



On approval of the Rules and conditions for attestation of civil servants of state organizations of culture

Unofficial translation

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated June 29, 2016 № 189. Registered with the Ministry of Justice of the Republic of Kazakhstan dated July 28, 2016 № 14035

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In accordance with paragraph 7 of Article 139 of the Labour Code of the Republic of Kazakhstan dated November 23, 2015 and subparagraph 15) of Article 7 of the Law of the Republic of Kazakhstan dated December 15, 2006 “On Culture” **I hereby ORDER:**

1. To approve the attached Rules for the attestation of civil servants of state organizations of culture.

2. To recognize as invalid:

1) Order No. 110 of the Minister of Culture and Information of the Republic of Kazakhstan dated April 12, 2007 "On Approval of the Rules for attestation of employees of state organizations of culture" (registered in the Register of the state registration of regulatory legal acts No. 4633, published in the Assembly of acts of central executive and other central state bodies of the Republic of Kazakhstan, March – April, 2007);

2) Order No. 195 of the Acting Minister of Culture and Information of the Republic of Kazakhstan dated July 23, 2007 "On introduction of amendments to order No. 110 of the Minister of Culture and Information dated April 12, 2007 "On approval of the Rules for attestation of employees of state organizations of culture" (Registered in the Register of the state registration of regulatory legal acts No. 4874, published in the Assembly of Acts of central executive and other central state bodies of the Republic of Kazakhstan, June – August, 2007);

3) Order No. 280 of the Minister of Culture and Information of the Republic of Kazakhstan dated December 3, 2013 " On introduction of amendments to order No. 110 of the Minister of Culture and Information dated April 12, 2007 "On approval of the Rules for attestation of employees of state organizations of culture" (Registered in the Register of the state registration of regulatory legal acts No. 9058, published in the newspaper " Kazakhstanskaya Pravda" dated January 15, 2014 № 8 (27629).

3. The Human Resources Service of the Ministry of Culture and Sports of the Republic of Kazakhstan in accordance with the procedure established by law shall:

1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after the state registration of the present order send its copies in a graphic format in full accordance with the original for official publication in the information and legal system "Adilet";

3) within ten calendar days from the date of the state registration of this order, send to the Republican State Enterprise on the right of economic management "The National Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan" copies of this order in paper and electronic form, certified by the electronic digital signature of the person authorized to sign this order, for official publication, inclusion in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan, the State Register of regulatory legal acts of the Republic of Kazakhstan;

4) after the official publication, place this order on the Internet resource of the Ministry of Culture and Sports of the Republic of Kazakhstan;

5) submit to the Department of Legal Service of the Ministry of Culture and Sports of the Republic of Kazakhstan information on execution of measures provided for in subparagraphs 1), 2), 3) and 4) of this paragraph, within ten working days from the date of execution of the event.

4. Control over execution of this order shall be entrusted to the Responsible Secretary of the Ministry of Culture and Sports of the Republic of Kazakhstan.

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

*Minister of Culture and Sports
of the Republic of Kazakhstan*

A. Mukhamediuly

Approved
by order № 189 of the
Minister of Culture and Sports
of the Republic of Kazakhstan
dated June 29, 2016

Rules

and conditions for attestation of civil servants of state organizations of culture

Chapter 1. General provisions

1. These Rules and conditions for attestation of civil servants of state organizations of culture (hereinafter referred to as the Rules) shall define the procedure and conditions for attestation of civil servants of state organizations of culture (hereinafter referred to as the servants).

2. The attestation of servants shall be carried out in order to determine the level of conformity of the knowledge and qualification of the servants with the qualification characteristics of their position and/or qualification category for which they apply.

Footnote. Paragraph 2 in the wording of the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3. The main criterion for evaluation in attestation shall be the ability of the servants to perform their functional duties.

4. The servants being the first heads of republican organizations of culture and their deputies shall be certified by the attestation commission under the authorized body in the field of culture.

The servants being the first heads of organizations of culture of local executive bodies of regions, cities of republican significance, capitals, districts and their deputies, shall be certified by the corresponding attestation commissions under local executive bodies of regions, cities of republican significance, capitals, districts.

Footnote. Paragraph 4 in the wording of the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

5. All servants shall be subject to attestation, except pregnant women who provided a medical certificate on pregnancy during the attestation period.

The servants shall be certified at the end of each next three years in the civil service, but not earlier than one year from the date of their occupation of the position.

