

Regulations and other acts

Gouvernement du Québec

O.C. 1217-96, 25 September 1996

An Act respecting health services and social services
(R.S.Q., S-4.2)

Regional boards and public health and social services institutions

— Executive directors

Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions

WHEREAS under subparagraph 1 of the first paragraph of section 507 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

WHEREAS under the same section, the Government may also establish by regulation, for persons referred to in subparagraphs 1 and 2 of the first paragraph of that section who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion; such regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby; lastly, it may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (R.S.Q., c. C-27) apply, and the measures the arbitrator may take after having heard the parties;

WHEREAS it is expedient to make a Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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DIVISION 2 INTERPRETATION

4. In this Regulation, unless otherwise indicated by the context:

“administrative reorganization” means an administrative operation resulting from the effect of an Act, of a decision on the part of the Minister or the concerned employers and involving the elimination of 1 or more positions of higher officer; this can be the amalgamation of employers, the integration of one or several employers to another employer, a grouping of employers, a pooling of officer resources, or the closing of an employer; (*réorganisation administrative*)

“assistant executive director” means a senior administrator holding a management position ranked as such by the Minister; (*directeur général adjoint*)

“association” means the Association des directeurs généraux des services de santé et des services sociaux du Québec;

“Centre de référence des directeurs généraux et des cadres” means the organization established under section 521 of the Act; (*Centre de référence des directeurs généraux et des cadres*)

“continuous service” means the duration of the employment relationship with one or more employers, including private institutions covered by section 475 of the Act and institutions being set up, as a senior administrator or as an officer without interruption of the employment relationship for a period exceeding 3 months; (*service continu*)

“demotion” means the transfer from a position of senior administrator to a position of a lower evaluation class; (*rétrogradation*)

“dismissal” means the termination by an employer of the contractual employment contract with a senior administrator at any time and for any reason; (*congédiement*)

“employer” means a regional board or a public institution; (*employeur*)

“employers’ association” means the Association des centres jeunesse du Québec, the Association des centres hospitaliers et des centres d’accueil privés du Québec, the Association des hôpitaux du Québec, the Confédération québécoise des centres d’hébergement et de réadaptation, the Conférence des régies régionales de la santé et des services sociaux du Québec, the Fédération des CLSC du Québec; (*association d’employeurs*)

“evaluation class” means a ranking unit of the classification system used for the positions of senior administrators and officers that corresponds to an evaluation point range reflecting the relative value of positions (*classe d’évaluation*)

“executive director” means a senior administrator holding a full-time or part-time regular management position ranked as such by the Minister; (*directeur général*)

“home base” means the home base determined by the employer according to the following criteria:

(1) the place where the officer usually carries on his duties;

(2) the place where the officer regularly receives his instructions;

(3) the place where the officer reports his activities.

“interim” means holding temporarily a position of a higher salary class with the same employer, during the absence of the incumbent and without holding the habitual position, in an operational hierarchy line where continuous occupation of the position is needed; (*intérim*)

“layoff” means the termination of the contractual employment relationship resulting from a decision of an employer applying chapter 5 on employment stability measures; (*mise à pied*)

“non-renewal of engagement” means the termination by the employer of the contractual employment relationship with a senior administrator at the end of an engagement, except for a layoff; (*non-renouvellement*)

“officer” means a person holding a full-time or part-time regular management position and whose position is ranked by the Minister at a senior or middle management level; (*cadre*)

“on reserve” means the situation of a senior administrator who has chosen reinstatement or maintenance of the employment contract following the elimination of his position in accordance with chapter 5 on employment stability measures; (*disponibilité*)

“parapublic sector” means the grouping of all public institutions as defined in section 98 of the Act respecting health services and social services, private institutions covered by section 475 of the Act, regional boards established under section 339 of the Act, school boards and general and vocational public colleges; (*secteur parapublic*)

“promotion” means the transfer of a senior administrator to a higher evaluation class position; (*promotion*)

“public sector” means government departments or public agencies whose staff is governed by the Public Services Act of Québec (R.S.Q., c. F-3.1.1); (*secteur public*)

“reinstatement” means the transfer of a senior administrator to another position of senior administrator, officer, union member or unionizable non-member; (*re-placement*)

“resignation” means the termination of the contractual employment relationship by a senior administrator; (*démission*)

“retirement plan” means the Government and Public Employees Retirement Plan (R.R.E.G.O.P.) set up under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Teachers Pension Plan (R.R.E.) set up under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) or the Civil Service Superannuation Plan (R.R.F.) set up under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12); (*régime de retraite*)

“senior administrator” means an executive director, an assistant executive director and a senior managerial advisor; (*hors-cadre*)

“senior managerial advisor” means a senior administrator holding a full-time or part-time regular management position ranked as such by the Minister; (*conseiller-cadre à la direction générale*)

“termination of engagement” means the termination by the employer of the contractual employment relationship before the end of the employment contract; (*résiliation d’engagement*)

“transfer” means the transfer of a senior administrator to a position in the same evaluation class; (*mutation*).

CHAPTER 2 SELECTION, APPOINTMENT AND ENGAGEMENT

DIVISION 1 SELECTION, APPOINTMENT AND ENGAGEMENT OF AN EXECUTIVE DIRECTOR

§1. Scope

5. This division applies to the selection, appointment and engagement of the executive director of a regional board or a public institution.

§2. Limited competition

6. When an administrative reorganization results in the reduction of the number of boards of directors of several institutions or of several institutions and one regional board to only one board of directors thus leaving only one position of executive director, the new board of directors shall eliminate all existing executive director positions and create a new one.

When, in that case, several executive directors hold those positions that are to be eliminated pursuant to a contract or an engagement resolution, the board of directors shall determine whether or not to offer the new executive director position to one of them. If it determines to do so, the board of directors shall select the executive director to whom the new position is granted and appoint him in accordance with the provisions of subdivision 5 of this division. Otherwise, the board of directors shall open a selection competition in accordance with subdivision 3 of this division.

The provisions of chapter 5 of this Regulation concerning employment stability for senior administrators apply to those executive directors whose position is eliminated under this section and who are not granted the new position of executive director.

If the board of directors decides to appoint an acting executive director, it shall proceed in accordance with the first and second paragraphs.

7. Where a private institution becomes a public institution and where, at the time of the change of status, a person holds the position of executive director, this person is deemed to be appointed executive director.

The appointment shall be valid for the remaining period of the person’s contract up to a maximum of 4 years. Where there is no term contract, the duration of the appointment shall be of 1 year.

§3. Opening of the selection competition

8. Unless otherwise provided for in this Regulation, the appointment of an executive director of a regional board or of a public institution shall be made following a selection competition and upon the recommendation of a selection committee.

Except in the cases provided for under sections 6 and 16 of this Regulation, the Minister’s authorization shall be obtained in order to open the selection competition for the position of executive director of a regional board or of a public institution. The authorization shall be requested by the employer no later than 60 days from the date on which the position actually becomes vacant.

9. The board of directors of a new public institution shall appoint an executive director within 6 months of taking office.

10. In the case of a regional board, the selection committee shall be composed of 5 members, 3 of whom shall be designated by the board of directors and 2 by the Minister.

In the case of a public institution, the selection committee shall be composed of 5 members. Of these 5 members, 3 shall be designated by the board of directors with at least 1 of them not being employed by an institution in the health and social services sector; 1 shall be designated by the regional board and 1 by the Minister.

All members of the selection committee shall be present for the pre-selection, selection and drawing-up of the eligibility list.

11. The board of directors shall notify the Minister of the dates of the sittings of the selection committee at least 30 days prior to the date of the first sitting.

§4. Holding of the selection competition

12. For the period starting on the date of coming into force of this Regulation and ending on 31 December 1999, the selection competitions for the appointment of the executive director of a regional board or of a public institution are limited to senior administrators and officers of the health and social services sector, the Department of Health and Social Services, the Conférence des régies régionales, the Centre de référence des directeurs généraux et des cadres, the Comité patronal de négociation du secteur de la santé et des services sociaux, the Secrétariat général du secteur de la santé et des services sociaux, and the associations of senior administrators, officers and institutions of the sector. The Minister may extend this period after consulting with the associations of senior administrators and officers as well as employers' associations.

13. The board of directors of a regional board or of a public institution shall give written notice of the holding of a competition for the appointment of an executive director to the Minister, the Centre de référence des directeurs généraux et des cadres, the Conférence des régies régionales de la santé et des services sociaux du Québec, the employers' associations and the associations of senior administrators and officers of the sector who shall circulate it at least 30 days prior to the first sitting of the selection committee. This internal notice for the competition shall provide for a registration period of at least 25 days from the day it is sent out.

14. The selection committee shall call for an interview the persons whose application is accepted. At least 7 days shall elapse between the date of the pre-selection and the date of the selection interviews.

15. The selection committee shall draw up a list of eligible candidates. The decision to declare a candidate eligible shall be made by at least 3 members of the selection committee. A member may express a minority position and communicate it to the board of directors.

The eligibility list and the substantiated recommendation of the selection committee shall be sent to the board of directors who shall make the final decision as well as to the Minister and the regional board for their information.

16. Where no candidate is declared eligible by the selection committee or where the board of directors decides to appoint none of the candidates declared eligible, the board of directors shall so notify the Minister and the regional board within 5 days and a new competition shall be held.

In such a case, the board of directors may decide to open a new limited competition in accordance with section 12 or open a public competition by giving the notice to that effect prescribed in section 17. In this latter case, the board of directors shall notify the Minister and the regional board in writing of the reasons for this decision and proceed in accordance with sections 13 to 16.

17. The board of directors of a regional board or of a public institution shall then, if necessary, give notice of the holding of a public competition for the appointment of an executive director of a regional board or of a public institution in a newspaper published in the region served by the regional board or in the region where the institution is located, as the case may be, as well as in a newspaper which is circulated throughout Québec. This external notice shall be published at least 20 days prior to the date of the first sitting of the selection committee. It shall provide for a registration period of at least 15 days from the date of publication.

§5. Appointment and engagement

18. The executive director shall be appointed by the board of directors for a period not exceeding 4 years.

19. The executive director shall sign an engagement contract. This engagement contract shall contain the employment rights, obligations and benefits specific to the position of executive director, including annual vacations, social leaves and the terms and conditions for

the annual appraisal of his work performance. The engagement contract of an executive director may make no provision for the payment of financial benefits other than those provided for in this Regulation.

Any provision of such contract that does not comply with the Act and the Regulations made thereunder is considered null.

20. The resolution of the board of directors on the appointment of the executive director and the engagement contract of the executive director shall be sent to the Minister within 30 days following the date of the signing of the contract.

