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Laws and Regulations

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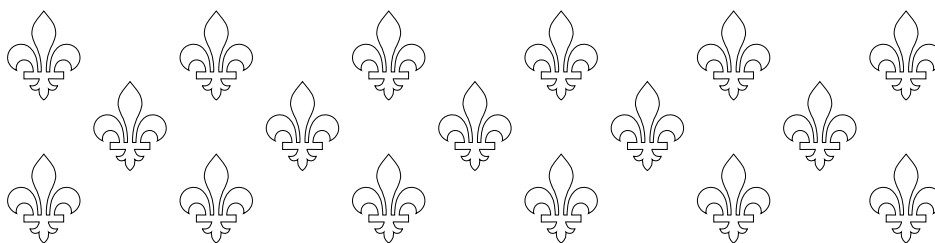
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 95
(2005, chapter 20)

**An Act to amend various legislative
provisions of a confessional nature
in the education field**

**Introduced 4 May 2005
Passage in principle 2 June 2005
Passage 15 June 2005
Assented to 17 June 2005**

**Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Education Act in order to strike out all provisions of a confessional nature as of 1 July 2008 and to adapt the mission of the Religious Affairs Committee accordingly .

The bill also amends the Education Act and the Education Act for Cree, Inuit and Naskapi Native Persons in order to re-enact, until 1 July 2008, the clauses that override the Canadian Charter of Rights and Freedoms and to strike out the override clauses as of that date from the Charter of human rights and freedoms.

As well, the bill makes consequential amendments to the Act respecting private education.

Lastly, the bill amends the Charter of human rights and freedoms as regards the right of parents to give their children a religious and moral education.

LEGISLATION AMENDED BY THIS BILL:

- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14).

Bill 95

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS OF A CONFESSIONAL NATURE IN THE EDUCATION FIELD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

- 1.** Sections 5, 20 and 21 of the Education Act (R.S.Q., chapter I-13.3) are repealed.
- 2.** Section 222.1 of the Act is amended by striking out the fourth and fifth paragraphs.
- 3.** Sections 225 and 241 of the Act are repealed.
- 4.** Section 461 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Minister shall seek the opinion of the Religious Affairs Committee on the religious aspects of a program of studies in ethics and religious culture established by the Minister.”
- 5.** Section 477.18.2 of the Act is amended by replacing “two from the field of theology, one from the field of philosophy and one” in subparagraph 3 of the first paragraph by “one from the field of philosophy and three”.
- 6.** Section 477.18.3 of the Act is amended
 - (1) by replacing the third paragraph by the following paragraph:

“The committee shall also give its opinion on the religious aspects of the programs of studies in ethics and religious culture established by the Minister.”;
 - (2) by replacing the fourth paragraph by the following paragraph:

“When called upon to give its opinion, the committee shall consult interested persons or bodies.”
- 7.** Chapters IX and X of the Act, comprising sections 493 to 540, are repealed.
- 8.** Section 726 of the Act is repealed.

9. Section 727 of the Act is again enacted and therefore reads as follows:

“**727.** The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

10. Section 720 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is repealed.

11. Section 721 of the Act is again enacted and therefore reads as follows:

“**721.** The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

ACT RESPECTING PRIVATE EDUCATION

12. Section 32 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by striking out “, except moral and religious instruction of a religious affiliation other than Catholic or Protestant,” in the first paragraph;

(2) by striking out the fourth paragraph.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

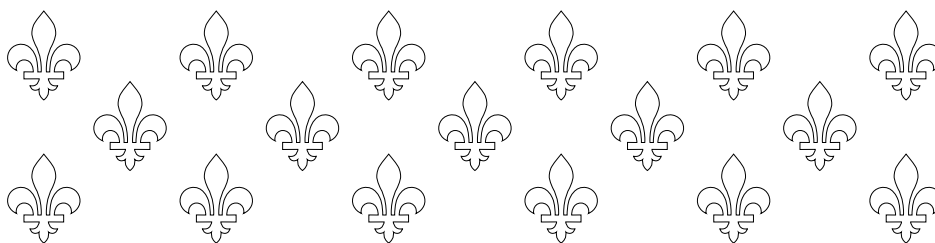
13. Section 41 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is replaced by the following section:

“**41.** Parents or the persons acting in their stead have a right to give their children a religious and moral education in keeping with their convictions and with proper regard for their children’s rights and interests.”

TRANSITIONAL AND FINAL PROVISIONS

14. Despite section 2, a school authorized by the Minister before 1 July 2005 to replace the Catholic or Protestant moral and religious programs established by the Minister for students in the first cycle of the secondary level by a local program of studies in ecumenism or ethics and religious culture may continue to offer the program to its students until 30 June 2008.

- 15.** With the authorization of the Minister and on the conditions the Minister determines, a school board may allow a school to replace the Catholic or Protestant moral and religious programs to test out a program of studies in ethics and religious culture established by the Minister. In such a case, a student attending that school may not exercise the right of choice provided for in section 5 of the Education Act (R.S.Q., chapter I-13.3) and must follow the program of studies in ethics and religious culture.
- 16.** Section 14, which grants rights and privileges to a religious confession, applies notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).
- 17.** Section 14, which grants rights and privileges to a religious confession, shall operate notwithstanding paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).
- 18.** Despite section 5, the members of the Religious Affairs Committee in office on 30 June 2008 remain in office until the end of their term.
- 19.** Sections 9, 11 and 15 to 17 cease to have effect on 1 July 2008.
- 20.** This Act comes into force on 1 July 2005, except sections 1, 3 to 6, 8, 10 and 12, which come into force on 1 July 2008.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 101
(2005, chapter 24)

**An Act respecting the Ministère de
l'Immigration et des Communautés
culturelles**

**Introduced 4 May 2005
Passage in principle 2 June 2005
Passage 10 June 2005
Assented to 17 June 2005**

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill creates the Ministère de l'Immigration et des Communautés culturelles. To that end, the bill defines the mission of the new department as including the functions pertaining to immigration and intercultural relations formerly exercised by the Minister of Relations with the Citizens and Immigration.

The bill therefore repeals the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and reassigns the functions concerning relations with the citizens to other ministers.

The bill also contains amending and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Travel Agents Act (R.S.Q., chapter A-10);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Health Insurance Act (R.S.Q., chapter A-29);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Public Curator Act (R.S.Q., chapter C-81);
- Executive Power Act (R.S.Q., chapter E-18);

- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Act respecting the Ministère de la Famille et de l'Enfance (R.S.Q., chapter M-17.2);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., chapter M-25.01).

Bill 101

AN ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

- 1.** The Ministère de l'Immigration et des Communautés culturelles is under the direction of the Minister of Immigration and Cultural Communities appointed under the Executive Power Act (R.S.Q., chapter E-18).
- 2.** The Minister is responsible for immigration and cultural communities.
- 3.** The Minister is to develop policies and guidelines on immigration and immigrant integration as well as intercultural relations, and propose them to the Government.

The Minister is to coordinate the implementation of those policies and guidelines.

In addition, the Minister is to be responsible for fostering concerted action and partnership in the areas under the Minister's responsibility.

- 4.** Regarding immigration, the main functions of the Minister are

(1) to define objectives with respect to the number of eligible foreign nationals over a given period, according to the needs and capacity of Québec society and in keeping with the principles of family reunification and international solidarity;

(2) to inform, recruit and select immigrants and facilitate their settling in Québec;

(3) to see to the selection of foreign nationals wishing to settle in Québec temporarily;

(4) to take the measures necessary to enable persons settling in Québec to learn the French language on arrival or even before leaving their country of origin, and to foster the use of the French language by immigrants; and

(5) to facilitate the linguistic, social and economic integration of immigrants into Québec society.

5. Regarding cultural communities, the main functions of the Minister are

(1) to support cultural communities in order to facilitate their full participation in Québec society;

(2) to foster openness to pluralism;

(3) to foster closer intercultural relations among the people of Québec.

6. The Minister is to advise the Government and government departments and bodies on any matter under the Minister's authority and may, if necessary, make recommendations.

7. In the exercise of ministerial responsibilities, the Minister may, in particular,

(1) enter into agreements with any person, association, partnership or body;

(2) subject to the applicable legislative provisions, enter into agreements with a government other than the Gouvernement du Québec, with a department or body of that government, or with an international organization or one of its agencies;

(3) conduct or commission research, inventories, studies and analyses and publish them;

(4) take the necessary measures, in collaboration with the departments concerned, to facilitate the recognition in Québec of training and experience acquired outside Québec and the awarding of equivalences;

(5) obtain from departments and public bodies the information necessary to establish and implement the Minister's policies and guidelines.

8. The Minister is also responsible for the administration of the Acts assigned to the Minister, and assumes any other responsibility the Government assigns to the Minister.

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

9. The Government appoints a Deputy Minister of Immigration and Cultural Communities, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

10. Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister also exercises any other function assigned to the Deputy Minister by the Government or the Minister.

11. The Deputy Minister has the authority of the Minister in the functions of office.

12. The Deputy Minister may, in writing and to the extent specified, delegate deputy-ministerial functions under this Act to a public servant or employee.

In the instrument of delegation, the Deputy Minister may authorize the subdelegation of specified functions, and, in such a case, identify the public servant or employee to whom the functions may be subdelegated.

13. The personnel of the department is composed of the public servants the Minister requires for the exercise of the functions of office; the public servants are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants of the department to the extent that they are not determined by law or by the Government.

14. The signature of the Minister or the Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or an employee and, in the last two cases, only to the extent determined by the Government.

15. The Government may allow a signature to be affixed using an automatic device or electronic process, subject to the conditions it determines.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed, subject to the conditions it determines. Except in the cases prescribed by the Government, the facsimile must be authenticated by the countersignature of a person authorized by the Minister.

16. A document or copy of a document emanating from the department or forming part of its records is authentic, if signed or certified true by a person referred to in the second paragraph of section 14.

17. An intelligible transcription of a decision or other data stored by the department on a computer or on another electronic medium is a document of the department and is proof of its contents if certified true by a person referred to in the second paragraph of section 14.

18. The Minister must table the annual management report of the department in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

AMENDING PROVISIONS

19. Section 174 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is replaced by the following section:

“**174.** The minister designated by the Government is responsible for the administration of this Act.”

20. Section 42 of the Travel Agents Act (R.S.Q., chapter A-10) is replaced by the following section:

“**42.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

21. Section 82 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is replaced by the following section:

“**82.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

22. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 62 of chapter 11 of the statutes of 2004, is again amended by replacing “des Relations avec les citoyens et de l’Immigration” in the eighth and ninth lines of the sixth paragraph by “de l’Immigration et des Communautés culturelles”.

23. Section 65.2 of the Act is amended by replacing “des Relations avec les citoyens et de l’Immigration” in the fourth line of the first paragraph by “de l’Immigration et des Communautés culturelles”.

24. Section 138 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by striking out “, except sections 57 to 96, subparagraph 2 of the first paragraph of section 97 and section 99, the application of which is entrusted to the Minister of Relations with the Citizens and Immigration” at the end.

25. Sections 15 and 28 of the Act to promote good citizenship (R.S.Q., chapter C-20) are amended by replacing “of Relations with the Citizens and Immigration” by “of Justice”.

26. Section 2 of the Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is amended by replacing “19 members” by “18 members”.

27. Section 3 of the Act is amended

(1) by striking out “the Deputy Minister of Relations with the Citizens and Immigration,” in the second line of the second paragraph;

(2) by replacing “associate deputy minister at the Ministère de l’Emploi et de la Solidarité sociale having responsibility for the status of women” in the fourth and fifth lines of the second paragraph by “Deputy Minister of Families, Seniors and the Status of Women”.

28. Section 23 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “Families, Seniors and the Status of Women”.

29. Sections 4 and 8 of the Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) are amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

30. Section 13 of the Act is replaced by the following section:

“**13.** The Conseil is responsible for advising the Minister on any matter related to intercultural relations or immigrant integration, particularly with regard to closer intercultural relations and openness to pluralism.”

31. Section 22 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

32. Section 33 of the Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is replaced by the following section:

“**33.** The minister designated by the Government is responsible for the administration of this Act.”

33. Sections 3, 17.1, 46, 55, 67 and 67.0.1 of the Public Curator Act (R.S.Q., chapter C-81) are amended by replacing “Minister of Relations with the Citizens and Immigration” by “minister responsible for the administration of this Act”.

34. Section 77 of the Act is amended by replacing “Minister of Relations with the Citizens and Immigration” by “minister designated by the Government”.

35. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 147 of chapter 29 of the statutes of 2003, is again amended by replacing subparagraph 32 of the first paragraph by the following subparagraph:

“(32) A Minister of Immigration and Cultural Communities;”.

36. Section 6.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1), enacted by section 6 of chapter 31 of the statutes of 2004, is amended by striking out “the Deputy Minister of Relations with the Citizens and Immigration,”.

37. Section 63 of the Act, replaced by section 42 of chapter 31 of the statutes of 2004, is amended by striking out “, the Ministère des Relations avec les citoyens et de l’Immigration” in the fourth line of the second paragraph.

38. Section 3.1 of the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by replacing “of Relations with the Citizens and Immigration” in the first paragraph by “of Immigration and Cultural Communities”.

39. Section 12.4.3 of the Act, enacted by section 12 of chapter 18 of the statutes of 2004, is amended by inserting “, “Ministère de l’Immigration et des Communautés culturelles”” after ““Immigration-Québec”” in the first and second paragraphs.

40. Section 40 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

41. The Act respecting the Ministère de la Famille et de l’Enfance (R.S.Q., chapter M-17.2) is amended by inserting the following section after section 4:

“**4.1.** The Minister shall also assume the following responsibilities:

(1) promoting solidarity between generations, taking into account the needs of families, the young and the elderly;

(2) ensuring that the Government and government departments and bodies take into account the needs of families, the young and the elderly;

(3) ensuring that persons who are not able to fully exercise their rights are protected.”

42. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting the following paragraph after paragraph f:

“(f.1) is responsible for the register of civil status and appoints a public servant as registrar of civil status;”.

43. The Act is amended by inserting the following after section 32.22:

“DIVISION III.3**“CIVIL STATUS FUND**

“32.23. The civil status fund is governed by this division; the purpose of the fund is to finance the property and services furnished under the authority of the Minister in connection with the registration of acts of civil status.

The Government determines the assets and liabilities of the fund. It also determines the nature of the goods and services the fund finances and the nature of the costs chargeable to it.

“32.24. The fund is made up of the following sums, without the interest they generate:

- (1) the sums collected for the property and services financed by the fund;
- (2) the sums paid by the Minister out of the appropriations granted for that purpose by Parliament;
- (3) the sums paid under section 32.27 or the first paragraph of section 32.28.

“32.25. The sums required for the remuneration and expenses pertaining to employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act, to activities related to the fund are paid out of the fund.

“32.26. The management of the sums paid into the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions the Minister determines.

The Minister of Justice keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.

“32.27. As manager of the fund, the Minister of Justice may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

“32.28. With the authorization of the Government and subject to the conditions it determines, the Minister of Finance may advance to the civil status fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister determines, any part of the sums paid into the civil status fund that is not required for its operation.

An advance paid to the civil status fund or the consolidated revenue fund is repayable out of the fund that received it.

“32.29. All surpluses accumulated by the civil status fund are paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“32.30. In the event of a deficiency in the consolidated revenue fund and despite any provision to the contrary, the Minister of Finance must draw from the civil status fund the sums required for the execution of a judgment against the State that has become *res judicata*.

“32.31. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the civil status fund, with the necessary modifications.

“32.32. The fiscal year of the fund ends on 31 March.”

44. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by replacing “Minister of Relations with the Citizens and Immigration under the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (chapter M-25.01)” in paragraph *k* by “Minister of Immigration and Cultural Communities under the Act respecting the Ministère de l’Immigration et des Communautés culturelles (2005, chapter 24)”.

45. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 153 of chapter 29 of the statutes of 2003, is again amended by replacing paragraph 32 by the following paragraph:

“(32) The Ministère de l’Immigration et des Communautés culturelles, presided over by the Minister of Immigration and Cultural Communities.”

46. Section 156 of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following section:

“156. The Minister of Justice is responsible for the administration of sections 23 to 27, 47, 73 to 131, 134 to 136, 154 and 155. The Minister of Health and Social Services is responsible for the administration of the other sections of this Act.”

47. Section 98 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is replaced by the following section:

“98. The minister designated by the Government is responsible for the administration of this Act.”

48. Section 1 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing subparagraph *i* by the following subparagraph:

“(i) “Minister” means the Minister of Justice;”.

49. Section 67 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**67.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

50. Section 98 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by replacing “Ministère des Relations avec les Citoyens et de l’Immigration” in the fourth and fifth lines of the second paragraph by “Ministère de l’Immigration et des Communautés culturelles”.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

51. Unless the context indicates otherwise and depending on the subject matter, in any other Act or document,

(1) a reference to the Minister or the Deputy Minister of Relations with the citizens and Immigration or to the Ministère des Relations avec les citoyens et de l’Immigration is a reference to the Minister, the Deputy Minister or the department responsible for that subject matter; and

(2) a reference to the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration or to a provision of that Act is a reference to the Act respecting the Ministère de l’Immigration et des Communautés culturelles, the Act respecting the Ministère de la Justice or the Act respecting the Ministère de la Famille et de l’Enfance, or to the corresponding provision of those Acts.

52. The Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (R.S.Q., chapter M-25.01) is repealed.

53. This Act comes into force on 17 June 2005.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 105
(2005, chapter 27)

An Act to amend the Code of Penal Procedure and the Courts of Justice Act

Introduced 3 May 2005
Passage in principle 1 June 2005
Passage 16 June 2005
Assented to 17 June 2005

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EXPLANATORY NOTES

This bill proposes to amend the Code of Penal Procedure and the Courts of Justice Act to introduce a new scheme for the trial of penal proceedings adjudicated by default under article 188 of the Code of Penal Procedure. In addition, it provides that those matters may be dealt with by administrative justices of the peace acting at the Court of Québec or in municipal courts.

This special scheme introduces a presumption that a defendant who fails to respond in time to a duly served statement of offence has waived a hearing. The scheme does not totally replace the existing scheme, but applies for certain classes of offences that are not punishable by imprisonment, namely, offences under the Highway Safety Code and municipal traffic and parking by-laws.

The bill provides that a statement of offence issued under the new scheme must contain a warning to the defendant setting out the consequences of a failure to act. It also proposes rules relating to the service of such a statement. In order to convict a defendant, the decision-maker will simply verify a limited number of criteria. However, the decision-maker is empowered to correct minor errors in writing or calculation or any other clerical error, as long as the correction is not unfavourable to the defendant. The decisions may be reviewed by a judge in cases giving rise to revocation of judgment or to appeal.

The bill also amends the Courts of Justice Act to establish the concurrent jurisdictions of the judicial districts of Longueuil and Iberville with respect to the territory of the cities or towns of Chambly, Carignan, La Prairie and Saint-Rémi, of the judicial districts of Terrebonne and Joliette with respect to the territory of Ville de Terrebonne and of the judicial districts of Terrebonne and Labelle with respect to the territory of Ville de Mont-Tremblant.

LEGISLATION AMENDED BY THIS BILL:

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 105

AN ACT TO AMEND THE CODE OF PENAL PROCEDURE AND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 24 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by inserting “or the second paragraph of article 218.3” at the end of the second paragraph.

2. Article 69 of the Code is amended by inserting “or cancellation” after “judicial stay” in the second line of the first paragraph.

3. Article 71 of the Code is amended by adding the following paragraph at the end:

“(9) the person who, in the context of proceedings under Division II of Chapter VI, issued a certificate attesting that the defendant did not enter a plea of guilty or not guilty within the time prescribed in article 160 and did not pay the whole or any part of the fine and costs requested.”

4. Article 146 of the Code is amended by adding the following paragraph at the end:

“In addition to the particulars set out in the first paragraph, in the case of an offence coming under Division II of Chapter VI and witnessed personally by a peace officer or a person entrusted with the enforcement of an Act, the statement of offence must include a warning to the defendant. The warning shall indicate that if the defendant fails to enter a plea or to pay the whole or any part of the fine and costs requested, within 30 days of service of the statement, the defendant will be deemed not to contest the proceedings and may be convicted of the alleged offence in absence and without having an opportunity to be heard.”

5. Article 147 of the Code is amended by inserting the following at the beginning of the third paragraph: “Subject to the specific provisions in Division II of Chapter VI,”.

6. Article 148 of the Code is amended by inserting the following paragraph after the first paragraph:

“However, in the case referred to in the second paragraph of article 146, the sentence imposed must be the minimum fine prescribed by law.”

7. The Code is amended by inserting the following article after article 157.1:

“157.2. A statement of offence that includes the warning referred to in the second paragraph of article 146 shall be served personally on the defendant at the time of the commission of the offence, except as provided in articles 158 and 158.1.”

8. Article 158 of the Code is amended by adding the following paragraph at the end:

“The prosecutor shall promptly send notice of the service to the defendant. The sending of the notice does not operate to vary any time limit fixed by this Code.”

9. Article 163 of the Code is amended by adding the following paragraph at the end:

“However, in the case of an offence coming under Division II of Chapter VI that was witnessed personally by a peace officer or a person entrusted with the enforcement of an Act, a defendant who does not enter a plea and does not send the whole or any part of the fine and costs requested is deemed not to contest the proceedings.”

10. The Code is amended by inserting the following article after article 168:

“168.1. No preliminary application may be made by either party in the case of an offence coming under Division II of Chapter VI.”

11. Chapter VI of the Code is amended by inserting the following between the chapter heading and article 187:

“DIVISION I

“GENERAL PROVISIONS”.

12. The Code is amended by inserting the following at the end of Chapter VI:

“DIVISION II

“PROVISIONS SPECIFIC TO THE TRIAL OF PROCEEDINGS DEEMED UNCONTESTED BY THE DEFENDANT

“218.2. This division applies to proceedings by default relating to offences under the Highway Safety Code (chapter C-24.2) or a traffic or parking by-law adopted by a municipality, where

(1) the offence was witnessed personally by a peace officer or a person entrusted with the enforcement of an Act and, if some of the facts constituting the offence were witnessed by the peace officer who issued the statement of offence and some were witnessed by another peace officer, that fact was noted on the statement by the peace officer who issued it;

(2) the statement of offence was served personally on the defendant at the time of the commission of the offence, except as provided in articles 158 and 158.1;

(3) the defendant was 18 years of age or over at the time the offence was committed; and

(4) pursuant to the second paragraph of article 163, the defendant is deemed not to contest the proceedings.

“218.3. The proceedings shall be tried by a judge of the judicial district where they were instituted.

They may also be tried by a judge of the judicial district where the plea and, if applicable, the fine and costs were to be sent.

“218.4. The judge shall try the case and render judgment by default, in the absence of the defendant and the prosecutor, based on the documents filed in the record.

The record is made up of the statement of offence and the related attestation of service, and, in the cases referred to in articles 158 and 158.1, an attestation of the sending of the notice to the defendant.

The record must also contain a certificate of the clerk or of a person authorized for that purpose by the prosecutor attesting that the defendant has not entered a plea of guilty or not guilty within the time prescribed in article 160 and has not paid the whole or any part of the fine and costs requested.

“218.5. The judge shall examine the statement of offence and the related attestation of service, as well as any attestation of the sending of a notice, if applicable.

The judge shall make sure that a certificate attesting that the defendant has not entered a plea of guilty or not guilty within the time prescribed in article 160 and has not paid the whole or any part of the fine and costs requested has been filed in the record. If the defendant is a natural person, the judge shall also make sure that the record contains an indication that the defendant is not a minor.

In addition, the judge shall make sure that, on the face of the record, the statement of offence has been correctly filled out and

(1) that the date and place the offence was committed are indicated in the statement;

(2) that the offence was witnessed by a peace officer or a person entrusted with the enforcement of an Act;

(3) that the peace officer who issued the statement of offence notes in the statement, if applicable, that some of the facts constituting the offence were witnessed by that peace officer and some were witnessed by another peace officer;

(4) that the statement identifies the defendant and the person who issued the statement; and

(5) that it contains the required signatures.

“218.6. The judge may amend a statement of offence of the judge’s own motion to correct an error in writing or calculation or any other clerical error. However, no correction unfavourable to the defendant may be made.

Under the judge’s power to make corrections, the judge may reduce the fine requested on the statement of offence to the minimum fine prescribed by law.

“218.7. Division I does not apply to proceedings tried under this division.”

13. Article 222 of the Code is amended by adding the following paragraph at the end:

“If the judge who rendered the judgment does not have jurisdiction to make the orders referred to in this article, the orders may be made by any other judge who does have the required jurisdiction.”

14. The Code is amended by inserting the following after article 228:

“DIVISION I.1

“PROVISIONS SPECIFIC TO JUDGMENTS RELATING TO PROCEEDINGS DEEMED UNCONTESTED BY THE DEFENDANT

“228.1. After trying a case deemed uncontested by the defendant, the judge shall render a judgment convicting the defendant of the alleged offence, unless the judge considers that the statement of offence is clearly inaccurate or affected by an irregularity other than that referred to in article 218.6, in which case the judge shall cancel the proceedings. The prosecutor may serve another statement of offence on the defendant provided that prescription has not been acquired.

If the defendant is convicted, the judge shall impose the fine prescribed by law and the costs determined by regulation.

“228.2. As soon as possible after the conviction, the clerk shall notify the defendant by mail.

“228.3. Division I, except for articles 222 and 225 to 227, does not apply to judgments rendered under this division.”

15. Article 244 of the Code is amended

(1) by inserting “or does not have jurisdiction to make the rectification” after “is not available” in the second line of the second paragraph;

(2) by inserting “or the second paragraph of article 218.3” after “article 187” in the fifth line of the second paragraph.

16. Article 250 of the Code is amended

(1) by inserting “or does not have jurisdiction to hear an application for revocation” after “is not available” in the third line of the first paragraph;

(2) by inserting “or the second paragraph of article 218.3” after “article 187” in the second line of the second paragraph.

17. Article 257 of the Code is amended

(1) by inserting “or does not have jurisdiction to hear an application for revocation” after “is not available” in the fourth line of the first paragraph;

(2) by inserting “or the second paragraph of article 218.3” after “article 187” in the second line of the second paragraph.

18. Article 262 of the Code is amended

(1) by inserting “or does not have jurisdiction to hear an application for the reduction of costs” after “is not available” in the second line of the first paragraph;

(2) by inserting “or the second paragraph of article 218.3” after “article 187” in the second line of the second paragraph.

19. Article 270 of the Code is amended by inserting “or the second paragraph of article 218.3” after “article 187” in the second line of the second paragraph.

20. Article 294 of the Code is amended by inserting “or the second paragraph of article 218.3” after “article 187” in the fourth line.

21. Article 316 of the Code is amended

(1) by inserting “or does not have jurisdiction to exercise the powers conferred on a judge by this chapter” after “is not available” in the second line of the first paragraph;

(2) by inserting “or the second paragraph of article 218.3” after “article 187” in the second line of the second paragraph.

22. Schedule I to the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by inserting “Longueuil and Iberville” after “Longueuil and Beauharnois” in the column listing the judicial districts and “Over the territory of the cities or towns of Chambly, Carignan, La Prairie and Saint-Rémi.” in the column listing the territories over which concurrent jurisdiction is exercised;

(2) by inserting “Terrebonne and Joliette” after “Saint-Maurice and Québec” in the column listing the judicial districts and “Over the territory of Ville de Terrebonne.” in the column listing the territories over which concurrent jurisdiction is exercised; and

(3) by adding “Terrebonne and Labelle” at the end of the column listing the judicial districts and “Over the territory of Ville de Mont-Tremblant.” in the column listing the territories over which concurrent jurisdiction is exercised.

23. Schedule IV to the Act, enacted by section 20 of chapter 12 of the statutes of 2004, is amended

(1) by striking out the text following the twelfth dash under Class 2 in paragraph 1;

(2) by adding the following at the end of paragraph 1:

“— trying proceedings by default under Division II of Chapter VI of the Code of Penal Procedure and rendering judgment under Division I.1 of Chapter VII of that Code, and, in that connection,

- exercising the powers conferred on a judge by that division;
- in the cases described in subparagraph 1 of the first paragraph of article 243 of the Code of Penal Procedure, rectifying a judgment after rendering it, provided that the correction is not unfavourable to the defendant.

However, when exercising the functions and powers conferred by Division II of Chapter VI or by Division I.1 of Chapter VII of the Code of Penal Procedure, an administrative justice of the peace may not

- make an order to regularize an irregular service (article 29 of the Code of Penal Procedure);
- make an order for the disposition of things seized (article 222 of the Code of Penal Procedure);
- grant or dismiss an application for revocation of judgment (articles 250 and 257 of the Code of Penal Procedure);
- make an order concerning the reduction of costs (article 262 of the Code of Penal Procedure).”;

(3) by striking out the text following the eleventh dash under Class 2 in paragraph 2;

(4) by adding the following after the text following the last dash under Class 2 in paragraph 2:

“— trying proceedings by default under Division II of Chapter VI of the Code of Penal Procedure and rendering judgment under Division I.1 of Chapter VII of that Code, and, in that connection,

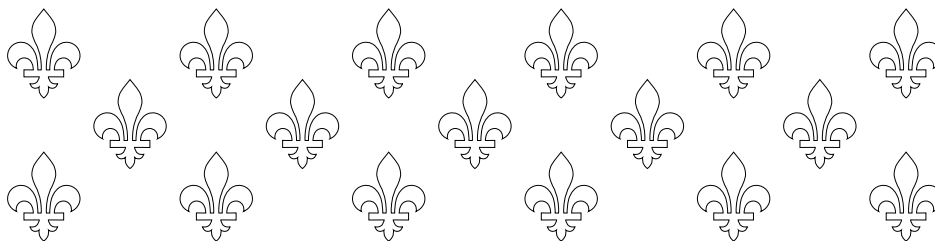
- exercising the powers conferred on a judge by that division;
- in the cases described in subparagraph 1 of the first paragraph of article 243 of the Code of Penal Procedure, rectifying a judgment after rendering it, provided that the correction is not unfavourable to the defendant.