At the same time attestation shall be carried out not later than six months from the date of the specified deadline.

The servants who were on the educational holiday, a holiday non-paid (exceeding six months), on a holiday in connection with pregnancy and the birth of child (children), adoption (adoption) of newborn child (children), on care of the child before achievement of age of three years, shall be certified not earlier than in six months after appearance at work.

Footnote. Paragraph 5 in the wording of the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

5-1. In order to carry out attestation on upgrading the qualification category on the initiative of the servants, before the expiry of the terms specified in paragraph 5 of these Rules, they shall submit an application in arbitrary form to the person authorized to appoint the servants. The servants shall be certified ahead of schedule in accordance with the procedure and conditions established by Chapter 2 of these Rules.

Footnote. Rules as added by paragraph 5-1 in accordance with the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 2. Procedure and conditions of attestation

6. The attestation shall include the following steps:

- 1) preparation for the attestation;
- 2) testing of the servants;
- 3) interview with the servants, conducted by the attestation commission;
- 4) making a decision by the attestation commission.

Footnote. Paragraph 6 in the wording of the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

7. Preparation for the attestation shall be organized by the human resources or the person performing functions of the human resources (hereinafter referred to as the human resources) and shall include the following activities:

- 1) preparation of the necessary documents for the servants subject to attestation (notification, request for performance characteristics from the direct manager, attestation sheet);
- 2) development of schedules of attestation, questions and answers for testing and interview;
- 3) determination of the composition of attestation commissions;
- 4) organization of awareness-raising work on the purposes and procedure of attestation of the servants.

Footnote. Paragraph 7 as amended by the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

8. The person authorized to appoint the servants shall, upon the request of the human resources, shall approve:

- 1) list of the servants subject to attestation;
- 2) schedule of attestation;
- 3) composition of the attestation commission;
- 4) questions and answers to testing, which determine the level of knowledge provided by qualification characteristics for the position occupied by the servants for which they shall apply;
- 5) questions and answers for the interview concerning the functional duties of the servant.

Footnote. Paragraph 8 in the wording of the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

9. The human resources shall determine the servants to be certified once a half-year.

10. The human resources shall notify the servants in writing of the date of the interview not later than thirty calendar days before the beginning of the interview, and also requests official characteristics.

Footnote. Paragraph 10 in the wording of the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

11. Direct heads of the servants subject to attestation, shall draw up performance characteristics and send them to the human resources within three working days from the date of receipt of the request.

Footnote. Paragraph 11 in the wording of the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

12. The official characteristic shall contain a comprehensive and objective assessment of professional, business and personal qualities and results of the servant's performance.

13. The human resources shall consider the servant subject to certification, with the performance characteristic submitted to him within a period not later than ten calendar days before the meeting of the attestation commission.

14. The servants subject to attestation, if they disagree with the performance characteristics presented at them, submit to the human resources, prior to the meeting of the attestation commissions, personally prepared reports on the work done.

15. On the servant subject to be certified by the human resources, the attestation sheet shall be drawn up according to the form, according to the Annex to these Rules.

16. The human resources shall submit the documents specified in subparagraphs 1) and 2) of paragraph 8 of these Rules to the attestation commission within one working day prior to the meeting of the attestation commission.

17. In case of non-attendance of the servant subject to attestation at the meeting of the attestation commission due to temporary absence from work for a good reason (temporary incapacity to work, for the period of stay on paid annual employment leave, social leave or on business trip), consideration of their attestation shall be postponed to a later date determined by the attestation commission. You can transfer the attestation no more than once.

Footnote. Paragraph 17 in the wording of the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17-1. Testing and interview shall be carried out in Kazakh or Russian languages at the choice of the certified servant.

Footnote. Rules as added by paragraph 17-1 in accordance with the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17-2. Test questions shall be developed and approved annually no later than February 1. For heads the number of test questions shall be 80, and for the servants - 60 questions. Test questions must contain at least three answer options with one correct answer.

Footnote. Rules as added by paragraph 17-2 in accordance with the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17-3. The test results shall be evaluated by points and announced no later than the next working day after the day of testing.

The correct answer to each test question shall be assessed by one point.

Footnote. Rules as added by paragraph 17-3 in accordance with the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17-4. The threshold of correct test responses, being the basis for the recognition of positive test results, shall be 80% for managers and 70% for employees of correct test responses of the total number of test questions.