Any subsequent change made to the contract, agreed upon by the parties, shall be sent in the same manner within 30 days.

21. Except in the case of an agreement between the employer and the executive director on another deadline, the executive director may leave his duties 60 days after having sent a written notice to that effect to the board of directors.

§6. Renewal of engagement

22. The engagement contract of an executive director may be renewed, each time, for a period not exceeding 4 years.

The executive director shall notify the board of directors in writing, except when physically incapable of doing so, that he will make a decision on the renewal of his engagement contract 180 days before the expiry of his engagement contract. An executive director who is physically unable to do so shall send this notice within 15 days following the end of his inability.

The board of directors shall inform the executive director in writing 90 days before the end of his engagement contract of its decision to renew or not to renew the contract. The board of directors may not renew the engagement contract of an executive director more than 180 days prior to the expiry date of the contract.

The resolution of the board of directors respecting the renewal of the engagement contract of the executive director and the renewed contract shall be forwarded to the Minister within 30 days following the date of renewal. Any subsequent change to the contract, agreed upon by the parties, shall be forwarded in the same manner within 30 days.

Where no decision has been made by the board of directors concerning the renewal of the executive

director's engagement contract and where the board of directors has failed to notify the executive director in writing of its decision at least 90 days prior to the end of his contract, the engagement contract shall be renewed for a term of the same duration.

Where the renewal notice of 180 days provided for in the second paragraph of this section has not been given, the engagement contract of the senior administrator shall be renewed for a period of six months or for successive periods of six months until such notice of 180 days has been given to the board of directors and the board of directors has had a period of 90 days to decide whether or not to renew the senior administrator's contract. In that case, the senior administrator's contract may be renewed for a period not exceeding 4 years decreased by the period elapsed since the moment where the contract should have been renewed initially.

DIVISION 2 APPOINTMENT OF AN ASSISTANT EXECUTIVE DIRECTOR AND A SENIOR MANAGERIAL ADVISOR

23. The appointment of an assistant executive director shall be made by resolution of the board of directors upon the recommendation of the executive director.

Until 31 December 1999, the board of directors may only appoint a senior administrator or an officer employed by an employer prescribed in section 12 to the position of assistant executive director.

24. The position and title of senior managerial advisor shall only be granted to a senior administrator.

The appointment of a senior managerial advisor shall be made by resolution of the board of directors. The board of directors shall decide whether or not to establish a term for the engagement.

CHAPTER 3 REMUNERATION

DIVISION 1 GENERAL

25. A senior administrator may not receive from his employer, and an employer may not give a senior administrator, for the carrying out of his duties as a senior administrator, any form of remuneration other than the remuneration provided for by this Regulation.

26. In general, no remuneration or compensation shall be paid to the senior administrator for the overtime occasionally required in carrying out his normal duties.

DIVISION 2 SALARY CLASSES AND ANNUAL ADJUSTMENT

27. The evaluation class for a senior administrator position is determined by the Minister in accordance with the evaluation system he has established for the positions of senior administrators and officers. Applicable salary classes correspond to those evaluation classes. There shall be no appeal against the classification of a senior administrator's position under the provisions of this Regulation.

The modification, by the Minister, of the evaluation class of a position of senior administrator shall be effective on the date set by the Minister.

28. Salary classes are adjusted by the Minister on the date and in accordance with the parameters set by the government. The salary classes are shown in Appendix I.

DIVISION 3 ANNUAL INCREASE OF INDIVIDUAL SALARIES

§1. Salary increase following the adjustment of salary classes

29. At the time of the adjustment of salary classes, the salary of the senior administrator shall be increased, if applicable, by a rate equal to the rate of adjustment of the salary classes as determined under section 28.

§2. Increase for satisfactory performance

30. On 1 July of each year, a salary increase shall be granted to a senior administrator whose work performance is deemed satisfactory and there shall be no appeal under this Regulation regarding the appraisal made by the employer to that effect. The rate of this increase shall represent 4 % of the salary of the senior administrator on 30 June, provided that this increase does not make the salary of the senior administrator higher than the maximum of the salary class for the position.

A senior administrator whose position has been eliminated and who has chosen the pre-retirement leave shall not be eligible for the increase for satisfactory performance provided for in this section.

Where a senior administrator has held his position for less than 1 year at the effective date of the increase for satisfactory performance or has changed employers during the reference period, the increase shall be established according to the time he has worked during the year prior to 1 July in this position or another position of senior administrator or officer with the same employer or another employer in accordance with the table shown in Appendix II.

A senior administrator who has not worked during the whole year preceding 1 July, either because he is disabled or on leave without pay, shall be eligible for the increase for satisfactory performance according to the time he has worked during the year in accordance with the table shown in Appendix II. However, for the purpose of calculating the percentage of increase for satisfactory performance, a disabled senior administrator shall be considered as having been at work during the first 6 months of his disability.

Where a senior administrator holds on 1 July or has held during the year preceding this 1 July a part-time position, the rate of increase for satisfactory performance shall be determined according to his relative annual work load during the year in accordance with the table shown in Appendix II.

DIVISION 4 INTEGRATION INTO A SALARY CLASS

§1. Appointment to a senior administrator position

31. Where a person accedes to a senior administrator position, from a position of union member or unionizable non-member or from outside the health and social services sector, his salary shall be established by the board of directors within the salary class for this senior administrator position.

§2. Change in the evaluation class for a position

32. Where the evaluation class for a position of senior administrator is raised, the employer shall increase the salary of the senior administrator holding that position by a percentage equal to 5 %, provided that this increase does not make the salary of the senior administrator higher than the maximum for the new salary class. However, the employer shall ensure to the senior administrator the minimum for the new salary class. This salary shall be adjusted, if applicable, in accordance with division 3 of this chapter.

33. Where the evaluation class for a position of senior administrator is lowered, the salary of the senior administrator holding that position shall either be decreased, if needed, to reach the maximum for the corresponding salary class, or maintained, if it is already within the range of this salary class.

When the salary of a senior administrator is thus decreased because the evaluation class of the position he holds has been lowered:

— the senior administrator shall receive as a lump sum the total difference between the salary he received

prior to the new evaluation of his position and the new annual salary he is entitled to, for the first 3 years following the new evaluation;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the new evaluation of his position and the new annual salary he is entitled to for the fifth year, during that fifth year.

§3. *Change of senior administrator or officer position*

PROMOTION

34. Where a senior administrator or officer is promoted to a position of senior administrator, his salary shall be established by the board of directors within this higher salary class.

TRANSFER

35. Where a senior administrator or officer is transferred to a position of senior administrator, his salary shall be established by the board of directors within the salary class.

DEMOTION

36. Where a senior administrator is demoted, his salary shall either be decreased, if needed, to reach the maximum for the salary class for his new position, or maintained, if his salary is already within the range of this salary class.

When the salary of a senior administrator is thus decreased following such a demotion:

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the demotion and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the demotion and the new annual salary he is entitled to for the fifth year, during that fifth year.

§4. *Reassignment to a non-officer position*

37. Where a senior administrator is reassigned to a position of union member or unionizable non-member his salary shall be the salary he is entitled to in this new position in accordance with the collective agreement applicable to the incumbent of that position or, if such is the case, with the repertory of terms of employment for unionizable non-members.

When the salary of a senior administrator is thus decreased following such a reassignment:

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the reassignment and the new annual salary he is entitled to, for the first 3 years following the demotion;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the reassignment and the new annual salary he is entitled to for the fifth year, during that fifth year.

The classification of the senior administrator within the salary scale of the professional position to which he has been reassigned shall be determined by the employer in accordance with the applicable collective agreement.

DIVISION 5 PLURALITY OF POSITIONS

38. A senior administrator holding temporarily, at the request of his employer or another employer, in addition to his normal position, a full-time position of senior administrator or officer with his employer or another employer shall be entitled to an additional remuneration which shall be determined by the employer concerned and which shall vary between 5 % and 15 % of his salary. This additional remuneration shall be paid as a lump sum and shall not be part of the senior administrator's salary.

However, a senior administrator or acting senior administrator may not hold another position with the same employer.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. How-

ever, when replacing a senior administrator or officer on disability leave or parental leave without pay, this period may be extended to 24 months.

When the situation of plurality of positions becomes permanent or extends beyond the period provided for in the previous paragraph, the new position of senior administrator thus created shall be classified in accordance with section 27.

A senior administrator may not hold simultaneously more than one plurality of positions.

DIVISION 6 **INTERIM**

39. This section applies to any senior administrator requested to temporarily hold a position for an interim period.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. However, when replacing a senior administrator or officer on disability leave or parental leave without pay, this period may be extended to 24 months.

The senior administrator holding a position for an interim period shall receive a salary determined by the board of directors within the salary class of the position held in the interim.

DIVISION 7 **COMPENSATIONS AND ALLOWANCES**

40. A senior administrator who coordinates social emergency or health emergency measures for an employer shall receive a compensation of \$11.25 per shift of availability which shall be paid as a lump sum, on the condition that his employer demands that he be available 7 days a week.

41. A senior administrator shall receive the allowances for regional disparities under the same terms and conditions as those provided for in the collective agreements in effect in the health and social services sector.

CHAPTER 4 **GROUP INSURANCE PLANS AND** **SICK LEAVE FUND**

DIVISION 1 **INTERPRETATION**

42. In this chapter, unless the context indicates otherwise:

“benefits” means the benefits that a senior administrator receives as short-term salary insurance or the benefits he would have received had he been eligible to the mandatory basic long-term salary insurance plan; (*prestation*)

“date of taking over duties” means the date on which a person is appointed to a position of senior administrator; (*date de l'entrée en fonction*)

“disability” means the following: For the purposes of the short-term salary insurance plan, disability means a state of incapacity resulting from an illness, an accident, or serious complications of pregnancy of surgery related to birth planning requiring medical treatment and making the senior administrator totally incapable of carrying out the normal tasks of his employment or of any other employment with similar remuneration that is offered to the senior administrator by the employer. For the purposes of the long-term salary insurance plan, disability corresponds to the definition of total disability provided for in the management employees group insurance plans master policy; (*invalidité*)

“disability period” means the following: For the purposes of the short-term salary insurance plan, disability period means a continuous period of disability or successive periods of disability resulting from a single illness or accident, separated by less than 15 working days actually worked full-time or part-time according to the senior administrator’s position. Annual vacations, statutory holidays, leaves without pay, parental leaves or any other absence, paid or not, are not included in the calculation of the 15 working days. A subsequent disability period which the senior administrator declares to be due to an illness or accident which is totally unrelated to the previous disability is deemed to be a different disability period. A disability period resulting from an illness or injury caused voluntarily by the senior administrator himself, from alcoholism or drug addiction, from service in the armed forces or from active participation in a riot, insurrection, violation or criminal action is not deemed to be a disability period. However, in the case of alcoholism or drug addiction, the period during which the senior administrator receives medical care or treatment in view of his rehabilitation is deemed to be a disability period. For the purposes of the long-term salary insurance plan, disability period corresponds to the definition provided for in the management employees group insurance plans master policy; (*période d'invalidité*)

“insurer” means an insurance company having concluded a contract with the Québec Government for the purposes of insuring management employees in the public and parapublic sectors; (*assureur*)

“position” means a position that the senior administrator is deemed reasonably able to hold based on his education, training and experience; this position may be the position he held before his disability, a senior administrator position, or a position equivalent to the one he held before his appointment to a position of senior administrator, officer, unionizable non-member or union member; (*poste*)

“salary” means a senior administrator’s regular salary or the salary to which the senior administrator is entitled during a period of disability covered by the short-term salary insurance plan prescribed by division 5 of this chapter, including:

- (1) remuneration paid for annual vacations and statutory holidays;
- (2) the lump sum resulting from the application of sections 33, 36 and 37, and paragraph 7 of section 106;
- (3) the lump sum paid in the case of plurality of positions and allowances for regional disparities paid in accordance with section 41.

