

Gouvernement du Québec

O.C. 1218-96, 25 September 1996

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

**Regional boards and health and social services
institutions**

— **Officers**

Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and 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 accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions;

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

THAT the Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of re-

gional boards and health and social services institutions, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

TABLE OF CONTENTS	SECTION
CHAPTER 1 GENERAL	
DIVISION 1 SCOPE	1
DIVISION 2 INTERPRETATION	3
DIVISION 3 MANAGEMENT POLICY	4
CHAPTER 2 ACCESSIBILITY TO OFFICER POSITIONS AND PROBATION	
DIVISION 1 ACCESSIBILITY TO POSITIONS OF OFFICER	7
DIVISION 2 PROBATION	8
CHAPTER 3 REMUNERATION	
DIVISION 1 GENERAL	9
DIVISION 2 SALARY CLASSES AND ANNUAL ADJUSTMENT	11
DIVISION 3 ANNUAL INCREASE OF INDIVIDUAL SALARIES	
SUBDIVISION 1 INCREASE DUE TO THE ADJUSTMENT OF SALARY CLASSES 13 INCREASE FOR SATISFACTORY PERFORMANCE	14
DIVISION 4 INTEGRATION INTO A SALARY CLASS	

SUBDIVISION 1		DIVISION 6	
APPOINTMENT TO AN OFFICER POSITION	15	SURVIVOR'S PENSION PLAN	50
SUBDIVISION 2			
CHANGE IN THE EVALUATION CLASS FOR A POSITION		DIVISION 7	
SUBDIVISION 3		PLANS ISSUED BY AN INSURANCE COMPANY AND REHABILITATION	51
CHANGE OF POSITION	18		
		SUBDIVISION 1	
DIVISION 5		PLANS ISSUED BY AN INSURANCE COMPANY	51
PLURALITY OF POSITIONS	22	SUBDIVISION 2	
		REHABILITATION	53
DIVISION 6		SUBDIVISION 3	
INTERIM	23	DISABILITY AFTER ONE HUNDRED AND FOUR WEEKS	65
DIVISION 7		DIVISION 8	
SALARY GAPS		SICK-LEAVE FUND	72
SUBDIVISION 1		SUBDIVISION 1	
SALARY GAPS BETWEEN AN OFFICER AND HIS PROFESSION	24	GENERAL	75
SUBDIVISION 2		SUBDIVISION 2	
SALARY GAPS BETWEEN AN OFFICER AND HIS HIERARCHY LINE	25	USE OF THE SICK-LEAVE FUND	
DIVISION 8		CHAPTER 5	
COMPENSATIONS, BONUSSES AND ALLOWANCES	26	EMPLOYMENT STABILITY MEASURES	
SUBDIVISION 1		DIVISION 1	
COMPENSATION FOR AVAILABILITY	27	SCOPE 77	
SUBDIVISION 2			
EVENING, NIGHT AND WEEKEND BONUSSES	28	DIVISION 2	
SUBDIVISION 3		SERVICES OFFERED BY THE CENTRE DE RÉFÉRENCE DES DIRECTEURS GÉNÉRAUX ET DES CADRES	78
ALLOWANCES FOR REGIONAL DISPARITIES	29		
CHAPTER 4		DIVISION 3	
GROUP INSURANCE PLANS AND SICK-LEAVE FUND		ADMINISTRATIVE REORGANIZATION INVOLVING MORE THAN ONE EMPLOYER	81
DIVISION 1		SUBDIVISION 1	
INTERPRETATION	30	PARTIAL INTEGRATION	81
		SUBDIVISION 2	
DIVISION 2		AMALGAMATION AND TOTAL INTEGRATION	86
GENERAL	31	SUBDIVISION 3	
		CLOSING	89
DIVISION 3		SUBDIVISION 4	
ELIGIBILITY	35	ADAPTATION	91
DIVISION 4		DIVISION 4	
UNIFORM LIFE INSURANCE PLAN	39	ADMINISTRATIVE REORGANIZATION INVOLVING A SINGLE EMPLOYER	92
DIVISION 5		DIVISION 5	
SHORT-TERM SALARY INSURANCE PLAN	41	REINSTATEMENT WITHIN THE SECTOR	95

SUBDIVISION 1 GENERAL	95
SUBDIVISION 2 REINSTATEMENT WITH THE SAME EMPLOYER	108
SUBDIVISION 3 REINSTATEMENT WITH ANOTHER EMPLOYER	110
DIVISION 6 DEPARTURE FROM THE SECTOR	115
SUBDIVISION 1 GENERAL	115
SUBDIVISION 2 END-OF-ENGAGEMENT INDEMNITY	116
SUBDIVISION 3 PRE-RETIREMENT LEAVE AND RETIREMENT	121
CHAPTER 6 PROCEDURE OF APPEAL	129
CHAPTER 7 TRANSITORY AND FINAL	131
APPENDIX I SALARY CLASSES	
APPENDIX II SALARY PROGRESSION CALCULATION TABLE	

Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 507, 1st p., ss. 1 and 2nd p.)

**CHAPTER 1
GENERAL**

**DIVISION 1
SCOPE**

1. This Regulation applies to an officer of a regional board and of a public institution or a private institution covered by section 475 of the Act respecting health services and social services.

2. Only chapter 1 of this Regulation and chapters 2, 5, 7 and sections 181 and 182 of the Regulation referred to in section 129 apply to a person who is not already

employed by an employer and who is appointed to temporarily hold a position of officer.

