- 1) the loss of citizenship of the Republic of Kazakhstan;
- 1-1) holding citizenship of a foreign country;
- 2) the abolition (liquidation) of a state body;
- 3) submission by a political civil servant of knowingly false information on the income and property fully belonging to him/her;

Note

Article 59 is to be supplemented with subparagraph 3-1) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

- 4) non-performance of duties and non-compliance with restrictions established by the laws of the Republic of Kazakhstan;
- 5) failure to transfer for trust management the property fully owned by him/her;
- 6) committing an administrative corruption offense, except for the case when a political civil servant was first brought to administrative responsibility for hiring a person who did not submit a declaration of assets and liabilities;
- 7) the entry into legal force of the conviction of a court against a political civil servant;
- 8) acceptance of resignation pursuant to a political civil servant's personal written application for resignation;
- 9) a relevant decision made by an official (official body) entitled to appoint (select) a political civil servant to his/her civil service position;
- 10) transfer to another job;
- 11) admission to the civil service of a person who committed a corruption offence or was earlier dismissed for committing a corruption offence or a disciplinary offence discrediting the civil service, as well as for committing a crime as a criminal group member;
- 12) admission to the civil service of a person with regard to whom a criminal case for committing a crime as a criminal group member was terminated by a prosecuting agency or court on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36) of the Criminal Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of the custodian sentence specified in the relevant article of the Special Part of the Criminal Code of the Republic of Kazakhstan;
- 13) termination of the criminal case on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing a corruption offence, as well as a criminal case for committing a crime as a criminal group member by a prosecuting agency or court on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 and article 36 of the Criminal Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of the

custodian sentence specified in the relevant article of the Special Part of the Criminal Code of the Republic of Kazakhstan;

14) submission of knowingly fake documents or information when entering the civil service, which could be grounds for refusing admission to the civil service;

15) reaching the retirement age established by the law of the Republic of Kazakhstan, unless otherwise provided by the Constitution and laws of the Republic of Kazakhstan.

Upon reaching the retirement age, political civil servants appointed by the President of the Republic of Kazakhstan may continue to exercise their powers by the decision of the President of the Republic of Kazakhstan, as a rule, for up to five years;

15-1) loss of confidence pursuant to paragraph 5 of Article 60 of this Law;

15-2) rejection of rotation, taking into account compliance with the requirements prescribed by the legislation of the Republic of Kazakhstan on civil service;

16) the emergence of other grounds stipulated by the legislation of the Republic of Kazakhstan.

Powers of a political civil servant may also be terminated in cases of reorganization of a state body, reduction of the number or staffing positions of civil servants, transformation of a political civil service position into an administrative civil service position.

Political civil servants dismissed under subparagraphs 3), 4), 5), 6), 7), 11), 12), 13), 14) and 15-1) of this article shall be recognized as dismissed for negative reasons.

Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 393-VI of 30.12.2020 (shall be enacted ten calendar days after the date of its first official publication); dated 03.01.2023 No. 188-VII (the procedure for entry into force, see Article 2); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 60. Resignation and dismissal of political civil servants

1. Resignation is political civil servants' termination of the performance of duties required by a relevant civil service position pursuant to their written applications.

2. Resignation shall be accepted or given a reasoned refusal by a state body or an official who appointed (selected) a political civil servant to this civil service position. The decision to accept or refuse resignation shall be made within a month from the date of submission of the written application. If resignation is refused, a political civil servant shall continue to exercise his/her official powers and is entitled to dismissal.

In the event of a refusal to resign, a political civil servant may be brought to disciplinary responsibility in accordance with the law by the decision of the person (body) who made the decision to refuse the resignation.

At the same time, a political civil servant is subject to disciplinary liability in accordance with the procedure established by the legislation of the Republic of Kazakhstan if any of the following grounds exist during the period of his activity:

1) when a directly subordinate employee commits a corruption crime on a large or especially large scale;

2) when a directly subordinate employee commits a corruption crime, and it has been committed repeatedly;

3) when two or more directly subordinate employees commit a corruption crime.

3. Political civil servants shall resign and step down on the grounds and in accordance with the procedure established by the Constitution, this Law and other legislation of the Republic of Kazakhstan.

If the grounds for resignation are not stipulated by the legislation of the Republic of Kazakhstan, political civil servants resign routinely as prescribed by this Law or the labor legislation of the Republic of Kazakhstan.

