

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.

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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

1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) corps “A” – administrative civil service positions at the management level, for which a special procedure for selection to the personnel reserve, competitive selection, performance and termination of the civil service is provided, as well as special qualification requirements;

2) the personnel reserve of corps “A” administrative civil service - a systematized list of citizens of the Republic of Kazakhstan applying for vacant or temporarily vacant corps “A” administrative civil service positions, which is formed in the manner prescribed by the legislation of the Republic of Kazakhstan;

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;

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) an administrative civil servant - a civil servant who carries out his/her activity on a permanent professional basis, except for cases stipulated by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;

11) the category of an administrative civil service position – a set of administrative civil service positions with relevant qualification requirements;

12) a civil servant - a citizen of the Republic of Kazakhstan, who holds a civil service position in a state body under the legislation of the Republic of Kazakhstan, which is paid for from the republican or local budgets or from the funds of the National Bank of the Republic of Kazakhstan and exercises official powers to implement the tasks and functions of the state;

13) civil service ethics (hereinafter referred to as service ethics) - rules of conduct of civil servants prescribed by this Law and the Civil Service Code 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;

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) an operator for technical support of testing procedures and the uninterrupted operation of a unified automated database (information system) for public service personnel (hereinafter - the operator) - a legal entity determined by the Government of the Republic of Kazakhstan, which is entrusted with the technical support of testing procedures for civil servants, candidates for holding public positions and other

citizens, maintenance and administration of a unified automated database (information system) for public service personnel;

19) lower position - a public service position of administrative civil servants of block “B”, which, in accordance with the register of positions, is a lower position in a lower category of positions provided for in the staffing table of a state 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 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

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.

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 working for state bodies on the basis of an employment contract in accordance with the labor legislation of the Republic of Kazakhstan, including foreign employees of state bodies.

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).

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.

5. The authorized body

1. The unified system of bodies for civil service affairs comprises the authorized body, its administration, territorial subdivisions, organizations subordinate to the authorized body.

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;

4) forms the personnel reserve of the corps “A” administrative civil service;

5) determines the procedure, programs, organization of testing of administrative civil servants, candidates for 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 test 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) develops and submits for the approval of the President of the Republic of Kazakhstan acts defining the status and powers of executive secretaries and heads of administrative offices of ministries and central state bodies;

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

7-2) develops the procedure for calculating civil servants’ length of service entitling them to get an official salary;

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;

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;

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) purchases services for the technical support of testing procedures for civil servants, candidates for public positions and other citizens, maintenance and administration of a unified automated database (information system) for public service personnel from an operator determined by the Government of the Republic of Kazakhstan;

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).

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;

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 personnel management service (personnel department) is institutionally independent of other structural subdivisions of a state body, it is in immediate subordination to the executive secretary or head of the administrative office, or to the head of a state body without positions of executive secretary and head of the administrative office.

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).

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

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.

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 accordance with the legislation of the Republic of Kazakhstan when they report reliable cases of corruption offences, that have become known to him/her, to the leadership of the state body for which they work and (or) the law enforcement bodies;
- 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.

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) to immediately inform the leadership of a state body they work for and (or) law enforcement bodies of cases of corruption offences that have become known to them;

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 training under the state order for postgraduate education programs by the assignment of a state body, including obtaining a degree in the relevant postgraduate education program, work in a state body that sent them to study under a state order for postgraduate education programs, immediately after completion of training, as well as in the public service in the manner and terms determined by the Government of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan. Failure to fulfil these obligations entails the reimbursement of budget funds by the civil servant allocated for his training and the training related costs.

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).

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) regulation and evaluation of the implementation of state, government programs and other projects;

6) other functions stipulated by the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

12. Powers of executive secretaries, heads of administrative offices of central state bodies and administrative offices of akims of regions, cities of republican significance and the capital

1. The status and powers of executive secretaries of ministries shall be established by the President of the Republic of Kazakhstan.