However, when exercising the functions and powers conferred by Division II of Chapter VI or by Division I.1 of Chapter VII of the Code of Penal Procedure, an administrative justice of the peace may not

- make an order to regularize an irregular service (article 29 of the Code of Penal Procedure);
- make an order for the disposition of things seized (article 222 of the Code of Penal Procedure);
- grant or dismiss an application for revocation of judgment (articles 250 and 257 of the Code of Penal Procedure);
- make an order concerning the reduction of costs (article 262 of the Code of Penal Procedure).”

24. Despite section 11 of the Regulations Act (R.S.Q., chapter R-18.1), the first regulations made by the Government to prescribe the form of the statements of offence and the offence reports that will be required for the purposes of this Act may be made on the expiry of 15 days after the date of their publication in the *Gazette officielle du Québec*.

25. The provisions of this Act come into force on the date or dates to be set by the Government, except section 22, which comes into force on 17 June 2005.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 106
(2005, chapter 16)

An Act to amend the Education Act and the Act respecting private education

Introduced 10 May 2005
Passage in principle 2 June 2005
Passage 15 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

EXPLANATORY NOTES

This bill amends the Education Act to confer on the governing board of a school or of a vocational training centre, as regards the students referred to in section 1 of that Act, the power, on one hand, to establish the principles for determining the cost of documents that are not free under the Act and, on the other hand, to approve a list of pencils, paper and other objects of the same nature made available to students free of charge under this Act. It also provides that a school board must adopt a policy on certain financial contributions after consulting with the parents' committee.

The bill also amends the Education Act with respect to teaching licences. It provides, in particular, that applicants for a teaching licence and teaching licence holders must provide a declaration concerning their judicial record, which the bill empowers the Minister of Education, Recreation and Sports to verify or have verified. Changes are made to the Minister's powers to issue, renew, suspend, revoke or attach conditions to a teaching licence on the basis of the relevance of the applicant's or licence holder's judicial record to the practice of the teaching profession.

The bill amends the Education Act and the Act respecting private education mainly to set out the duties and powers of school boards and certain private educational institutions in order to ensure that persons working with minor students or regularly in contact with minor students in a school board or institution do not have a judicial record relevant to their functions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting administrative justice (R.S.Q., chapter J-3).

Bill 106

AN ACT TO AMEND THE EDUCATION ACT AND THE ACT RESPECTING PRIVATE EDUCATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting the following sections after the heading of Division III of Chapter II:

“22.1. The Minister may verify a declaration concerning a judicial record required under this division, or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

“22.2. For the purposes of this division, the information concerning a judicial record provided for in its provisions may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.”

2. The Act is amended by striking out the heading of subdivision 1 of Division III of Chapter II and section 24.

3. The Act is amended by replacing the heading of subdivision 2 of Division III of Chapter II by the following:

“§1. — Conditions relating to an application for a teaching licence

“25.1. An applicant for a teaching licence must satisfy the requirements that the Minister prescribes by regulation and send the Minister an application and a declaration concerning the applicant’s judicial record. That declaration must mention

(1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) any court order subsisting against the applicant in Canada or elsewhere.

The declaration form established by the Minister must mention that the Minister may verify the declaration or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

“25.2. If a teaching licence has been revoked because of a conviction which, in the Minister’s opinion, is relevant to the practice of the teaching profession, or because of a serious fault committed in the exercise of the teacher’s functions or an act derogatory to the honour or dignity of the teaching profession, the person who held the teaching licence may not submit a new application to the Minister for a decision unless

(1) the person has obtained a pardon for the criminal or penal offence that was the reason for the revocation; or

(2) two years have passed since the date of the revocation and the person’s behaviour has been above reproach during that time.

“§2. — *Declarations of a person holding a teaching licence*

“25.3. If the Minister has reasonable grounds to believe that a person holding a teaching licence has a judicial record, the person may be required to send the Minister a declaration concerning the person’s judicial record. That declaration must mention

(1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) any court order subsisting against the person in Canada or elsewhere.

The declaration form established by the Minister must mention that the Minister may verify the declaration or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

“25.4. Within 10 days of being notified of a change in the judicial record referred to in section 25.3, a person holding a teaching licence must inform the Minister of the change, regardless of whether the person has already filed a declaration concerning the person’s judicial record.

“§3. — *Serious fault or derogatory act committed by a person holding a teaching licence*”.

4. Section 26 of the Act is amended by inserting the following paragraph after the first paragraph:

“An information stating that a teacher has had a conviction is not considered a complaint for the purposes of this subdivision.”

5. Sections 34 to 34.3 of the Act are replaced by the following:

“§4. — *Decisions of Minister regarding teaching licences*

“**34.** The Minister shall issue or renew a teaching licence if the applicant respects the required conditions.

“**34.1.** The Minister may not issue a teaching licence if the applicant has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister’s opinion, is relevant to the practice of the teaching profession, unless a pardon has been obtained for that offence.

“**34.2.** If a charge for a criminal or penal offence is still pending in Canada or elsewhere against the applicant for the issue of a teaching licence, or if the applicant is under a court order in Canada or elsewhere, the Minister shall defer the examination of the application if of the opinion that the offence or order is relevant to the practice of the teaching profession.

“**34.3.** The Minister may refuse to renew a teaching licence, or may suspend or revoke it or attach conditions to it if the licence holder

(1) has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister’s opinion, is relevant to the practice of the teaching profession, unless a pardon has been obtained for that offence;

(2) fails to provide a declaration concerning his judicial record or makes false statements on such a declaration;

(3) fails to inform the Minister of a change in his judicial record; or

(4) admits to having committed a serious fault in the exercise of his functions, or an act derogatory to the honour or dignity of the teaching profession, or, in the opinion of the inquiry committee, has committed such a fault or act.

In addition, the Minister may revoke a teaching licence if the licence holder has failed to respect the conditions attached to it by the Minister.

“**34.4.** If a charge is still pending against a person holding a teaching licence for a criminal or penal offence committed in Canada or elsewhere which, in the Minister’s opinion, is relevant to the practice of the teaching profession, the Minister shall submit the case to the inquiry committee so that it may establish whether, in its opinion, the teacher has committed a serious fault in the exercise of the teacher’s functions, or an act derogatory to the honour or dignity of the teaching profession. Sections 29 to 33 apply in such a case, with the necessary modifications.

The same applies if the person holding a teaching licence is under a court order in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession.

“34.5. If the Minister considers it expedient, a committee of experts may be established to advise the Minister on how to assess the relevance of a judicial record to the practice of the teaching profession.

The committee is made up of persons appointed by the Minister who have expertise, experience and a marked interest in the protection of minors.

“34.6. Before making a decision referred to in section 34.1, 34.2 or 34.3, the Minister must notify the applicant or the licence holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the applicant or licence holder at least 10 clear days, or, in the case of a revocation for non-compliance with the conditions attached to a teaching licence, at least 30 days, to submit observations.

The Minister must also notify the applicant or the licence holder in writing of the decision, giving the reasons for it, and inform the applicant or licence holder of the right to contest the decision before the Administrative Tribunal of Québec, and of the applicable time limit.

“34.7. A decision of the Minister referred to in section 34.1, 34.2 or 34.3 may be contested before the Administrative Tribunal of Québec within 60 days of notification of the decision.

A proceeding brought before the Tribunal suspends the execution of the Minister's decision, unless the Tribunal, on a motion heard and decided by preference, orders otherwise owing to the serious risk to the quality of educational services or the safety of the students.

“34.8. If applicable, the Minister shall give the school board that employs the person holding the teaching licence and the person who filed the complaint that gave rise to the decision a written notice of the decision not to renew the licence, to suspend or revoke it or to attach conditions to it, and include the reasons for the decision.”

6. The Act is amended by inserting the following section after section 77:

“77.1. Based on the principal's proposal, the governing board shall establish the principles for determining the cost of the documents mentioned in the second paragraph of section 7. Those principles are taken into account when the choice of textbooks and instructional materials must be approved under subparagraph 3 of the first paragraph of section 96.15.

The governing board shall also approve, on the principal's proposal, a list of the objects mentioned in the third paragraph of section 7.

The principles are established and the list is approved, taking into consideration the school board's policy adopted under section 212.1 and the other financial contributions that may be claimed for services referred to in sections 256 and 292."

7. The Act is amended by inserting the following section after section 110.3.1:

"110.3.2. Section 77.1 applies to the governing board of a vocational training centre as regards the students referred to in section 1, with the necessary modifications."

8. Section 193 of the Act is amended by inserting the following paragraph after paragraph 3:

"(3.1) the financial contributions policy adopted under section 212.1;"

9. The Act is amended by inserting the following section after section 212:

"212.1. After consulting with the parents' committee, the school board shall adopt a policy on the financial contributions that may be made for the documents and objects mentioned in the second and third paragraphs of section 7, or that may be claimed for services referred to in sections 256 and 292.

This policy must respect the powers of the governing board and promote accessibility to the educational services provided for in this Act and prescribed by the basic regulations established by the Government."

10. The Act is amended by inserting the following sections after the heading of subdivision 6 of Division VI of Chapter V:

"258.1. For the purposes of this subdivision, "judicial record" means

(1) a conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) a charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) a court order subsisting against a person in Canada or elsewhere.

"258.2. For the purposes of this subdivision, the information concerning a judicial record provided for in its provisions may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.

The school board must ensure that that information is accessible only to the persons who are qualified to receive it by reason of their responsibilities, and

that those persons undertake in writing with the school board to comply with the limitations set out in the first paragraph.

“258.3. The Minister and the Minister of Public Security shall make a framework agreement for establishing the procedures to be followed by Québec police forces when verifying judicial records for school boards.

“258.4. The Minister shall prepare a judicial record verification guide for school boards and see that it is distributed.”

11. The Act is amended by inserting the following sections after section 261:

“261.0.1. Before hiring persons who would be required to work with minor students or be regularly in contact with them, the school board must ensure that they have no judicial record relevant to the functions that could be assigned to them within that school board.

To that end, those persons must send a declaration concerning their judicial record to the school board. The school board must verify the declaration or have it verified.

“261.0.2. At the request of the school board, persons who work with minor students and persons who are regularly in contact with minor students in the school board must send it a declaration concerning their judicial record so that the school board may ensure that they have no judicial record relevant to their functions within that school board.

To that end, the school board may act on the strength of that declaration, or it may verify the declaration or have it verified.

“261.0.3. If the school board has reasonable grounds to believe that a person who works with minor students in the school board or is regularly in contact with them has a judicial record, it must require the person to send it a declaration concerning the person’s judicial record. The person must comply with the request within 10 days.

The school board must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person’s functions within the school board.

“261.0.4. Within 10 days of being notified of a change in their judicial record, persons who work with minor students and persons who are regularly in contact with minor students in the school board must inform the school board of that change, regardless of whether they have already filed a declaration concerning their judicial record.

The school board must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person’s functions within the school board.

“261.0.5. When a school board verifies a declaration concerning a judicial record under this subdivision, or has it verified, it may have the declaration verified, in particular, by a Québec police force and communicate or receive any information for the purposes of the verification.

“261.0.6. The form established by the school board for declarations concerning a judicial record under this subdivision must state that the school board may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification.

The declaration form must also state that the school board will inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school board.

“261.0.7. The school board must inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school board.”

12. The Act respecting private education (R.S.Q., chapter E-9.1) is amended by inserting the following section after section 50:

“50.1. If applicable, the Minister shall give the institution that employs the person holding the teaching licence and the person who filed the complaint that gave rise to the decision a written notice of the decision not to renew the licence, to suspend or revoke it or to attach conditions to it, and include the reasons for the decision.”

13. The Act is amended by inserting the following subdivision after section 54:

“§1. — Special provisions for institutions dispensing preschool education services, elementary school instructional services and secondary school instructional services

“54.1. For the purposes of this subdivision,

(1) “judicial record” means

(a) a conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(b) a charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(c) a court order subsisting against a person in Canada or elsewhere; and

(2) “institution” means a private educational institution dispensing all or some preschool education services, elementary school instructional services or secondary school instructional services in general or vocational education, including educational services for adults.

“54.2. For the purposes of this subdivision, the information concerning a judicial record provided for in its provisions may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.

The institution must ensure that that information is accessible only to the persons who are qualified to receive it by reason of their responsibilities, and that those persons undertake in writing with the institution to comply with the limitations set out in the first paragraph.

“54.3. The Minister and the Minister of Public Security shall make a framework agreement for establishing the procedures to be followed by Québec police forces when verifying judicial records for institutions.

“54.4. The Minister shall prepare a judicial record verification guide for institutions and see that it is distributed.

“54.5. Before hiring persons who would be required to work with minor students or be regularly in contact with them, the institution must ensure that they have no judicial record relevant to the functions that could be assigned to them within that institution.

To that end, those persons must send a declaration concerning their judicial record to the institution. The institution must verify the declaration or have it verified.

“54.6. At the request of the institution, persons who work with minor students and persons who are regularly in contact with minor students in the institution must send it a declaration concerning their judicial record so that the institution may ensure that they have no judicial record relevant to their functions within that institution.

To that end, the institution may act on the strength of that declaration, or verify the declaration or have it verified.

“54.7. If the institution has reasonable grounds to believe that a person who works with minor students in the institution or is regularly in contact with them has a judicial record, it must require the person to send it a declaration concerning the person’s judicial record. The person must comply with the request within 10 days.

The institution must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the functions of that person within the institution.

“54.8. Within 10 days of being notified of a change in their judicial record, persons who work with minor students and persons who are regularly in contact with minor students in the institution must inform the institution of that change, regardless of whether they have already filed a declaration concerning that record.

The institution must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person’s functions within the institution.

“54.9. When an institution verifies a declaration concerning a judicial record under this subdivision, or has it verified, it may have the declaration verified, in particular, by a Québec police force and communicate or receive any information for the purposes of the verification.

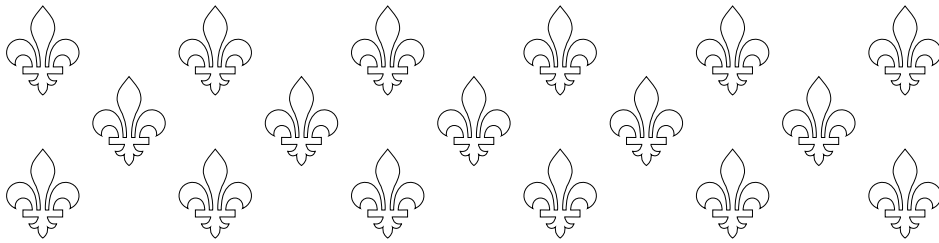
“54.10. The form established by the institution for declarations concerning a judicial record under this subdivision must state that the institution may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification.

The declaration form must also state that the institution will inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the institution.

“54.11. The institution must inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the institution.”

14. Section 3 of Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “34.3” in paragraph 5.1 by “34.7”.

15. The provisions of this Act come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 115
(2005, chapter 30)

An Act to amend the Act respecting the Cree Regional Authority

Introduced 3 June 2005
Passage in principle 13 June 2005
Passage 14 June 2005
Assented to 17 June 2005

**Québec Official Publisher
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EXPLANATORY NOTES

This bill lengthens the term of office of the chairman and the vice-chairman of the Cree Regional Authority from three to four years and establishes a second-ballot system to elect these Council members.

Bill 115

AN ACT TO AMEND THE ACT RESPECTING THE CREE REGIONAL AUTHORITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 23 of the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) is amended by replacing the second paragraph by the following paragraph:

“The term of office of the chairman and the vice-chairman is four years. The term of office of the representatives of the Cree villages is three years and that of the mayors of the Cree villages coincides with their term as mayor.”

2. Section 26 of the Act is replaced by the following section:

“26. The chairman and the vice-chairman are elected by an absolute majority vote. If no candidate wins an absolute majority in the first ballot, a second ballot is held within the next 30 days, at the time determined by the returning officer, between the two candidates who, from among those who did not withdraw their candidacy, won the most votes in the first ballot.”

3. This Act comes into force on 17 June 2005.

Regulations and other acts

Gouvernement du Québec

O.C. 685-2005, 29 June 2005

Animal Health Protection Act
(R.S.Q., c. P-42)

Correction to the English text of the Regulation respecting the registration of beekeepers

WHEREAS, by Order in Council 450-2005 dated 11 May 2005, the Government made the Regulation respecting the registration of beekeepers;

WHEREAS an error slipped into the English text of section 7 of the Regulation;

WHEREAS it is expedient to correct that error to ensure consistency between the French and English texts of that regulatory provision;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT section 7 of the English text of the Regulation respecting the registration of beekeepers, made by Order in Council 450-2005 dated 11 May 2005, be amended by replacing “on 1 April 2005” by “on the fifteenth day following its publication in the *Gazette officielle du Québec*”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6960

Gouvernement du Québec

O.C. 695-2005, 29 June 2005

Pay Equity Act
(R.S.Q., c. E-12.001)

Corrections to the English text of the Regulation respecting pay equity in enterprises where there are no predominantly male job classes, approved on 6 April 2005

WHEREAS, by Order in Council 315-2005 dated 6 April 2005, the Government approved the Regulation respecting

pay equity in enterprises where there are no predominantly male job classes;

WHEREAS a few errors slipped into the English text of the Regulation;

WHEREAS it is expedient to correct the errors to ensure consistency between the French and English texts of the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the English text of the Regulation respecting pay equity in enterprises where there are no predominantly male job classes, approved by Order in Council 315-2005 dated 6 April 2005, be amended:

— by replacing “and during the time there is no such committee in place” in section 1 by “, for as long as there are no predominantly male job classes”;

— by replacing “the employer must” in section 5 after “and 3,” by “the pay equity committee, or the employer in the absence of a pay equity committee, must”;

— by replacing “foreman/woman” wherever it appears by “foreman”;

— by replacing “rate of pay” and “rates of pay” wherever they appear by “rate of remuneration” and “rates of remuneration”;

— by replacing “manager” in the Descriptive summary in Schedule I by “management officer”;

— by replacing “handyman/woman” in the Similar job titles in Schedule II by “handyman”;

— by adding “and other tasks” at the end of paragraph 4 in Schedule II;

— by replacing “Qualifications, job conditions and job demands” in Schedules I and II by “Job qualifications, efforts and conditions”;

— by replacing “on the basis of the conditions under which the work would be performed, the qualifications that would be required to hold such a position in the enterprise, and the demands of the job” in the last para-

graph of Schedules I and II by “having regard to the conditions under which the work would be performed, the qualifications and the efforts that would be required to hold such a job in the enterprise”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6962

Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The CITY OF SHERBROOKE, a legal person established in the public interest, having its head office at 191, rue du Palais, Sherbrooke, province de Québec, represented by the mayor, Mr Jean Perrault, and the clerk, Mtre Isabelle Sauvé, under resolution number C.M. 2004-2211-00, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. C.M. 2004-2211-00, passed at its meeting of December 6th 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6th 2005 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 6th 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of December 6th 2004, resolution No. C.M. 2004-2211-00 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

3. ELECTION

3.1 For the purposes of the general election of November 6th 2005 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

80.1. The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors’ identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emer-

gency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

6.5 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

“§1.1 *Verification of electronic ballot box*

173.1. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.

173.2. During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations :

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box ;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates ;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked ;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office ;

(d) a sufficient and pre-determined number of blank ballot papers ;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results ;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it ; the returning officer and the representatives who wish to do so shall note the number entered on the seal ;

(5) he shall place the tabulator in the travel case and place a seal on it ; the returning officer and the representatives who wish to do so shall note the number entered on the seal ;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further

test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

“**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

175.2. The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”.

6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

“**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors who were given a ballot paper card;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the

electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

207.1. In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

POLLING PROCEDURE

6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in

the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

6.22 Voting

The following is substituted for section 222 of the Act :

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

6.23 Following the vote

The following is substituted for section 223 of the Act :

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

6.24 Automatic acceptance

The Act is amended by inserting the following after section 223 :

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipi-

ent, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

6.25 Cancelled ballots

The following is substituted for section 224 of the Act :

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

6.26 Visually impaired person

Section 227 of the Act is amended :

(1) by substituting the following for the second and third paragraphs :

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

- (2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of

each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.33 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”

Section 240 of the Act is revoked.

6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

6.37 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

6.38 New counting of the votes

The following is substituted for section 250 of the Act :

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

6.40 Access to ballot papers

The following is substituted for section 261 of the Act :

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may

not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31st 2013.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6th 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);

- the conduct of the advance poll and the poll;

- the cost of using the electronic voting system:

- the cost of adapting election procedures;

- non-recurrent costs likely to be amortized;

- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 6th 2005 using traditional methods;

- the number and duration of incidents during which voting was stopped, if any;

- the advantages and disadvantages of using the new method of voting;

- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

- the examination of rejected ballot papers, if it has been completed.

11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 6th 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES

In Sherbrooke, on this 13th day of the month of December of the year 2004

THE CITY OF SHERBROOKE

By: _____
JEAN PERREAULT, *Mayor*

ISABELLE SAUVÉ, *Clerk*

In Québec, on this 11th day of the month of January of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 14th day of the month of February of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

“SPÉCIMEN”

Mayor Office

Marie BONENFANT ●**Jean-Charles BUREAU** ●
Appartenance politique**Pierre-A. LARRIVÉE** ●City Councillor
District 1**Luc GAUTHIER** ●**Carl LUSSIER** ●**Hélène ROCHETTE** ●
Appartenance politique**Sylvain SAINT-PIERRE** ●

[Empty rectangular box for initials]

**Initials of the deputy
returning officer**

[Empty rectangular box for polling subdivision]

Polling subdivision

Printer name
Address
City
Postal code

M.O., 2005**Order No. 2005-004 of the Minister of Transport dated 27 June 2005**

Highway Safety Code
(R.S.Q., c. C-24.2)

CONCERNING the approval of weigh scales

CONSIDERING section 467 of the Highway Safety Code (R.S.Q., c. C-24.2) under which the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner he determines;

1. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.
HAENNI	WL-101	27282
HAENNI	WL-101	27283
HAENNI	WL-101	27284
HAENNI	WL-101	27285
HAENNI	WL-101	27286
HAENNI	WL-101	27287
HAENNI	WL-101	27288
HAENNI	WL-101	27289
HAENNI	WL-101	27290
HAENNI	WL-101	27291
HAENNI	WL-101	27292
HAENNI	WL-101	27293
HAENNI	WL-101	27294
HAENNI	WL-101	27295
HAENNI	WL-101	27296
HAENNI	WL-101	27297
HAENNI	WL-101	27298
HAENNI	WL-101	27299
HAENNI	WL-101	27300
HAENNI	WL-101	27301
HAENNI	WL-101	27302
HAENNI	WL-101	27303
HAENNI	WL-101	27304
HAENNI	WL-101	27305
HAENNI	WL-101	27306
HAENNI	WL-101	27307
HAENNI	WL-101	27308
HAENNI	WL-101	27309
HAENNI	WL-101	27310
HAENNI	WL-101	27311
HAENNI	WL-101	27312
HAENNI	WL-101	27313
HAENNI	WL-101	27314
HAENNI	WL-101	27315

Make	Model	Serial No.
HAENNI	WL-101	27316
HAENNI	WL-101	27317
HAENNI	WL-101	27318
HAENNI	WL-101	27319
HAENNI	WL-101	27320
HAENNI	WL-101	27321

2. Schedule IV of the Minister of Transport's Order dated May 22, 1990, replaced by the Order published on August 28, 2002 in the *Gazette officielle du Québec* amended by the Order published on March 23 2005 is further amended by striking out the following:

Make	Model	Serial No.
HAENNI	WL-205	31
HAENNI	WL-205	614
HAENNI	WL-205	677
HAENNI	WL-205	678
HAENNI	WL-205	679
HAENNI	WL-205	680
HAENNI	WL-205	681
HAENNI	WL-205	682
HAENNI	WL-205	683
HAENNI	WL-205	684
HAENNI	WL-205	685
HAENNI	WL-205	686
HAENNI	WL-205	687
HAENNI	WL-205	688
HAENNI	WL-205	689
HAENNI	WL-205	690
HAENNI	WL-205	691
HAENNI	WL-205	692
HAENNI	WL-205	700
HAENNI	WL-205	702
HAENNI	WL-205	703
HAENNI	WL-205	706
HAENNI	WL-205	708
HAENNI	WL-205	709
HAENNI	WL-205	710
HAENNI	WL-205	711
HAENNI	WL-205	712
HAENNI	WL-205	713
HAENNI	WL-205	714
HAENNI	WL-205	715
HAENNI	WL-205	716
HAENNI	WL-205	1548
HAENNI	WL-205	1552
HAENNI	WL-205	1553
HAENNI	WL-205	1554
HAENNI	WL-205	1558
HAENNI	WL-205	1559
HAENNI	WL-205	1561
HAENNI	WL-205	1562

Make	Model	Serial No.	Make	Model	Serial No.
HAENNI	WL-205	1563	HAENNI	WL-101	27312
HAENNI	WL-205	1564	HAENNI	WL-101	27313
HAENNI	WL-205	1565	HAENNI	WL-101	27314
HAENNI	WL-205	1566	HAENNI	WL-101	27315
HAENNI	WL-205	1568	HAENNI	WL-101	27316
HAENNI	WL-205	1570	HAENNI	WL-101	27317
HAENNI	WL-205	1576	HAENNI	WL-101	27318
HAENNI	WL-205	1577	HAENNI	WL-101	27319
			HAENNI	WL-101	27320
			HAENNI	WL-101	27321

3. Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996, May 8, 1996, January 22, 1997, February 26, 1997, June 4, 1997, February 18, 1998, December 30, 1998, February 17, 1999, February 7, 2001, January 23, 2002, August, 28, 2002, November 13, 2002, September 3, 2003, April 7, 2004 and March 23, 2005 in the *Gazette officielle du Québec*, and by the other, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 25884 of the following:

Make	Model	Serial No.
HAENNI	WL-101	27282
HAENNI	WL-101	27283
HAENNI	WL-101	27284
HAENNI	WL-101	27285
HAENNI	WL-101	27286
HAENNI	WL-101	27287
HAENNI	WL-101	27288
HAENNI	WL-101	27289
HAENNI	WL-101	27290
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HAENNI	WL-101	27301
HAENNI	WL-101	27302
HAENNI	WL-101	27303
HAENNI	WL-101	27304
HAENNI	WL-101	27305
HAENNI	WL-101	27306
HAENNI	WL-101	27307
HAENNI	WL-101	27308
HAENNI	WL-101	27309
HAENNI	WL-101	27310
HAENNI	WL-101	27311

4. This Order takes effect on the date of its signature.

Québec, 27 June 2005

MICHEL DESPRÉS,
*Minister of Transport and Minister responsible
for the Capitale-Nationale region*

6955

Draft Regulations

Draft Regulation

An Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3)

Regulation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to modify the rules for computing the interest that applies under the Act respecting the Pension Plan of Elected Municipal Officers to the reimbursement of contributions. The proposed rate of interest is to be fixed by computing the geometric mean of the rates of return, determined by the Caisse de dépôt et placement du Québec, for the three-year period ending on 31 December of the year preceding the reference year. The first rate of interest is to be applicable retroactively from 1 August 2004 and, thereafter, as of 1 June of each year.

The draft Regulation also proposes to modify, in connection with the establishment of the terms and conditions for computing a redemption referred to in section 63.0.3 or 63.0.8 of the Act respecting the Pension Plan of Elected Municipal Officers, the rate of interest specifically applicable to the redemption cost paid by instalments. That amendment is to have effect from the first day of the month following the date of coming into force of the draft Regulation.

The draft Regulation will have no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Acting Director, Direction de l'actuariat, du développement et de la planification stratégique, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 7^e étage, Québec (Québec) G1R 5X3; telephone: (418) 644-1477; fax: (418) 644-5353.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
Minister of Municipal Affairs and Regions

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers *

An Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3, s. 75, 1st par., subpars. 1 and 6 and 2nd par.)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers is amended by replacing section 1 by the following:

“**1.** For the purposes of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), the annual rate of interest is determined by computing the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule I. The first rate of interest determined applies from 1 August 2004 and, thereafter, as of 1 June of each year.

The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec on 31 December of each year for the specific fund of the Pension Plan of Elected Municipal Officers, after deduction of the management expenses.”

* The Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers, made by Order in Council 1742-89 dated 15 November 1989 (1989, *G.O.* 2, 4153), was last amended by the regulation made by Order in Council 577-2004 dated 30 June 2004 (2004, *G.O.* 2, 2023). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

2. Section 9.2 is amended by replacing the fifth paragraph by the following:

“If the amount is paid by instalments, interest compounded annually is added that corresponds to the rate in force on the date of receipt of the notice, computed from the date of expiry of the redemption proposal made by the Commission. The rate of interest applicable as of 1 June of each year is determined by computing the arithmetical mean of the monthly rates, for the 12-month period ending on 31 December of the preceding year, that corresponds to the nominal rates on Government of Canada marketable bonds (3-5 years) published in the Bank of Canada Review (CANSIM Series B14010 (V122485)).”.

3. Schedule I is replaced by the following:

**“SCHEDULE I
COMPUTATION OF THE RATE OF INTEREST**

The formula for the computation of the rate of interest for the reference year is the following:

$$i_y = ((1 + T_{y-1}) (1 + T_{y-2}) (1 + T_{y-3}))^{1/3} - 1$$

where

T_{y-1} is the rate of return for the year preceding the reference year

T_{y-2} is the rate of return for the year preceding the reference year by two years

T_{y-3} is the rate of return for the year preceding the reference year by three years.”.