DIVISION 2 GENERAL

43. The salary of a senior administrator holding a position of senior administrator at less than 70 % full-time is computed for the purposes of calculating the benefits payable under this chapter on the basis of the senior administrator’s average salary during the 12 weeks preceding the event that entitles him to a benefit and for which no disability period, annual vacation or maternity leave has been authorized.

44. A senior administrator reassigned to a position of unionizable non-member shall retain, on the date of his reassignment and provided that he has held a position of senior administrator or officer for at least 12 months, the group insurance plans provided for in this chapter.

A senior administrator reassigned to a position covered by an accreditation unit shall retain, on the date of his reassignment and provided that he has held a position of senior administrator or officer for at least 12 months, the group insurance plans provided for in this chapter, insofar as the collective agreement so allows.

45. Where a leave without pay or partial leave without pay staggers over a period of less than 30 days, the senior administrator shall maintain his participation in the insurance plans and pay the contribution he would normally pay if he were at work.

When such a leave staggers over a period of 30 days or more or during any other absence without pay, the senior administrator shall maintain his participation in the uniform life insurance plan and he may, provided that he applies to the employer for that purpose before the planned date of the leave or absence, maintain his participation in the insurance plans listed in subsections 1 and 2 of section 62 that he owned before the leave or the absence, in accordance with the provisions of the master policy. A senior administrator maintaining his participation in the insurance plans listed in subsections 1 and 2 of section 62 shall also maintain his participation in the survivor’s pension plan in accordance with the provisions prescribed for this plan.

For the purposes of the short-term salary insurance plan, a disability beginning during the leave without pay or the absence without pay is deemed to begin on the date of the end of the leave or absence.

Notwithstanding the second paragraph of this section, a senior administrator benefiting from a deferred salary leave plan shall continue to participate in the group insurance plans listed in subsections 1 and 2 of section 62. The sharing of the contributions paid to the mandatory basic plans shall be maintained during the deferred salary leave plan, including during the leave period, according to the terms that would be applicable to the senior administrator if he were not benefiting from the deferred salary leave plan. Throughout the deferred salary leave plan, the contributions of the senior administrator and of the employer shall be based on the total salary, as shall the coverage, and not on the salary paid under the chosen option.

46. The employer shall ensure that the short-term salary insurance plan and the mandatory basic long-term salary insurance plan are applied to a disabled senior administrator in accordance with section 133.

46.1 Subdivisions 2 and 3 of division 7 of this chapter shall not apply to a senior administrator who elects maintenance of his employment contract or reinstatement under section 94 or to a disabled senior administrator whose position is eliminated. However, where the senior administrator disagrees with the decision of the insurer to the effect that he does not satisfy the definition of disability, the senior administrator may submit his disagreement to the Tribunal d’arbitrage médical prescribed in the master policy.

DIVISION 3 ELIGIBILITY

47. A senior administrator holding a position of senior administrator at 70 % or more of full-time is eligible for the benefits of the insurance plans prescribed

in this chapter, at the expiry of 1 month from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

48. A senior administrator holding a position of senior administrator at more than 25 % but less than 70 % of full-time is eligible for the benefits of the insurance plans prescribed in this chapter, at the expiry of 3 months from the date he takes over his duties, provided that he is then working. If he is not working on that date, he is eligible for the plans on the date he returns to work.

49. Notwithstanding sections 47 and 48 and subject to the specific provisions to that effect prescribed in the master policy for the insurance plan listed in subsections 1 and 2 of section 62, a senior administrator who, before becoming a senior administrator governed by this Regulation, was employed by an employer in the public and parapublic sectors and was eligible for a group insurance plan applicable to the employees of those sectors, is eligible for the insurance plans provided for in this chapter on the date he takes over his duties as a senior administrator covered by this Regulation, provided that his previous employment ended less than 30 days before the date he takes over his duties and he provides proof of his previous employment.

DIVISION 4 UNIFORM LIFE INSURANCE PLAN

50. A senior administrator is entitled to \$6,400 of life insurance payable to his estate. That amount is reduced by 50 % for a senior administrator holding a position of senior administrator at more than 25 % but less than 70 % full-time.

Where a senior administrator holds a position of senior administrator with several employers and that those positions amount to more than 70 % of full-time, he is deemed to be a senior administrator holding a full-time position of senior administrator.

The maximum amount of life insurance that a senior administrator holding more than one position with several employers may receive is \$6,400.

51. Subject to sections 44 and 152, a senior administrator's adherence to the uniform insurance plan ends on the earlier of the following dates:

- (1) the date on which he ceases to be subject to the provisions of this chapter;
- (2) the date of his retirement.

DIVISION 5 SHORT-TERM SALARY INSURANCE PLAN

52. The short-term salary insurance plan covers the first 104 weeks of a disability period.

53. During the first week of disability, the senior administrator shall receive the salary to which he would have been entitled had he been at work.

54. From the second week of disability and up until the 26th week from the beginning of the disability, the senior administrator shall receive a salary insurance benefit equal to 80 % of the salary to which he would have been entitled had he been at work.

From the 27th week of disability and up until the 104th week from the beginning of the disability, the senior administrator shall receive a salary insurance benefit equal to 70 % of the salary to which he would have been entitled had he been at work.

55. The salary prescribed in section 53 and the benefit prescribed in section 54 shall be reduced by the amount of disability benefits or retirement benefits paid under the Automobile Insurance Act (R.S.Q., c. A-25), the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Crime victims compensation Act (R.S.Q., c. I-6) of the Act to promote good citizenship (R.S.Q., c. C-20), the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) or any other retirement plan to which the employer contributes, without regard to subsequent increases in benefits consequent upon their indexation.

A senior administrator benefiting from a disability benefit or a retirement benefit covered by the first paragraph shall so advise the employer immediately.

56. A disabled senior administrator shall continue to contribute to his retirement plan and to be entitled to the benefits of the group insurance plans. From the second week of disability, a senior administrator receiving a salary insurance benefit is exempted from paying contributions to the insurance plans and to the retirement plan where the plan prescribes such an exemption.

57. Payment of short-term salary insurance plan benefits shall be made to the senior administrator throughout the disability period covering the first 104 weeks by the employer upon presentation of vouchers establishing the disability.

A senior administrator shall immediately notify the employer if he cannot be present at work because of a disability and shall accept any medical examination to

be performed by the employer's physician. The cost of such examination shall be borne by the employer.

A senior administrator who has been disabled for a period of at least 5 months shall also allow the employer or the employer's representative, in this case the Commission administrative des régimes de retraite et d'assurances, the insurer or any other consulting firm to reveal the vouchers establishing the disability for the purposes of evaluating the possibilities of offering him a position in accordance with the provisions of this chapter.

58. Subject to sections 59, 71 and 72, a disabled senior administrator ceases to accumulate vacation days after a continuous disability period of at least 6 months.

59. A senior administrator receiving a short-term salary insurance plan benefit may, in agreement with his employer, benefit from a period of progressive return to work provided that, during that period, he carries out all the duties of the position he held before his disability or of any other position offered to him by the employer that corresponds to his training and experience and involves a similar remuneration.

During such period of progressive return to work, the senior administrator shall be deemed to be disabled and shall continue to be subject to his salary insurance plan. The senior administrator shall receive, for the proportion of time he works, the salary of the position and any bonus, allowance, compensation or lump sum, if any, and he shall accumulate vacation time and continuous service. For the proportion of time he does not work, he shall receive the applicable salary insurance benefit.

A period of progressive return to work shall not normally exceed 6 consecutive months and may not have the effect of extending the disability period beyond 104 weeks.

60. A senior administrator's participation in the short-term salary insurance plan and his right to receive benefits shall end on the earliest of the following dates:

(1) subject to section 44, the date on which he ceases to be subject to the provisions of this chapter;

(2) the date on which use of his sick leaves begins in order to fully compensate the work benefit prescribed in the progressive retirement agreement and which immediately precedes the actual retirement;

(3) the date on which his pre-retirement leave begins or the date on which begins the 12-month period preceding the coming into effect of his pre-retirement leave as prescribed in section 123;

(4) the date of his retirement.

DIVISION 6 **SURVIVOR'S PENSION PLAN**

61. A senior administrator shall be entitled to the survivor's pension plan in accordance with the Directive concernant le régime des rentes de survivants passed by decision of the Conseil du trésor on 5 December 1995, and bearing the number C.T. 188102 subject to the fact that the words "civil servant" be replaced by the words "senior administrator".

DIVISION 7 **PLANS ISSUED BY AN INSURANCE COMPANY AND REHABILITATION**

§1. Plans issued by an insurance company

62. Besides the plans that are issued by the Québec Government and prescribed in divisions 4, 5 and 6, a senior administrator shall also be protected by plans issued by an insurance company.

The guaranties offered by these plans as well as the provisions governing them are those contained in the master policy of the management employees group insurance plans.

These plans are the following:

(1) mandatory basic plans:

- a) a health-accident insurance plan;
- b) a long-term salary insurance plan;
- c) a life insurance plan;

(2) additional plans:

- a) an optional additional health-accident insurance plan;
- b) a mandatory long-term salary insurance plan;
- c) an optional additional life insurance plan.