2. The powers of heads of administrative offices of central state bodies include:

1) organization of implementation of the objectives assigned to a state body;

2) organization, coordination and control over the activity of structural units of state bodies within their competence;

3) approval of regulations for structural subdivisions of a state body;

4) appointment of corps “B” administrative civil servants of a state body to civil service positions and dismissal from civil service positions, unless otherwise provided for by laws of the Republic of Kazakhstan;

5) implementation of general management of the activity of the disciplinary and competition commissions of a state body;

6) exercise of control over observance of service discipline;

7) handling of issues of business travels, granting of vacations, financial assistance, training, retraining and advanced training, incentives, payment of premiums to civil servants of a state body, except for employees whose labor relations are within the competence of higher officials;

8) resolution of issues of disciplinary responsibility of civil servants of a state body, except for employees whose labor relations are within the competence of higher officials;

9) enforcement of the requirements of the legislation of the Republic of Kazakhstan on combating corruption within their competence;

10) control over implementation of decisions taken by political civil servants of the state body;

11) exercise of other powers conferred by laws and other regulatory legal acts of the Republic of Kazakhstan.

3. The powers of heads of administrative offices of akims of the regions, cities of republican significance and the capital are established by the Law of the Republic of

Kazakhstan “On Local Government Administration and Self-Government in the Republic of Kazakhstan”.

4. It is not allowed to entrust executive secretaries, heads of administrative offices of central state bodies, heads of administrative offices of akims of the regions, cities of republican significance and the capital with duties of chief executives of central state bodies (local executive bodies of the regions, cities of republican significance and the capital), as well as chief executives of central state bodies (local executive bodies of the regions, cities of national significance and the capital) and their deputies - with duties of executive secretaries, heads of administrative offices of central state bodies, heads of administrative offices of akims of the regions, cities of republican significance and the capital.

5. Powers of heads of administrative offices of law enforcement bodies are determined by their chief executives.

6. Executive secretaries, heads of administrative offices of central state bodies and of administrative offices of akims of the regions, cities of republican significance and the capital bear personal responsibility for the performance of official powers stipulated by this article.

7. In case of failure to perform or improper performance of functions and powers by executive secretaries, heads of administrative offices of central state bodies, heads of administrative offices of akims of the regions, cities of republican significance and the capital, heads of central state bodies of the Republic of Kazakhstan, akims of the regions, cities of republican significance and the capital have the right to raise the issue of further holding of a civil service position by these persons in the manner prescribed by the President of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

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 Chairman and members of the Constitutional Council of the Republic of Kazakhstan, the persons specified in paragraph 6 of this article, may not transfer into 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, except for members of the Government of the Republic of Kazakhstan, the Chairman and members of the Constitutional Council of the Republic of Kazakhstan, have the right to transfer their dwelling places into property lease.

5. The rules for transfer for trust management of civil servants' property are approved by the Government of the Republic of Kazakhstan.

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 cannot hold a public position that is directly subordinate to the position held by his close relatives (parents (parent), children, adoptive parents), adopted children, full and half-siblings, grandfathers, grandmothers, grandchildren) or a spouse (wife), as well as in-laws (brothers, sisters, parents and children of a spouse (wife)), except for the cases provided for by the legislation of the Republic of Kazakhstan.

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).

Chapter 3. ADMISSION TO THE CIVIL SERVICE

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. A political civil service position is taken up after receiving approval required to occupy this position in cases stipulated by laws and other regulatory legal acts of the Republic of Kazakhstan and obtaining positive results of a background check.

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.

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. Acting judges, deputies of Parliament, deputies of maslikhats working on a permanent basis, as well as political civil servants, international employees, judges who have terminated their powers, with the exception of those who terminated them for negative reasons, who have been performing their powers for at least six months, the persons, included in the Presidential youth personnel reserve, can take administrative public positions of blocks "A" and "B" in accordance with the legislation of the Republic of Kazakhstan in the field of public service without selection to the personnel reserve and competition by the decision of the authorized commission.

The President of the Republic of Kazakhstan has the right to appoint persons mentioned in part one of paragraph 3 of this article to administrative civil service positions of corps "A", appointments to which are made by him, without selection to the personnel reserve and the authorized commission's decision.

