

3. The forms that must be used, until 1 December 1997, to file a complaint following an application for review in respect of a real estate assessment roll or a roll of rental values coming into force on 1 January 1998 shall be the application for review forms prescribed, as the case may be, in sections 1 and 2 of this Regulation.

The first paragraph renders inoperative section 9 of the Regulation respecting the form or minimum content of various documents relative to municipal taxation dated 4 August 1997 and published in the *Gazette officielle du Québec* of 13 August 1997.

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

1735

M.O., 1997

**Order of the Minister of Education dated
9 September 1997**

Education Act
(R.S.Q., c. I-13.3)

Regulation respecting the norms and methods for the transfer and reassignment on 1 July 1998 of management staff of school boards

CONSIDERING that under section 523.3 of the Education Act (R.S.Q., c. I-13.3; 1997, c. 47 s. 40), the Minister of Education may by regulation, establish for all members of the staff who are not represented by a certified association within the meaning of the Labour Code (R.S.Q., c. C-27) the transfer and reassignment norms and methods as well as the rights of and remedies available to a person who believes he has been wronged in the application of such norms and methods;

CONSIDERING that such section 523.3 prescribes that the Regulations Act (R.S.Q., c. R-18.1) does not apply to such regulation or proposed regulation and that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec*;

IT IS ORDERED:

THAT the Regulation respecting the norms and methods for the transfer reassignment of 1 July 1998 of management staff of school boards, attached hereto, be made.

Québec, September 9, 1997

PAULINE MAROIS,
Minister of Education

Regulation respecting the norms and methods for the transfer and reassignment on 1 July 1998 of management staff of school boards

Education Act
(R.S.Q., c. I-13.3, s. 523.3)

**CHAPTER I
APPLICATION**

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

“administrator”: means a member of the senior staff of services, of the senior staff of an adult education centre or a manager;

“representative associations”: means the local or regional representatives of the representative associations concerned appointed by the latter;

“senior staff member of an adult education centre”: means a director or an assistant director of an adult education centre;

“senior staff member of services”: means a level-one senior staff member (director) or a level-two senior staff member (coordinator) of services or a personnel management consultant;

“senior staff member of schools”: means a principal or vice-principal;

“senior staff member of an establishment”: means a member of the senior staff of schools or adult education centres, as the case may be;

“existing school board”: means any school board as defined in section 509 of the Education Act;

“new school board”: means any French-language or English-language school board as defined in section 509 of the Education Act;

“provisional council”: means the provisional council established under Division II of Chapter X of the Education Act;

“adult students”: means the number of students in the adult sector for 1995-1996 determined in accordance with the regulations or documents respecting working conditions;

“youth students”: means the number of students in the youth sector on 30 September 1996 determined in ac-

cordance with the regulations or documents respecting working conditions;

“establishment”: means a school or an adult education centre, as the case may be;

“manager”: means a person holding a position of superintendent or foreman within the meaning of the regulations or documents respecting working conditions;

“manager of an establishment”: means a manager assigned to an establishment;

“manager of services”: means a manager assigned to an administrative centre of a school board;

“management staff”: means an administrator, a senior executive or a member of the senior staff of schools;

“senior executive”: means a director general, a full-time deputy director general or a senior adviser to management;

“administrative regions”: means the administrative regions specified in Schedule 1 of this Regulation;

“regulations or documents respecting working conditions”: means the Terms of Employment of Educational Administrators of Catholic School Boards Regulation, the Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation, the Terms of Employment of Principals and Vice-principals of Catholic School Boards Regulation, the Document Respecting the Conditions of Employment of Administrators of School Boards for Protestants or the Document Respecting the Conditions of Employment of Directors General and Deputy Directors General of School Boards for Protestants, as the case may be.

2. This Regulation applies to management staff who would have been employed by an existing school board on 1 July 1998.

3. For regular part-time management staff or management staff assigned temporarily to a position in an existing school board, the application of this Regulation cannot have the effect of modifying such status in a new school board.

4. Notwithstanding any provision to the contrary, this Regulation does not apply to management staff hired or appointed from 1 July 1998.

CHAPTER II DETERMINATION OF THE ADMINISTRATIVE STRUCTURE OF A NEW SCHOOL BOARD

5. Not later than 20 days following the date of the appointment of the director general of the new school board, the provisional council shall send representative associations a list of management staff referred to in section 2, except senior executives, who are employed by each of the existing school boards covered by the provisional council.

