

## **On special state bodies of the Republic of Kazakhstan**

### *Unofficial translation*

Law of the Republic of Kazakhstan, dated 13 February 2012 No. 552-IV.

#### **Unofficial translation**

Footnote. Throughout the whole text the words “cadet”, “cadets” are replaced with the words “cadet, listener”, “cadets, listeners” in accordance with Law of the Republic of Kazakhstan № 398-V as of 13.11.2015 (shall be enforced ten calendar days after its first official publication).

Footnote. Throughout the whole text the words “special (military)”, “in a special (military)”, “special (military)”, “from a special (military)”, “of special (military)” are replaced correspondingly with the words “military, special”, “in a military, special”, “military, special”, “from a military, special”, “of military, special”;

the words “in military medical (medical) institutions”, “Military medical subdivisions”, “in military medical subdivisions and institutions”, “military medical subdivisions”, “of military medical subdivisions” are replaced correspondingly by the words “in military medical (medical) subdivisions”, “Military medical (medical) subdivisions”, “military medical (medical) subdivisions”, “of military medical (medical) subdivisions”, “military medical (medical) subdivisions” by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

the words “the disabled”, “a disabled child (disabled children)”, “disabled person” (the disabled)”, “of a disabled child (disabled children)”, “to the disabled person”, “disabled children”, “participants and invalids of the Great Patriotic War of the 1941-1945” are replaced correspondingly by the words “people with disabilities”, “a child with disabilities (children with disabilities)”, “person with disabilities (people with disabilities)”, “of a child with disabilities (children with disabilities)”, “to a person with disabilities”, “children with disabilities”, participants of the Great Patriotic War of the 1941-946 and people with disabilities due to wound, contusion, injury or disease received during the Great Patriotic War of 1941-1945” by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

This Law defines the status of special state bodies of the Republic of Kazakhstan (hereinafter - special state bodies), regulates social relations, associated with entry on duty in special state bodies, service career and cessation of employment, as well as defines the legal status, material ensuring and social protection of employees of the special state bodies.

## **Chapter 1. GENERAL PROVISIONS**

## **Article 1. Basic definitions, used in this Law**

The following basic definitions shall be used in this Law:

**1) Is excluded by the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V ( shall be enforced upon expiry of ten calendar days after its first official publication);**

1-1) an adjunct - an employee, sent in accordance with international agreements for training to the organization of education of a foreign state, implementing educational programs for postgraduate education;

2) special assessment - actions on service and combat training of employees of special state bodies;

3) a special rank - ice of dedicated discrimination, assigned to the employee;

3-1) military, special educational institutions – educational organizations of special state bodies, implementing educational programs of higher, postgraduate and additional education;

4) a special uniform - clothing (uniforms) and insignia, established by the legislation of the Republic of Kazakhstan identifying the employees' belonging to the national security bodies, the authorized body in the field of foreign intelligence, the state security service of the Republic of Kazakhstan;

5) employees of the special state body (hereinafter - employees) - citizens of the Republic of Kazakhstan, serving in the national security bodies, the authorized body in the sphere of foreign intelligence, in the state security service of the Republic of Kazakhstan, who were awarded a special rank;

6) service in special state bodies - a special type of public service on positions in the national security bodies, an authorized body in the field of foreign intelligence, in the state security service of the Republic of Kazakhstan;

7) special account of special state bodies - the system of accounting and analysis of the staff employees;

8) accounting of reserve officers of special state bodies - the system of accounting and analysis of quantitative and of special state bodies;

9) reserve of special state bodies (hereinafter - reserve) – employees, dismissed from service (except fired on negative motives) and consisting on the account of reserve officers of special state bodies in the territorial bodies of national security and the authorized body in the field of foreign intelligence, designed to completion, mobilization deployment and make up for losses of special state bodies;

9-1) length of service - the duration of the employee's employment in military service, service in special state and law enforcement bodies, calculated in both calendar and preferential terms, as well as in other cases stipulated by the laws of the Republic of Kazakhstan;

10) higher certifying commission - a permanent supreme consultative and advisory body, examining the conclusions and recommendations of certification of officers of the governing,

according to the list determined by the first heads of special state bodies on accordance to their respective positions and prospects of their further the most appropriate official use, presented in the procedure of appeal against certification of employees, who disagree with the conclusions and recommendations of the evaluation committees, as well as certifications submitted for review to the higher certifying commission at the direction of the first head of the special state body;

11) cadet – an employee who studies in a military, special educational institution or who is sent for training in accordance with international agreements to the educational organization of a foreign state on educational programs of higher education;

13) contract on service career (hereinafter - the contract) – a contract, stipulating the rights, obligations and responsibility of parties;

13-1) master's degree and doctoral students – employees who study in military, special educational institutions on educational programs of postgraduate education;

14) resignation – a dismissal from service in special state bodies or exclusion from the register of reserve officers of special state bodies, who have reached the maximum age limit in reserve, or persons recognized as unfit for service in special state bodies with the exception of registration of reserve officers of special state bodies;

15) polygraph examination – the procedure of the survey, that consists in registration with the help of special sensors of individual physiological reactions (breathing, heart rate, skin resistance, and so on);

16) psycho-physiological examination - a set of measures aimed at a comprehensive assessment of individual-psychological and psycho-physiological properties of candidates for the service, staff and servicemen of the special state bodies;

16-1) listener – an employee, who studies in a military, special educational institution or directed to training in accordance with international agreements to the educational organization of a foreign state on educational programs of additional education;

17) an authorized head - an official who has been granted the right to issue orders on concluding a contract, appointing to positions, moving, releasing, dismissing employees, assigning them a special rank (orders on personnel), as well as appointing, suspending and extending an internal investigation in accordance with the procedure established by this Law;

18) staffing measures - activities of the special state bodies on creation, liquidation, relocation, recast, re-subordination, growth and retrenchment of the staff.

**Footnote. Article 1 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 06.13.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 2. Legal basis of the activity of special state bodies**

1. The legal basis of the activities of special state bodies shall be the Constitution of the Republic of Kazakhstan, this Law, laws of the Republic of Kazakhstan regulating the activities of special state bodies, as well as other normative legal acts of the Republic of Kazakhstan in the part not contradicting this Law.

2. If an international treaty ratified by the Republic of Kazakhstan establishes different rules than those contained in this Law, the rules of an indicated treaty shall be applied.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 11.23.2015 № 417-V (shall be enforced upon expiry of 10 calendar days after its first official publication).**

### **Article 3. Special state bodies**

1. Special state bodies – shall be directly subordinated and accountable to the President of the Republic of Kazakhstan state bodies, that are a part of forces of the national security of the Republic of Kazakhstan, shall carry out intelligence and counter-intelligence activity, as well as complex of legal, organizational, operational-investigative and technical measures aimed at ensuring the safety of protected persons and objects, in order to prevent threats to the national security of the Republic of Kazakhstan.

2. Special state bodies shall include the national security bodies, the authorized body in the sphere of external intelligence, the state security service of the Republic of Kazakhstan.

Under special state bodies, consultative and advisory bodies may be established, the position and composition of which shall be approved by the first heads of special state bodies.

**Footnote. Article 3 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 06.13.2017, № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

### **Article 4. Main tasks of special state bodies**

The main tasks shall be entrusted to the special state bodies by Law and acts of the President of the Republic of Kazakhstan.

### **Article 5. Principles of activity of special state bodies**

1. Activities of special state bodies shall be based on the principles of public service in the Republic of Kazakhstan, as well as:

- 1) mandatory protection of rights and freedoms of man and citizen, interests of society and the state against illegal encroachments;
- 2) unity of approaches to the organization of service in special state bodies;
- 3) unity of command and subordination (submissiveness);
- 4) combination of overt and covert methods and means of activity;
- 5) independence from the activities of political parties and other public associations;
- 6) privacy and secrecy.

### **Article 6. Scope of this Law**

Scope of this Law shall apply to all employees.

Military personnel of national security bodies shall serve in accordance with the legislation of the Republic of Kazakhstan on military service and the status of military personnel, taking into account the features provided for in Articles 7, 10 (except for paragraph 11), 12, 14, 15, 16, 17, 18, 19, 22, 24, 30 (except for subparagraph 1) of paragraph 8), 31, 32, 33, 34, 35, 36, 37, 40, 50, 75, 77 (except for subparagraph 2) of paragraph 4) and 85 (except for paragraph 4 -2) of this Law.

Military personnel undergoing conscription service in the State Security Service of the Republic of Kazakhstan shall serve in accordance with the legislation of the Republic of Kazakhstan on military service and the status of military personnel, taking into account the features provided for in Articles 7, 15, 16, 17, 18, 19, 24, 34 and 75 of this Law.

Servicemen under the contract of the State Security Service of the Republic of Kazakhstan do military service in accordance with the legislation of the Republic of Kazakhstan on military service and the status of military servants, taking into account the specifics provided for by this Law.

This Law applies to political civil servants in the part that does not contradict the legislation of the Republic of Kazakhstan on civil service.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 16.01.2013 № 71-V (shall be enforced from 01.01.2013); dated 10.01.2015 № 275-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 28. 12. 2016 № 36-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 2. Entry on duty in special state bodies**

### **Article 7. Conditions of induction**

1. Citizens of the Republic of Kazakhstan, who has reached the age of eighteen, but no older than the age limit for the titles provided by this Law, with the necessary personal, moral and professional qualities, level of education, state of health and physical development shall be inducted on a voluntary basis to the service in the special state bodies.

Citizens (except for cadets, listeners), not younger than 23, shall be enrolled to the service in the operational units.

The assignment of units to the operational and equated to them units shall be established by first heads of special state bodies.

2. To the service cannot be inducted a person:

1) recognized in accordance with the procedure provided by the Law of the Republic of Kazakhstan as incapable or partially capable;

2) in accordance with the conclusion of the military-medical commission as having a disease, hindering the exercise of official authority;

3) refused to accept the restrictions established by the Law, related to the presence of the employee in the service, and anti-corruption restrictions, established by the Law of the Republic of Kazakhstan "On Combating Corruption";

4) Excluded by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);

5) on whom during the year, before entering on duty has been imposed in the judicial order administrative punishment for a premeditated offence;

6) on that within three years before the entry on duty for committing corruption offences has been imposed in the judicial order administrative punishment;

6-1) in respect of whom, within three years before entering the service, a guilty verdict of the court has been made for committing of a criminal offense, or who, within three years before entering the service, has been released from criminal liability for committing a criminal offense on the basis of paragraphs 3), 4), 9), 10 ) and 12) part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

7) who has committed a corruption offence;

8) dismissed from work (service) for the commission of a corruption offence;

9) previously convicted or released from criminal liability for committing a crime 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, and was also fired for negative reasons from state service, other special state bodies, law enforcement bodies, courts and justice bodies;

10) who has not passed a special check and (or) provided deliberately false information about himself or his parents, children, adoptive parents, adopted, full-blood and half-blood brothers and sisters, grandchildren or spouse and her (his) parents, children, adoptive parents, adopted children, full-blood and half-blood brothers and sisters, grandchildren;

11) parents, children, adoptive parents, adopted children, full blood and half-blood brothers and sisters, whose grandchildren or his spouse or her (his) parents, children, adoptive parents, adopted children, full-blood and half-blood brothers and sisters, grandchildren have committed serious and especially serious crimes;

12) failed physiological or medical examination in the military-medical commissions or polygraph examination to determine suitability for service.

Special state body shall be entitled to not to explain to the applicant established the reason of refusal in employment.

3. Citizens enrolled to the service in special state bodies shall be obliged to undergo psycho-physiological and medical examinations in military medical commissions, as well as

polygraph examination to determine the suitability for the service. The order of conducting polygraph examination shall be determined by the first heads of special state bodies.

4. Excluded by the Law of the Republic of Kazakhstan dated 18.11.2015 № 412-V (shall be enforced from 01.01.2021).

5. When entering the service in a special state body of a citizen who has passed military or law enforcement service, service in special state bodies, when no more than three months have elapsed since the day of his (her) dismissal from military or law enforcement service or from the service in special state bodies and until the day of his / her admission to the service in a special state body, provided that he / she has no labor agreements with other individuals and legal entities for the specified period. At the same time, the specified period is not counted when calculating the length of service for determining the official salary and (or) length of service for assigning pension payments for length of service.

Footnote. Article 7 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V ( shall be enforced from 01.01.2015); dated 10.01.2015 № 275-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 11.18.2015 № 411-V (shall be enforced from 01/01/2016); dated 18.11.2015 № 412-V (shall be enforced from 01.01.2021); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

#### **Article 8. Selection and induction of candidates**

1. Selection of candidates, to be credited to the service in a special state bodies, their checking shall be carried out by personnel office and other subdivisions of special state bodies.

Organization, procedure and methodology for conducting activities on the selection and induction of candidates to the service shall be defined by the first heads of special state bodies

2. The list of necessary documents, the procedure of their registration, as well as the timing of test shall be defined by the first heads of special state bodies.

3. A candidate for the service shall be obliged to comply with the established by the first head of the relevant special state body requirements by level of education, work experience, physical training and health condition.

4. Medical examination of the candidate shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

5. Measures of professional and psychological selection shall be conducted by the specialists of psycho-social support. At that time the compliance of individual, personal and professional characteristics of the candidate to the requirements of the activity in the special state bodies shall be determined.

6. Documents of a candidate, corresponding to established requirements for the entry on duty under the contract, structural, territorial and other divisions shall be directed to the appropriate special state body for evaluation.

A candidate may be invited to the corresponding special state body to check on professional suitability in case of necessity.

7. Induction in special state bodies shall be carried out on a competitive basis, as a rule.

The list of positions that are replaced on a competitive basis shall be determined by the first heads of special state bodies.

8. The candidacy of a citizen, arrived to participate in the contest, shall be considered by the competitive commission, procedure of formation and work of which is determined by the first head of the special state body.

The decision of the competition commission shall be issued by a protocol.

9. An authorized administrator upon receipt of a positive conclusion of the competitive commission shall conclude a contract with the candidate, shall prepare the necessary materials and send them to the relevant special state body for the edition of the order on staff.

10. Responsible special state body, after receiving the documents on the results of the contest within two months shall issue an order for personnel in relation to selected candidates about their appointment to posts.

11. The induction of officers in the special state bodies shall be documented by the orders of the heads of special state bodies.

12. The officials, who took on the position the citizens that have not passed the competitive selection, shall be brought to disciplinary liability in accordance with the procedure provided by this Law.

13. Persons, entering the service in special state bodies shall accept the statutory restrictions related to the employee's stay in service and the anti-corruption restrictions established by the Law of the Republic of Kazakhstan on “Counteracting Corruption”, which shall be fixed in written.

14. Persons liable for military service, appointed to the positions of employees or enrolled to the staff of special state bodies, including cadets, listeners, shall be removed in accordance with the established procedure from military registration and put on a special registration of special state bodies, the procedure of which shall be determined by the first heads of special state bodies.

**Footnote. Article 8 as amended by the laws of the Republic of Kazakhstan dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated 13. 06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

## Статья 9. Contract

Footnote. The heading as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. The contract shall be concluded with a citizen of the Republic of Kazakhstan and the authorized official.

2. The contract shall be concluded on voluntarily basis, in written form between two parties in accordance with the legislation of the Republic of Kazakhstan and shall be terminated:

- 1) upon expiration of the time-limit;
- 2) in connection with the early dismissal of an employee;
- 3) from the day of conclusion of an employee of another contract;
- 4) in other cases provided by the laws of the Republic of Kazakhstan.

3. B The contract on service career shall establish voluntary entry on duty of a citizen, the period, when a citizen is obliged to serve, and other conditions of a contract.

4. Conditions of the contract shall include obligation of a citizen to serve in the special state bodies during the period specified in the contract. In conditions of the contract shall be contained provisions that ensure the observance of his rights, including benefits, guarantees and compensations provided by the legislation of the Republic of Kazakhstan.

5. The staff appointed to position by the President of the Republic of Kazakhstan, shall serve in the respective positions without conclusion of the contract.

After the liberation of specified workers from the position they shall conclude a new contract or retire from service.

6. Form of the contract, the procedure of its conclusion, renewal, alteration, cancellation and termination shall be defined by this Law and regulatory legal acts of special state bodies.

7. A contract may be concluded:

- 1) for three years;
- 2) for five years;
- 3) for ten years;
- 4) until the age limit of service shall be reached;

5) for cadets, listeners - for a period of study in a military, special educational institution or educational organization of a foreign state and ten years of service on a calendar basis after his (her) graduation;

6) for the employees, studied under postgraduate education programs - for a period of study in a military, special educational institution or an educational organization of a foreign state and five years of service on a calendar basis after his / her graduation.

In case of the expiry of the current contract during the time when the employee is on maternity leave due to pregnancy and the birth of a child (children), by the adoption of a newborn child (children) or on leave without paying wages to care for a child before reaching

the age of three, the employee concludes a new contract or resigns from the service during two months after the leave, in the manner prescribed by this Law.

**Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Article 10. Selection, admission and sending of employees for training to the organization of education**

1. The following persons shall have the right to study at military, special educational institutions or educational organizations of foreign states:

1) on educational programs of higher education:

citizens of the Republic of Kazakhstan who did not pass military service, reached the age of seventeen years in the year of admission, but not older than twenty-one;

citizens of the Republic of Kazakhstan who have passed military service or service in special state bodies, and military men undergoing urgent military service on conscription, until they reach the age of twenty-four years in the year of admission;

military men undergoing military service on contract, or employees serving in special state bodies, until they reach the age of twenty-five in the year of admission;

2) on educational programs of higher education with reduced duration of study, citizens of the Republic of Kazakhstan who have a higher education, until they reach the age of at least twenty-two in the year of admission, with the exception of persons holding military, special ranks, class ranks of officers;

3) on educational programs of postgraduate education, employees and military men from the officers, having higher education.

2. Officers of special state bodies, as directed by personnel bodies, shall have the right to enter the National Defense University of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on military service and the status of military personnel.

3. The procedure of admission to military, special educational institutions that implement the educational programs of the relevant level shall be established by the first head of the special state body.

4. The procedure of selection and sending for training to the organization of education of foreign states in accordance with international treaties shall be established by a joint order of the first heads of special state bodies.

5. The beginning of the performance of official duties of a cadet, a listener shall be considered the date of their enrollment in a military, special educational institution.

6. Citizens who did not pass military service, when enrolled in military, special educational institutions or sent for training to the organization of education of foreign states,

shall acquire the status of employees and conclude a service contract when they reach the age of eighteen years, but not before the end of the first year.

7. When enrolling in military, special educational institutions or sending for training to the organization of education of foreign states, employees conclude a new contract.