A person who is not already employed by an employer and who is temporarily holding a position of officer with this employer at more than 25 % of full time, for a period of at least 12 months, shall benefit, for the duration of the employment, from the insurance plans prescribed in chapter 4 of this Regulation.

**DIVISION 2
INTERPRETATION**

3. 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 officer; this can be among others 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*)

“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 implementing institutions, as senior administrator or officer without interruption in the employment relationship for a period of more than 3 months; (*service continu*)

“demotion” means the moving of an officer to a position in a lower evaluation class; (*rétrogradation*)

“dismissal” means the termination by an employer of the contractual employment relationship as an officer at any time and for cause; (*congédiement*)

“employer” means a regional board or a public institution or a private institution covered by section 475 of the Act; (*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*)

“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*)

“officers' association” means 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;

“on reserve” means the situation of an officer who has chosen the reinstatement option following the elimination of his position in accordance with chapter 5 on employment stability measures; (*disponibilité*)

“original group” means the group of employees of which the officer was part or could have been part before his appointment as an officer; (*groupe d'origine*)

“parapublic sector” means the grouping of all public institutions as defined in section 98 of the Act respect-

ing 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*)

“parental leave” means any leave prescribed in chapter 5 of the Regulation referred to in section 129 respecting the parental rights plan; (*congé parental*)

“probation” means the period during which an employer verifies whether the officer shows competence and adaptation in carrying out his duties; (*probation*)

“promotion” means the transfer of an officer 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., chap. F-3.1.1); (*secteur public*)

“recall list” means a recall list, an availability list, a list of substitute persons or any other list which serves as such according to the collective agreements in force with the employer; (*liste de rappel*)

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

“resignation” means the termination of the contractual employment relationship by an officer; (*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*)

“sick-leave fund” means the number of sick leave days accumulated by an officer and frozen for an officer holding a position on 31 December 1973; (*caisse de congés de maladie*)

“termination of engagement” means, to the exclusion of a layoff, the severance by the employer, during the course of employment, of the contractual employment

relationship of a person as an officer, as well as, with no elimination of the officer's original position, without severance of the contractual employment relationship, and during the course of employment, the transfer of a senior officer to a position of intermediate officer and the transfer of an officer decided by the employer and involving a reduction of his weekly work benefit; (*résiliation d'engagement*)

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

DIVISION 3 MANAGEMENT POLICIES

4. An employer shall have management policies pertaining to the terms of employment of his officers. These management policies shall be approved by the board of directors.

5. Such management policies shall pertain to the following:

- performance appraisal;
- officer's record;
- annual vacation;
- social holidays;
- leaves without pay, personal leaves and leaves for public office;
- development;
- procedures of appeal on the application of these management policies.

6. The employer shall consult with the officers and their local representatives, if any, before adopting these management policies.

CHAPTER 2 ACCESSIBILITY TO POSITIONS OF OFFICER AND PROBATION

DIVISION 1 ACCESSIBILITY TO POSITIONS OF OFFICER

7. From the date on which this Regulation comes into force and until 31 December 1999, all the positions of officer shall be accessible only to officers and senior administrators of the health and social services sector, of the Department of health and social services, of the Conférence des régies régionales, of the Centre de

référence des directeurs généraux et des cadres, of the Comité patronal de négociation du secteur de la santé et des services sociaux, of the Secrétariat général du secteur de la santé et des services sociaux as well as to officers laid off under subparagraph 8 of section 95.

An employer may elect to make a position of officer accessible only to his officers and senior administrators.

An employer who elects to make a position of officer accessible to candidates outside his institution shall refer the position to the regional board.

However, a regional board may exceptionally authorize an employer to make a position of officer accessible to candidates other than those prescribed in the first paragraph. In the case of a regional board, such authorization shall be given by the Minister. Before granting authorization, the board or the Minister shall consult with the officers' association concerned.

The Minister may, after consulting with the associations of officers and senior administrators and the employers' associations, extend the period prescribed in the first paragraph.

DIVISION 2 PROBATION

8. Upon the appointment of a person to a position of officer or upon the promotion of a person to a position of senior management officer, the employer shall establish a probation period, not exceeding 1 year, and so notifies the officer in writing.

CHAPTER 3 REMUNERATION

DIVISION 1 GENERAL

9. An officer may not receive from his employer, and an employer may not give an officer, for the carrying out of his duties as an officer, any form of remuneration other than the remuneration provided for by this Regulation.

10. In general, no remuneration or compensation shall be paid to an officer for the overtime occasionally required in carrying out his normal duties.

An officer who is required, at the request of his immediate supervisor, to carry out overtime outside his normal working hours, shall receive, in the form of leave, an indemnity equal to the number of overtime hours worked.

An officer who is required, at the request of his immediate supervisor, to replace an officer or a non-officer employee outside his normal working hours, shall be paid according to the provisions that apply to the position of the person that he replaces.

DIVISION 2

SALARY CLASSES AND ANNUAL ADJUSTMENT

11. The evaluation class for a position of senior officer shall be determined by the Minister in accordance with the classification and evaluation system established by him. There shall be no appeal under this Regulation regarding the classification of a senior officer position by the Minister.

The change, made by the Minister, of the evaluation class for a position of senior officer shall come into force on the date set by the Minister.

For positions of intermediate officer, the employer shall apply the evaluation classes determined in accordance with the classification and evaluation procedures for positions of senior administrator and officer prescribed by the Minister.

