# **Agreement № 1 on Amendments and Supplements in the Agreement on the Conciliation Commission dated December 27, 2021**

Almaty city « \_\_\_\_ \_»\_ \_\_\_\_\_\_\_ 2025

**Educational institution “Almaty Management University”,** hereinafter referred to as “Employer/University/ AlmaU ”, represented by:

* HR Managing Director Tarenova Zhanna Maratovna;
* Vice-Rector for Academic Development Aryn Asel Arynkyzy;
* Vice-Rector for Communications and Student Development Mardanov Didar Talapovich;
* Director of the Legal Department Tatyana Nikolaevna Kupyanskaya;
* Director of the Marketing Office of the Graduate School of Business Amerkhanova Balnur Kairzhanovny;
* Director of the Infrastructure Department Sarsembayeva Zaytuna Kamaleevna;
* Chief Lawyer of the Legal Department Tuyakbaeva Aigerim Samatovna,

acting on the basis of Power of Attorney № 77 dated October 30, 2024, on the one hand,

and **representatives of the University Employees**, hereinafter referred to as “Employees”, represented by:

* Vice-Rector for Science Buldybaev Timur Kerimbekovich ;
* Director of the Office of the Rector and President Nuranova Bakhytzhan Shabanbaevna;
* Dean of the School of Management Kazybaev Aiman Melisovna;
* Dean of the School of Transformative Humanities Aubakir Nurken Abayuly;
* Associate professor of the School of Media and Cinema Khan Irina Guryevna;
* Head of the Department of Doctoral Studies Isakhova Parida Bakirovna ;
* Professor of Practice School of Politics and Law Saari Danial Borisovich,

on the other hand, and individually - the "Party", have entered into this Agreement on the following:

1. The Parties have agreed to set out the Agreement on the Conciliation Commission as follows:

## **1. GENERAL PROVISIONS**

1.1. This Agreement defines the competence, procedure for the formation and work of the conciliation commission for individual labor disputes, created jointly between the Employer and the collective of employees to resolve individual labor disputes between the Employee and the Employer.

1.2. The procedure for the formation, competence of the conciliation commission and the procedure for making decisions are determined by this Agreement.

1.3. The decision of the conciliation commission is binding on the parties to the labor dispute.

## **2. ORGANIZATION OF THE ACTIVITIES OF THE CONCILIATION COMMISSION**

2.1. The Conciliation Commission (hereinafter referred to as the Commission) is created on a parity basis from an equal number of representatives of the Employees and the Employer at a general meeting of the work collective, consisting of 14 ( fourteen ) people. The term of office is established by agreement of the parties, but cannot exceed three years.

2.2. Representatives of the parties to the Commission are elected by the general meeting of AlmaU . Any employees, regardless of the position they hold or the work they perform, may be elected as members of the Commission.

2.3. The members of the Commission shall elect from among their number a chairman, his deputy and secretary by voting. The chairman, deputy chairman and secretary of the Commission shall be considered elected if more than half of the members of the Commission voted for them.

2.4. The conciliation commission is headed by a chairman, elected by the members of the commission from among the representatives of the employer and the representatives of the employees on a rotation basis at least once every two years.

2.5. Technical support of the labor dispute commission (office work, storage of files, preparation and issuance of extracts from meeting minutes, etc.) is carried out by the employer. The head of the organization, by his order, appoints an employee who is assigned work on technical support of the commission.

2.6. The office work of the conciliation commission is conducted separately from the general office work in a special section of the nomenclature of cases.

2.7. Members of the conciliation commission are required to undergo annual training in the application of the labor legislation of the Republic of Kazakhstan, the development of negotiation skills and the achievement of consensus in labor disputes.

## **3. ISSUES CONSIDERED BY THE CONCILIATION COMMISSION**

3.1. The Conciliation Commission is a mandatory pre-trial primary body for the consideration of individual labor disputes arising at the University between the Employee and the Employer.

3.2. The conciliation commission considers employee disputes related to the application of labor legislation, agreements and other local legal acts, labor contracts, including on:

3.2.1. remuneration;

3.2.2. transfer to another job and relocation to another workplace;

3.2.3. remuneration, including when combining positions, temporarily replacing an absent employee, holding a second job, for overtime work, at night, on weekends and holidays;

3.2.4. the right to receive and the amount of remuneration due to the employee, as provided for by the current remuneration system;

3.2.5. payment of compensation and provision of guarantees;

3.2.6. return of monetary amounts withheld from the employee’s salary;

3.2.7. granting of vacations;

3.2.8. issuance of special clothing, special footwear, personal protective equipment, and therapeutic and prophylactic nutrition.

3.2.9. payment of wages for the period of forced absence from work or the difference in earnings for the period of performing lower-paid work in connection with an illegal transfer;

3.2.10. collection of wages, including allowances provided for by the wage system;

3.2.11. application of disciplinary sanctions;

3.2.12. incorrect or inaccurate entries in the work record book regarding information on the conclusion or amendment of an employment contract, if these entries do not correspond to the order (instruction) or other documents provided for by law.

3.2.13. reinstatement at work, change of date and wording of the reason for dismissal;

3.2.14. compensation for material damage caused; 

3.2.15. compliance with the working hours and rest time regime;

## **4. APPLICATION FILING PROCESS. TERM AND PROCEDURE FOR CONSIDERING AN INDIVIDUAL LABOR DISPUTE**

4.1. In the event of a labor dispute, before contacting the conciliation commission for clarification of violated rights, the employee has the right to contact the immediate supervisor, an employee of the HR Department or HR Managing Director; to the Commission on Corporate Ethics; to the Ombudsman.

