



On approval of the Rules for the redistribution of vacant staff positions between government agencies and their subordinate organizations

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated February 25, 2025 № 96.

Unofficial translation

In accordance with paragraph 1-1 of the Decree of the President of the Republic of Kazakhstan dated July 31, 2000, № 427 "On measures to improve the work of the state apparatus, combat bureaucracy and reduce paperwork", the Government of the Republic of Kazakhstan **HEREBY DECIDES:**

1. To approve the attached Rules for the redistribution of vacant staff positions between government agencies and their subordinate organizations.
2. This resolution shall enter into effect upon expiration of ten calendar days after the date of its first official publication.

The Prime Minister
of the Republic of Kazakhstan O. Bektenov

Approved
by the Decree of the Government
of the Republic of Kazakhstan
dated February 25, 2025 № 96

The Rules for the redistribution of vacant staff positions between government agencies and their subordinate organizations Chapter 1. General Provisions

1. These Rules for the redistribution of vacant staff positions between government agencies and their subordinate organizations (hereinafter referred to as the Rules) shall determine the procedure for the redistribution of vacant staff positions between government agencies and their subordinate organizations.

2. These Rules shall apply to cases of increasing the limits of the staffing levels of state bodies by redistributing vacant staff positions, except for cases provided for by the Decree of the President of the Republic of Kazakhstan dated July 31, 2000 № 427 "On measures to improve the work of the state apparatus, combat bureaucracy and reduce paperwork" (hereinafter referred to as the Decree).

3. The following concepts shall be used in these Rules:

- 1) subordinate organization – a legal entity in the form of a republican state institution under the jurisdiction of a central state body;
- 2) donor institution – a government agency or subordinate organization, through the redistribution of vacant staff positions of which the recipient's staffing level is increased;

3) recipient – a government agency or subordinate organization to which the staff units of the donor institution may be transferred;

4) vacant staff position (hereinafter referred to as a Vacancy) – a staff position of a government agency or subordinate organization that has not been filled for more than three months, except in cases where the job is retained for employees in accordance with the legislation of the Republic of Kazakhstan;

5) authorized body for budget planning – the central executive body that carries out management and intersectoral coordination in the area of budget planning;

6) the authorized body in the sphere of development of the public administration system (hereinafter referred to as the Authorized body) – the central executive body that carries out management and intersectoral coordination in conducting a functional analysis of the activities of public administration bodies;

7) authorized body for civil service affairs – a central state body implementing a unified state policy in the sphere of civil service.

Chapter 2. Procedure for the redistribution of vacancies in government agencies

4. Redistribution of vacancies shall be carried out within each of the listed groups of state bodies:

1) state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan;

2) central executive bodies;

3) local executive bodies of regions, cities of republican significance, and the capital.

If there is not a sufficient number of vacancies in the relevant group of government agencies, their redistribution between the groups shall be permitted.

5. In the event of initiating the issue of increasing the staffing limits, state bodies shall independently conduct a functional analysis of activities (hereinafter referred to as Functional analysis) in accordance with Article 41 of the Administrative Procedure Code of the Republic of Kazakhstan.

In this case, proposals from recipients to increase staffing limits shall be agreed upon with authorized bodies for civil service affairs and budget planning and shall be sent to the authorized body with the results of the functional analysis.

Coordination shall be carried out in the following order:

1) the authorized body for civil service affairs shall, within seven working days, provide the recipient with a conclusion in accordance with the requirements of paragraph 1-1 of the Decree;

2) the authorized body for budget planning shall, within five working days, consider the issue of the provision of budgetary funds intended for the maintenance of vacancies, except for local executive bodies;

3) the authorized body shall, within ten working days, review the results of the functional analysis and determine the optimal limit for the recipient's staffing levels.

In the event of redistribution of vacancies between local executive bodies, the costs of their maintenance shall be covered by the recipient's funds.

Proposals to increase the staffing level will not be considered if a government agency has vacancies in the amount of more than 4% of its staffing level limit.

6. If there are grounds for increasing the recipient's staffing levels, as determined by the results of the functional analysis, the authorized body shall, within one working day, send a request to the authorized body for civil service affairs to obtain information on vacancies in government agencies.

Information on vacancies in government agencies shall be provided by the authorized body for civil service affairs no later than five working days from the date of receipt of the authorized body's request.