8. Citizens who have passed military service, as well as military service under contract, conscription, when being enrolled in military, special educational institutions or sent for training to the organization of education of foreign states, shall conclude a contract from the date of issuing the order on the appointment to the position of a cadet, a listener.

9. Citizens enrolled for training in military, special educational institutions or sent for training to the organization of education of foreign states, shall conclude a contract for the duration of training and at the same time on attending service in special state bodies for ten years in calendar terms after graduation at the positions of employees.

10. The contract shall establish mutual obligations and responsibilities of the parties (the citizen entering the study and the official of the special state body) and provide conditions and terms for further service in special state bodies after graduation.

11. Employees who refused to conclude contract in accordance with the procedure established by this Law shall be subject to expulsion from military, special educational institutions or educational organizations of foreign states.

12. The time for training of employees in military, special educational institutions, as well as educational organizations of foreign states, is equal to the time for the passage of urgent military service.

Employees who have been expelled from military, special educational institutions or educational organizations of foreign states, as well as those who refused to conclude a contract, if they did not serve the established term of conscription military service, shall be sent for military registration at their place of residence and shall be subsequently called upon to military service on general grounds.

At the same time, cadets and students expelled for poor academic performance, on their own initiative, in connection with the termination of citizenship of the Republic of Kazakhstan and refusal to conclude a contract, dismissed for negative reasons, shall be obliged to reimburse the state budgetary funds spent on their training.

Employees who studied in postgraduate education programs, expelled from military, special educational institutions, or educational organizations of foreign countries in connection with the termination of citizenship of the Republic of Kazakhstan, dismissed for negative reasons, shall be obliged to reimburse the state budgetary funds spent on their training.

Expulsion from military, special educational institutions, or educational organizations of foreign states shall be carried out in the manner established by the legislation of the Republic of Kazakhstan and international treaties.

Reimbursement to the state of budgetary funds spent on training employees in military, special educational institutions, or educational organizations of foreign states shall be carried out in the manner established by the legislation of the Republic of Kazakhstan.

The amount of training costs shall be determined by the contract and (or) agreements (contracts) concluded with educational organizations of foreign states for the provision of educational services.

13. In the event of an employee's refusal to serve upon graduation from a military, special educational institution, or educational organization of a foreign state and dismissal from service on the grounds provided for in subparagraphs 5), 6), 12-1) and 13) of paragraph 1 of Article 49 of this Law, he/she shall be obliged to reimburse the state budgetary funds spent on his/her training in the manner prescribed by the legislation of the Republic of Kazakhstan.

The amount to be reimbursed shall be calculated proportionally for each full underserved month before the end of the contract term.

14. The agreement (contract) with educational organizations of foreign states for the provision of educational services shall establish mutual obligations and rights of the parties (the executor and the customer), the rights and duties of the employees, the amount and order of payment for tuition, the terms of study and living conditions, the issues of training, clothing and other allowances, medical services and insurance, provided for the students in accordance with the national legislation of the parties, unless otherwise stipulated by international treaties.

**Footnote.** Article 10 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.11.2023 № 40-VIII (shall be enforced from 01.01.2024): dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 11. Requirements for replacement of posts of employees**

Citizens of the Republic of Kazakhstan who have appropriate secondary, post-secondary, or higher education shall be appointed to employee positions, depending on the qualification requirements for the categories of positions of a special state body, approved by the first head of the special state body.

**Footnote.** Article 11 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 12. Professional retraining and qualification development of staff**

1. Retraining and qualification development of employees shall be carried out in military, special educational institutions, as well as in other educational organizations of the Republic of Kazakhstan and foreign states.

2. The procedure for the formation of a contingent of students, organization and taking professional retraining and qualification development by the staff shall be determined by the first head of a special state body.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication).**

### **Article 13. Adjuring of employees**

1. Shall swear the oath:

1) persons, who have entered on service in special state bodies previously not taken the military oath or oath of office of the employee;

2) cadets, listeners who have not previously taken military oath or oath of an employee;

3) officials of the special state bodies, previously, for any reason not sworn the oath of allegiance or oath of office of the employee.

2. The text of the oath of employees and the procedure for its adjuring shall be approved by the President of the Republic of Kazakhstan.

3. The responsibility for timely taking the oath by the employees, organization and accounting of its adoption shall be imposed on managers of departments and the staff of special state bodies.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

### **Article 14. Professional adaptation of persons entered on duty in special state bodies**

1. Persons, who have entered on duty in special state bodies shall adapt to the operational activities of the units.

2. Work on adaptation shall be carried out with the aim of familiarizing employees to the requirements of his position, fulfilling its responsibilities proficient, the efficient formation of necessary professional skills and mastering of values and norms of corporate culture of the special state bodies.

3. The work on professional adaptation of employees shall be conducted on a scheduled basis and shall consist of a complex of development activities, including mentoring.

The procedure of organization of work on adaptation of employees shall be determined by the first head of the special state body.

## **Chapter 3. The legal status of employees**

### **Article 15. The status of employees and their legal guarantees**

1. Employees shall be representatives of the state power and shall be under state protection.

The citizen shall acquire status of employees from the date of entry on duty, and lose it from the day of exception from lists of personnel of special state body in connection with the dismissal from service.

2. The requirements of employees, provided by the legislative acts of the Republic of Kazakhstan (hereinafter - legal requirements), shall be mandatory for execution by all citizens and officials.

3. Employees upon performing their duties shall abide only to the head of special state body, immediate and competent managers, with the exception of cases provided by the Laws of the Republic of Kazakhstan.

4. No one shall be entitled to interfere in the activities of employees, except those expressly authorized by the Laws of the Republic of Kazakhstan. Illegal interference in the activity of employees shall entail the responsibility provided by the Laws of the Republic of Kazakhstan.

5. Upon receiving orders or instructions, contradicting to the Laws of the Republic of Kazakhstan, the employee shall be obliged to be guided by the Laws of the Republic of Kazakhstan.

Managers shall be prohibited to give orders and instructions that are unrelated to the performance of duties of service, or aimed at violation of the legislation of the Republic of Kazakhstan.

Orders shall be given solely in written form, except in cases of military operations, accomplishment of tasks in emergency situations, as well as conducting operational search and counterintelligence activities.

6. Employees have the right to appeal against decisions and actions (inaction) taken in relation to them to higher officials, in court in the manner prescribed by the laws of the Republic of Kazakhstan.

Bringing decisions and (or) instructions to the attention of employees shall be carried out in the manner determined by the charter of the internal service of special state bodies, approved by the order of the first head of the special state body.

**Footnote. Article 15 as amended by the laws of the Republic of Kazakhstan dated 28. 12. 2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication) ; dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 16. Execution of duties**

Employees shall be regarded as executing obligations of service in cases:

- 1) execution of official duties;
- 2) participation in combat tasks in the conditions of a state of emergency or martial law, as well as in armed conflict;

- 3) participation in peacekeeping operations in support of peace and security;
- 4) participation in the liquidation of natural and man-made emergency situations and their consequences;
- 5) participation in exercises;
- 6) finding on-site service facilities and other locations within the set schedule duty time or at another time if this is official necessity;
- 7) a finding on business trip;
- 8) finding on service, following to a place of service and back;
- 9) stay on the treatment or medical examination (certification), following to a place of treatment or medical examination (certification) and back;
- 10) passing a special fees;
- 11) be in captivity, in the position of hostages or internee;
- 12) protection of life, health of the individual;
- 13) assist to the special state bodies and law-enforcement bodies for the protection of the rights and freedoms of man and citizen, protection of public order and public safety;
- 14) taking any other action, recognized by the court as committed in the interests of personality, society and state.

**Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 17. Rights of employees, connected with service career**

1. Employees shall be entitled to:
  - 1) obtain in the provided procedure information and materials necessary for the execution of official duties;
  - 2) familiarization with documents, defining their rights and official duties;
  - 3) access in the established procedure in connection with the performance of official duties in state bodies, organizations regardless of their organizational-legal form;
  - 4) access in the provided procedure to the information constituting state secrets and other secrets protected by law, if the performance of official duties is connected with the use of such information;
  - 5) promotion taking into account results of official activity, length of service and qualifications;
  - 6) familiarization with the feedbacks on their official activity and other documents prior to adding them into a personal file, materials of a personal file (except for special inspection materials containing information constituting state secrets), as well as to attach their written explanations and other documents to the personal file and materials;
  - 7) professional retraining and qualification development in the manner established by this Law and other regulatory legal acts of the Republic of Kazakhstan;
  - 7-1) internship in the manner determined by the first head of a special state body;

7-2) admission, in agreement with the authorized leader (except for cadets and students) in educational organizations of the Republic of Kazakhstan and a foreign state implementing higher and postgraduate education programs, in the manner established by the legislation of the Republic of Kazakhstan;

8) state protection of their life, health and property, life, health and property of their family members in accordance with the legislation of the Republic of Kazakhstan;

9) protection of personal data of the employee and his family members;

an appeal to the superior in subordination officials, to higher authorities or in court to protect their rights and legal interests, as well as for solving individual disputes relating to the service career;

10) medical care and sanatorium-resort therapy;

11) pension provision and social protection;

12) housing;

13) appropriate organizational-technical and sanitary conditions of service taking into account service particularities;

14) rest in accordance with this Law and labor legislation of the Republic of Kazakhstan;

15) implementation of teaching, scientific or other creative work;

16) implementation of teaching, scientific or other creative activities.

2. Employees in accordance with the assigned to them tasks within the scope of their competence, shall be provided other rights provided by the Laws of the Republic of Kazakhstan, regulating activities of the special state bodies.

**Footnote. Article 17 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 days after its first official publication); dated 06.13.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 18. Obligations of employees, connected with service career**

1. Employees shall be obliged to:

1) observe the Constitution and the legislation of the Republic of Kazakhstan;

2) ensure the observance and protection of rights and freedoms of man and citizen, as well as the legal interests of individuals and legal entities of the state;

3) exercise powers within the scope their rights in accordance with official duties;

4) comply with the requirements of the charter of internal service of special state bodies, approved by the order of the first head of a special state body, as well as official and labor discipline;

5) accept the restrictions provided by the Laws of the Republic of Kazakhstan;

6) observe the norms of professional ethics provided by the legislation of the Republic of Kazakhstan;

7) comply with the lawful orders and instructions of the heads, decisions and instructions of superior bodies and officials issued within the scope of their powers;

8) keep the state secrets and other secrets protected by law, including after-service within the time fixed by the law, on which a subscription is given;

9) keep secret obtained upon performance of official duties, the information concerning private life, honor and dignity of citizens, and not to demand from them in providing such information, except for cases provided by the Law;

10) ensure the safety of state property;

11) submit a report in written form and without delay inform the immediate and authorized managers in cases of overlap of personal interests of the employee or conflict with their powers;

12) improve their professional skills and qualifications;

13) avoid public speaking, harming the interests of the service;

14) immediately, in written form, inform the immediate supervisor of:  
intention to accept the citizenship of a foreign state;  
filing an application for withdrawal from the citizenship of the Republic of Kazakhstan;  
intention of the spouse or close relatives to accept the citizenship of the foreign state and (or) the filing of an application for withdrawal from the citizenship of the Republic of Kazakhstan, if it became known to them;

15) maintain the necessary level of professional and legal knowledge, physical, special and combat training.

2. In accordance with the special state bodies tasks the employees within the scope of their competence shall be established other duties provided by Laws of the Republic of Kazakhstan, regulating the activity of the special state bodies, and other legislation of the Republic of Kazakhstan.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

### **Article 19. Restrictions, connected with duties of employees**

1. Employee shall not be entitled to:

1) be a deputy of representative bodies and a member of local government bodies, be a member of political parties, trade unions, support any political party, create public associations in the system of special state bodies that pursue political goals based on the commonality of their professional interests for representation and protection of labor, as well as other socio-economic rights and interests of its members and improvement of working conditions;

2) engage in other paid activities except for pedagogical, scientific and other creative activities, except the cases, when it is his official duties in accordance with the legislation of the Republic of Kazakhstan;

3) engage in entrepreneurial activities, be a member of the governing body or supervisory board of a commercial organization, except for cases when this is his official duties in accordance with the legislation of the Republic of Kazakhstan, and cases of acquisition and (or) sale of shares of open and interval mutual investment funds, bonds on the organized securities market, shares of commercial organizations (common shares in the amount not exceeding five percent of the total number of voting shares of organizations) on the organized securities market;

4) be the representative on affairs of third parties, except for cases provided by the Laws of the Republic of Kazakhstan;

5) use in the non-service purposes means of logistical, financial and information support of his official activity, other state property and service information;

6) participate in the action, preventing the normal functioning of state bodies and execution of official duties, including strikes;

7) in connection with execution of official powers to use for personal purposes service of individuals and legal entities;

8) use their official position with a mercenary motive, including by means of agreements with official and other persons;

9) hold a position that is directly subordinate to a position occupied by his close relatives (parents (parent), children, adoptive parents (adopters), adopted (adopted), full and half brothers and sisters, grandfathers, grandmothers, grandchildren), spouse and (or) relatives (full and half brothers and sisters, parents and children of the spouse), as well as to have close relatives, spouse and (or) relatives in direct subordination;

10) refuse or evade undergoing a medical examination in medical organizations to establish the fact of the use of a psychoactive substance and the state of intoxication by referral of an authorized head.

Denial and avoidance from passing examination shall entail dismissal from the service in special state bodies.

2. An employee in accordance with the procedure provided by the legislation of the Republic of Kazakhstan within one month after entering on duty shall be obliged at the time of service to transfer in trust management the shares in his ownership (equity stake in charter capital) of commercial organizations and other property the use of which leads to the generation of income, with the exception of money, bonds, shares of the open and interval mutual investment funds, legally owned by him, as well as other property, transferred in property lease. The contract of entrusted management of property shall be subjected to notarial certification.

An employee shall be entitled to receive the income from the transferred in entrusted management of the property, including in the form of royalties, dividends, gains, income from the lease of property and other legal sources.

2-1. Special state bodies shall have the right to conduct a special inspection of employees in the manner established by the legislation of the Republic of Kazakhstan. State bodies of the Republic of Kazakhstan shall provide assistance to special state bodies in conducting special inspections.

3. Responsibility for failure to comply with the restrictions provided by this Article shall be established by this Law and other Laws of the Republic of Kazakhstan.

**Footnote.** Article 19 as amended by the laws of the Republic of Kazakhstan dated 07.07.2020 № 361-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 20. The emergence and alteration of legal relations in the service during the period of martial law**

Peculiarities of the emergence and alteration of legal relations in the service of special state bodies and its continuation during the period of martial law shall be determined by the President of the Republic of Kazakhstan.

#### **Article 21. Responsibility of employees**

1. For non-performance or improper performance of their official duties, employees shall bear criminal, administrative, civil, disciplinary responsibility in accordance with the Laws of the Republic of Kazakhstan.

2. The implementation of obviously illegal order or instructions shall not discharge the employee from liability.

Upon uncertainty about the legality of the order, received for execution, he shall be obliged immediately to notify in written form to the immediate supervisor and to the manager that gave the order. In case if the superior manager confirms in written form the order, the employee shall be obliged to carry it out, with the condition that its implementation shall not lead to actions that relate to criminal acts. Responsibility for the consequences of execution by the employee of illegal orders shall bear manager that confirmed this order.

3. Actions (inaction) of employees may be appealed to higher officials in court in the manner prescribed by the laws of the Republic of Kazakhstan.

4. An employee shall bear material responsibility in accordance with the Laws of the Republic of Kazakhstan for the material damage of special state body, caused by his illegal actions.

**Footnote.** Article 21 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

#### **Article 22. Service certificates and identification tags of employees**

1. Employees in confirmation of their identity and authority shall be given service certificates and identification tags.

The procedure for issuance and use of certificates and identification tags shall be defined by the first head of the special state body.

2. Description of service certificates and samples of identification tags shall be approved by the first head of the special state body.

3. Service certificate shall be a document confirming the person's belonging to a special state body, his position, and special or military rank.

Service certificates and identification tags shall have the necessary level of protection.

Service certificate of the employee shall confirm his right to carry and keep weapons, special means, and other powers granted to the employee in accordance with the Laws of the Republic of Kazakhstan.

### **Article 23. Special uniform of employees**

1. Employees, who have been assigned special ranks, at the expense of the budget funds shall be provided with a special uniform.

2. The types and description of a special form of uniform shall be determined by the President of the Republic of Kazakhstan. The standards for the provision of special uniform for employees shall be approved by the first heads of special state bodies in agreement with the central authorized body for budget planning.

The order of wearing a special form of clothing by employees shall be determined by the first heads of special state bodies.

3. For the persons dismissed from the service in special state bodies upon the reach of limit age for service, health conditions or staff reduction, the right to wear a particularly solemn and solemn special uniform shall be remained in the presence of service of twenty or more years.

**Footnote. Article 23 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 days after its first official publication); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

## **Chapter 4. Service career**

### **Article 24. Staff composition**

1. Staff composition of special state bodies shall be employees, military men and workers.

2. Employees and servicemen can serve in special state bodies on regular posts, in current reserve, and also stay in reserve.

The procedure of enrollment of employees and military personnel in the current reserve and the passage of their service shall be determined by the first heads of special state bodies.

The working conditions of employees of special state bodies shall be regulated by the labor legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan on public service.

With regard to the staff of special state bodies, personal files shall be conducted, the procedure for registration, keeping and recording of which shall be determined by the first heads of special state bodies.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

#### **Article 25. Staff**

Employees shall be divided into:

- 1) common soldier;
- 2) non-commissioned officers;
- 3) officers.

#### **Article 26. Special ranks**

1. The following special ranks shall be established in a special state bodies:

1) rank and file:

common soldier;

2) composition of sergeants:

junior sergeant;

sergeant;

senior sergeant;

3) composition of junior officers:

lieutenant;

senior lieutenant,

captain;

4) composition of senior officers:

major,

lieutenant colonel;

colonel;

5) the higher officers composition:

major general;

lieutenant general;

colonel-general.

2. To the special ranks of employees shall be added the following words, indicating that they belong to:

1) the bodies of national security – "national security";

2) To state security service of the Republic of Kazakhstan - "State security services of the Republic of Kazakhstan";

*3) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).*

3. To the special ranks of citizens staying in the reserve, shall be added the words "reserve", and to the retired - "retired".

4. Terms of service in special ranks shall be established:

officers:

the lieutenants - two years;

senior lieutenants - three years;

captains - four years;

majors - five years;

lieutenant colonels - seven years;

colonels and higher – shall not be established;

composition of common soldier and sergeants – shall not be established.

For the employees who have graduated from military, special educational institutions or organizations of education of foreign states with a training period of five years or more, the term of service in the special rank of lieutenant shall be set for one year.