63. The cost of the mandatory basic plans shall be shared between the Government and all the participants in the plans according to the agreement signed on 22 June 1994 by the Québec Government and the associations representing the participants in the management employees group insurance plans of the public and parapublic sectors, for the length of the agreement.

The cost of the additional plans shall be paid entirely by the participants in the plans.

§2. Rehabilitation

64. A senior administrator shall be eligible to rehabilitation as prescribed in the master policy provided that he meets the following eligibility criteria:

(1) the disability began after 31 March 1994, and the senior administrator has been disabled for 6 months or more;

(2) the senior administrator's disability began more than 24 months prior to the earlier of the following dates:

- a) his sixty-fifth birthday;
- b) the earlier date on which he becomes eligible to:

i. a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC);

ii. a retirement benefit with actuarial deduction the amount of which would correspond to the amount of a retirement benefit without actuarial deduction based on 35 years of service credited to his retirement plan or on 32 years of service credited to the Pension plan of peace officers in correctional services (RRAPSC).

65. However, a senior administrator shall not be eligible to rehabilitation in either of the following circumstances:

(1) the treating physician or the insurer confirms that the senior administrator is able to return to work without rehabilitation;

(2) the insurer confirms that the senior administrator will not return to work;

(3) the insurer confirms that the senior administrator is not capable of rehabilitation.

66. A senior administrator who is offered in writing by the employer a position which is in relation with his rehabilitation plan shall notify the employer in writing of his acceptance or refusal of this position, whether the rehabilitation begins before or after the end of the first 104 weeks of disability. This position shall not involve a weekly work benefit which is lower than the work benefit of the position he held at the beginning of his disability.

After the first 104 weeks of disability, the senior administrator must accept the position or else the employer may terminate his engagement contract.

67. The period during which the senior administrator may hold, on trial, a position which is in relation with his rehabilitation plan shall not have the effect of extending the disability period beyond 104 weeks.

68. A senior administrator whose rehabilitation takes place during the first 104 weeks of disability is deemed to be disabled during that period and he shall receive, for the time he works in a position in relation with his rehabilitation plan, a short-term salary insurance plan benefit equal to 90 % of the salary to which he would have been entitled had he been at work in his position and, for the time he does not work or the waiting period for such a position, if such is the case, a benefit equal to 70 % of that salary.

This benefit shall be subject to the provisions which apply to the waiver of insurance and retirement plans premiums and shall also be subject to the provisions governing the coordination of the benefit, in accordance with the terms and dispositions prescribed in division 5.

However, a senior administrator whose rehabilitation takes place in his position shall receive his salary for the time he works and shall be governed by the provisions which apply to that position.

69. A senior administrator whose rehabilitation takes place in part after the 104th week of disability shall be entitled to the provisions which apply to the first 104 weeks of disability, until the end of that period.

From the 105th week and until the end of the rehabilitation, the senior administrator shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit. For the time he does not work, the senior administrator shall receive a salary equal to that benefit. Moreover, a senior administrator whose rehabilitation takes place in his position shall receive his salary for the time he works and a salary equal to the mandatory basic long-term salary insurance plan benefit for the time he does not work.

70. A senior administrator whose rehabilitation takes place entirely after the 104th week of disability shall receive for the time he works the salary of the position in relation with his rehabilitation plan, which salary shall not be lower than the mandatory basic long-term salary insurance plan benefit.

71. A senior administrator shall accumulate vacation time and continuous service during the time he works in a position which is in relation with his rehabilitation plan.

72. The training or development period scheduled in a senior administrator's rehabilitation plan approved by the insurer is deemed to be time the senior administrator works in a position in relation with his rehabilitation plan.

73. The senior administrator shall be reassigned by an employer to a position in relation with his rehabilitation plan at the end of the 104th week of disability or, if such is the case, at the end of his rehabilitation if the rehabilitation ends after the 104th week, and he shall receive from the date of the reassignment the salary of that position and shall be governed, subject to section 44, by the provisions which apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on that salary.

74. A Sectorial Committee on Rehabilitation is hereby established. This Committee is composed of:

— 3 representatives designated jointly by the Association des directeurs généraux des services de santé et des services sociaux du Québec and by the Association des cadres supérieurs de la santé et des services sociaux, the Association des gestionnaires des établissements de santé et de services sociaux inc. and the Association des cadres intermédiaires de la santé et des services sociaux du Québec;

— 1 representative designated by the employers' associations that represent the institutions;

— 1 representative designated by the Conférence des régies régionales de la santé et des services sociaux du Québec;

— 1 representative designated by the minister.

The committee may appoint resource persons, if needed.

75. The Sectorial Committee shall carry out the following duties:

(1) at the request of one of the parties:

— analyze any particular problem pertaining to the return to work;

— intervene with the employer, the senior administrator and the insurer by suggesting appropriate solutions, notably in cases where the return to work may involve the temporary use of the senior administrator's services and in the situation prescribed in the second paragraph of section 79;

(2) evaluate the functioning of the rehabilitation programme and carry out the follow-up.

§3. Disability after one hundred and four weeks

76. When the employer receives notice from the insurer to the effect that the senior administrator does not satisfy the definition of disability and that payment of the benefits shall be interrupted or refused, the employer may submit to the Tribunal d'arbitrage médical the disagreement that opposes the employer to the insurer in order to establish whether or not the senior administrator satisfies the definition, in accordance with the medical arbitration convention agreed upon with the insurer and provided that the senior administrator accepts that the disagreement be submitted to the arbitration court for final decision.

Where the employer and the senior administrator agree with the decision of the insurer to the effect that the senior administrator does not satisfy the definition of disability, the employer must offer an available position to the senior administrator and the applicable provisions are those prescribed in section 79 in the case of the acceptance of a position or in section 80 during the waiting period for such a position.

The disagreement of the senior administrator with the insurer's decision to the effect that he does not satisfy the definition of disability may be submitted to the arbitration court by the senior administrator, under the conditions prescribed in the medical arbitration convention. In such a case, the employer shall pay no expenses.

77. The employer shall pay to the senior administrator a salary equal to the benefit, for the period beginning on the date of interruption of payment of the benefit or the date the refusal to pay the benefit comes into effect and ending on the date the decision of the Tribunal d'arbitrage médical is rendered, if the following conditions are met:

(1) the senior administrator has adhered to the medical arbitration convention agreed upon with the insurer;

(2) the disagreement between the employer and the insurer or between the senior administrator and the insurer has been submitted to the arbitration court for final decision, in accordance with the medical arbitration convention agreed upon with the insurer.

78. When the Tribunal d'arbitrage médical confirms that the senior administrator does not satisfy the definition of disability, payment of the premiums and contributions to the insurance and retirement plans shall be made retroactively from the date of interruption of payment of the benefit or the date the refusal to pay the

benefit came into effect and the employer continues to pay the senior administrator a salary equal to the benefit, until the employer offers him a position. Where the disagreement was submitted to the arbitration court by the senior administrator, the senior administrator shall reimburse the salary that was paid to him to the employer.

When the arbitration court confirms the senior administrator's disability, the employer shall continue to pay a salary equal to the benefit until the date on which the insurer pays the benefit. The insurer shall reimburse to the employer the amounts that are equivalent to the benefits paid to the senior administrator by the employer. The employer shall reimburse to the senior administrator the arbitration fees as well as the medical examination fees paid by him, if any.

79. A senior administrator who does not satisfy the definition of disability after the first 104 weeks from the beginning of the disability must accept, or else the employer may terminate his engagement, a position offered to him by an employer from his administrative region or by an employer from another administrative region located less than 50 kilometres by road from his home base and his residence, except during the period where he has submitted to the arbitration court his disagreement with the insurer. The employer shall send a notice to the senior administrator 15 days before terminating his engagement. A copy of that notice shall be forwarded to the Sectorial Committee established under section 74.

During that period, the employer shall allow the Sectorial Committee established under section 74 to carry out the necessary interventions in accordance with section 75.

The senior administrator shall accept the position if the position does not involve a weekly work benefit that is lower than the work benefit of the position he held at the beginning of his disability.

A senior administrator who is reassigned in accordance with the first paragraph shall receive the salary for that position and shall be governed, subject to section 44, to the provisions that apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established based on the new salary.

80. During the waiting period for a position, when the employer and the senior administrator agree with the insurer's decision or from the date on which the decision of the Tribunal d'arbitrage médical is rendered to the effect that the senior administrator does not satisfy the

definition of disability, the senior administrator shall receive a salary equal to the benefit and the premiums and contributions to the insurance and retirement plans shall be established based on that salary. The employer may temporarily use the services of the senior administrator during that period for duties that take into account the senior administrator's training and experience. The senior administrator shall accumulate vacation time and continuous service during the time he works.

81. Payment to the senior administrator of a salary equal to the benefit, under this subdivision, shall not go beyond the date on which the benefit ends according to the master policy.

82. Beside the situation prescribed in section 133, a senior administrator shall also maintain his employment relationship with his employer when the insurer refuses or ceases to pay to the senior administrator long-term salary insurance benefits, until the decision of the Tribunal d'arbitrage médical, if such is the case.

DIVISION 8 SICK-LEAVE FUND

§1. *General*

83. A senior administrator who, at 31 December 1973, had a sick-leave fund acquired with 1 or more employers, may use the fund for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP) for the purposes of pre-retirement, in the case of departure or death or for the purposes of making up the difference between the salary insurance benefit and the net salary.

84. At the senior administrator's request, the employer shall give him a statement of the sick-leave fund accumulated at 31 December 1973, and authorized by the Department.

85. The sick-leave days accumulated by a union member or by a unionizable non-member appointed as senior administrator after 31 December 1973, are governed by the provisions that apply to the senior administrator's original group.

§2. *Use of the sick-leave fund*

86. A senior administrator may use the sick-leave days in his fund in the following manner:

(1) for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan

(RREGOP), in accordance with the rules respecting retirement plans;

A senior administrator may use his full sick-leave fund as follows:

- a) the first 60 days at 100 % of their value;
- b) the portion exceeding 60 days, without limit, at 50 % of their value;

(2) for the purposes of making up the difference between the salary insurance benefit and the net salary of the senior administrator:

In such case, the disabled senior administrator may use his sick-leave fund to make up the difference between the short-term salary insurance benefit provided for in section 54 and the net salary he would be receiving if he were not on disability leave; the net salary corresponds to the gross salary that he would be receiving if he were at work, less federal and provincial income taxes, and contributions to the Q.P.P., the unemployment insurance plan and the retirement plan;

Days or parts of days used in accordance with the second paragraph shall be subtracted from the sick-leave fund;

(3) for the purposes of taking a pre-retirement leave:

In such case, the sick-leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund;

(4) in the case of departure or death:

A senior administrator may be reimbursed up to a maximum of 120 days from his sick-leave fund, from which must be subtracted the number of days used under subparagraphs 1, 2 and 3; those days may be reimbursed as follows:

a) the first 60 days at 100 % of their value, from which must be subtracted the number of days already used under subparagraphs 1, 2 and 3 of this section;

b) the next 60 days at 50 % of their value, from which must be subtracted the number of days already used at 50 % for the purposes of redeeming years of prior service for which no contributions were made to the Government and Public Employees Retirement Plan (RREGOP);

(5) for the purpose of taking a pre-retirement leave to replace the long-term salary insurance benefit:

A senior administrator who receives a benefit from the mandatory basic long-term salary insurance plan may elect to take a pre-retirement leave instead and in place of this benefit, provided that this pre-retirement does not exceed the date of the end of the benefit from this plan which would otherwise have been applicable to him; in such case, the sick-leave fund may be used in full, at the rate of 1 day of pre-retirement for each day in the fund.