4.2. An application received by the conciliation commission is subject to mandatory registration by the said commission on the day of submission.

4.3. Employees may apply to the conciliation commission for labor disputes:

4.3.1. for disputes regarding reinstatement at work - one month from the date of delivery or sending by registered mail with acknowledgment of receipt of a copy of the employer's act on termination of the employment contract to the conciliation commission;

4.3.2. for other labor disputes - one year from the day when the employee, including one previously in an employment relationship, or the employer learned or should have learned of the violation of his or her rights.

4.4. The period for filing an appeal for consideration of individual labor disputes shall be suspended during the period of validity of the mediation agreement for the labor dispute under consideration, as well as in the event of the absence of a conciliation commission until its creation.

4.5. In the event of missing the established deadline for filing an appeal for valid reasons, the conciliation commission for labor disputes may restore the deadline for filing an appeal with the conciliation commission and resolve the dispute on the merits.

4.6. The conciliation commission independently determines whether the reasons why an employee, including one who was previously in an employment relationship, did not apply to the conciliation commission within the established time frame are considered valid.

4.7. All disputes must be considered by the Conciliation Commission in the presence of the applicant and (or) his authorized representative within the limits of the powers delegated to him in accordance with the regulatory legal acts of the Republic of Kazakhstan. It is allowed to consider the dispute without the participation of the applicant if there is his written consent.

4.8. The applicant has the right, before the decision of the conciliation commission is made, to withdraw a previously submitted application by notifying the secretary of the commission in writing of the withdrawal of the application.

4.9. If the employee fails to appear at the commission meeting, consideration of his application is postponed until the next meeting. If the employee fails to appear again without good reason, the commission may decide to remove this application from consideration, which does not deprive the employee of the right to re-submit the application.

4.10. The conciliation commission is obliged to consider the dispute within fifteen working days from the date of registration of the application and issue copies of the decision to the parties to the dispute within three working days from the date of its adoption.

4.11. In the event of failure to implement the decision of the conciliation commission within the time period established by it or failure to resolve the issues, the employee or the person who was previously in an employment relationship, or the employer has the right to go to court.

4.12. The conciliation commission for labor disputes has the right to summon witnesses to the meeting, assign technical and accounting checks to individuals, demand that the administration submit documents and calculations, send inquiries and use the advice of state and higher trade union bodies and experts .

4.13. At the beginning of the meeting of the Conciliation Commission, the applicant has the right to make a reasoned challenge to any member of the commission participating in the meeting. In this case, other members of the commission from the reserve composition are included in the commission. The challenge is valid only for meetings of the commission to consider the application of this employee.

4.1 4. The meeting and decision of the conciliation commission shall be valid if, during the consideration of an individual labor dispute, **an equal number** of members of the conciliation commission from the representatives of the employer and the representatives of the employees were present at the meeting. Each member of the conciliation commission shall have one vote when voting.

4.15. The decision must be reasoned, set out in writing and signed by the chairman and secretary of the conciliation commission.

4.16 The decisions of the commission on monetary claims must indicate the exact amount due to the employee.

4.17. The decision of the conciliation commission shall be sent to the Employer and the applicant within three working days.

4.18. Minutes must be kept at each meeting of the Conciliation Commission. The minutes must be signed after the end of the meeting by the chairman and secretary.

4.19. The inspection materials, written explanations, conclusions, correspondence and other documents received by the commission during the consideration of the dispute are attached to the protocol.

4.20. The Commission shall not consider disputes, the resolution of which by law is referred to the competence of the court only (recovery of moral damages, etc.). In the event that an employee has applied to the Commission with an application for consideration of a dispute not subject to its jurisdiction, the Commission has the right to consider this application and issue an explanation on the disputed issue, which will be of a recommendatory nature.

**6. PROCEDURE FOR EXECUTING DECISIONS OF THE CONCILIATION COMMISSION**

6.1. The decision of the conciliation commission is subject to execution within the period established by it, which may not exceed one month, with the exception of a dispute over reinstatement at work.

6.2. The amounts payable by the employer in accordance with the decision of the conciliation commission shall be paid to the applicant no later than the deadline established for the payment of wages in the month following the decision of the conciliation commission.

6.3. In the event of failure to implement the decision of the conciliation commission within the time period established by it or failure to resolve the issues, the employee or the person who was previously in an employment relationship, or the employer has the right to appeal to the court.

6.4. An employee reinstated in his previous job shall be paid wages for the entire period of forced absence or the difference in wages for the period of performing lower-paid work in the event of an illegal transfer to another job, but for no more than six months.

6.5. The decision of the conciliation commission for consideration of an individual labor dispute on reinstatement of the employee to his previous job shall be subject to immediate execution. If the employer delays the execution of the decision on reinstatement, the conciliation commission or the court shall make a decision on payment of wages or the difference in wages to the employee for the period of delay in execution of the decision.

## **7. GUARANTEES FOR THE WORK OF MEMBERS OF THE LABOR DISPUTES COMMISSION**

7.1. Members of the conciliation commission shall be released from performing their work duties during the consideration of the individual labor dispute, with retention of wages.

7.2. The conclusion (extension) of employment contracts with members of the labor dispute commission is permitted for a period not less than the term of their powers.

2. This Agreement is drawn up in the state and Russian languages.

3. This Agreement is an integral part of the Agreement on the Conciliation Commission and shall enter into force from the moment of signing and shall remain in effect until the termination of the Agreement on the Conciliation Commission.

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| **Employer’s Representatives** | **Employees’ Representatives** |
| HR Managing Director Tarenova J.M. | Vice-Rector for Science Buldybaev T.K.  |
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