



On approval of the Rules for the preservation of social security, all benefits in pension of persons whose rights to hold special titles and class ranks and to wear uniforms abolished

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated December 14, 2012 № 1597.

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In accordance with the Law of the Republic of Kazakhstan dated January 6, 2011 "On introduction of amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of law enforcement service and assignment of class ranks, military and special ranks, the right to wear uniforms by military personnel and employees of other state bodies" the Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

1. To approve the attached Rules for the preservation of social security, all benefits in pension of persons whose rights to hold special titles and class ranks and to wear uniforms abolished.

2. This resolution shall be enforced upon expiry of ten calendar days after the date of its first official publication.

Prime Minister of the Republic of Kazakhstan

S. Akhmetov

Approved

by resolution of the Government
of the Republic of Kazakhstan
dated December 14, 2012 № 1597

Rules for the preservation of social security, all benefits in pension of persons whose rights to hold special titles and class ranks and to wear uniforms abolished
General provisions

1. The Rules for the preservation of social security, all benefits in pension of persons whose rights to hold special titles and class ranks and to wear uniforms abolished (hereinafter referred to as the Rules), developed in accordance with the Law of the Republic of Kazakhstan dated January 6, 2011 "On introduction of amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of law enforcement service and assignment of class ranks, military and special titles, the right to wear uniforms by military personnel and employees of other state bodies" and shall determine the procedure for the preservation of social security, all benefits in the pension of persons whose rights to hold special titles and class ranks, and wearing uniforms abolished at the time of abolition.

2. The following terms used in these Rules:

1) the fixed amount of salary – shall consist of salary and allowances for special conditions of service established at the time of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

2) fixed amount of salary – shall consist of official salary and additional payment for special title and class rank, established at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

3) fixed official salary - the amount of official salary established at the time of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

4) fixed special title or class rank - special title or class rank of law enforcement officials, state courier service, at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

5) the age limit of the state in service - the age according to the recorded special title, class rank at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms, which shall correspond to the age limit of the state in the law enforcement service, the state courier service, for law enforcement officials and the state courier service.

Footnote. Paragraph 2 as amended by the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3. The rules shall be extended to persons whose rights to hold special titles and class ranks , as well as to wear uniforms, and who shall continue to work in law enforcement authorities or in the state courier service as administrative state or civil servants.

Footnote. Paragraph 3 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

4. Persons whose rights to hold special titles and class ranks, as well as to wear uniforms, abolished, shall be subject to mandatory registration in law enforcement authorities, in the state courier service at the last place of service at the moment of abolition by issuing the corresponding order of the head or authorized head with mandatory indication of the full name of the employee, his positions, rank, salary, available social security, all benefits in pension.

Persons whose rights to hold special titles and ranks, as well as to wear uniforms, abolished shall be appointed to positions of the relevant category for administrative state or civil servants, provided for in the register of positions of administrative civil servants, according to the categories approved by the President of the Republic of Kazakhstan, by the register of positions of civil servants approved by authorized state bodies of the relevant fields of activity, in consultation with the authorized state labour body.

Personnel services on the basis of the order of the head or the authorized head shall fill in the certificate of registration in two copies (one shall be issued to the person whose rights to

hold special titles and class ranks, as well as to wear uniforms abolished, the other - in his personal file) according to the Annex to the Rules.

Footnote. Paragraph 4 as amended by the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

2. Procedure for the preservation of social security, all benefits in pension of persons, whose rights to hold special titles and class ranks, as well as to wear uniforms abolished

5. Persons whose rights to hold special titles and class ranks, as well as to wear uniforms, abolished under the law shall have the right to:

1) monetary compensation for maintenance of housing and payment of utilities in the amount determined by the law on the republican budget at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms.

Such monetary compensation shall be paid if the monetary compensation for the maintenance of the housing and for the payment of utilities have been paid at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

2) for additional paid leave for annual work leave depending on the length of service (in calendar calculation) taken into account when granting a pension:

serving more than 10 years, five calendar days;

serving more than fifteen years - ten calendar days;

serving more than twenty years - fifteen calendar days;

3) for short-term paid leave to solve urgent social and domestic issues, as well as for other valid reasons up to ten calendar days without taking into account the time for the way to the place of leave and back;

4) for additional days for annual work leave to travel to and from the place of the leave and back.

