

Regulations and other acts

Gouvernement du Québec

O.C. 302-96, 13 March 1996

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 24 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 20 of Chapter 70 of the Statutes of 1995, the days and parts of a day during which an employee is on leave without pay are credited, on the conditions and according to the terms determined by regulation, on the application of the employee;

WHEREAS section 33.1 of the Act was repealed by section 25 of Chapter 70 of the Statutes of 1995;

WHEREAS under section 147.0.3 of the Act, enacted by section 17 of Chapter 46 of the Statutes of 1995, any person who has received a reimbursement of contributions or actuarial value without being entitled thereto and who is entitled, in respect of the amounts so reimbursed, to claim a pension credit under his pension plan has 90 days from the date of the notice of claim sent by the Commission to elect either to keep the amount reimbursed, or to return the amount received without entitlement, with interest compounded annually, and computed at the rates determined for each period and in the manner prescribed by regulation, both of which may vary according to the pension plan concerned, from the date of the reimbursement to the date of the notice;

WHEREAS under section 221 of the Act, amended by section 42 of Chapter 70 of the Statutes of 1995, the days during which an employee was, after becoming a member of the Government and Public Employees Retirement Plan, on leave without pay ending before 1 July 1983 are credited under the retirement plan, at the request of the employee, on such terms and conditions as are determined by regulation;

WHEREAS under paragraph 4.1 of section 134 of the Act, enacted by section 36 of Chapter 70 of the Statutes of 1995, the Government may, by regulation, after the Commission has consulted the Comité de retraite, determine, for the purposes of section 24 and 221 of the Act, the conditions and terms governing the redemption of a leave without pay;

WHEREAS under paragraph 11.2 of section 134 of the Act, the Government may, by regulation, after the Commission has consulted the Comité de retraite, determine, for the purposes of section 85.5.4, the circumstances due to which an agreement becomes null or terminates;

WHEREAS under paragraph 16.1 of section 134 of the Act, enacted by paragraph 2 of section 13 of Chapter 46 of the Statutes of 1995, the Government may, by regulation, after the Commission has consulted the Comité de retraite, determine, for the purposes of section 147.0.3, the rates of interest applicable to each period and the method of computation of such interest, both of which may vary according to the pension plan concerned;

WHEREAS under section 85.5.5 of the Act, the regulations made under Division II.1 of Chapter V.1 of Title I of the Act may have effect 12 months or less before they are made;

WHEREAS under section 65 of Chapter 70 of the Statutes of 1995, the first regulation made pursuant to sections 24 and 221 of the Act may, if it so provides, have effect from any date not prior to 1 January 1996;

WHEREAS the Comité de retraite has been consulted;

WHEREAS it is expedient to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan:

(1) in order to determine the rates of interest applicable in the case of a reimbursement of contributions or actuarial value without being entitled thereto;

(2) in order to revoke paragraph 4 of section 29 of the Regulation;

(3) in order to determine the conditions and terms governing the redemption of a leave without pay made under section 24 or section 221 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 85.5.5 and s. 134, pars. 4.1 and 16.1; 1995, c. 46, s. 17; 1995, c. 70, s. 36)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 and amended by the Regulations made by Orders in Council 422-90 dated 4 April 1990, 1610-90 dated 21 November 1990, 883-91 dated 26 June 1991, 884-91 dated 26 June 1991, 927-92 dated 23 June 1992, 1049-92 dated 15 July 1992, 1812-92 dated 9 December 1992, 794-93 dated 9 June 1993, 706-94 dated 18 May 1994, 1321-95 dated 4 October 1995 and 1570-95 dated 6 December 1995, is further amended by inserting the following Division after section 8:

“DIVISION III.1
CONDITIONS AND TERMS GOVERNING THE
REDEMPTION OF A LEAVE WITHOUT PAY
(s. 134, par. 4.1)

8.1 An employee may redeem, in accordance with section 24 of the Act, part-time or full-time leave without pay if it is for a period of not less than 28 consecutive days.

Notwithstanding the foregoing, the minimum number of consecutive days shall not apply in respect of an employee who ceases to participate while he is entitled to a pension or to a deferred pension.

8.2 An employee may redeem, in accordance with section 221 of the Act, a leave without pay if it is for a period of at least 30 consecutive days ending before 1 July 1983.

Notwithstanding the foregoing, the minimum number of consecutive days shall not apply in respect of an employee who ceases to participate while he is entitled to a pension or to a deferred pension.”

2. Paragraph 4 of section 29.1 of the Regulation is revoked.

3. The following Division is inserted after section 35.1:

“DIVISION XIV.1
REIMBURSEMENT OF CONTRIBUTIONS OR
ACTUARIAL VALUE
(s. 134, par. 16.1)

35.2 For the purposes of the first paragraph of section 147.0.3 of the Act, the rate of interest is the rate provided, for each period, by the pension plan concerned for a reimbursement of contributions.

Where the pension plan does not provide for a rate of interest for such reimbursement, the rate of interest shall be the rate provided for, for each period, in Schedule VI to the Act and for any period prior to 1 July 1973, the rate shall be fixed at 5 % per year.”

4. This Regulation comes into force on the day on which it is made but has effect, in respect of sections 1 and 2, from 1 January 1996.

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Gouvernement du Québec

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(R.S.Q., c. R-10)

Temporary measures applicable to certain non-unionizable employees

Application of temporary measures applicable to certain non-unionizable employees under the Government and Public Employees Retirement Plan

WHEREAS Chapters I.0.1 to I.0.4 of Title IV.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 6 of Chapter 13 of the Statutes of 1995, provide for specific measures applicable to non-unionizable employees who meet certain conditions;