Applicable salary classes correspond to these evaluation classes.

Where the evaluation class of a position of officer is modified due to a change in the number of measuring units associated with that position, the change shall take place and come into force on the following 30 June.

12. 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. Increase due to the adjustment of salary classes

13. At the time of the adjustment of salary classes, the salary of an officer shall be increased, if such is the case, by a rate equal to the rate of adjustment of the salary classes as determined under section 12.

§2. Increase for satisfactory performance

14. On 1 July of each year, a salary increase shall be granted to an officer 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 officer on 30 June, provided that this

increase does not make the salary of the officer higher than the maximum of the salary class for the position which he holds.

An officer 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 an officer 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 a position of officer or senior administrator with the same employer or another employer in accordance with the table shown in Appendix II.

An officer 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 purposes of computing the percentage of increase for satisfactory performance, a disabled officer shall be considered as having been at work during the first 6 months of his disability.

Where an officer holds a part-time position on 1 July and where the percentage of time worked is less than 50 % for the reference period, the rate of increase for satisfactory performance shall be 2% of his salary at 30 June.

DIVISION 4

INTEGRATION INTO A SALARY CLASS

§1. Appointment to a position of officer

15. Where a person accedes to a position of officer, from a position of union member or unionizable non-member or from outside the health and social services sector, this person shall receive as salary, subject to section 24, the higher of the two following amounts:

— the minimum of the salary class to which the person is acceding;

— 110% of the annual salary rate which the person was receiving before the appointment; however this amount shall not exceed the maximum of the salary class of the position to which the person is acceding.

For the purposes of determining the new salary of the appointed person, the person's regular annual salary at

the time of the appointment shall be used as basis to which are added, if any, any responsibility bonuses and additional remuneration related to continuing education that the person was receiving. The employer shall also take into account the experience of the person at the time of the appointment by granting the grade progression that the person would have received proportional to the time elapsed between the date of the last grade progression and the time of the appointment.

For the purposes of applying this section to a person who was not employed by a regional board or a health and social services institution, the employer shall grant the appointed person the grade that corresponds to his experience and education on the appropriate salary scale for union members or unionizable non-members of the sector at the date of the appointment.

Where no salary scale is appropriate, the employer shall determine the salary of the person within the salary class of the position.

§2. *Change in the evaluation class for a position*

16. Where the evaluation class for a position of officer is raised, the employer shall increase the salary of the officer 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.

17. Where the evaluation class for a position of officer is lowered, the salary of the officer 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 an officer is thus decreased because the evaluation class of the position he holds has been lowered:

— the officer 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 officer 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 officer 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 position*

Promotion

18. Where an officer is promoted, his salary, subject to section 24, shall be the higher of the two following amounts:

— the minimum of the salary class to which he is acceding;

— 110% of the annual salary rate which he was receiving before the appointment; however this amount shall not exceed the maximum of the salary class of the position to which the officer is acceding.

Transfer

19. The salary of an officer shall not change following a transfer.

Demotion

20. Where an officer 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 an officer is thus decreased following such a demotion:

— the officer 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 officer 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 officer 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.

21. Where an officer 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 an officer is thus decreased following such a reassignment:

— the officer 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 officer 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 officer 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 officer 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

22. An officer 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 officer's salary.

Under this section, the word “temporarily” means for a period that may vary between 2 and 18 months. However, when replacing an officer or senior administration 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 officer thus created shall be classified in accordance with section 11.

An officer may not hold simultaneously more than one plurality of positions.

DIVISION 6 INTERIM

23. This section applies to any officer 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 officer holding a position for an interim period shall receive as a lump sum the difference between his salary and the higher of the two following amounts:

— 110% of his salary without exceeding the maximum of the salary class of the position which he is holding in the interim;

— the minimum of the class of the position which he is holding in the interim.

Any union member or unionizable non-member requested to hold a position in the interim shall be entitled to this rule, except where the replacement of a position of officer is prescribed in the terms of employment that govern him.

Any union member or unionizable non-member requested to hold a position in the interim shall maintain all of his other terms of employment.

DIVISION 7 SALARY GAPS

§1. Salary gaps between an officer and his profession

24. In spite of the determination of a maximum for each salary class, the maximum salary which can be reached by an officer is established at 110 % of the maximum rate of the salary scale in force including any additional remuneration related to continuing education, if any, in the health and social services sector for his profession where the new possible maximum is higher than the maximum of the salary class established for his position, provided that this profession is generally required for the position held. In such a case, the officer's salary is not deemed to be outside the class.

In such a case, this rule shall apply on the date of annual individual salary increases as prescribed in section 3 of this chapter. However, where an increase in the salary scale for his profession has the effect of reducing the gap in percentage established under this rule between the officer's salary and the maximum of the salary

scale in force for his profession including, if any, any remuneration related to continuing education, the officer's salary shall be adjusted on the date of the increase in the salary scale in order to maintain the gap that existed on the day before the increase.

§2. Salary gaps between an officer and his hierarchy line

25. Where the application of the rule prescribed under section 24 no longer allows to maintain a gap of 7 % between the salaries of officers at different levels in the same hierarchy line and that the officer at the higher level has reached the maximum for his salary class, the employer shall add an amount to this officer's salary in order to maintain a gap of 7 %. In such a case, the officer's salary is not deemed to be outside the class.

This rule does not apply to assistants, except to administrative assistants of local community service centres.