4. Sections 1 and 3 have effect from 1 August 2004.

5. Section 2 has effect from the first day of the month following the date of coming into force of this Regulation.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6958

Draft Regulation

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16)

Determination of the rate of interest — Replacement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the determination of the rate of interest applicable to the retirement plan for the mayors and councillors of municipalities, the text of which appears below, may be made by the Government to replace the Regulation on the setting of the interest rate, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to propose new rules for computing the interest applicable under the Act respecting retirement plans for the mayors and councillors of municipalities and to replace the Regulation on the setting of the interest rate. The draft Regulation proposes that the rate of interest be determined by computing the geometric mean of the rates of return, determined by the Caisse de dépôt et placement du Québec, for the three-year period ending on 31 December of the year preceding the reference year. The first rate of interest is to be applicable from the first day of the month following the date of coming into force of the draft Regulation and, thereafter, as of 1 June of each year.

The draft Regulation will have no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Acting Director, Direction de l'actuariat, du développement et de la planification stratégique, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 7^e étage, Québec (Québec) G1R 5X3; telephone: (418) 644-1477; fax: (418) 644-5353.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
Minister of Municipal Affairs and Regions

Regulation respecting the determination of the rate of interest applicable to the retirement plan for the mayors and councillors of municipalities

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16, s. 42, 1st par., subpar. a, and 2nd par.)

1. For the purposes of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., c. R-16), the annual rate of interest is determined by computing the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule I. The first rate of interest determined applies from the first day of the month following the date of its publication in the *Gazette officielle du Québec* and, thereafter, as of 1 June of each year.

The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec on 31 December of each year for the specific fund of the retirement plan established by the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), after deduction of the management expenses.

2. This Regulation replaces the Regulation on the setting of the interest rate, made by Order in Council 2507-83 dated 6 December 1983.

3. This Regulation comes into force on the first day of the month following the date of its publication in the *Gazette officielle du Québec*.

“SCHEDULE I COMPUTATION OF THE RATE OF INTEREST

The formula for the computation of the rate of interest for the reference year is the following:

$$i_y = ((1 + T_{y-1}) (1 + T_{y-2}) (1 + T_{y-3}))^{1/3} - 1$$

where

T_{y-1} is the rate of return for the year preceding the reference year

T_{y-2} is the rate of return for the year preceding the reference year by two years

T_{y-3} is the rate of return for the year preceding the reference year by three years.”.

Draft Regulation

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16)

Mayors and councillors — Terms and conditions for computing pensions — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting terms and conditions for computing pensions of mayors and councillors, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to again amend the terms and conditions for computing pensions of mayors and councillors of municipalities by replacing, in the current formula, the rate of interest of 11% per year that applies for a period of ten years followed by a rate of 6% per year for subsequent years, by a flat rate of 6.5% per year for all the years.

The draft Regulation will not have any impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-Claire Martineau, Direction des politiques fiscales et économiques, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3, telephone: (418) 691-2035; fax: (418) 643-3204.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs and Regions at the above address.

NATHALIE NORMANDEAU,
Minister of Municipal Affairs and Regions

Regulation to amend the Regulation respecting terms and conditions for computing pensions of mayors and councillors*

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16, s. 42, 1st par., subpar. *f* and 2nd par.)

1. The Regulation respecting terms and conditions for computing pensions of mayors and councillors is amended by replacing paragraph *a* of section 2 by the following:

“(a) effective from the date of computation of the pension, the interest applicable to the accrued sum is credited at a rate of 6.5% per year;”.

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

6956

* The Regulation respecting terms and conditions for computing pensions of mayors and councillors (R.R.Q., 1981, c. R-16, r.6) has been amended once, by the regulation made by Order in Council 615-2002 dated 29 May 2002 (2002, *G.O.* 2, 2598).

Treasury Board

Gouvernement du Québec

T.B. 202573, 21 June 2005

General and Vocational Colleges Act
(R.S.Q., c. C-29)

**General and vocational colleges
— Certain conditions of employment of senior
executives**

Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, with the approval of the Conseil du trésor and by regulation, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Minister of Education, Recreation and Sports made, on 17 June 2005, the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges;

WHEREAS it is expedient to approve the Regulation;

THE CONSEIL DU TRÉSOR DECIDES:

1. To approve the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

**Regulation respecting certain conditions
of employment of senior executives of
general and vocational colleges**

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

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SCHEDULE I JOB CLASSIFICATIONS OF SENIOR EXECUTIVES OF COLLEGES		“public and parapublic sectors”: — the ministries, persons or agencies whose personnel is named or remunerated in accordance with the Public Service Act; — the persons or agencies whose operational budgets are taken from the consolidated revenue fund or appear in whole or in part in the budgetary forecasts submitted to the National Assembly;
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SCHEDULE II SALARY SCALES ACCORDING TO JOB CLASSIFICATIONS OF SENIOR EXECUTIVES		“senior executive” means an academic dean, a director general of a college, a director general of a regional college or a director of a constituent college within the meaning of the General and Vocational Colleges Act;
CHAPTER I DEFINITIONS		“senior staff consultant” means a senior executive whose appointment is terminated or not renewed and who retains his relationship of employment for a given period of time;
I. In this Regulation, unless the context indicates otherwise:		
“agency in the public and parapublic sectors” means a college, a school board, an institution in the health and social services sector, a ministry of the government of Québec or an agency in which employees are covered by the Public Service Act;		

“supernumerary senior staff” means a senior executive whose appointment is terminated or not renewed and who retains his relationship of employment as supernumerary senior staff within the meaning of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges;

“termination of appointment” means the termination of an appointment by a college before the end of the contract.

CHAPTER II GENERAL PROVISIONS AND APPLICATION

DIVISION I GENERAL PROVISIONS

2. This Regulation lays down certain conditions of employment of senior executives of general and vocational colleges.

Notwithstanding the foregoing and where expressly provided for in this Regulation, a college may grant conditions of employment that are more advantageous to senior executives.

3. The conditions of employment not covered by this Regulation shall be decided by the college after consultation with its senior executives.

Subject to section 2, such conditions of employment may not result in amending any of the conditions of employment set forth in this Regulation.

4. The conditions of employment entailing the payment of a monetary benefit shall be those prescribed by this Regulation.

5. Where the college and a senior executive disagree over the application or the interpretation of this Regulation, the senior executive may submit such disagreement to the Appeals Committee created by this Regulation.

DIVISION II APPLICATION

6. This Regulation applies to a person appointed as a senior executive as well as to a senior staff consultant appointed in accordance with this Regulation.

7. The rules applying to a person temporarily appointed to the position of senior executive are those contained in Division I of this chapter and in Division IV of Chapter III.

8. A senior executive who is designated supernumerary senior staff in accordance with this Regulation shall be governed by the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges.

For such purpose, he shall be integrated as a senior staff member whose classification corresponds to the position assigned.

CHAPTER III CLASSIFICATION OF SENIOR EXECUTIVE POSITIONS AND REMUNERATION

DIVISION I CLASSIFICATION OF SENIOR EXECUTIVE POSITIONS

9. The classification of senior executive positions shall be determined by the Minister according to the Hay[®] method. The job classifications are found in Schedule I.

Where the principal and usual duties of a senior executive position are changed, the college shall submit the case to the Minister by completing the job analysis questionnaire for management staff retained by the Ministry to evaluate positions using the Hay[®] method.

The Minister shall determine the job classification using the Hay[®] method and the salary scale of the senior executive in accordance with the following salary scales:

Classes	Rates	
	Minimum	Maximum
17	110 396	147 195
16	104 289	139 052
15	98 519	131 359
14	93 069	124 092
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
9	70 022	93 362

DIVISION II CALCULATION OF SALARY

10. Salary is the remuneration to which a senior executive is entitled in accordance with this division and with Division V, excluding any premium or lump-sum payment.

11. No remuneration other than that prescribed in this Regulation may be paid to a senior executive.

12. The salary scales of senior executives corresponding to the job classifications are found in Schedule II.

13. Where the dates of the increase in salary scales, the annual salary review or the calculation of the salary at the time of a movement of personnel coincide, the rules apply in that order.

14. The salary of a person newly appointed to a senior executive position or assigned to another senior executive position shall be determined in accordance with the rules established by the board of governors of the college.

DIVISION III STAND-BY PREMIUMS AND PREMIUMS FOR REGIONAL DISPARITIES

15. Senior executives of colleges whose salaried employees receive stand-by premiums or premiums for regional disparities under their collective agreement shall be entitled to such premiums under the same conditions and terms.

The premiums shall be paid in accordance with the procedures for the payment of salary.

DIVISION IV TEMPORARY APPOINTMENT TO A SENIOR EXECUTIVE POSITION

16. The remuneration of a person temporarily appointed to the position of senior executive shall include the salary and any lump-sum payments and allowances he would receive, were he appointed to that position.

17. Such person shall be entitled to the other conditions of employment that were applicable to him prior to his temporary appointment as senior executive.

DIVISION V SALARY REVIEW

§V.1 *Salary increment on 1 April*

18. Subject to the provisions to the contrary prescribed in this Regulation, the salary of a senior executive who, on 31 March of the year in question, has not reached the maximum of his salary scale, shall be increased, on the following 1 April, by 4% without, however, exceeding the maximum of his salary scale.

19. The college shall not be obliged to pay the salary increment prescribed in section 18 to the senior executive whose performance is deemed unsatisfactory.

§V.2 *Criteria applicable to certain senior executives on disability leave*

20. The senior executive on disability leave during the 12 months preceding 1 April of the year in question shall be entitled to the salary increment prescribed in section 18 if he has been in office at least six months during that period.

21. Where a senior executive returns from sick leave that began prior to 1 April 1994, the salary of the senior executive shall be determined by maintaining the same relative position as that of his salary at the end of the first 104 weeks of disability with respect to the salary scale then applicable to him.

DIVISION VI TEMPORARY ASSIGNMENT TO TWO OR MORE CONCURRENT POSITIONS

22. A college may grant a premium to a senior executive who holds temporarily, in addition to his usual position, another senior executive position for a period exceeding two months. Such premium, paid as a lump sum, cannot exceed 5% of the salary to which he is entitled during such temporary assignment.

DIVISION VII PERFORMANCE BONUSES

23. On June 30 of a given year, the college may pay a lump-sum amount to senior executives in recompense for their performance during the year that is ending.

Such a bonus may also be paid in the form of professional improvement or in any other non-monetary manner.

Any person appointed temporarily to a senior executive position may also be granted a lump-sum amount if he does not receive any other bonus for the same year.

24. The parameters for allocating a performance bonus are as follows:

(1) performance considered substantially beyond the expectations indicated:

— between 4% and 6% of the salary on 30 June of the director general of a regional college;

— between 4% and 5% of the salary on 30 June of the academic dean and the director of a constituent college;

(2) performance beyond the expectations indicated:

— between 2% and 4% of the salary on 30 June;

(3) performance meeting the expectations indicated:

— equal to or less than 2% of the salary on 30 June.

DIVISION VIII

LUMP-SUM PAYMENTS RELATED TO THE CALCULATION OF SALARY

25. Where the application of section 9 has the effect of reducing the salary of a senior executive, he shall be entitled to a lump-sum payment.

The amount is variable and represents the difference between the salary he was receiving and the salary he is receiving.

The lump-sum amount shall be paid in accordance with the procedures for the payment of salary.

26. Where the decision of the college made under section 14 has the effect of reducing the salary of a senior executive, the college may pay him a lump sum according to the conditions that it determines.

CHAPTER IV APPOINTMENT, RENEWAL OF APPOINTMENT AND DISCHARGE OF A SENIOR EXECUTIVE

DIVISION I APPOINTMENT

27. A college may select a senior executive according to the eligibility requirements as it may determine.

28. The duration of a senior executive's appointment must be indicated in the appointment resolution.

29. A college may reimburse the moving expenses of a person it hires as a senior executive.

However, the college must reimburse the expenses when it hires a senior staff member or a senior executive whose place of work or residence is located more than 50 km from the college in the following cases:

(1) he is a director general who is designated as supernumerary senior staff or as senior staff consultant and he is from a college;

(2) he is a director general designated as senior staff consultant or benefiting from measures respecting employment stability and he is from a school board;

(3) he is an executive director benefiting from measures respecting employment stability and he is from an institution in the health and social services sector.

The terms and conditions for the reimbursement of moving expenses are those in effect for the professional staff of the college.

DIVISION II RENEWAL OF APPOINTMENT

30. The college must notify its senior executive in writing at least 30 days prior to commencing procedures for the renewal of his appointment.

31. The college must give the senior executive an opportunity to be heard.

To this end, the senior executive shall be notified of the date, time and place where the decision will be made on the renewal of his appointment.

32. Where the college decides to renew or not to renew the appointment of a senior executive, it shall notify him in writing at least 90 days before the date on which his appointment expires.

33. Where the college renews the appointment of the senior executive, the duration of the renewal must be indicated in the resolution.

34. Where the college decides not to renew the appointment of a senior executive, it shall notify him, at least 45 days before the date on which his appointment expires, of its decision to continue or to terminate his employment relationship by informing him:

(1) that he is reassigned to an open position;

(2) that he is designated as supernumerary senior staff; or

(3) that he may avail himself of any of the employment termination benefits covered by Chapter V.

35. Notwithstanding section 34, a senior executive whose appointment is not renewed may, in all cases, avail himself of any of the employment termination benefits covered by Chapter V.

36. A college may set up a procedure more advantageous to a senior executive than that prescribed by this division.

DIVISION III DISCHARGE

§III.1 Termination of appointment

37. A college must notify a senior executive in writing at least 30 days prior to undertaking procedures for the termination of his appointment.

38. The college must give a senior executive an opportunity to be heard.

To this end, the senior executive shall be notified of the date, time and place where the decision will be made on the termination of his appointment.

39. Where the college decides to terminate the appointment of a senior executive, it shall notify him of its decision to continue or terminate his employment relationship by informing him:

- (1) that he is reassigned to an open position;
- (2) that he is designated as supernumerary senior staff; or
- (3) that he may avail himself of any of the employment termination benefits covered by Chapter V.

40. Notwithstanding section 39, a senior executive whose appointment is terminated may, in all cases, avail himself of any of the employment termination benefits covered by Chapter V.

§III.2 Dismissal

41. The college may at any time dismiss a senior executive for just and reasonable cause.

42. Before deciding on the dismissal, the college may suspend a senior executive, with or without salary, for the period required for its inquiry.

43. The college must give a senior executive an opportunity to be heard.

To this end, the senior executive shall be notified of the date, time and place where the decision will be made on his dismissal.

44. The notice of suspension and, where applicable, the notice of dismissal must be sent to the senior executive in writing.

45. Within 10 days of a request to that effect by the senior executive, the college shall give him in writing the main reasons for his suspension or, where applicable, his dismissal.

CHAPTER V EMPLOYMENT TERMINATION BENEFITS

DIVISION I GENERAL PROVISIONS

46. To be entitled to an employment termination benefit, a senior executive must meet the following requirements:

(1) he is covered by a provision of this Regulation under which the granting of such benefit is allowed;

(2) he is not eligible for a pension equal to 70% or more of his average pensionable salary calculated in accordance with the pension plan in effect;

(3) he has completed three years of continuous service as senior executive or senior staff member in a college;

(4) he does not hold another position in an agency in the public or parapublic sector immediately following the date of his departure from the college;

(5) he has waived all claims.

Moreover, the application of an employment termination benefit shall cease where the senior executive becomes eligible for a pension equal to 70% or more of his average pensionable salary calculated in accordance with the pension plan in effect or where he is employed by an agency in the public or parapublic sector.

47. A senior executive who avails himself of any of the employment termination benefits mentioned in Divisions III, IV and V of this chapter shall be entitled to the following provisions:

(1) he may retain the services of a specialized placement office in accordance with the conditions prescribed by the college;

(2) from the date he finds employment, he shall receive a lump-sum payment equal to the difference between the salary he was receiving on the date of expiry or termination of his appointment and the salary he receives from his new employer.

The right to the lump-sum payment shall cease two years from the date of expiry or termination of his appointment. However, such two-year limit shall not apply to a director general who holds a position in an agency in the public or parapublic sector.

DIVISION II PRERETIREMENT LEAVE

48. Preretirement leave is leave with pay for a maximum duration of one year.

However, such a leave may last longer if the senior executive has to his credit a sick-leave bank that can be used for such purpose. The number of additional days of leave shall be calculated in accordance with Chapter X.

During his preretirement leave, he shall receive the progressive salary he would have received had he worked. During that period, he shall be entitled to the benefits provided for in the Regulation, with the exception of the provisions pertaining to salary insurance, stand-by premiums, parental rights and vacation.

49. A senior executive wishing to take a preretirement leave must apply in writing to that effect and be eligible for retirement on the date on which such a leave expires.

50. A senior executive shall be deemed to have resigned on the date on which his leave expires and he must retire on that date.

DIVISION III SEVERANCE PAY

51. A severance allowance is equal to two months' salary for every year of continuous service in a college or regional college as a director general of a college, director general of a regional college, academic dean, director of a constituent college and, at Champlain Regional College, a campus director or an associate director of instructional services of a campus.

A beneficiary who has already received severance pay in the public, parapublic or peripublic sector may only receive the difference between the amount of the severance pay already received and the amount of the new severance pay calculated in accordance with the last annual salary. Once calculated, the excess amount is then converted in terms of months of severance pay on the basis of the last annual salary.

52. Severance pay may not be greater than 12 months of salary or less than three months of salary.

The first three months of severance pay shall be paid to the beneficiary upon his leaving. From the fourth month on, the beneficiary shall be entitled to one month of severance pay per month until all months of severance pay to his credit have been used up.

Payment of severance pay shall cease as soon as the beneficiary is employed.

53. Acceptance of such severance pay shall have the effect of resignation.

DIVISION IV LEAVE WITH PAY

54. A senior executive who receives severance pay may choose to replace it with paid leave.

55. The leave shall be for a duration equal to the number of months calculated under sections 51 and 52.

56. A senior executive shall be deemed to have resigned on the date on which his leave expires.

57. During such leave, the group insurance plans, except for the salary insurance plan, shall apply as if he were supernumerary senior staff. The duration of the leave shall be taken into account for pension plan purposes.

DIVISION V SENIOR STAFF CONSULTANT

58. A senior executive who has, on the date of expiry or termination of his appointment, completed between six and eight years of service as described in section 51 shall be entitled to be appointed a senior staff consultant for a one-year period.

59. A senior executive who has, on the date of expiry or termination of his appointment, completed more than eight years of service as described in section 51 shall be entitled to be appointed a senior staff consultant for a two-year period.

60. For the duration of his appointment as a senior staff consultant, he shall carry out the duties assigned to him by the college and shall receive the salary to which he was entitled on the date of expiry or termination of his appointment.

On the date when he ceases to be designated as senior staff consultant and he is not holding a position in an agency in the public or parapublic sector, he shall receive

the difference, if any, between the severance pay to which he would have been entitled on the date of expiry or termination of his appointment and the salary he received as senior staff consultant. Such senior staff consultant shall be deemed to have resigned on that date.

CHAPTER VI RESIGNATION

DIVISION I GENERAL PROVISIONS

61. A senior executive may resign from a college at any time by means of a written notice sent at least 60 days prior to the effective date of his departure. In such a case, he shall be entitled to one of the employment termination benefits provided for in Chapter V of this Regulation.

DIVISION II SPECIAL SEVERANCE PAY APPLICABLE TO DIRECTORS GENERAL

62. This division applies to a director general who, following his resignation, waives the application of section 61 and meets the following requirements:

- (1) he is at least 55 years of age;
- (2) he has completed 25 years of continuous service in agencies in the public or parapublic sector;
- (3) he has more than a year remaining in his appointment;
- (4) he is eligible for an actuarially reduced pension in accordance with the pension plan in effect;
- (5) he does not hold another position in an agency in the public or parapublic sector immediately following his departure from the college.

63. A director general shall be entitled to severance pay equal to the lesser of the following amounts:

- (1) the cost of buying, on the date of resignation, a pension equal to the actuarial reduction applicable to a director general to enable him to be eligible for a pension that is not actuarially reduced in accordance with the pension plan in effect;
- (2) the 12 months' salary of the director general.

64. A director general shall receive on a monthly basis an amount corresponding to one month's salary until the severance pay established in accordance with

section 63 has been exhausted. However, payment of the severance allowance shall cease as soon as the beneficiary is employed.

As of the date on which he is employed, he shall receive a lump sum equal to the difference between the salary he was receiving on the date of his resignation and the salary he is receiving from his new employer.

The right to such lump-sum payment shall cease two years from the date of his resignation. However, such 2-year limit shall not apply to a director general who holds a position in an agency in the public or parapublic sector.

CHAPTER VII VACATION

65. The college shall decide the annual vacation plan for senior executives and shall inform the Minister of its content.

Vacation days are not cash-convertible. Where a senior executive definitively leaves the college, the college shall pay him an allowance equal to 1/260 of his basic annual salary for each day of vacation not taken.

CHAPTER VIII GROUP INSURANCE PLANS

66. A senior executive is covered by the group insurance plans offered to management staff in the public and parapublic sectors, subject to their rules of eligibility.

The plans are as follows:

(a) plans that are self-insured by the Government of Québec:

- (1) a short-term salary insurance plan, as established in Division I;
- (2) a uniform life insurance plan, as established in Division II;

(3) a survivor's pension plan.

(b) plans that are insured by an insurance company:

(1) compulsory basic plans:

i. a life insurance plan;

ii. a health and accident insurance plan. This plan shall not apply, however, to a senior executive whose application for exemption is accepted by the college in accordance with the insurance policy;

- iii. a long-term salary insurance plan.
- (2) complementary plans :
 - i. an optional additional life insurance plan ;
 - ii. a compulsory long-term salary insurance plan.

The coverage offered by these insured plans as well as the terms and conditions thereof are contained in the Master policy of the group insurance plan applicable to management staff.

67. A senior executive who, prior to becoming a senior executive governed by this Regulation, was in the employ of an employer in the public or parapublic sector and was eligible for a group insurance plan applicable to employees in that sector shall be eligible for the insurance plans provided for in this chapter on the date on which he assumes the position of senior executive covered by this Regulation, provided that his previous employment ended not more than 30 days prior to the date on which he assumes the position and that he furnishes proof of his previous position.

68. Subject to section 67, a senior executive holding a senior executive position for 70% or more of the full-time equivalent is eligible for the insurance plans provided for in this chapter on the expiry of a 1-month period from the date on which he assumes his position, provided that he is working. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

69. Subject to section 67, a senior executive holding a position for more than 25% but less than 70% of the full-time equivalent shall be eligible for the insurance plans provided for in this chapter on the expiry of a 3-month period from the date on which he assumes his position, provided that he is working. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

70. A senior executive who is reassigned to a non-unionized unionizable position shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive position for at least two years, the group insurance plans provided for in this chapter.

A senior executive who is reassigned to a position covered by union certification shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive position for at least two years, the group insurance plans provided for in this chapter insofar as the collective agreement so allows.

71. A senior executive's salary for the purposes of the group insurance plans shall be that determined in section 82.

72. The college may not terminate the employment relationship of a senior executive who receives short-term or long-term salary insurance benefits for the sole reason that he is totally disabled.

73. For the purposes of the short-term salary insurance plan, any total disability beginning during the leave or absence without pay shall be considered as beginning on the date on which the leave or absence ends.

74. During a leave without pay or a partial leave without pay of less than 30 days, the senior executive shall continue to participate in the insurance plans and shall pay the amount he would pay were he at work.

When the duration of a leave without pay, other than a part-time leave without pay, extends over a period of 30 days or more or during any other absence without pay, a senior executive shall continue to participate in the uniform life insurance plan. Moreover, the senior executive shall continue to participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the college to the plan and he may, if he so requests the college before the beginning of the leave or absence, continue to participate in all the insured plans to which he subscribed before the leave or absence according to the provisions of the master policy.

When the partial leave without pay extends over a period of 30 days or more, the senior executive shall continue to participate in the insurance plans on the basis of the time normally worked. However, the senior executive who continues to participate in the plans on the basis of the time normally worked prior to the partial leave without pay shall also pay his contribution and that of the college to the plans on the basis of the time not worked, excluding the college's contribution to the compulsory basic health and accident insurance plan which continues to be assumed by the latter.

The senior executive who continues to participate in all the insured plans to which he subscribed before the leave or absence without pay shall also continue to participate in the survivor's pension plan by paying the premium determined by the Treasury Board to cover the cost of the plan.

DIVISION I **SHORT-TERM SALARY INSURANCE**

75. The short-term salary insurance plan shall cover the first 104 weeks of disability.

76. For the first week of total disability, a senior executive shall receive the salary to which he would have been entitled had he been at work.

As of the second week of total disability, and up to 26 weeks from the beginning of the disability, a senior executive shall receive a short-term salary insurance benefit equal to 80% of the salary to which he would have been entitled had he been at work.

As of the 27th week of total disability, and up to 104 weeks from the beginning of the disability, a senior executive shall receive a short-term salary insurance benefit equal to 70% of the salary to which he would have been entitled had he been at work.

77. A senior executive receiving salary insurance benefits may return to work on a gradual basis when authorized by the college provided that, during that period, he carries out the duties attached to the position he held prior to his total disability or any other position calling for comparable remuneration that may be offered by the college.

Such period shall not normally exceed six consecutive months and shall not have the effect of extending the period of total disability beyond the 104 weeks of short-term salary insurance benefits.

During that period, the senior executive shall receive the salary for the work performed as well as the salary insurance benefits calculated proportionately to the time not worked. He shall be deemed to be totally disabled during that period, while still being covered by the salary insurance plan.

78. For the purposes of the short-term salary insurance plan, total disability means a state of incapacity resulting from an illness, an accident or serious complications of a pregnancy or a surgical procedure directly related to family planning necessitating medical care and rendering the senior executive totally unable to perform the usual duties of his position or of any other similar position calling for comparable remuneration that may be offered by the college.

79. For the purposes of the short-term salary insurance plan, period of total disability means any continuous period of total disability or any series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time work or, as the case may be, part-time work in accordance with the senior executive's regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, whether remunerated or not.

Total disability resulting from a deliberately self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection, or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior executive is receiving treatment or medical care with a view to his rehabilitation shall be recognized as a period of total disability.

80. A senior executive who is unable to perform his duties because of a work accident that occurred while he was in the employ of the college shall receive his regular salary from the 1st to the 104th week of his total permanent or temporary disability as if he had remained at work.

In such case, the senior executive shall receive an amount equal to the difference between his net salary and the indemnity prescribed by the Act respecting industrial accidents and occupational diseases. Such amount constitutes a gross salary from which the college shall make the necessary deductions, contributions and assessments prescribed by the Act and this Regulation.

For the purposes of this section, a senior executive's net salary means his gross salary less federal and provincial income taxes and contributions to the Québec Pension Plan, the employment insurance plan, the pension plan and the insured plans.

81. In the specific case of a disability granting entitlement to indemnities paid under Québec Automobile Insurance Plan, the salary or benefits payable by the college are as follows:

The college shall determine the net salary or net benefit by deducting from the gross salary or gross benefit provided for in section 76, all the deductions required by law (income tax, QPP, employment insurance). The net salary or net benefit obtained shall be reduced by the benefit received under the Québec Automobile Insurance Plan; the balance outstanding becomes the taxable gross income from which the college shall make all the deductions, contributions and assessments required by law and this Regulation.

82. The remuneration of a person from the 1st to the 104th week of disability includes:

(1) his salary;

(2) any lump sum resulting from the application of Division VIII of Chapter III of this Regulation, where applicable;

(3) any stand-by premiums and premiums for regional disparities in accordance with the conditions set out in section 15 of this Regulation for the granting of such premiums, where applicable.

83. A disabled senior executive shall continue to be a participant in the insurance plans and in the pension plan to which he is subject.

However, from the second week of total disability, he shall be exempted from contributing to the complementary plans and to the pension plan to which he is subject if the plan so provides.

During that period, the compulsory basic insured plan premium, including the contribution of the senior executive and that of the college, shall be assumed by the college.

84. The salary and benefits paid under section 76 shall be reduced by the amount of any disability benefits paid under a federal or provincial statute, but without counting subsequent increases in basic benefits paid under a federal or provincial statute as a result of indexation.

85. A person entitled to disability benefits under a federal or provincial statute shall immediately inform the college.

86. Salary insurance benefits shall be paid directly by the college upon submission of the supporting documents required under section 87.

87. At any time, the college may require that a person absent because of disability submit a medical certificate stating the nature and duration of the disability.

On his return to work, the college may require the person to undergo a medical examination to determine whether he has sufficiently recovered to be able to return to work. If, in such a case, the opinion of the physician chosen by the college is contrary to that of the physician consulted by the person, the two physicians shall agree on the choice of a third physician whose decision shall be final.

88. Participation by a senior executive in the short-term salary insurance plan and entitlement to benefits shall terminate on the earliest of the following dates :

(1) the date on which he is no longer covered by this chapter;

(2) the date on which his total preretirement leave prescribed in sections 48 and 161 begins;

(3) the date of his retirement.

(4) the date on which he begins to use his sick-leave days to entirely offset the time worked prescribed in the agreement concerning progressive retirement which immediately precedes retirement.

DIVISION II UNIFORM LIFE INSURANCE PLAN

89. A senior executive shall be entitled to life insurance benefits equal to \$6 400 payable to his succession. That amount is reduced to \$3 200 for a senior executive holding a senior executive position for less than 70% of the full-time equivalent.

Where a senior executive holds more than one senior executive position for more than one employer and where those positions are equal to 70% or more of the full-time equivalent, he shall be deemed to be a senior executive holding a full-time senior executive position.

90. The uniform life insurance plan shall terminate on the earlier of the following dates :

(1) the date on which he is no longer covered by this chapter;

(2) the date of his retirement.