Administrative civil servants of corps "A" meeting the established qualification requirements may take up administrative civil service positions of corps "B" without participating in a competition in coordination with the authorized body.

Note.

In this article, citizens of the Republic of Kazakhstan are deemed to be international employees, if they are not civil servants, perform their activity in international organizations and are recognized as international employees in accordance with international treaties ratified by the Republic of Kazakhstan.

3-1. Without a competition, by the decision of the authorized commission, administrative public service positions in blocks "A" and "B", subject to the established qualification requirements, can be occupied by the following persons:

1) the persons who have worked for at least five recent years in international, foreign or transnational organizations, foreign state structures, determined by the authorized commission;

2) the persons who have completed doctoral studies (PhD, doctor by profile) in leading foreign higher educational institutions, determined by the Republican commission for training abroad;

3) the persons holding the position of a head or deputy head in a subject of a quasi-public sector.

4. Akims of city of district significance, village, township, rural district may take up the administrative civil posts of corps "B" in accordance with the Legislation of the Republic of Kazakhstan on civil service for one year after ending of the term of office by agreement with the authorized agency without participating in a competition.

Persons who have completed their studies and passed the qualification exam at the Academy of Justice under the Supreme Court of the Republic of Kazakhstan can take administrative public positions of block "B" in the authorized body for organizational and logistical support of the activities of the Supreme Court, local and other courts and in its territorial divisions in accordance with the legislation of the Republic of Kazakhstan on public service, within one year after graduation, in agreement with the authorized body without holding a competition.

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).

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 retirement age may be appointed to a political public position only by the President of the Republic of Kazakhstan, the First President of the Republic of Kazakhstan - Elbasy.

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

2. Citizens first entering the law enforcement service, except for those who enter educational institutions of law enforcement bodies, are tested by the authorized body, including their personal qualities assessment, in the manner and within the time established by the authorized body in coordination with law enforcement bodies.

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;

7) a court imposed an administrative penalty for a corruption offence on him/her 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;

14) dismissed for negative reasons from law enforcement agencies, special state authorities and courts, military service, with the exception of cases of dismissal of a citizen on the basis of absence from work (service) without good reason for three or more consecutive hours, who shall have the right to take civil service after three years after such dismissal;

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.

Note by RCLI!

point 7 provided in wording of the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2021).

7. A mandatory condition for admission to the civil service is the submission by a citizen and his/her spouse to the state revenue authorities of a declaration of assets

and income fully owned by them according to the procedure established by the tax legislation of the Republic of Kazakhstan.

A citizen, prior to the issuance of an act of an official (body) having the right to appoint to a public office, on hiring, provided for in paragraph 2 of Article 19 of this Law, must submit to the personnel management service (personnel service) a certificate of submission of a declaration of income and property belonging to him on the basis of the right of ownership.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan 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).

17. Qualification requirements

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

2. No qualification requirements are set to political civil service positions.

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.

The qualification requirements for administrative public service positions in block “B” are approved by an official (body) entitled to appoint to public service positions, based on the standard qualification requirements for administrative public service 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).

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.

19. Background check

1. Citizens entering the civil service for the first time or re-entering the civil service after its termination are required to have positive results of a background check conducted by the national security agencies for compliance with the requirements to admission to the civil service in accordance with this Law and the legislation of the Republic of Kazakhstan on combating corruption.

The duration of a background check is up to three months.

2. Before the results of a background check become known, citizens, entering the administrative civil service in accordance with this Law, temporarily perform duties required by an administrative civil service position.

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.

20. Probationary period of a civil servant

1. For citizens entering the administrative public service for the first time, a probationary period is established in order to verify their compliance with the public service positions. The conditions for passing the probationary period are provided for in the act of the state body on hiring.

For citizens who were previously dismissed from public office based on the results of an assessment of their activities, a probationary period, the results of certification,

or for negative reasons and for those re-entering the administrative public service, a probationary period is established without fail.