**Footnote. Article 26 as amended by the laws of the RK dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13. 06. 2017, № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 27. Procedure for assigning special ranks**

1. Special ranks shall be assigned to employees personally. Special rank may be the first or the ordinary.

2. Special ranks shall be assigned to the employees:

1) to the higher officers – by the President of the Republic of Kazakhstan upon the recommendation of the first head of a special state body;

2) colonel – by the first head of the special state body;

3) other special ranks - by officials, defined by the first heads of special state bodies in accordance with the nomenclature of positions.

3. As first special ranks shall be considered:

1) for officer - lieutenant;

2) for the composition of sergeants - junior sergeant;

3) for common soldier personnel - common soldier.

4. A special rank "lieutenant" shall be assigned to:

1) for an employee who does not have a special rank of officer, and graduated from a military, special educational institution or educational organization of a foreign state with the

direction of special state bodies on educational programs of higher education, or completed training on educational programs of additional education for at least six months;

2) for an employee who does not have a special rank of officer, having a higher professional education related to the relevant specialty, and who has entered the service on a contract for a position for which the staff is required to be an officer, when appointed to the appropriate position.

5. The first special rank of officers shall be assigned to the first head of the special state body in which the employee is currently serving.

6. The special rank of "junior sergeant" shall be assigned to an employee appointed to a position for which the special rank of "junior sergeant" or higher is provided. Subsequent special ranks of sergeants shall be assigned to employees who have the required level of training and have been appointed to the appropriate positions, but not earlier than twelve months later.

7. The special title of "junior sergeant" shall be assigned to a citizen who does not have a military rank having post-secondary or higher education when entering the service under a contract for a position for which the staff is provided with the rank of sergeant for the appointment to the respective post.

8. The special title of "common soldier" shall be assigned to citizens without special ranks :

- 1) when entering service under a contract for positions of ordinary personnel;
- 2) when enrolling in military, special educational institution or sending to an educational organization of a foreign state.

9. A citizen enlisted from the reserves or accepted as a transfer from the Armed Forces, other troops, and military formations shall be assigned a special rank in the order of recertification not lower than his/her existing military rank.

Persons who previously served in special state or law enforcement agencies, enrolled from the reserves, or accepted as a transfer from other special state bodies and having a special rank, class rank, or qualification class shall be assigned a special rank in the order of recertification. The procedure for re-certification and assignment of a special rank shall be determined by the first head of the special state body.

A person's special military rank, class rank or qualification class of a superior commander or officer staff, appointed to a special state body shall be recognized as relevant to an equivalent special rank indicating his (her) belonging to the body, where he (she) serves, taking into account the provisions of subparagraph 5) of paragraph 1 and paragraph 2 of Article 26 of this Law.

Service in the previous special, military rank, class rank, or qualification class shall be counted in the period of service for the assignment of the next special rank.

Employees and soldiers, who have been transferred to the service within one special state body shall not be subject to re-certification.

9-1. Employees who previously held political public positions and were appointed to positions not lower than deputy chief executives of structural divisions and departments of a special state body are assigned a special rank provided for by the state for the position held, without applying the requirements of this Law, except for the cases provided for in Article 27 -1 of this Law.

10. The next special rank shall be assigned to the employee after the expiration of the term of service in the previous special rank if he (she) holds a full-time position or is not serving on a regular post in accordance with subparagraphs 5) and 6) of paragraph 4 of Article 33 of this Law, for which an equal or higher special rank is provided.

11. If the employee has received a disciplinary sanction, he shall not be submitted to the awarding the next special rank.

**12. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

13. The term of service in special ranks shall be calculated from the day of assigning special ranks.

14. Employees that have passed appropriate training for appointment to the posts of non-commissioned officers may be assigned special ranks.

15. The next special rank shall be assigned after the expiration of the established period of service in the current special rank and if the assigned rank corresponds to the special rank of the position held before entering study by an employee studying in a military, special educational institution, in an educational organization of the Republic of Kazakhstan and (or) foreign state within the framework of the state program for the training of civil servants.

16. Employees, exemplary performing official duty, who have shown high professionalism and diligence in the performance of services or the performance of other duties of service, the next special rank may be assigned in advance, but not higher special ranks provided by the occupied their positions.

Early special rank shall be assigned upon the expiry of not less than half of the established term of service in special ranks, but not more than once in the period of service in special ranks of junior and senior officers respectively.

17. An employee, who achieved high performance in service, training, strengthening of discipline, mastery of complex technology or exemplary and duties charged on the area associated with the solution of problems of special state body, may be assigned to the next special rank of lieutenant colonel, and officers of the teaching staff, having a scientific degree of a colonel inclusive - one step higher special rank provided by the occupied position.

The next special rank for one degree higher than special rank, provided for the position, shall be assigned not more than once during the period and on the expiry of not less than two deadlines of service in special ranks.

18. Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

19. Citizen (reservist), deprived of the special rank of officer or non-commissioned officers, simultaneously with the transfer to the military account of common soldier personnel of the chief of the local military body of oblast (city of republican significance and the capital ) shall be assigned the rank of "common soldier ".

Footnote. Article 27 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of 10 days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 27-1. Special rank of higher officers**

Special title of higher officers:

Major General may be assigned to an employee after three years in the rank of colonel on the position preceding the position of the higher officer corps, and at least one year of service on the posts of higher officers;

Lieutenant-General may be assigned to an employee who is in the special rank of Major-General for at least three years;

Colonel-General may be assigned to an employee who is in the special rank of Lieutenant-General for at least three years.

At the decision of the President of the Republic of Kazakhstan, a higher special rank may be assigned ahead of time.

Footnote. Chapter 4 is supplemented by Article 27-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).

#### **Article 28. Reduction, deprivation of special titles and recovery in the special rank**

1. Employees may be reduced in a special rank for one degree:

- 1) the higher officers – by the President of the Republic of Kazakhstan;
- 2) officers (except for the higher officers) – by the first head of the special state body;
- 3) other special titles - in accordance with the nomenclature of posts.

2. An employee, reduced in special rank, shall be restored to the previous special rank regardless of their positions by order of the authorized manager upon expiration of six months from the date of the reduction in special rank.

The term of service in special ranks shall be terminated from the date of issuance of the order on bringing to disciplinary liability in the form of lower special ranks and shall be resumed from the date of issuance of the order about the restoration of special rank.

Prior to restoring the employee in the previous special rank and giving it the next special rank re-decrease in special title shall not be allowed, but shall be taken a different measure of impact.

3. Employees, committed criminal offenses shall be deprived of a special rank on the court's verdict, which entered into force.

Deprivation of the employee's special ranks shall be formalized by the order on staff.

4. A citizen, deprived special ranks due to illegal conviction, shall be assigned to the previous special rank after the entry into force of the decision on the rehabilitation of the reinstatement of the rights and privileges, provided by laws and other regulatory legal acts of the Republic of Kazakhstan.

**Footnote. Article 28 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03. 07. 2014 № 227-V (shall be enforced from 01.01.2015).**

#### **Article 29. Appointment and relocation of employees**

**Footnote. Article 29 is excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication).**

#### **Article 30. The procedure of appointment to positions**

1. The employee shall be appointed to a position, which should correspond to a special rank.

1-1. The list of posts and corresponding special and military ranks in special state bodies shall be approved by the President of the Republic of Kazakhstan.

1-2. The list of non-typical posts and corresponding special and military ranks in special state bodies shall be approved by the first leaders of these bodies.

2. The list of officials, who have the right to issue orders (a list of positions) on the conclusion of the contract, appointment, transfer, release, dismissal of employees, and to assign special ranks (orders on staff), shall be determined by the first head of the special state body.

3. The appointment of an employee for the position shall be carried out taking into account the level of education and vocational training, psychological qualities, health condition and other circumstances provided by this Law.

4. Appointment of employees to positions shall ensure their use by the principal or similar specialty, taking into account existing experience of staff activity. Upon necessity of use of

staff in posts on new specialty, their appointment to these positions shall be obliged to precede the corresponding training.

5. An employee who has the rank of an officer, enlisted in a military, special educational institution or sent in accordance with an international agreement to an educational institution of a foreign state to study on educational programs of postgraduate education, shall be relieved from a previously held position and appointed to the post of a master's degree or doctoral student or adjunct of a military, special educational institution.

An employee who does not have the rank of an officer, enlisted in a military, special educational institution or sent in accordance with an international agreement to an educational institution of a foreign state on the programs of higher and additional education, shall be relieved from his previous position and appointed to the position of a cadet or a listener of a military, special educational institution.

A citizen of the Republic of Kazakhstan, enrolled in a military, special educational institution or sent in accordance with an international agreement to an educational institution of a foreign state on the programs of higher and additional education shall be appointed to the position of a cadet or a listener of a military, special educational institution.

Upon enrolling in a military, special educational institution a listener (a citizen of the Republic of Kazakhstan) shall retain the rank previously assigned to him.

6. Master's students, doctoral students, adjuncts expelled from a military, special educational institution or educational organization of a foreign state for poor academic performance or on their own initiative shall be returned to the subunits from which they were sent for training, to positions not lower than the previously held positions.

7. Employees, graduated from military, special educational institutions or educational organizations of foreign states, shall be appointed to the posts of officers, who are subject to replacement by persons with the required level of education and provided for by a list of positions and corresponding special ranks in a special state body approved by the President of the Republic of Kazakhstan (hereinafter - list of posts).

Employees, graduated from military, special educational institutions on educational programs of postgraduate education or educational organizations of the Republic of Kazakhstan and (or) foreign countries on educational programs of postgraduate education in the framework of the state order for professional training of civil servants, after graduation shall be appointed to the positions not lower than previously occupied ones.

In case of impossibility of appointment to these positions, such employees shall be appointed to other positions related to the training profile (in exceptional cases they shall be placed at the disposal of the respective head for further appointment to the post).

8. Upon appointing to the positions shall be observed the following conditions:

1) to posts, subjected to substitution composition sergeants and officers, appointed by the employees of a certain composition.

Upon impossibility of appointment to these positions of employees of a certain part of them may be assigned to the staff of subordinate part in the procedure defined by the first head of the special state body;

2) appointment to positions the employees, placed at the disposal of the relevant chiefs, is made in the shortest possible period not exceeding the period established by paragraph 4 of Article 33 of this Law;

3) conclusion of the military-medical commission on the category of validity for the service is presented;

4) in case, if an employee is denied in access to the information constituting state secrets or the specified tolerance terminated, he shall be appointed in the established order to the position associated with the access to the information constituting state secrets, or subject to dismissal from the service;

5) employees, consisting between close relatives, in accordance with the legislation of the Republic of Kazakhstan are not allowed to serve with their direct subordination to one another.

8-1. If it is not possible to appoint employees of the appropriate composition to full-time positions of faculty members and researchers, persons from among the employees may be appointed, including temporarily in the manner determined by the first head of the special state body. At the same time, the salary of an employee shall be determined by the position of a full-time faculty member and researchers.

Employees temporarily appointed to full-time positions of faculty members and researchers, when appointed to these positions, employees shall be appointed to other established positions, and in case of impossibility of their appointment to these positions, they shall be dismissed in accordance with the established procedure.

9. Employees may be appointed to higher, equal or lower level positions.

10. The position shall be regarded as superior, if in accordance with appropriate List of positions it stands with higher special rank than a special rank on the same position, and in case of equality stipulated by the state special ranks higher level of qualification requirements or management body.

11. The appointment of an employee to a higher post shall be made in procedure of promotion.

On the superior position shall be appointed the employee, recommended by certification commission of the authority in which he runs the service, expressed in the performance of duties in the service of high professional quality and organizational skills.

12. Positions shall be considered as equal if they are equal in special rank, and in equal qualifications or levels of government.

The appointment of an employee in equal positions shall be carried out:

1) in connection with the organizational measures;

2) for the appropriate use of the employee in the service;

3) for family reasons according to the report an employee, serving on contract, under the conditions provided by subparagraph 2) of paragraph 2 of Article 49 of this Law;

4) for health reasons in accordance with the conclusion of the military-medical commission.

14. The position shall be considered to be lower, if it corresponds with lower special rank, and lower qualification requirements or level of government.

15. Appointment to a lower position shall be carried out:

1) with the consent of the employee:

in connection with the organizational measures in the absence of vacant positions, equal to his profile training;

for family circumstances, determined by subparagraph 2) of paragraph 2 of Article 49 of this Law, confirmed by an act of examination of the family and property status, with the exception of the case provided for in paragraph four of this subparagraph;

according to the report of an employee whose spouse is serving in another locality;

for health reasons, in accordance with the conclusion of the military-medical commission;

while at command of the head, except in the circumstances, defined by subparagraph 4) of paragraph 4 of Article 33 of this Law;

2) without the consent of an employee on the recommendation of certification commission approved by the authorized leader, not less than one step.

16. Upon appointment of an employee to the position, dismissal, enrolment under control of a head, discharge, assignment, reduction, deprivation of special titles, as well as at the conclusion of the new contract shall be documented recommendation in accordance with the procedure, defined by the first head of the special state body.

**Footnote. Article 30 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 31. Procedure of redeployment of staff**

1. Redeployment of staff shall be changing his official position or place of service.

The redeployment shall be performed in the following cases:

1) Appointment to the position;

2) secondment;

3) admission under the control of the head on the grounds specified in subparagraphs 1), 2), 3), 5), 6), 7), 8) and 9) of paragraph 4 of Article 33 of this Law;

4) enrolment in military, special educational institutions;

4-1) transfer between subunits of a special state body;

5) transfer from one special state body to another or from the Armed Forces, other troops, and military formations to a special state body, the structure of which provides for military service, and vice versa;

6) changing permanent base unit;

7) expulsion of master's students, doctoral students, and adjuncts from a military or special educational institution for poor academic performance or on their own initiative.

2. The transfer of an employee when the point of permanent deployment of a unit is changed, carried out in accordance with organizational and staff arrangements, as well as appointment to an equal or higher position, regardless of the location of the permanent deployment of the unit, shall be performed without his consent by the decision of the authorized leader, who was granted this right by the first head of the special state body.

3. Redeployment of staff shall be made only after delivery of cases and positions in the order established by the legislation of the Republic of Kazakhstan.

The beginning of delivery of cases and position shall be determined by the head from the date of receipt of extracts from the order on staff or written notification about redeployment of staff, but not later than seven days from the date of receipt of the notification, and for the employee on leave or on treatment, from the day of his arrival.

4. Rules for the transfer of employees shall be approved by the first head of a special state body.

**Footnote. Article 31 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); from 06. 13. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 32. Placing on temporary performance of duties on a post**

1. In connection with business necessity for employee may be imposed temporary performance of duties equal to or higher position, which is not occupied by him:

1) On vacant (not occupied) post with his consent, in this case the employee shall be exempt from execution of duties of occupied by him job, but shall not be released from his post and he shall be paid salaries according to position, to the duties of which he is temporarily admitted;

2) for a non-vacant (occupied) position in the event of temporary absence of the employee occupying it or removal of the employee occupying it from office - for a period of no more than two months.

2. Assignment of temporary duties to an employee for a vacant (unoccupied) position and release of him/her from the performance of duties for his/her position shall be carried out by an official who has the right of appointment to this position.

In this case, the assignment of temporary duties to an employee for a vacant (unoccupied) position to be filled by senior officers shall be carried out in the manner determined by the first head of the special state body.

3. The head of the body in case of his temporary absence shall impose temporary performance of duties on one of the deputies, in their absence - to another officer.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 33. Induction under control of the head**

1. For the decision of issues of the further service career of employees may be inducted under control of the head, having the right to issue orders, official, having the right of appointment to position.

2. Admission of an employee under the control of an authorized leader shall be allowed in cases and for the terms specified in paragraph 4 of this article.

The periods of being on leave, on treatment in military medical (medical) institutions, and in case of their absence at the place of service or the absence of the relevant departments in them – in medical organizations, shall not be included in the period of stay under the control.

3. Officials at the disposal of the personnel shall approve the list of their official duties.

4. The employee may serve not in regular posts in the following cases:

1) Under control of an authorized executive at his appointment to another position - not more than two months;

2) Under control of an authorized executive in connection with carrying out organizational measures (redundancy) - not more than three months;

3) Under control of an authorized executive in connection with the inability of redeployment of staff in an equivalent position - not more than six months;

4) being under the control of an authorized leader in connection with the issuance of a decision on qualification of a suspect's act or application of a preventive measure on a criminal case against a staff member - pending the final decision on the criminal case;

5) Secondment to the state bodies and organizations;

6) Being in the existing reserve.

7) being under the control of an authorized manager in connection with provision of study leave for training in educational organizations of the Republic of Kazakhstan (with the exception of the case provided for in subparagraph 9) of this paragraph) and (or) foreign states in the framework of the state order for professional training of civil servants on postgraduate educational programs for a period determined by the curriculum;

8) being under the control of an authorized head of the staff while staying with the spouse-the employee, employee of law enforcement bodies, or a military servant, sent (directed) to the service, studying abroad without saving the monetary allowance;

9) being under the control of an authorized leader in connection with training in accordance with the legislation of the Republic of Kazakhstan on military service and the status of soldiers.

Footnote. Article 33 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 06.13.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 34. Dismissal from service**

1. An employee shall be relieved of his position in cases of transfer, dismissal from service, as well as in connection with other circumstances provided for by the legislation of the Republic of Kazakhstan and this Law.

2. The right to release the officer from office shall have authorized head.

Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 35. Official representatives**

Special state bodies may send their official representatives in the foreign institutions of the Republic of Kazakhstan in coordination with the special services or law enforcement agencies of other states, as well as with the Ministry of foreign affairs of the Republic of Kazakhstan.

Position about the official representatives shall be determined by the first heads of special state bodies.

#### **Article 36. The secondment of staff to the state bodies, as well as organizations**

1. Employees for solving problems of ensuring security of the state and in other cases provided by the laws, may be posted to the state bodies and organizations of the Republic of Kazakhstan in coordination with the first directors, unless otherwise provided by the laws or international organizations - on the basis of international agreements.

The seconded employee of an administrative state post of the state body, where he is seconded, shall be engaged to a non-competitive selection in the manner prescribed by this Law.

2. At this for the seconded person shall remain the employee's status and the action of the previously concluded contract shall not be terminated. The conclusion of new contracts with staff seconded to the state bodies of the Republic of Kazakhstan, organizations, shall be carried out in accordance with this Law.

3. Assignment of special ranks to employees seconded to state bodies, organizations of the Republic of Kazakhstan, and international organizations, and awarding them with state awards shall be carried out in the manner prescribed by this Law.