DIVISION III SURVIVOR'S PENSION PLAN

91. The provisions of the Directive concernant le régime de rentes de survivants shall apply to senior executives, subject to the following provisions :

(1) the words "civil servant" and "remuneration" are replaced respectively by the words "senior executive" and "salary";

(2) the definition of "remuneration" found in section 2 of the directive is replaced by the following definition :

"salary" :

— for a disability which began after 31 December 1981, salary means that set out in section 82 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan ;

— for a disability which began on or prior to 31 December 1981, salary means the senior executive's annual salary.

DIVISION IV PLANS INSURED BY THE INSURER

92. This division, with the exception of section 94, applies to a senior executive who became totally disabled after 31 March 1994.

93. In Divisions IV, V and VI, the following terms and expressions mean:

“employment” or “rehabilitative employment”: employment for which a senior executive is reasonably qualified according to his education, training and experience; such employment may be a senior executive position or equivalent employment to that held prior to his appointment to a senior executive, professional or teaching position or, in the case of a manager, a support position;

“total disability”: total disability within the meaning of the compulsory basic long-term salary insurance plan;

“benefit”: benefit that a senior executive would have received had he been eligible for the compulsory basic long-term salary insurance plan.

Cost-sharing of Compulsory Plans

94. The cost of the compulsory plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.

Sectorial Committee

95. A sectorial committee shall be set up, at the request of either party, to study any specific problem dealing with the return to work and to propose appropriate solutions to the problems encountered by the college, a senior executive and the insurer, particularly in the case of a return to work which could involve using the senior executive’s services temporarily or his moving. The committee shall be composed of a representative of each of the following bodies: the Fédération des cégeps, the Association des directeurs généraux des cégeps, the Association des directrices et des directeurs des études des cégeps du Québec and the Ministry of Education, Recreation and Sports. The committee may call upon the services of resource people, where applicable.

Medical Arbitration Tribunal

96. Where the college is advised by the insurer that the senior executive no longer complies with the definition of total disability and that the payment of his benefit shall be suspended or refused, it may submit the disagreement to contest the insurer’s decision to the Medical Arbitration Tribunal in order to determine whether the senior executive complies with the definition of total disability in accordance with the medical arbitration agreement concluded with the insurer and provided that the senior executive agrees that the disagreement be submitted to the tribunal for a final decision. The disagreement may be submitted directly to the tribunal or after the college has required, at its expense, that the senior executive undergo a medical examination.

A senior executive may, under the conditions specified in the medical arbitration agreement, submit the disagreement to the Medical Arbitration Tribunal to contest the insurer’s decision according to which he does not comply with the definition of total disability. In such a case, the college shall not assume any costs.

97. The college shall pay a senior executive a salary equal to the benefit he was receiving for the period beginning on the date on which the payment of benefits was suspended or the refusal of payment came into effect and ending on the date of the Medical Arbitration Tribunal decision provided the following conditions are met:

(1) the senior executive was party to the medical arbitration agreement concluded with the insurer;

(2) the disagreement between the college and the insurer or between the senior executive and the insurer was validly submitted to the Medical Arbitration Tribunal for a final decision in accordance with the medical arbitration agreement concluded with the insurer.

98. Where the Medical Arbitration Tribunal confirms that the senior executive does not comply with the definition of total disability, the contributions of both the college and the senior executive to the insurance and pension plans shall be paid retroactively to the date on which the payment of benefits was suspended or the refusal of payment came into effect and the senior executive shall continue to receive from the college a salary equal to the benefit until such time as it offers him a position. Where the senior executive submits the disagreement to the tribunal, he must reimburse the college for the salary paid to him between the date on which the payment was suspended or the refusal of payment of the benefit by the insurer came into effect and the decision of the tribunal.

Where the Medical Arbitration Tribunal confirms the senior executive's total disability, the college shall continue to pay the salary equal to the benefit until such time as the benefit is paid by the insurer. The insurer shall reimburse the college the amounts paid and the latter shall reimburse the senior executive, where applicable, for the arbitration and medical examination costs assumed.

Offer of Employment

99. Where the college agrees with the decision of the insurer to the effect that the senior executive does not comply with the definition of total disability, it shall offer him a position in writing. If the senior executive also concurs with the decision, the terms and conditions set out for the waiting period for a position or acceptance of a position shall apply. The same applies when the Medical Arbitration Tribunal confirms that a senior executive does not comply with the definition of total disability.

100. The senior executive who accepts the position offered by the college under this division shall be assigned the classification corresponding to his new position. The salary determined when the new classification is attributed due to disability cannot exceed the maximum of the salary scale for the position and Division VIII of Chapter III does not apply.

Contributions of both the senior executive and the college to the insurance and pension plans shall be determined on the basis of that salary.

Waiting Period for a Position

101. Where the college and the senior executive agree with the insurer's decision according to which the senior executive does not comply with the definition of total disability or, on the date of the Medical Arbitration Tribunal's decision to this effect, the senior executive shall receive, during the waiting period for a position, a salary equal to the benefit and the contributions of both the senior executive and the college to the pension and insurance plans shall be determined on the basis of that salary. The college may use the senior executive's services temporarily during that period.

102. The salary equal to the benefit paid to the senior executive as provided under this division cannot exceed the date of termination of the benefit prescribed in the master policy.

Termination of Employment

103. The senior executive who does not comply with the definition of total disability after the first 104 weeks of total disability cannot refuse a position offered to him in a college in his area, except for the period during which he submitted his disagreement with the insurer to the Medical Arbitration Tribunal. The duration of the regular workweek of such a position must not be less than that of the position held by a senior executive at the beginning of the total disability. Before carrying out the dismissal, the college shall forward a 15-working day notice to the senior executive and a copy thereof to the sectorial committee.

During that period, the committee may make appropriate recommendations in accordance with section 95.

DIVISION V REHABILITATION

Eligibility

104. A senior executive shall be eligible for rehabilitation as provided in the master policy if he meets the following eligibility criteria :

(1) total disability began after 31 March 1994 and the senior executive has been totally disabled for six months or more ;

(2) total disability began more than two years prior to the earlier of the following dates :

(a) his 65th birthday ;

(b) the earlier date on which he becomes eligible for :

i. a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan ;

ii. an actuarially reduced retirement pension the amount of which would correspond to that of a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan.

105. A senior executive shall not be eligible for rehabilitation in the following circumstances :

(1) the attending physician or the insurer confirms that the return to work can be assured without any rehabilitation ;

or

(2) the insurer confirms that the senior executive will not return to work;

or

(3) the insurer confirms that the senior executive does not qualify for rehabilitation.

Offer of Rehabilitative Employment

106. A senior executive to whom the college has offered rehabilitative employment in writing must inform the latter in writing whether he accepts or refuses such rehabilitative employment, regardless of whether the rehabilitation commences before or after the first 104 weeks of disability. The duration of the regular workweek of rehabilitative employment must not be less than the regular workweek of the position held by a senior executive at the beginning of his total disability.

107. The period during which a senior executive holds, on a trial basis, rehabilitative employment cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

Rehabilitation During the First 104 Weeks

108. A senior executive whose rehabilitation occurs during the first 104 weeks of disability shall be considered as totally disabled for that period and shall receive for the time worked while holding rehabilitative employment, a short-term salary insurance benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held prior to his total disability and, for the time not worked or the waiting period for such employment, where applicable, a short-term salary insurance benefit equal to 70% of that salary.

The benefit shall be subject to the provisions relating to the waiver of contributions to the insurance and pension plans as well as to the provisions relating to the coordination of the benefit according to the terms and conditions prescribed in Division I.

However, a senior executive whose rehabilitation occurs in his position shall receive his salary for the time worked.

109. Despite the fact that he is already deemed to be totally disabled, the senior executive who is again absent from work due to total disability resulting from the same illness or accident, prior to the termination of the first 104 weeks of disability but after having undergone rehabilitation, shall be considered as suffering from a relapse of the same disability.

In this case, the senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in his position, up to 104 weeks from the beginning of the disability and the second paragraph of section 108 shall apply.

110. Where a new total disability begins prior to the end of the first 104 weeks of the first disability but after having undergone rehabilitation, a senior executive shall be deemed to be totally disabled for the position he holds at the beginning of such new disability. However, a senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first total disability period up to 104 weeks from the beginning of the first total disability period and the second paragraph of section 108 applies.

At the end of the first 104 weeks of the first total disability period, a senior executive whose rehabilitation occurred during rehabilitative employment shall be assigned a new classification in accordance with section 114.

As of the date on which the new salary is paid, Division I shall apply up to the 104th week from the beginning of the new disability period.

Rehabilitation Occurring Before and After the 104th Week

111. A senior executive whose partial rehabilitation occurs after the 104th week of total disability shall benefit from the provisions of section 108 up to the end of the 104th week of disability.

From the 105th week to the end of the rehabilitation, a senior executive shall receive for the time worked the salary earned from rehabilitative employment that he would have received had he been classified in that position, provided that it not be less than the compulsory basic long-term salary insurance benefit and, for the time not worked, a salary equal to that benefit. However, the senior executive whose rehabilitation occurs in his position shall receive his salary for the time worked and a salary equal to the compulsory basic long-term salary insurance benefit for the time not worked.

Rehabilitation After the 104th Week

112. A senior executive whose total rehabilitation occurs after the 104th week of total disability shall receive for the time worked the salary earned from rehabilitative employment he would have received had he been classified in that position, provided that it not be less than the compulsory basic long-term salary insurance benefit.

Training and Classification

113. Any period during which a senior executive carries out training or professional development activities prescribed by the rehabilitation program approved by the insurer shall be considered as time worked.

114. A senior executive shall be assigned the classification and the salary of the rehabilitative employment at the end of the 104th week of disability or, where applicable, at the end of the rehabilitation if the latter ends after the 104th week and Division VIII of Chapter III does not apply.

Contributions of both the senior executive and the college to the insurance plans and pension plans shall be determined on the basis of the salary of the rehabilitative employment.

DIVISION VI SPECIAL PROVISIONS

115. A senior executive whose total disability begins after 31 March 1994 and who returns to work is entitled to a benefit under the compulsory complementary long-term salary insurance plan if he meets the conditions prescribed in the master policy. This plan prescribes a benefit in addition to the salary.

116. The senior executive who receives benefits under the compulsory basic long-term salary insurance plan may, instead of the benefits, choose to take a total preretirement leave under section 160. However, this total preretirement may not extend beyond the termination date of the benefits under this plan which would have been otherwise applicable.

117. The provisions dealing with the definition of total disability, the definition of a total disability period and the benefits applicable to the disabled senior executive on 31 March 1994 shall continue to apply to him.

CHAPTER IX PARENTAL RIGHTS

DIVISION I GENERAL PROVISIONS

118. The provisions of this chapter shall not have the effect of granting a monetary or nonmonetary benefit to which a senior executive would not have been entitled had he or she remained at work.

For the purposes of this chapter, “spouses” means either of two persons who:

(1) are married or in a civil union and cohabiting;

(2) are of the opposite or the same sex and are living together in a conjugal relationship and are the father and mother of the same child;

(3) are of the opposite or the same sex and have been living in a conjugal relationship for one year or more.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

119. Maternity leave allowances shall be paid solely as a supplement to the employment insurance benefits or as payment during a period of unemployment caused by pregnancy for which employment insurance does not provide any benefits.

DIVISION II MATERNITY, PATERNITY OR ADOPTION LEAVE

120. Maternity leave shall not exceed 20 consecutive weeks, including the day of delivery.

121. A senior executive who gives birth to a still-born child after the beginning of the 20th week preceding the expected date of delivery shall also be entitled to maternity leave.

122. When a senior executive has sufficiently recovered from the delivery, but her child is unable to leave the health care institution, she may interrupt her maternity leave by returning to work.

123. A senior executive whose child is hospitalized within 15 days of birth shall also have the same right.

124. Maternity leave may be interrupted only once and shall resume when the child is brought home. When a senior executive resumes her maternity leave, the college shall pay her only the allowance to which she would have been entitled had she not interrupted her leave.

125. Should a senior executive’s spouse who is on maternity leave die, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto shall be transferred to the senior executive.

126. A senior executive on maternity leave who has accumulated 20 weeks of service prior to the beginning of her leave and whose application for maternity benefits under the employment insurance plan has been accepted shall receive the compensation provided for in sections 128 to 138 for the duration of her leave.

127. A senior executive excluded from receiving employment insurance benefits or declared ineligible to receive them shall also be excluded from any other compensation. However, a senior executive working full time who has accumulated 20 weeks of service prior to the beginning of her maternity leave shall receive the compensation provided for in sections 128 to 138 for a period of 12 weeks, if she is ineligible for employment insurance benefits because she did not hold an insurable position for the required number of hours during the qualifying period prescribed by the employment insurance plan.

128. Service shall be calculated with any employer that is a public or parapublic sector body (public service, education, health services and social services), a local health and social services network development agency, a body with employees whose employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires or a body mentioned in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

129. The allowance paid during maternity leave shall include salary, less :

(1) 7% of that amount for a senior executive exempted from contributing to the pension and employment insurance plans or 5% of that amount for a senior executive not exempted from contributing to the pension plan ;

(2) employment insurance benefits that a senior executive receives or could receive ; and

(3) maternity leave benefits paid by the Government of Québec.

130. The allowance shall be computed on the basis of the employment insurance benefits to which a senior executive is entitled without taking into consideration the amounts deducted from such benefits because of the reimbursement of benefits, interest, penalties, or other amounts recoverable under the employment insurance plan.

131. Where the number of weeks of employment insurance benefits is reduced by Human Resources Development Canada (HRDC), a senior executive shall continue to receive the allowance, where applicable, without taking into account that reduction by HRDC as if she had received employment insurance benefits during that period.

132. A college shall not reimburse a senior executive for amounts that may be required of her by HRDC under the employment insurance plan where her income exceeds 1 1/4 times the insurable maximum.

133. No compensation shall be paid during a vacation period for which a senior executive receives remuneration.

134. A college may not offset any reduction in employment insurance benefits attributable to income earned with another employer by paying an allowance to a senior executive on maternity leave.

135. Notwithstanding section 134, the college shall pay compensation if the senior executive proves, by means of a letter to this effect from the employer who pays this regular salary, that the income earned from another employer is regular salary. Where the senior executive proves that only a portion of that income is regular salary, compensation payable shall be in proportion to that portion.

136. An employer who pays the regular salary referred to in section 135 must, at the senior executive's request, provide such a letter.

137. The total amounts received by a senior executive during her maternity leave as employment insurance benefits, compensation and salary may not exceed 93% of the salary paid by her employer or, where applicable, by her employers.

138. Compensation owing for the first two weeks shall be paid by the college within the two weeks following the beginning of the leave. Compensation owing after that date shall be paid every two weeks ; in the case of a senior executive eligible for employment insurance benefits, the first installment shall only become payable 15 days after the college receives proof that the senior executive is receiving employment insurance benefits. For the purposes of this section, a statement of benefits, a stub or a computerized information statement provided by HRDC to the college shall be accepted as proof.

139. A senior executive shall be entitled to paid leave upon the birth of his child, the duration of which shall not exceed five working days. He shall also be entitled to such leave if the child is stillborn and the birth occurs after the beginning of the 20th week preceding the due date. This paid leave may be discontinuous but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home. One of the five days may be used for the baptism or the registration.

140. A senior executive who legally adopts a child, other than his or her spouse's child, shall be entitled to a leave of absence the duration of which shall not exceed 10 consecutive weeks provided that his or her spouse, employed in the public or parapublic sector, is not also on such a leave. During the adoption leave, the senior executive shall receive compensation equal to the salary he or she would have received had he or she remained at work. This leave must be taken following the child's placement order or an equivalent procedure in the case of an international adoption in accordance with the adoption plan.

141. A senior executive who legally adopts a child, other than his or her spouse's child, and who does not benefit from the adoption leave prescribed in section 140 shall be entitled to a leave for a maximum period of two working days with pay.

142. A senior executive shall benefit, for the purposes of adopting a child, other than his or her spouse's child, from a leave without pay of a maximum duration of 10 weeks as of the date he or she assumes full legal responsibility for the child.

143. A senior executive who must travel outside Québec to adopt a child, other than his or her spouse's child, shall be entitled, for that purpose and upon written request to the college, to a leave without pay for the required travel time. Where the trip results in the senior executive obtaining actual custody of the child, the duration of the leave without pay shall not exceed 10 weeks in accordance with section 142. During the leave, the senior executive shall be entitled to the same benefits as those attached to leave without pay prescribed in this chapter.

144. The adoption leave prescribed in section 140 may take effect on the date of the beginning of the leave for adoption purposes, if its duration does not exceed 10 consecutive weeks and if the senior executive so decides in the request submitted under section 142.

145. If no child is adopted following a leave for adoption purposes for which the senior executive receives an allowance under section 140, the senior executive is deemed to have been on leave without pay and he or she shall repay the allowance to the college.

146. Where the adoption leave takes effect on the date of the beginning of the leave without pay, a senior executive shall be entitled only to the benefits prescribed for the adoption leave.

147. For the purposes of applying the provisions respecting employment stability, a senior executive shall continue to accumulate experience and continuous service during maternity leave, adoption leave or leave without pay for adoption purposes.

A senior executive shall continue to participate in the group insurance plans, with the exception of salary insurance benefits, to receive the stand-by premium or the premium for regional disparities, where applicable, and to accumulate service for the purposes of acquiring vacation credit during a leave provided for in this chapter that grants entitlement to compensation or a salary.

A senior executive on maternity leave under this chapter shall continue to participate in the compulsory complementary insurance plans without paying her share of the premiums. The employer shall pay the full amount of the premium (both the employee's and the employer's share) for the duration of the leave. Moreover, the participant shall be exempted from contributing to any optional insurance plans during the same leave.

During a leave without pay, the senior executive shall continue to participate in the applicable basic health insurance plan and shall pay all the premiums and contributions required including the college's share. Moreover, the group insurance plans, with the exception of salary insurance benefits, shall continue to apply, provided that the senior executive so requests the college at the beginning of the leave and pays the full amount of the premiums.

148. Notwithstanding section 147, where a senior executive on maternity leave receives stand-by premiums or premiums for regional disparities, the total amounts received as employment insurance benefits, compensation, stand-by premiums or premiums for regional disparities may not exceed 95% of the amount comprised of salary, stand-by premiums and premiums for regional disparities.

149. The college and the senior executive shall agree, in advance, on the terms and conditions of the leave without pay for adoption purposes, maternity leave, paternity leave and adoption leave.

150. The college must send to the senior executive, during the fourth week preceding the termination of the maternity leave, a notice indicating the scheduled date of termination of the maternity leave.

Any senior executive who receives from the college the notice described above must report for work on the date of termination of the maternity leave, unless she extends the maternity leave as provided in Division III.

151. Upon the senior executive's return to work from a maternity leave, paternity leave, adoption leave or leave without pay for adoption purposes, he or she shall be reinstated in the duties he or she would have had, had he or she been at work, subject to the provisions of Chapter IV of this Regulation.

DIVISION III EXTENDED MATERNITY, PATERNITY OR ADOPTION LEAVE

152. A leave without pay as extended maternity leave, paternity leave or adoption leave shall not exceed two years.

153. Subject to the provisions of Chapter IV, a senior executive who is absent from work without pay to extend a maternity, paternity or adoption leave must agree, in advance, with the college on the terms of his or her absence and eventual return to the college.

CHAPTER X SICK-LEAVE BANKS

DIVISION I ESTABLISHMENT AND APPROVAL OF BANKS

154. The group insurance plan terminated, on 1 January 1974, the accumulation of cash-convertible and non-cash-convertible-sick-leave days in the bank of sick-leave days for staff.

155. A senior executive who assumed his position as senior executive after 1 January 1974 shall retain his credit of sick-leave days accumulated in the college or in a subsequent college.

156. A senior executive engaged by another college may choose one of the following measures :

(1) the reimbursement of all the cash-convertible sick-leave days to his credit ;

(2) the reimbursement of part of his cash-convertible sick-leave days to his credit and transfer of the remainder to the new college ;

(3) the transfer of all of his cash-convertible or non-cash-convertible sick-leave days to the new college. In such a case, the terms and conditions of reimbursement of his cash-convertible sick-leave days as well as the procedure respecting the use of his cash-convertible or non-cash-convertible sick-leave days shall be maintained when transferring such days.

157. When transferring sick-leave days, the college of origin shall forward to the new college :

(1) for cash-convertible sick-leave days, a document attesting to the number of cash-convertible sick-leave days to the senior executive's credit, the amount transferred corresponding to the value of the cash-convertible sick-leave days at the time of transfer and the terms and conditions of reimbursement ;

(2) for non-cash-convertible sick-leave days, a document attesting to the number of non-convertible sick-leave days.

DIVISION II REIMBURSEMENT OF CASH-CONVERTIBLE DAYS

158. Persons who were entitled to a bank of cash-convertible sick-leave days shall retain their right to reimbursement of those days.

159. For persons holding a position of senior staff member or senior executive on 1 January 1974, the terms and conditions of reimbursement of cash-convertible days shall be those determined by the college, by resolution or by-law adopted before 25 January 1972. For senior executives who assumed their position as senior staff member or senior executive after 1 January 1974, reimbursement shall be made in accordance with the terms and conditions applicable at the time those days were credited.

160. Where a resolution or a by-law of the college prescribes that the percentage of cash-convertibility of sick-leave days shall be related to the number of years of service, the years after 1 January 1974 shall also enter into the calculation of the percentage.

DIVISION III USE OF SICK-LEAVE DAYS

161. Cash-convertible and non-cash-convertible sick-leave days credited to a person may be used for the following purposes :

(1) to redeem previous years of service as prescribed in the pension plan provisions ;

(2) to take preretirement leave ;

(3) for any reason, as determined by by-law or resolution of the college before 25 January 1972 ;

(4) for any leave related to parental rights for the period during which a person has been granted a leave without pay;

(5) as additional vacation days, up to 10 days each year, where a person has completed 30 years of service in the employ of the college, or where he is at least 60 years of age;

(6) to be exempted, in whole or in part, from work as prescribed in a progressive retirement agreement in accordance with section 191;

(7) to take a gradual preretirement leave in accordance with Chapter XIII.

162. In the cases prescribed in paragraphs 4 and 5 of section 161, cash-convertible sick-leave days must be used in priority.

163. The monetary or time-equivalence value of cash-convertible days shall be determined proportionally to the percentage of cash-convertibility acquired at the time of use but may not be less than 50% and shall be set according to the salary of the person concerned at the time of use.

164. The monetary or time-equivalence value of non-cash-convertible days shall be determined at 50% of the number of days accumulated according to the salary of the person concerned at the time of use.

165. Subject to any provision to the contrary, where reassignment to a position of a different job category occurs, the terms and conditions respecting the use and reimbursement of sick-leave days shall be those prescribed by the rules applicable for that job category.

CHAPTER XI

DEFERRED OR ANTICIPATED SALARY LEAVE PLAN

166. The purpose of the deferred or anticipated salary leave plan hereinafter called “the plan” for the purposes of this chapter, is to allow a senior executive to stagger his salary in such a way as to be able to receive remuneration during a period of leave.

167. The plan shall include a period of work and a period of leave.

Deferred salary leave shall be that during which the period of leave occurs after the entire period of work.

Anticipated salary leave shall be that during which the period of leave occurs before a part or all of the period of work.

168. The duration of the period of leave may be two, three, four or five years.

The prescribed duration of the plan may be extended in the cases and in the manner prescribed in sections 178, 181 and 182.

169. The duration of the period of leave may be from 6 to 12 months.

170. A senior executive who wishes to avail himself of the plan shall apply therefor to the college in writing.

The application shall indicate the expected duration of the plan and the period of leave, as well as the dates considered for the beginning and the end of the period of leave and the plan.

In order to obtain a deferred or anticipated salary leave, the college must agree thereto in writing.

171. The college may not accept the application for participation in the plan of a senior executive who is disabled or on leave of absence without pay.

172. At the end of the period of leave, the senior executive shall be reinstated in his position on a full-time basis subject to the provisions of this Regulation respecting appointment, renewal of appointment and discharge. He must remain in the employ of the college for a period at least equal to his period of leave.

173. For each year of participation in the plan, a senior executive shall receive the percentage of his salary prescribed in the table below with respect to the duration of the plan and that of the leave:

Duration of leave	Duration of participation in plan			
	2 years	3 years	4 years	5 years
	Salary percentage			
6 months	75.00%	83.33%	87.50%	90.00%
7 months	70.83%	80.56%	85.42%	88.33%
8 months	66.67%	77.78%	83.33%	86.67%
9 months		75.00%	81.25%	85.00%
10 months		72.22%	79.17%	83.33%
11 months		69.44%	77.08%	81.67%
12 months		66.67%	75.00%	80.00%

The salary to which the percentage is applied shall be the salary the senior executive would receive were he not participating in the plan.

174. Subject to the provisions of this chapter, during the period of work, the availability and the workload of the senior executive shall be the same as those he would assume were he not participating in the plan; he shall also receive the benefits of this Regulation to which he would be entitled were he not participating in the plan.

175. For the duration of the participation in the plan, a senior executive shall continue to benefit from the group insurance plans prescribed in Chapter VIII. His contribution to the group insurance plans shall be calculated on the annual salary to which he would be entitled were he not participating in the plan and as determined in accordance with section 82. The college shall maintain its contribution on the same basis.

Subject to the preceding paragraph and the other provisions of this chapter, for the period of leave, a senior executive shall be considered on leave without pay for the purposes of applying working conditions.

176. For the calculation of a pension for the purposes of a pension plan, a senior executive shall be granted one year of service for each year of participation in the plan, as well as an average salary calculated on the basis of the salary he would have received had he not participated in the plan.

The contribution of the senior executive to a pension plan during the years of participation in the plan shall be determined by the applicable act respecting pension plans.

177. Where the senior executive ceases to be employed by the college, retires or withdraws from the plan, the plan shall terminate immediately and the following terms and conditions apply:

(1) where a senior executive has already benefited from the period of leave, he must reimburse, without interest, the amount he received during the period of leave less the amounts already deducted from his salary during the period of work that applies under section 173;

(2) where a senior executive has not yet benefited from the period of leave, the college shall reimburse him, without interest, for the difference between the salary he would have received had he not participated in the plan and the salary he actually received since the beginning of the plan;

(3) where the period of leave is in progress, the amount payable by the senior executive or the college shall be calculated as follows: the amount received by the senior executive during the period of leave less the amounts already deducted from the salary of the senior executive during the period of work that applies under section 173. If the balance is negative, the college shall reimburse the balance to the senior executive. If it is positive, the senior executive shall reimburse the balance to the college;

(4) for the purposes of the pension plans, the rights recognized are those that would have applied had the senior executive never participated in the plan. If the period of leave has been taken, the contributions paid during that period shall be used to compensate for the contributions lacking for the years worked for the purpose of restoring the pension differences then lost; a senior executive could, however, redeem the year or years of service lost in accordance with the pension plan provisions in the public and parapublic sectors applicable to the redemption of an unpaid absence. In addition, where the period of leave has not been taken, the contributions lacking to recognize the total years worked shall be deducted from the reimbursement of salary made to the senior executive.

Where a senior executive is obliged to reimburse the college, he may make an agreement with the college on the terms and conditions for reimbursement.

178. For the duration of the plan, the total leaves without pay of a senior executive for any reason, authorized or not, shall not exceed 12 months. Where the total leaves without pay for any reason, authorized or not, exceed 12 months, the plan shall terminate on the date on which such duration reaches 12 months and the terms and conditions prescribed in subparagraphs 1, 2, 3 and 4 of section 177 then apply by making the necessary changes.

Where the total leaves without pay of a senior executive for any reason, authorized or not, are equal to or less than 12 months, the duration of the plan shall be extended for a duration equal to the total leaves.

179. Where a senior executive is appointed supplementary senior staff for the duration of the plan, the provisions of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges apply.

If, while the plan is in progress, a senior executive is employed by another employer in the public and parapublic sectors, offering a comparable plan, he may,

upon agreement with his new employer, complete the plan. Failing an agreement, the plan shall terminate and section 177 applies.

180. If a senior executive dies while the plan is in progress, the plan shall terminate on the date of the death and the terms and conditions provided in subparagraphs 1, 2, and 3 of section 177 apply. An overpayment of salary shall not be claimable and any unpaid salary shall be reimbursed.

181. Where the director becomes disabled within the meaning of section 78 while the plan is in progress, the following terms and conditions apply:

- (1) the disability occurs during the period of leave:

the disability is presumed not to have started during the period of leave and is considered as having started on the day prescribed by the plan for the return to work of the senior executive at the end of the period of leave.

He shall be entitled during his period of leave to the salary provided for in the plan. Effective from the expected date of return to work, if he is still disabled, he shall be entitled to the salary insurance benefits provided in this Regulation for as long as he is covered by the plan. Salary insurance benefits shall be based on the salary determined in the plan. If he is still disabled at the expiry of the plan, he shall receive salary insurance benefits based on the salary as determined in section 82;

- (2) the disability occurs after the period of leave:

the participation of a senior executive in the plan shall continue and the salary insurance benefits are based on the salary determined in the plan as long as the disability lasts. From the expiry of the plan, a senior executive who is still disabled shall receive salary insurance benefits based on the salary as determined in section 82;

- (3) the disability occurs and ends before the period of leave:

the participation of a senior executive in the plan shall continue and the salary insurance benefits are based on the salary determined in the plan as long as the disability lasts;

- (4) the disability occurs before the period of leave and lasts up to the date prescribed in the plan for the beginning of the period of leave:

in such case, a senior executive may choose one of the following options:

(a) continue his participation in the plan and postpone the period of leave to a time when he is no longer disabled. A senior executive shall be entitled to his salary insurance benefits based on the salary prescribed in the plan. Where the disability persists during the last year of the plan, it may then be interrupted from the beginning of the last year up to the end of the disability. During the period of interruption, the senior executive shall be entitled to the salary insurance benefits based on the salary as determined in section 82;

(b) terminate the plan and receive the unpaid amounts as well as his salary insurance benefits based on the salary as determined in section 82. The unpaid amounts shall be subject to contributions to the pension plan;

(5) the period of interruption provided for in subparagraph *a* of paragraph 4 shall be excluded from the duration of the plan;

- (6) the disability lasts for more than two years:

during the first two years, a senior executive shall be treated as previously provided. At the end of those two years, the plan shall cease and:

(a) where a senior executive has already taken his period of leave, the overpayment of salary is not claimable and there is no loss of rights in the pension plan (one full year of service shall then be credited for each full year of participation in the plan);

(b) where a senior executive has not already taken his period of leave, the unpaid salary shall be reimbursed, without interest, without being subject to a contribution for the purposes of the pension plan and any disability pension to which he is entitled under his pension plan shall become payable immediately.