87. The value of the sick-leave days is calculated on the basis of the senior administrator's salary at the time they are used. The daily salary is obtained by dividing the senior administrator's annual salary in force at the time of use by 260.9.

Notwithstanding the first paragraph of this section, where the senior administrator is on long-term disability at the time of their use, his salary shall be equivalent to the salary he was receiving at the end of the first 104 weeks of disability, adjusted on 1 January of each year according to the same procedures that apply to the mandatory basic long-term salary insurance plan benefit.

CHAPTER 5 EMPLOYMENT STABILITY MEASURES

DIVISION 1 SCOPE

88. Employment stability measures apply to a senior administrator whose position is eliminated.

DIVISION 2 SERVICES OFFERED BY THE CENTRE DE RÉFÉRENCE DES DIRECTEURS GÉNÉRAUX ET DES CADRES

89. The Centre de référence des directeurs généraux et des cadres shall offer the following services:

(1) advise employers on the means of readjusting staff;

(2) provide senior administrators on reserve, in collaboration with the regional boards and institutions, with professional career transition services, including among others reception, help and advice, and evaluation of their potential, as well as support in the setting-up of their reinstatement plan, in their search for employment and in orientating them towards available positions;

(3) coordinate, in collaboration with the regional boards, the setting-up and management of a bank of senior administrators on reserve and a bank of available positions with employers;

(4) advise and train employers, associations of senior administrators and officers, and employers' associations as to the role they need to play as far as career transition is concerned.

90. The Centre de référence shall periodically present evaluation reports on the services prescribed in section 89 to the associations of senior administrators and officers, the employers' associations, the regional boards and the Department.

91. The Centre de référence shall consult with the associations of senior administrators and officers regarding the support programmes that it offers.

DIVISION 3 **EMPLOYMENT STABILITY MEASURES**

§1. Stability measures during the period preceding the elimination of a position

92. The employer shall notify in writing, at least 120 days in advance, the senior administrator concerned, the regional board and the Association des directeurs généraux des services de santé et des services sociaux of its intention to carry out an administrative reorganization that could result in the elimination of the senior administrator's position.

93. During the period preceding the elimination of the senior administrator's position, the employer shall consult with the senior administrator concerned on the measures to be taken to reorganize the employer's staff, such as adaptation, training, promotion, transfer, demotion and departure from the sector.

The employer and the senior administrator may agree that before or at the end of that period, the senior administrator shall be reinstated in a position of senior administrator or officer, or in a union member or unionizable non-member position.

A senior administrator who is reinstated with his employer before the elimination of his position shall be entitled, from the date of his reinstatement, to the same advantages as a senior administrator whose position has been eliminated and who has been reinstated with the same employer.

A senior administrator who is reinstated with another employer before the date on which his position is eliminated shall be entitled, from the date of his reinstatement, to the same advantages as a senior administrator who has been reinstated with another employer after the elimination of his position.

Reinstatement under the second or fourth paragraph of a senior administrator who is disabled, on maternity leave, adoption leave, leave without pay or deferred salary leave shall come into force on the date on which the disability period or leave ends.

During that period, the employer shall ensure that a senior administrator who is not reinstated or covered by a reinstatement benefits from the services of the Centre de référence. The employer shall reimburse to the senior administrator the travelling and living expenses incurred by his participation in the activities of the Centre de référence and his authorized employment search activities.

94. If a senior administrator cannot be reinstated during that period, the employer shall notify him in writing of the elimination of his position. This notice shall be received by the senior administrator and the regional board at least 30 days before the date on which the position is eliminated. A copy of the notice shall be sent to the Association des directeurs généraux des services de santé et des services sociaux.

Upon receiving the notice, the senior administrator shall choose in writing, before the date of elimination of his position, one of the following options:

(1) the maintenance of his employment contract for its remaining period as prescribed in subdivision 1 of this division;

(2) reinstatement within the sector as prescribed in division 4 of this chapter;

(3) departure from the sector as prescribed in division 5 of this chapter.

The senior administrator's choice shall come into force on the date of elimination of his position.

A senior administrator who has failed to communicate his choice to his employer by the date of elimination of his position is deemed to have chosen the end-of-engagement indemnity.

The choice of a senior administrator who is disabled, on parental leave or on deferred salary leave shall be made and come into force on the date on which the disability period or leave ends. A senior administrator whose position is eliminated during a disability period shall continue to receive his salary insurance benefits as long as he is disabled.

§2. Maintenance of the employment contract

95. A senior administrator who elects the maintenance of his employment contract for its remaining period shall have the status of senior managerial advisor. He shall retain his salary and, subject to section 46.1, all his terms of employment of senior administrator.

A senior administrator who thus elects the maintenance of his employment contract is deemed to have resigned on the date of expiry of his contract except in the case where the senior administrator is disabled on that date. In such case, the resignation is postponed to the date on which the disability period ends.

96. During the remaining period of the contract, the employer shall ensure that the senior administrator who has elected the maintenance of his employment contract is offered the services of the Centre de référence as defined in division 2 of this chapter and destined to facilitate his eventual reinstatement. The employer shall reimburse the travelling and living expenses incurred by the employment search activities authorized by the employer.

97. Where the senior administrator's employer decides to fill a position of senior administrator or officer, the employer shall invite in writing the senior administrator to apply for that position provided that the position and its usual requirements correspond to the training and experience of the senior administrator.

The senior administrator concerned may apply for that position and shall then accept it if the position is offered to him.

A senior administrator who elects the maintenance of his employment contract shall accept to provide services to his employer in duties that take into account the training and experience of the senior administrator and his reinstatement plan, if any.

The employer may put an end to a senior administrator's employment stability measures if the senior administrator does not comply, without valid reason, to his obligations under this section.

DIVISION 4 REINSTATEMENT WITHIN THE SECTOR

§1. General

98. A senior administrator who elects the option of reinstatement within the sector shall have the status of senior managerial advisor for a period not exceeding 36 months from the date of elimination of his position or

for a period of reinstatement which is staggered in accordance with section 102.

The employer shall maintain, during the reinstatement period, the senior administrator's adjusted salary and, subject to section 46.1, all his terms of employment as a senior administrator, provided that the senior administrator does not refuse, without valid reason, to provide the services required by the employer in duties that take into account the senior administrator's training and experience and his reinstatement plan, if any.

Where a senior administrator's reinstatement period is totally or partly staggered in accordance with section 102, the senior administrator shall receive, for the overall period, a salary equivalent to a maximum of 36 months of his salary.

During the reinstatement period, the senior administrator shall take the vacation he accumulated during the previous reference period. On the date of the severance of the employment relationship, the original employer shall reimburse to the senior administrator an amount equivalent to the accumulated annual vacation not taken.

During the reinstatement period, the senior administrator shall retain all the benefits of the group insurance plans prescribed in chapter 4. Any disability period of more than 3 weeks shall be excluded from the reinstatement period.

Any parental leave and leave without pay of a senior administrator being reinstated shall be excluded from the reinstatement period.

At the end of the reinstatement period, a senior administrator who has not been reinstated shall be laid off by his employer. At the request of the senior administrator, his name shall be entered in the bank of reinstatement senior administrators or on the recall list and he shall remain eligible for selection competitions for the appointment of senior administrators and officers for a period of 24 months.

Any period where the services of the senior administrator are loaned to another employer at the expense of this other employer shall be excluded from the reinstatement period for a period not exceeding 36 months, for the equivalent in time of the portion of the service loan that is at the expense of this other employer.

99. The employer shall facilitate the reinstatement of the senior administrator who has elected reinstatement namely in determining the services required in accordance with the second paragraph of section 98 and by reimbursing to the senior administrator the travelling

and living expenses incurred by his participation in the activities of the Centre de référence and his authorized activities in search for employment with another employer including an employer outside the sector.

100. A senior administrator who elects reinstatement shall:

(1) participate in the career transition programmes offered to him by the Centre de référence;

(2) elaborate within 6 months from the date on which his position is eliminated his reinstatement plan with the help, if needed, of the Centre de référence and submit it for approval to his employer who shall convey his decision to the senior administrator within 15 days following receipt of the reinstatement plan; the senior administrator may modify his reinstatement plan in agreement with the employer;

(3) commit to search for a position where he can be reinstated and in particular accept, to that effect, the assistance of the Centre de référence.

101. A reinstatement plan may, namely, be aimed at the principal potential employment fields within the sector and outside the sector and comprise training sessions, study sessions, development activities, assistance programmes and loans of service, as well as the activities to be undertaken by the senior administrator to find a new position for himself.

A loan of service shall take into account the training and experience of the senior administrator as well as his prospective reinstatement. A senior administrator may refuse a loan of service offered by his employer if the location where he is to perform the service is not located within 50 kilometres by road from his home base and his residence.

102. To enable the reinstatement plan to be carried out, a senior administrator may stagger all or part of his reinstatement period over a period of up to 60 months. In such case, the senior administrator is deemed to be on leave without pay for the portion not paid.

103. A senior administrator who has chosen reinstatement within the sector may, upon authorization from his employer and in accordance with his reinstatement plan, obtain one or more leaves without pay. The employer may not refuse to grant such leave without pay without valid reason. The total duration of the leaves shall not exceed 36 months. Such leave without pay is excluded from the reinstatement period. During his leave without pay, the senior administrator may continue to participate in the group insurance plans in accordance with section 45.

104. A senior administrator who has chosen reinstatement within the sector may change his initial choice and elect departure from the sector as prescribed in division 5 of this chapter. In such case, the end-of-engagement indemnity prescribed in subdivision 2 and the pre-retirement leave and the retirement prescribed in subdivision 3 shall not be reduced if the change of choice is made before the end of the 12th month following his placement on reserve. They are reduced by 1 month per month spent in the reinstatement option after the 12th month.