Appointment to a position or dismissal from service of an employee seconded to state bodies, organizations of the Republic of Kazakhstan, and international organizations shall be made in the manner prescribed by this Law, after his/her release from positions (dismissal) in state bodies, organizations of the Republic of Kazakhstan and international organizations and return to the special state body in which he/she serves.

4. Seconded employees shall be paid salaries established for the relevant categories of employees of state bodies and organizations of the Republic of Kazakhstan, and the wages for the special rank, provided by the legislation of the Republic of Kazakhstan.

5. Bonuses for seconded employees and provision of financial assistance to them shall be carried out in the manner prescribed for employees of state bodies, as well as organizations of the Republic of Kazakhstan to which they are seconded.

Payment of official salaries, health benefits, bonuses, and financial assistance to seconded employees shall be made at the expense of funds allocated for the maintenance of state bodies, as well as organizations of the Republic of Kazakhstan to which they are seconded. Other payments, as well as the provision of special uniforms, shall be made at the expense of funds allocated for the maintenance of the special state body from which the employees are seconded.

6. Employees seconded to international organizations shall be paid wages established for the relevant categories of employees of international organizations, at the expense of funds provided for their maintenance, as well as a salary for a special rank, established by the legislation of the Republic of Kazakhstan, at the expense of funds provided for the maintenance of a special state body, from which the employees are seconded unless otherwise provided by international treaties.

7. For the period of secondment in the state bodies of the Republic of Kazakhstan as well as in the organization for employees and members of their families shall be remained rights, warranties, benefits, compensation, pension security and social protection provided by the legislation of the Republic of Kazakhstan.

Retirement insurance of seconded employees shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

For payments of a lump-sum character, the official salary for the last position held by the employee before secondment shall be taken into account.

8. The peculiarities of secondment of employees to special state bodies and passage of their services shall be determined by Article 36-1 of this Law.

**Footnote. Article 36 as amended by the laws of the Republic of Kazakhstan dated 23.11.2015 № 417-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 28. 12. 2016 № 36-VI (shall be enforced upon expiry of two months after**

its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 36-1. Features of secondment of employees to special state bodies and their passage of service**

1. The peculiarities of secondment of employees to special state bodies and passage of their services shall be determined by a joint normative legal act of the first heads of special state bodies.

2. Payment of official salaries, allowances for special conditions of service and other allowances established by the legislation of the Republic of Kazakhstan, health benefits, bonuses, financial assistance, monetary compensation to employees of special state bodies for housing maintenance, and payment of utilities, lifting allowances for employees and their families members when moving on duty, associated with moving from one settlement to another at a distance of more than one hundred kilometers, in the manner established by the legislation of the Republic of Kazakhstan, reimbursement of costs for transporting their property when moving on duty in the amount of one monthly calculation index for every twenty kilometers of automobile roads in the manner determined by the Government of the Republic of Kazakhstan, as well as funds spent on treatment for seconded employees shall be made at the expense of funds provided for the maintenance of the special state body to which they are seconded.

Bonuses for seconded employees and provision of financial assistance to them shall be carried out in the manner prescribed for employees of the special state body to which they are seconded.

3. Payment of salaries for special ranks, housing payments, lump-sum compensation in the event of death (death) of an employee during his service, when he is disabled or if he suffers a disability associated with the performance of his duties, as well as providing a special form of clothing and other ware goods shall be made at the expense of the funds provided for the maintenance of a special state body, where employees are seconded.

**Footnote.** Chapter 4 is supplemented with Article 36-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12. 2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 37. Personnel reserve**

1. With the purpose of formation of a personnel reserve of special state body and ensuring the acquisition of the posts in a special state body shall be created the personnel reserve.

2. Personnel reserve shall be formed from the staff, which are recommended for promotion to a higher position by results of certification.

3. Vacant managing position shall be replaced by decision of an authorized executive entity, comprising the personnel reserve of special state body. Refusal of the staff, consisting

of personnel reserve from the proposed position vacant position shall be replaced by another employee for the certification results.

4. Responsibility for formation of personnel reserve and organization of work with it shall be attached to the authorized manager and personnel department of the special state body. Personnel reserve shall be formed in special bodies, taking into account the qualitative composition of the personnel and the needs for substitution of the relevant post.

5. Enlistment to the personnel reserve shall be carried out by the authorized head.

6. In cases of committing of corruption offences, reduction in posts or special rank, as well as imposing a disciplinary sanction in the form of warnings about incomplete service conformity employee shall be excluded from the personnel reserve.

7. The term of the employee in the reserve shall not exceed three years. The persons enlisted to the personnel reserve, but not appointed within the period of stay in the reserve in planning for their positions, may re-enroll in the personnel reserve on general grounds.

8. Personnel department unit of the special state body shall maintain lists of employees enrolled in the personnel reserve.

9. The procedure of formation of a personnel reserve and the organization of work with them shall be determined by the first head of the special state body.

## **Chapter 5. Rest leaves**

### **Article 38. Types of rest leaves**

1. The following types of leave shall be set for employees:

- 1) annual;
- 2) short term;
- 3) maternity leave, leave to employees who have adopted or adopted a newborn child (children);
- 4) additional;
- 5) vacation;
- 6) education;
- 7) due to illness;
- 8) vacations without pay on child care until reaching the age of three.

### **Article 39. The General procedure for granting and calculation of the duration of holidays**

1. Holidays shall be granted on the basis of the order of the authorized head.

2. The duration of leave shall be determined in accordance with the legislation of the Republic of Kazakhstan; the total duration of annual additional leave may not exceed sixty days in a year view, not counting the time needed to travel to the place of vacation and back.

3. For the period of all types of leaves for an employee shall be saved money allowances and other additional payments, except the cases provided by this Law and other regulatory legal acts.

### **Article 40. Annual leave**

1. Annual basic leaves shall be given to employees at any time of the year, taking into account the periods of their use, as well as maintaining the combat readiness of the unit and in accordance with the schedule of leaves, approved by the authorized manager and brought to the attention of all employees. The schedule of leaves shall be drawn up for each calendar year, taking into account the categories of employees, enjoying benefits in accordance with the legislation of the Republic of Kazakhstan, and shall be notified to all employees.

During their holiday shall not be allowed redeployment, dismissal of an employee on the initiative of a special state body, except the complete elimination of units and in other cases provided in the contract.

2. The duration of annual leave granted to employees (with the exception of cadets, listeners), taking into account the length of service, the specifics and conditions of service, shall be established:

having served in the service of up to 10 calendar years - 30 day and night;

from 10 to 15 years - 35 day and night;

from 15 to 20 years - 40 day and night;

20 years and more - 45 day and night;

For persons in summer work, as well as for those, carrying service in regions, the list of which is determined by the Government of the Republic of Kazakhstan – 45 day and night.

3. The leave may be divided into two parts, taking into account the interests of the service and the willingness of the employees.

4. Calculating the duration of annual holiday to the employee in the year of entering at the service and in the year of dismissal shall be calculated by dividing the length of annual leave at twelve and obtained by multiplying the number of days on the number of full months of service in the year of admission to the service or dismissal.

5. Rounding the number of incomplete days shall be increased. In case, if it is impossible to timely dismiss an employee from the service (excluding a special state body from the lists of personnel), the calculation of the underused period of annual leave with the provision to the employee shall be made on the day of his dismissal. In the same manner, the duration of the employee's annual leave shall be calculated in case of early termination (before the expiration of the contract) of dismissal, if the leave is not used earlier in accordance with the schedule of holidays.

6. An annual leave shall be granted to employees, graduated from a military, special educational institution or educational organization of a foreign state after graduation of the specified educational institution.

7. Employees serving in high-mountain areas (at a height of fifteen hundred meters and higher), in areas with severe climatic conditions, the list of which is determined by the Government of the Republic of Kazakhstan, the annual paid leave shall be forty-five calendar days, regardless of length of service.

8. The duration of annual leave of employees shall be increased by the number of day and nights taking into account the necessary time for travel to the place of holiday and back.

9. According to the report of the employee and the decision of the head the granting to an employee of annual and additional holidays shall be allowed consistently with no gap between them.

10. In the case when the annual and (or) additional leave in the past year were not fully used by the employee for good reason, the unused days of vacation shall be granted next year at his request.

11. Employees, got sick during the annual or additional leave (except year of dismissal from the subsequent dismissal from the list of special state body), annual or additional leave shall be extended by a reasonable number of days of illness, except holidays for family reasons. The extension of leave in this case shall be carried out by an authorized head on the basis of a certificate from a medical institution.

12. In the case of serious health problems or death of a family member, as well as emergency situations of natural or technogenic character that had befallen to the family members of the employee on leave, the head of the territorial body, on the territory of which, the employee is on vacation, shall be entitled to extend the leave for a period of not more than ten day and nights without taking into account the time required for travel to the place of service career.

About the extension of the vacation head of territorial body shall immediately notify the head of the department in which the specified employee carries a service.

**Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 41. Short leave**

1. Short leave shall be available to employees for up to ten day and nights in the following cases:

1) a serious state of health or death (death) of the spouse, close relatives, close relatives of the spouse;

2) emergency situations of natural or man-made nature that have befallen close relatives, close relatives of the spouse;

3) the occurrence of urgent social and everyday issues, as well as for other reasons that are recognized by an authorized head respectfully.

2. The duration of short-term leave that is granted to the employee shall be increased by the number of day and nights, necessary for travel to the place of holiday and back.

3. Short leave may be granted to the employee not more than two times a year.

**Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

## **Article 42. Maternity leave, leave to employees who have adopted a child (children)**

1. The duration, terms of provision of and payment for a leave for pregnancy and childbirth to women employees shall be established in the manner prescribed by the legislation of the Republic of Kazakhstan.

2. The employee, who have adopted a newborn child (children) shall be granted (to one of the parents) leave for the period from the date of adoption and before the expiry of fifty-six days from the day of birth of the child.

**Footnote. Article 42 as amended by Law of the Republic of Kazakhstan № 165-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication).**

## **Article 43. Additional leave**

1. Employees, carrying service in the regions, announced by the legislation of the Republic of Kazakhstan as environmental disaster zones, shall be entitled to additional annual leave, the duration and procedure for the provision of which shall be determined in accordance with the legislation of the Republic of Kazakhstan.

1-1. Employees participating (participated) in combat operations, antiterrorist and peacekeeping operations shall be granted an additional leave of two weeks duration, which shall be added to an annual leave.

2. Additional paid vacation for the special nature of the service shall be provided up to ten calendar days, shall be added to the annual paid leave and may be granted at the same time or separately, at the request of the employee.

3. Employees that are entitled simultaneously to additional leave for the performance of duties in hazardous conditions and for the special nature of the service, additional leave shall be granted on their choice for a single reason.

**Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

## **Article 44. Vacation leaves**

1. Cadets and students studying full-time in military and special educational institutions of special state bodies shall be granted vacation leave for the following periods during breaks in classes unless otherwise provided by paragraph 3 of this Article:

- 1) winter holiday - 14 day and nights;
- 2) summer vacation - 30 day and nights.

1-1. Cadets, listeners, studying in educational institutions of foreign countries, holidays shall be provided in accordance with international agreements and contracts on training.

2. The time required for travel to the place of holiday and back shall not be granted.

3. Cadets and students who have educational debt shall liquidate it within ten calendar days within the time limits for vacations established by paragraph 1 of this Article.

**Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official**

publication); as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 45. Education leaves**

1. Employees by decision of the authorized leaders may be granted education leaves:

- 1) for preparation and passing of entrance examinations;
- 2) during the period of study.

2. The duration of the education leave shall be established by curriculum and shall be submitted by authorized head on the basis of a written call of educational institutions.

3. Employees, who have entered the educational organization of the Republic of Kazakhstan and (or) foreign countries within the framework of the state order on professional training of civil servants on postgraduate educational programs shall be granted leave without paying, with exemption from their position and transfer under the control of the authorized manager.

**Footnote. Article 45 as amended by the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 46. Leaves due to illness**

1. Leave due to illness shall be granted to the employee on the basis of the conclusion of the military-medical commission. Leave due to illness shall be provided to the employee from thirty to sixty day and nights, and in the year of dismissal up to the date of expiry of the contract.

2. For certain categories of employees after execution by them of negatively affecting to their health tasks shall be carried out medical rehabilitation.

The amount of additional days for medical rehabilitation shall be determined for an employee on the basis of the conclusion of the military-medical commission by the first head of the special state body.

3. The duration of leave due to illness on account of annual and additional holidays shall not be included.

#### **Article 46-1. Leave without paying for child care until the age of three.**

The employee on his report shall be granted leave without paying for the child care until he (she) reaches the age of three in the order established by the Labor Code of the Republic of Kazakhstan.

**Footnote. Chapter 5 is supplemented with Article 46-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 47. Recalling from leave**

1. In case extremely official necessity the officer may be recalled from vacation according to decision of the authorized head.

2. Recalling of the employee from vacation shall be documented by the order. At this, if underused part of the holiday is ten days or more, the employee shall be granted the time necessary to travel to the place of holiday and back, but not beyond the point from which he has been withdrawn. Unused vacation time at the request of the employee may be attached to leave for the next year.

## **Chapter 6. Cessation of employment in special state bodies**

### **Article 48. Grounds for cessation of employment in special state bodies**

Grounds for cessation of employment in special state bodies shall be:

- 1) the dismissal in the procedure provided by this Law;
- 2) death, or the announcement of an employee as dead in accordance with the court decision, that entered into legal force;
- 3) recognition of the employee in the procedure provided by law, as missing or legally incapable, partially capable.

### **Article 49. Dismissal from service**

1. The dismissal of employee shall be produced on the following grounds:

- 1) upon reaching the age limit of being in service;
  - 1-1) at his/her own request, if he/she has served for more than twenty-five years, with the exception of cases of imposing a state of emergency or martial law in the Republic of Kazakhstan or within a certain administrative-territorial unit;
- 2) upon expiry of the term of the contract;
- 3) for health reasons in connection with the conclusion of the military-medical commission on recognition of unfit or partially fit for service;
- 4) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );
- 5) upon expulsion from a military, special educational institution, or educational organization of a foreign state, with the exception of undergraduates, doctoral students, and adjuncts expelled from a military, special educational institution, or educational organization of a foreign state for poor academic performance or on their own initiative;
- 6) upon termination of citizenship of the Republic of Kazakhstan;
- 7) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );
- 8) upon being under the control of the authorized leader up to six months, if the existing experience and knowledge of the employee can not be applied, as well as with a single refusal

of the proposed position, except for the circumstances specified in subparagraph 4) of paragraph 4 of Article 33 of this Law;

9) in connection with the reduction of staff if it is impossible to appoint to other equivalent positions and the employee's refusal to be appointed to a lower position;

10) in connection with the transition to work in the state bodies (institutions);

11) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

12) in connection with the impossibility of further service as a result of a special verification;

12-1) upon the recommendation of the attestation commission on dismissal from the service in connection with the incompatibility of the position held;

13) on negative grounds.

2. The employee shall be entitled for early cessation of employment:

1) in case of material and (or) systematic (two or more times) violations of conditions of the contract in respect of him;

2) on family reasons as a result of:

the inability of residence of the family member of an employee for medical reasons in areas in which the employee carries service, and in the absence of the possibility of his transfer to a new place of service;

change of place of service of husband of an employee (wife- employees), that is associated with necessity of family to move to another locality;

the need for constant care for a father, mother, wife, husband, brother, sister, grandfather, grandmother or adoptive parent who, for health reasons, in accordance with the conclusion of the social protection authority at their place of residence, in constant care (assistance, supervision) or who are persons with disabilities of the first or second group, or by persons who have reached the retirement age for old age, or have not reached the age of eighteen, in the absence of other persons obliged by law to support these citizens;

necessity of taking care of a child under the age of eighteen whom an employee brings up without a mother (father);

3) in case of election or appointment to the representative bodies of the Republic of Kazakhstan;

4) in case of election or appointment to the post of judge.

3. Dead employee shall be excluded from the lists of personnel from the next day after the documented the date of death (mortality), and the employee, that is recognized by court as missing or declared dead, from the day of entry into legal force of a court decision.

4. Dismissal from service of employees who have served the established terms shall be suspended in the event of a state of emergency or martial law for the period of its validity. At

the same time, the contracts concluded with them shall be valid during the period of emergency or martial law.

Footnote. Article 49 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 02.08.2015 № 342-V (shall be enforced from 01.01.2016); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 50. Maximum age of employees state in the service**

1. Age limit of employees state in the service shall be established:

- 1) up to the major inclusive - forty-seven years;
- 1-1) lieutenant-colonels - fifty years;
- 2) For colonels - fifty-five years;
- 3) For general-majors and general-lieutenants - sixty years;
- 4) For general-colonels - sixty-three years.

2. Employees who have reached the age limit shall be dismissed to the reserve or resigned in the manner prescribed by this Law.

The first heads of special state bodies can prolong with the employees, having high professional training, work experience in the position held and health state, required for the service, their service term by concluding a new contract with them for up to five years.

The decision to extend the term of service does not exclude the possibility of dismissing an employee from special state bodies on the grounds provided for in this Law.

Footnote. Article 50 as amended by the laws of the Republic of Kazakhstan dated 06. 04. 2016 № 483-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

#### **Article 51. The procedure of dismissal from service**

1. Dismissal of employees to reserve or retirement from service shall be carried out by the order of the authorized official that is entitled to it in accordance with the list of official persons

2. The exclusion of an employee from the lists of personnel shall be carried out after the delivery of cases and positions within the time limits established in special state bodies.

3. In case of presence of an employee on vacation, medical treatment, or official business the exception from lists of personnel shall not be carried out.

4. On reaching the age limit status on the service or the expiry of the contract of the employee in advance (but not later than a month) shall be notified in a written form by the authorized manager.

Sending an employee on a business trip shall be prohibited after notify of an employee about the forthcoming dismissal.

5. The extract from the order about the dismissal of an employee from the service shall be brought to his attention under his signature. In case of presence of an employee outside the location of the body the extract from the order shall be brought to his attention after the return

The extract from the order shall be issued only on the basis of written statements of the dismissed employee.

5-1. Persons dismissed from the service of special state bodies have the right to appeal the decision on dismissal to higher officials in court in the manner prescribed by the laws of the Republic of Kazakhstan.

6. If the employee has several grounds for dismissal from service, he shall be dismissed according to chosen by him ground, except when the dismissal is made by negative motives.

7. Dismissal of employees for health reasons shall be carried out after receipt of the staff of the special state body of the conclusion of the military-medical commission.

8. Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

9. Cadets, listeners, dismissed in connection with the expulsion from a military, special educational institution or educational organization of a foreign state, shall be sent to local military command bodies at the place of residence for registration of conscripts or persons liable for military service. At the same time cadets, listeners who did not serve the established terms of service for conscription, shall be subsequently conscripted to military service on general grounds before the expiry of the conscription service.

