

Gouvernement du Québec

O.C. 925-97, 9 July 1997

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

**Regional boards and public health and
social services institution**

— **Executive directors**

— **Amendments**

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

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 by Order in Council 1217-96 dated 25 September 1996, the Government made the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions;

WHEREAS it is expedient to amend that Regulation;

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

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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

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

1. The Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996 and amended by Order in Council 243-97 dated 26 February 1997 is again being amended with the replacement, in the table of contents, of the title of subdivision 2 of division 1 of chapter 2 by the following title:

“§2. *Selection following an administrative reorganization*”

2. Section 2 of this Regulation is being amended with the replacement of the first paragraph by the following:

“**2.** Chapter 3 of this Regulation applies to a senior administrator of a private institution covered by section 475 of the Act respecting health services and social services.”

3. The title of subdivision 2 of section 1 of chapter 2 is being replaced by the following title:

“*Selection following and administrative reorganization*”

4. Section 6 of this Regulation is being replaced by the following:

“6. When an administrative reorganization results in leaving only one position of executive director, the boards of directors involved shall notify, in accordance with section 92, the executive directors who hold the existing positions pursuant to a contract or an engagement resolution, of their intention to eliminate these positions. The new board of directors or the boards of directors that are maintained shall notify, in accordance with section 94, the said executive directors of the effective elimination of their position and shall create a new executive director position.

The new board of directors or the boards of directors that are maintained shall determine whether or not to offer the new executive director position to one of these executive directors. If they determine to do so, they shall hold a competition in order to select, among them, the one to whom they are to offer the new executive director position. The procedure for this competition shall be established by the new board of directors or the boards of directors that are maintained.

This competition is also open to any person, including an interim senior administrator who has been holding temporarily for at least one year one of the said executive director positions or who, on that date, has a written engagement contract for a period of at least one year.

The new board of directors or the boards of directors that are maintained shall appoint, in accordance with the provisions of subdivision 5 of this division, the person selected to hold the new executive director position.

When the new board of directors or the boards of directors that are maintained decide not to proceed according to the provisions of the second and third paragraphs to fill the new position of executive director, they shall ask the Minister for the authorization to hold a selection competition, in accordance with subdivisions 3 and 4 of this division.

Where the administrative reorganization mentioned in the first paragraph is the result of the application of sections 126.1, 126.2 and 128 of the Act, the board of directors shall, in accordance with section 193.1 of the Act, hold the selection competition prescribed in the second and third paragraphs in order to select the new executive director. If after having thus proceeded, the board has not been able to fill the new executive director position, it shall hold a selection competition as prescribed in subdivisions 2 and 3 of the present division.

The provisions regarding employment stability measures for senior administrators prescribed in chapter 5 of this Regulation apply to executive directors whose posi-

tions have been eliminated according to this section and who have not been granted the new executive director position or have not applied for it.

If the new board of directors or the boards of directors that are maintained determine the necessity to do so, they shall appoint a person to temporarily hold the position of executive director.”

5. Section 28 of this Regulation is being replaced by the following section:

“28. Salary classes are adjusted by the Minister on the date and in accordance with the parameters set by the government.

Salary classes shall be adjusted by 1 % on 1 January 1998 and on 1 April 1998. The adjusted salary classes are shown in Appendices I and I.I.”

6. Section 29 of this Regulation is being replaced by the following section:

“29. At the time of the adjustment of salary classes, the salary of the senior administrator shall be increased, if applicable, by a rate equal to the rate of adjustment of the salary classes as determined under section 28. This increase shall not make the salary of the senior administrator higher than the maximum of the salary class for the position he holds.”

7. Section 30 of this Regulation is being amended as follows:

1 by the replacement everywhere of the mention of “1 July” with “1 April”;

2 by the replacement in the fourth line of the first paragraph of “30 June” with “31 March”.

8. Section 45 of this Regulation is being amended as follows:

1 by the replacement of the second paragraph with the following paragraphs:

“When a leave without pay staggers over a period of 30 days or more, or during any other absence without pay, the participation of the senior administrator in the uniform life insurance plan shall be maintained. Also, the senior administrator shall maintain his participation in the mandatory basic health-accident insurance plan by paying his premiums as well as the employer’s contribution in the plan. He may, provided that he applies to the employer for that purpose before the planned date of the leave or absence, maintain his participation in the

insurance plans listed in subsections 1 and 2 of section 62 that he owned before the leave or the absence, in accordance with the provisions of the master policy.

