

On approval of the Rules and conditions for calculating the length of service in specialty for civil servants, employees of organizations maintained at the expense of the state budget in the field of culture, language development, archiving and documentation management, physical education and sports

Unofficial translation

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated December 22, 2016 No. 342. It is registered with the Ministry of Justice of the Republic of Kazakhstan on January 25, 2017 No. 14723.

Unofficial translation

Footnote. Heading is in the wording of the Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 20.12.2018 No. 362 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

In accordance with Subparagraph 3) of Paragraph 4 of the Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No. 1193 “On the system of remuneration of civil servants, employees of organizations maintained at the expense of the state budget, employees of state enterprises” I hereby **ORDER AS FOLLOWS:**

1. Approve the attached Rules and conditions for calculating the length of service in specialty for civil servants, employees of organizations maintained at the expense of the state budget in the field of culture, language development, archiving and documentation management, physical education and sports.

Footnote. Paragraph 1 is in the wording of the Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 20.12.2018 No. 362 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

2. Declare to be no longer in force Some Orders of the Minister of Tourism and Sports of the Republic of Kazakhstan and the Minister of Culture and Information of the Republic of Kazakhstan in accordance with the Appendix to this Order.

3. The personnel management service of the Ministry of Culture and Sports of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:

1) State Registration of this Order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of the State Registration of this Order, the direction copies of it in printed and electronic form in Kazakh and Russian to the Republican State Enterprise on the Right of Economic Use “Republican Legal Information Center” of the Ministry of Justice of the Republic of Kazakhstan for official publication and inclusion in Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) placement of this Order on the Internet resource of the Ministry of Culture and Sports of the Republic of Kazakhstan within ten calendar days after its official publication;

4) within ten working days after implementation of measures provided by this Paragraph, the submission of information to the Department of Legal Services of the Ministry of Culture and Sports of the Republic of Kazakhstan on implementation of activities.

3. The control over execution of this Order shall be assigned to the Executive Secretary of the Ministry of Culture and Sports of the Republic of Kazakhstan.

4. This Order shall be enforced upon expiry of ten calendar days after the day its first official publication.

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

A. Mukhamediuly

"AGREED"

The Minister of Healthcare
and Social Development
of the Republic of Kazakhstan

_____ T. Duissenova

December 26, 2016

Approved
by Order of the Minister of Culture and
Sports
of the Republic of Kazakhstan
dated December 22, 2016 No. 342

Rules

and conditions for calculating the length of service in specialty for civil servants, employees of organizations maintained at the expense of the state budget in the field of culture, language development, archiving and documentation management, physical education and sports

Footnote. Heading of the Rule is in the wording of the Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 20.12.2018 No. 362 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Chapter 1. General Provisions

1. These Rules and conditions for calculating the length of service in specialty for civil servants, employees of organizations maintained at the expense of the state budget in the field of culture, language development, archiving and documentation management, physical education and sports (hereinafter referred to as the Rules) determine the procedure and conditions for calculating the length of service in specialty for employees, civil servants of

organizations maintained at the expense of the state budget, in the field of culture, language development, archiving and documentation management, physical education and sports (hereinafter referred to as the employees).

Footnote. Paragraph 1 is in the wording of the Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 20.12.2018 No. 362 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

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

1) labor duties - obligations of the employee and the employer, stipulated by Regulatory Legal Acts of the Republic of Kazakhstan, the act of the employer, labor, collective agreements;

2) labour experience - the time in calendar terms spent by the employee on performance of labor duties, as well as other periods included in the labour experience in accordance with the Labor Code of the Republic of Kazakhstan dated November 23, 2015 (hereinafter referred to as the Code).

Chapter 2. The procedure and conditions for calculating the length of service in specialty for civil servants, employees of organizations maintained at the expense of the state budget in the field of culture, language development, archiving, physical education and sports

Footnote. Heading of Chapter 2 is in the wording of the Order of the acting Minister of Culture and Sports of the Republic of Kazakhstan dated 20.09.2017 No. 258 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

3. The work experience in specialty includes the time in calendar terms spent by the employee on performance of labor duties in the specialty, as well as other periods included in the work experience in accordance with the Code.

4. The work experience in an employee's specialty shall be calculated from the beginning of labor activity in specialty until a protocol shall be signed by the Commission on calculating work experience in a specialty created by an organization maintained at the expense of the state budget in the field of culture, language development, archiving and documentation management, physical culture and sports (hereinafter referred to as the state organization).

Footnote. Paragraph 4 is in the wording of the Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 20.12.2018 No. 362 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

5. The document confirming the labor activity of the employee may be any of the following:

1) employment book;

2) employment contract marked by the employer on the date and reason for its termination

;

3) extract from the acts of the employer confirming the emergence and termination of employment relationship on the basis of conclusion and termination of employment contract;

4) extract from the payroll statement for employees;

5) track record (a list of information about the work, labor activity of the employee), signed by the employer, certified by seal of organization (if any);

6) extract from the Unified Accumulative Pension Fund of transferred mandatory pension contributions;

7) information from the State Social Insurance Fund on social contributions made;

8) an archival certificate, containing information about the employee's labor activity.