10. Dismissal of employees due to the termination of citizenship of the Republic of Kazakhstan shall be carried out by the decision of the authorized head from the date of the entry into force of the relevant Decree of the President of the Republic of Kazakhstan on withdrawal from the citizenship of the Republic of Kazakhstan or the day of registration of the loss of citizenship of the Republic of Kazakhstan by the authorized state bodies in accordance with the legislation of the Republic of Kazakhstan.

11. Dismissal in connection with the transition to work in the state bodies (institutions) shall be carried out according to the report an employee at receipt of the relevant notification of the state body (institution) on acceptance of the employee to service with indication of the position of civil servant.

12. Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

13. Dismissal in connection with impossibility of further service following the results of a special verification shall be carried out in case if, based on the results of a special audit,

circumstances are revealed that prevent an employee from obtaining access to state secrets if it is impossible to appoint him to a position for which registration of access to state secrets is not required.

13-1. Dismissal from the service in connection with the incompatibility of the position held on the recommendation of the certification commission approved by the authorized manager shall be made by an order of the authorized manager.

14. Dismissal on negative grounds shall be carried out in the following cases:

1) the entry into legal force of a court judgment of conviction for committing a crime - on the basis of a court judgment of conviction received by a special state body and an order for its execution;

2) exemption from criminal liability for committing a crime 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 – on the basis of a court verdict and an order on its entry into legal force or a decision of the criminal prosecution body approved by the prosecutor;

3) establishing, in the performance of service duties, the fact of the use of a psychoactive substance or a state of intoxication, confirmed by the results of a medical examination conducted in a medical organization, as well as refusal or evasion from undergoing it - based on the results of an internal investigation;

4) establishing the fact of non-medical use of narcotic drugs, psychotropic substances, their analogues during off-duty hours, confirmed by the results of a medical examination conducted in a medical organization - based on the results of an internal investigation;

5) non-fulfillment by the employee of the conditions of the contract - based on the results of an internal investigation;

6) failure to provide or misrepresentation the information specified in paragraph 2 of Article 7 of this Law, regardless of the date of commission - based on the results of an internal investigation;

7) deprivation of a special rank in accordance with the procedure established by the legislation of the Republic of Kazakhstan - on the basis of a guilty verdict of the court received by a special state body and an order for its execution;

8) absence from work without good reason for three or more hours in a row - based on the results of an internal investigation;

9) violation of the established requirements on securing the secrecy regime, which led to the disclosure or loss of information constituting state secrets, their bearers, – based on the results of an internal investigation;

10) defined by the labor legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On combating corruption";

11) committing an offense that discredits service in special state bodies, – based on the results of an internal investigation.

Offenses that discredit service in special state bodies are the actions of employees, including those not related to the performance of duties of the service, but clearly undermining the authority of service in special state bodies in the eyes of citizens, namely:

use of official position for personal gain;

engaging in any type of entrepreneurial activity, including commercial mediation, except when it is their official duties in accordance with the legislation of the Republic of Kazakhstan;

performance of work and provision of services using one's official position and receiving remuneration for this;

commitment of guilty actions by the employee, directly serving the budget finds or state property, if these actions give grounds for the loss of trust to him on the part of the authorized head;

the appearance of an employee in a special uniform in a public place in a state of alcoholic or other intoxication caused by the non-medical use of narcotic drugs, psychotropic substances, their analogues, insulting human dignity and public morality;

participation in gambling of a monetary or other property nature and (or) betting on money, things and other valuables.

15. The employee, in case of election or appointment of the member of the Parliament of the Republic of Kazakhstan or local representative bodies, shall be entitled for early dismissal on the basis of published information in the appropriate media of the election results.

16. The employee, in case of his election or appointment to the post of judge, shall be entitled for early dismissal on the basis of the act of his appointment or the notification of the authorized state body on his election.

17. Employees who are dismissed from the service, as well as cadets, listeners who are expelled from military, special state bodies, shall pass an official certificate and a badge.

18. The day of the dismissal of the employee from service shall be the date of its exclusion from the list of personnel by order of the authorized manager.

**Footnote. Article 51 as amended by the laws of the Republic of Kazakhstan dated 03. 07. 2014 № 227-V (effective from 01.01.2015); dated 04.07.2014 № 233-V (shall be enforced from of 01.01.2015); dated 18.11.2015, № 411-V (shall be enforced from 01.01.2016); dated 13. 06. 2017, № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 07.07.2020 № 361-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ); dated 08.07.2024 № 116-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).**

**Article 52. Enrollment to the reserve**

1. Employees (officers) of special state bodies (with the exception of the State Security Service of the Republic of Kazakhstan, as well as expelled officer trainees), transferred to the reserve, shall be subject to registration as reserve officers of special state bodies in the territorial national security bodies and the authorized body in the field of foreign intelligence.

2. Transfer to the reserve of local military control bodies shall be subjected to the employees dismissed from service:

1) from the number of common soldier personnel and sergeants;

1-1) in connection with expulsion from a military, special educational institution, with the exception of undergraduates, doctoral students, and adjuncts expelled from a military, special educational institution, or educational organization of a foreign state;

2) from the State Security Service of the Republic of Kazakhstan;

3) on negative grounds;

4) in connection with non-compliance with conditions of the contract.

**Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 53. The age limit of stay in reserve**

1. The age limit of stay in the reserve of employees (officers) shall be for men sixty years inclusively, and for women - forty-five years inclusively.

2. Employees, who have reached the maximum age limit in reserve, or persons, deemed unfit for service on health reasons with the exception of registration of reserve officers of special state bodies shall be translated into retirement.

3. In wartime by the President of the Republic of Kazakhstan may be raised the age limit of stay in reserve.

4. The procedure of organization of accounting of reserve officers of special state bodies and stay of their employees in the reserve shall be determined by the first heads of special state bodies.

### **Article 54. Reinstatement of service**

1. Persons dismissed from service have the right to appeal the order on dismissal to higher officials, in court in the manner prescribed by the laws of the Republic of Kazakhstan.

2. In the event of illegal discharge of employees (except for cadets, listeners), damage caused thereby is subject to full compensation at the expense of special state bodies.

Unjustifiably discharged employees are reinstated in service in their previous (and given their consent, in equal or not lower) positions and are provided with all kinds of allowances they have not received after their illegal discharge.

This period is included in the length of service and term of service enabling regular promotion.

Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

## **Chapter 7. Certification and class qualifications**

### **Article 55. Certification, its purpose and objectives**

1. Certification shall be periodically carried out procedure for determining the level of professional training, which is conducted on the basis of assessment materials to be included in the appraisal sheet.

2. The purpose of certification shall be a comprehensive and objective assessment of performance, professional competence, as well as rational use and development of professional capacity of staff.

3. Objectives of the evaluation shall be:

1) obtaining comprehensive and objective characteristics of the professional, business skills and potential abilities of each employee;

2) determination of compliance of employees with their positions and prospects of their further official use;

3) determination of the directions of improvement of training (retraining) and education of employees;

4) the formation and development of a personnel reserve.

5) development of recommendations to the employees on elimination of existing shortcomings.

*Footnote. Article 55 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).*

### **Article 56. Certification of employees**

1. Employees shall be certified at the end of each subsequent three years of continuous stay on the service in special state bodies. At this certification shall be obliged to be held no later than six months from the date of occurrence of the specified term.

In case that the employees, who are subject to attestation have been appointed to new positions, they shall be certified one year after the appointment. When appointed to equivalent positions, if this does not entail changes in job responsibilities, this period shall not be taken into account.

2. The head of a special state body and his deputies shall not be subject to attestation.

Employees shall not be subject to certification during their maternity leave, childcare until they reach the age of three, training on educational programs for postgraduate education in military, special educational institutions, educational organizations of the Republic of Kazakhstan and (or) foreign states in the framework of the state order for the training of civil servants on educational programs of postgraduate education. They shall be certified after

entering the service not earlier than six months and not later than one year from the date of entering the service.

Employees who have a continuous length of service of at least twenty calendar years shall not be subject to certification testing.

**3. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

4. Certification shall involve a series of consecutive stages:

1) Carrying out preparatory activities;

2) attestation testing of an employee for knowledge of the legislation of the Republic of Kazakhstan, the state language and conducting psychological and sociological researches;

3) review of certification at the session of the attestation committee and on the results of determination of the conclusion and recommendations.

5. Special state bodies shall develop and approve regulatory legal acts on the issues of certification of employees in accordance with the goals and objectives established in this Law . The list of these regulatory legal acts shall be determined in the regulations on a special state body, approved by the Decree of the President of the Republic of Kazakhstan.

**Footnote. Article 56 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017, № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 56-1. Unscheduled attestation of employees**

1. An unscheduled certification shall be conducted for employees considered at the meetings of Higher Attestation Commission, upon the decision of the first head of a special state body, for other employees - upon the decision of the authorized manager.

2. The grounds for carrying out an unscheduled attestation shall be:

1) on admission of an employee to the personnel reserve;

2) on appointment of an employee to a lower position;

3) on firing of an employee due to the failure to fulfill the terms of the contract.

An unscheduled certification to resolve the issue of enrolling an employee in the personnel reserve must be carried out at least one year after the last certification without taking into account the requirements provided for in part two of paragraph 1 of Article 56 of this Law.

3. Employees shall not be subject to certification testing during unscheduled certification to resolve issues:

1) on the appointment of an employee to a lower position;

2) about the dismissal of an employee due to failure to comply with the terms of the contract.

Footnote. Chapter 7 is supplemented with Article 56-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 57. Measures on carrying out an attestation**

1. Direct carrying out of activities related to the certification of employees shall be the responsibility of human resources unit.

2. Human resources unit at the end of each year shall prepare a schedule of certification of employees for the upcoming year.

3. Authorized manager on representation of human resources unit shall approve the schedule of certification of employees.

4. Human resources unit in written form shall notify the employee about the terms of conducting certification and not later than a month before its opening.

5. The direct supervisor of an attested person, having thoroughly studied professional, business and personal qualities of the attested staff member, having objectively analyzed and evaluated the specific indicators of his work on the position he holds, shall be obliged to give him characteristic and formulate preliminary conclusions and recommendations on attestation

Military medical (medical) subdivisions shall provide the attestation commission with information about the state of health of certified employee based on results of the annual periodic health assessment.

6. Certified employee shall pass the computer-based test, the exact date of which shall be warned not less before than 7 business days. Psychologist shall carry out a complex of psycho-sociological research and the results shall issue a conclusion on compliance of personal and business qualities and professional competence of their positions and recommendations of certified employee in post attestation period.

7. The conclusion on the results of attestation shall indicate whether the attested corresponds or not to the position, then the opinion shall be expressed on the further most appropriate official use of the employee, based on business qualities, work experience, and the interests of the service.

The following recommendations can be given:

on the advisability of concluding a new contract, including a contract with an employee who has reached the age limit of service;

on promotion to a higher position;

on sending to study in a military, special educational institution or to professional training or retraining courses;

on the transfer to an equal position, indicating the reason for the transfer;

on the transfer of an employee from his position to a lower position, indicating the reasons and expediency of his further official use;

on the fulfillment of an individual program of professional development;

on dismissal from the service.

When determining more than one recommendation, their content should not contradict each other.

If necessary, the first head of a special government body shall have the right to define a different formulation or to supplement the list of recommendations when assessing employees

8. Ground for determination of conclusion on inconsistency to occupied position shall be:

1) Official recommendation with the preliminary conclusion and recommendation to the attestation, that is prepared by the direct head (head) of certified employee or heads of structural subdivisions of special state body, which shall include specific facts of non-fulfillment or improper fulfillment of the official duties;

2) the result (results) of re-certification test, which is below the threshold, established by regulatory legal acts of special state body;

3) failure to comply with the regulations on professional fitness, provided by regulatory legal acts of the special state body;

4) the conclusion of psychologist on the results of conducted psycho-sociological research

;

5) medical certificate on health status (the conclusion of the military-medical commission)

;

6) non-compliance with conditions of the contract of an employee.

9. Composed certifying material shall be subjected to consideration by the qualification commission.

10. Employees who did not appear twice at the meeting of the attestation committee without a good reason shall be recommended to be dismissed in accordance with the procedure established by this Law.

11. Employees who did not pass regular (unscheduled) attestation and (or) refused to continue their service in other positions, including those below, shall be dismissed in accordance with the procedure established by this Law.

**Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 58. The certification commission**

1. The certification commission shall be a permanent advisory and consultative body.

The higher certifying commission shall be created by the order of the first head of the special state body. In departments (bodies) of a special state body certifying commission shall be created by the order of the authorized head.

2. The attestation commission should include at least five members. The chairman and members of the attestation commission should hold an equal or higher position than the staff to be certified. Replacement of absent members of the attestation commission shall not be allowed. The meeting in the absence of the chairman of the attestation commission shall not be conducted.

3. The first deputy or deputy head of the special state body shall be appointed as the Chairman of the higher attestation commission.

4. The composition of the attestation commission includes heads of structural units of bodies and other employees, and the higher attestation commission - deputies of the first head of a special state body and other officials. The members and the secretary of the attestation commission shall undergo attestation on general grounds. Members of the attestation commission, subject to attestation shall not participate in the voting with respect to themselves.

5. Secretary of the certification commission shall be a representative of the human resources unit. Secretary of the attestation commission shall carry out organizational support of its work and shall not be entitled to take part in the voting.

6. The certification commission during the consideration of the conclusions and recommendations (materials) of certification shall be entitled to obtain explanations to invite as certified employees, and their immediate supervisors (heads) as well as managers (employees) directly related to the activities of certified employee and formed a preliminary conclusions and recommendations.

On the recommendation of the attestation commission of certified employee may be routed to the military-medical commission.

7. A session of the attestation commission shall be competent if not less than two thirds of its composition is present on it.

8. Final conclusions and recommendations of the certification commission shall be adopted by voting and considered as approved if they receive the majority of votes of the members present at the meeting of the members of the certification commission. In case of equality of votes shall be regarded as accepted conclusions and recommendations, for which has voted the chairman.

9. Conclusions and recommendations of the attestation commission within five business days shall be documented by a protocol, which is signed by the chairman and members of the certifying commission present at its meeting and the secretary.

10. Human resources unit shall enter the adopted conclusions and recommendations in the appraisal sheet of employee, who becomes familiar with it under signature, after approval not later than ten business days.

If it is impossible for objective reasons to familiarizing of the employee with the approved appraisal sheet, the acquaintance shall be carried out within ten business days from the moment of arrival to the service.

11. Appraisal sheet of employee, who has passed certification, shall be stored in the private affair.

Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

#### **Article 59. Conclusions and recommendations of the attestation commission**

1. The conclusions and recommendations of the attestation commission shall be approved by the authorized head.

Conclusions and recommendations of the higher attestation commission shall be approved by the first head of a special state body.

2. Conclusions and recommendations of the attestation commission, approved by the authorized head, shall be the grounds for admission of an employee in the personnel reserve, appointing to the same position, lowering the employee in the post or his (her) dismissal.

Footnote. Article 59 as amended by Law № 69-VI of the Republic of Kazakhstan dated 13.06.2017 (shall be enforced upon expiry of 10 calendar days after its first official publication).

#### **Article 60. Appeal against conclusions and recommendations of the attestation commission**

1. Conclusions and recommendations of the attestation commission may be appealed by an employee to the authorized head or the first head of the special state body no later than a month from the date of familiarization.

2. The authorized head or head of a special state body in case of obtaining reliable information on violation of the procedure for attestation of an employee shall have the right to cancel the results of the attestation and, if necessary, to appoint it again.

Footnote. Article 60 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

#### **Article 61. Article 61. Class qualification**

In order to stimulate the development of professional skills of each employee, the procedure for assigning, increasing, confirming, maintaining, reducing, and removing class qualifications shall be carried out in the manner determined by the first head of a special state body.

Footnote. Article 61 is in the wording of the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 8. Service discipline in special state bodies**

#### **Article 62. Service discipline**

1. Service discipline shall be strict and precise observance of norms and rules provided by the legislation of the Republic of Kazakhstan.

Service discipline shall be based on the awareness of each employee of his duty and personal responsibility for ensuring the national security of the Republic of Kazakhstan.

2. Heads shall be obliged to maintain official discipline in their assigned subunits on a daily basis, strictly guided by the requirements of the legislation of the Republic of Kazakhstan.

3. Service discipline shall be achieved:

1) organization of patriotic, moral and spiritual education of the employees, formation of high moral and psychological qualities;

2) the personal responsibility of each employee for the performance of their duties and requirements of the legislation of the Republic of Kazakhstan;

3) maintenance in division of observance of the schedule and regulations of duty time;

4) personal example and everyday demands of managers to subordinates about the proper execution of their duties of service, control over their diligence, respect of human rights and personal dignity of employees, care about them, skillful combination and correct application of measures of encouragement, persuasion, coercion and social impacts of the team;

5) the creation of the division of conditions, ensuring the security of service career, of the necessary material-household and other conditions.

4. Disciplinary responsibility of employees shall be kind of responsibility, which is carried out by employees for committing of a disciplinary misconduct upon performance of their duties of service.

5. The main method of supporting discipline of an employee shall be a method of persuasion.

6. For the state of official discipline shall be responsible the heads of special state bodies. They shall be obliged to demand compliance from subordinates, encourage decent, fair to recover from violators.

7. The manager, who failed to provide the necessary conditions of observance of official channel and requirements of the legislation of the Republic of Kazakhstan, which has not accepted measures on prevention of crimes, committed their concealment, shall bear the responsibility provided by the laws of the Republic of Kazakhstan.

8. Official responsibilities of managers on maintenance of official discipline, the main evaluation criteria for the development and maintenance of discipline in the assigned units shall be approved by the first heads of special state bodies in the respective job descriptions.

9. The head of the disciplinary liability shall not bear responsibility for criminal offenses and misdemeanors committed by the employees outside the location of special state bodies during unofficial time and not connected with the official activities or interests of the service.

10. Each employee shall be obliged to facilitate to the manager in the establishment of order and the maintenance of discipline within the department. The employee shall be responsible for avoidance of assistance to the manager.

11. The right of a manager to give order and responsibility of the subordinate to unquestioningly obey him shall be the main principles of unity of command.

**Footnote. Article 62 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 63. Promotion**

1. Promotion shall be positive assessment of the official activity of the employee, which is an important means of his education and strengthening of service discipline.

2. The promotion shall be applied in relation to employees, faithfully and diligently carrying out service duties and distinguished in the performance of official duty.

3. Head within the rights granted to him under this Law, shall be obliged to encourage subordinates for exemplary performance of duties and the results achieved in the official activities.

In that case, when the manager believes that the rights given to him are not sufficient, he may request the promotion of distinguished employees with rights of superior manager.