During a partial leave without pay that staggers over a period of 30 days or more, the participation of the senior administrator in the insurance plans shall be maintained based on the time worked during the leave, with the senior administrator paying his premiums and the employer paying his contribution to the plans. However, the senior administrator may maintain his participation in the plans based on the time worked before the partial leave without pay. In this case, he shall pay his premiums and the employer's contribution to the plans based on the time not worked, except for the employer's contribution to the mandatory basic health-accident plan which shall continue to be paid by the employer.

The senior administrator on leave without pay or on partial leave without pay who maintains his participation in the insurance plans which he owned before the leave or the absence without pay shall also maintain his participation in the survivor's pension plan in accordance with the provisions prescribed for this plan.”;

2 by the replacement of the first sentence of the last paragraph with the following sentence:

“A senior administrator benefiting from a deferred salary leave plan shall continue to participate in the group insurance plans listed in subsections 1 and 2 of section 62.”.

9. Section 122 of this Regulation is being replaced by the following section:

“**122.** The end-of-engagement indemnity shall be paid first as a retirement allowance transferrable into a retirement instrument according to the applicable tax rules and taking into account the sick days that qualify to that effect, if any. It shall then be paid, for as long as the retirement plan provides for it, as a mandatory contribution by the employer in the senior administrator's retirement plan, to compensate for the actuarial reduction applicable when he becomes eligible to his retirement pension with such a reduction. Any excess in the end-of-engagement indemnity above the previous amounts shall be paid as a retirement allowance.

Where the employer's contribution in the senior administrator's retirement plan does not completely compensate for the actuarial reduction, the senior administrator may use the transferrable amount of his retirement allowance to totally or partially compensate for this actuarial reduction.

Payment of the portion of the end-of-engagement that corresponds to the retirement allowance shall be made in two installments: the first one within 30 days of the departure of the senior administrator, and the second one on 15 January of the following year. Where the senior administrator uses his retirement allowance to compensate for the actuarial reduction, the first installment shall represent at least the amount of this compensation.

Notwithstanding the previous paragraph, the employer may agree with the senior administrator to pay the full retirement allowance, within 30 days of his departure at the latest.”.

10. Section 126 of this Regulation is being amended with the insertion, after the first paragraph, of the following paragraph:

“The end-of-engagement indemnity prescribed in the first paragraph shall be paid in accordance with the criteria and conditions prescribed in section 122.”.

11. Section 152 of this Regulation is being amended with the replacement of the first paragraph with the following paragraph:

“**152.** A senior administrator who contests his employer's decision to dismiss him, not to renew his appointment or to terminate his employment shall maintain his participation in the uniform life insurance plan but may not benefit from the short-term salary insurance plan prescribed in division 5 of chapter 4. Also, he shall maintain his participation in the mandatory basic health-accident insurance plan by paying his premiums as well as the employer's contribution in the plan. He may maintain his participation in the other insurance plans prescribed in subsections 1 and 2 of section 62, except however for the long-term salary insurance plans, until the date on which the arbitrator's decision is delivered or the date of the agreement prescribed in the second paragraph of section 150 and provided that he so applies to the concerned insurance company in accordance with the provisions of the master policy. The senior administrator who maintains his participation in these insurance plans shall also maintain his participation in the survivor's pension plan in accordance with the provisions prescribed for this plan.”.

12. Section 158 of this Regulation is being replaced by the following section:

“**158.** An executive director placed on reserve in accordance with the definition prescribed in section 4 of chapter 1 shall benefit, retroactively to the date on which

his position is eliminated, from the provisions of chapter 5 of this Regulation. In such case, the maximum amount that the senior administrator is entitled to receive may not be higher than the equivalent of 36 months of his adjusted salary, if applicable.

The senior administrator covered by subsection 2 of section 159 of the Regulation mentioned in subsection 1 of section 156 of this Regulation is deemed to have chosen, retroactively to the date of the elimination of his position, the reinstatement option as prescribed in division 4 of chapter 5 of this Regulation.

