

On approval of the Rules for conclusion, extension and termination of an employment contract with administrative civil servants of corps “A”

Unofficial translation

The Order of the Chairman of the Agency of the Republic of Kazakhstan on Civil Service Affairs and Anti-Corruption No. 37 dated November 2, 2016. Registered with the Ministry of Justice of the Republic of Kazakhstan No. 14479 on December 5, 2016.

Unofficial translation

In accordance with Article 24 of the Law of the Republic of Kazakhstan dated November 23, 2015 "On Civil Service of the Republic of Kazakhstan" **I HEREBY ORDER AS FOLLOWS:**

1. Approve the attached Rules for conclusion, extension and termination of an employment contract with administrative civil servants of corps “A”.

2. Declare to be no longer in force the Order of the Minister of Civil Service of the Republic of Kazakhstan No. 8 dated December 29, 2015 "On approval of the Rules for conclusion, extension and termination of an employment contract with administrative civil servants of corps "A" (registered in the Register of State Registration of Regulatory Legal Acts No. 12711, published on January 15, 2016 in the Legal Information System of Normative Legal Acts of the Republic of Kazakhstan “Adilet”).

3. The Department of Civil Service of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption, in the manner prescribed by law, shall ensure:

1) 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 this Order with the Ministry of Justice of the Republic of Kazakhstan, the direction for official publication in the Legal Information System “Adilet”;

3) within ten calendar days from the date of the State Registration of this Order, the direction to the Republican State Enterprise on the Right of Economic Use "Republican Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for placement in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

4) placement of this Order on the Internet resource of the Agency of the Republic of Kazakhstan on Civil Service Affairs and Anti-Corruption.

4. The control over the execution of this Order shall be assigned to the Deputy Chairman of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption, which oversees Civil Service Issues.

5. This Order shall be enforced from the day of its first official publication.

*The Chairman of the Agency
of the Republic of Kazakhstan
on Civil Service Affairs
and Anti-Corruption*

K. Kozhamzharov

Approved by the
Order of the Chairman of the Agency
of the Republic of Kazakhstan on Civil
Service Affairs and Anti-Corruption
No. 37 dated November 2, 2016

Rules

for concluding, extending and terminating an employment contract with administrative civil servants of the "A" block

Footnote. The Rules are in the wording of the order of the Chairman of the civil service Agency of the Republic of Kazakhstan dated 30.12.2022 No. 268 (shall be enforced after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for concluding, extending and terminating an employment contract with administrative civil servants of the “A” block (hereinafter referred to as the Rules) are developed in accordance with Article 24 of the Law of the Republic of Kazakhstan "On civil service of the Republic of Kazakhstan" (hereinafter referred to as the Law) and determine the procedure for concluding, extending and terminating an employment contract with administrative civil servants of the “A” block.

Chapter 2.

Procedure for concluding, extending and terminating an employment contract with administrative civil servants of “A” block

2. When appointing a person to an administrative state position of the "A" block, an employment contract is concluded with him for a period of four years, unless another term is established by laws and acts of the President of the Republic of Kazakhstan.

By the decision of an official (body) having the right to be appointed to a public position and dismissed from a public position, or an official (body) authorized by him (hereinafter referred to as the authorized person), the employment contract of an employee of "A" block in his position may be extended for two years. The subsequent extension of the employment contract of this employee of the "A" block in his position is allowed by the decision of the National Commission on personnel policy under the President of the Republic of Kazakhstan (hereinafter – the National Commission) for two years.

At the same time, the maximum allowable period of stay of an employee of the "A" block in his position may not exceed eight years.

An employment contract is concluded on the basis of a standard employment contract in accordance with the annex to these Rules.

When occupying a temporarily vacant administrative public position of block "A", an employment contract is concluded for the period of temporary absence of an administrative civil servant of block "A" holding this position.

3. An employment contract with administrative civil servants of the "A" block is concluded by an authorized person.

An employment contract with administrative civil servants of the "A" block appointed by the President of the Republic of Kazakhstan is concluded by the Head of the Administration of the President of the Republic of Kazakhstan.

4. The employment contract is concluded in writing in two copies and signed by the parties. One copy of the employment contract is kept by the administrative civil servant of the "A" block, the second – in his personal file, which is stored in the personnel management service (personnel service) of the state body.