4. The most distinguished employees for their deeds and merits to the state, on the basis of the act of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan may be awarded with individual arm.

5. For special merits employees may be submitted to the state awards in accordance with the legislation of the Republic of Kazakhstan.

6. Employees may be also applied the following incentives:

- 1) removal of the previously imposed punishment;
- 2) extraordinary dismissal from the location of a military, special educational institution (for cadets, listeners of military, special education institutions);
- 3) announcement of gratitude;
- 4) awarding a monetary prize;
- 5) rewarding with a valuable present;
- 6) award with a diploma;
- 7) awarding with departmental medals, breastplates and special characters;
- 8) rewarding with the honorary title;
- 9) the entry into the Book of honor of divisions of a special state body;
- 10) enrollment on the Board of Honor of military, special educational institutions of the names of cadets, listeners, graduated from a military, special educational institution with a gold medal, as well as encouraging the identification of the first, second and third cadets, listeners who graduated from a military, special educational institution with the best results in studies;
- 11) anticipatory assignment of the next special rank;
- 12) awarding the next special rank one step higher special ranks provided by the occupied positions.

The procedure for applying the incentives provided in this paragraph shall be determined by the first head of the special state body.

7. Upon determining the type of encouragement shall be taken into account the nature of merit or distinction of the employee and his previous attitude towards the service.

8. For the same distinction, only one incentive can be announced to an employee, with the exception of incentives in the form of a certificate and a cash bonus for the first head of a special state body, which can be applied simultaneously.

9. Employee with disciplinary action shall be encouraged by removing the previously imposed penalty. The right of removing a disciplinary sanction shall belong to the authorized manager, by whom the penalty has been imposed, as well as superior.

10. At the same time in the form of promotion may be withdrawn only one disciplinary punishment, at this with the specified form of encouragement the other types of incentives shall not be applied.

11. Manager and authorized manager before the expiration of six months shall be entitled to remove disciplinary action if it had played its educational role, the employee has not committed another offence, and has corrected his behavior with conscientious performance of official duty.

12. Incentives shall be declared before the formation or at the meeting of employees.

The procedure for applying the encourages provided for in subparagraphs 2), 3), 5), 6), 9) and 10) of this paragraph shall be determined by the first head of the special state body.

**Footnote. Article 63 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).**

#### **Article 64. Offences and penalties**

1. Disciplinary misconduct of an employee (hereinafter referred to as a misconduct) is an unlawful, guilty non-fulfillment or improper fulfillment by an employee of the duties assigned to him, abuse of official powers, violation of official discipline, rules of professional ethics, as well as non-compliance with the restrictions established by the laws of the Republic of Kazakhstan related to being in the service.

2. Upon committing of a minor offence the manager shall be entitled to limit with a written warning to the employee about the necessity of strict observance of official discipline.

A written warning shall be drawn up by an official on behalf of the relevant head.

A written warning shall be brought under signature of the employee, who is registered and sent to the human resources unit to be attached to the personal file of the employee. After expiry of six months it shall be confiscated and destroyed by human resources unit in the established procedure.

A written warning shall not be a sanction.

3. In order to prevent violations of employees by decision of the head may be considered and discussed:

- 1) common soldiers - at the meeting of the personnel;
- 2) the sergeants - at the meetings of sergeants personnel;
- 3) officers - the officers meeting.

4. The misconduct of the officers of the senior officers personnel may be considered and discussed in the officers meetings only of senior and higher personnel, the misconduct of the officers of the higher officers personnel - in the officers meetings only of the higher officers personnel.

5. In extreme cases of urgency, an employee may be temporarily removed from office before the decision on his liability.

Temporary suspension from office may be applied to an employee when he committed the offence that prevents the execution of his duties or prevents the execution of official duties of other people or when the execution by an employee of official duties prevents (may prevent) to comprehensive, complete, objective and timely clarification of the circumstances of committing by him of offences, the identification of causes and conditions that contributed to the commitment.

6. The employee shall be dismissed from office by the head, which granted the right of his appointment to the position.

Manager, who had dismissed from subordinate position, shall be obliged to report this on command, detailed embody about the reasons and circumstances that caused the suspension.

Manager, who had dismissed from office a subordinate without good reason, shall bear disciplinary and other liability.

7. Disciplinary penalty (hereinafter - the penalty) shall be the disciplinary punishment on an employee, that is applied by the authorized manager.

8. In respect of employees may be applied the following disciplinary penalties:

- 1) admonition;
- 2) reprimand;
- 3) severe reprimand;
- 4) warning on incomplete service conformity;
- 5) reduction in special rank by one degree;
- 6) dismissal from the service by negative motives.

9. With respect to cadets, listeners of military, special educational institutions, disciplinary sanctions shall be imposed:

1) admonition;

2) appointment to the outfit out of turn (except for appointment to the outfit in the protection of units);

3) deprivation of another dismissal from the location of a military, special educational institution;

- 4) reprimand;
- 5) severe reprimand;
- 6) dismissal from service for negative reasons.

10. The employee, who has committed the offence may be imposed only those penalties that are defined in this Law.

11. Penalties upon the offense committed by a group of employees shall be imposed on each of the guilty individually, depending on the measure of his responsibility.

12. For the same offense to impose several penalties or connect one collection to another, to impose a penalty for all members of the unit instead of punishment to direct perpetrators shall be prohibited.

13. The imposition of a penalty shall not exempt the employee, who has committed the offence from execution of duties for non-performance or improper performance of which has been imposed a penalty.

14. If an authorized manager in view of the gravity of committed offense by subordinates believes that provided disciplinary law is insufficient, he shall intercede for imposing penalties on the guilty rights of superior manager.

15. Senior manager shall be entitled to cancel or reduce disciplinary penalty, imposed by a subordinate head, because of the severity of punishment, if the latter has not exceeded its competence.

16. Senior manager shall be entitled to cancel the suspension of imposed by the subordinate head, if he finds that specified penalty does not match the severity of the offense and to impose stricter penalties.

In case of illegal recovery of penalty it may be cancelled by the rights of the superior manager.

The manager, who illegally recovered penalty, shall be bear responsibility for it.

17. Application to the employee of penalties shall not release him from other types of responsibility provided by the Law.

18. Penalty, imposed on employees, shall be obliged to correspond to the gravity of their offence and the degree of their guilt.

The severity of the penalty shall be increased if the convict repeatedly commits misconduct or participants in group offence, if the offence is committed during the military duty, attire, in the performance of official duties or in the condition of alcoholic, narcotic, psychotropic, toxic intoxication (or their equivalents).

19. The imposition of penalty on an employee that is part of daily assignments (bearing on duty), for offences, committed during military service, shall be carried out after a change of attire or by replacing it by another employee.

20. Upon recovery of penalty on the employee humiliation of his personal dignity, causing him physical and moral suffering and manifestation in relation to him shall be prohibited.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 65. The procedure of the internal investigation**

1. Internal investigation shall be activities on collecting and checking of materials and information about violation by the employee for the purposes of comprehensive and objective clarification of circumstances of its commitment.

2. An internal investigation shall be conducted to identify the causes and conditions that contributed to the commitment, to determine responsibility, and to ensure the principle of inevitability of punishment or exclusion unjustified involvement of the employee to justice.

3. The grounds for carrying out internal investigation may be:

- 1) reports, statements, complaints and letters;
- 2) the facts of violations and accidents;
- 3) results of audits;
- 4) the results of the validation of the training, operational and service of units;
- 5) the message of bodies of inquest, investigation and court;
- 6) messages of officials, organizations and mass media;

7) case papers, received from the relevant state bodies to resolve the issue of bringing the employee to disciplinary liability for the commitment of offences under the anti-corruption law of the Republic of Kazakhstan, as well as legislation of Republic of Kazakhstan on administrative offences.

4. An official investigation shall be appointed by the order of an authorized head and carried out by an authorized official within a period of no more than fifteen working days.

Conducting official investigations without an order shall not be permitted.

In exceptional cases, the period of an official investigation may be extended by the order of an authorized head who appointed an official investigation for a period of no more than ten working days.

The calculation of the period of an official investigation begins from the day of its appointment and expires on the last day of the established period.

5. Upon conducting by an employee of misconduct he in a mandatory manner shall be required a written explanation. If the explanation an employee agrees to the fact of a violation, for the consideration of which does not require obtaining information from other entities, officials or to conduct additional testing measures or check on the spot, then an authorized manager shall be entitled to impose disciplinary penalty, except for penalties in the form of warnings on incomplete service conformity, reduction in special rank by one degree and firing on negative grounds, without the investigation.

A disciplinary penalty in the form of reduction in a special rank by one degree below and firing on negative grounds shall be imposed on the results of the internal investigation, taking into account proposals of the disciplinary commission.

If an employee, in his/her written explanation, does not agree with the fact that he/she has committed an offense, an official investigation must be ordered by the authorized head no later than three working days from the date of detecting the offense in the manner prescribed by this Law.

6. For carrying out internal investigation the manager shall appoint the authorized officer, by virtue of his position equal to or higher than the position of the employee, who have committed the offence.

If it is impossible to appoint an authorized official whose position is equal to or higher than that of the employee who committed the offense, it shall be permitted to appoint a person from the management team who is equal to or higher in rank than the employee who committed the offense.

In case of necessity, to obtain conclusions, explanations and consultations on issues requiring special knowledge, to conduct internal investigation may be engaged as experts the employees of corresponding direction of operational activities, as specified in the order.

If necessary, for the duration of an official investigation, the authorized head may relieve the authorized official and specialists from performing their official duties, as indicated in the order.

7. In conducting internal investigations, an employee may not participate, directly or indirectly interested in his results. In this case he shall be obliged to contact the person that made the decision on conducting an internal investigation, with a written report about his release from the participation in conducting this investigation. Upon failure to comply with specified requirement, the results of the internal investigation shall be regarded as invalid.

8. The employee shall be subjected to disciplinary liability only for the offence in respect of which has been found his guilt.

9. Guilty of violation shall be the employee, who has committed illegal actions (shown inaction) intentionally or negligently.

10. The offence shall be considered as intentionally committed, if the person, who committed this action, were aware of the illegality of his actions (inaction), foresaw its harmful consequences and wished or knowingly allowed the occurrence of these effects or treated them indifferent.

11. The offence shall be considered as committed negligently if the person, who committed this action, foresaw the possibility of the occurrence of the harmful consequences of his actions (inaction), but without sufficient grounds lightly counted on their prevention or had not foreseen the possibility of such consequences, although with proper care and forethought had to and could foresee them.

12. An official investigation may be suspended by the order of an authorized head in the following cases:

- 1) unauthorized leaving of the employee of place of employment;
- 2) stay of an employee on vacation, business trip;
- 3) diseases of the employee, confirmed in the established by the Law procedure;
- 4) carrying out examinations (researches) established by the legislation of the Republic of Kazakhstan that require a long time;
- 5) in other cases, preventing the internal investigation.

13. The official investigation shall be resumed by the order of the authorized head if the grounds for its suspension no longer exist.

14. During the internal investigation shall be established:

- 1) the content and character of the violation, time, place, method and other circumstances of its commitment;
- 2) the existence and nature of the consequences of the offence;
- 3) the size of the caused harm;
- 4) the person, who has committed the offence;
- 5) the circumstances precluding extenuating or aggravating the liability of the employee;
- 6) the causes and conditions that contributed to the commitment of the offence;
- 7) the data, characterizing the personality of the employee, who has committed the offence;
- 8) guilt of an employee in conducting the offence, the presence of intent or negligence, and the motives of committing the offense;

9) other circumstances relevant for taking decision on bringing an employee to responsibility.

15. Circumstances mitigating disciplinary responsibility, shall be recognized as follows:

- 1) Repentance of employee, who has committed the offence;
- 2) voluntary report by the employee on committing the offense to his managers;
- 3) prevent of an employee, who has committed a misdemeanor, harmful consequences of the violation, voluntary compensation for the damage or eliminate the caused damage;
- 4) committing the offense under the current difficult personal or family circumstances;
- 5) committing the offense as a result of coercion;
- 6) committing the offense when the breach of proportionality of necessary defence, urgent situations, the arrest of the perpetrators of unlawful violence, the execution of an order or command.

The head that is applying to the employee penalty may recognize mitigating and other circumstances.

16. Circumstances, aggravating disciplinary responsibility, shall be recognized as follows:

- 1) continuation of unlawful actions (inaction) despite the request of the head to stop it;

2) the repeated commitment of the same offence, if for the first offense to the worker has already been used penalty and it has not been removed in accordance with the established procedure;

3) committing the offense by a group;

4) involvement of a person in committing of the offense;

5) committing the offense by motives of national, racial and religious hatred or enmity;

6) committing the offense of revenge for lawful actions of other persons, and also with the purpose to hide other offenses or facilitate its committal;

7) committing the offense by influencing to the official or his relatives, concerned with performance of his duties;

8) the commitment of the offense on duty, service in the daily assignment, upon carrying out special tasks, as well as upon emergency situations of natural or technogenic character;

9) committal of the offence in a condition of alcoholic, narcotic, psychotropic, toxic intoxication (or their equivalents).

Other circumstances, not mentioned in this Law, may not be considered as aggravating disciplinary liability.

17. During the internal investigation authorized officer, who is charged with its implementation, shall be entitled to:

1) receive a written explanation of the employee, who has been called to disciplinary responsibility, as well as from other persons;

2) collect materials, confirming the culpability of employee in conducting offense;

3) get acquainted with the relevant documents, if required to attach a copy to the materials of the official investigation;

4) obtain opinions, explanations and advice from experts on issues requiring special knowledge;

5) go to the place, where the offense has been committed.

18. Employees shall be obliged to assist to the authorized officer, assigned to conduct internal investigation, and shall bear personal responsibility for authenticity of the information provided.

19. Information about the committing an offense by an employee, confirming or refuting the fact of its occurrence may be in any form.

20. If during an internal investigation it turns out that an offense of an employee contains signs of a criminal offense, the head immediately shall report to the superior head.

21. At the end of an official investigation, a conclusion on its results with conclusions and proposals shall be drawn up, which is submitted for approval to the authorized head who appointed an official investigation.

After approving the conclusion on the results of the official investigation, the authorized official shall be obliged to familiarize against signature the employee in respect of whom it

was conducted with the conclusion, and also, at the request of the employee, with the materials of the official investigation.

If an employee refuses to familiarize himself/herself with the conclusion on the results of an official investigation, a corresponding act shall be drawn up. His/her refusal does not suspend the issuance of an order on the results of an official investigation or the imposition of a disciplinary sanction.

22. The employee, in respect of which has been conducted an internal investigation, shall be entitled to:

- 1) give a written explanation on the merits of the ongoing internal investigation;
- 2) make motions, present evidence and other documents;
- 3) appeal against decisions and actions (inaction) of officials conducting internal investigation, to the head of the special state body or the authorized manager, who made the decision on conducting an internal investigation;
- 4) to get acquainted at the end of an internal investigation with the materials of an internal investigation, if this does not contradict the requirements of non-disclosure of information constituting state secrets and other secret protected by law.

23. Materials of official investigation in relation to employees, who on the grounds of this Law are subjected to dismissal on negative grounds that the imposition of a disciplinary sanction in the form of decrease in a special rank by one degree, and those who disagree with the conclusions and suggestions of the internal investigation, shall be subjected to consideration of the disciplinary commission.

24. If the employee, against whom the internal investigation is being conducted, refuses to give written explanations shall be documented a relevant act. His refusal shall not suspend the holding of an internal investigation. In this case, the employee shall be heard by the disciplinary commission.

**Footnote. Article 65 as amended by the laws of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); from 13. 06. 2017, № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 66. Procedure of formation and work of the disciplinary commission**

1. The disciplinary commission is a permanent collegial consultative and advisory body created in special state bodies for consideration of materials of an internal investigation and investigation of facts relating to misconduct of an employee with a view to comprehensive, fully, and objectively ascertaining the circumstances of the offense and making recommendations on the amount of penalty to the person, committed an offence.

2. Members of the disciplinary commission shall be elected by open voting at the meetings of the personnel of the unit from the number of the most experienced and reputable

officers. The number of members of the disciplinary commission must be odd and not less than three persons, one of whom is the chairman.

3. The composition of the disciplinary commission shall be approved by the order of the authorized leader. The chairman of the disciplinary commission shall be appointed from one of the deputies of the authorized head. The representative of the cadre department of the division shall be appointed as a secretary. The secretary of the disciplinary commission shall not be a member of it.

4. The misdemeanors of the authorized heads and their deputies shall be examined by the disciplinary commissions of a special state body. Misdemeanors of higher officers shall be considered by the disciplinary commission only from among the higher officers, the misdemeanors of senior officers by the disciplinary commission of senior officers.

5. Meetings of the disciplinary commission shall be held as required.

Meetings of the disciplinary commission shall be eligible if there are two thirds of the total number of members of the disciplinary commission, but not less than three persons. Members of the disciplinary commission shall participate in meetings without the right to change.

6. Members of the disciplinary commission before the meeting should be notified of the day, venue, agenda and familiarized with the materials for the meeting.

7. A member of the disciplinary commission shall not have the right to participate in the examination of the materials of the internal investigation and investigation of the facts relating to the misconduct of his superior, close relative or relative, and if there are reasons to believe that a member of the disciplinary commission has a direct or indirect interest in taking the appropriate decision.

8. Members of the disciplinary commission shall not disclose information that has become known to them during the examination of materials of internal investigations.

9. Participation of an employee in respect of whom an internal investigation was conducted at the meeting of the disciplinary commission shall be mandatory.

In the case of an employee's absence in respect of whom an internal investigation was conducted at a disciplinary commission meeting without a good reason, this fact shall be reflected in the minutes of the meeting of the disciplinary commission.

The absence of an employee to whom an internal investigation was conducted at a meeting of the disciplinary commission without a good reason can not be an obstacle to the decision to impose a penalty.

10. The disciplinary commission shall examine the materials of an internal investigation and study the facts relating to misconduct. The disciplinary commission may hear explanations of an employee, in relation to whom the internal investigation was conducted, and authorized officials conducted the internal investigation.

If necessary, the disciplinary commission shall have the right to hear witnesses and experts, to ask for materials and to investigate any facts relating to the misconduct (incident).

11. The proposals of the disciplinary commission shall be adopted by open voting by a simple majority of votes from the total number of members of the disciplinary commission.

Members of the disciplinary commission shall be obliged to definitely express their opinion and not to abstain from voting.

If the votes are equal, the chairman's vote shall be decisive.

12. The disciplinary commission within three working days from the date of receipt the materials of the internal investigation, shall submit relevant suggestions to the head disciplinary liability of an employee.