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

13. Section 158.2 of this Regulation is being amended with the replacement in the second line of the first paragraph of “1,5 days’ work” with “1,3 days’ work”.

14. Appendix I of this Regulation is being amended:

1 with the replacement of the title “Salary Class” with the title “Salary Classes as of 1 April 1993”;

2 with the replacement under the title “Salary Class” of “1 April 1993” by “(Section 28)”;

3 with the addition of the following classes and rates:

“29	\$99,108	\$128,842
30	\$104,063	\$135,284”.

15. Appendix I of this Regulation is being replaced with the appendices I “Salary Classes as of 1 January 1998” and I.I “Salary Classes as of 1 January 1998” found at the end of this Regulation.

16. Appendix II of this Regulation is being replaced with Appendix II “Salary Progression Percentage Calculation Table” found at the end of this Regulation.

17. Except for sections 5, 6, 8, 11, to 15, this Regulation shall come into force on the day of its publication in the *Gazette officielle du Québec*.

Section 14 shall come into force on 22 April 1996; section 12, on 16 October 1996; sections 8 and 11, on 1 January 1997; section 13, on 5 March 1997; sections 5, 6 and 15, on 1 January 1998 as well as Appendix I and Appendix I.I, on 1 April 1998.

“APPENDIX I

SALARY CLASSES AS OF 1 JANUARY 1998 (s. 28)

Class	Minimum	Maximum
02	\$24,826	\$32,275
03	\$26,225	\$34,091
04	\$27,625	\$35,912
05	\$29,031	\$37,742
06	\$30,433	\$39,565
07	\$31,775	\$41,306
08	\$33,338	\$43,338
09	\$34,950	\$45,434
10	\$36,946	\$48,029
11	\$39,262	\$51,040
12	\$41,697	\$54,205
13	\$44,152	\$57,397
14	\$47,040	\$61,151
15	\$49,486	\$64,333
16	\$52,601	\$68,380
17	\$55,571	\$72,241
18	\$58,549	\$76,113
19	\$61,626	\$80,112
20	\$65,149	\$84,694
21	\$68,744	\$89,366
22	\$72,299	\$93,990
23	\$75,816	\$98,560
24	\$79,799	\$103,740

Class	Minimum	Maximum	Class	Minimum	Maximum
25	\$82,073	\$106,695	12	\$42,114	\$54,747
26	\$86,413	\$112,336	13	\$44,594	\$57,971
27	\$90,842	\$118,094	14	\$47,510	\$61,763
28	\$95,333	\$123,934	15	\$49,981	\$64,976
29	\$100,099	\$130,130	16	\$53,127	\$69,064
30	\$105,104	\$136,637 ”	17	\$56,127	\$72,963
“These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time senior administrator.”			18	\$59,134	\$76,874
“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.”			19	\$62,242	\$80,913
			20	\$65,800	\$85,541
			21	\$69,431	\$90,260
			22	\$73,022	\$94,930
“APPENDIX I.I			23	\$76,574	\$99,546
SALARY CLASSES AS OF 1 APRIL 1998 (s. 28)			24	\$80,597	\$104,777
Class	Minimum	Maximum	25	\$82,894	\$107,762
02	\$25,074	\$32,598	26	\$87,277	\$113,459
03	\$26,487	\$34,432	27	\$91,750	\$119,275
04	\$27,901	\$36,271	28	\$96,286	\$125,173
05	\$29,321	\$38,119	29	\$101,100	\$131,431
06	\$30,737	\$39,961	30	\$106,155	\$138,003 ”
07	\$32,093	\$41,719	“These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time senior administrator.”		
08	\$33,671	\$43,771	“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.”		
09	\$35,300	\$45,888			
10	\$37,315	\$48,509			
11	\$39,655	\$51,550			

“APPENDIX II

SALARY PROGRESSION PERCENTAGE
CALCULATION TABLE
(s. 30)

Date of entry	Between 03-16 and 04-01	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 06-16 and 07-15	Between 05-16 and 06-15	Between 04-16 and 05-15	Between 04-01 and 04-15
	%	%	%	%	%	%	%	%	%	%	%	%	%
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