Travel time shall be granted for only one part of the leave;

5) for medical and health resort services, including family members living together with them, in the relevant state health organizations in accordance with the procedure defined by the legislation of the Republic of Kazakhstan;

6) payment of social allowance for temporary incapacity for work in the amount of 100% of salaries from the first day of incapacity for work to the day of reinstatement, the period of which shall not exceed the period established by Article 65 of the Law of the Republic of Kazakhstan dated January 6, 2011 “On Law Enforcement Service “;

7) to the housing rights provided by the legislation for law enforcement officials;

8) for a lump-sum compensation upon establishment of a disability resulting from injury, wound (contusion), mutilation or illness sustained in the performance of official duties, in the amount of:

for a person with a group one disability: thirty months' pay;
for a person with a group two disability: eighteen months' pay;
for a person with a group three disability: eighteen months' pay;

9) on immediate compensation in case of receiving, at execution of duties, the serious injury (wound, a trauma, a contusion) which shall not have been entailed disability in the amount of half-month salary, an easy injury there shall be half of monthly salary;

10) for taxation in accordance with subparagraph 8-2) of paragraph 1 of Article 156 of the Code of the Republic of Kazakhstan "On taxes and other mandatory payments to the budget" (Tax Code).

Footnote. Paragraph 5 as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016); No. 850 of 26.10.2022 (shall become effective ten calendar days after the date of its first official publication).

6. In case of death (death) of persons whose rights to have special titles and class ranks and also to wear a uniform abolished, at execution of duties or within a year after dismissal from service due to the trauma got at execution of official duties, mandatory for execution, immediate compensation in the amount of sixty-monthly salary on the last position shall be paid to welfare beneficiary or heirs.

The salary considered for payment of immediate allowance in case of death (death) at establishment of the disability having caused a trauma, wound (contusion), injury, a disease in case of receiving an injury (wound, a trauma, a contusion), shall be defined on the moment of an event and shall be accepted as follows:

1) the fixed amount of salary (until exceeding the official salary of the administrative state or civil servant of their fixed salary);

2) official salary on the position occupied (in case of exceeding the official salary of administrative state or civil servant of the fixed amount of salary).

7. Persons whose rights to hold special titles and class ranks, as well as to wear uniforms, shall be entitled to salaries not lower than the amount of the fixed amount of salary and monetary compensation for the maintenance of housing and utilities, while:

1) at the appointment of the mentioned persons to the positions of administrative state or civil servants, if the official salary for the position of administrative state or civil servant shall be lower than the fixed official salary at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms, the recorded official salary shall be retained.

In the event of an increase in the official salary of administrative state or civil servants:

the fixed salary shall not be recalculated if the amount of the fixed salary shall be higher than that of administrative state or civil servants, taking into account the increase;

the official salary of administrative state or civil servants shall be established if the recorded salary shall be lower than the official salary of administrative state or civil servants, taking into account the increase;

2) if the salary accrued taking into account the established allowances and additional payments for the position of administrative state or civil servant shall be lower than the amount previously received of the fixed salary and monetary compensation for the maintenance of housing and utilities, the corresponding salary difference shall be paid;

3) the decision on maintaining the fixed official salary shall be made by the order of the head of the relevant law enforcement authority (institution), the state courier service;

4) recovery allowance shall be paid in the amount of two official salaries, and the following shall be accepted:

fixed official salary until the official salary of an administrative state or civil servant shall exceed their fixed official salary;

official salary in the case of exceeding the official salary of an administrative state or civil servant of a fixed amount of official salary.

Footnote. Paragraph 7 as amended by the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after its first official publication).

8. Persons whose rights to hold special titles and class ranks, as well as to wear uniforms, shall be abolished all benefits in the assignment of pension payments for length of service provided for by the legislation for law enforcement officials and the state courier service:

1) excluded by the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016);

2) the right to pension payments for length of service:

having a period of service on military service, service in special state and law enforcement authorities, the state courier service shall not be less than twenty five years old and the reached age corresponding to age limit of a state on law-enforcement service on the fixed special title and class rank at the time of abolition of the right to have special titles and class ranks and also to wear a uniform;

having length of service on military service, service in special state and law enforcement authorities, the state courier service shall not be less than twenty five years old dismissed on grounds of redundancy to either own desire, or lack of conformity of position or the performed work due to health conditions obstructing further work;

having a total length of service of twenty-five years or more, of which at least twelve years and six months shall be a continuous military service, service in special state and law enforcement authorities, state courier service, and dismissed on grounds of redundancy or lack of conformity of position or the performed work due to health conditions, obstructing the

continuation of work or having reached the age of the age limit of the state in the law enforcement service under a fixed special title, class rank at the moment of abolition of the right to hold special titles and class ranks, as well as to wear uniforms;

3) upon dismissal from service, immediate allowance shall be paid in the following amounts:

having less than 10 calendar years of length of service and having been dismissed for health conditions due to the redundancy -of three months' salary;

having more than 10 calendar years of length of service and having reached the age limit for service in law enforcement authorities, state courier service, for health conditions or due to the redundancy:

10 to 15 years - four months' salary;

15 to 20 years - five months' salary;

20 to 25 years - six months' salary;

25 to 30 years - seven months' salary;

over 30 years - eight months' salary;

4) when determining the salary taken into account for the assignment of pension payments for length of service and payment of immediate allowance, the following shall be accepted:

fixed amount of salary (up to exceeding official salary of administrative state or civil servant of their fixed salary);

official salary at the time of dismissal (if the official salary of an administrative state or civil servant shall exceed the fixed amount of salary);

5) the amount of payment of immediate allowance in connection with the dismissal from service of those who have reached the maximum age of service in law enforcement authority, state courier service, health condition or redundancy of staff shall be determined depending on the length of service taken into account when granting pension in calendar calculation.