182. Where a 20-week maternity leave begins before, during or after the period of leave, the participation in the plan shall be suspended for a maximum period of 20 weeks, the employment insurance then becomes the first payer and the college shall make up the difference to total 93% of the regular salary and the plan shall then be extended for not more than 20 weeks.

However, where the maternity leave occurs before the period of leave, a senior executive may terminate the plan. She shall then receive the unpaid salary, without interest, and the benefit provided for maternity leave. The amounts thus reimbursed shall be subject to contributions to the pension plan.

183. In all cases where a senior executive does not take his period of leave while the plan is in progress, the college shall pay him the total amounts of the deferred salary, starting from the first year of assessment following the termination of the plan.

CHAPTER XII PROGRESSIVE RETIREMENT

184. The progressive retirement program is intended solely for a member of RREGOP, TPP, CSSP or PPM who is a regular full-time or part-time senior executive whose work time on a yearly basis is not less than 40% of the work time of a regular full-time senior executive.

185. The purpose of the program is to enable a senior executive to reduce his work time, for a period of one to three years, so that the proportion of work time for each calendar year or parts of a calendar year during the progressive retirement is not less than 40% nor more than 80% of the work time of a regular full-time senior executive.

For the purposes of this chapter, a part of a calendar year is the part of the calendar year during which a senior executive's progressive retirement begins or ends.

186. To avail himself of the progressive retirement program, a senior executive shall ascertain from the Commission administrative des régimes de retraite et d'assurances (CARRA) that he is likely to be eligible for a pension on the date provided for the end of the agreement referred to in section 187. Any change to the dates fixed for the beginning or the end of the agreement shall be agreed to by CARRA before being made. The senior executive shall provide the college with an attestation to that effect from CARRA when applying for participation in the progressive retirement program or when requesting that changes be made therein.

187. The granting of a progressive retirement shall be subject to prior agreement with the college, which shall take the needs of the department into account. Such agreement shall specify the terms and conditions of the progressive retirement such as its duration, the percentage of work time for each calendar year or part of a calendar year referred to in the agreement, the scheduling of the work time and, where applicable, the terms and conditions for using the sick-leave days provided for in section 191.

Once an agreement has been reached with the college, the duration of the progressive retirement, the percentage of work time for each calendar year or part of a

calendar year referred to in the agreement and the scheduling of the work time may vary during the progressive retirement but shall respect at all times the other terms and conditions for applying the progressive retirement program.

188. Retirement is compulsory at the end of the agreement, subject to sections 196 and 197.

189. If at the end of the agreement the number of years or parts of a year of service credited to the senior executive is less than the number estimated by CARRA, the agreement shall be extended until the date on which the number of years or parts of a year of service credited to the senior executive corresponds to the estimate made by CARRA.

If at the end of the agreement the senior executive is not eligible for his pension, the agreement shall be extended until the date on which the senior executive becomes eligible for his pension.

190. The salary of a senior executive on the progressive retirement program shall be paid during the entire calendar year or part of a calendar year in proportion to the work time prescribed for each of the calendar years or parts of a calendar year covered by the agreement.

191. For the duration of the progressive retirement program, a senior executive may use the sick-leave days credited to him to be exempted, in whole or in part, from the work stipulated in the agreement. Such use, agreed to with the college, shall be continuous and shall immediately precede his definite and full retirement. Moreover, the terms and conditions respecting the use of such sick-leave days provided for in sections 163 and 164 apply.

192. For the duration of the agreement, the pensionable salary for the years or parts of a year covered by the agreement for the purposes of the RREGOP, TPP, CSSP or PPM shall be the salary a senior executive would have received or, for a period in respect of which salary insurance benefits apply, the salary which he would have been entitled to receive had he not availed himself of the progressive retirement program. The service credited is the service which would have been credited to him if he had not availed himself of the progressive retirement program.

193. For the duration of the agreement, a senior executive shall pay contributions to his pension plan equal to those he would have paid if he had not availed himself of the progressive retirement program.

Where a senior executive is eligible for the short-term salary insurance plan, the exemption from contributions to the pension plan is the exemption to which he would have been entitled if he had not availed himself of the progressive retirement program. Such exemption may not exceed the date fixed for the end of the agreement.

Where a senior executive is eligible for the long-term salary insurance, the insurer shall pay the contributions to the pension plan which would have been paid by the senior executive if he had not availed himself of the progressive retirement program. The insurer shall pay the contributions until the date fixed for the end of the agreement.

194. For the duration of the agreement, a senior executive shall be entitled to the coverage offered by the group insurance plans that are self-insured by the Government of Québec and insured on the basis of the time worked prior to the beginning of the agreement and to the coverage offered by the insured health and accident insurance plans on the basis of the time normally worked by a regular full-time senior executive.

Notwithstanding the preceding paragraph, a senior executive shall be entitled to a short-term salary insurance plan on the basis of the work time prescribed for each of the calendar years or parts of a calendar year covered by the agreement, excluding the sick-leave days used under section 191. The monetary benefits of such a plan shall be paid during the entire disability period without exceeding the date fixed for the end of the agreement.

195. For the duration of the progressive retirement agreement, a college shall pay its share of the premium for the insured complementary plans on the basis of the time worked by the senior executive prior to the beginning of the agreement and for the basic health and accident insurance plan on the basis of the time normally worked by a regular full-time senior executive, provided that the senior executive pays his share of the premium for the same plans.

196. Where a senior executive holds a new position with another employer whose personnel participates in the RREGOP, TPP, CSSP or PPM, the agreement shall terminate unless the new employer agrees to continue the agreement and provided that CARRA so approves.

197. If the agreement becomes null or terminates due to circumstances provided for in the preceding section or due to other circumstances in Division IX.1 of Chapter I of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q.,

c. R-10, s. 134, par. 11.2), in Chapter V.1 of the Regulation under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, par. 4.3) or in Chapter VIII.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, par. 8.1.2), the pensionable salary, the service credited and the contributions for the purposes of the pension plan shall be determined in each of the circumstances and in the manner prescribed by those regulations.

198. With the exception of the preceding provisions, a senior executive who avails himself of the progressive retirement program shall retain the working conditions applicable prior to the beginning of the agreement and adjusted, where applicable, proportionately to the work time provided for each of the years or parts of a year covered by the agreement. The adjustments are made in accordance with the terms and conditions respecting part-time employment.

199. A senior executive can only opt once for the progressive retirement program.

CHAPTER XIII GRADUAL PRERETIREMENT

200. The gradual preretirement program is intended for any senior executive who, during the period immediately preceding his full or definite retirement, wishes to reduce his workweek by using the sick-leave days to his credit.

In such a case, the workweek may not be less than 40% of the regular workweek of a full-time senior executive.

201. The granting of a gradual preretirement leave shall be subject to prior agreement with the college, which shall take the needs of the department into account. Such agreement shall specify the terms and conditions of the gradual preretirement leave, such as, its duration, the percentage and scheduling of the work time.

202. A senior executive on gradual preretirement leave shall be entitled to the basic short-term salary insurance plan on the basis of the time actually worked as prescribed in the agreement.

CHAPTER XIV SPECIAL PROVISIONS APPLICABLE TO DIRECTORS GENERAL

203. The provisions of this chapter prevail over the other provisions of the Regulation in the case of inconsistency.

MEASURES FACILITATING THE PERSONAL DEVELOPMENT AND MOBILITY OF DIRECTORS GENERAL IN THE EDUCATION SECTOR AND EXECUTIVE DIRECTORS IN THE HEALTH AND SOCIAL SERVICES SECTOR

DIVISION I
LEAVE WITH PAY

204. The college may grant a leave with pay for a maximum period of one year. Before granting the leave, the college shall ensure that the following requirements have been met :

(1) an executive director of an institution in the health and social services sector, a director general of a school board or a director general of a college has completed a total of not less than eight years of service, at least four of which as director general of a college ;

(2) a director general has reached an agreement with the college concerning a project pertaining to his career development, in particular, to enable him to complete a program of university studies or to enable him to become familiar with a new work environment. The agreement shall cover the terms and conditions of his return when the leave expires.

Where applicable, the period during which a director general may be designated as senior staff consultant shall be reduced by the number of months included in the leave granted under this section.

DIVISION II
SICK-LEAVE BANK

205. A senior executive who is hired as director general of a college, as executive director of an institution in the health and social services sector or as director general of a school board may select one of the following options :

(1) the reimbursement of all of the cash-convertible sick-leave days to his credit ;

(2) the reimbursement of some of the cash-convertible sick-leave days to his credit and the transfer of the remaining sick-leave days to the agency concerned ;

(3) the transfer of all of his cash-convertible or non-cash-convertible sick-leave days to the agency concerned.

206. A director general who is newly hired by a college as a senior staff member or senior executive and who comes from another college, an institution in the health and social services sector or a school board may

transfer to the college the sick-leave days to his credit. The terms and conditions respecting the reimbursement of his cash-convertible sick-leave days and the terms and conditions respecting the use of his cash-convertible or non-cash-convertible sick-leave days shall be maintained at the time of the transfer.

207. The following provisions apply at the time of the transfer of the sick-leave days :

(1) for cash-convertible days, a document shall be prepared by the college and sent to the agency concerned attesting to the number of cash-convertible sick-leave days to the director general's credit, the transferred amount corresponding to the value of the cash-convertible sick-leave days at the time of the transfer and the terms and conditions respecting the reimbursement and use of those days ;

(2) for non-cash-convertible sick-leave days, a document shall be prepared by the college and sent to the agency concerned attesting to the number of non-cash-convertible sick-leave days and the procedures for using those days.

DIVISION III
SALARY

208. A director general who has completed a 3-year term as such in a college and who, at his own request, is reassigned to an open senior staff position, shall be entitled to a lump-sum payment if the salary applicable to the new position is less than the salary he was receiving. The amount may vary and represents the difference between his former salary and his current salary. It is paid in accordance with the same procedures as those pertaining to the payment of salary.

The same provision applies to a director general who is hired as a senior staff member of a college and who comes from another college, an institution in the health and social services sector or a school board, provided he has completed a 3-year term as director general in that agency.

CHAPTER XV
APPEALS COMMITTEE

209. In case of disagreement, an Appeals Committee shall be set up.

The committee shall be composed of one representative appointed by the senior executive, one representative appointed by the college and a third member acting as chairman.

210. The appointed representatives shall select the chairman, or if they fail to agree, the first chairman of the boards of arbitration in the education sector shall act as chairman or appoint such chairman.

211. Any disagreement shall be submitted by a notice in writing to the Minister with a copy to the college.

212. No disagreement may be submitted relating to a decision by the college not to designate a senior executive as supernumerary senior staff or not to reassign him to an open position.

Moreover, the reasons supporting the nonrenewal or termination of an appointment may not constitute a disagreement.

213. The committee shall carry out its investigation in the manner it deems appropriate and shall send its recommendation to the college as soon as practicable.

214. In the case where a disagreement is submitted relating to the dismissal of a senior executive, the committee may not recommend his reinstatement in the position of senior executive.

215. The fees and expenses of the chairman shall be borne by the Minister.

CHAPTER XVI SPECIAL PROVISIONS

216. RULES FOR THE INTEGRATION INTO THE NEW CLASSIFICATION PLAN APPLICABLE ON 1 JULY 2005

(1) On 1 July 2005, the senior executive who held, on 30 June 2005, a regular senior executive position shall be integrated in accordance with the class determined in the table in the appropriate division of Schedule I of this Regulation.

(2) On 1 July 2005, the salary scale of a senior executive corresponding to the class established in paragraph 1 shall be determined in accordance with Schedule II.

(3) A senior executive's salary cannot be less than the minimum rate of his new salary scale.

(4) A senior executive's salary shall be increased by 2% without, however, exceeding the maximum rate of his new salary scale.

(5) A senior executive's salary which, on 30 June 2005, is higher than the maximum rate of his new salary scale shall be protected until such time as he is reas-

signed and section 25 of the Regulation applies, by making the necessary changes.

EVALUATION REQUESTS MADE BETWEEN 1 JULY AND 31 OCTOBER 2005

(6) A senior executive whose position was not the subject of an evaluation or was the subject of a temporary classification at the time when the new classification plan for senior executives comes into force may submit, before 31 October 2005, an evaluation request to the Minister.

(7) The Minister shall evaluate the request in accordance with section 9 of the Regulation.

(8) Any decision made by the Minister with respect to a request submitted before 31 October 2005 shall have a retroactive effect to 1 July 2005.

(9) The college shall integrate the senior executive affected by the decision by assigning him the classification determined in paragraph 7 and the corresponding salary scale in Schedule II and the preceding paragraphs 3, 4 and 5 apply.

217. FINAL PROVISIONS

(1) This Regulation replaces the Regulation respecting certain conditions of employment of senior executives of vocational and general colleges made by the minister's order dated 7 December 1989 and its amendments.

(2) This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has a retroactive effect to 1 July 2005.

SCHEDULE I JOB CLASSIFICATIONS OF SENIOR EXECUTIVES OF COLLEGES

DIVISION I SALARY CLASSES BY GROUPS OF COLLEGES FOR THE POSITION OF DIRECTOR GENERAL OF A COLLEGE OR A REGIONAL COLLEGE

Colleges	Class
Ahuntsic, Champlain, Chicoutimi, Dawson, Édouard-Montpetit, François-Xavier-Garneau, Jonquière, Lévis-Lauzon, Limoilou, Maisonneuve, Marie-Victorin, Rimouski, Sainte-Foy, Sherbrooke, Trois-Rivières, Vieux-Montréal	15

Colleges	Class
Abitibi-Témiscamingue, Bois-de-Boulogne, Gaspésie et des Îles, John Abbott, Lionel-Groulx, Montmorency, Outaouais, Rosemont, Saint-Jean-sur-Richelieu, Saint-Jérôme, Saint-Laurent, Saint-Hyacinthe, Vanier, Victoriaville	13
Alma, André-Laurendeau, Baie-Comeau, Beauce-Appalaches, Drummondville, Gérald-Godin, Granby-Haute-Yamaska, Heritage, La Pocatière, régional de Lanaudière, Matane, Région de l'Amiante, Rivière-du-Loup, Sept-Îles, Shawinigan, Sorel-Tracy, Saint-Félicien, Valleyfield	12

DIVISION II**SALARY CLASSES BY GROUPS OF COLLEGES FOR THE POSITIONS OF ACADEMIC DEAN AND DIRECTOR OF CONSTITUENT COLLEGES**

Colleges	Class
Ahuntsic, Dawson, Édouard-Montpetit, François-Xavier-Garneau, Jonquière, Limoilou, Maisonneuve, Marie-Victorin, Montmorency, Rimouski, Sainte-Foy, Sherbrooke, Trois-Rivières, Vanier, Vieux-Montréal	12
Abitibi-Témiscamingue, André-Laurendeau, Champlain, Chicoutimi, Gaspésie et des Îles, John Abbott, Collège constituant du Cégep régional de Lanaudière à Joliette, Lévis-Lauzon, Lionel-Groulx, Outaouais, Rosemont, Saint-Jean-sur-Richelieu, Saint-Jérôme, Saint-Laurent, Saint-Hyacinthe, Victoriaville	11
Alma, Collège constituant du Cégep régional de Lanaudière à l'Assomption, Baie-Comeau, Beauce-Appalaches, Bois-de-Boulogne, Drummondville, Gérald-Godin, Granby-Haute-Yamaska, Heritage, La Pocatière, Matane, Région de l'Amiante, Rivière-du-Loup, Saint-Félicien, Sept-Îles, Shawinigan, Sorel-Tracy, Valleyfield	10
Constituent college of Cégep régional de Lanaudière à Terrebonne	9

SCHEDULE II**SALARY SCALES¹ ACCORDING TO JOB CLASSIFICATIONS OF SENIOR EXECUTIVES**

Classes	Rates	
	Minimum	Maximum
17	110 396	147 195
16	104 289	139 052
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
9	70 022	93 362

6940

Gouvernement du Québec

T.B. 202574, 21 June 2005

General and Vocational Colleges Act (R.S.Q., c. C-29)

General and vocational colleges**— Certain conditions of employment of senior staff**

Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, with the approval of the Conseil du trésor and by regulation, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Minister of Education, Recreation and Sports made, on 17 June 2005, the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges;

WHEREAS it is expedient to approve the Regulation;

¹ Salary scale determined according to rates in effect on 1 April 2003

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

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CHAPTER I INTERPRETATION

1. In this Regulation, unless otherwise indicated by the context:

“appointment” means the assignment entrusted to a senior staff member by a college;

“Association” means the Association des cadres des collèges du Québec;

“campus” means an administrative entity designated as such by a college, comprising instructional services, student services and other services;

“college” means a general and vocational college and a regional college within the meaning of the General and Vocational Colleges Act (R.S.Q., c. C-29);

“constituent college” means a constituent college of a regional college within the meaning of the General and Vocational Colleges Act;

“cancellation of engagement” means the discontinuation of the relationship of employment by the senior staff member or by the college during the term of the engagement;

“public and parapublic sectors”:

(1) the ministries, persons or agencies the personnel of which is named or remunerated in accordance with the Public Service Act;

(2) the persons or agencies whose operational budgets are taken from the consolidated revenue fund or appear in whole or in part in the budgetary forecasts submitted to the National Assembly;

(3) the colleges, school boards and establishments within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the government agencies covered by this law and the educational institutions at the university level within the meaning of the Act respecting educational institutions at the university level;

(4) the agencies or enterprises and their totally owned subsidiaries which must produce an annual report which must be deposited in the National Assembly;

“engagement” means the establishment of a relationship of employment between a senior staff member and a college;

“dismissal” means the discontinuation of the relationship of employment of the senior staff member by the college at any time, in particular because of incapacity, negligence, insubordination, misconduct, immorality or incompetence;

“local committee” means the aggregate of the senior staff of a college who are members of the Association;

“Minister” means the Minister of Education, Recreation and Sports;

“Ministry” means the Ministry of Education, Recreation and Sports;

“non-renewal of engagement” means the discontinuation of the relationship of employment of the senior staff member by the college at the end of his engagement where the end is specified;

“senior staff” means a senior staff member or a manager hired by a college and covered by this Regulation, and a senior executive designated as supernumerary senior staff in accordance with the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges;

“zone” means the zone in which the college belongs as fixed in the working conditions of professional staff of colleges.

CHAPTER II GENERAL PROVISIONS AND SCOPE

DIVISION I GENERAL PROVISIONS

2. This Regulation fixes certain conditions of employment for senior staff employed by a general and vocational college.

A college may fix more advantageous conditions of employment to the extent provided in this Regulation.

3. Conditions of employment not prescribed by this Regulation shall be fixed by the college, and subject to section 2, may not have the effect of changing any of the conditions of employment described in this Regulation.

4. The conditions of employment involving the payment of a cash benefit shall be those prescribed by this Regulation.

5. An exchange and consultation committee (CEC) shall be constituted to discuss problems of interpretation and application of this Regulation.

The committee shall be consulted before determination of or change in the conditions of employment established by the Minister.

The committee shall be composed of representatives of the Association, representatives of the Minister and representatives of the Fédération des cégeps.

DIVISION II

SCOPE

6. This Regulation applies to a regular senior staff member employed by a college and to the senior executive designated as supernumerary senior staff in accordance with the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges.

7. A person already employed by a college in another personnel category and temporarily assigned to a senior staff position shall retain his conditions of employment, except those relating to the organization of the work (timetable, vacation, overtime), which shall be those prescribed by this Regulation.

However, the provisions of Division I of this chapter and section 25 of Division III of Chapter IV apply to that person.

8. A person who is not already employed by a college and who is temporarily assigned to a senior staff position for a planned period of less than one year shall have the following provisions of this Regulation applied for the duration of the employment:

Chapter I:	Definitions (pertinent definitions)
Chapter II:	General Provisions and Scope
Chapter III:	Job Classification and Classification of Senior Staff Positions
Chapter IV:	Remuneration—section 25
Chapter VI:	Annual Vacation
Chapter XV:	Division I—Recourse Committee
Chapter XVI:	Management Policy

9. A person who is not already employed by a college and who is temporarily assigned to a senior staff position for a planned period of one year or more shall have the following provisions of this Regulation applied for the duration of the employment:

Chapter I:	Definitions
Chapter II:	General Provisions and Scope
Chapter III:	Job Classification and Classification of Senior Staff Positions
Chapter IV:	Remuneration
Chapter VI:	Annual Vacation
Chapter VII:	Group Insurance Plans
Chapter VIII:	Parental Rights
Chapter XV:	Division I—Recourse Committee
Chapter XVI:	Management Policy

CHAPTER III

JOB CLASSIFICATION AND CLASSIFICATION OF SENIOR STAFF POSITIONS

DIVISION I

DETERMINATION OF CLASSIFICATION OF SENIOR STAFF POSITIONS

10. The college shall determine the category, employment group and class of senior staff positions in accordance with Schedule I and the ministerial document entitled Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel.

The salary scale resulting from the classification of a senior staff position is found in Schedule II of this Regulation.

11. Where the college cannot determine the classification of a senior staff position because the principal and usual duties and responsibilities do not correspond to any of the employment groups described in the Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel, it shall submit the file to the Minister:

(1) the completed job analysis questionnaire for management staff selected by the Ministry for a job evaluation process using the Hay® method;

(2) the eligibility requirements.

12. Where, in the Minister's opinion, the principal and usual duties do not correspond to any of the employment groups described in the Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel, he shall determine the job classification and the classification of the position according to the Hay® method.

He shall determine the senior staff member's salary scale in accordance with the following salary scales:

Class	Rates	
	Minimum	Maximum
17	110 396	147 195
16	104 289	139 052
15	98 519	131 359
14	93 069	124 092
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
09	70 022	93 362
08	66 148	88 197
07	61 605	82 140
06	57 375	76 500
05	53 435	71 246
04	49 766	66 354
03	44 412	59 216
02	39 635	52 846
01	35 371	47 161

DIVISION II ANNUAL CLASSIFICATION REVIEW OF SENIOR STAFF POSITIONS

13. Each year, the college shall revise, on 1 July, the class of a senior staff position for which the employment group remains unchanged in terms of the applicable classification criteria described in the Plan de classifica-

tion des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel.

14. Where the annual classification review of a position, in accordance with section 13, results in a change in the class assigned to that position, the salary shall be adjusted in accordance with section 26 of Division IV of Chapter IV.

CHAPTER IV REMUNERATION

15. The remuneration prescribed by this Regulation is the sole remuneration that may be paid to a senior staff member.

DIVISION I CALCULATION OF SALARY

16. Salary is the remuneration to which a senior staff member is entitled in accordance with this division and with Division IV of this chapter, excluding any premium, lump-sum amount and any other amount prescribed in Division IV of Chapter VII.

17. The college shall determine a senior staff member's salary based on the class assigned to him by applying the Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel.

The salary scales of the various classes for senior staff positions are found in Schedule II of this Regulation.

18. For the purposes of the classification criteria, the student population shall be based on the number of students enrolled in the pedagogical plan and student forecast of the college, constituent college, campus or collegial studies centre to which is added the number of students in continuing education by dividing by 36 the number of periods-students-week (PES) associated with the credited activities in continuing education entered in the Ministry's computer system.

19. The salary of the person newly appointed to a senior staff position or assigned to another position in this capacity shall be determined according to the college's management policy.

However, the salary must be situated between the minimum and maximum rates of the applicable salary scale.

DIVISION II PREMIUMS

20. A senior staff member of a college whose salaried employees receive, in accordance with their collective agreement, a premium for regional disparities shall be entitled to such a premium under the same conditions and procedures.

Moreover, a senior staff member of the Cégep de Sept-Îles shall be entitled to a stand-by premium granted to salaried employees of that college, in accordance with their collective agreement, under the same conditions and procedures.

21. Where half or more of the regular work timetable falls between 18:00 and 24:00, a manager shall receive the evening shift premium prescribed by Schedule III for each hour actually worked.

22. Where half or more of the regular work schedule falls between 00:00 and 7:00, a manager shall receive the night shift premium prescribed by Schedule III for each hour actually worked.

23. Where the manager's regular timetable requires his presence at work for two consecutive weekends, he shall receive the weekend premium prescribed by Schedule III for each hour actually worked during the second weekend.

DIVISION III TEMPORARY ASSIGNMENT TO A SENIOR STAFF POSITION

24. The remuneration of a person employed by the college assigned temporarily to a senior staff position shall be that he would receive if he were appointed a senior staff member in that position.

Where he is temporarily assigned to a position whose maximum rate of remuneration is less than the rate he was receiving, he shall retain his rate of remuneration.

25. The remuneration of a person not already employed by the college who is temporarily assigned to a senior staff position for a planned period of less than one year shall be that he would receive if he were appointed a senior staff member in that position.

He shall receive in addition a lump-sum payment equal to 11.12% to compensate for the lack of fringe benefits.

DIVISION IV REVIEW OF REMUNERATION

§IV.1 Salary adjustment following annual classification review

26. Where the application of section 14 has the effect of changing the class of a senior staff member, the salary of a senior staff member shall be determined according to one of the following situations:

(1) the maximum rate of the scale applicable is greater than the maximum rate of the salary that was applicable to him, his salary shall be calculated by adding to the salary he was receiving an amount equal to the difference between the two rates;

(2) the maximum rate of the scale applicable is less than the maximum rate of the scale that was applicable to him:

(a) the salary he was receiving shall be maintained if it is equal to or less than the maximum rate of the scale applicable.

(b) the salary shall be adjusted to the maximum rate of the new scale if the salary he was receiving is higher than the maximum rate of that scale.

Moreover, the senior staff member shall receive for two years a lump sum equal to the difference between the salary he was receiving and the maximum rate of the new scale. The lump sum shall be paid according to the same procedures as those for the payment of salary.

27. The change in salary mentioned in section 26 shall take effect on the date of the annual salary review.

§IV.2 Lump-sum payments related to the calculation of salary

28. Where the application of sections 10 and 12 has the effect of reducing the salary of a senior staff member, he shall be entitled to a lump-sum payment.

The amount is variable and represents the difference between the salary he was receiving and the salary he is receiving.

The payment shall be made in accordance with the procedures used for the payment of his salary.

29. Where the decision of the college, made under section 19, has the effect of reducing the salary of a senior staff member, the college shall pay him a lump

sum according to the conditions prescribed in section 28. However, if the decision results from an express request of the senior staff member or from a disciplinary measure, the college may pay him a lump sum under the conditions prescribed by the management policy.

§IV.3 Annual increment on 1 April

30. Subject to provisions to the contrary prescribed by this Regulation, the salary of a senior staff member who, on 31 March of the year in question, has not reached the maximum rate of the salary applicable to the class assigned to the position, shall be increased by 4% on the following 1 April, without, however, exceeding the maximum rate applicable to that class.

31. The senior staff member newly appointed to a position in a college for less than four months before 1 April of the year in question shall not be entitled to the increment prescribed in section 30.

32. The college is not be required to pay the increment prescribed in section 30 to a senior staff member whose performance is considered unsatisfactory.

33. Where the dates of the annual salary increment, the salary review of the classification or the calculation of the salary at the time of a movement of personnel coincide, the rules apply in that order.

§IV.4 Criteria applicable to certain senior staff members on disability leave

34. A senior staff member on disability leave during the 12 months preceding 1 April of the year in question shall be entitled to the increment prescribed in section 30 if he has been in office at least 6 months during that period.

35. Where a senior staff member returns from sick leave that began before 1 April 1994, the salary of the senior staff member shall be determined by maintaining the same relative position as that of his salary at the end of the first 104 weeks of disability with respect to the salary scale then applicable to him.

DIVISION V ASSIGNMENT TO TWO OR MORE CONCURRENT POSITIONS

36. Where a senior staff position is vacant for a period exceeding two months, a college shall grant a premium to a senior staff member who temporarily performs, in addition to his usual duties, part or all of the responsibilities of that position. Such premium, paid as a lump sum, cannot exceed 10% of the salary to which he is entitled during such temporary assignment.

DIVISION VI PERFORMANCE BONUSES

37. On June 30 of a given year, the college may pay a lump-sum amount to a senior staff member in recompense for his performance during the year that is ending.

To this end, the college shall set aside an amount made up of 2% of the senior staff salaries on that date. Any amount not used during a given year shall be transferred to the budget of the following year to serve for the same purposes.

38. In order to pay such performance bonuses, the college must have a policy for evaluating its senior staff and use that sum of money to reward the exceptional contribution of a senior staff member whose efficiency is considered exceptional in comparison with previously indicated expectations.

Such a policy may provide that the bonus, granted from the monetary mass prescribed under section 37, may be paid to a senior staff member in the form of professional development or in any other non-monetary manner, such as vacation.

CHAPTER V MEASURES FACILITATING INTER-COLLEGE MOBILITY

39. This chapter applies to the senior staff member who, on the date preceding his engagement, was employed by the college.

DIVISION I STABILITY OF EMPLOYMENT

40. Notwithstanding section 198, Chapter XIV entitled "Stability of Employment" applies, as of the date of his engagement, to the person who so benefited in his college of origin.