The decision of the disciplinary commission shall be made out by a protocol, which is signed by the chairman, members of the disciplinary commission and the secretary.

**Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

### **Article 67. Functions and authority of the disciplinary commission**

1. The disciplinary commission shall perform the following functions:

1) consideration of materials of official investigation on violations of the employee;  
2) elaboration and submission to the authorized head of the suggestions on the application of types of penalties.

2. The disciplinary commission to implement functions within the scope of its competence shall be entitled to:

1) hear the explanations of the employee, who has committed a offense, witnesses and officials, conducted an internal investigation;

2) request the materials, information and explore any facts of violation (the incident).

3. The chairman of the disciplinary commission shall:

1) direct the disciplinary commission, organizes and carry out administrative authority with its work;

2) determine the agenda of meetings of the disciplinary commission;

3) upon receipt of materials of an internal investigation determine time of the session of the disciplinary commission. In the absence of the chairman of the disciplinary commission on his authorization shall preside at the meetings of one of the members of the disciplinary commission;

4) define reporter on specific issues, considered at the session of the disciplinary commission.

4. The secretary of the disciplinary commission shall:

1) inform the members of the disciplinary commission about the time and place of meetings of the disciplinary commission;

2) organize the preparation of materials for meetings of the disciplinary commission;

3) keep protocol of meetings of the disciplinary commission;

4) submit suggestions of the disciplinary commission to the head;

5) on behalf of the chairman of the disciplinary commission carry out other functions.

5. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

6. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

7. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

8. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

9. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

#### **Article 68. Procedure for imposing penalties**

Footnote. The heading of Article 68 is in the wording of the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. The authorized head, based on the materials of the official investigation and proposals of the disciplinary commission, shall make an appropriate decision on the imposition or non-imposition of a penalty.

2. According to the results of the internal investigation authorized manager shall be obliged to develop and implement measures on prevention offences by issuing an order, responsible for the preparation of which is the official authorized person, appointed for conducting an internal investigation.

3. Recovery of disciplinary penalty (except in cases of urgency) on an employee, who has committed a offense, shall be conducted not sooner than in three days from the moment of discovery of the violation, to better understand the circumstances of the breach of official discipline.

4. The penalty shall be imposed no later than one month from the date of detecting the offense and no later than six months from the date of its commission unless otherwise established by this paragraph.

The day when the offense was detected shall be considered the day when the authorized head became aware of committing the offense.

In the event of termination of a criminal case, but if there are signs of an offense or an administrative offense in the employee's actions, a penalty shall be imposed no later than one month from the date of termination of the criminal case.

A penalty for violation of the budget legislation of the Republic of Kazakhstan shall be imposed no later than three months from the date of detecting the offense and cannot be imposed later than one year from the date of committing the offense.

The period for imposing a penalty shall be suspended in the following cases:

- 1) temporary disability of the employee;
- 2) the employee is on vacation or a business trip;
- 3) the employee is undergoing training, retraining, advanced training courses, and internships;
- 4) an employee's appeal in court against acts of committing an offense.

5. For acts of omission in the service, the organization of vocational training and educational process for employees who arrived for service after graduating from a military, special educational institution or an educational organization of a foreign state, disciplinary measures may be applied not earlier than six months after entering into position.

6. At joint performance of individual tasks by employees, who are not subordinate to each other, when their service relations are not determined by the authorized manager, senior of them ex officio and under equal posts the senior in special title shall be the head and shall enjoy a disciplinary rights granted to him by virtue of his position.

**Footnote. Article 68 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 11.14.2015 № 411-V (shall be enforced from 01.01.2016); from 06.13.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 69. Procedure of announcement of penalties**

1. Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

2. The order on imposition of a disciplinary penalty shall be notified to the employee, brought to disciplinary responsibility, under signature within three working days from the date of publication.

3. Refusal to familiarize with the order on imposition of a disciplinary penalty shall be formalized with act, which is prepared by the human resources department of the special state body and shall be attached to the materials of the internal investigation.

4. When announcing a penalty imposed on senior officers, only their heads, as well as senior and top officers, may be present; for top officers, their heads and top officers may be present.

5. To declare a disciplinary penalty authorized managers and their deputies in presence of subordinates shall be prohibited.

6. Upon declaring penalty the employee shall be specified the reason for punishment, and what is the offense.

Footnote. Article 69 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 70. Remission of penalty**

1. The employee shall be recognized as not having penalties:

- 1) after their removal by the relevant competent supervisor in procedure of encouraging before the expiration of six months from the date of imposition on him of the last punishment;
- 2) upon expiration of six months from the date of imposition of a last penalty, except for cases provided by the first and second parts of paragraph 2 of article 28 of this Law.

2. The remission of penalty in order to encourage shall be carried out by the edition of the order of an authorized manager, who has imposed this penalty, or by the top manager.

3. To remove penalty in order to encourage from a subordinate, that is previously imposed by the higher manager the immediate supervisor of the employee shall make a corresponding petition.

The authorized manager, who has imposed this penalty, shall be obliged to consider the petition within a period not later than ten calendar days from the date of its receipt.

4. A penalty that has not been removed by the day the employee is dismissed from service shall be considered removed from the day of his/her dismissal from service.

5. The remission of penalty shall be documented by the relevant record in the personal business of an employee.

6. If imposed on an employee penalty has not been removed in order of encouraging, upon expiration of six months in the corresponding column of the section "Penalties" shall be made a mark that penalty has been removed on expiry of the period of limitation.

Footnote. Article 70 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

#### **Article 71. Guarantees of the rights of employees upon attracting them to disciplinary responsibility**

1. Involvement of an employee to disciplinary responsibility shall be prohibited:

- 1) in case of absence of the fact of the violation;
- 2) if his action (inaction) is not illegal;
- 3) repeatedly for the same disciplinary offence;
- 4) on expiry of the period of limitation for bringing to disciplinary responsibility established by this Law and the legislation of the Republic of Kazakhstan;
  - 4-1) during the period of his/her temporary disability;
  - 4-2) while he/she is on vacation or a business trip;
  - 4-3) if he/she is undergoing training, retraining, advanced training courses, and internship;

5) in case of his exclusion from lists of personnel in connection with the dismissal from service.

2. In case of disagreement of the employee with the order on bringing to disciplinary responsibility, he has the right to appeal this order in writing to a higher division of a special state body, a court in the manner prescribed by the laws of the Republic of Kazakhstan.

3. Excluded by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

4. The head of the superior departments of a special state body on the results of consideration of the complaint within one month shall be obliged to give one of the following opinions:

1) on affirming the order on attraction of an employee to disciplinary responsibility;

2) On cancellation of the order on bringing an employee to disciplinary responsibility, made with violations of the requirements of this Law, and to prosecute an authorized manager, who illegally imposed a penalty;

3) On issuing a new order on imposition of a more severe penalty, if the penalty has been imposed in compliance with the requirements of this Law, but does not match the severity of committed offense.

5. Appeal against the decision on imposition of penalty shall not suspend its execution.

Footnote. Article 71 as amended by the laws of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

## **Chapter 9. Cash security and social protection of employees**

### **Article 72. Cash security of employees**

1. Employees shall be provided with a cash allowance established in accordance with a single system of remuneration of labor for all bodies held at the expense of the state budget approved by the Government of the Republic of Kazakhstan in agreement with the President of the Republic of Kazakhstan.

2. Cash allowance shall include monetary pay (base salary and the salary for special rank), allowances for special conditions of service career and other allowances, provided by the legislation of the Republic of Kazakhstan.

The employees shall not be paid a cash allowance:

1) for periods of service not in regular positions in the cases provided for in subparagraphs 8) and 9) of paragraph 4 of Article 33 of this Law;

2) for periods of being under arrest or custody;

3) in cases, provided for by the legislation of the Republic of Kazakhstan.

3. In cases of an employee be at the disposal of the authorized manager, provided by subparagraphs 1) and 2) of paragraph 4 of Article 33 of this Law, an employee shall be

provided with monetary allowances of last occupied until position till the withdrawal of the available positions.

In the cases provided by subparagraph 3) and 4) of paragraph 4 of Article 33 and paragraph 5 of Article 64 of this Law, to the employee shall be made salary payments on titles

4. With the provision of annual leave, the employees shall be paid benefit for health improvement in the amount of two official salaries regardless of the length of the leave.

In case of dismissal of an employee from the service for negative reasons, he shall be obliged to reimburse the amount of the allowance for recovery in proportion to the unserved time.

In the case of providing to the employee an annual leave in parts benefit for health improvement shall be paid in the first part of the leave.

5. The procedure of cash security and for calculating the length of service (work) for the calculation of official salaries and allowances for the health improvement of staff shall be approved by the first heads of special state bodies.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

### **Article 73. Social protection of employees**

1. Employees (except for employees living in service housing located on the territory of closed and isolated military camps, border departments and other closed facilities, as well as cadets, listeners) shall be paid monetary compensation for housing maintenance and payment of public utilities in the amount determined by the law on the Republican budget, in accordance with the procedure determined by the first head of the special state body.

2. Pension security, social insurance, the payment of other benefits to employees shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Assigning pension payments at the expense of budget funds to employees, lump-sum payments for burial and lump-sum allowances to families of deceased recipients of pensions from the set of staff shall be carried out by competent units of special state bodies, in which employees had served at the date of dismissal.

The status of the recipient of pension payments shall be confirmed by the pension certificate in the form established by the first head of the relevant special state body.

3. Employees shall be provided at the expense of the state with a special form of clothing and other clothing items according to the norms approved by the first heads of special state bodies in agreement with the central authorized body for budget planning, taking into account the specifics of the service and in the manner determined by the first heads of special state bodies.

Employees (except for cadets, listeners) in exchange for non-received items of clothing shall be paid monetary compensation in the manner determined by the first heads of special state bodies.

4. Certain categories of employees shall be provided with food according to food ration standards, approved by the first heads of special state bodies in agreement with the central authorized body for budget planning, taking into account the specifics of their service.

The procedure for providing meals to certain categories of employees shall be determined by the first heads of special state bodies.

If it is not possible to provide food according to the established food ration standards, certain categories of employees shall be paid monetary compensation in the manner determined by the first heads of special state bodies.

5. Employees (except for cadets, listeners) shall have the right to reimbursement for transportation expenses on the territory of the Republic of Kazakhstan with:

adherence to inpatient treatment for medical reasons and back;

going to a medical examination (check-up) and back on the basis of a referral issued in the manner established by the first head of a special state body;

moving on service;

dismissal from the service, except for the cases provided for by subparagraphs 6), 12-1) и 13) of paragraph 1 of Article 49 of this Law.

Reimbursement of costs shall be carried out according to the norms approved by the first heads of special state bodies in agreement with the central authorized body on budget planning. The procedure for cost reimbursement shall be approved by the Government of the Republic of Kazakhstan.

6. Employees (except for cadets, listeners) while moving on a service related to moving from one locality to another at a distance of more than one hundred kilometers, shall be paid a resettlement allowance in the amount of two months' allowance for the employee himself (herself) and half of monthly allowance for each member of the family, moved with him, in accordance with the procedure, determined by the first heads of special state bodies.

In this paragraph, the members of the family of the employees shall be understood to be:

1) spouse (spouse);

2) a child (children), including joint or one of the spouses, except for the child (children) from the previous (previous) marriage (marriages) (matrimony (marriage), living (living) separately on the basis of a court decision;

3) joint or one of the spouses a child with a disability (children with disabilities), including a person with a disability (persons with disabilities) since childhood, regardless of his (their) age, with the exception of a child with a disability (children with disabilities) from the previous (previous) marriage (marriages) (matrimony (matrimony), living (living) separately on the basis of a court decision.

In this case, if both spouses are employees or one of them is a military servant, then the resettlement allowance for family members in the amount of half the monthly allowance for each family member shall be paid only to one of them in accordance with the procedure determined by the first head of the special state body.

7. Employees (except for cadets and students) upon promotion and dismissal from service, except for the cases provided for in subparagraphs 6), 12-1) and 13) of paragraph 1 of Article 49 of this Law, shall have the right to reimbursement of costs for transporting their own property in the amount of one monthly calculation index for every twenty kilometers of highway in the manner determined by the Government of the Republic of Kazakhstan.

**Footnote. Article 73 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13. 06. 2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.07.2024 № 115-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Article 74. Provision of housing of employees**

Employees (except for cadets, listeners) shall be provided with housing in the manner prescribed by the Law of the Republic of Kazakhstan "On Housing Relationships".

**Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).**

#### **Article 75. Medical support of employees**

1. Medical support of employees shall be carried out in military medical (medical) subdivisions of the national security bodies and the State Security Service of the Republic of Kazakhstan, as well as other healthcare entities at the expense of budget funds.

Medical assistance for certain categories of employees, the list of which is approved by the Office of the President of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan, is provided in medical organizations of the Office of the President of the Republic of Kazakhstan:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance";

3) at the expense of budget funds by type and in amounts determined by the Office of the President of the Republic of Kazakhstan.

1-1. In the absence at the place of service or place of residence of employees of military medical (medical) subdivisions corresponding departments in them, specialists or special

equipment for medical reasons medical assistance to employees shall be provided by healthcare entities:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

Payment for the services of healthcare entities for the provision of medical assistance to employees specified in subparagraphs 1) and 2) of part one of this paragraph is carried out by the social health insurance fund.

Reimbursement of the costs of the social health insurance fund for paying for the services of healthcare entities for the provision of medical assistance to employees within the guaranteed volume of free medical care and in the compulsory social health insurance system is carried out at the expense of budget funds provided for by the authorized body in the field of healthcare.

2. Mean that has been spent on treatment shall be compensated to employees by special state body, in which they serve in accordance with the procedure determined by the Government of the Republic of Kazakhstan.

3. Employees that got injured, contusion, traumas, maim or illness during the service career, shall be directed to sanatorium-resort treatment at the expense of special state bodies in which they have served.

4. In case, if the employee is unable to arrive at the service, he shall be obliged to inform about his illness to immediate supervisor by any means available.

5. The advice of a doctor of full or partial release of the employee from performing the duties of service (official duties) shall be mandatory to execution by officials.

**Footnote. Article 75 with the amendment introduced by the Law of the Republic of Kazakhstan dated 10.01.2015 № 275-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

**Article 76. The particularities of social protection of employees, serving in positions of common soldier personnel and sergeants**

1. Employees serving in special state bodies in the positions of privates and non-commissioned officers, who have served for at least eight years in calendar terms as of the date of issuance of the order for enrollment in an organization of higher and (or) postgraduate education of the Republic of Kazakhstan, shall have the right to reimbursement of training costs in this organization on a paid basis in the amount of fifty percent of the cost of training at the expense of budgetary funds. This benefit shall be applied once upon presentation of a diploma of completion of a given educational institution.

2. The compensation of specified costs to an employee shall be carried out by special state body, in which the employee is currently serving.

3. Organization of education of the Republic of Kazakhstan, in which enrolled employees with the right to compensation of expenses for training in higher educational institutions of the Republic of Kazakhstan, shall send to the indicated special state bodies an authorized copy of the order on admission of an employee to the organization of education for opening a funding.

Upon moving an employee to another educational organization the size of compensation of expenses for training in higher educational institutions of the Republic of Kazakhstan shall be subjected to adjustment.

4. Upon granting to an employee of an academic leave, he shall remain the right to compensation of expenses for training in higher educational institutions of the Republic of Kazakhstan with the interruption of financing of his education in the period granted for an academic leave.

5. An employee, who is entitled to compensation of expenses for training in higher educational institutions of the Republic of Kazakhstan, shall be guaranteed the continuation of funding in the other higher education institutions in cases of liquidation and reorganization of educational organizations, suspension of activity, withdrawal of the license of the organization of education, in which he was taught (trained).

6. Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

Footnote. Article 76 as amended by the Law of the Republic of Kazakhstan dated 12.12.2017 № 114-VI (shall be enforced from 01.01.2018); dated 27.12.2019 № 291-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 77. The peculiarities of social protection of cadets, listeners**

Footnote. The heading of Article 77 as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication)

1. Cadets and listeners shall be provided at the expense of the state with a special form of clothing and other clothing property according to the norms approved by the first heads of special state bodies in agreement with the central authorized body on budget planning, taking into account the specifics of the service.

2. Cadets and students in barracks conditions shall be provided with food according to food ration standards approved by the first heads of special state bodies in agreement with the central authorized body for budget planning, taking into account the specifics of the service.

3. Cadets, listeners of the first and second courses for postal items shall be paid monetary compensation in the amount determined by the first heads of special state bodies in agreement with the central authorized body on budget planning.

4. Cadets, military students have the right for reimbursement of costs according to the norms approved by the first heads of special state bodies in agreement with the central authorized body for budget planning, for travel (from the point of departure to the point of destination and back):

1) by railway, air, water and road transport across the territory of the Republic of Kazakhstan when going to inpatient treatment;

2) by railway, water and road transport on the territory of the Republic of Kazakhstan upon dismissal from service in special state bodies, except for the cases provided for by subparagraphs 6), 12-1) and 13) of paragraph 1 of Article 49 of this Law, as well as when going on vacation and internship.

Cadets and trainees studying in educational institutions of a foreign state are also granted the right to travel at the expense of the state (from the point of departure to the destination and back) by air, rail, water and road transport when sent for training, following an internship, on vacation.

The procedure for reimbursing the costs of cadets, military students of special (military) educational institutions is determined by the Government of the Republic of Kazakhstan.

5. Cadets, listeners upon departure on leave shall be paid monetary compensation instead of food rations according to the norms approved by the first heads of special state bodies in agreement with the central authorized body on budget planning.

6. In case of death (death) of a cadet, listener or after his(her) dismissal from service due to injury (concussion), illnesses received during the service period, his (her) heirs shall be paid a lump-sum compensation in the amount of 500 monthly calculation indexes.

7. Lump-sum compensation upon establishing disability to a cadet, a listener, received during his (her) service in special government bodies or resulting from concussion, injury, illness associated with passing service in special government bodies, before the expiry of one year from the date of separation from service is paid in the sizes:

a person with disabilities of the first group – 250 monthly calculated indicators;

a person with disabilities of the second group – 150 monthly calculated indicators;

a person with disabilities of the third group – 50 monthly calculated indicators.

8. In case of receiving by a cadet, a listener a serious injury (wound, injury, concussion) upon execution of official duties, that do not entail a disability, he (she) shall be paid a lump sum compensation in the amount of:

for a serious mutilation - 12 monthly calculation indexes;

for easy mutilation - 4 monthly calculation indexes.

9. The lump-sum compensation shall be made in accordance with the procedure provided by the Government of the Republic of Kazakhstan.