In the case of senior executives, such list shall be sent no later than 10 days after the date of the first meeting of the provisional council.

The list shall include the following particulars for each member of the management staff:

- his or her full name;
 - the name of the existing school board;
 - the name of the school for a senior staff member of schools;
 - the name of the adult education centre for a senior staff member of an adult education centre;
 - the title of the position with the existing school board;
 - the classification of the position held with the existing school board;
 - the status of employment: regular full-time, regular part-time, full-time temporary assignment or part-time temporary assignment;
 - the place of work;
 - the mention “on availability” for a member of the management staff on availability with an existing school board.
- 6.** The provisional council shall draw up the administrative structure of the new school board in accordance with the job descriptions and classification plans of the positions prescribed by the regulations or documents respecting working conditions, with the exception of the special condition (12 000 students or more) specified for the position of director of data processing services which does not apply.

The administrative structure shall indicate the reorganization of the activities of the new school board and

establish the distribution and level of responsibilities among the members of the management staff required to administer such activities. The structure shall be set out in an organization chart showing the titles, classification and hierarchical relationships of the positions of management staff.

7. In drawing up the administrative structure, the provisional council must determine a position for the transfer and reassignment of each member of the management staff in accordance with the following provisions:

1° unless specifically authorized by the regulation or document respecting working conditions concerned, the maximum number of positions for each group of senior executives, administrators or senior staff of schools with the new school board may not exceed the number of management staff to be reassigned according to each group.

For the purposes of this Regulation, the provisional council may add a second position of full-time deputy director general if the new school board has 20 000 students (youth and adult) or more;

2° a senior executive shall be placed in a position of senior executive;

3° a member of the senior staff of services shall be placed in a senior staff of services position, subject to a level-one senior staff member of services (director) obtaining a level-one (director) or level-two (coordinator) senior staff of services position and to a level-two senior staff member of services (coordinator) or a personnel management consultant being placed in that position;

4° a manager shall be placed in a position of manager, subject to a superintendent obtaining a position of superintendent or foreman and to a foreman being placed in that position;

5° a member of the senior staff of an adult education centre shall be placed in a position of senior staff of an adult education centre;

6° a senior staff member of schools shall be placed in a position of senior staff of schools;

7° a member of the management staff who is on availability shall maintain such status, unless a position is found in the administrative structure.

8. Not later than 27 February 1998, the provisional council shall send the representative associations a copy of the administrative structure.

CHAPTER III DISTRIBUTION, TRANSFER AND REASSIGNMENT OF SENIOR EXECUTIVES

DIVISION I DISTRIBUTION

9. The provisional council shall draw up, in cooperation with the other provisional councils concerned, the distribution plan for the senior executives of the existing school boards covered by the provisional council, subject to a senior executive being placed in the new school board receiving the majority of students (youth and adult) of his or her school board, unless there is an agreement to the contrary among the provisional councils.

DIVISION II TRANSFER

10. Senior executives shall be transferred to the new school board in accordance with the procedures respecting the distribution of senior executives prescribed in this chapter.

However, where the number of senior executives is distributed in more than one new school board, the transfer of senior executives shall be determined pursuant to the agreement reached between the provisional councils concerned and the representative associations or, failing which, the transfer shall be determined, first, on the basis of the senior executive's choice according to the decreasing order of the time of employment as senior executive for a school board, calculated on September 17, 1997 and, subsequently, according to the increasing order of the time of employment.

DIVISION III REASSIGNMENT

11. Not later than 31 October 1997, the provisional council shall appoint the director general and, not later than 30 April 1998, the deputy director general or the deputy directors general, where applicable, from among the transferred senior executives, in accordance with the selection process that it determines after consulting the representative associations. A copy of the notification of appointment shall be sent to the representative associations.

12. A senior executive who has not been appointed to a position of director general or deputy director general shall be assigned to a position of senior adviser to management.

13. The senior executive on availability in his or her existing school board who is not reassigned to a position of senior executive shall remain on availability in the new school board.