3-1. Political civil servants referred to in subparagraphs 1), 2), 3), 4), 4-1) and 5) of this paragraph shall resign if, after three months from the date of their appointment, a corruption crime has been committed:

1) the head of the central state body - when a corruption offence has been committed by his/her deputy, a directly subordinate political civil servant, the head of the administration or the head of a regional, city of republican significance or capital city of the territorial subdivision of the central state body;

2) akim of a region, city of republican significance or the capital - when a corruption crime is committed by his/her deputy, directly subordinate political civil servant, head of the office or akim of a district (city of regional significance), a district in the city, with the exception of the elected akim;

3) deputy head of the central state body - when a corruption crime is committed by the head of the department supervised by him, an independent structural unit;

4) deputy akim of a region, a city of republican significance or the capital - when a corruption crime is committed by the head of the executive body supervised by him, financed from the local budget;

4-1) the head of the administration of the akim of the oblast, the city of republican scale and the capital - when a corruption crime is committed by his deputy, the head of the executive body supervised by him, financed from the local budget, the head of the directly subordinate structural unit of the administration of the akim of the oblast, the city of republican scale and the capital;

5) akim, with the exception of the persons specified in subparagraph 2) of this paragraph - for the commission of a corruption crime by his/her deputy, a head of the akim's office, a head of the executive body supervised by him/her, financed from the local budget.

Political civil servants submit their resignation on the grounds and in the manner provided for in part one of this paragraph, within ten calendar days after the entry into force of the

court's conviction or the termination of the criminal case by the criminal prosecution body or the court on the basis of paragraphs 3), 4), 9), 10), 11) and 12) of part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan.

Features of the resignation of elected akims who are political civil servants shall be regulated by the Law of the Republic of Kazakhstan "On local government and self-government in the Republic of Kazakhstan".

3-2. Appointment of a political public servant to another political public position does not exempt him from the obligation to resign for a corruption crime committed by a directly subordinate employee at the former place of work of a political public servant during his activity on the grounds and in the manner provided for in paragraph 3-1 of this article.

4. A gross violation of official powers, commission of offences incompatible with the civil service, may not serve as grounds for the resignation of a political civil servant, but are grounds for dismissal. The grounds and procedure for dismissal of political civil servants shall be determined by the President of the Republic of Kazakhstan.

5. Political civil servants appointed by the President of the Republic of Kazakhstan may be dismissed by decision of the President of the Republic of Kazakhstan in connection with the loss of confidence for non-performance or improper performance of their official powers.

Footnote. Article 60 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 393-VI of 30.12.2020 (shall take force ten calendar days after the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced from 01.01.2023); dated 20.03.2023 No. 214-VII (enforcement, see Art.2); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 61. Termination of the civil service by administrative civil servants

1. Grounds for the termination of the civil service by administrative civil servants are as follows:

1) their application for resignation, except for cases of consideration of their responsibility for a corruption offence or committing a disciplinary offence discrediting the civil service;

2) holding another public office, unless they have been considered liable for a corruption offence or have committed a disciplinary offence discrediting the public service;

3) their reaching of the retirement age established by the law of the Republic of Kazakhstan, with the right to extend the term of their civil service for one year by mutual agreement of the parties;

4) expiration or termination of the employment contract on the grounds stipulated by the labor legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan on the civil service;

5) expiration of terms of their powers stipulated by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;

6) the transformation of civil service positions held by them into political positions or civil service positions, to which citizens are appointed by local representative bodies or elected in accordance with the laws of the Republic of Kazakhstan;

7) submission by an administrative civil servant of knowingly false information on the income and property fully owned by him/her;

Note!

Paragraph 1 is to be supplemented with subparagraph 7-1) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

8) non-performance of duties and (or) non-compliance with restrictions established by laws of the Republic of Kazakhstan;

9) failure to transfer in trust shares, stocks (shares) in the authorised capital of commercial organisations and other property, the use of which gives rise to income, except for money bonds, units of open and interval mutual investment funds legally owned by the person, as well as property that has been transferred for property rental;

10) the loss of citizenship of the Republic of Kazakhstan;

10-1) holding citizenship of a foreign country;

11) commission of an administrative corruption offense, except for the case when an administrative civil servant was first brought to administrative responsibility for hiring a person who did not submit a declaration of assets and liabilities;

12) the entry into legal force of the conviction of a court for committing a crime or an intentional criminal offence;

13) admission to an administrative civil service position of a person who committed a corruption offence or was earlier dismissed for committing a corruption offence or a disciplinary offence discrediting the civil service, as well as for committing a crime as a criminal group member;

