

## FAQ

### A mandatory working off for master's and doctoral graduates

**Question: What regulatory legal acts provide for the obligation to work off for young specialists who have studied under the state education ordinance?**

**Answer:** In accordance with paragraph 17 of Article 47 of the Law of the Republic of Kazakhstan "On Education", mandatory three-year working off after the completion of higher and (or) postgraduate education is assigned to citizens who have studied on the basis of state education ordinance:

- **within the quota** for pedagogical, medical and veterinary specialties are obliged to work off in state educational organizations, state medical organizations and state veterinary organizations located in **rural areas**;
- **on an educational grant** for pedagogical and medical specialties are obliged to work off in **state educational organizations and state health care organizations**;
- **on an educational grant** for all other specialties are obliged to work off in **organizations, regardless of the form of ownership** (since 2017, young specialists);
- **PhDs** are obliged to work off in **higher and/or postgraduate education organizations or scientific organizations**.

**Question: How are the graduates assigned to work and who does it?**

**Answer: The Personal allocation commissions** are established annually for pedagogical and veterinary specialties in the respective higher education institutions of the Republic of Kazakhstan, where young specialists and PhDs complete their education, and for medical specialties, the Commission is established in the authorized body in the field of health care.

The **personal allocation** of young specialists and PhDs is carried out by Commissions on the basis of the employer's request.

The personal allocation of PhDs is made on the basis of the submitted documents and information provided by the authorized bodies, according to the requests of the higher education institutions and scientific organizations regarding the need for personnel.

This procedure is determined by the Rules of sending a specialist to work, granting the right to self-employment, exemption from the obligation or termination of the obligation to work off by citizens who studied on the basis of state education ordinance, approved by the RG of the RK on March 30, 2012 № 390.

**Question: Does a graduate who has completed education under the rural quota have a right to work off in the state educational/health care organization in the city?**

**Answer:** No, according to paragraph 17 of Article 47 of the Law "On Education" , if a young specialist has completed education under the rural quota for pedagogical and medical specialties, the young specialist is obliged to work off in state educational/health organizations located in rural areas.

**Question: What to do if there is no vacancy at the place where the graduate lives?**

**Answer:** According to the paragraph 17-1 of the RG of the RK dated March 30, 2012 №390, in case of absence of vacancies a young specialist / PhD should register as a job seeker directly in the employment center at the place of residence or through the web-portal of "e-government" or State Corporation "Government for Citizens", by taking into account the time of registration as an unemployed person in the period of working off and provide a document confirming the registration in the employment center of JSC "Financial Center" to the supervisory manager.

**Question: When should the graduate arrive at the place of work?**

**Answer:** Young specialists and PhDs who have completed their education this year will arrive at the place of work **no later than September 1st** (according to the decision of the Personal Allocation Commission).

**Question: What measures are taken in case of failure to comply with the obligation to work off?**

**Answer:** JSC "Financial Center" as an operator of the authorized body in the field of education provides monitoring and control over the compliance of graduates with their obligations on working off or reimbursement of budget funds in case of non-working.

In case of revealed infringements of working off, JSC "Finance Center" works with young specialists and PhDs: preparation of a written notification about mandatory working off, calls to young specialists on the contacts specified by them, search through social networks. And in case of failure to eliminate existing violations and / or refusal to work off, the operations on the reimbursement of budgetary funds to the state are carried out, including in a legal process.

**Question: Is there a respite for the graduate, and for how long?**

**Answer:** When entering or calling up for urgent military service, a young specialist is granted a **respite** (by decision of the Commission for Personal Allocation of young specialists and PhDs, an additional protocol is drawn up on the basis of a written application and a supporting document) and for the period of service, without taking into account the time of service during the period of working off.

**Question: In which cases, and which categories of graduates are exempt from working off?**

**Answer:** Exemption from the obligation to work off as provided by the Law is granted by decision of the Commission for Personal Allocation of young specialists or the Commission for Personal Allocation of PhDs (the Commission for Allocation i.e. the organization of higher and/or postgraduate education or the authorized body in the field of health care prepares an additional protocol, they must be confirmed by relevant documents) to the following categories:

- 1) if there are no vacancies in the locality where the spouse lives, works or serves;
- 2) for disabled persons of I and II groups;
- 3) in the case of entry for further studies at the Master's degree programme, Residence, Doctoral studies (*on a paid basis, under the state ordinance or when entering a foreign educational organization*);
- 4) for pregnant women and persons who are raising a child (children) under the age of 3 years on their own.

**Question: After graduation from the university, a young specialist who has studied on the basis of the state education ordinance for pedagogical and medical specialties was self-employed in a state organization not by specialty (for example: local administration, tax committee, PSC, etc), will this working off be counted?**

**Answer:** No, it is not possible to count the working off in the organizations mentioned above, namely, local administrations, tax committees, PSCs, etc. According to paragraph 17 of Article 47 of the Law of the Republic of Kazakhstan "On Education", citizens who entered on the basis of the state education ordinance for pedagogical, medical specialties, work off, respectively, in state educational organizations and state health care organizations, at least three years after graduation from higher and (or) postgraduate education. A young specialist should find a job in the state educational organization (school, kindergarten, preprimary school, college, university) and the state health care organization (hospitals, polyclinics).