For civil servants who entered the political public service, the administrative public service of block "A", akims of a town of district significance, a village, a settlement, a rural district, appointed as a result of the elections, a probationary period is not 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. For citizens who first entered the administrative public service of block "B", as well as those who newly entered the administrative public service of block "B" after its termination, the probationary period is 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 corps "B" administrative civil servant as a result of the probationary period is carried out in coordination with the authorized body or its territorial subdivision.

3-1. When a civil servant undergoing a probationary period is appointed to another position without changing his functional duties, his probationary period continues.

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

4. For the period of a probationary period, including during its extension, mentors are assigned to citizens who first entered the administrative public service.

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).

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

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

1. Selection to the personnel reserve of corps “A” administrative civil service is carried out from among citizens who meet the established special qualification requirements to corps “A” administrative civil service positions and other requirements established by this Law.

Selection to the personnel reserve of corps “A” administrative civil service is carried out by the authorized commission according to the procedure established by the President of the Republic of Kazakhstan.

2. The authorized body forms the personnel reserve of corps “A” administrative civil service from among citizens recommended by the authorized commission according to the procedure established by the President of the Republic of Kazakhstan.

Citizens enrolled in the personnel reserve of corps “A” administrative civil service may be appointed by an official (official body) authorized to appoint to corps “A” administrative civil service positions, or by an official authorized by him/her - to corps “A” administrative civil service positions without opening a competition.

23. Competition for taking up corps “A” administrative civil service positions

1. A competition may be opened for corps “A” administrative civil service positions.

2. A competition for a vacant or temporarily vacant corps “A” administrative civil service position is carried out to select from among citizens enrolled in the personnel reserve of corps “A” administrative civil service.

A competition is carried out by an official (official body) entitled to appoint to this civil service position or by an official authorized by him/her.

A competition for corps “A” administrative civil service positions is carried out according to the procedure established by the President of the Republic of Kazakhstan upon the recommendation of the authorized body.

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.

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).

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

1. In the case of transformation of a civil service position into a corps “A” administrative civil service position:

1) the civil service position is filled by a person from the personnel reserve of corps “A” administrative civil service on the basis of competitive selection;

2) the term of filling a civil service position shall be established by an authorized commission;

3) a civil servant holding a given civil service position has the right to continue working until the civil service position is filled in accordance with subparagraph 1) of this paragraph before the expiration of the period specified in subparagraph 2) of this paragraph.

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.

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

26. Selection to corps “B” civil service positions of citizens entering it for the first time or re-entering the civil service

Citizens taking up corps “B” civil service positions for the first time or re-taking them after the termination of the civil service shall undergo the following stages of selection:

- 1) testing in accordance with the procedure determined by the authorized body;
- 2) assessment of personal qualities to obtain an opinion of the authorized body;
- 3) general competition for the occupation of a corps “B” administrative civil service position.

The specified selection stages do not apply to citizens who are entering or newly entering public positions in block “B” out of competition in the cases provided for in Article 15 of this Law, as well as in the procedure of appointment by local representative bodies or election in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 26 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).

27. Competition for taking up a corps “B” administrative civil service position

1. A competition for taking up a vacant or temporarily vacant corps “B” administrative civil service position may be of the following types:

- 1) general competition among citizens;
- 2) internal competition among civil servants.

1-1. The selection of candidates for a vacant or temporarily vacant position is carried out by a competition commission of a state body, created by the decision of an official (body) entitled to appoint to public positions.

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 competition includes a number of successive stages:

- 1) publication of the announcement of the competition;
- 2) acceptance of documents from persons who have expressed a desire to take part in the competition;
- 3) consideration of documents of competition participants for compliance with the established qualification requirements;
- 4) an interview with the participants of the competition conducted by the competition commission of the state body;
- 5) conclusion of the competition commission of the state body.

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 the central state bodies, departments and their territorial divisions, announcements are posted on the Internet resources of the central state bodies and the authorized body. Additional publication of announcements is allowed in periodicals distributed throughout the territory of the Republic of Kazakhstan.

Announcements on holding a competition in executive bodies financed from the local budget are posted on the Internet resources of executive bodies financed from the local budget and the authorized body. Additional publication of announcements is allowed 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 a competition commission may be appealed against to the authorized body or court.