14. Where there is a vacancy in a position of senior executive to be filled, the provisional council shall send, for posting, the notice of vacant position to the existing school boards included in the administrative region. A copy of the notice shall also be sent to the representative associations. The provisional council shall call to a selection interview the senior executives of such school boards who have not been reassigned to a position of senior executive, at the same level as the vacant position, that they held in the existing school board and who apply within the period prescribed for the competition.

15. Not later than 30 June 1998, the provisional council shall inform each deputy director general or senior adviser to management in writing of his or her position as of 1 July 1998. A copy of the notice shall be sent to the representative associations.

CHAPTER IV DISTRIBUTION, TRANSFER AND REASSIGNMENT OF SENIOR STAFF MEMBERS AND MANAGERS OF SERVICES

DIVISION 1 DISTRIBUTION

16. Not later than 30 January 1998, the provisional council shall draw up, in cooperation with the other provisional councils concerned, the distribution plan for the senior staff members and managers of services of the existing school boards covered by the provisional council on the basis of the proportion of students (youth and adult) transferred, unless there is an agreement to the contrary among the provisional councils.

DIVISION II TRANSFER

17. Not later than 27 March 1998, the transfer of senior staff members and managers of services of the existing school boards covered by the provisional council shall be determined in accordance with the following provisions:

1° all senior staff members and managers of services shall be transferred to the new school board where the total student population (youth and adult) of the existing school board is transferred to such new school board;

2° where a proportion of the student population is transferred, the transfer of senior staff members and

managers of services shall be determined as agreed to by the provisional councils concerned and the representative associations or, failing which, the transfer shall be determined, first, on the basis of the choice of the senior staff member or manager of services according to the decreasing order of the time of employment as administrator for a school board, calculated on September 17, 1997 and, subsequently, according to the increasing order of the time of employment.

DIVISION III REASSIGNMENT

18. Not later than 30 April 1998, the provisional council shall reassign the transferred senior staff members and managers of services pursuant to the agreement reached with the representative associations.

Failing agreement, the provisional council shall reassign the senior staff members and managers of services in accordance with the following procedures:

1° for the positions of level-one senior staff of services (director), the provisional council shall reassign senior staff of services, occupying a position at the same level in the same field of activity, based on the recommendations of a selection committee of which one member is designated by the representative associations.

However, where there is only one senior staff member of services who meets this criteria, he or she shall be reassigned to that position.

Where a position filled according to this procedure becomes vacant during the 12 months following the date of the recommendations of the selection committee, it shall be filled, as a priority, from among the other administrators included in the selection pool who apply within the period prescribed for the competition;

2° for the positions of level-two senior staff of services (coordinator), personnel management consultant or manager of services, the provisional council shall reassign senior staff members and managers of services, occupying a position at the same level in the same field of activity, first, based on the latter's choice according to the decreasing order of the time of employment as administrator for a school board, calculated on September 17, 1997 and, subsequently, according to the increasing order of the time of employment;

3° where a senior staff member or manager of services is not reassigned to a position at the same level, he or she shall remain eligible for the lower level in the same field of activity;

4° for the coordinator of data processing services who is not under the authority of a director, his or her time of employment in this capacity shall be recognized for the position of director of data processing services;

5° where a senior staff member or manager of services holds several positions with an existing school board, he or she shall be qualified for each of these positions in the administrative structure of the new school board;

6° where the administrative structure of a new school board provides for the holding of several positions concurrently, a senior staff member or manager occupying one such position for an existing school board shall be qualified for the new position;

7° the senior staff member or manager of services on availability in his or her existing school board who is not reassigned to a position of senior staff or manager of services, as the case may be, shall remain on availability in the new school board.

19. Where there is a vacancy in a position of senior staff or manager of services to be filled through external recruitment, the provisional council shall send, for posting, the notice of vacant position to the existing school boards included in the administrative region. A copy of the notice shall also be sent to the representative associations. The provisional council shall call to a selection interview the senior staff members and managers of services of these school boards who are not reassigned to a position, at the same level in the same field of activity as the vacant position, that they held in the existing school board and who apply within the prescribed period for the competition.

20. Not later than 30 June 1998, the provisional council shall inform each senior staff member or manager of services in writing of his or her position as of 1 July 1998. A copy of the notice shall be sent to the representative associations.