DIVISION 8
COMPENSATIONS, BONUSES AND ALLOWANCES

26. The compensations, bonuses and allowances prescribed in this division are not part of the officer's salary.

§1. Compensation for availability

27. Where an employer demands that an officer be available outside his work schedule he shall pay to the officer, as a lump sum, a compensation of \$11.25 per shift of availability or, if such is the case, a proportion of this compensation per part of shift of availability. This compensation shall be modified by the Minister on the date determined by him.

An officer who is required to work during this period of availability shall be paid according to the provisions of section 10.

§2. Evening, night and weekend bonuses

28. Notwithstanding the leaves prescribed in the union members' collective agreements, an officer shall be entitled to the evening bonus, the night bonus or the weekend bonus in accordance with the terms and conditions prescribed in the collective agreements for the payment of those bonuses. Under this section, the word "seniority" shall be replaced by "continuous service" and this continuous service shall also include the duration as a non-officer employee.

§3. Allowances for regional disparities

29. An officer shall be entitled to the allowances for regional disparities according to the same terms and conditions as those prescribed in the collective agreements in force in the health and social services sector.

CHAPTER 4
GROUP INSURANCE PLANS
AND SICK-LEAVE FUND

DIVISION 1
INTERPRETATION

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

"benefits" means the benefits that an officer 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 officer; (*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 or surgery related to birth planning requiring medical treatment and making the officer totally incapable of carrying out the normal tasks of his employment or of any other employment with similar remuneration that is offered to the officer 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 officer'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 officer 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 officer 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 officer 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 officer is deemed reasonably able to hold based on his education, training and experience; this position may be the position he held before his disability, an officer position, or a position equivalent to the one he held before his appointment to a position of officer, unionizable non-member or union member; (*poste*)

“salary” means an officer’s regular salary or the salary to which the officer 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 17, 20 and 21, and paragraph 7 of section 104;
- (3) the lump sum paid in the case of plurality of positions in accordance with section 22 and allowances for regional disparities paid in accordance with section 29.

DIVISION 2 GENERAL

31. The salary of an officer holding a position of officer at less than 70 % full-time is computed for the purposes of calculating the benefits payable under this chapter on the basis of the officer’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.

32. An officer 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 officer or senior administrator for at least 12 months, the group insurance plans provided for in this chapter.

An officer 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 officer or senior officer for at least 12 months, the group insurance plans provided for in this chapter, insofar as the collective agreement so allows.

33. Where a leave without pay or partial leave without pay staggers over a period of less than 30 days, the officer 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 officer 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 51 that he owned before the leave or the absence, in accordance with the provisions of the master policy. An officer maintaining his participation in the insurance plans listed in subsections 1 and 2 of section 51 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, an officer benefiting from a deferred salary leave plan shall continue to participate in the group insurance plans listed in subsections 1 and 2 of section 51. 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 officer if he were not benefiting from the deferred salary leave plan. Throughout the deferred salary leave plan, the contributions of the officer 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.

34. An officer whose disability began after 31 March 1994 shall maintain his employment relationship with his employer for as long as he is disabled and may not be subject to dismissal, non-renewal or termination of engagement for the reason that he is disabled.

An officer whose disability began 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.

34.1 Subdivisions 2 and 3 of division 7 of this chapter shall not apply to an officer who has chosen reinstatement under section 94 or to a disabled officer whose position is eliminated. However, where the officer disagrees with the decision of the insurer to the effect that he does not satisfy the definition of disability, the officer may submit his disagreement to the Tribunal d'arbitrage médical prescribed in the master policy.

DIVISION 3 ELIGIBILITY

35. An officer holding a position of officer 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.

36. An officer holding a position of officer 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.

37. An officer holding a regular position of officer at 25 % and less of full-time shall notify his employer in writing within 3 months from the date he takes over his duties of his choice to participate or not in the insurance plans prescribed in this section.

The choice of the officer to participate in the insurance plans shall be final.

An officer covered by this section and who chooses not to participate in the insurance plans shall maintain his officer status.

38. Notwithstanding sections 35 to 37 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 51, an officer who, before becoming an officer 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 an officer 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

39. An officer is entitled to \$6,400 of life insurance payable to his estate. That amount is reduced by 50 % for an officer holding a position of officer at less than 70 % full-time.

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

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

40. Subject to section 32 and section 39 of the Regulation respecting the dismissal, non-renewal of employment, termination of employment, suspension without pay, demotion and severance pay of officers of regional boards and health and social services institutions made by Order in Council 1843-94 dated 21 December 1994, an officer'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

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

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

43. From the second week of disability and up until the 26th week from the beginning of the disability, the officer 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 officer shall receive a salary insurance benefit equal to 70 % of the salary to which he would have been entitled had he been at work.

44. The salary prescribed in section 42 and the benefit prescribed in section 43 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.

An officer benefiting from a disability benefit or a retirement benefit covered by the first paragraph shall so advise the employer immediately.

45. A disabled officer 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, an officer 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.

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

An officer 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.

An officer 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.

47. Subject to sections 48, 60 and 61, a disabled officer ceases to accumulate vacation days after a continuous disability period of at least 6 months.

48. An officer 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 officer shall be deemed to be disabled and shall continue to be subject to his salary insurance plan. The officer 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.

49. An officer'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 32, 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 force of his pre-retirement leave as prescribed in section 121;

(4) the date of his retirement.

DIVISION 6 **SURVIVOR'S PENSION PLAN**

50. An officer shall be entitled to the survivor's pension plan in accordance with the Directive concernant le régime des rentes de survivants adopted 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 word "officer".