105. The employer may, after having heard the senior administrator and, upon his request, his representative, put an end to the employment stability measures of a senior administrator who has chosen reinstatement within the sector when the senior administrator, without valid reason, refuses:

(1) to participate in the career transition programmes as prescribed in subsection 1 of section 100;

(2) to establish his reinstatement plan as prescribed in subsection 2 of section 100 or fails to adhere to it;

(3) to provide services required by his employer as prescribed in the fourth paragraph of section 97 and the second paragraph of section 98;

(4) a loan of service offered by his employer as prescribed in section 101;

(5) to fill a position offered by his employer in accordance with the second paragraph of section 97 and the second paragraph of section 110;

(6) to commit to the search for a position with another employer or to fill a position of senior administrator or officer with another employer that corresponds to his training and experience.

106. A reinstated senior administrator shall be governed by the provisions which apply to his new position.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer, or in a position of union member or unionizable non-member shall be the salary of the new position.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary class higher than the class of the position that he held shall be determined by the employer in accordance with section 34.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary

class equal to the class of the position that he held shall not change.

The salary of a senior administrator who is reinstated in a position of senior administrator or officer in a salary class lower than the class of the position that he held shall be within the salary class of the new position.

The salary of a senior administrator who is reinstated in a position of union member or unionizable non-member shall be governed by the provisions which apply to the position in which the senior administrator is reinstated.

Where the reinstatement involves a decrease of the senior administrator's salary, the entire difference between the salary he received at the date of the reinstatement and the salary he receives in his new position shall be paid to him as lump sums until the end of a period of 3 years following the date on which his position was eliminated. During that period, the sum of his salary and lump sum shall not be lower than the adjusted salary which the senior administrator would have received had he remained in reinstatement. For the first year following that period, the senior administrator shall receive in the same manner two thirds of that difference. For the second year following that period, he shall receive in the same manner one third of that difference.

107. A senior administrator who is reinstated in a position of union member or unionizable non-member:

(1) shall continue to be entitled to the group insurance plans in accordance with section 44;

(2) shall maintain his sick-leave fund and may use it according to the provisions prescribed in division 8 of chapter 4;

(3) may apply for a position of senior administrator or officer notwithstanding section 12;

(4) shall continue to be entitled, for a period of 24 months, to the services of the Centre de référence.

108. A senior administrator who is reinstated in a position located more than 50 kilometres by road from his home base and his residence shall be entitled to have his moving expenses and temporary moving-in expenses reimbursed to him by his original employer in accordance with the Règles sur les déménagements des fonctionnaires passed under the Financial Administration Act (R.S.Q., c. A-6).

109. The employer shall determine and offer the adaptation activities which he deems necessary for the reinstated senior administrator.

§2. Reinstatement with the same employer

110. Where the employer has a position of senior administrator, officer, union member or unionizable non-member, the employer shall invite in writing the senior administrator who has chosen reinstatement within the sector, if the senior administrator has the adequate training and experience and meets the requirements of the position, to apply for that position.

The senior administrator may apply for that position and shall accept the position if it is offered to him.

111. The employer may return to reinstatement a senior administrator who has been reinstated, in accordance with section 110, to a position of senior administrator or officer in a class higher than the class of the position which he held before his reinstatement if, during the period of 6 months following the reinstatement, the employer realizes that it is not expedient to retain the services of the senior administrator in that position. There shall be no appeal against this judgment of expediency under this Regulation. The period where the senior administrator was replaced shall be excluded from the reinstatement period.

§3. Reinstatement with another employer

112. A senior administrator who has chosen the reinstatement option may find himself a job or be reinstated with another employer in a position of senior administrator, officer, union member or unionizable non-member that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and the reinstatement plan if such a plan is available.

113. A senior administrator who is reinstated with another employer shall be submitted to a trial period. During that period, he shall maintain his employment relationship with his original employer.

114. Where, during the trial period, the new employer no longer considers it expedient to retain the services of the senior administrator, the original employer shall reinstate him and apply the salary and terms of employment to which the senior administrator was entitled before his reinstatement, until the expiry of the reinstatement period. The time spent with the new employer shall be excluded from the senior administrator's remaining reinstatement period. There shall be no appeal against the decision made by the new employer under this Regulation.

115. The original employer shall dispose of the senior administrator's sick-leave fund in accordance with

the provisions of sections 142 and 142.1 of the Regulation referred to in subsection 1 of section 156, after the trial period has been completed with the new employer.

116. A senior administrator who is reinstated with another employer located more than 300 kilometres from the head office of his original employer, his home base and his residence, during his reinstatement period, shall receive from his original employer a mobility bonus equivalent to 3 months of the salary he was receiving at the date of reinstatement. The senior administrator shall ask for payment of this bonus at the end of his trial period.

DIVISION 5

DEPARTURE FROM THE SECTOR

§1. General

117. A senior administrator who has chosen the departure from the sector may elect one of the following measures:

- (1) an end-of-engagement indemnity;
- (2) a pre-retirement leave and retirement, if he is at least 50 years of age.

§2. End-of-engagement indemnity

118. A senior administrator who has chosen an end-of-engagement indemnity shall receive an indemnity equivalent to 4 months of salary per year of continuous service, including service as union member or unionizable non-member, with 1 or several employers in the public or parapublic sector. However, the minimum amount of that indemnity shall be 6 months salary and the maximum shall be 24 months salary. The indemnity shall be calculated based on the salary which the senior administrator was receiving at the date on which his position was eliminated or the date on which he changed his choice.

Where the senior administrator has changed his choice, the end-of-engagement indemnity is reduced in accordance with section 104.

Notwithstanding section 4, for the application of the first paragraph, the notion of parapublic sector includes the Department of Health and Social Services, the Conférence des régions régionales, the Centre de référence des directeurs généraux et des cadres, the Comité patronal de négociation du secteur de la santé et des services général du secteur de la santé et des services sociaux and the associations of senior administrators, of officers and of institutions of the sector.

119. The end-of-engagement indemnity shall not include accumulated annual vacation nor the reimbursement of the senior administrator's sick-leave fund.

120. Where a senior administrator has chosen the end-of-engagement indemnity, the employment relationship between the senior administrator and his employer shall be severed on the date on which the position is eliminated or, if such is the case, on the date on which the senior administrator changes his choice. The senior administrator shall then cease to contribute to his retirement plan and to be entitled to the group insurance plans.

121. To be entitled to an end-of-employment indemnity, a senior administrator shall commit, in writing, not to hold a position of senior administrator, officer, union member or unionizable non-member in the public and parapublic sectors for a period twice as long as the duration to which corresponds the end-of-engagement received, starting from the date on which his position was eliminated or the date on which he changed his choice.

A senior administrator may not receive remuneration from the Régie de l'assurance-maladie du Québec for a period twice as long to which corresponds the end-of-engagement, starting from the date on which his position was eliminated or the date on which he changed his choice.

122. The end-of-engagement indemnity shall be paid, according to the senior administrator's choice, in one or several payments, starting from the date on which the employment relationship is severed.

§3. Pre-retirement leave and retirement

123. A senior administrator who has chosen retirement preceded by a pre-retirement leave may delay the coming into force of the pre-retirement leave for 12 months at the most. In such case, the employer establishes with the senior administrator a plan of use with his employer or with another organization.

124. A senior administrator who has chosen pre-retirement leave, with in some cases an end-of-engagement indemnity at the moment of the retirement, may not hold another position in the public and parapublic sectors. If he does so, his pre-retirement leave shall come to an end. Moreover, the senior administrator shall commit in writing not to hold another position in the public and parapublic sectors during the 24 months following the date on which his retirement comes into force.

125. The pre-retirement leave shall begin on the date on which the senior administrator's position is eliminated, on the date determined by the application of section 123 or on the date of his change of choice in accordance with section 104 and shall end on the date on which his retirement comes into force in accordance with his retirement plan. The senior administrator shall choose the date of his retirement and, consequently, the duration of his pre-retirement leave.

126. The total amount to be paid, that is the sum of the salary paid during his pre-retirement leave and the amount paid in end-of-engagement indemnity, at the time of the retirement, to the senior administrator who has chosen departure from the sector, shall be equivalent to 24 months of the salary he was receiving on the date on which his position was eliminated, adjusted if applicable. Where the senior administrator chooses the pre-retirement leave and retirement option after having spent some time in reinstatement, the total amount to be paid shall be reduced in accordance with section 104.

The combination of the amount prescribed in the first paragraph of this section and of the amount prescribed in section 123 that is equivalent to a maximum of 12 months of salary shall not be higher than the equivalent of 36 months of the senior administrator's salary at the date of the elimination of his position, adjusted if applicable.

127. During the staggered pre-retirement leave, the senior administrator's salary shall be established as follows:

the salary the senior administrator was receiving on the date on which his position was eliminated, adjusted if such is the case	X	the amount to which the senior administrator is entitled under section 125 expressed in months <hr style="width: 100%;"/> the duration in months of his pre-retirement leave
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This salary shall not be higher than the eventually adjusted salary which he was receiving at the time of elimination of his position or on the date of his change of choice.

Where the total amount to which the senior administrator is entitled is higher than the amount of adjusted salary paid to him during his pre-retirement leave, the difference shall be paid to the senior administrator as an end-of-engagement indemnity on the date of his retirement.

128. A senior administrator who has chosen to stagger his pre-retirement leave shall be deemed to be on

leave without pay for the portion of his pre-retirement leave that is not paid.

129. During his pre-retirement leave, a senior administrator shall continue to participate in the retirement plans and in the group insurance plans in accordance with chapter 4 and with section 130.1, proportionally to the adjusted salary paid to him. For the portion of his leave without pay, the applicable provisions of the retirement plans and of the group insurance plans shall apply.

130. On the conditions prescribed in subsection 3 of section 86, the sick-leave fund may be used to add to the amount of adjusted salary prescribed in section 127.

The balance of cashable leave days at the end of the pre-retirement leave, if any, shall be paid on the conditions prescribed in subsection 4 of section 86.

130.1 The senior administrator covered by this subdivision shall not participate in the short-term salary insurance plan as prescribed in subsection 3 of section 60, in the mandatory basic long-term salary insurance plan and in the additional mandatory long-term salary insurance plan.

CHAPTER 6
END-OF-ENGAGEMENT MEASURES

DIVISION 1
DISMISSAL, NON-RENEWAL,
TERMINATION OF EMPLOYMENT

131. The decision to dismiss a senior administrator, not to renew his appointment or to terminate his engagement shall be made by the board of directors, by a resolution adopted by the affirmative vote of at least two thirds of its members during a special meeting called for that purpose.