The authorized body shall, within three working days from the date of receipt of information about vacancies, determine the donor institutions and the number of vacancies to be redistributed in accordance with Chapter 4 of these Rules and send the donor institutions a corresponding notification.

7. From the date of receipt of the notification and until the adoption of the relevant act by the President of the Republic of Kazakhstan or the Government of the Republic of Kazakhstan, the structure and staffing schedule of the structural divisions of donor institutions subject to redistribution shall not be subject to change, and competitive procedures for the specified vacancies shall not be announced.

Vacancies filled as a result of a competition, for which the competition was announced before receiving notification from the authorized body, shall be excluded from the number of positions subject to redistribution.

If a vacancy is excluded from the number of vacancies subject to redistribution, the authorized body shall repeat the procedure for determining donor institutions and the number of vacancies subject to redistribution in accordance with paragraph 6 of these Rules.

Vacancies for which a competition was announced before receipt of notification from the authorized body, not filled in accordance with the law Republic of Kazakhstan, are subject to redistribution.

8. The authorized body shall submit a draft conclusion of the Government of the Republic of Kazakhstan to the Office of the Government of the Republic of Kazakhstan in the form in accordance with the appendix to these Rules.

9. In case of approval by the Government of the Republic of Kazakhstan, the recipient shall prepare a draft letter with a proposal to increase the staffing level of the Administration of the President of the Republic of Kazakhstan in accordance with the requirements of paragraph 1-1 of the Decree.

In this case, if the recipient is a ministry or a local executive body of a region, city of republican significance, or the capital, the corresponding draft letter shall be submitted to the Administration of the President of the Republic of Kazakhstan signed by the Prime Minister of the Republic of Kazakhstan or his deputies.

Chapter 3. Procedure for the redistribution of vacancies of subordinate organizations

10. If a government agency initiates a proposal to increase the staffing limit of its subordinate organization, vacancies in other subordinate organizations of this government agency shall be subject to redistribution.

In the absence of such an opportunity, vacancies in subordinate organizations of other government bodies may be redistributed.

11. To determine the need to increase the staffing limit of a subordinate organization, the state body shall independently analyze its activities to determine whether the functions performed comply with the goals and objectives of the state body, whether the target indicators and indicators established by the development plan of the state body are achieved, as well as the optimality of the structure and staffing level of the subordinate organization (hereinafter referred to as the Activity analysis).

Recipients' proposals to increase the staffing limits of subordinate organizations shall be agreed upon with the authorized body for budget planning and sent to the authorized body with the results of the activity analysis and information on vacancies in the subordinate organization.

Coordination shall be carried out in the following order:

- 1) the authorized body for budget planning shall, within five working days, consider the issue of the provision of budgetary funds intended for the maintenance of vacancies;
- 2) the authorized body shall, within ten working days, review the results of the analysis of activities and determine the optimal limit for the staffing level of the subordinate organization

Proposals to increase the staffing levels of subordinate organizations if they have vacancies in the amount of more than 4% of the staffing levels shall not be considered.

12. If there are grounds for increasing the recipient's staffing levels, as determined by the results of the activity analysis, the authorized body shall, within three working days, determine the donor institutions and the number of vacancies to be redistributed in accordance with Chapter 4 of these Rules and shall send the donor institutions a corresponding notification.

From the date of receipt of the notification until the adoption of the relevant act by the President of the Republic of Kazakhstan or the Government of the Republic of Kazakhstan, the structure and staffing schedule of the structural divisions of donor institutions subject to redistribution shall not be subject to change.

13. Further actions to redistribute the staffing levels shall be carried out in accordance with paragraphs 8 and 9 of Chapter 2 of these Rules.

Chapter 4. Procedure for determining donor institutions and the number of vacancies to be redistributed

14. When determining the number of vacancies subject to redistribution, the following shall not be considered:

- 1) state positions of political and administrative civil servants of corps "A", as well as categories B-1, C-1, C-0-1, D-0-1, E-1, E-2, ER, EG of corps "B";
- 2) positions of the first heads of subordinate organizations and their deputies.

15. 1-action. The threshold value for donor institutions shall be set at 10% of vacancies from the total number of employees of the state body and its subordinate organizations separately, depending on the category of the requested additional staffing level.

In the absence of government agencies with more than 10% vacancies, lower threshold values shall be set in stages by reducing the threshold value by 2%.

Newly created government bodies and subordinate organizations shall not be considered donor institutions within six months from the date of their state registration.