14) admission to an administrative civil service position of a person with regard to whom a criminal case for committing a crime as a criminal group member was terminated by a prosecuting agency or court on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36) of the Criminal Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of the custodian sentence specified in the relevant article of the Special Part of the Criminal Code of the Republic of Kazakhstan;

15) termination of the criminal case on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing a corruption offence, as well as a criminal case for committing a crime as a criminal group member by a prosecuting agency or court on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 and article 36 of the Criminal

Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of the custodian sentence specified in the relevant article of the Special Part of the Criminal Code of the Republic of Kazakhstan;

16) submission of knowingly fake documents or information when entering the civil service, which could be grounds for refusing admission to the civil service;

17) failure to meet the requirements laid down in this Law for appointment or election to public office;

18) the out-of-competition occupation of an administrative civil service position, except for cases established by the laws of the Republic of Kazakhstan;

19) negative results of the appraisal;

20) unsatisfactory results of their performance evaluation in accordance with this Law;

20-1) unsatisfactory results of the probationary period;

20-2) rejection of rotation, taking into account compliance with the requirements under the legislation of the Republic of Kazakhstan in civil service;

21) commission of a disciplinary offence discrediting the civil service;

22) other grounds stipulated by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

2. Another ground for the termination of the civil service by corps “A” administrative civil servants is the decision of an official (official body) entitled to appoint to and dismiss from a civil service position upon recommendations made by the authorized commission.

Note!

An amendment is provided in paragraph 3 by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

3. Administrative civil servants dismissed in accordance with subparagraphs 7), 8), 9), 11), 12), 13), 14), 15), 16) and 21) of paragraph 1 of this article shall be deemed to be dismissed for cause.

4. Dismissal of administrative civil servants shall be carried out by the relevant official of a state body who has the right to admit to an administrative civil service position in accordance with this Law.

5. In case of disagreement with the dismissal, an administrative civil servant shall have the right to appeal against the decision on dismissal to his/her superior, to the authorised body or its territorial subdivisions, to the court in the manner prescribed by the laws of the Republic of Kazakhstan.

6. The replacement of political civil servants, as well as heads of state bodies who are administrative civil servants, is not a ground for the termination of civil service duties by an administrative civil servant at the initiative of newly appointed political and (or) administrative civil servants.

Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its

first official publication); No. 357-VI of 03.07.2020 (shall come into force ten calendar days after the date of its first official publication); No. 393-VI of 30.12.2020 (shall be enacted ten calendar days after the date of its first official publication); No. 42-VII of 24.05.2021 (shall take effect ten calendar days after the date of its first official publication); No. 351-VI of 29.06.2020 (shall be enforced on 01.07.2021); dated 03.01.2023 No. 188-VII (the procedure for entry into force, see Article 2); dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 11. OTHER ISSUES

Article 62. Reinstatement in a civil service position

1. A person shall be reinstated in his/her civil service position not later than one month from the date of his/her application, if it was filed within three months from the date of entry into force of the acquittal judgment of a court or the order to terminate a criminal case on exonerative grounds.

2. In case of reinstatement of a civil servant in a public position by a court decision, a person dismissed from this position on this basis has the right to participate in internal competitions within three months according to the procedure established by the legislation of the Republic of Kazakhstan on the civil service.

3. Civil servants dismissed from a state body due to a criminal conviction and later rehabilitated and reinstated in the respective civil service position, for the time of enforced absence at work shall be compensated for harm caused by illegal actions of bodies conducting criminal proceedings according to the procedure established by the criminal procedure legislation of the Republic of Kazakhstan.

4. In case of illegal dismissal of civil servants, the damage caused to them in this connection is subject to compensation in full by the state body from which they were dismissed.

If illegally dismissed civil servants meet the qualification requirements, they shall be reinstated in the civil service in the former (and with their consent - in an equal) civil service position and provided with all the rights they have not received after illegal dismissal. This period is included in the length of the civil service.

Article 63. Appraisal

1. The attestation of administrative civil servants, excluding administrative civil servants exercising their activity on an elected basis, shall be carried out by a decision of the President of the Republic of Kazakhstan, determining its procedure, terms and categories of attested civil servants.

2. For the appraisal of administrative civil servants, an appraisal commission consisting of at least five members is set up. The appraisal commission is headed by chairman.

3. Based on the appraisal results, the appraisal commission takes one of the following decisions:

- 1) a person fits the occupied civil service position and is recommended for promotion;
- 2) a person fits the occupied civil service position;
- 3) a person is unfit for the occupied civil service position and is recommended for demotion;
- 4) a person is unfit for the occupied civil service position and is recommended for dismissal.