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

§1. Plans issued by an insurance company

51. Besides the plans that are issued by the Québec Government and prescribed in divisions 4, 5 and 6 of this chapter, an officer 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.

52. 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

53. An officer 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 officer has been disabled for 6 months or more;

(2) the officer'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).

54. However, an officer shall not be eligible to rehabilitation in either of the following circumstances:

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

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

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

55. An officer 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 officer must accept the position or else the employer may terminate his engagement contract.

56. The period during which the officer 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.

57. An officer 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, an officer 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.

58. An officer 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 officer 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 officer shall receive a salary equal to that benefit. Moreover, an officer 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.

59. An officer 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.

60. An officer shall accumulate vacation time and continuous service during the time he works in a position which is in relation with his rehabilitation plan.

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

62. The officer 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 32, 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.

63. 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.

64. 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 officer and the insurer by suggesting appropriate solutions, notably in cases where the return to work may involve the temporary use of the officer's services and in the situation prescribed in the second paragraph of section 68;

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

§3. Disability after one hundred and four weeks

65. When the employer receives notice from the insurer to the effect that the officer 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 officer satisfies the definition, in accordance with the medical arbitration convention agreed upon with the insurer and provided that the officer accepts that the disagreement be submitted to the arbitration court for final decision.

Where the employer and the officer agree with the decision of the insurer to the effect that the officer does not satisfy the definition of disability, the employer must offer an available position to the officer and the applicable provisions are those prescribed in section 68 in the case of the acceptance of a position or in section 69 during the waiting period for such a position.

The disagreement of the officer 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 officer, under the conditions prescribed in the medical arbitration convention. In such a case, the employer shall pay no expenses.

66. The employer shall pay to the officer 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 officer has adhered to the medical arbitration convention agreed upon with the insurer;

(2) the disagreement between the employer and the insurer or between the officer 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.

67. When the Tribunal d'arbitrage médical confirms that the officer 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 officer a salary equal to the benefit, until the employer offers him a position. Where the disagreement was submitted to the arbitration court by the officer, the officer shall reimburse the salary that was paid to him to the employer.

When the arbitration court confirms the officer'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 officer by the employer. The employer shall reimburse to the officer the arbitration fees as well as the medical examination fees paid by him, if any.

68. An officer 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 officer 15 days before terminating his engagement. A

copy of that notice shall be forwarded to the Sectorial Committee established under section 63.

During that period, the employer shall allow the Sectorial Committee established under section 63 to carry out the necessary interventions in accordance with section 64.

The officer 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.

69. During the waiting period for a position, when the employer and the officer 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 officer does not satisfy the definition of disability, the officer 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 officer during that period for duties that take into account the officer's training and experience. The officer shall accumulate vacation time and continuous service during the time he works.

An officer who is reassigned in accordance with the first paragraph shall receive the salary for that position and shall be governed, subject to section 32, 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.

70. Payment to the officer 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.

71. Beside the situation prescribed in section 34, an officer shall maintain his employment relationship with his employer when the insurer refuses or ceases to pay to the officer 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

72. An officer 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.

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

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

§2. Use of the sick-leave fund

75. An officer 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;

An officer 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 officer:

In such case, the disabled officer may use his sick-leave fund to make up the difference between the short-term salary insurance benefit provided for in section 43 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:

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:

An officer 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:

An officer 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.

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

Notwithstanding the first paragraph of this section, where the officer 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

77. This chapter applies to an officer who has completed his probation period with an employer and who, following an administrative reorganization, is transferred to a position with another employer or whose position is eliminated.

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

78. 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 officers 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 officers on reserve and a bank of available positions with employers;

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

79. The Centre de référence shall periodically present evaluation reports on the services prescribed in section 78 to the associations of officers and senior administrators, the employers' associations, the regional boards and the Department.

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

DIVISION 3
ADMINISTRATIVE REORGANIZATION
INVOLVING MORE THAN ONE EMPLOYER

81. The original employer shall notify in writing at least 120 days in advance the concerned officers' association and its local representatives, the regional board as well as the affected officers of his intention to carry out an administrative reorganization that results in the transfer of activities and officers from one employer to another employer and in the elimination of one or more positions of officer. During that period, the employer shall reorganize his staff in accordance with section 93.

82. Where an officer affected by a partial integration cannot be reinstated with his employer during that period, his position shall be eliminated from the date of the

partial integration, in accordance with section 94. The officer shall then be transferred to the new employer and shall benefit from the employment stability measures.

83. The new employer shall, at least 30 days before the effective date of the transfer, inform the original employer, the officer and the officers' association concerned that he intends to appoint an officer affected by the transfer to an equivalent position of officer.

An equivalent position of officer is a position of officer at the same hierarchy level, involving the same level of responsibility and the same salary class as the position held by the transferred officer with his original employer.

84. Where a transfer of activities from one employer to another employer involves the creation, from the same activities, of a new position of officer with the new employer, the new employer shall, in order to fill that new position of officer, hold a competition limited to the officers affected by the transfer of activities including the officer covered by section 82 who has elected the reinstatement option. There shall be no appeal against that decision under this Regulation.

85. Within 12 months following the date of appointment of an officer in accordance with sections 83 and 84, where the employer observes that the transferred officer is incapable of carrying out the duties of his new position, the employer may, 30 days in advance, notify the officer in writing that he will be placed on reserve. There shall be no appeal against that decision under this Regulation. The officer shall choose one of the options prescribed in the second paragraph of section 94. In such a case, the time spent with the new employer, in the new position of officer, shall be excluded from the officer's reinstatement period.