The servants who have not passed the threshold level at the testing stage shall not be allowed for interview and shall be subject to re-attestation.

Footnote. Rules as added by paragraph 17-4 in accordance with the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

18. By results of an interview the attestation commission shall accept one of the following decisions:

- 1) corresponds to qualification characteristics to a post and/or qualification category;
- 2) is subject to repeated attestation, except for the case specified in Paragraph 5-1 of these Rules;
- 3) does not correspond to qualification characteristics to a post and or qualification category.

Footnote. Paragraph 18 in the wording of the order of the Minister of Culture and Sport of the RK dated 28.07.2017 № 220 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

19. Re-attestation shall be carried out within thirty calendar days from the date of the decision of the previous attestation commission in accordance with the procedure defined by these Rules. The attestation commission, after re-attestation, shall make one of the following decisions:

- 1) corresponds to the position occupied;
- 2) does not correspond to the position occupied.

19-1. the decision of the attestation commission on the non-conformity of the position shall be a negative result of the attestation.

The negative result of the attestation of servants shall be the basis for his demotion, and in case of his refusal to occupy the proposed position, the basis for dismissal.

Footnote. Rules as added by paragraph 19-1 in accordance with the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

20. The decisions of the attestation commission signed by the members of the attestation commission shall be formalized by the minute and entered into the attestation sheet.

21. From the date of the interview within five working days, the human resources shall consider the servant with the decision of the attestation commission.

22. The attestation sheet of the servant, the performance characteristic on it shall be stored in the personal file.

Chapter 3. Attestation commission

23. The attestation commission shall be established by the head of representation of human resources and shall consist of an odd number of members and the secretary of the commission. The commission shall include the Chairman of the commission, the Deputy Chairman and the members of the commission. The Chairman and Vice-Chairman shall be appointed from among the members of the commission. The servant of the human resources shall be appointed as the secretary of the attestation commission.

Footnote. Paragraph 23 in the wording of the order of the Minister of Culture and Sport of the RK dated 15.08.2018 № 210 (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

24. The Chairman of the attestation commission shall: direct activities, chair meetings, plan work, carry out general control, and be responsible for activities and decisions made.

25. The secretary of the attestation commission shall prepare the relevant materials for the meeting of the commission and shall draw up a minute after its holding. The secretary shall perform technical maintenance and shall ensure the functioning of the attestation commission.

26. A meeting of the attestation commission shall be deemed to be valid if at least two thirds of its composition were present.

Replacement of missing members of the attestation commission shall not be allowed.

27. The decision of the attestation commission shall be made by open vote. The servant, being a member of the attestation commission, shall not participate in voting about himself.

28. The results of voting shall be determined by a majority vote of the members of the attestation commission. If votes are equal, the vote of the chairman of the attestation commission shall be decisive.

29. The individual opinion of the member of the attestation commission shall be presented in writing and attached to the minute.

30. Members of the attestation commission shall be certified on general grounds.

31. All disputes related to the decision of the attestation commission shall be resolved in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Form

**Attestation sheet
for civil servant subject to attestation**

Type of certification: regular | _ _ _ _ | repeated | _ _ _ | (required
to note sign X)

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

2. Date of birth of _____ " ____ "

3. Information on education, advanced training,
retraining (when and what educational institution graduated,
specialty and qualifications in education, promotion documents
qualification, retraining, academic degree and academic title, date of their assignments)

4. Position occupied and date of appointment _____

5. Total length of service _____

6. Total length of service in state and/or
civil servant _____

7. Comments and suggestions made by members of the attestation commission:

8. The meeting was attended by _____ members of the attestation commission.

9. Evaluation of civil servant by results
of votes:

1) corresponds to the position occupied (number of votes) _____

2) to be re-certified (number of votes) _____; *

3) does not correspond to the position occupied (number of votes)

10. Recommendations of the attestation commission (with reasons,
for which they are given) _____

11. Notes _____

Chairman of the Attestation Commission: _____

(signature)

Secretary of the Attestation Commission: _____

(signature)

Members of the Attestation Commission: _____

(signature)

(signature)

(signature)

(signature)

Date of the attestation _____ " ____ "

Decision of the head of the organization on the results of attestation

Made familiar with the attestation sheet: _____

(signature of the civil servant and date)

The place for the seal

of the organization

* shall not be performed under re-attestation