16. 2-action. An increase in the number of state bodies with existing vacancies shall be carried out by deriving the difference between the number of vacancies and the need for additional staffing, determined on the basis of a functional analysis of the state body's activities.

17. 3-action. Determining the share of vacancies in government agencies

The required number of staff members shall be determined in accordance with the calculations:

$T = V_t - P$, where:

T – the recipient's need to increase the limit of staff numbers (units);

V_t – the required number of staff;

P – number of recipient vacancies.

The determination of the share of vacancies in each government agency from the established limit of the number of civil servants shall be calculated using the following formula:

$Q_i = V_{pi} / L_i * 100$, where:

Q_i – share of vacancies (%) of the i-th government agency;

V_{pi} – number of vacancies of the i-th government agency;

L_i – the limit of the number of civil servants of the i-th state body.

Based on the share of vacancies in government agencies, donor institutions shall be determined by ranking them from the highest share of vacancies to the lowest.

18. 4-action. Determination of the total values of the limits of the number and vacancies of donor institutions

The determination of the total values of the limits on the number of staff and vacancies of donor institutions for calculating the proportional share of transferred vacancies shall be carried out according to the following formulas:

$L_{total} = \text{donor institution 1 } (L_1) + \text{donor institution 2 } (L_2) + \text{donor institution 3 } (L_3) + \text{donor institution 4 } (L_4) \dots$,

$V_{total} = \text{donor institution 1 } (V_1) + \text{donor institution 2 } (V_2) + \text{donor institution 3 } (V_3) + \text{donor institution 4 } (V_4) \dots$, where:

L_{total} – the total limit of donor institutions determined for the transfer of vacancies to the recipient, based on the share of vacancies;

V_{total} – total vacancies of donor institutions identified for the transfer of vacancies to another government agency, based on the share of vacancies.

For calculations, information from at least three government agencies with the largest share of vacancies shall be used. If the specified number of government agencies is not available, the calculation shall be made based on the available government agencies that meet the requirements of these Rules.

19. 5-action. Determining the proportional share of each donor institution

The proportional share of each donor institution concerning the total number of the relevant donor institutions selected based on the share of vacancies shall be determined according to the following formula:

$PL_i = L_i / L_{total}$, where:

PL_i – proportional share of each donor institution;

L_i – the limit of the staffing level of the i-th donor institution;

L_{total} – the total limit of donor institutions determined for the transfer of vacancies to the recipient, based on the share of vacancies.

20. 6-action. Determining the proportional share of vacancies of each donor institution

The proportional share of vacancies of each donor institution concerning the total number of vacancies of donor institutions selected based on the share of vacancies is determined using the following formula:

$PV_i = V_i / V_{total}$, where:

PV_i – proportional share of vacancies of each donor institution;

V_i – number of vacancies at the i-th donor institution;

V_{total} – total vacancies of donor institutions identified for the transfer of vacancies to another government agency, based on the share of vacancies.

21. 7-action. Determining the proportionality coefficient

The proportionality coefficient, taking into account the staffing limit and the number of vacancies, shall be determined using the following formula:

$C_i = (PL_i + PV_i) / 2$, where:

C_i – proportionality coefficient;

PL_i – proportional share of the staffing limit of each donor institution;

PV_i – proportional share of vacancies of each donor institution.

22. 8-action. Determining the number of vacancies to be transferred

The number of vacancies transferred by each donor institution shall be determined using the following formula:

$V_{transfer\ i} = C_i * T$, where:

V_{transfer i} – the number of units redistributed from donor institutions;

C_i – proportionality coefficient;

T – the recipient's need to increase the limit of staff numbers (units).

Appendix
to the Rules for the Redistribution of
Vacant Staff Positions
between Government
Agencies and Their
Subordinate
Organizations

Draft conclusion of the Government of the Republic of Kazakhstan on the redistribution of vacancies between government agencies and their subordinate organizations

1.	Government agency	
2.	Requested staffing levels	
3.	Justification for the need to increase staffing levels	
4.	Amount of funds to be redistributed between government agencies/ additional needs of local executive bodies	
5.	Number of vacancies	
6.	Results of the functional analysis/ analysis of the activities of the subordinate organization	
7.	Position of the authorized body	
8.	Position of the authorized body for civil service affairs	
9.	Position of the authorized body for budget planning	
10.	Conclusion	