§2. Amalgamation and total integration

86. The original employers shall notify in writing at least 120 days in advance the concerned officers' associations and their local representatives, the regional board as well as the affected officers of their intention to carry out an amalgamation or a total integration.

87. Beginning on the date of the total integration or of the confirmation of its legal existence in the case of an amalgamation, the new employer may carry out an administrative reorganization resulting in the elimination of one or more positions of officer. In such case, the employer shall proceed in accordance with division 4 of this chapter.

88. Within 12 months following the date of appointment of an officer to a new available position of officer, where the employer observes that the transferred officer is incapable of carrying out the duties of his new position, the employer may, 30 days in advance, notify the officer in writing that he will be placed on reserve. There shall be no appeal against that decision under this Regulation. The officer shall choose one of the options prescribed in the second paragraph of section 94. In such a case, the time spent with the new employer, in the new position of officer, shall be excluded from the officer's reinstatement period.

§3. *Closing*

89. The original employers shall notify in writing at least 120 days in advance the concerned officers' associations and their local representatives, the regional board as well as the affected officers of their intention to close down.

90. Following an administrative reorganization involving the closing of an employer, where there is no position available with another employer, the position of officer shall be eliminated by the original employer from the date of the closing in accordance with section 94 and the officer shall be transferred, from that date, to another employer who shall act temporarily as administrative fiduciary in order to allow the officer to benefit from the employment stability measures. In such case, the administrative fiduciary shall not be subject to sections 108 and 109. Afterwards, an officer may, upon agreement with another employer, be transferred to that employer, for the remaining reinstatement period.

§4. *Adaptation*

91. The new employer shall determine and offer the adaptation activities which he deems necessary for the transferred officer covered by subdivisions 1 and 2 of this section.

DIVISION 4 **ADMINISTRATIVE REORGANIZATION** **INVOLVING ONLY ONE EMPLOYER**

92. The employer shall notify in writing, at least 120 days in advance, the concerned officers' association and its local representatives, the regional board as well as the affected officers of his intention to carry out an administrative reorganization that could result in the elimination of one or more positions of officers. On this occasion, the concerned officers' association may suggest to the employer some alternatives involving in particular the organization and sharing of the work.

93. During the period preceding the elimination of the position or positions, the employer shall consult with the concerned officers on the measures to be taken to reorganize the employer's staff, such as adaptation, training, promotion, transfer, demotion, substitution of an officer affected by the operation by an officer not affected by the operation and departure from the sector. The employer shall also consult with the officers and their representatives on the adaptation measures to be provided in relation with the planned reorganization.

The employer shall reinstate an officer during that period in a position of officer or senior administrator that corresponds to his training and experience, taking into account the normal requirements of the position to be filled and of the reinstatement plan where it is available. The officer shall accept the offered position unless the position involves a weekly work benefit which is lower than that of the position he previously held; in case of refusal on the part of the officer, the employer may lay him off.

An officer 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 an officer whose position has been eliminated and who has been reinstated with the same employer.

An officer 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 an officer who has been reinstated with another employer after the elimination of his position.

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

During that period, the employer shall ensure that an officer who is not reinstated or covered by a reinstatement benefits from the services of the Centre de référence. The employer shall reimburse to the officer 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 an officer 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 officer at least 30 days before the date on which the position is eliminated. A copy of the notice shall be sent to the regional board and the concerned officers' association, if any.

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

(1) reinstatement within the sector as prescribed in division 5 of this chapter;

(2) departure from the sector as prescribed in division 6 of this chapter.

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

An officer 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 an officer 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. An officer whose position is eliminated during a disability period shall continue to receive his salary insurance benefits as long as he is disabled.

DIVISION 5 **REINSTATEMENT WITHIN THE SECTOR**

§1. General

95. An officer who elects the option of reinstatement within the sector shall retain his status of officer for a reinstatement 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 99.

The employer shall maintain, during the reinstatement period, the officer's adjusted salary and, subject to section 34.1, all his terms of employment as an officer, provided that the officer does not refuse, without valid reason, to provide the services required by the employer in duties that take into account the officer's training and experience and his reinstatement plan, if any.

Where an officer's reinstatement period is totally or partly staggered in accordance with section 99, the officer shall receive, for the overall period, a salary equivalent to a maximum of 36 months of his salary.

During the reinstatement period, the officer 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 officer an amount equivalent to the accumulated annual vacation not taken.

During the reinstatement period, the officer 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 an officer being reinstated shall be excluded from the reinstatement period.

Any period where the services of the officer 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.

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

96. The employer shall facilitate the reinstatement of the officer who has elected reinstatement namely in determining the services required in accordance with the second paragraph of section 95 and by reimbursing to the officer 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.

97. An officer 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 officer within 15 days following receipt of the reinstatement plan; the officer may modify his reinstatement plan in agreement with the employer;

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

98. 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 officer to find a new position for himself. An officer is not obliged to include in his reinstatement plan reinstatement in a position of union member or unionizable non-member.

A loan of service shall take into account the training and experience of the officer as well as his prospective reinstatement. An officer 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.