The board of directors shall notify the senior administrator in writing that it will place on the agenda of a special meeting the consideration of his dismissal, non-renewal or termination of employment. The employer shall enclose with this notice the appraisal of the senior administrator as well as the reasons supporting the consideration of his dismissal, non-renewal or termination of employment.

The senior administrator is entitled to be heard and to make representations through the association at the special meeting contemplated in the first paragraph.

132. The employer shall notify the senior administrator in writing of the decision of the board of directors and of the grounds that motivate the decision.

In the case of a decision of non-renewal or termination of employment, such notice shall reach the senior administrator at least 90 days prior to the date of the end of the senior administrator's employment.

133. A senior administrator disabled since 1 April 1994 shall maintain his employment relationship with his employer for as long as he is disabled and shall not be subject to dismissal, non-renewal or termination of employment for the reason that he is disabled.

A senior administrator disabled before 1 April 1994, shall maintain his employment relationship with his employer for a period of at least 5 years from the beginning of a single disability period and shall not be subject to dismissal, non-renewal or termination of employment except for gross negligence.

DIVISION 2 SEVERANCE PAY

§1. Termination and non-renewal of appointment

134. An employer shall pay severance pay to a senior administrator in the case of termination of employment with severance of the contractual employment relationship or in the case of non-renewal of appointment, except in the case of gross negligence.

To be entitled to a severance pay, a senior administrator:

- (1) shall waive any claim;
- (2) shall not be eligible, on the date of termination of his employment or non-renewal of his appointment, to a retirement pension equal to 70 % or more of the pensionable average salary, as determined for the purposes of calculating the retirement pension, in accordance with the retirement plan applicable to the senior administrator;

(3) shall not be subject to a forfeiture of office of the Superior Court for failure to comply with the rules respecting conflict of interest or exclusiveness of duties.

§2. Resignation

135. An employer shall pay severance pay to a senior administrator who resigns provided that the senior administrator:

- (1) is at least 55 years of age;
- (2) has at least 15 years of continuous service in the public and parapublic sectors, in the Conférence des

régies régionales, in an association of institutions, of senior administrators or of officers;

(3) is not eligible to a retirement pension equal to 70 % or more of the pensionable average salary, as determined for the purposes of calculating the retirement pension, in accordance with the applicable retirement plan;

(4) is not subject to a forfeiture of office of the Superior Court for failure to comply with the rules respecting conflict of interest or exclusiveness of duties.

§3. Procedures respecting quantum and payment of severance pay

136. The severance pay shall be equal to two months of salary per year of continuous service as a senior administrator or officer with one or several employers of the public and parapublic sectors, in the Conférence des régies régionales, or in an association of senior administrators, of officers, or of institutions. This severance pay shall be paid according to the procedures of the employer's pay system or monthly. It shall in no case exceed 12 months of salary.

The employer may not agree with the senior administrator on a severance pay other than the severance pay prescribed in the first paragraph, unless so authorized by the Minister.

137. A senior administrator who holds another position in the public or parapublic sector immediately following his departure shall not receive severance pay and shall be subject, where applicable, to the provisions respecting the maintenance of income prescribed in the second paragraph of section 36.

138. Payment of the one of the severance pays provided for in section 134 or 135 shall cease where the senior administrator holds another position in the public or parapublic sector with a salary which is equal or higher to the indemnity paid for the same period. It also ceases where the senior administrator receives from the Régie de l'assurance-maladie du Québec a remuneration which is equal or higher to the indemnity paid for the same period.

Where a senior administrator holds a position in the public or parapublic sector before he has been paid the total amount of one of the severance pays provided for in section 134 or 135 and where that senior administrator receives a salary lower than the salary he was receiving on the date of his departure, the original employer shall, upon presentation of vouchers, pay periodically to the senior administrator the difference between the two

salaries, up to the total amount of the severance pay, or until the senior administrator's new salary has reached or exceeded the salary he was receiving on the date of his departure, whichever occurs first.

Where a senior administrator receives a remuneration from the Régie de l'assurance-maladie du Québec before he has been paid the total amount of one of the severance pays provided for in section 134 or 135 and where that remuneration is lower than the salary he was receiving on the date of his departure, the original employer shall, upon presentation of vouchers, pay periodically to the senior administrator the difference between his salary and this remuneration, up to the total amount of the severance pay, or until the senior administrator's new salary has reached or exceeded the salary he was receiving on the date of his departure, whichever occurs first.

139. The severance pay provided for in section 134 or the severance pay provided for in section 135 shall be the subject of a resolution of the board of directors of the employer. A copy of this resolution and of the agreement, if any, shall be sent to the Minister within 5 days of its adoption.

140. At the request of the senior administrator, the Centre de référence may, after consideration, provide reinstatement services to the senior administrator who benefits from a severance pay under section 134. These reinstatement services, the duration of which is determined by the Centre de référence, shall be of a minimum duration of 6 months and a maximum duration of 18 months.

§4. Leave with pay

141. A senior administrator who benefits from severance pay under section 134 or 135 may choose to replace the severance pay by a leave with pay.

A senior administrator opting for a leave with pay shall retain a status of senior managerial advisor.

The duration of the leave shall be equal to the number of months obtained by applying the first paragraph of section 136.

A senior administrator is deemed to have resigned on the date on which his leave expires.

CHAPTER 7 **PROCEDURE OF APPEAL**

DIVISION 1 **RESOLUTION OF MISUNDERSTANDINGS**

142. Where there is a misunderstanding between a senior administrator and his employer concerning the interpretation and application of the provisions of this Regulation, except for the provisions of division 1 of chapter 6, the senior administrator shall address a written complaint to his employer within 30 days of his becoming aware of the situation and within a period not exceeding 6 months of the occurrence of the fact which gives rise to the misunderstanding.

143. The employer and the senior administrator shall meet together within 30 days following receipt of the complaint in order to discuss it and, where possible, come to an agreement. The senior administrator that wishes to do so may be accompanied to this meeting by an association representative.

If the misunderstanding persists at the end of these 30 days, the senior administrator may, within the following 20 days, notify the employer in writing that he intends to submit his complaint to an arbitrator.

144. Such arbitration request shall include the full particulars respecting the senior administrator's position, the name of his representative, unless the senior administrator elects to represent himself, the nature of the misunderstanding and supporting documents.

The employer shall provide the senior administrator with copies of the documents required by the senior administrator to submit his complaint and to ensure his defence. A complaint shall not be invalidated solely because it fails to include all of the particulars requested.

Within 10 days of receiving the arbitration notice, the employer shall provide the name of his representative in writing to the senior administrator's representative.

After this deadline, the parties have 15 days in which to agree on the choice of an arbitrator from the list established under section 154.

Where the parties fail to agree on the choice of an arbitrator, either party shall apply in writing for the Minister to designate an arbitrator. This application shall include a copy of the senior administrator's initial arbitration request, the name of his representative and the name of the employer's representative.

Within 30 days of receiving the application, the Minister shall designate the arbitrator who shall hear the complaint and so shall notify the parties in writing.

145. The arbitrator shall establish the hearing procedure taking into account the recognized principles of natural justice and shall exercise the powers prescribed

by Division III of Chapter IV of Title I of the Labour Code (R.S.Q., c. C-27) subject to this Chapter.

Notwithstanding section 100.6 of the Labour Code, the Minister may not be summoned to testify.

The arbitrator shall convene the parties at least 10 days prior to the date of the first hearing. Where the representative, duly summoned, of a party fails to be present, the arbitrator may proceed with the hearing.

The arbitrator shall ascertain that the complaint was filed within the prescribed period and assess the admissibility and the nature of the complaint.

The arbitrator shall receive the observations of the parties and take the complaint under advisement. They shall exchange copies of their respective written observations, if any.

146. The arbitrator shall verify the grounds of the complaint, analyze the employer's decision and assess its compliance with the Act and this Regulation.

The arbitrator shall deliver a decision which is substantiated, written and signed within 30 days following the end of the hearings. This period may be extended upon agreement between the parties. The decision shall not be invalidated solely because it is delivered after that period.

The arbitrator shall send a copy of his decision to the parties and to the Minister.

Where the senior administrator withdraws his complaint, namely when an agreement occurs prior to the arbitrator's decision, the senior administrator shall so notify his employer and the arbitrator in writing.

Where the arbitrator finds the employer's decision to be in compliance with the Act and this Regulation, he shall maintain that decision.

Where the arbitrator finds the employer's decision to contravene the Act and this Regulation, he shall deliver his decision by exercising to do so the powers prescribed in the first paragraph of section 145.

The arbitrator's decision shall in no case have the effect of changing, adding to or subtracting from the provisions of the Act and of this Regulation.

147. The arbitrator's decision is final and enforceable and it binds the senior administrator and the employer.

DIVISION 2

PROCEDURE OF APPEAL RESPECTING THE APPLICATION OF DIVISION 1 OF CHAPTER 6 – END-OF-ENGAGEMENT MEASURES

148. Where a senior administrator contests his employer's decision to dismiss him, not to renew his appointment or to terminate his employment, either because he considers that such decision is in violation of section 1 of chapter 6 or because he disagrees with its validity, he shall notify the employer, within 30 days of the date of dismissal, non-renewal of appointment or termination of employment, of his decision to submit the issue to an arbitrator. An arbitrator shall be designated in accordance with the procedure defined under section 144.

The arbitrator so designated shall proceed in accordance with section 145.

149. The arbitrator shall verify whether the employer's decision was made following a procedure which is in accordance with section 1 of chapter 6.

150. The arbitrator shall analyze the employer's decision and assess whether it is just and reasonable. He shall deliver a decision which is substantiated, written and signed within 30 days following the date of the end of the hearings. This period may be extended upon written agreement between the parties. The decision shall not be invalidated solely because it is delivered after that period. The arbitrator shall send a copy of his decision to the parties and to the Minister.

Where the senior administrator withdraws his complaint or where an agreement occurs prior to the arbitrator's decision, the arbitrator shall be so notified in writing.

151. The arbitrator's decision is enforceable and without appeal. It binds the senior administrator and the employer. It is homologated by the Supreme Court upon application of the senior administrator or the employer, the whole at the employer's expense.

Where the arbitrator finds the employer's decision to be justified, he shall maintain that decision.

Where the arbitrator finds the employer's decision to be unjustified or to contravene division 1 of chapter 6, he shall determine a compensation for any salary lost by the senior administrator. In computing the compensation, the arbitrator shall take into account in particular any salary or benefits received by the senior administrator in the public and parapublic sector since the end of his employment.