4. Administrative civil servants who twice failed to attend a meeting of the appraisal commission for no valid reason are recommended to be dismissed.

5. Administrative civil servants who failed to pass the appraisal and (or) refused to continue the civil service in state bodies in different civil service positions, including lower ones, shall be subject to dismissal.

6. Advancement in an administrative civil service position as a result of appraisal shall be carried out without opening a competition, if there is a vacant superior administrative civil service position and the civil servant meets the qualification requirements established for this position.

7. A decision made by the appraisal commission as a result of the appraisal is a ground for nominating a civil servant for a higher administrative civil service position, demotion of a civil servant in an administrative civil service position or his/her dismissal.

8. The decision of the attestation commission may be appealed by the civil servant to the head of the state body, to the competent authority or its territorial subdivisions, to the court in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 63 as amended by Law of the Republic of Kazakhstan No. 42-VII of 24.05.2021 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 351-VI of 29.06.2020 (shall take effect on 01.07.2021).

Article 64. Employment of foreign employees by state bodies

1. State bodies may, by the decision of an authorized commission, hire foreign employees in accordance with the labor legislation of the Republic of Kazakhstan. Foreign employees may not hold civil service positions and be officials.

Positions of foreign employees are established by state bodies in coordination with the authorized commission. Heads of state bodies bear personal responsibility for the quality of the performance of foreign employees hired by state bodies.

2. Foreign employees hired by state bodies shall be subject to mandatory background check by the national security bodies of the Republic of Kazakhstan according to the procedure established by the national security bodies of the Republic of Kazakhstan together with the authorized body.

3. The procedure for hiring foreign employees shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 64-1. Contract servants

1. Contract servants may be involved in state bodies for the implementation of national and other projects, the types of which are determined by the Government of the Republic of Kazakhstan.

2. Contract servants may not hold public office.

3. The procedure for involving contract servants, types of projects for which contract servants are involved, wage conditions and other issues of regulating their activities shall be determined by the Government of the Republic of Kazakhstan.

4. A contract servant shall be hired by concluding a contract and issuing an act of the employer on the proposal of an official of the state body responsible for the implementation of national and other projects.

Citizens involved as a contract servant must meet the established qualification requirements. The qualification requirements of a contract servant and the algorithm of his interaction with the state body shall be approved by the official of the state body in charge of the implementation of national and other projects, in coordination with the authorized body.

The term of the contract shall be set for the duration of fulfillment of the tasks set, but no more than one calendar year with the possibility of extension during the time of implementation of national and other projects.

5. The contract servant has the right to:

1) request the manager to accurately define the tasks and scope of functional duties in accordance with the contract;

2) receive information and materials necessary for the performance of their functional duties;

3) receive remuneration timely and in full in accordance with the contract terms.

6. A contract servant is obliged to:

1) comply with the terms of the contract;

2) perform labor duties and observe labor discipline. By agreement of the parties, a flexible working time, a remote work and a combination of contract service with other activities may be applied;

3) comply with generally accepted moral and ethical standards;

4) comply with the legislation of the Republic of Kazakhstan on combating corruption;

5) take measures to prevent and resolve conflicts of interest;

6) keep state secrets and other secrets protected by law, including after the termination of the contract, for the time established by law, on which he signs a respective non-disclosure obligation.

7. A contract servant is not entitled to:

- 1) use for non-official purposes the means of material and technical, financial and information support, other state property and official information;
 - 2) use his official position for purposes unrelated to the performance of a contract servant's activities.
8. A citizen may not be involved as a contract servant:
- 1) under eighteen years of age;
 - 2) recognized by the court as incapacitated or partially incapacitated;
 - 3) with a disease that prevents the performance of functional duties, on the conclusion of a medical institution, in cases where special requirements for the health condition for a contract servant are established in the qualification requirements;
 - 4) with an administrative penalty imposed for committing a corruption offense, within three years prior to being hired as a contract servant;
 - 5) if he is deprived by the court of the right to engage in the type of activity for which a contract servant is involved;
 - 6) if he is deprived by the court of the right to hold public office for a certain period;
 - 7) with committed corruption crime;
 - 8) with a criminal record, which by the time of engagement as a contract servant has not been expunged or has not been canceled in the manner prescribed by law;
 - 9) previously convicted or released from criminal liability for committing a crime under paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing grave or especially grave crimes;
 - 10) who has committed a crime as part of a criminal group;
 - 11) in respect of which the criminal case on a crime as part of a criminal group was terminated by the criminal prosecution body or the court under paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan before expiration of the lower limit of punishment in the form of deprivation of liberty, provided for by the relevant article of the Special Part of the Penal Code of the Republic of Kazakhstan;
 - 12) in respect of whom, within three years before being hired as a contract servant for committing a criminal offense or crimes of small and medium gravity, a court has a guilty verdict or who has been released from criminal liability for committing a criminal offense or crimes of small and medium gravity falling under paragraphs 3), 4), 9), 10) and 12) part one of Article 35 or Article 36 of the Penal Procedure Code of the Republic of Kazakhstan;
 - 13) dismissed for negative reasons from law enforcement bodies, special state bodies, from the position of a judge, military service, with the exception of cases of dismissal of a citizen for absence from work (service) without a good reason for three or more hours in a row;
 - 14) in other cases provided for by the laws of the Republic of Kazakhstan.