5. Amendments and additions to the employment contract are made by agreement of the parties in writing.

6. When an administrative civil servant of block "A" rotates to another public position of block "A", a new employment contract is concluded with him for the period provided for by law for occupation of this position.

7. When reorganizing a state body, an employee of the "A" block continues to work or is dismissed from his post in accordance with paragraph 6 of Article 56 of the Law.

If he continues to work in his current position, appropriate changes are made to the employment contract, if necessary. At the same time, the term of the employment contract is not subject to change.

8. The employment contract with the administrative civil servant of the "A" block is terminated without the approval of the National Commission:

1) when an administrative civil servant of block "A" submits an application for dismissal at his own request, except in cases of consideration of his responsibility for a corruption offense or the commission of a disciplinary offense discrediting the civil service;

2) if he reaches the retirement age established by the law of the Republic of Kazakhstan.

The person specified in subparagraph 2) of this paragraph, by mutual agreement of the parties, is allowed to extend the term of stay in the position of block "A" for one year, but not more than the term of the employment contract by concluding an additional agreement.

Standard employment contract with administrative civil servants of the "A" block Chapter 1.

General provisions

1. This employment contract (hereinafter referred to as the Contract) is concluded between _____
(the name of the state body, surname, first name, patronymic (if any) of the official) (hereinafter – the authorized person), on the one hand,
and a citizen _____

(surname, first name, patronymic (if any) of an employee) (hereinafter referred to as the Employee), on the other hand.

2. An authorized person accepts an Employee for a position _____

(name of the position)

The employee performs labor duties provided for by regulatory legal acts of the Republic of Kazakhstan, acts of an authorized person, job descriptions.

3. This agreement is valid from "___" _____ 20__.

The term of the Contract is ___ years

(in the case of transformation of a public position into an administrative public position of the "A" block: from "___" _____ 20__ before the occurrence of one of the following events: occupation of this position within six months from the date of transformation of the public position into an administrative public position of the "A" block;

the expiration of six months from the date of transformation of a public position into an administrative public position of block "A" – if this position is not occupied).

4. The employee is paid the salary provided for this position in accordance with the resolution of the Government of the Republic of Kazakhstan dated October 16, 2017 No. 646 officer's eyes only "On approval of the unified system of remuneration of employees for all bodies maintained at the expense of the state budget".

5. The guarantees and compensations to the Employee are provided in accordance with the legislation of the Republic of Kazakhstan.

Chapter 2. Basic rights and obligations of the authorized person and employee

6. The authorized person has the right to demand from the Employee the performance of the functions and powers assigned to him, compliance with the laws of the Republic of Kazakhstan, acts of the authorized person, encourage the Employee, impose disciplinary penalties, and also has other rights provided for by the legislation of the Republic of Kazakhstan.

7. The authorized person is obliged to comply with the requirements of the legislation of the Republic of Kazakhstan, the acts issued by him, to provide the Employee with working

conditions, as well as to comply with other obligations provided for by the legislation of the Republic of Kazakhstan.

8. An employee has the right to receive information and materials necessary for the performance of official duties, within the limits of his authority to participate in the consideration of issues of his public service and decision-making on them, to demand their execution by the relevant authorities and officials, and also has other rights provided for by the legislation of the Republic of Kazakhstan.

9. The employee is obliged to observe state and labor discipline, perform labor duties in accordance with the legislation of the Republic of Kazakhstan and the acts of the authorized person, as well as comply with the duties provided for by the legislation of the Republic of Kazakhstan.

Chapter 3. Liability of the parties

10. For non-fulfillment and improper fulfillment of obligations stipulated by this agreement, the parties are responsible in accordance with the laws of the Republic of Kazakhstan.

4. Amendment and termination of the employment contract

11. The amendment and termination of the employment contract is carried out in accordance with the procedure and on the grounds provided for by the legislation on public service and the labor legislation of the Republic of Kazakhstan.

12. The Contract is drawn up in ____ copies, each of which has the same legal force.

13. The employment contract is terminated from the moment of dismissal from the position of an administrative civil servant of the "A" block.

The authorized person

The employee

(signature, date)

(signature, date)