Where an officer chooses reinstatement in a position of union member or unionizable non-member, he shall:

(1) enter his name on the recall list or on the reserve list and apply on any position of union member or unionizable non-member for which his training and experience correspond to the normal requirements of the position, provided that the position involves a weekly work benefit which is at least equal to that of the position he previously held;

(2) make himself available to work and accept any assignment or service loan offered by his employer in accordance with the second paragraph. Such assignment shall take into account the training and experience of the officer as well as the requirements of his reinstatement plan.

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

100. An officer 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 officer may continue to participate in the group insurance plans in accordance with section 33.

101. An officer who is proposed by his original employer to an employer in his administrative region or to an employer of another administrative region located less than 50 kilometres by road from the original employer's head office or from his home base shall attend the selection interview.

102. An officer who has chosen reinstatement within the sector may change his initial choice and elect depart-

ure from the sector as prescribed in division 6 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.

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

(1) to participate in the career transition programmes as prescribed in subsection 1 of section 97;

(2) to establish his reinstatement plan as prescribed in subsection 2 of section 97 or fails to adhere to it;

(3) to provide services required by his employer as prescribed in the second paragraph of section 95;

(4) a loan of service offered by his employer as prescribed in the first and second paragraphs of section 98;

(5) to enter his name on the recall list or on the reserve list, to apply for any position of union member or unionizable non-member for which his training and experience correspond to the normal requirements of the position or to make himself available to work in accordance with the third paragraph of section 98;

(6) to commit to the search for a position, to attend the selection interview prescribed in section 101 or to accept, within 15 days of the offer, a position offered in accordance with the provisions of sections 93, 108 and 110.

104. A reinstated officer shall be governed by the provisions which apply to his new position.

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

The salary of an officer who is reinstated in a position of officer or senior administrator in a salary class higher than the class of the position that he previously held shall be determined by the employer in accordance with section 18.

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

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

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

The salary of an officer 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 officer 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 officer would have received had he remained in reinstatement. For the first year following that period, the officer 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.

105. An officer 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 32;

(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 officer or senior administrator, notwithstanding section 7;

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

106. An officer 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).

107. The employer shall determine and offer the adaptation activities which he deems necessary for the reinstated officer.

§2. Reinstatement with the same employer

108. The employer shall reinstate the officer who has chosen reinstatement in another position of officer, senior administrator, 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 his reinstatement plan if such plan is available. The officer shall accept the offered position if it is a position of officer or if it is a position of union member or unionizable non-member where the reinstatement into such a position is prescribed in his reinstatement plan, if the position involves a weekly work benefit at least equal to that of the position he previously held.

109. The employer may return to reinstatement an officer who has been reinstated, in accordance with section 108, to a position of officer or senior administrator 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 officer in that position. There shall be no appeal against this judgment of expediency under this Regulation. The period where the officer was replaced shall be excluded from the reinstatement period.

§3. Reinstatement with another employer

110. An officer who has chosen the reinstatement option may find himself a job with another employer in a position of officer, senior administrator, 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 his reinstatement plan if such plan is available. The officer shall accept the offered position if it is a position of officer or if it is a position of union member or unionizable non-member where the reinstatement into such a position is prescribed in his reinstatement plan, if the position involves a weekly work benefit at least equal to that of the position he previously held.

111. An officer 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.

112. Where, during the trial period, the new employer no longer considers it expedient to retain the services of the officer, the original employer shall reinstate him and apply the salary and terms of employment to which the officer was entitled before his reinstatement, until the expiry of the remaining reinstatement period. The time spent with the new employer shall be

excluded from the officer's reinstatement period. There shall be no appeal against the decision made by the new employer under this Regulation.

113. The original employer shall dispose of the officer's sick-leave fund in accordance with the provisions of section 8 of chapter 4, after the trial period has been completed with the new employer.

114. An officer 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 officer shall ask for payment of this bonus at the end of his trial period.

DIVISION 6

DEPARTURE FROM THE SECTOR

§1. General

115. An officer 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

116. An officer 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 one 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 officer was receiving at the date on which his position was eliminated or the date on which he changed his choice.

Where the officer has changed his choice, the end-of-engagement indemnity is reduced in accordance with section 102.

Notwithstanding section 3, for the application of the first paragraph, the notion of parapublic sector includes 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, of officers and of institutions of the sector.

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

118. Where an officer has chosen the end-of-engagement indemnity, the employment relationship between the officer 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 officer changes his choice. The officer shall then cease to contribute to his retirement plan and to be entitled to the group insurance plans.

119. To be entitled to an end-of-employment indemnity, an officer shall commit, in writing, not to hold a position of officer, senior administrator, 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.

An officer 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.

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

§3. Retirement leave and retirement

121. An officer 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 officer a plan of use with his employer or with another organization.

122. An officer 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 officer 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.

123. The pre-retirement leave shall begin on the date on which the officer's position is eliminated, on the

date determined by the application of section 121 or on the date of his change of choice in accordance with section 102 and shall end on the date on which he chooses to retire in accordance with his retirement plan. The officer shall choose the date of his retirement and, consequently, the duration of his pre-retirement leave.

124. The total amount to be paid, that is the sum of the salary paid in pre-retirement salary during his pre-retirement leave and the amount paid in end-of-engagement indemnity, at the time of the retirement, to the officer 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 officer 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 102.

The combination of the amount prescribed in the first paragraph of this section and of the amount prescribed in section 121 that is equivalent to a maximum of 12 months of salary shall not be higher than the equivalent of 36 months of the officer's salary at the date of the elimination of his position, adjusted if applicable.