DIVISION II BANK OF SICK-LEAVE DAYS

41. A senior staff member engaged by another college may choose one of the following measures :

(1) the reimbursement of all of the cash-convertible sick-leave days to his credit ;

(2) the reimbursement of part of his cash-convertible sick-leave days to his credit and transfer of the remainder to the new college ;

(3) the transfer of all of his cash-convertible or non-cash-convertible sick-leave days to the new college. In such a case, the terms and conditions of reimbursement of his cash-convertible sick-leave days as well as the procedure respecting the use of his cash-convertible or non-cash-convertible sick-leave days shall be maintained when transferring such days.

42. When transferring sick-leave days, the college of origin shall forward to the new college :

(1) for cash-convertible sick-leave days, a document attesting to the number of cash-convertible sick-leave days to the senior staff member's credit, the amount transferred corresponding to the value of the cash-convertible sick-leave days at the time of transfer and the terms and conditions of reimbursement ;

(2) for non-cash-convertible sick-leave days, a document attesting to the number of non-cash-convertible sick-leave days.

DIVISION III ANNUAL VACATION

43. A senior staff member hired by another college shall transfer thereto his years of service for the purposes of determining the number of days of annual vacation.

CHAPTER VI ANNUAL VACATION

44. A college shall draw up an annual vacation plan for its senior staff. The plan shall establish in particular the conditions respecting the deferral of vacation of senior staff.

45. Vacation days have no cash value. Notwithstanding, where a senior staff member finally leaves a college, it shall pay him an allowance equal to 1/260 of his basic annual salary for each day of vacation not taken.

CHAPTER VII GROUP INSURANCE PLANS

DIVISION I GENERAL PROVISIONS

46. In this chapter, unless the context indicated otherwise, the following terms and expressions mean :

“insurer” : an insurance company that has concluded a contract with the Government of Québec for the purposes of providing group coverage to management staff in the public and parapublic sectors ;

“insurance plans” : group insurance plans offered to management staff in the public and parapublic sectors ;

“salary” : pay applicable to a senior staff member within the meaning of section 16 including :

(1) the lump-sum payment resulting from the application of the rules respecting salary review, where applicable ;

(2) the lump-sum payment resulting from the application of subdivision IV.2 of Chapter IV and sections 208 and 212 of this Regulation ;

(3) a stand-by premium and a premium for regional disparities.

47. Unless there are provisions to the contrary, a senior staff member is covered by the group insurance plans of management staff in the public and parapublic sectors, subject to the rules of eligibility.

These plans are as follows :

(a) Plan insured by the college :

— a short-term salary insurance plan as defined in Division II ;

(b) Plans insured by the Government of Québec :

— a uniform life insurance plan as defined in subdivision III.1 of Division III ;

— a survivor's pension plan as defined in subdivision III.2 of Division III.

(c) Plans insured by an insurer and described in the master policy of the insurance plans and in Division IV :

— compulsory basic plans :

— a life insurance plan ;

— a health and accident insurance plan. This plan shall not apply, however, to a senior staff member whose application for exemption is accepted by the college in accordance with the insurance policy ;

— a long-term salary insurance plan.

— complementary plans :

— an optional supplemental life insurance plan ;

— a compulsory long-term salary insurance plan.

48. Subject to the specific provisions prescribed to that effect in the master policy of the plans insured by the insurer, a senior staff member who, prior to becoming a senior staff member governed by this Regulation, was in the employ of an employer in the public or parapublic sector and was eligible for a group insurance plan applicable to employees in that sector shall be eligible for the insurance plans described in this chapter on the date on which he assumed his duties as a senior staff member governed by this Regulation, provided that his previous employment terminated not more than 30 days prior to the date on which he assumed his duties and that he provides the necessary proof of his former employment.

49. Subject to section 48, a senior staff member holding a full-time position or a position for 70% or more of the full-time equivalent shall be eligible for the insurance plans described in this chapter, upon the expiry of a one-month period from the date on which he assumed his duties, provided that he is working at that time. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

50. Subject to section 48, a senior staff member holding a position for more than 25% but less than 70% of the full-time equivalent shall be eligible for the insurance plans described in this chapter upon the expiry of a three-month period from the date on which he assumed his duties, provided he is working at that time. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

51. A senior staff member holding a position for 25% or less of the full-time equivalent shall not be eligible for the insurance plans.

52. Upon his request, a senior staff member who is reassigned to a non-unionized unionizable position shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive staff position for at least two years, the group insurance plans described in this chapter.

Upon his request, a senior staff member who is reassigned to a position covered by union certification shall retain, on the date of his reassignment and on the condition that he has held a senior staff or senior executive staff position for at least two years, the group insurance plans described in this chapter.

53. Where a senior staff member is on a leave without pay or a partial leave without pay of less than 30 days, a senior staff member shall continue to participate in the insurance plans and shall pay the contribution that he would pay if he were working.

Where the duration of a leave without pay (other than a partial leave without pay) is 30 days or more or, in the case of an unpaid absence, a senior staff member shall continue to participate in the uniform life insurance plan. Moreover, a senior staff member must continue to participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the employer for this plan and he may, if he so requests the college, prior to the date on which his leave or absence begins, continue to participate in all of the insured plans that he held prior to the beginning of the leave or absence according to the provisions prescribed in the master policy.

During a partial leave without pay of over 30 days, a senior staff member shall continue to participate in the insurance plans on the basis of the time worked. However, a senior staff member who continues to participate in those plans on the basis of the time normally worked prior to the beginning of the partial leave without pay shall also assume both his contribution and that of the employer for those plans on the basis of the time not worked, excluding the employer's contribution to the compulsory basic health and accident insurance plan which continues to be assumed by the latter.

A senior staff member who continues to participate in all of the insured plans that he had prior to the leave or absence without pay shall also continue to participate in the survivor's pension plan according to the provisions prescribed in the said plan.

54. For the purposes of the short-term salary insurance plan, total disability which develops during a leave or absence without pay shall be considered as beginning on the date on which the leave or absence terminates.

55. The college cannot terminate the relationship of employment of a senior staff member whose disability began after 31 March 1994 and who receives benefits under the short-term or long-term salary insurance plan for the sole reason of his being totally disabled.

DIVISION II PLAN INSURED BY THE COLLEGE

Short-term Salary Insurance Plan

56. The short-term salary insurance plan covers the first 104 weeks of total disability.

Benefits

57. During the first week of total disability, a senior staff member shall receive the salary to which he would have been entitled had he been working.

58. As of the second week of total disability and, up to 26 weeks from the beginning of the disability, a senior staff member shall receive a benefit under the short-term salary insurance plan equal to 80% of the salary to which he would have been entitled had he been working.

59. As of the 27th week of total disability and, up to 104 weeks from the beginning of the disability, a senior staff member shall receive a benefit under the short-term salary insurance plan equal to 70% of the salary to which he would have been entitled had he been working.

Total disability and period of total disability

60. For the purposes of the short-term salary insurance plan, total disability is a state of incapacity resulting from an illness, an accident, serious complications of a pregnancy or a surgical procedure directly related to family planning necessitating medical care and rendering the senior staff member totally incapable of performing the usual duties of his position or of any other position providing similar remuneration offered by the college.

For the purposes of the short-term salary insurance plan, a period of total disability is a continuous period of total disability or a series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time work or, as the case may be, part-time work in accordance with the senior staff member's regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, whether remunerated or not.

A period of total disability resulting from self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot, an insurrection or an illegal or criminal act is not recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior staff member is receiving treatment or medical care with a view to rehabilitation is recognized as a period of total disability.

Gradual return

61. Where the college so authorizes, a senior staff member receiving salary insurance benefits may benefit from a period of gradual return to work provided that, during that period, he performs the duties related to the position that he held before the beginning of his total disability or any other position providing similar remuneration offered by the college.

As a general rule, this period may not exceed six consecutive months and must not have the effect of extending the period of total disability beyond the 104 weeks of short-term salary insurance benefits.

During that period, a senior staff member shall receive the salary for the work done and the salary insurance benefits calculated in proportion to the time not worked. He shall be deemed to be in total disability during that period, while continuing to be subject to his salary insurance plan.

Exemption of payment of contributions

62. A disabled senior staff member shall continue to participate in the insurance plans and in the pension plan to which he is subject.

However, as of the second week of total disability, a senior staff member who receives benefits under the salary insurance plan shall be exempted from the payment of contributions to the complementary insured plans prescribed in the master policy and to the pension plan to which he is subject, if the plan so provides.

During that period, a senior staff member's contribution for the compulsory basic insured plans, including the contribution of both the senior staff member and the college, shall be borne by the college.

Coordination of disability benefits

63. A senior staff member who receives a disability benefit from a public agency, under a law in force in Québec, must inform his college without delay.

In such case, the salary or the short-term salary insurance benefit paid in application of sections 57, 58 and 59 shall be reduced by any disability benefit paid under the said law, without considering subsequent increases resulting from indexation.

Payment of benefits and medical expertise

64. A senior staff member who receives a salary or benefits under the short-term salary insurance plan prescribed in this division shall provide the information as well as the supporting documents required by the college or its representative (the insurer or a firm of medical experts) for the purposes of verifying whether he complies with the definition of total disability in order to determine the cause and the duration and whether he agrees to undergo, at the college's expense, a medical examination by the physician chosen by the college.

A senior staff member shall also authorize the college or its representative to disclose such information and to provide the supporting documents for the purposes of assessing the possibilities of offering him a position according to the provisions prescribed in this chapter.

65. Upon the senior staff member's return to work, the college may require him to undergo a medical examination by a physician chosen by the college for the purpose of determining that he has sufficiently recovered to resume work. The cost of such medical examination shall be borne by the college.

Where the opinion of the physician chosen by the college is contrary to that of the physician consulted by the senior staff member, the two physicians, shall agree on the choice of a third physician whose decision shall be final.

Industrial accidents

66. The senior staff member who is incapable of performing his duties following an industrial accident or an occupational disease that occurred while he was employed by the college shall be entitled to receive, for the period he is paid an income replacement indemnity, an amount equal to the difference between the income replacement indemnity prescribed by the Act respecting industrial accidents and occupational diseases and his net salary. This amount in addition to the income replacement indemnity shall be brought to a taxable gross amount and must not have the effect of increasing the net salary to which the senior staff member would have been entitled during that period.

This amount in addition to the income replacement indemnity shall be paid during a maximum continuous period of two years, but shall cease to be paid when the senior staff member is no longer eligible, under the provisions of the Act respecting industrial accidents and occupational diseases for the income replacement indemnity.

The net salary of the senior staff member is his gross salary reduced by the federal and provincial income tax, the contribution of the representative association and his contributions to the Québec pension plan, the employment insurance plan, the pension plan and the insurance plans.

End of participation

67. Unless there are provisions to the contrary, a senior staff member's participation in the short-term salary insurance plan and entitlement to benefits shall terminate on the earliest of the following dates :

(1) the date on which he is no longer governed by this chapter ;

(2) the date on which his total preretirement leave prescribed in sections 152 and 219 begins ;

(3) the date on which the senior staff member begins to use sick-leave days so that he may be exempted totally from performing the duties prescribed by the progressive retirement agreement and which immediately precedes his retirement ;

(4) the date of his retirement.

DIVISION III PLANS INSURED BY THE GOVERNMENT OF QUÉBEC

§III.1 Uniform life insurance plan

68. A senior staff member shall be entitled to life insurance benefits equal to \$6 400 payable to his succession. That amount is reduced to \$3 200 for a senior staff member holding a position of less than 70% of the full-time equivalent.

Where a senior staff member holds more than one senior staff position with more than one employer and where those positions are equal to 70% or more of the full-time equivalent, he shall be deemed to be a senior staff member holding a full-time senior staff position.

69. A senior staff member's participation in the uniform life insurance plan shall terminate on the earlier of the following dates :

(1) the date on which he is no longer governed by this chapter ;

(2) the date of his retirement.

§III.2 Survivor's pension plan

70. The provisions of the Directive concernant le régime de rentes de survivants, adopted by the Treasury Board, shall apply to a senior staff member, subject to the following provisions :

(1) the words "civil servant" and "pay" are replaced respectively by the words "senior staff member" and "salary" ;

(2) section 25 of the directive is replaced by section 248 of this Regulation ;

(3) the definition of “remuneration” found in section 2 of the directive is replaced by the following definition:

“salary”

— for a disability which began after 31 December 1981, salary means that set out in section 46 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan;

— for a disability which began on or prior to 31 December 1981, salary means the senior staff member’s annual salary.

DIVISION IV PLANS INSURED BY THE INSURER

71. The provisions of this division, with the exception of section 73, apply to a senior staff member who became totally disabled after 31 March 1994.

72. For the purposes of Divisions IV and V, the following terms and expressions mean:

“employment” or “rehabilitative employment”: employment for which a senior staff member is reasonably qualified according to his education, training and experience; such employment may be a senior staff position or equivalent employment to that held prior to his appointment as a senior staff member, a teaching, a professional or, for managerial personnel, a support staff position;

“total disability”: total disability within the meaning of the compulsory basic long-term salary insurance plan;

“benefit”: benefit that a senior staff member would have received had he been eligible for the compulsory basic long-term salary insurance plan.

Cost sharing of compulsory basic plans

73. The cost of the compulsory plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.

Sectorial Committee

74. A sectorial committee shall be set up, at the request of either party, to analyze any problem dealing with the return to work and to propose appropriate solu-

tions to the problems encountered by the college, the senior staff member and the insurer, particularly in the case of a return to work which could involve the temporary use of the senior staff member’s services or his moving. This committee shall be composed of a representative from each of the following bodies: the Fédération des cégeps, the Association and the Minister. The committee may call upon resource people, as needed.

Medical Arbitration Tribunal

75. Where the college is advised by the insurer that a senior staff member no longer complies or does not comply with the definition of total disability and that the payment of his benefit shall be suspended or refused, it may submit the disagreement to contest the insurer’s decision to the Medical Arbitration Tribunal in order to determine whether the senior staff member complies with the definition of total disability in accordance with the medical arbitration agreement concluded with the insurer and provided that the senior staff member agrees that the disagreement be submitted to the tribunal for a final decision. The disagreement may be submitted directly to the tribunal or after the college has required, at its expense, that the senior staff member undergo a medical examination.

A senior staff member may, under the conditions prescribed in the medical arbitration agreement, submit the disagreement to the Medical Arbitration Tribunal to contest the insurer’s decision according to which he does not comply with the definition of total disability. In such case, the college shall not assume any costs.

76. The college shall pay a senior staff member a salary equal to the benefit for the period beginning on the date on which the payment of benefits was suspended or the refusal of payment came into effect and ending on the date of the Medical Arbitration Tribunal decision provided the following conditions are met:

(1) the senior staff member was party to the medical arbitration agreement concluded with the insurer;

(2) the disagreement between the college and the insurer or between the senior staff member and the insurer was validly submitted to the tribunal for a final decision in accordance with the medical arbitration agreement concluded with the insurer.

77. Where the Medical Arbitration Tribunal confirms that the senior staff member does not comply with the definition of total disability, the contributions of both the college and the senior staff member to the insurance and pension plans shall be paid retroactively to the date on which the payment of benefits was suspended or the

refusal of payment by the insurer came into effect and the senior staff member shall continue to receive from the college a salary equal to the benefit until such time as it offers him a position. Where the senior staff member submits the disagreement to the tribunal, he must reimburse the college for the salary paid to him between the date of the suspension or the coming into effect of the refusal of payment of the benefit by the insurer and the tribunal's decision.

Where the Medical Arbitration Tribunal confirms the senior staff member's total disability, the college shall continue to pay the salary equal to the benefit until such time as the benefit is paid by the insurer. The insurer shall reimburse the college for the amounts paid to the senior staff member. The college shall reimburse the senior staff member, where applicable, for the arbitration and medical examination costs assumed.

Offer of employment

78. Where the college concurs with the insurer's decision to the effect that a senior staff member does not comply with the definition of total disability, it shall offer him a position in writing. Where the senior staff member also concurs with the decision, the provisions prescribed for the waiting period for a position or acceptance of a position shall then apply. The same shall apply in the case where the Medical Arbitration Tribunal confirms that a senior staff member does not comply with the definition of total disability.

79. A senior staff member who accepts the position offered by the college under the provisions of this division shall receive the classification corresponding to the position. The salary determined at the time of the assignment of the new class due to disability cannot exceed the maximum of the salary scale of the position and the provisions prescribed in subdivision IV.2 of Chapter IV shall not apply.

Contributions of both the senior staff member and the college to the insurance and pension plans shall be determined on the basis of the new salary.

Waiting period for a position

80. Where the college and a senior staff member agree with the insurer's decision according to which the senior staff member does not comply with the definition of total disability or, as of the date of the Medical Arbitration Tribunal's decision to that effect, the senior staff member shall receive a salary, during the waiting period for a position, equal to the benefit and the contributions of both the senior staff member and the college

to the pension and insurance plans shall be determined on the basis of that salary. The college may use the senior staff member's services temporarily during that period.

81. The salary paid to a senior staff member equal to the benefit resulting from the application of the provisions of this division cannot extend beyond the date on which the benefit prescribed in the master policy ends.

Termination of employment

82. A senior staff member who does not comply with the definition of total disability after the first 104 weeks from the beginning of the total disability cannot refuse, at the risk of dismissal, a position offered to him in a college in his zone, except for the period during which he submitted his disagreement with the insurer to the Medical Arbitration Tribunal. The duration of the regular workweek of the position must not be less than that held by the senior staff member at the beginning of the total disability. Before proceeding with the dismissal, the college shall forward a fifteen-working day written notice to the senior staff member and shall forward a copy thereof to the sectorial committee.

During that period, the sectorial committee may make appropriate recommendations in accordance with section 74.

DIVISION V REHABILITATION

Eligibility

83. A senior staff member shall be eligible for the rehabilitation prescribed in the master policy if he meets the following eligibility criteria:

(1) total disability began after 31 March 1994 and the senior staff member has been totally disabled for six months or more;

(2) total disability began more than two years prior to the earlier of the following dates:

(a) his 65th birthday;

(b) the earlier date on which he becomes eligible for:

i. a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan; or

ii. an actuarially reduced retirement pension the amount of which would correspond to that of a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan.

84. However, a senior staff member shall not be eligible for rehabilitation in the following circumstances:

(1) the attending physician or the insurer confirms that the return to work can be assured without any rehabilitation;

(2) the insurer confirms that the senior staff member will not return to work;

(3) the insurer confirms that the senior staff member does not qualify for rehabilitation.

Offer of rehabilitative employment

85. The senior staff member to whom the college has offered rehabilitative employment in writing must inform the latter in writing whether he accepts or refuses such rehabilitative employment, regardless of whether the rehabilitation commences before or after the first 104 weeks of disability. The duration of the regular workweek of such employment must not be less than that the senior staff member held at the beginning of the total disability.

86. The period during which a senior staff member holds, on a trial basis, rehabilitative employment, cannot have the effect of extending the period of total disability beyond the 104 weeks of short-term salary insurance benefits.

Rehabilitation occurs during the first 104 weeks

87. A senior staff member whose rehabilitation occurs during the first 104 weeks of disability shall be deemed totally disabled for that period and shall receive for the time worked while holding rehabilitative employment, a short-term salary insurance benefit equal to 90% of the salary to which he would have been entitled had he been working in his position and, for the time not worked or the waiting period for such employment, where applicable, a short-term salary insurance benefit equal to 70% of that salary.

This benefit shall be subject to the provisions relating to the exemption from the payment of contributions to the insurance and pension plans as well as to the provisions concerning the coordination of the benefit according to the terms and conditions prescribed in Division II.

However, the senior staff member whose rehabilitation occurs in his position shall receive his salary for the time worked.

88. Although he is already considered on a total disability leave, a senior staff member who is again absent from work due to total disability resulting from the same illness or accident, prior to the end of the first 104 weeks of disability but after having completed rehabilitation, shall be considered as suffering from a relapse of the same disability.

In such a case, the senior staff member shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in his position up to 104 weeks from the beginning of the disability and the provision contained in the second paragraph of section 87 shall apply.

89. Where a new total disability begins prior to the end of the first 104 weeks of the first disability but after having completed rehabilitation, the senior staff member shall be considered as totally disabled for the position he holds at the beginning of this new disability. However, the senior staff member shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first disability up to 104 weeks from the beginning of the first total disability, and the provision contained in the second paragraph of section 87 shall apply.

At the end of the first 104 weeks of the first total disability, the senior staff member whose rehabilitation occurred during rehabilitative employment shall be assigned a new classification in accordance with section 93.

As of the date of the new classification, the provisions of Division II shall apply, up to 104 weeks from the beginning of such new disability, to the salary determined at the time when the new classification is assigned.

Rehabilitation occurring before and after the 104th week

90. However, a senior staff member whose partial rehabilitation occurs after the 104th week of total disability shall benefit from the provisions prescribed in section 87 up to the end of the 104th week of disability.

From the 105th week to the end of the rehabilitation, a senior staff member shall receive, for the time worked, the salary earned from rehabilitative employment that he would have received had he been assigned the classification of such employment, provided that it not be less than the compulsory basic long-term salary insurance benefit and, for the time not worked, a salary equal to that benefit. However, a senior staff member whose rehabilitation occurs in his position shall receive his

salary for the time worked and a salary equal to the compulsory basic long-term salary insurance benefit for the time not worked.

Rehabilitation after the 104th week

91. A senior staff member whose total rehabilitation occurs after the 104th week of total disability shall receive, for the time worked, the salary of the rehabilitative employment that he would have received had he been assigned the classification of such employment, without it being less than the compulsory basic long-term salary insurance benefit.

Training and classification

92. The period of training or professional development of the senior staff member prescribed in the rehabilitation program approved by the insurer shall be considered as time worked.

93. A senior staff member shall be assigned the classification and the salary of the rehabilitative employment at the end of the 104th week of disability or, where applicable, at the end of the rehabilitation if the latter ends after the 104th week and the provisions of subdivision IV.2 of Chapter IV do not apply.

Contributions of both the senior staff member and the college to the insurance and pension plans shall be determined on the basis of that salary.

DIVISION VI SPECIAL PROVISIONS

94. A senior staff member whose total disability began after 31 March 1994 and who returns to work may avail himself of the provisions of the compulsory complementary long-term salary insurance plan if he meets the conditions prescribed in the master policy. That plan provides for a benefit in addition to the salary.

95. A senior staff member who receives a benefit under the compulsory basic long-term salary insurance plan may choose to take, in lieu of that benefit, a total preretirement leave in application of section 152, but such total preretirement cannot exceed the date on which the benefit that would have otherwise been applicable to him under that plan ends.

96. The provisions dealing with the definition of total disability, the definition of period of total disability and the benefits, applicable to a senior staff member on disability on 31 March 1994, shall continue to apply to the said senior staff member.

CHAPTER VIII PARENTAL RIGHTS

DIVISION I GENERAL PROVISIONS

97. For the purposes of this chapter, “spouses” means either of two persons who:

(1) are married or in a civil union and cohabiting;

(2) are of the opposite or the same sex and are living together in a conjugal relationship and are the father and mother of the same child;

(3) are of the opposite or the same sex and have been living in a conjugal relationship for one year or more.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

98. This chapter may not have the effect of giving a senior staff member a monetary or non-monetary benefit which he or she would not have had if he or she had remained at work.

99. Maternity leave benefits shall be paid solely as a supplement to the employment insurance benefits or as payment during a period of unemployment caused by a pregnancy for which employment insurance does not provide benefits.

100. Where the granting of a leave is restricted to only one spouse, such restriction shall apply so long as the other spouse is also an employee of the public or parapublic sector.

101. The college shall not reimburse a senior staff member for the sums that could be required of her by Human Resources Development Canada (HRDC) under the Act respecting employment insurance.

102. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the supplementary employment insurance benefits plan.

DIVISION II MATERNITY LEAVE

103. The maximum duration of a maternity leave is 20 weeks which, subject to section 108, must be consecutive and include the day of delivery.

104. A senior staff member who becomes pregnant while on leave without pay or a partial leave without pay referred to in this chapter shall also be entitled to such maternity leave and to the benefits attached thereto.

105. A senior staff member who gives birth to a stillborn child after the beginning of the 20th week preceding the expected date of delivery is also entitled to maternity leave.

106. Should a senior staff member's spouse who is on maternity leave die, the remainder of the 20 weeks of maternity leave and the rights and benefits attached thereto shall be transferred to the senior staff member.

107. The distribution of the maternity leave, before and after the birth, shall be decided by the senior staff member and shall include the day of the birth.

108. Where a senior staff member is sufficiently recovered from her delivery and her child is not able to leave the health establishment, she may suspend her maternity leave by returning to work.

A senior staff member whose child is hospitalized within 15 days of birth is also entitled to the same privileges.

109. Maternity leave may be interrupted only once and shall resume when the child is brought home. When a senior staff member resumes her maternity leave, the college shall pay her only the allowance to which she would have been entitled had she not interrupted her leave.

110. If the birth occurs after the due date, a senior staff member shall be entitled to extend her maternity leave for the length of time the birth is overdue, except if she still has two weeks of maternity leave left after the birth.

Furthermore, a senior staff member may extend her maternity leave by six weeks if her child was hospitalized during her maternity leave or her child's health requires that she do so.

During those extensions, a senior staff member shall not receive any benefit or salary. However, she shall be entitled to the benefits prescribed in section 143 provided she is entitled to them.

111. The maternity leave may be less than 20 weeks. If the senior staff member returns to work two weeks after the birth, she shall produce, at the college's request, a medical certificate attesting that she has sufficiently recovered to resume work.

112. The college must send to the senior staff member, during the fourth week preceding the termination of the maternity leave, a notice indicating the scheduled date of termination of the maternity leave.

Any senior staff member who receives from the college the notice described above must report for work on the date of termination of the maternity leave, unless she extends the maternity leave as provided in Division V.

113. To obtain a maternity leave, a senior staff member must notify the college at least three weeks prior to the date of departure. Such notice must be accompanied by a medical certificate attesting to the pregnancy and the due date.

Less than three weeks' notice may be given if a medical certificate attests that the senior staff member must leave her job sooner than expected. In case of an unforeseen event, a senior staff member shall be exempted from the formality of the notice provided that she give the college a medical certificate stating that she had to leave her job immediately.

§II.1 Cases eligible for employment insurance

114. A senior staff member who has accumulated 20 weeks of service and who, following the submission of an application for benefits under the employment insurance plan, receives such benefits, shall be entitled, during her maternity leave to receive:

(1) for each week of the waiting period stipulated by the employment insurance plan, an allowance equal to 93% of her basic weekly salary;

(2) for each week she is receiving employment insurance benefits, a complementary allowance equal to the difference between 93% of her basic weekly salary and the weekly employment insurance benefit that she is receiving.

The supplementary allowance shall be calculated on the basis of the employment insurance benefits that a senior staff member is entitled to receive without taking into account the amounts deducted from such benefits because of the reimbursement of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

The maternity leave allocation paid by the Government of Québec shall be deducted from the benefits to be paid under this subdivision.

However, in the case of the senior staff member who works for more than one employer, she shall receive a supplementary allowance equal to the difference between 93% of her basic weekly salary paid by the college and the percentage of the employment insurance benefits corresponding to the proportion of basic weekly salary it pays her in relation to the total basic weekly salaries paid by all the employers. To this end, the senior staff member shall provide each of her employers with a statement of the weekly salaries paid by each of them and the amount of the benefits paid by Human Resources Development Canada.

Where the number of weeks of employment insurance benefits is reduced by Human Resources Development Canada, where applicable, a senior staff member shall continue to receive the supplementary allowance without taking into account such reduction by Human Resources Development Canada as if she had received employment insurance benefits during that period;

(3) for each of the weeks that follow those described in paragraph 2 of this section, an allowance equal to 93% of her basic weekly salary up to the end of the 20th week of the maternity leave.

115. An absent senior staff member shall accumulate service if her absence is authorized, particularly for total disability, and includes benefits or remuneration.

116. For the purposes of this division, basic weekly salary means the senior staff member's regular salary distributed on a weekly basis.

117. No benefit may be paid during a period of vacation for which the senior staff member is paid.

118. The college may not offset a reduction in employment insurance benefits attributable to income earned with another employer by paying an allowance to a senior staff member on maternity leave.

119. Notwithstanding section 118, the college shall pay compensation if a senior staff member proves, by means of a letter to this effect from the employer who pays this regular salary, that the income earned from another employer is regular salary. Where the senior staff member proves that only a portion of that income is regular salary, compensation payable shall be in proportion to that portion.

120. An employer paying the regular salary as determined in section 119 must, at a senior staff member's request, provide such a letter.

121. The total amounts received by the senior staff member during her maternity leave in employment insurance benefits, compensation and salary may not exceed 93% of the salary paid by her employer or, where applicable, by her employers.

122. Compensation owing for the first two weeks shall be paid by the college within the two weeks following the beginning of the leave; compensation due after that date shall be paid at two-week intervals. In the case of a senior staff member eligible for employment insurance benefits, the first instalment shall only be payable 15 days after the college obtains proof that she is receiving employment insurance benefits. For the implementation of this section, a statement of benefits, a stub or a computerized information statement provided by Human Resources Development Canada to the college shall be accepted as proof.

123. Service shall be calculated with any employer that is a public or parapublic sector body (public service, education, health services and social services), a local health and social services network development agency, a body with employees whose employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires or a body mentioned in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Furthermore, the requirement of 20 weeks of service under sections 114 and 125 is deemed to have been satisfied if the senior staff member has satisfied this requirement as an employee of any of the employers mentioned in the first paragraph.

124. A senior staff member may defer a maximum of four weeks' annual vacation if it falls within her maternity leave and if she notifies the college in writing of the date of such deferral no later than four weeks before the termination of the said maternity leave.