9. To avoid a conflict of interest, a citizen who is a close relative, spouse and (or) in-law of the civil servants involved in the implementation of projects may not be hired as a contract servant.

Obligations to take measures to prevent and resolve conflicts of interest, as well as its non-admission, shall be set out in the contract.

A contract servant shall be provided with annual paid labor leave in accordance with the labor legislation of the Republic of Kazakhstan.

10. The activity of contract servants, which involves work with state secrets, shall be carried out in the manner established by the legislation of the Republic of Kazakhstan on state secrets.

11. The work schedule and other individual working conditions of a contract servant shall be established in the contract by consent of the parties.

The terms of a contract servant's remuneration shall be established in the contract by agreement of the parties, indicating the time (stages of the implementation of tasks, projects), quantitative and (or) qualitative parameters of the amount of work performed (tasks).

Contract servants shall be paid remuneration from the savings provided for the maintenance of a state body or implementation of national and other projects.

12. The contract may be terminated by agreement of the parties; other conditions for terminating the contract, as well as making changes and additions to it, shall be set out in the contract.

Disputes between a contract servant and a state body shall be resolved according to the procedure prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 11 is supplemented by Article 64-1 pursuant to the Law of the Republic of Kazakhstan dated 20.03.2023 No. 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 65. International cooperation in the field of the civil service

International cooperation in the field of the civil service is carried out by way of participation of the authorized body of the Republic of Kazakhstan in initiatives, programs and projects involving foreign and international organizations aimed at further development and improvement of the civil service.

International cooperation includes the following directions:

- 1) the formation of international organizations in the field of the civil service and participation in their activities;
- 2) training of civil servants in foreign countries;
- 3) training of foreign civil servants and other persons in the Republic of Kazakhstan;
- 4) joint research on issues relating to the civil service.

Article 66. Other issues of the civil service

Other issues of the civil service not governed by this Law are regulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan on the proposal of the authorized body, other regulatory legal acts of the Republic of Kazakhstan.

Chapter 12. FINAL PROVISIONS

Article 67. Financial and logistical support of the civil service

The financial and logistical support of the civil service shall be provided for the funds of the state budget, the funds of the National Bank of the Republic of Kazakhstan according to the procedure established by the legislative acts of the Republic of Kazakhstan.

Article 68. Transitional provisions

1. Citizens enrolled in the personnel reserve of corps “B” administrative civil service, prior to the enactment of this Law, may be appointed to administrative civil service positions of corps “B” before the expiry of a one-year period of enrollment in the personnel reserve of corps “B” without opening a competition.

2. Is excluded by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017).

Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017).

Article 69. Order of enactment of this Law

1. This Law shall enter into force from 1 January 2016.

2. The Law of the Republic of Kazakhstan dated 23 July, 1999 "On the civil service" shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, № 21, art. 773; 2001, № 13-14, art. 170; 2003, № 4, art. 24; № 18, art. 142; 2005, № 14, art. 61; 2007, № 9, art. 67; № 17, art. 140; № 19, art. 147; 2009, № 24, art. 122, 126; 2010, № 24, art. 148; 2011, № 11, art. 102; № 20, art. 158; 2012, № 5, art. 36; № 13, art. 91; № 21-22, art. 123; 2013, № 8, art. 50; № 14, art. 75; 2014, № 1, art. 4; № 14, art. 84; № 16, art. 90; № 21, art. 122; № 22, art. 131).

Footnote. Article 69 as amended by the Law of the Republic of Kazakhstan dated 20.12.2016 № 33-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

*The President
of the Republic of Kazakhstan*

N. NAZARBAYEV