**Question: After graduation, a young specialist who has partially worked in the state educational organization is dismissed due to marriage, does the obligation to work off stop?**

**Answer:** For the proper performance of the obligation to work off, provided by paragraph 17 of Article 47 of the Law of the Republic of Kazakhstan "On Education", the young specialist is obliged to work in the state organization of education for at least three years after completion of higher and / or postgraduate education, or to register as unemployed in the employment center at the place of residence. In case of non-fulfillment of the obligation to work off, a young specialist is obliged to refund the costs incurred from budgetary funds in connection with his/her training, to the republican budget.

**Question: The young specialist, after completion of education under the state education ordinance, in the same year entered the Master's degree program on a paid basis, does the obligation to work off stop for this reason?**

**Answer:** In this case, the young specialist should apply to the Commission for Personal Allocation, which is created in the relevant organizations of higher and (or) postgraduate education, where the young specialist studied, to get an exemption from working off provided by the Law of the RK. In accordance with paragraph 8 of the Rules for job placement of young specialists, approved by the RG of the Republic of Kazakhstan on March 30, 2012 № 390, the Commission is established annually. In turn, according to paragraphs 17-2 of Article 47 of the Law of the Republic of Kazakhstan "On education" there are rules for exempting from mandatory training: when entering for further study in the Master's degree program, residency, doctoral studies; pregnant women and persons who have, or are raising children under the age of 3, disabled persons of 1 and 2 groups and in the absence of vacancies in the locality where the spouse lives, works or serves.

**Question: The possibility to count working off by their specialty in organizations (from the quasi-governmental sector) with the state share (for example, an educational institution - a joint stock company, where 50-100% of shares are owned by the state, etc.).**

**Answer:** For proper performance of the obligation to work off on pedagogical and medical specialties, provided by the legislation of the RK, the young specialist is obliged to work off in the state educational organization and state health care organization. Also, the Law "On State Property" specifies that the state legal entity is the state institutions and state enterprises. It is not possible to count the working off in these organizations.

**Question: Are persons who have entered the Master's degree program in subsequent years after graduation exempt from working off?**

**Answer:** According to the part 2 of paragraph 17 of Article 47 of the Law of the Republic of Kazakhstan "On Education" (hereinafter - the Law), citizens of the Republic of Kazakhstan who entered the pedagogical, medical and veterinary specialties on the basis of the state education ordinance are obliged to work in state medical, veterinary and educational organizations for at least three years **after completion of higher and/or postgraduate education.**

Subparagraph (3) of paragraph 17-2 of Article 47 of the Law provides exemption from the obligation to work off for persons who have entered for further study in the Master's degree program, residency or doctoral studies.

In accordance with paragraph 1 of Article 6 of the Civil Code, the rules of civil law must be interpreted in accordance with the literal meaning of their verbal expression.

From the meaning of these norms of the Law, it follows that the Commission has a right to exempt young specialists and PhDs from working off **only in the case of admission to the Master's degree program, residency, doctoral studies in the year of completion of education, but not in subsequent years**, that is, when considering the issue of exemption from working off in a mandatory manner they must take into account the time factor, namely, the timely performance of obligations.

**Question: In case of partial working off (not full 3 years), is it possible to pay the amount of debt for the remaining period? Is it possible to pay the amount of debt in parts (in installments)?**

**Answer:** According to paragraph 17 of Article 47 of the Law of the Republic of Kazakhstan " On Education" (hereinafter - the Law) and paragraph 4 of the Rules for job placement of young specialists , approved by the resolution of the Government of the Republic of Kazakhstan dated March 30, 2012 № 390 (hereinafter - the Rules), the citizens who have entered for training on pedagogical and medical specialties on the basis of the state education ordinance, work off in the state educational and health care organizations not less than three years after the completion of higher and / or postgraduate education. In case of non-fulfillment of the obligation to work off, a young specialist is obliged to refund the costs incurred from budgetary funds in connection with his/her training, to the republican budget ( paragraphs 17-4 of Article 47 of the Law).

In accordance with Articles 272 and 273 of the Civil Code of the Republic of Kazakhstan (hereinafter - CC of the RK), the obligation must be properly fulfilled in accordance with the terms of the obligation, **unilateral refusal to fulfill the obligation and unilateral change of its terms are not allowed.**

In accordance with paragraph 1 of Article 349 of the Civil Code of the Republic of Kazakhstan, the breach of an obligation is understood as a failure to perform it, or improper performance.

According to the Law and Rules, there are no norms defining recalculation of the spent budgetary funds in case of partial working off or installments on reimbursement of budgetary funds, connected with training.

At the same time, the amount for education is formed annually by a resolution of the Government of the Republic of Kazakhstan by the average cost of education for 1 student per academic year.