§II.2 Cases not eligible for employment insurance

125. A senior staff member excluded from employment insurance benefits or declared ineligible shall also be excluded from any other compensation. However, a full-time senior staff member who has accumulated 20 weeks of service shall also be entitled, for 12 weeks, to a compensation equal to 93% of her basic weekly salary in accordance with this division if she is ineligible for employment insurance benefits because she did not hold an insurable job for the required number of work hours during the qualifying period prescribed by the employment insurance plan.

DIVISION III PATERNITY LEAVE

126. A senior staff member shall be entitled to paid leave upon the birth of his child, the duration of which shall not exceed five working days. He shall also be entitled to such leave if the child is stillborn and the birth occurs after the beginning of the 20th week preceding the due date. This paid leave may be discontinuous but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home. One of the five days may be used for the baptism or the registration.

DIVISION IV ADOPTION LEAVE AND LEAVE WITHOUT PAY FOR ADOPTION PURPOSES

127. A senior staff member who legally adopts a child, other than his or her spouse's child, shall benefit from a leave for a maximum duration of 10 consecutive weeks, provided that his or her spouse not also be on such a leave. This leave must be taken following the child's placement order or an equivalent procedure in the case of an international adoption in accordance with the adoption plan or at another time agreed to with the college.

128. For every week of the leave mentioned in section 127, a senior staff member shall receive an allowance equal to the salary he or she would have received had he or she been at work.

129. A senior staff member who legally adopts a child and who does not benefit from the adoption leave mentioned in section 127 shall be entitled to a leave for a maximum period of five working days, of which only the first two shall be remunerated.

This leave may be discontinuous but it may not be taken more than 15 days following the child's arrival home.

However, if it involves the spouse's child, the senior staff member shall be entitled only to a leave without pay for a maximum period of two working days.

130. For adoption purposes, a senior staff member may take a leave without pay of up to 10 weeks' duration from the date on which he or she actually takes custody of the child.

131. A senior staff member who travels outside of Québec in order to adopt a child shall obtain, for that purpose and upon written request to the college four weeks in advance where possible, a leave without pay

for the required travel time. Where the trip results in obtaining actual custody of the child, the duration of the leave without pay shall not exceed 10 weeks in accordance with section 130. During such a leave, the senior staff member shall be entitled to the same benefits as those attached to leave without pay prescribed in this chapter.

132. Sections 127 and 131 shall not apply to a senior staff member who adopts his or her spouse's child.

133. The adoption leave prescribed in section 127 may take effect on the date on which the leave without pay for adoption purposes begins, where the duration of the latter shall not exceed a consecutive period of 10 weeks and where the senior staff member so decides upon making the request provided for in section 130.

Where the adoption leave takes effect on the date of the beginning of the leave without pay, the senior staff member shall be entitled only to the benefits prescribed for the adoption leave.

However, if no child is adopted following a leave for adoption purposes for which the senior staff member received an allowance under section 128, the senior staff member shall be deemed to have been on leave without pay and he or she shall repay the allowance to the college according to the terms and conditions to be agreed between the college and the senior staff member concerned. However, the senior staff member shall repay the allowance within one year.

DIVISION V LEAVES WITHOUT PAY

134. A leave without pay as extended maternity, paternity or adoption leave shall not exceed two years.

A senior staff member who wishes to terminate such leave during the first 52 weeks must submit a written notice to this effect at least 21 days prior to his or her return.

A senior staff member who does not avail himself or herself of the leave without pay may, for the portion of the leave that his or her spouse has not used, benefit from a leave without pay.

135. A senior staff member who does not avail himself or herself of the leave mentioned in section 134 may benefit, after the birth or adoption of a child, from a leave without pay for a maximum period of 52 continuous weeks which begins at the time the senior staff member chooses and ends no later than 70 weeks after the birth

or, in the case of adoption, 70 weeks after he or she assumes full legal responsibility for the child. However, this paragraph does not apply to the senior staff member who adopts his or her spouse's child.

A senior staff member who wishes to terminate his or her leave before the anticipated date must submit a written notice to this effect at least 21 days prior to his or her return.

136. A leave without pay or a partial leave without pay for a maximum period of one year shall be granted to the senior staff member whose minor child experiences socioemotional problems or whose minor child is handicapped or suffers from a chronic illness requiring his or her care.

137. A senior staff member may be absent from work for a maximum of six days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfill obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior staff member's bank of sick-leave days and, failing that, the days of absence shall be without pay.

138. The college and a senior staff member must agree, in advance, on the terms and conditions of the leave without pay.

Notwithstanding the first paragraph, upon the senior staff member's return from a maximum 12-week leave without pay, he or she shall be reinstated in the duties that he or she would have had had he or she been at work, subject to the provisions of Chapter XIV of this Regulation.

DIVISION VI OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

139. A senior staff member shall be entitled to a special leave in the following cases:

(1) when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate; such special leave cannot be extended beyond the beginning of the eighth week preceding the due date;

(2) upon presentation of a medical certificate prescribing the duration, when a natural or induced miscarriage occurs before the beginning of the 20th week preceding the due date;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate.

140. As regards the examinations referred to in paragraph 3 of section 139, a senior staff member shall benefit from a special leave with pay for a maximum duration of four days which may be taken in half-days.

141. During the special leaves obtained under this division, a senior staff member shall be entitled to the benefits prescribed in sections 143 and 145.

Notwithstanding paragraph 1 of section 143, a senior staff member covered by section 139 may also avail herself of the benefits under the salary insurance plan. However, in the case of paragraph 3 of section 139, a senior staff member must first have used up the four days prescribed in section 140 before benefiting from the basic salary insurance plan.

142. A senior staff member who benefits from preventive reassignment by virtue of the Act respecting industrial accidents and occupational diseases shall avail herself of the benefits prescribed in sections 124 and 143 insofar as she is normally entitled to them and may subsequently avail herself of the provision prescribed in section 145.

DIVISION VII OTHER PROVISIONS

143. During a maternity leave and the extensions prescribed in section 110 or a 10-week adoption leave, a senior staff member shall avail himself or herself of the following benefits, insofar as he or she is normally entitled to them:

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, a senior staff member shall be exempted from the payment of premiums to the insurance plans as prescribed in the provisions of the master policy;

(2) accumulation of vacation;

(3) accumulation of experience and continuous service for stability of employment purposes.

The maternity leave benefits applicable cannot exceed 93% of the basic weekly salary.

144. During a leave without pay in accordance with this chapter, the insurance plans shall apply to a senior staff member according to the provisions of section 53.

145. When a senior staff member returns from a maternity leave, a paternity leave, an adoption leave or a leave without pay for adoption purposes, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to the provisions of Chapter XIV of this Regulation.

146. The college and a senior staff member shall agree, in advance, on the terms and conditions of a leave without pay for adoption purposes, a maternity leave, a paternity leave or an adoption leave.

CHAPTER IX SICK-LEAVE BANKS

147. The group insurance plans described in Chapter VII terminated on 1 January 1974 the accumulation of cash-convertible or non-cash-convertible sick-leave days in the sick-leave bank of the senior staff of a college.

148. A senior staff member who took up his duties after 1 January 1974 in that position shall keep the credit for his sick-leave days accumulated in the college or in the college to which that college succeeded.

DIVISION I REIMBURSEMENT OF CASH-CONVERTIBLE DAYS

149. A senior staff member who has to his credit a bank of cash-convertible sick-leave days shall keep his entitlement to reimbursement of those days.

150. For a senior staff member on duty in a senior staff position on 1 January 1974, the conditions and procedures for reimbursement of cash-convertible days shall be those drawn up by the college, by resolution or by-law adopted before 25 January 1972. For a senior staff member taking up his duties after 1 January 1974, reimbursement shall be made in accordance with the conditions and procedures applicable at the time when those days were credited.

151. Where the resolution or by-law of the college provides that the percentage of cash-convertibility of sick-leave days shall be in terms of years of service, the years after 1 January 1974 shall also be used in calculating the percentage.

DIVISION II USE OF SICK-LEAVE DAYS

152. Cash-convertible and non-cash-convertible sick-leave days to the credit of a senior staff member may be used for the following purposes :

(1) to pay the cost of redemption of years of prior service as prescribed by the pension plans provisions ;

(2) to take preretirement leave ;

(3) for any other reason of use, as ordered by resolution or by-law of the college before 25 January 1972 ;

(4) for any leave related to parental rights for the period during which the person obtains leave without pay ;

(5) as additional days of vacation of up to 10 days per year, when the senior staff member has completed 30 years of service in the employ of the college, or when he is at least 60 years old ;

(6) to be exempted, in whole or in part, from work as prescribed in a progressive retirement agreement in accordance with section 185 ;

(7) take a gradual preretirement leave in accordance with Chapter XII.

153. In the cases described in paragraphs 4 and 5 of section 152, cash-convertible sick-leave days must be used first.

154. The value of the cash-convertible days in time or in money shall be determined proportionately to the percentage of cash-convertibility acquired at the time of use, without ever being less than 50%, in accordance with the salary of the senior staff member at the time of use.

155. The value of the non-cash-convertible days in time or in money shall be fixed at 50% of the number of days accumulated, in accordance with the salary of the senior staff member at the time of use.

156. Unless otherwise provided, at the time of a reassignment to a position in another category of personnel, the conditions and procedures for use or for reimbursement of sick leave shall be those prescribed by the rules applicable to such category of personnel.

CHAPTER X DEFERRED OR ANTICIPATED SALARY LEAVE PLAN

157. The deferred or anticipated salary plan, called "the plan" for the purposes of this chapter, is intended to enable a senior staff member who is not designated as supernumerary senior staff to spread his salary so as to benefit from remuneration during a period of leave.

However, the purpose of the plan is not to enable a senior staff member to defer income tax or to receive benefits upon his retirement.

158. The plan comprises a period of work and a period of leave.

The leave with deferred salary shall be that in which the period of leave follows the entire period of work.

The leave with anticipated salary is that in which the period of leave precedes part or the whole of the period of work.

159. The duration of the plan may be two, three, four or five years.

The projected duration of the plan may be extended in the cases and in the manner set forth in sections 172, 175 and 176. Nevertheless, the leave must begin no later than the expiry of a maximum period of six years from the date on which the amounts begin to be deferred.

160. The duration of the period of leave may be from six to twelve months. Notwithstanding any provision to the contrary, the leave cannot be interrupted under any circumstances whatsoever.

161. A senior staff member wishing to avail himself of the plan must apply to the college in writing.

The application shall indicate the proposed duration of the plan and of the period of leave, as well as the proposed dates of the beginning and end of the period of leave and of the plan.

Consent in writing must be obtained from the college for leave with deferred or anticipated salary.

162. A college may not accept an application for participation in the plan from a senior staff member who is disabled, on leave without pay or designated as supernumerary senior staff.

163. At the end of the period of leave or at the end of the leave prescribed in this Regulation that follows the period of leave, a senior staff member shall return to work on a full-time basis subject to the provisions of the regulation respecting engagement and stability of employment. A senior staff member must remain in the employ of the college for a duration at least equivalent to the duration of his period of leave.

164. During each of the years of participation in the plan, the senior staff member shall receive the percentage of his salary prescribed by the table below in relation to the duration of the plan and the duration of the leave :

Duration of participation in plan				
Duration of leave	2 years	3 years	4 years	5 years
Salary percentage				
6 months	75.00%	83.33%	87.50%	90.00%
7 months	70.83%	80.56%	85.42%	88.33%
8 months	66.67%	77.78%	83.33%	86.67%
9 months		75.00%	81.25%	85.00%
10 months		72.22%	79.17%	83.33%
11 months		69.44%	77.08%	81.67%
12 months		66.67%	75.00%	80.00%

The salary to which the percentage is applied shall be that the senior staff member would receive if he did not participate in the plan.

During the leave, a senior staff member may not receive any remuneration from the college or from another person or company with which the college has ties within the requirements of tax legislation other than the amount corresponding to the percentage of his salary for the duration of the leave.

165. Subject to the provisions of this chapter, during the period of work, the availability and work load of the senior staff member shall be the same as those he would have assumed if he had not participated in the plan ; in addition, he shall be entitled to the benefits of this Regulation to which he would be entitled if he did not participate in the plan.

166. Subject to the other provisions of this chapter, during the leave, a senior staff member shall be deemed to be on a leave without pay for the purposes of applying the working conditions.

167. Subject to the provisions concerning the short-term salary insurance plan, a senior staff member shall continue to benefit, for the duration of his participation in the plan, from the insurance plans on the basis of the time normally worked prior to the beginning of the plan.

Contributions of the college and of the senior staff member shall be maintained on the basis of the time normally worked prior to the beginning of the plan.

168. For the purposes of the short-term salary insurance plan, the following provisions apply :

(1) a senior staff member who becomes totally disabled during the leave with deferred or anticipated salary cannot, during the leave, benefit from the short-term salary insurance plan.

Where a senior staff member continues to be totally disabled at the end of the leave, he shall benefit from the short-term salary insurance plan as of the date foreseen for the return to work on the basis of the percentage of salary of the plan for the remainder of the plan. Disability shall then be considered as beginning on the date foreseen for the senior staff member's return to work;

(2) a senior staff member who becomes totally disabled during the plan, but after having taken his leave with deferred to anticipated salary, shall benefit from the short-term salary insurance plan on the basis of the percentage of salary of the plan;

(3) a senior staff member who becomes totally disabled prior to the leave with deferred or anticipated salary and whose disability continues until the date on which the leave with deferred or anticipated salary is scheduled may choose one of the following options:

(a) either continue to participate in the plan and postpone the period of leave with deferred or anticipated salary to a time when he is no longer disabled.

If the total disability continues during the last year of the plan, it may be interrupted from the scheduled beginning of the leave with deferred or anticipated salary to the end of the total disability. During that period, a senior staff member shall be entitled to short-term salary insurance benefits and the leave with deferred salary may begin on the date on which the total disability ceases;

(b) or terminate the plan and receive the unpaid salary, without interest, for the elapsed period of the leave.

169. Where the total disability continues after 104 weeks, the plan shall terminate and the following provisions shall apply:

(1) if a senior staff member has already benefited from the leave with deferred or anticipated salary, an overpayment of salary shall not be claimable;

(2) if a senior staff member has not yet benefited from the leave with deferred or anticipated salary, he shall receive the unpaid salary, without interest, for the elapsed period of the plan.

A senior staff member shall then benefit from the compulsory basic long-term salary insurance plan.

170. For the calculation of a pension for the purposes of a pension plan, the senior staff member shall be attributed a year of service for each year of participation in the plan, and an average salary calculated on the basis of the salary he would have received if he had not participated in the plan.

The contribution of the senior staff member to a pension plan during the years of participation in the plan shall be determined by the pension plan law applicable.

171. If the senior staff member ceases to be employed by the college, retires or withdraws from the plan, it shall terminate immediately and the following procedures apply:

(1) if a senior staff member has already benefited from the period of leave, he must reimburse without interest the amount he received during the period of leave, less the amounts already deducted from his salary during the period of work in implementation of section 164;

(2) if a senior staff member has not yet benefited from the period of leave, the college shall reimburse without interest the difference between the salary he would have received if he had not participated in the plan and the salary he has actually received since the beginning of the plan;

(3) if the period of leave is in progress, the calculation of the amount due from the senior staff member or the college shall be made as follows: the amount received by the senior staff member during the period of leave less the amounts already deducted from the senior staff member's salary during the period of work in implementation of section 164. If the balance is negative, the college shall reimburse the balance to the senior staff member. If it is positive, the senior staff member shall reimburse the balance to the college;

(4) for the purposes of pension plans, the rights recognized shall be those that would have existed if the senior staff member had never been a member of the plan. If the period of leave has been taken, the contributions paid during that period shall be used to compensate for the contributions lacking for the years worked with a view to restoring the pension differences then lost; the senior staff member could redeem the year or years of service lost in accordance with the pension plan provisions applicable to the redemption of an unpaid absence. In addition, where the period of leave has not been taken, the contributions lacking to recognize the total years worked shall be deducted from the reimbursement of salary made to the senior staff member.

Where the senior staff member has an obligation to reimburse the college, he may make an agreement with the college on the procedures for reimbursement.

172. During the life of the plan, the total of the absences without pay of the senior staff member for any reason, authorized or not, may not exceed 12 months. If the total of the absences without pay for any reason, authorized or not, exceeds 12 months, the plan shall terminate on the date on which such total reaches 12 months and the procedures prescribed by subparagraphs 1, 2, 3 and 4 of section 171 apply by making the necessary changes.

Where the total of the absences without pay of a senior staff member for any reason, authorized or not, is equal to or less than 12 months, the duration of the plan shall be extended for a duration equal to the total of the absences.

173. Where a senior staff member is designated as supernumerary senior staff while the plan is in progress, it shall remain in force until the senior staff member is replaced. At the time of replacement, if the plan is not terminated, the senior staff member may complete the plan by agreement with the college in which he is replaced. Failing an agreement, the plan shall terminate and the provisions of subparagraphs 1, 2 and 3 of section 171 shall apply, without loss of rights in respect of the pension plans.

If while the plan is in progress, the senior staff member becomes employed by another employer in the public or parapublic sector offering a comparable plan, he may complete the plan by agreement with his new employer. Failing an agreement, the plan shall terminate and the provisions of section 171 apply.

174. If the senior staff member dies while the plan is in progress, the plan shall terminate on the date of the death and the procedures prescribed by subparagraphs 1, 2 and 3 of section 171 shall apply. An overpayment of salary shall not be claimable, and any unpaid salary shall be reimbursed.

175. If the senior staff member becomes disabled within the meaning of section 60 while the plan is in progress, the following procedures apply:

(1) the disability occurs during the period of leave:

the disability shall be deemed not to have existed during the period of leave and it shall be deemed to have begun on the day prescribed by the plan for the return to work of the senior staff member at the end of the period of leave.

He shall be entitled during his period of leave to the salary prescribed by the plan. From the expected date of return to work, if he is still disabled, he shall be entitled to the salary insurance benefit prescribed by this Regulation as long as he is covered by the plan. The salary insurance benefit shall be based on the salary fixed by the plan. If he is still disabled at the expiry of the plan, he shall receive a salary insurance benefit based on the salary as determined in section 62;

(2) the disability occurs after the period of leave:

the participation of the senior staff member in the plan shall continue and the salary insurance benefit shall be based on the salary fixed by the plan as long as the disability lasts. From the expiry of the plan, a senior staff member who is still disabled shall receive a salary insurance benefit based on the salary as determined in section 62;

(3) the disability occurs before and ends before the period of leave:

the participation of a senior staff member in the plan shall continue and the salary insurance benefit shall be based on the salary fixed by the plan as long as the disability lasts;

(4) the disability occurs before the period of leave and continues on the date provided in the plan for the beginning of the period of leave:

in such case, the senior staff member may choose one of the following options:

(a) continue his participation in the plan and delay the period of leave to a time when he is no longer disabled. The senior staff member is entitled to his salary insurance benefit based on the salary prescribed by the plan. If the disability continues during the last year of the plan, it may be interrupted from the beginning of the last year to the end of the disability. During the period of interruption, the senior staff member shall be entitled to the salary insurance benefit based on the salary as determined in section 62;

(b) terminate the plan and receive the amounts unpaid as well as his salary insurance benefit based on the salary as determined in section 62. The amounts not paid shall be subject to assessment in the pension plan;

(5) the period of interruption provided in subparagraph *a* of paragraph 4 shall be excluded from the duration of the plan;

(6) the disability lasts more than two years:

during the first two years, the senior staff member shall be treated as prescribed above. At the end of those two years, the plan terminates and:

(a) if the senior staff member has already taken his period of leave, the overpayment of salary is not claimable and there is no loss of rights in the pension plan (a full year of service shall be credited for each full year of participation in the plan);

(b) if the senior staff member has not yet taken his period of leave, the unpaid salary shall be reimbursed without interest, without being subject to an assessment for the purposes of the pension plan and any disability pension to which he is entitled under his pension plan becomes payable immediately.

176. If a maternity leave (20 weeks) begins before or after the period of leave, participation in the plan shall be suspended for a maximum period of 20 weeks (employment insurance then becomes the first payer and the college makes up the difference to total 93% of the regular salary) and the plan is then extended for not more than 20 weeks.

Where the maternity leave is taken before the period of leave, the senior staff member may terminate the plan. She shall then receive the unpaid salary without interest and the benefit prescribed for maternity leave. The amounts so reimbursed shall be subject to assessment in the pension plan.

177. In every case where the senior staff member does not take his period of leave while the plan is in progress, the college shall pay the whole of the amounts of deferred salary to him, from the first year of assessment following the termination of the plan.

CHAPTER XI PROGRESSIVE RETIREMENT

178. The progressive retirement program is intended solely for a member of RREGOP, TPP, CSSP or PPM who is a full-time regular senior staff member or a part-time regular senior staff member whose work time on a yearly basis is greater than 40% of the work time of a full-time regular senior staff member.

179. The program shall allow a senior staff member to reduce the time worked, for a period of between one and five years, in a proportion such that the time worked, for each of the calendar years or parts thereof contemplated by the progressive retirement, cannot be less than 40% or greater than 80% of the time worked of a regular full-time senior staff member.

For the purposes of this chapter, parts of a calendar year mean the portion of the calendar year when a senior staff member's progressive retirement begins and when it ends.

180. To avail himself of the progressive retirement program, a senior staff member shall ascertain in advance from the Commission administrative des régimes de retraite et d'assurances (CARRA) whether he is likely to be eligible for a pension on the date provided for the end of the agreement referred to in section 181. Any change to the dates fixed for the beginning or the end of the agreement shall be agreed to by CARRA before being made.

The senior staff member shall provide the college with an attestation to that effect from CARRA when applying for participation in the progressive retirement program or when requesting that changes be made thereto.

181. A progressive retirement shall be granted subject to prior agreement with the college, which shall take the needs of the department into account. Such agreement shall specify the terms and conditions of the progressive retirement, such as its duration, the percentage of work time for each calendar year or part of a calendar year referred to in the agreement, the scheduling of the work time and, where applicable, the terms and conditions for using the sick-leave days provided for in section 185.

Once an agreement has been reached with the college, the duration of the progressive retirement, the percentage of work time for each calendar year or part of a calendar year referred to in the agreement and the scheduling of the work time may vary during the progressive retirement but shall respect at all times the other terms and conditions of applying the progressive retirement program.

182. Retirement is compulsory at the end of the agreement, subject to sections 190 and 191.

183. If at the end of the agreement the number of years or parts of a year of service credited to the senior staff member is less than the number estimated by CARRA, the agreement shall be extended until the date on which the number of years or parts of a year of service credited to the senior staff member corresponds to the estimate made by CARRA.

If at the end of the agreement the senior staff member is not eligible for his pension, the agreement shall be extended until the date on which the senior staff member becomes eligible for his pension.

184. The salary of a senior staff member in the progressive retirement program shall be paid during the entire calendar year or part of a calendar year in proportion to the work time prescribed for each of the calendar years or parts of a calendar year covered by the agreement.

185. For the duration of the progressive retirement program, a senior staff member may use the sick-leave days credited to him in order to be exempted, in whole or in part, from the work stipulated in the agreement. Such use, provided for in an agreement with the college, shall be continuous and shall immediately precede his definite and full retirement. Moreover, the terms and conditions respecting the use of such sick-leave days provided for in sections 154 and 155 apply.

186. For the duration of the agreement, the pensionable salary for the years or parts of a year covered by the agreement for the purposes of RREGOP, TPP, CSSP or PPM shall be the salary the senior staff member would have received or, for a period in respect of which salary insurance benefits apply, the salary which he would have been entitled to receive if he had not availed himself of the progressive retirement program. The service credited is the service which would have been credited to him if he had not availed himself of the progressive retirement program.

187. For the duration of the agreement, a senior staff member shall pay contributions to his pension plan equal to those he would have paid if he had not availed himself of the progressive retirement program.

Where a senior staff member is eligible for the short-term salary insurance plan, the exemption from contributions to the pension plan is the exemption to which he would have been entitled if he had not availed himself of the progressive retirement program. Such exemption may not exceed the date fixed for the end of the agreement.

Where a senior staff member is eligible for the long-term salary insurance plan, the insurer shall pay the contributions to the pension plan which would have been paid by the senior staff member if he had not availed himself of the progressive retirement program. The insurer shall pay the contributions until the date fixed for the end of the agreement.

188. A senior staff member shall be entitled, for the duration of the agreement, to be covered by the insurance plans on the basis of the time normally worked prior to the beginning of the agreement.

Notwithstanding the first paragraph, a senior staff member shall receive a short-term salary insurance benefit on the basis of the time worked prescribed for each of the calendar years or parts thereof contemplated by the agreement. The short-term salary insurance benefits shall be paid for the entire duration of the total disability without extending beyond the expiry of the agreement.

However, where the duration of the agreement extends beyond 104 weeks, a senior staff member shall continue to participate in the compulsory long-term salary insurance plans, subject to the provisions of the master policy.

189. During the progressive retirement, the contribution of the employer and that of the senior staff member to the insurance plans shall be maintained on the basis of the time normally worked by the senior staff member prior to the agreement.

Where the duration of the agreement extends beyond 104 weeks, the contribution of the employer and that of the senior staff member to the compulsory long-term salary insurance plans shall be maintained, subject to the provisions of the master policy.

190. Where a senior staff member holds a new position with another employer whose personnel participates in the RREGOP, TPP, CSSP or PPM, the agreement shall terminate unless the new employer agrees to the continuation of the agreement and provided that the continuation is approved by CARRA.

191. Where the agreement becomes null or terminates due to circumstances provided for in the preceding section or due to other circumstances provided for in Division IX.1 of Chapter I of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, par. 11.2), in Chapter V.1 of the Regulation under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, par. 4.3) or in Chapter VIII.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, par. 8.1.2), the pensionable salary, the service credited and the contributions for the purposes of the pension plan shall be determined, for each circumstance, in the manner prescribed by those regulations.

192. With the exception of the preceding provisions, a senior staff member who avails himself of the progressive retirement program shall retain the working conditions applicable prior to the beginning of the agreement and adjusted, where applicable, in proportion to the

work time provided for each of the years or parts of a year covered by the agreement. Such adjustments are adapted in accordance with the terms and conditions respecting part-time employment.

193. A senior staff member may avail himself only once of the progressive retirement program.

CHAPTER XII GRADUAL PRERETIREMENT

194. The gradual preretirement program is intended for any senior staff member who, during the period immediately preceding his full or definite retirement, wishes to reduce his workweek by using the sick-leave days to his credit.

In such a case, the actual workweek may not be less than 40% of the regular workweek of a full-time senior staff member.

195. The granting of a gradual preretirement leave shall be subject to prior agreement with the college, which shall take the needs of the department into account. Such agreement shall specify the terms and conditions of the gradual preretirement leave, such as its duration and the percentage and scheduling of the work time.

196. A senior staff member on gradual preretirement leave shall be entitled to the basic short-term salary insurance plan on the basis of the time actually worked as prescribed in the agreement.

On the other hand, where the gradual preretirement leave spreads over a period of over 104 weeks, a senior staff member shall continue to participate in the compulsory long-term salary insurance plans, subject to the provisions of the master policy.

CHAPTER XIII LEAVE FOR ASSOCIATION ACTIVITIES

197. A college shall, subject to the requirements of the service, free a senior staff member who takes part in general meetings of the Association as official representative of the Association, for meetings of the executive of the Association if he is a member thereof, and for meetings of the exchange and consultation committee or for a member sitting on the recourse or appeals committee.

The senior staff member shall come to an agreement in advance with the college on the procedures for the leave.

CHAPTER XIV STABILITY OF EMPLOYMENT

GENERAL PROVISIONS

198. This chapter applies only to a senior staff member who has held a regular full-time position in a college for at least two continuous years.

199. In this part, administrative reorganization means a reorganization resulting from:

- (1) the application of a law, a regulation of the Minister or an administrative policy approved by the Minister;
- (2) a reduction in the student population;
- (3) an agreement between the college and the senior staff member.

200. If the college decides not to renew or to cancel the appointment of a senior staff member, he shall retain his employment connection and the college shall apply one of the following measures:

- (1) it may assign him to another senior staff position;
- (2) it may assign him to a position in another category of personnel;
- (3) it may designate him as supernumerary senior staff.

A senior staff member covered by this section is entitled to the application of the provisions of sections 211 and 212, with the necessary changes.

201. A person who is dismissed, whose engagement is not renewed or whose contract is cancelled by the college may avail himself of the provisions respecting the recourse and appeals committees prescribed by Chapter XV.

DIVISION I PROCEDURES RESPECTING STABILITY OF EMPLOYMENT

202. Before declaring a surplus of personnel, a college must respect the consultation procedures prescribed by its management policy.

203. Where as a result of an administrative reorganization, there is a surplus of personnel, the college shall designate a senior staff member involved in the surplus as supernumerary senior staff.

204. A supernumerary senior staff member may, at any time, avail himself of any of the termination of employment measures prescribed by Division III.

At Champlain Regional College, notwithstanding the first paragraph, a campus director or a dean designated as supernumerary senior staff may avail himself, by making the necessary changes, of the departure indemnity or the leave with pay provided in Chapter V of the Regulation determining certain conditions of employment of senior executives of general and vocational colleges if he satisfies the provisions of section 46 of this Regulation.

205. A senior staff member may substitute for a supernumerary senior staff member if the college accepts the substitution.

206. A college wishing to fill a regular full-time senior staff position shall inform the Placement Office of the college sector, indicating the criteria for eligibility. The Placement Office shall then inform all the colleges, which must post the information to the attention of all the senior staff personnel.

DIVISION II SUPERNUMERARY SENIOR STAFF

207. The salary of a senior staff member on the date on which he is designated as supernumerary senior staff shall be maintained for the period during which he is so designated.

208. A senior executive designated as supernumerary senior staff shall be integrated as senior staff and shall receive the classification corresponding to the position assigned. He shall be entitled to a lump-sum payment equal to the difference between his new salary and that he was receiving.