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 transfer of these persons within the state body is not allowed.

In this case, the persons specified in part one of this paragraph are allowed to participate in the internal competition, subject to testing and assessment of personal qualities.

8. A person within thirty calendar days from the date of dismissal from the public service, with the exception of those dismissed for negative reasons or based on the results of the assessment of their activities, probationary period or the results of certification, has the right to take part in the competition and elections for the administrative public position of block "B" without passing the test, provided that he was not in labour relations with other individual and legal entities that are not state bodies, and also did not travel outside the Republic of Kazakhstan.

In these cases, this person is not subject to the requirements for passing a mandatory special verification and submitting a declaration of income and property belonging to him on the basis of the right of ownership, provided that he submitted it at the previous place of work.

At the same time, the person who was dismissed from this state body has the right to participate in the internal competition among civil servants of this state body.

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 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).

28. General competition

1. General competition is held for a lower corps "B" administrative civil service position, which is vacant or temporarily vacant, as well as for any other vacant or temporarily vacant administrative civil service position that is not a lower position, in cases stipulated in paragraphs 2-1 and 3 of article 29 of this Law.

2. General competition for any other vacant and (or) temporarily vacant corps “B” administrative civil service position, which is not a lower one, in a central state body or its department is held in coordination with the authorized body, and in the territorial subdivision of a central state body or its department or executive body financed from the local budget - in coordination with the territorial subdivision of the authorized body.

A ground for refusal to hold a general competition is non-compliance with the requirements to holding an internal competition stipulated in article 29 of this Law. The coordination procedure is established by the authorized body.

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).

29. Internal competition

1. For the occupation of a vacant or temporarily vacant administrative public service position of block "B", a state body conducts an internal competition among civil servants of this state body, in which civil servants of territorial divisions, departments and its territorial divisions, as well as other persons determined by this Law and the law determining the legal framework, as well as the procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan, may also participate

In the event of the creation of a unified personnel management service (personnel service) or a unified competition commission, an internal competition is held among civil servants of state bodies for whom the specified service or commission has been created.

1-1. Civil servants of the central state body, as well as other territorial divisions of this central state body, its department and territorial divisions of this department also have the right to participate in the internal competitions among civil servants of this state body, held by the territorial divisions of the central state body.

1-2. Civil servants of this central state body and its territorial divisions, as well as territorial divisions of the department, also have the right to participate in the internal competitions among civil servants of this state body, held by the department of the central state body.

1-3. Civil servants of this central state body, territorial divisions of the central state body, department and other territorial divisions of this department also have the right to participate in the internal competitions among civil servants of this state body, held by territorial divisions of the department of the central state body.

1-4. Civil servants of all local executive bodies and (or) executive bodies financed from the local budget of this region, city of republican significance, the capital, also have the right to participate in the internal competition among civil servants of this state body, held by a local executive body and (or) an executive body financed from the local budget.

2. In the absence of competition participants with the positive opinion of a competition commission or a single competition commission, internal competition shall be held among civil servants of all state bodies.

Internal competition is not held for a lower corps “B” administrative civil service position, which is vacant or temporarily vacant.

2-1. If a participant with the positive conclusion of a competition commission or a single competition commission is not present at the internal competition among civil servants of this state body, the state body may open a general competition, without arranging internal competition among civil servants of all state bodies, in cases established by the authorized body.

3. In the absence of competition participants with the positive opinion of a competition commission or a single competition commission, general competition shall be held among civil servants of state bodies in accordance with article 28 of this Law.

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 state body is set up, internal competition among civil servants of this state body shall not be held.

Note by RCLI!

Amendment of point 5 is provided by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2020).

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).

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. A civil servant is issued a service certificate, which is a document confirming his/her civil service position and official powers.

The procedure for issuing a service certificate and its description are approved by the state body.

Chapter 6. PERFORMANCE OF THE CIVIL SERVICE

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.

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.

33. Performance evaluation of civil servants

1. Performance evaluation of civil servants is carried out to identify the effectiveness and quality of their work.

The procedure for and time of the performance evaluation of civil servants are determined by the President of the Republic of Kazakhstan on the proposal of the authorized body.