125. During the staggered pre-retirement leave, the officer's salary is established as follows:

the salary the officer was receiving on the date on which his position was eliminated, adjusted if such is the case	X	the amount to which the officer is entitled under section 124 expressed in months
		the duration in months of his pre-retirement leave

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

126. An officer 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.

127. During his pre-retirement leave, an officer shall continue to participate in the retirement plans and in the group insurance plans in accordance with chapter 4 and

section 128.1, proportionally to the monthly 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.

128. On the conditions prescribed in subsection 3 of section 75, the sick-leave fund may be used to add to the amount of adjusted salary prescribed in section 125.

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 75.

128.1 The officer covered by this subdivision shall not participate in the short-term salary insurance plan as prescribed in subsection 3 of section 49, in the mandatory basic long-term salary insurance plan and in the additional mandatory long-term salary insurance plan.

CHAPTER 6 PROCEDURES OF APPEAL

129. Under this regulation, the procedures of appeal pertaining to the terms of employment prescribed in chapter 9 of the Regulation respecting certain conditions of employment of officers of regional councils and of health and social services establishments, made by Order in Council 988-91 dated 10 July 1991, as it reads on the date when it shall be applied, for the resolution of disagreements on the interpretation and the application of the terms of employment, applies to an officer covered by this Regulation to the exception of section 191.

130. To the exception of chapter 1 and unless otherwise specified in this Regulation, the decision of the president to whom the complaint has been submitted shall be final and enforceable and shall bind the officer and the employer where it pertains to provisions of this Regulation.

CHAPTER 7 TRANSITORY AND FINAL

131. This Regulation replaces:

(1) divisions 2 and 3 of chapter 1 and divisions 4, 8 and 10 of the Regulation respecting certain conditions of employment of officers of regional councils and of health and social services establishments, made by Order in Council 988-91 dated 10 July 1991 and amended by Order in Council 1180-92 dated 12 August 1992, except where they apply to the territory of the Cree Board of Health and Social Services of James Bay;

(2) the Regulation respecting pre-retirement leave and the retirement indemnity applicable to officers of re-

gional boards and health and social services institutions made by Order in Council 784-93 dated 2 June 1993;

(3) the Regulation respecting the severance pay applicable to officers of regional boards and health and social services institutions made by Order in Council 1506-93 dated 27 October 1993;

(4) chapter 2 and section 49 of the Regulation respecting group insurance plans and the terms and conditions of application of the deferred salary leave plan applicable to the management personnel of regional boards and of health and social services institutions made by Order in Council 428-94 dated 23 March 1994;

(5) section 8 of chapter 2 of the Regulation respecting the dismissal, non-renewal of employment, termination of employment, suspension without pay, demotion and severance pay of officers of regional boards and health and social services institutions made by Order in Council 1843-94 dated 21 December 1994;

(6) chapter 3 of the Regulation respecting the progressive retirement plan and the management policy applicable to the management personnel of regional boards and of health and social services institutions made by Order in Council 1005-95 dated 19 July 1995;

(7) 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;

(8) 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.

132. However, among the provisions of which the replacement is prescribed in section 131, sections 129, 142 to 144 and 167 to 170 of the Regulation referred to in subsection 1 of section 131 and sections 3 to 6 of the Regulation referred to in subsection 2 of section 131 shall continue to apply to the officer covered by the application of these sections.

An officer 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 7 of section 131 and of section 4.3 of the Regulation referred to in subparagraph 8 of section 131, shall continue to retain his salary.

133. An officer placed on reserve in accordance with the definition prescribed in section 3 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 officer is entitled to receive and that prescribed in the second paragraph, may not be higher than the equivalent of 36 months of his adjusted salary, if applicable.

The date on which sections 122 or 123 of the Regulation referred to in subsection 1 of section 131 are applicable to an officer shall be deemed to be the date on which his position is eliminated under chapter 5 of this Regulation.

Within 60 days following the date of coming into force of this Regulation, an officer covered by sections 122 and 123 of the Regulation referred to in subparagraph 1 of section 131 shall make a choice in accordance with section 94. Where the officer chooses reinstatement, his choice shall come into force according to the first and second paragraphs. Where the officer chooses the departure from the sector option, the amount which corresponds to the period during which he benefits from section 122 or 123 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 102, where the officer chooses reinstatement, this amount shall also be reduced by the end-of-engagement indemnity or the pre-retirement leave when the officer changes his decision for departure from the sector according to section 102.

An officer who has not made his choice in accordance with the third 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 14 of this Regulation shall come into force on the date and in accordance with the parameters set by the government.

Sections 16, 17, 24 and 25 of this Regulation shall come into force on 30 June 1996.

134. 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 an officer who is disabled on 31 March 1994. Such officer shall con-

tinue to be subject to the provisions that were applicable to that effect at the beginning of his disability, until the end of this disability.

135. 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
24	\$79,009	\$102,713
25	\$81,260	\$105,639
26	\$85,557	\$111,224
27	\$89,943	\$116,925
28	\$94,389	\$122,707

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 officer.

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.

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 salary progression granted on an amount basis	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
%	%	%	%	%	%	%	%	%	%	%	%	%	%
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

9998

Gouvernement du Québec

O.C. 1241-96, 2 October 1996Financial Administration Act
(R.S.Q., c. A-6)

**Conditions of contracts of government departments
and public bodies**
— Amendments

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS it is expedient to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993, in order to introduce additional requirements respecting the validity of contracts that will contribute to fight undeclared labour in the construction industry in Québec;