209. A senior staff member designated as supernumerary senior staff shall perform tasks compatible with his skills.

210. A supernumerary senior staff member shall be required to accept in his college or in a college in his zone any position available offered to him if it is compatible with his professional training; after one year as supernumerary senior staff, the same rule shall apply in a college outside the zone. Refusal to accept such a position shall be equivalent to resignation.

211. A supernumerary senior staff member who accepts an offer of a position from his college subject to the provisions of a collective agreement is entitled to resume his status of supernumerary senior staff if he

again becomes supernumerary without having acquired employment security within the meaning of that collective agreement.

212. A supernumerary senior staff member who accepts a position in a college as a senior staff member or in another category of personnel and whose salary applicable to the new position is lower than that he was receiving is entitled to a lump-sum payment equal to the difference between the salary he is receiving and that he was receiving. The lump-sum payment is variable and shall cease when there is no longer a difference.

213. Travel and accommodation expenses incurred by a supernumerary senior staff member appearing at a selection interview in an agency of the public or parapublic sector shall be reimbursed by his college.

214. A supernumerary senior staff member accepting a job in an agency of the public or parapublic sector located more than 50 km from his place of work or his domicile shall be entitled to reimbursement of his moving costs in accordance with the same provisions as those in force for the professional personnel of the college.

DIVISION III TERMINATION OF EMPLOYMENT MEASURES

215. To be entitled to a termination of employment measure, a senior staff member shall be a supernumerary senior staff member.

The termination of employment measures shall not apply to a senior staff member who is eligible for a pension equal to 70% or more of his average pensionable salary calculated in accordance with the pension plan in effect.

§III.1 Severance pay

216. The severance pay shall be equal to one month's salary per year of continuous service in the college as a senior staff member.

217. The severance pay may not be greater than six months' salary or less than two months' salary.

The severance pay for the first two months shall be paid on the beneficiary's departure. From the third month, he shall be entitled to payment of an instalment of the severance pay each month until the months to his credit are used up. The severance pay shall cease as soon as the beneficiary has a position.

A senior staff member who has already received a severance pay in the public, parapublic or peripublic sector may receive only the difference between the amount of the severance pay already received and the new severance pay calculated in accordance with his last annual salary.

218. The acceptance of such severance pay shall be equivalent to a resignation.

§III.2 Preretirement leave

219. Preretirement leave is leave with pay for a maximum duration of one year.

The leave may be for a longer duration where the senior staff member has, to his credit, a bank of sick-leave days usable for that purpose; the number of additional days of leave shall be calculated in accordance with Division II of Chapter IX.

220. During his preretirement leave, a senior staff member shall receive the progressive salary he would have received had he worked. During that period, he shall be entitled to the benefits provided for in this Regulation, with the exception of the provisions pertaining to salary insurance, the stand-by premium, the premium for regional disparities, parental rights and vacation, provided that they are compatible with the nature of the leave.

221. To be entitled to the leave, the senior staff member must be eligible for retirement on the date of expiry of his leave.

222. A senior staff member shall be deemed to have resigned on the date of expiry of his leave, and he must retire on that date.

CHAPTER XV RECOURSE AND APPEALS COMMITTEES

GENERAL PROVISIONS

223. Where a complaint is related to the employment relationship, this chapter does not apply to a senior staff member who is on probation in accordance with the college's management policy.

224. A senior staff member who is not a member of the local committee of the Association shall exercise instead of the local committee the rights and obligations conferred on him by this chapter.

225. Division I, with the necessary changes, and Division III of this chapter shall apply where the college's management policy does not fix any specific recourse procedure for dealing with complaints related to the implementation and interpretation of the management policy.

DIVISION I RECOURSE COMMITTEE

226. Where a complaint is made to the college respecting a decision involving the interpretation and implementation of this Regulation, the local committee of the Association may, during the 60 days following the fact or knowledge of the fact leading to the complaint, request that the college set up a local recourse committee.

227. The committee shall be composed of a person designated by the local committee of the Association and a person designated by the college.

228. The committee shall study the complaint and send its recommendations to the parties within 15 days of receipt.

229. Within 20 days following receipt of the recommendation of the recourse committee, the college shall make known to the senior staff member in writing its decision, with reasons, with copies to the recourse committee and the local committee of the Association.

DIVISION II APPEALS COMMITTEE: SETTLEMENT

230. Where a senior staff member is not satisfied with the college's decision or where the college does not make its decision known within the time prescribed in section 229, the Association may, within 20 days following the date of the college's decision or of the expiry of the time prescribed in section 229, request that an Appeals Committee be set up.

Notwithstanding section 226, in the case of a complaint respecting the discontinuation of the senior staff member's employment relationship, the Association may, within 60 days following the fact leading to the complaint, request directly that an Appeals Committee be set up.

231. The request shall be addressed to the first chairman of the Appeals Committee at the following address:

Grefe des comités de recours et d'appel
575, rue Saint-Amable, 2^e étage
Québec (Québec) G1R 5Y8

232. The request must contain a statement of the facts leading to the complaint, the solution sought and the name of the Association's representative.

Copies of the request shall be sent to the college and to the Fédération des cégeps.

233. The Appeals Committee shall be composed of a representative designated by the Association, a representative designated by the college and a chairman designated jointly by the two representatives from a list of chairmen approved by the Association and the Fédération des cégeps.

Failing an agreement on the choice of a chairman, the first chairman shall appoint the chairman.

234. Within the 15 days of receiving the notice of appeal, the college shall indicate in writing to the first chairman the name of its representative.

235. The chairman shall summon the parties as soon as possible and the committee shall decide on the procedures to be followed.

236. Where the Appeals Committee decides that the interpretation or the implementation of the settlement by the college does not comply with the provisions of this Regulation, it may deliver an executory decision in the cases covered by section 238 or may make a recommendation in the other cases.

237. The Appeals Committee's recommendation or decision may not have the effect of changing, adding to or subtracting from the provisions of this Regulation.

238. The decision of the Appeals Committee is final and executory and binds the parties where it deals with the following provisions:

- (1) Chapter I;
- (2) Chapter II, except section 5;
- (3) Chapter III, except sections 11 and 12, and Chapter IV;
- (4) Chapter V;
- (5) Chapter VI;
- (6) Chapter VII;
- (7) Chapter VIII;

(8) Chapter IX;

(9) Chapters X, XI and XII;

(10) Chapter XIV, except sections 199, 200, 205 and 206;

(11) Chapter XV.

239. The Appeals Committee also has jurisdiction to decide on any complaint respecting the discontinuation of the senior staff member's employment relationship.

240. Where the Appeals Committee considers that the reasons for the college's decision are not fair and sufficient, it may:

(1) order the college to rescind its decision and to reinstate the senior staff member in his position or to place him in an equivalent position (same level); or

(2) order the college to change its decision by transforming the discontinuation of the employment relationship to a suspension and by reinstating the senior staff member in his position or in an equivalent position (same level); or

(3) order the college to change its decision and to reinstate the senior staff member in a senior staff position or in a position in another category of personnel. In such case, sections 211 and 212 apply by making the necessary changes; or

(4) order the college to pay the senior staff member compensation equal to the equivalent of two months' salary per year of service as senior staff member. The compensation may not be less than the equivalent of three months' salary or greater than the equivalent of 12 months' salary.

In every case, the committee shall decide the amount of any compensation for the actual loss of salary.

241. At any time, in the case of complaints covered by section 239, the college and the senior staff member may make an agreement to settle their dispute. The agreement may provide for the payment of compensation that may be equal to the equivalent of two months' salary per year of service as a senior staff member. The compensation may not be greater than the equivalent of 12 months' salary.

Notwithstanding the foregoing, the Minister may, in exceptional cases, on the conditions fixed by him, authorize the college to pay greater compensation.

242. The decision or recommendation of the Appeals Committee shall be unanimous or by a majority, and must include reasons; any dissenting member may make a separate report.

243. The decision or recommendation of the Appeals Committee shall be sent to the parties within 45 days following the consideration of judgment.

The decision or recommendation of the Appeals Committee shall not be void from the fact that it is sent after the time prescribed above.

244. If the senior staff member does not wish to accept the decision delivered in accordance with section 240, he shall be deemed to have resigned, and he may then benefit from compensation in the same amount and on the same conditions as those fixed in subparagraph 4 of section 240.

245. The college must execute a decision within 30 days of its receipt, except in the cases covered by section 244.

246. The expenses and fees of the chairman shall be paid by the Minister.

The expenses and fees of the two other members shall be paid by the parties who designated them.

247. The times prescribed by this division may be changed by agreement in writing between the college and the Association.

248. A senior staff member who has submitted a complaint to the Appeals Committee concerning the discontinuation of the relationship of employment by the college, shall continue to participate in the uniform life insurance plan. Moreover, he must continue to participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the employer to that plan and may, if he so desires, continue to participate in the insured plans until the date of the Appeals Committee's decision or a settlement reached by the parties, provided a written request to that effect be forwarded to the insurer according to the provisions of the master policy. A senior staff member who continues to participate in the insured plans shall also continue to participate in the survivor's pension plan according to the provisions of that plan.

Should a senior staff member be reinstated as a result of a decision rendered by the Appeals Committee in favour of the senior staff member or a settlement reached by the parties, he shall be entitled to the reimbursement of the contribution normally paid by the college for the plans in which he continued to participate and, where applicable, to the reimbursement of the premium paid to cover his continued participation in the survivor's pension plan, retroactively to the date of the discontinuation of the relationship of employment and any total disability which began since that date shall then be recognized.

DIVISION III

APPEALS COMMITTEE: MANAGEMENT POLICY

249. This division applies only to complaints covered by section 225.

250. Where a senior staff member is not satisfied with the decision of the college or where the college does not make its decision known within the time prescribed by section 229, the Association may, within the 20 days of the college's decision or of the expiry of the time prescribed by section 229, request that an Appeals Committee be set up.

251. The request shall be sent to the first chairman of the Appeals Committee at the following address:

Grefe des comités de recours et d'appel
575, rue Saint-Amable, 2^e étage
Québec (Québec) G1R 5Y8

252. The request must contain a statement of the facts leading to the complaint, the solution sought and the name of the Association's representative.

Copies of the request shall be sent to the college and to the Fédération des cégeps.

253. The composition of the Appeals Committee shall be the same as that defined in section 233.

254. Within 15 days of receiving the notice of appeal, the college shall indicate in writing to the first chairman the name of its representative.

255. The chairman shall summon the parties as soon as possible and the committee shall decide on procedure.

256. Where the Appeals Committee decides that the college's interpretation or application of the management policy does not comply with the provisions of the policy, it shall send its recommendation to the parties.

257. The recommendation of the Appeals Committee shall be unanimous or by majority and must include reasons; any dissenting member may make a separate report.

258. The recommendation of the Appeals Committee shall be sent to the parties within 45 days following the decision.

259. The chairman's expenses and fees shall be paid by the Minister.

The expenses and fees of the other two members shall be paid by the parties who designated them.

260. The times prescribed by this division may be changed by agreement in writing between the college and the Association.

CHAPTER XVI MANAGEMENT POLICY

261. After consultation with the local committee of the Association, the college shall adopt a management policy by resolution.

The college shall also consult the senior staff members who are not members of the local committee.

262. The management policy shall deal, in particular, with:

- (1) procedures and subjects for consultation and participation;
- (2) administrative organization;
- (3) employment, including :
 - engagement and appointment;
 - discontinuation of employment relationship and cancellation of appointment;
 - selection;
 - evaluation;
 - professional record;
 - eligibility criteria;
 - rules for determining salary upon a movement of personnel (appointment, promotion or demotion) and the lump sums related to the calculation of salary in accordance with sections 19 and 29;

(4) fringe benefits, including :

- annual vacation, subject to Chapter VI;
- statutory holidays and personal holidays;
- leave for public responsibilities;
- absences for professional activities;
- leave with or without pay;

(5) payment of salary;

(6) travel and accommodation expenses;

(7) liability in tort;

(8) in-service training, taking into consideration that :

- the sums allocated by the Minister must be used exclusively for in-service training of senior staff;

- the sums not used in a given year shall be transferred to the in-service training budget of the following year;

(9) the equal opportunity program;

(10) a procedure for recourse respecting any problem related to the implementation and interpretation of the management policy.

Notwithstanding section 261, the procedure must be agreed upon by an accord between the college and the local committee of the Association; failing an agreement, section 225 of Chapter XV applies. The same procedure must be followed for senior staff who are not members of the local committee, where applicable.

If the procedure agreed upon provided for the intervention of a third person to preside over the recourse committee, the expenses and fees of that person shall be paid by the Minister, if he is chosen from the list mentioned in section 233.

CHAPTER XVII SPECIAL PROVISIONS

263. Notwithstanding section 4 of this Regulation, a senior staff member may benefit from an early departure incentive program authorized by the Minister.

264. The rules prescribed in sections 20, 21 and 23 to 30, those found in Schedule I and the minimum qualifications prescribed in the job descriptions applicable on the day preceding 7 October 1998 shall continue to be in effect until the coming into force of the rules enacted by the college in the management policy concerning eligibility criteria or in accordance with sections 20 and 23.

265. RULES FOR THE INTEGRATION INTO THE NEW CLASSIFICATION PLAN APPLICABLE ON 1 JULY 2005

(1) On 1 July 2005, the college shall integrate the senior staff member who, on 30 June 2005, held a regular senior staff position into the new classification plan in accordance with Schedule I and the ministerial document entitled *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel*.

(2) On 1 July 2005, the salary scale of a senior staff member corresponding to the class established in paragraph 1 shall be determined in accordance with Schedule II.

(3) A senior staff member's salary cannot be less than the minimum rate of his new salary scale.

(4) A senior staff member's salary shall be increased by 2% without, however, exceeding the maximum rate of the salary scale.

(5) A senior staff member's salary which, on 30 June 2005, is higher than the maximum rate of his new salary scale shall be protected until such time as he is reassigned and section 29 of the Regulation applies, by making the necessary changes.

PROCEDURE EXCLUSIVE TO THE PROCESS FOR THE INTEGRATION OF SENIOR STAFF POSITIONS INTO THE NEW CLASSIFICATION PLAN

(6) A senior staff member who, on the date on which the new classification plan comes into force, is of the opinion that the principal and usual duties and responsibilities that he performs do not correspond to any of the job descriptions prescribed in the *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel* may request that the college evaluate his classification.

(7) The college shall submit, before 31 October 2005, the file to the integration committee designated to determine the classification.

(8) The integration committee shall be composed of an equal number of representatives of the Ministry, the Fédération des cégeps and the Association des cadres des collèges du Québec (ACCQ).

(9) The integration committee shall study the file and shall submit, where applicable, its unanimous recommendation to the Direction générale des relations du travail of the Ministry. The Direction générale des relations du travail of the Ministry shall inform the college of the classification determined.

Where the parties to the integration committee do not agree on the classification of a senior staff member, they shall forward a report and the reasons on which it is based as well as their respective recommendations to the Direction générale des relations du travail.

(10) Any decision made by the Direction générale des relations du travail of the Ministry concerning any file is final, executory and retroactive to 1 July 2005.

(11) The college shall integrate the senior staff member by assigning him the classification determined in paragraph 9 and the corresponding salary scale in Schedule II retroactively to 1 July 2005 and the preceding paragraphs 3, 4 and 5 apply.

266. FINAL PROVISIONS

(a) This Regulation replaces the Regulation respecting certain conditions of employment of senior staff of vocational and general colleges enacted by the minister's order dated 7 December 1989 and its amendments.

(b) This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has a retroactive effect to 1 July 2005.

SCHEDULE I
CLASSIFICATION OF SENIOR STAFF POSITIONS¹

Employment group	Class ²
Directors	
Campus director	9 or 10
Director of continuing education	8 or 9
Director of services	7, 8 or 9
Director of corporate affairs and communications	7 or 8
Centre director	7 or 8
Coordinators	
Coordinator of continuing education	7 or 8
Associate academic dean	6, 7 or 8
Coordinator of information technologies	6 or 7
Coordinators of services	6
Managers	
Administrative assistant	4
General superintendent	4
Superintendent	3
Specialized maintenance foreman	2
Administrative officer	2
General maintenance foreman	1

¹ Where the principal and usual duties of a senior staff position do not correspond to any of the employment groups found in the Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel, sections 11 and 12 of the Regulation apply.

² Where more than one class applies to the same position, the classification of that position shall be determined by applying the classification criteria prescribed in the Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel.

SCHEDULE II
SALARY SCALES¹ ACCORDING TO CLASSES OF SENIOR STAFF POSITIONS

CLASSES	RATES	
	MINIMUM	MAXIMUM
10	74 122	98 829
9	70 022	93 362
8	66 148	88 197
7	61 605	82 140
6	57 375	76 500
5	53 435	71 246
4	49 766	66 354
3	44 412	59 216
2	39 635	52 846
1	35 371	47 161

SCHEDULE III
EVENING SHIFT AND NIGHT SHIFT PREMIUMS AND WEEKEND PREMIUMS (managers)

Evening shift premium (as of 1 January 2002)	Night shift premium (as of 1 April 2000)	Weekend premium (as of 1 January 2002)
	Seniority	Salary %
	0 to 5 years	11%
\$0.68/hour	5 to 10 years	12%
	10 years or more	14%

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¹ Salary scale determined in accordance with the rates in effect on 1 April 2003

Gouvernement du Québec

T.B. 202576, 21 June 2005

Education Act
(R.S.Q., c. I-13.3)

School boards

— Certain conditions of employment of senior executives
— Amendment

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education may determine, with the approval of the Conseil du trésor and by regulation, for all or certain school boards, the classification of positions, the maximum number of positions in each job category as well as the conditions of employment, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Minister of Education made, on 18 November 2004, the Regulation respecting certain conditions of employment of senior executives of school boards;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on 17 June 2005, the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,
Clerck of the Conseil du trésor

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards*

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Regulation respecting certain conditions of employment of senior executives of school boards is amended by replacing Schedule 10 by the following :

“SCHEDULE 10
CLASSIFICATION PLAN AND SALARY SCALES
IN EFFECT AS OF 15 OCTOBER 2005 AND
RETROACTIVE TO 1 JULY 2005

1. The classification plan in Table A comes into force on 15 October 2005 and has a retroactive effect to 1 July 2005.

2. The salary scales in Table B come into force on 15 October 2005 and have a retroactive effect to 1 July 2005.

3. The following integration rules come into force on 15 October 2005 and have a retroactive effect to 1 July 2005 :

(a) a senior executive shall be integrated into his new class of employment and corresponding salary scale on 1 July 2005;

(b) a senior executive's salary cannot be less than the minimum rate of his new salary scale;

(c) a senior executive's salary shall be increased by 2% without, however, exceeding the maximum rate of his new salary scale;

(d) the salary of a senior executive which, on 30 June 2005, exceeds the maximum rate of his new salary scale shall be protected.

4. The other integration rules and procedures will be determined between now and the date on which the classification plan comes into force.

* Regulation respecting certain conditions of employment of senior executives of school boards was made by minister's order dated 18 November 2004 (2004, G.O. 2, 5323).

TABLE A
CLASSIFICATION PLAN IN EFFECT AS
OF 15 OCTOBER 2005 AND RETROACTIVE
TO 1 JULY 2005

Classification 30 June 2005	Positions	Population Range 48 000 or more	Population Range 24 000 – 47 999	Population Range 12 000 – 23 999	Population Range 6 000 – 11 999	Population Range 5 999 or less
HC0	Director general	17	16	15	13	12
HC1	Assistant director general	14	13	12	11	10
CC	Senior consultant to the director general	9	8	8	7	7

TABLE B
SALARY SCALES¹ IN EFFECT AS OF
15 OCTOBER 2005 AND RETROACTIVE
TO 1 JULY 2005

Classes	Rates	
	Minimum	Maximum
17	110 396	147 195
16	104 289	139 052
15	98 519	131 359
14	93 069	124 092
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
9	70 022	93 362
8	66 148	88 197
7	61 605	82 140

1. Determined according to the rates in effect on
1 April 2003

”.

2. This regulation comes into force on 21 June 2005.

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Gouvernement du Québec

T.B. 202577, 21 June 2005

Education Act
(R.S.Q., c. I-13.3)

School boards
— **Conditions of employment of management staff**
— **Amendment**

Regulation to amend the Regulation respecting the
conditions of employment of management staff of
school boards

WHEREAS under section 451 of the Education Act
(R.S.Q., c. I-13.3), the Minister of Education may deter-
mine, with the approval of the Conseil du trésor and by
regulation, for all or certain school boards, the classifi-
cation of positions, the maximum number of positions in
each job category as well as the conditions of employ-
ment, remuneration, recourses and rights of appeal of
the members of the staff who are not members of a
certified association within the meaning of the Labour
Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting the conditions of
employment of management staff of school boards was
made by minister’s order dated 23 September 1998;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1)
does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and
Sports is of the opinion that it is expedient to amend the
Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on 17 June 2005, the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards;

THE CONSEIL DU TRÉSOR DECIDES:

1. To approve the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,
Clerck of the du Conseil du trésor

Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards*

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Regulation respecting the conditions of employment of management staff of school boards is amended by replacing Schedule 18 by the following:

“SCHEDULE 18
CLASSIFICATION PLAN AND SALARY SCALES
IN EFFECT AS OF 15 OCTOBER 2005 AND
RETROACTIVE TO 1 JULY 2005

1. The classification plan in Table A comes into force on 15 October 2005 and has a retroactive effect to 1 July 2005.

2. The salary scales in Table B come into force on 15 October 2005 and have a retroactive effect to 1 July 2005.

3. The following integration rules come into force on 15 October 2005 and have a retroactive effect to 1 July 2005:

(a) a management staff member shall be integrated into his new class of employment and corresponding salary scale on 1 July 2005;

(b) the salary of the management staff member cannot be less than the minimum rate of his new salary scale;

(c) the salary of the management staff member shall be increased by 2 % without, however, exceeding the maximum rate of his new salary scale;

(d) the salary of the management staff member which, on 30 June 2005, exceeds the maximum rate of his new salary scale shall be protected.

4. The other integration rules and procedures will be determined between now and the date on which the classification plan comes into effect.

TABLE A
CLASSIFICATION PLAN IN EFFECT AS
OF 15 OCTOBER 2005 AND RETROACTIVE
TO 1 JULY 2005

Classification 30 June 2005	Positions	Population Range 24 000 or more or 300 000 GHI ¹ or more
D1: regional director (directeur de regroupement) and directeur de région	Regional director	12
C1: regional coordinator (coordonnateur de regroupement)	Regional coordinator	8

1. GHI: Group-hours of instruction

* The latest amendments to the Regulation respecting the conditions of employment of management staff of school boards made by minister's order dated 23 September 1998 (1998, *G.O.* 2, 5498) of the Minister of Education were made by the minister's order dated 18 November 2004 (2004, *G.O.* 2, 5355) of the Minister of Education. For previous amendments, see *Table of amendments and Summary Index*, Publications du Québec, 2005, updated to 1 March 2005.

Classification 30 June 2005	Positions	Population Range 48 000 or more	Population Range 24 000 – 47 999	Population Range 12 000 – 23 999	Population Range 6 000 – 11 999	Population Range 5 999 or less
D1: Director of student services, special education services, instructional services (youth) and any other D1, excluding regional director	Director of educational services	12	11	10	9	8
D2: Director of human resources	Director of human resources services					
D2: Director of financial resources, material resources and information technologies resources services and any other D2, excluding director of human resources	Director of services other than educational services and human resources services	11	10	9	8	7
D3: Assistant director of student services, special education services, instructional services (youth) and human resources services	Assistant director of educational services Assistant director of human resources services	10	9	8	7	x
D3: Assistant director of financial resources, material resources and information technologies resources services	Assistant director of services other than educational services and human resources services	9	8	7	6	x
D3: Secretary general (exclusive function)	Secretary general	8	7	7	6	6
C1: Coordinator of student services, special education services, instructional services (youth) and any other C1, excluding regional coordinator	Coordinator of educational services	8	7	6	5	5
C2: Coordinator of human resources	Coordinator of human resources services					
C2: Coordinator of financial resources, material resources and information technologies resources services and any other C2, excluding coordinator of human resources	Coordinator of services other than educational services and human resources services	7	6	5	5	5
CGP: Personnel management consultant	Personnel management consultant	4	4	4	4	4
C4: Personnel management consultant—CSDM						

Classification 30 June 2005	Positions	Population Range 48 000 or more	Population Range 24 000 – 47 999	Population Range 12 000 – 23 999	Population Range 6 000 – 11 999	Population Range 5 999 or less
R1: Superintendents of administrative services (transportation, equipment or other administrative services) and any other R1 R2: Superintendents of maintenance, supply, food and community services and any other R2 R4: General foreman—CSDM R7: all R7 superintendents—CSDM	Superintendent of services	4	4	3	3	3
CO2: Specialized maintenance foreman	Specialized maintenance foreman	2	2	2	2	2
CO1: Assistant superintendent of transportation services CO3: Assistant superintendent of student transportation services—CSDM and any other CO1	Assistant superintendent of transportation services	2	2	2	2	2
CO2: Administration officer CO5: Administration officer—CSDM and any other CO5—CSDM	Administration officer	2	2	2	2	2
CO3: General maintenance foreman	General maintenance foreman	1	1	1	1	1
CO3: Cafeteria manager	Cafeteria manager	1	1	1	1	1
CO3: Secretarial staff manager, head of kitchen and cafeteria and secretarial staff manager—CSDM	Secretarial staff manager	1	1	1	1	1

Classification 30 June 2005	Positions	Population Range 2 800 or more	Population Range 1 800 – 2 799	Population Range 800 – 1 799	Population Range 500 - 799	Population Range 250 - 499	Population Range 249 or less
DP: Principal (elementary) DS: Principal (secondary)	Principal	11	10	9	8	7	6
DAP: Vice-principal (elementary) DAS: Vice-principal (secondary)	Vice-principal	6	6	6	5	5	x
R3: Administrative assistant (school)	Administrative assistant (school)	4	4	3	3	3	3
Classification 30 June 2005	Positions	GHI' Range 85 000 or more	GHI Range 65 000 – 2 799	GHI Range 35 000 – 64 999	GHI Range 20 000 – 34 999	GHI Range 8 000 – 19 999	GHI Range 7 999 or less
DCA: Director of adult education centre and Centre director AES— CSDM	Director of adult education centre	11	10	9	8	7	6
DCFP: Director of vocational training centre	Director of vocational training centre						
DACA: Assistant director of adult education centre	Assistant director of adult education centre	6	6	6	5	5	5
DACFP: Assistant director of vocational training centre	Assistant director of vocational training centre						
R3: Administrative assistant (centre)	Administrative assistant (centre)	4	4	3	3	3	3
Classification 30 June 2005	Positions	GHI Range 400 000 et plus	GHI Range 200 000 – 399 999	GHI Range 100 000 – 199 999	GHI Range 50 000 – 99 999	GHI Range 49 999 or less	
DEA1: Director of adult education services	Director of adult education services	11	10	9	8	7	
DEP1: Director of vocational education services	Director of vocational education services						
CEA1: Coordinator of adult education services	Coordinator of adult education services	8	7	6	6	5	
CEP1: Coordinator of vocational education services	Coordinator of vocational education services						

1. GHI: Group-hours of instruction

TABLE B
SALARY SCALES¹ IN EFFECT AS OF
15 OCTOBER 2005 AND RETROACTIVE
TO 1 JULY 2005

Classes	Rates	
	Minimum	Maximum
17	110 396	147 195
16	104 289	139 052
15	98 519	131 359
14	93 069	124 092
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829
9	70 022	93 362
8	66 148	88 197
7	61 605	82 140
6	57 375	76 500
5	53 435	71 246
4	49 766	66 354
3	44 412	59 216
2	39 635	52 846
1	35 371	47 161

1. Determined according to the rates in effect on
1 April 2003

”.

2. This regulation comes into force on 21 June 2005.

Municipal Affairs

Gouvernement du Québec

O.C. 689-2005, 29 June 2005

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amendment to the letters patent constituting Municipalité régionale de comté du Haut-Richelieu

WHEREAS Municipalité régionale de comté du Haut-Richelieu was constituted on 1 January 1982 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS, under section 210.39 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), rendered applicable to the regional county municipality by section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, c. 65), the Government may, at the request of the regional county municipality, amend the letters patent with regard to the number of representatives, the number of votes, the power of veto or the majority required for the election of the warden;

WHEREAS the council of Municipalité régionale de comté du Haut-Richelieu made Resolution 9446-03 dated 10 December 2003, requesting the Government to amend its letters patent with regard to the number of votes of the municipalities on the council of the regional county municipality;

WHEREAS it is expedient to amend the letters patent of Municipalité régionale de comté du Haut-Richelieu;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the letters patent constituting Municipalité régionale de comté du Haut-Richelieu be amended by replacing the third and fourth paragraphs of the operative part by the following:

“The representative of a municipality on the council of Municipalité régionale de comté du Haut-Richelieu shall have one vote for the first 20 000 inhabitants in the municipality.

For any population in excess of 20 000 inhabitants, the representative of a municipality shall have one additional vote per additional portion of 20 000 inhabitants.”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Parliamentary Committees

Committee on agriculture, fisheries and food

General consultation

Bill 113, An Act to amend the Act respecting reserved designations

The Committee on agriculture, fisheries and food will hold public hearings beginning on 27 September 2005 in pursuance of a general consultation on the Bill 113, An Act to amend the Act respecting reserved designations. Individuals and organizations who wish to express their views on this matter must submit a brief to the committees secretariat not later than 2 September 2005.

The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies.

Briefs, correspondence, and requests for information should be addressed to: Mr Christian A. Comeau, Clerk of the Committee on agriculture, fisheries and food, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722
Facsimile: (418) 643-0248
E-Mail: capa@assnat.qc.ca

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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