The results of the performance evaluation of civil servants are the basis for making decisions on the payment of bonuses, promotion, training, rotation, demotion in civil service position 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. Assessment of the activities of the executive secretaries of the central executive bodies, the Secretary of the Supreme Judicial Council - the head of the Office of the Supreme Judicial Council of the Republic of Kazakhstan is carried out by the Administration of the President of the Republic of Kazakhstan.

4. The performance evaluation of corps "A" administrative civil servants is conducted by an official (official body) entitled to appoint a corps "A" administrative civil servant to a civil service position and remove him/her from a civil service position.

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.

State bodies develop and approve a methodology for the performance evaluation of corps “B” administrative civil servants on the basis of standard methodology approved by the authorized body.

6. Unsatisfactory evaluation of a corps “B” administrative civil servant for two consecutive years entails his/her demotion provided that he/she meets qualification requirements and there is a vacant lower civil service 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).

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 procedure for training, retraining and advanced training of civil servants is established 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).

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. A civil servant may be given only one incentive for the same merit.

The procedure for applying incentives is established by the 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”.

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.

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 civil service positions in other state bodies are understood to mean civil service positions, which are subject to higher qualification requirements, and if qualification requirements are equal, a higher salary is established.

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).

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.

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).

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).

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 of block "B" means official transfers between administrative civil servants of block "B", with the exception of cases stipulated by the law determining the legal framework, as well as the procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan.

2. The procedure and timing of the rotation, categories and positions of civil servants subject to rotation are determined by the President of the Republic of Kazakhstan, except for the cases provided for by the law determining the legal framework, as well as the procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan.

When rotating to another locality, administrative civil servants are provided with service housing in accordance with the Law of the Republic of Kazakhstan "On housing relations".

The coordination of interregional rotation of administrative civil servants of block "B" is carried out by the authorized body for civil service affairs.

Rotation associated with the relocation of civil servants to another locality, who are disabled, pregnant, single parents raising a child under the age of fourteen, who have (are guardians of) the disabled children, including those adopted, or who have the elderly dependent parents, is allowed only with the consent of these civil servants, unless otherwise provided by the law that defines the legal framework, as well as the procedure for organizing the activities of the diplomatic service of the Republic of Kazakhstan.

The specified circumstances must be documented.

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).

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.

Persons from the personnel reserve of corps "A" administrative civil service shall be employed for temporary execution of duties required by vacant and (or) temporarily vacant corps "A" administrative civil service positions.

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.

Chapter 7. SERVICE DISCIPLINE

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 have the right to appeal against the decisions and actions of a state body taken in their respect to higher officials, to the authorized body or its territorial subdivisions or to a court.

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).

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 offense, 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 service incompetence note or demotion;
- 5) dismissal from a civil service position.

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

4. A disciplinary penalty in the form of demotion in a public position is imposed in the presence of any vacant lower public position, with the exception of a temporarily vacant public position, and compliance of the civil servant with the qualifications established for this public position. Demotion in public position is carried out 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).

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) a civil servant appeals to a court against state bodies' statements on his/her committing a disciplinary offence.

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.

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).

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 and decisions of a state body or an official may be appealed against by the civil servants brought to responsibility before the higher management, to the authorized body or its territorial divisions, or to the court.

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).

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.

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

49. Requirements to civil servants to comply with service ethics

1. Civil servants are obliged:

1) to be guided by the principle of legality;

2) to be committed to state policy and consistently implement it, to strengthen the authority of state power by their actions, not to commit acts that may discredit the civil service;

3) to preserve and strengthen public confidence in the civil service, the state and its institutions;

4) to comply with generally accepted moral and ethical standards;

5) to serve as an example of respectful attitude to the state symbols of the Republic of Kazakhstan;

6) not to require subordinate civil servants to execute orders beyond their official powers;

7) to comply with other ethical rules required by the service ethics of civil servants.

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.