6. The work experience in specialty and identity of the specialty shall be determined by the Commission on calculating the work experience in specialty, the composition of which shall be approved by the Head of the State Organization.

7. The Commission on calculating the length of service in specialty monthly determines the length of service in specialty of employees in accordance with these Rules and the Code.

Footnote. Paragraph 7 is amended in the Kazakh language, the text in Russian is not changed by the Order of the acting Minister of Culture and Sports of the Republic of Kazakhstan dated 20.09.2017 No. 258 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

8. The decision of the Commission on calculating the length of service in specialty shall be drawn up in a protocol that remains in the personnel service of the state organization. A copy of the protocol shall be transmitted by the personnel department to the accounting department of the state organization.

9. The work experience in specialty includes the time spent by the employee on fulfilling labor duties in the state organization in the relevant specialty indicated in the document on education, as well as the employee spent on:

1) performance of active military service, as well as performance by officers, warrant officers, midshipmen, military servicemen of extended service in the Armed Forces, internal, border troops, government and civil defense units of the Republic of Kazakhstan and the former Union of Soviet Socialist Republics, in the system of authorities of the National Security Committee of the Republic of Kazakhstan and the State Security Committee of the Union of Soviet Socialist Republics, in the State Security Service of the President of the Republic of Kazakhstan, the Republican Guard of the Republic of Kazakhstan and the National Guard of the Republic of Kazakhstan, except for persons dismissed from service for negative reasons;

2) study leave, leave without pay, as well as leave in connection with pregnancy and the birth of a child (children), adoption of a newborn child (children), caring for a child until reaching the age of three years;

3) training in educational institutions, educational organizations implementing educational programs for professional development and retraining of personnel, including foreign ones, off-the-job;

4) participation by a candidate in the elections for the President, for the deputies of the Parliament of the Republic of Kazakhstan, for deputies of maslikhat, the exercise of the powers of a deputy of the Parliament of the Republic of Kazakhstan, as well as a deputy of maslikhat working on a permanent basis;

5) work abroad of the Republic of Kazakhstan in the direction of the employer, if within two months from the date of return from abroad, not counting the time of move, returned to the place of previous work;

6) forced absenteeism upon unlawful dismissal and subsequent reinstatement at work;

7) performance of labor duties for scientific, pedagogical or scientific and pedagogical activities in educational organizations and (or) science in one of the following areas (depending on the subject of activity of the state organization): culture; protection and use of objects of historical and cultural heritage; language development; archiving and documentation, physical education and sports;

8) performance of labor duties in elected positions and (or) other positions of party, trade union and Komsomol Authorities of the Kazakh SSR and the Republic of Kazakhstan until January 1, 1992;

9) performance of labor duties in positions of identical specialties, regardless of the field of activity and the legal form of legal entity in which his labor activity took place;

10) state service in the same specialty.

Footnote. Paragraph 9 as amended by the Order of the acting Minister of Culture and Sports of the Republic of Kazakhstan dated 20.09.2017 No. 258 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Appendix
to the Order of the Minister of Culture and
Sports
of the Republic of Kazakhstan
dated December 22, 2016 No.342

**The list of expired some Orders of the Minister of Tourism and Sports of the Republic of Kazakhstan
and the Minister of Culture and Information of the Republic of Kazakhstan**

1. Order of the Minister of Tourism and Sports of the Republic of Kazakhstan dated March 15, 2010 No. 01-01-07/43 “On approval of the Rules for calculating the length of service in specialty of employees of physical education and sports organizations not public servants” (registered in the Register of State Registration of Regulatory Legal Acts No. 6172 published in the "Legal Newspaper" dated May 19, 2010 No. 70 (1866)).

2. Order of the Minister of Culture and Information of the Republic of Kazakhstan dated November 26, 2012 No. 194 “On approval of the Rules for calculating the length of service in specialty for employees of state cultural organizations, state archives, state organizations in the field of language development and mass media” (registered in the Register of State Registration of Regulatory Legal Acts No. 8238, published in the newspaper “Kazakhstanskaya Pravda” dated January 16, 2013 No. 14-15 (27288-27289)).

3. Order of the Minister of Culture and Information of the Republic of Kazakhstan dated March 15, 2013 No. 55 “On amendments to the Order of the Minister of Culture and Information of the Republic of Kazakhstan dated November 26, 2012 No. 194 “On approval of the Rules for calculating the length of service in specialty for employees of state cultural organizations, state archives, state organizations in the field of the language development and mass media” (registered in the Register of State Registration of Regulatory Legal Acts No. 8401, published in the newspaper “Kazakhstanskaya Pravda” from April 27, 2013 No. 116 (28055)).