Footnote. Paragraph 8 as amended by the resolution of the Government of the Republic of Kazakhstan dated 18.10.2013 № 1115 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

9. The salary taken into account for the assignment of pension payments for the length of service shall be confirmed by the certificate of the established model of the relevant financial authority for the last duty station, indicating the fixed salary or official salary for the last position on the day of dismissal from the administrative state or civil service.

Footnote. Paragraph 9 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

10. The assignment of pension payments for the length of service to persons whose rights to hold special titles and class ranks, as well as to wear uniforms abolished at the last duty station by the relevant authorized state bodies.

Footnote. Paragraph 10 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

11. Persons whose rights to hold special titles and class ranks, as well as to wear uniforms abolished when granting pension payments for length of service through law enforcement authorities and the state courier service, as well as members of their families, shall be still entitled to medical care and resort-sanatorium treatment in the relevant state health-care organizations.

Footnote. Paragraph 11 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

12. For the burial of a died person whose rights to hold special titles and class ranks, as well as to wear uniforms abolished, immediate compensation in the amount of their three-month salary, and pensioners from among them - three-month pension shall be paid.

In determining the salary taken into account for payment of immediate compensation, the following shall be accepted:

1) the fixed amount of salary (until exceeding the official salary of the administrative state or civil servant of their fixed salary);

2) official salary at the time of death (if the official salary of an administrative state or civil servant shall exceed the fixed amount of salary).

13. Family members of the dead recipients of length of service pension payments from among persons whose rights to hold special titles and class ranks, as well as to wear uniforms abolished, regardless of the assignment of allowance due to the loss of the breadwinner, shall be paid immediate allowance: the wife (husband) - in the amount of a three-month pension payment for the length of service of the breadwinner and for each disabled family member - in the amount of a monthly pension payment for the length of service of the breadwinner paid to him by the day of death.

In determining the amount of the lump sum allowance granted under this paragraph, the family members eligible for the allowance shall include

a spouse irrespective of age and ability to work;

children under the age of 18, or over that age if they became disabled before they turned 18 or were full-time students at the date of the breadwinner's death and had not reached the age of 23;

dependants of a deceased parent who have reached the statutory retirement age or who are persons with disabilities.

Footnote. Paragraph 13 as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016); No. 850 of 26.10.2022 (shall be promulgated ten calendar days after the date of its first official publication).

14. All benefits as well as the fixed amount of allowance provided for in these Rules, except for pensions and taxation, for persons whose rights to hold special titles and class ranks, as well as to wear uniforms abolished shall be terminated in the following cases:

1) personnel transfer to any other positions in law enforcement authorities, state courier service;

2) achievements of the amount of official salary of an administrative civil servant or civil servant of the corresponding category of the level of the amount of the fixed amount of salary and allowance for the maintenance of housing and payment of utilities.

All benefits provided for in these Rules for persons whose rights to hold special titles and class ranks, as well as to wear uniforms, abolished shall be terminated in case of personnel transfer to other state bodies, not being law enforcement authorities.

Footnote. Paragraph 14 as amended by the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after its first official publication).

15. Law enforcement authorities, state courier service shall submit to tax bodies information on issued certificates on registration of persons specified in these Rules, with indication of full name, IIN.

Footnote. Paragraph 15 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 27.10.2014 № 1140 (shall be enforced upon expiry of ten calendar days after its first official publication).

Annex
to Rules for the preservation
of social security, all benefits
in pension of persons whose rights
to hold special titles and class ranks
and to wear uniforms
abolished

Footnote. Annex in the wording of the resolution of the Government of the Republic of Kazakhstan dated 10.12.2015 № 988 (shall be enforced from 01.01.2016).

CERTIFICATE

**on registration of persons whose rights to hold special titles
and class ranks, as well as wearing uniforms
abolished, with the preservation of social security,
all benefits in the assignment of pension payments
for length of service through law enforcement authorities
and state courier service**

Issued _____

(name of the state body, unit)

1. Last name, first name, patronymic (if any) _____

2. Special title (class rank) at the time of abolition

3. Law enforcement official,
state courier service at the time of abolition _____

4. Order on transfer to state or civil
position due to the abolition of the right to hold special titles and class ranks, and to wear
uniforms from " ____ " _____ 20 ____ № _____
Seal Head of Human Resources