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 knowledge of the civil servant, as well as those received by him/her in connection with the performance of respective functions in violation of the first item of this subparagraph, shall, within a seven-day period, be handed over to a special state fund on a non-repayable basis, and services rendered to a civil servant under the same circumstances shall be paid for by transfer of money to the state budget.

The civil servant, who received gifts, has the right, with the consent of a higher official, to buy them out from the said fund at market retail prices current in a relevant inhabited locality. The special state fund transfers money received from the sale of gifts to the state 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 shall not be entitled to accept gifts and services, invitations to tourist, medical and health and other tours at the expense of natural and legal persons, both from abroad and Kazakhstan, with whom the said person is connected in the line of service. A civil servant is obliged to hand over gifts illegally received by members of his/her family to a special state fund and reimburse the cost of services illegally used by his/her family members by transferring money to the state budget.

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.

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 has information on a corruption offence, he/she shall take necessary measures to prevent and stop such an offence, and also immediately inform in writing an immediate supervisor, chief executives of a state body for which he/she works, the authorized state bodies. A civil servant is also obliged in a timely manner to inform in writing the said persons and bodies on cases of inducing him/her to commit corruption offences by other persons.

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.

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

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. The civil service pay is carried out at the expense of the state and local budgets, funds of the National Bank of the Republic of Kazakhstan.

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 length of service of civil servants entitling to fix an official salary is calculated according to the procedure established by the Government of the Republic of Kazakhstan in coordination with the Administration of the President 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).

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.

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. According to the decision of head of a state body or executive secretary, head of the administrative office or another official designated by the President of the Republic of Kazakhstan, civil servants, with their consent, may be recalled from annual or additional vacation. The remainder of the unused leave is provided to the civil servant at any other time of the year concerned or is added to the next year's leave.

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".

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).

57. Guarantees and compensations to civil servants for business trips

1. A civil servant shall be reimbursed for business trips, including to foreign states according to the procedure established by the Government of the Republic of Kazakhstan.

Guarantees and the right to receive a daily allowance for the time of a business trip, travel expenses to the place of destination and back, accommodation expenses according to the legislation of the Republic of Kazakhstan are extended to civil servants.

2. The place of work (public position) and average salary shall be secured to seconded civil servants for the entire time of their business trip.

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

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;
- 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;
- 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) commission of a corruption offence;
- 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) the achievement of a retirement age established by the law of the Republic of Kazakhstan, unless otherwise provided for by the Constitution and laws of the Republic of Kazakhstan.

Political civil servants appointed by the President of the Republic of Kazakhstan, the First President of the Republic of Kazakhstan - Elbasy, upon reaching retirement age, may continue to exercise their powers by the decision of the President of the Republic of Kazakhstan, the First President of the Republic of Kazakhstan - Elbasy, as a rule, for a period of up to five years;

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.

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).

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.

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) and 5) of this paragraph 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 crime is committed by his deputy, directly subordinate political civil servant, executive secretary, chief of staff or head of a territorial division of a central state body of a region, city of republican significance or the capital;

2) akim of a region, a city of republican significance or the capital - when a corruption crime is committed by his deputy, directly subordinate political civil servant, chief of staff or akim of a district (town of regional significance), a district in a city;

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;

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

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.

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.

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).

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) taking up a different public position;

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;

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

9) failure to transfer for trust management shares or stakes in the authorized capital of commercial organizations and other property fully owned by him/her, the use of which entails the receipt of income, except for money legally owned by this person, as well as property transferred to property lease;

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

11) commission of an administrative corruption offense;

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) non-compliance with the requirements established by this Law when appointed to a civil service position;

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;

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.

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. If an administrative civil servant disagrees with dismissal, he/she has the right to appeal against a decision on dismissal to a higher authority, the authorized body or its territorial subdivisions or a court.

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).

Chapter 11. OTHER ISSUES

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.

63. Appraisal

1. Appraisal of administrative civil servants shall be carried out by the decision of the President of the Republic of Kazakhstan, who sets its procedure, terms and categories of civil servants to be appraised.

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. A civil servant may appeal against the decision of the appraisal commission to head of a state body, the authorized body or its territorial subdivisions or a court.

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).

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.

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

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.

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).

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