Moreover, the arbitrator shall order the employer to apply one of the following measures:

(1) the payment to the senior administrator of a compensation equal to 12 months of his salary;

(2) the application to the senior administrator of the employment stability measures prescribed in chapter 5 of this Regulation.

The compensations and benefits granted to the senior administrator by decision of the arbitrator shall be paid by the employer concerned.

152. A senior administrator who contests his employer's decision to dismiss him, not to renew his appointment or to terminate his employment shall continue to benefit from his group insurance plans, except the short-term salary insurance plan prescribed in division 5 of chapter 4 and the mandatory basic long-term salary insurance plan, until the date on which the arbitrator's decision is delivered or the date of the agreement prescribed in the second paragraph of section 150 and provided that he so applies to the concerned insurance company within 90 days following the date of his dismissal, non-renewal or termination of employment and that he pays the total contributions to those plans.

Where the arbitrator's decision is in favour of the senior administrator, the employer shall reimburse to the senior administrator the portion of the contributions that the employer should have paid.

153. Where an agreement occurs before the arbitrator delivers his decision, the agreement shall be the subject of a resolution of the board of directors of the employer.

Copies of that resolution and of the agreement shall be sent to the Minister and to the arbitrator within 15 days following the adoption of the resolution.

Such agreement shall include a clause withdrawing the complaint and the senior administrator's waiver of any other claim. Any benefits granted under such agreement shall in no case exceed those prescribed in section 151.

DIVISION 3

LIST OF ARBITRATORS AND ARBITRATION FEES

154. A list of arbitrators shall be drawn up by the Minister, the employers' associations and the association. The list of arbitrators may be updated on April 1st of each year at the request of one of the signatories. Any amendment made to the list of arbitrators shall be approved by all of the signatories.

155. Each party shall pay for its own expenses. In cases contemplated in division 1 of this chapter, the arbitrator's fees and expenses shall be borne by the losing party or the party which withdraws. Where an agreement is reached before the arbitrator delivers his decision, such agreement shall prescribe the sharing of the arbitrator's fees and expenses by the parties. Where the arbitrator considers his decision or his recommendation to be split, the arbitrator shall determine the proportion in which his fees and expenses shall be paid by each party. In cases contemplated under division 2 of this chapter, the arbitrator's fees and expenses shall be paid by the employer.

CHAPTER 8

TRANSITORY AND FINAL

156. This Regulation replaces:

(1) chapters 2, 3, 4, 6, 7, division 8 of chapter 11 and chapters 12 and 13 of the Regulation respecting certain terms of employment applicable to executive directors of regional boards and of public health and social services institutions made by Order in Council 1179-92 dated 12 August 1992 and amended by Orders in Council 1403-92 dated 23 September 1993, 782-93 dated 2 June 1993, 430-94 dated 23 March 1994, 1841-94 dated 21 December 1994, and 1007-95 dated 19 July 1995;

(2) the Regulation respecting remuneration of directors general and senior and intermediate officers of regional councils, public establishments and private establishments referred to in sections 176 and 177 of the Act respecting health services and social services (R.S.Q., c. S-5, s.154) made by Order in Council 1572-90 dated 7 November 1990 and amended by the regulation made by Order in Council 828-91 dated 12 June 1991, except where they apply to the territory of the Cree Board of Health and Social Services of James Bay;

(3) the Regulation respecting the remuneration of executive directors of regional boards and public health and social services institutions made by Order in Council 1801-92 dated 9 December 1992;

(4) the Regulation respecting the remuneration of executive directors and senior and middle management personnel of regional boards and health and social services institutions made by Order in Council 572-93 dated 21 April 1993 and amended by Orders in Council 1154-93 dated 18 August 1993 and 1420-94 dated 7 September 1994.

157. However, among the provisions of which the replacement is prescribed in section 156, sections 144.1 to 148.1, 157, 179 to 181, 198.1 to 207.10 of the Regulation contemplated in subsection 1 of section 156 shall

continue to apply to the executive director covered by the application of these sections.

A senior administrator whose salary is higher than the new salary class for his position at 30 June 1996 following the application of the second paragraph of section 44 of the Regulation referred to in subparagraph 2 of section 156 and of section 4.3 of the Regulation contemplated in subparagraph 4 of section 156, shall continue to retain his salary.

158. An executive director placed on reserve in accordance with the definition prescribed in section 4 of chapter 1 shall benefit, retroactively to the date on which his position is eliminated, from the provisions of chapter 5 of this Regulation. In such case, the maximum amount that the senior administrator is entitled to receive may not be higher than the equivalent of 36 months of his adjusted salary, if applicable.

Within 60 days following the date of coming into force of this Regulation, a senior administrator covered by subsection 2 of section 159 of the Regulation referred to in subparagraph 1 of section 156 shall make a choice in accordance with section 94. Where the senior administrator chooses reinstatement, his choice shall come into force retroactively from the date on which he holds a position of senior managerial advisor according to subparagraph 2 of section 159. Where the senior administrator chooses the departure from the sector option, the amount which corresponds to the period during which he benefits from section subparagraph 2 of section 159 shall be reduced by the amount of the end-of-engagement indemnity and from that of the pre-retirement leave, if such is the case. Notwithstanding section 104, where the senior administrator chooses reinstatement, this amount shall also be reduced by the end-of-engagement indemnity or the pre-retirement leave when the senior administrator changes his decision for departure from the sector according to section 104.

A senior administrator who has not made his choice in accordance with the second paragraph of this section is deemed to have chosen the end-of-engagement indemnity, and according to the procedures prescribed in the said paragraph.

Section 30 of this Regulation shall come into force on the date and in accordance with the parameters set by the government.

Sections 32 and 33 of this Regulation shall come into force on 30 June 1996.

159. The provisions applying to the definition of disability, to the definition of a disability period, to the level of benefits and those prescribed in subdivision 3 of

division 7 of chapter 4 shall not apply to a senior administrator who is disabled on 31 March 1994. Such senior administrator shall continue to be subject to the provisions that were applicable to that effect at the beginning of his disability, until the end of this disability.

160. This Regulation shall come into force on the day of its publication in the *Gazette officielle du Québec*.

APPENDIX I

SALARY CLASSES 1 APRIL 1993

Class	Minimum	Maximum
2	\$24,580	\$31,955
3	\$25,065	\$33,753
4	\$27,351	\$35,556
5	\$28,744	\$37,365
6	\$30,132	\$39,173
7	\$31,460	\$40,897
8	\$33,008	\$42,909
9	\$34,604	\$44,984
10	\$36,580	\$47,553
11	\$38,873	\$50,535
12	\$41,284	\$53,668
13	\$43,715	\$56,829
14	\$46,574	\$60,546
15	\$48,996	\$63,696
16	\$52,080	\$67,703
17	\$55,021	\$71,526
18	\$57,969	\$75,359
19	\$61,016	\$79,319
20	\$64,504	\$83,855
21	\$68,063	\$88,481
22	\$71,583	\$93,059

Class	Minimum	Maximum	
23	\$75,065	\$97,584	These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time senior administrator.
24	\$79,009	\$102,713	The conversion of the annual salary into weekly salary is obtained by dividing the annual salary by 52.18. The conversion of the annual salary into daily salary is obtained by dividing the annual salary by 260.9.
25	\$81,260	\$105,639	
26	\$85,557	\$111,224	
27	\$89,943	\$116,925	
28	\$94,389	\$122,707	

APPENDIX II**SALARY PROGRESSION CALCULATION TABLE**

(in %)

Date of entry													
	Between 06-16 and 07-01	Between 05-16 and 06-15	Between 04-16 and 05-15	Between 03-16 and 04-15	Between 02-16 and 03-15	Between 01-16 and 02-15	Between 12-16 and 01-15	Between 11-16 and 12-15	Between 10-16 and 11-15	Between 09-16 and 10-15	Between 08-16 and 09-15	Between 07-16 and 08-15	Between 07-01 and 07-15
Percentage of the salary progression granted on an annual basis													
%	%	%	%	%	%	%	%	%	%	%	%	%	%
0.5	0.00	0.04	0.08	0.13	0.17	0.21	0.25	0.29	0.33	0.38	0.42	0.46	0.5
1.0	0.00	0.08	0.17	0.25	0.33	0.42	0.50	0.58	0.67	0.75	0.83	0.92	1.0
1.5	0.00	0.13	0.25	0.38	0.50	0.63	0.75	0.88	1.00	1.13	1.25	1.38	1.5
2.0	0.00	0.17	0.33	0.50	0.67	0.83	1.00	1.17	1.33	1.50	1.67	1.83	2.0
2.5	0.00	0.21	0.42	0.63	0.83	1.04	1.25	1.46	1.67	1.88	2.08	2.29	2.5
3.0	0.00	0.25	0.50	0.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.75	3.0
3.5	0.00	0.29	0.58	0.88	1.17	1.46	1.75	2.04	2.33	2.63	2.92	3.21	3.5
4.0	0.00	0.33	0.67	1.00	1.33	1.67	2.00	2.33	2.67	3.00	3.33	3.67	4.0
4.5	0.00	0.38	0.75	1.13	1.50	1.88	2.25	2.63	3.00	3.38	3.75	4.13	4.5
5.0	0.00	0.42	0.83	1.25	1.67	2.08	2.50	2.92	3.33	3.75	4.17	4.58	5.0
5.5	0.00	0.46	0.92	1.38	1.83	2.29	2.75	3.21	3.67	4.13	4.58	5.04	5.5
6.0	0.00	0.50	1.00	1.50	2.00	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.0
6.5	0.00	0.54	1.08	1.63	2.17	2.71	3.25	3.79	4.33	4.88	5.42	5.96	6.5
7.0	0.00	0.58	1.17	1.75	2.33	2.92	3.50	4.08	4.67	5.25	5.83	6.42	7.0
7.5	0.00	0.63	1.25	1.88	2.50	3.13	3.75	4.38	5.00	5.63	6.25	6.88	7.5
8.0	0.00	0.67	1.33	2.00	2.67	3.33	4.00	4.67	5.33	6.00	6.67	7.33	8.0
8.5	0.00	0.71	1.42	2.13	2.83	3.54	4.25	4.96	5.67	6.38	7.08	7.79	8.5
9.0	0.00	0.75	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.75	7.50	8.25	9.0
9.5	0.00	0.80	1.58	2.38	3.17	3.95	4.75	5.53	6.33	7.13	7.92	8.70	9.5
10.0	0.00	0.84	1.66	2.50	3.34	4.16	5.00	5.84	6.66	7.50	8.33	9.16	10.0