10. Lump-sum compensation shall not be paid if in accordance with the procedure established by the legislation of the Republic of Kazakhstan, it is proved that the loss (death) of a cadet, listener or injury received by him has occurred:

- 1) In the result of a suicide, except for cases driving to suicide;
- 2) when he is committing criminal or administrative offenses;
- 3) as a result of the use or application of substances that cause the condition of alcoholic, narcotic, psychotropic, toxic intoxication (their analogues);
- 4) as a result of intentional causing to itself any bodily injury (self-mutilation) or other harm to their health with the purpose of receiving a lump-sum compensation or evasion from service;
- 5) as a result of the actions of a cadet, listener who violated the terms of the contract.

11. Cadets, listeners, who dismissed according to the state of health as a result of an injury (wounding, trauma, contusion), received in the performance of official duties, shall be paid a monthly monetary pay in the amount and according to the procedure, determined by the Government of the Republic of Kazakhstan.

12. in case of the loss of life (death) of a cadet, listener as a result of an injury (wounding, trauma, contusion), received in the performance of official duties, family members of the dead (deceased) cadet, listener shall be paid a monthly monetary pay in the amount and according to the procedure, determined by the Government of the Republic of Kazakhstan.

Monthly cash allowance shall be paid to children (including adopted children, cohabiting stepsons and stepdaughters) until they reach the age of majority or until they graduate from a full-time educational institution in the system of general secondary, technical and vocational, post-secondary education, in the system of higher and (or) postgraduate education within the limits not exceeding twenty-three years of age, also to the spouse for life, regardless of the payment of survivor benefits envisaged by the Social Code of the Republic of Kazakhstan.

**Footnote. Article 77 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 days after its first official publication); dated 03. 07. 2014 № 227-V (shall be enforced from 01.01.2015); dated 13. 06. 2017, N 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 27.12.2019 N 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 11.07.2022 N 136-VII (shall be enforced from 01.01.2022); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 23.12.2023 N 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 78. Social protection of family members of employees**

1. Family members of employees, as well as their dependents, have the right to medical assistance in military medical (medical) subdivisions.

Payment for the services of military medical (medical) subdivisions for the provision of medical assistance shall be carried out by the social health insurance fund:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

2. For outpatient treatment, medicines are given to family members for a fee, except for cases when, in accordance with the legislation of the Republic of Kazakhstan, no fee is charged.

3. The rights of family members of employees, provided for in paragraphs 1 and 2 of this article, apply to family members of employees who were dismissed from service in special state bodies for health reasons (diseases, injuries, disabilities received in the performance of official duties), as well as reaching the age limit in service or reduction of staff and having a length of service of twenty or more calendar years.

4. Family members of employees (except for cadets, listeners) who permanently reside with them shall be reimbursed for transportation expenses on the territory of the Republic of Kazakhstan when the employee moves, as well as when the employee leaves the service, except in cases stipulated in subparagraphs 6), 12-1) and 13) of paragraph 1 of Article 49 of this Law, according to the norms, established by the first heads of special state bodies in agreement with the central authorized body on budget planning.

The procedure for reimbursement of transportation costs for transportation through the territory of the Republic of Kazakhstan upon an employee's movement or dismissal from service shall be established by the Government of the Republic of Kazakhstan.

5. Family members of an employee who died or became disabled during the service retain the right to receive medical assistance in accordance with paragraphs 1 and 2 of this article.

6. Family members of an employee who died (deceased) while passing service in special state bodies, shall have the right to privatize the provided accommodation free of charge regardless the years of service of the dead (deceased).

7. Children of employees, who died or acquire a disability during the course of the service, shall be entitled to enroll in military boarding schools and cadet corps out of the competition, and children, who have reached the threshold level scores at the statutory requirements for applicants, shall be enrolled in military, special educational institutions of the Republic of Kazakhstan out of the competition.

8. The children of the employees, including those who died or disappeared during the service, local executive bodies shall be out of turn places in pre-school institutions of the place of residence, payment shall be charged at the amount, provided for state pre-school institutions.

9. In the event of the death of a recipient of pension payments for the length of service from among employees of special state bodies, his family or person who performed the burial shall be paid a lump sum payment for burial in the amount of a three-month pension payment for the length of service on the day of the recipient's death.

Family members of deceased recipients of pension payments for the length of service who used to be employees of special state bodies, aside from the survivor's benefit, shall be paid one-time benefits: equal to a three-month pension payment for the length of service – paid to the wife (husband), and equal to a monthly pension payment for the length of service of the breadwinner paid to him/her as of the day of his/her death - to each disabled family member.

When determining the amount of a lump-sum benefit provided for by this paragraph, the number of family members entitled to the benefit shall include: wife (husband), regardless of age and ability to work; children under the age of eighteen or above if they have been established a disability before the age of eighteen or as of the day of death of the breadwinner were full-time students in educational institutions and under the age of twenty-three; dependent parents, who have reached the retirement age established by the legislation of the Republic of Kazakhstan or who are the persons with disabilities.

10. Privileges specified in paragraphs 5 and 7 of this article shall apply to family members of servicemen of the national security bodies, authorized body in the field of foreign intelligence and the State Security Service of the Republic of Kazakhstan, died (deceased) or disabled when passing military service before the enactment of this Law.

Note. In this article, family members of employees shall be understood as: a spouse (spouse), joint or one of the spouses minor children (adopted, dependent or under guardianship); children (adopted, dependent or under guardianship) and children of the spouse who study full-time in education organizations until the age of twenty-three; children with disabilities (adopted, dependent or under guardianship) and children with disabilities of a spouse (spouse) who have been established a disability before the age of eighteen; parents and parents of the spouse (spouse), who are dependent on the employee.

In this article, dependents shall be the members of the employee's family who live at his or her income and do not have an independent source of income.

11. in case of the loss of life (death) of an employee, as a result of an injury (wounding, trauma, contusion), received in the performance of official duties, family members of the dead (deceased) employee shall be paid a monthly monetary pay in the amount and according to the procedure, determined by the Government of the Republic of Kazakhstan.

Monthly cash allowance shall be paid to children (including adopted children, cohabiting stepsons and stepdaughters) until they reach the age of majority or until they graduate from a full-time educational institution in the system of general secondary, technical and vocational, post-secondary education, in the system of higher and (or) postgraduate education within the limits not exceeding twenty-three years of age, also to the spouse for life, regardless of the payment of survivor benefits provided for by the Social Code of the Republic of Kazakhstan.

Footnote. Article 78 as amended by the laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 29.09.2014 N 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 02.08.2015 N 342-V (it comes into force from 01.01.2016); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 30.06.2017 N 80-VI (shall be enforced from 01.01.2020); № 165-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication); dated 15.04.2022 N 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.06.2022 N 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 11.07.2022 N 136-VII (shall be enforced from 01.01.2022); dated 20.04.2023 N 226-VII (shall be enforced from 01.07.2023).

**Article 79. Social protection of the employees, dismissed from service in special state bodies**

1. Employees (except for cadets, listeners) upon dismissal from the service in special state bodies:

1) upon reaching the age limit in the service, state of health or staff reduction, a lump sum shall be paid in the following amounts:

who have service length in calendar terms:

from 10 to 15 years - a four-months monetary allowances;

from 15 to 20 years - a five-months monetary allowances;

from 20 to 25 years - a six-months monetary allowances;

from 25 to 30 years - a seven-months monetary allowances;

over 30 years - an eight-months monetary allowances;

2) on health state and staff reductions, those who have served less than 10 years shall be paid a lump-sum allowance in the amount of three months pay.

1-1. Staff officers, dismissed from service on reaching the age limit in the service, for health state or staff reduction without the right to pension benefits for years of service, along with severance payments for one year from the date of dismissal from the service, pay of the salaries of special rank shall be saved.

At the same time, if during the specified period salaries for a special rank to employees in the service are raised, the amount of these salaries paid to officers shall also be increased accordingly, before the expiry of one year after the dismissal from the service.

2. Upon dismissal of an employee after the repeated (next) enlistment to military service or service in special state bodies, the size of payment of a lump-sum allowance shall be determined based on a period of service for which payment of benefits was not made.

3. Employees, awarded in the period of service career in special state bodies with state awards - orders of the Republic of Kazakhstan or the former Union of Soviet Socialist Republics, the amount of the lump sum shall be increased by two salaries.

4. The right to medical care at the expense of the state in military medical (medical) subunits and sanatorium-resort treatment shall be reserved for employees dismissed from service in special state bodies:

1) for health reasons (diseases, injuries, disabilities received in the performance of official duties);

2) for health reasons (diseases, injuries, disabilities received during the period of service) and having served twenty or more calendar years;

3) upon reaching the age limit for service and having served for twenty or more calendar years;

4) due to staff reduction and those with twenty or more calendar years of service.

In the absence of military medical (medical) subdivisions at their place of residence or the corresponding departments in them, specialists or special equipment, medical assistance shall be provided by healthcare entities:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

Payment for the services of military medical (medical) subdivisions for the provision of medical assistance to the persons specified in this paragraph shall be carried out by the social health insurance fund:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

Health resort treatment and medical support for these persons are carried out at the expense of budget funds provided to special state bodies.

5. Participants of the Great Patriotic War of 1941 – 1945 and people with disabilities due to wounding, contusion, injury or disease received during the period of the Great Patriotic War of 1941 – 1945, other participants in hostilities and peacekeeping operations, employees dismissed from service in special state bodies, who have received disability due to wounding, contusion, injury or disease received in the performance of duties of service in special state bodies, shall have a priority right to medical care and resort and sanatorium treatment.

**Footnote. Article 79 as amended by the laws of the Republic of Kazakhstan dated 23.04.2014 N 200-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 02.08.2015 № 342-V (shall be enforced from 01.01.2016); dated 13.06.2017 N 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 30.06.2017 N 80-VI (shall be enforced from 01.01.2020); dated 15.04.2022 N 114-VII (shall be enforced upon expiry of ten calendar days after the date of its**

first official publication); dated 23.12.2023 N 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 80. Compensation in case of death or getting maimed**

1. In case of death of an employee during the period of service or after his dismissal from the service due to injury (concussion), illnesses received during the service period, his heirs shall be paid a lump-sum compensation in the amount of sixty-months pay on the last position held on the day of death or dismissal.

2. Lump-sum compensation upon establishing to an employee of disability, received in the period of their service or resulting in contusion, mutilation, diseases associated with the service career, before the expiration of one year from the day of dismissal from service shall be paid in size:

For a person with disabilities of the first group – thirty-month monetary allowance;

For a person with disabilities of the second group – eighteen-month monetary allowance;

For a person with disabilities of the third group – six-month monetary allowance.

3. In the case of getting by an employee on execution of service duties of severe mutilation (wound, injury, contusion), not entailing disability, he shall be paid a lump sum compensation in the amount of the half-and-month monetary allowances; and lung injury - half of the monthly monetary allowances.

4. The order of payment of lump-sum compensation shall be established by the Government of the Republic of Kazakhstan.

4-1. Employees dismissed from special state bodies for health reasons as a result of injury (wounding, trauma, contusion) received during the performance of official duties shall receive a monthly monetary pay in the amount and according to the procedure, determined by the Government of the Republic of Kazakhstan.

5. Lump-sum compensation shall not be paid if in accordance with the procedure provided by the legislation of the Republic of Kazakhstan it is proved that the loss (death) of an employee or received injury have occurred:

1) as a result of suicide, with the exception of cases of bringing to suicide;

2) upon committing crimes or administrative offenses;

3) as a result of the use of substances that cause the condition of alcoholic, narcotic, psychotropic, toxic intoxication (their analogues);

4) as a result of intentional causing to itself any bodily injury (self-mutilation) or other harm to their health with the purpose of receiving a lump-sum compensation or evasion from service;

5) as a result of the actions of an employee, who violated the terms of the contract.

**Footnote. Article 80 as amended by the laws of the Republic of Kazakhstan dated 03.07.2014 N. 227-V (shall be enforced from 01.01.2015); dated 13. 06. 2017 N 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 15.04.2022 N 114-VII (shall be enforced upon expiry of ten calendar days after the date of its**

first official publication); dated 27.06.2022 N 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 11.07.2022 N 136-VII (shall be enforced from 01.01.2022).

#### **Article 81. Compensation of expenses for burial**

1. The burial of employees, who died during the service career or died as a result of mutilation (wound, injury, contusion), the disease shall be made at the place of service or at the request of their relatives elsewhere. All expenses associated with preparation for transportation of the body, transportation of the body, burial, production, and installation of a tombstone shall be carried out at the expense of the special state bodies in which the employees served, in the amounts established by the Government of the Republic of Kazakhstan.

The procedure for reimbursement of expenses associated with preparation for transportation of the body, transportation of the body, burial of employees of special state bodies who died during service or died as a result of mutilation (wounds, injuries, and contusions), illness, production and installation of a tombstone, shall be determined by the first heads of special state bodies.

Giving honor to the employees at the burial shall be carried out in accordance with the procedure determined by the first heads of special state bodies.

2. These provisions apply to participants in the 1941-1945 Great Patriotic War, combat operations and peacekeeping operations in the territories of other states, regardless of the total length of service in special state bodies.

The provision of part three of paragraph 1 of this Article shall apply to the persons dismissed from service upon reaching the age limit for service, for health reasons or due to staff reduction, with a total service duration of twenty-five years or more, as well as to the participants in anti-terrorist operations, regardless of the total duration of service.

**Footnote. Article 81 as amended by Law of the Republic of Kazakhstan № 165-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication); dated 23.12.2023 N 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 82. Other measures of social protection of employees**

1. Job placement of employees dismissed from service in special state bodies, their acquisition of professions, ensuring employment of persons dismissed from service in special state bodies without the right to a pension shall be carried out as required by the legislation of the Republic of Kazakhstan on social protection.

2. First heads of special state bodies to certain categories of employees may be counted seniority experience of their work before enrolling in service as provided with procedure.

3. Service in areas with severe climatic and ecological conditions of the limited timeframe and the procedure for its completion shall be determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 82 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 N 226-VII (shall be enforced from 01.07.2023).

## **Chapter 10. Financial and logistical support of special state bodies**

### **Article 83. Financial provision of special state bodies**

1. Financial support of special state bodies is carried out:  
at the expense of the republican budget;  
at the expense of funds received for the provision of medical assistance from the social health insurance fund in accordance with the legislation of the Republic of Kazakhstan.

Military medical (medical) subdivisions shall have the right to carry out income-generating activities in the field of medical care within the guaranteed volume of free medical care and in the system of compulsory social health insurance.

2. The procedure for financing the costs associated with the implementation of intelligence, counterintelligence, operational and investigative activities in secret (non-public) form, shall be determined by regulatory legal acts of special state bodies.

Footnote. Article 83 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 N 36-VI (shall be enforced upon expiry of two months after its first official publication) ; dated 30.06.2017 N 80-VI (shall be enforced from 01.01.2020).

### **Article 84. Logistics provision and property of special state bodies**

1. Material and technical support of special state bodies is carried out:  
at the expense of the republican budget;  
at the expense of funds received for the provision of medical care from the social health insurance fund in accordance with the legislation of the Republic of Kazakhstan.

2. The property of special state bodies shall be republican and shall be located on the right of operational control.

3. Special state bodies shall have service housing, the procedure for the formation and provision of which shall be established by the Government of the Republic of Kazakhstan.

4. The procedure for transferring, selling, disposing and decommissioning property, as well as granting to property lease (rent) of immovable property of special state agencies shall be determined by the Government of the Republic of Kazakhstan.

The norms of supplying the property of special state bodies shall be determined by the first heads of special state bodies in agreement with the central authorized body on budget planning.

5. Immovable property, not used by special state bodies in peacetime, shall be subjected to conservation through the budget means or may be passed on property lease (rent) in accordance with the procedure provided by the Government of the Republic of Kazakhstan.

5-1. In order to ensure the fulfillment by individuals and legal entities of contractual obligations for the organization of catering to special state bodies in the manner determined by the first head of the relevant state body, a temporary transfer of buildings, canteen

premises and the property located in them into property lease (rent) shall be carried out free of charge within the term of the contract about catering.

6. The organization, created or to be created for ensuring the activities of the special state bodies shall be beyond privatization.

**Footnote. Article 84 as amended by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13. 06. 2017 N 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 30.06.2017 N 80-VI (shall be enforced from 01.01.2020); dated 15.04.2022 N 114-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.12.2023 N 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).**

## **Chapter 11. Final and transitional provisions**

### **Article 85. Transitional provisions**

1. The contract on passage of military service, concluded by employees before the entry into force of this Law shall have effect for the periods at which they have been concluded.

**2. Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 N 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).**

3. Employees, who before November 30, 2011, has been promoted to the rank of ‘ lieutenant colonel’, term of service in the specified military or special rank shall be set five years.

4. Employees, who transferred from military service in special state bodies in connection with the adoption of this Law and to which has been changed the limit ages status to military service with the Law of the Republic of Kazakhstan "On military duty and military service", shall be entitled to resign or retire upon reaching the following limiting age:

- 1) to lieutenant colonel inclusive - forty-five years;
- 2) to colonels - fifty-three years;
- 3) to colonels, whose rank was given until July 21, 2005 - fifty years;
- 4) to major general and lieutenant general - fifty-eight years;
- 5) to major general and lieutenant general, whose military rank was given until July 21, 2005 - fifty-five years;
- 6) to general-colonel - sixty years.

4-1. Employees who have been assigned military ranks "senior warrant officer", "warrant officer", "first sergeant", "third-class sergeant", "second-class sergeant", "first-class sergeant", "staff sergeant" or "master sergeant" shall serve in special state bodies in the manner and under the conditions provided for by this Law for sergeant formations. At the same time, the

maximum age of their status in the service in special state bodies shall be up to forty- seven years inclusive.

4-2. Employees who have been assigned the special rank of Lieutenant-Colonel from the date of enactment of this Law till January 1, 2017, shall have the right to quit or resign when they reach the age limit of forty-seven years.

5. Employees (except for cadets, listeners) until January 1, 2013 shall be provided with accommodation in the manner prescribed for servicemen by the Law of the Republic of Kazakhstan "On the Status and Social Protection of Servicemen and Members of Their Families."

6. Employees, who have been provided in the period before January 1, 2013 with service housing or housing, equivalent to the service, shall retain the right to stay in this house, and also the right to privatization, provided for servicemen by the Law of the Republic of Kazakhstan "On housing relations".

**Footnote. Article 85 as amended by the laws of the Republic of Kazakhstan dated 23.04.2014 N 200-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 06.04.2016 N 483-V (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 23.12.2023 N 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 86. The order of the entry into force of this Law**

This Law shall be enforced upon expiry of ten calendar days after its first official publication.

*The President  
of the Republic of Kazakhstan*

*N. Nazarbayev*