CHAPTER V **DISTRIBUTION, TRANSFER AND** **REASSIGNMENT OF SENIOR STAFF MEMBERS** **AND MANAGERS OF AN ESTABLISHMENT**

DIVISION I **DISTRIBUTION**

21. Not later than 30 January 1998, the provisional council shall draw up, in cooperation with the other provisional councils concerned, the distribution plan for the senior staff members and managers of an establish-

ment of the existing school boards covered by the provisional council in accordance with the following provisions:

1° where the total student population (youth and adult) of an establishment is transferred to a new school board, the senior staff members and managers of such establishment shall be placed in such new school board;

2° where the student population (youth and adult) of an establishment is transferred to several new school boards, the senior staff members and managers of such establishment shall be distributed among such new school boards on the basis of the proportion of students transferred, unless there is an agreement to the contrary among the provisional councils concerned.

DIVISION II **TRANSFER**

22. Not later than 27 March 1998, the transfer of senior staff members and managers of an establishment of the existing school boards covered by the provisional council shall be determined in accordance with the distribution process.

However, where the number of senior staff members and managers of an establishment is distributed in more than one new school board, the transfer of senior staff members and managers of an establishment shall be determined pursuant to the agreement reached between the provisional councils concerned and the representative associations or, failing which, the transfer shall be determined, first, on the basis of the choice of the senior staff member or manager of an establishment concerned according to the decreasing order of the time of employment as senior staff member of schools, senior staff member of an adult education centre or manager, as the case may be, for a school board, calculated on September 17, 1997 and, subsequently, according to the increasing order of the time of employment.

DIVISION III **REASSIGNMENT**

23. Not later than 30 April 1998, the provisional council shall reassign the transferred senior staff members and managers of an establishment in accordance with the following provisions:

1° except for a school or administrative reorganization within the meaning of the applicable regulation or document respecting working conditions, the senior staff members and managers of an establishment shall maintain the same position in such establishment;

2° in the case of a school or administrative reorganization, the provisional council shall reassign the senior staff members and managers of an establishment pursuant to the agreement reached with the representative associations.

Failing agreement, the provisional council shall reassign senior staff members and managers of an establishment in accordance with the following procedures:

i. for the positions of director of an establishment, the provisional council shall reassign the directors of establishments affected by the reorganization on the basis of the recommendations of a selection committee of which one member is designated by the representative associations.

However, where there is only one director of establishment concerned, he or she shall be reassigned to that position.

The director of an establishment who has not been reassigned to a position of director of an establishment shall remain eligible for the position of assistant director of an establishment.

Where a position filled according to this procedure becomes vacant during the 12 months following the date of the recommendations of the selection committee, it shall be filled, as a priority, from among the other members of the senior staff of an establishment included in the selection pool who apply within the period prescribed for the competition;

ii. for the positions of assistant director or manager of an establishment, the provisional council shall reassign the senior staff members and managers of an establishment, first, based on the choice of the senior staff member or manager of an establishment according to the decreasing order of the time of employment as senior staff member of schools or administrator, as the case may be, for a school board, calculated on September 17, 1997 and, subsequently, according to the increasing order of the time of employment;

3° the senior staff member or manager of an establishment on availability in his or her existing school board who has not been reassigned to a position of senior staff or manager of an establishment, as the case may be, shall remain on availability in the new school board.

24. Where there is a vacancy in a position of senior staff or manager of an establishment to be filled through external recruitment, the provisional council shall send, for posting, the notice of vacant position to the existing

school boards included in the administrative region. A copy of the notice shall also be sent to the representative associations. The provisional council shall call to a selection interview the senior staff of schools, senior staff of an adult education centre or managers of an establishment, as the case may be, of such school boards who have not been reassigned to a position, at the same level as the vacant position, that they held in the existing school board and who apply within the prescribed period for the competition.

25. Not later than 30 June 1998, the provisional council shall inform each senior staff member or manager of an establishment in writing of his or her position as of 1 July 1998. A copy of the notice shall be sent to the representative associations.

CHAPTER VI TRANSITIONAL PROVISIONS RESPECTING WORKING CONDITIONS OF MANAGEMENT STAFF

26. Unless there are provisions to the contrary, this chapter applies solely to the transfer and reassignment of management staff to a new school board as of 1 July 1998.

27. The member of the management staff who is reassigned to a position where the maximum of the salary scale is less than that applicable to his or her classification on 30 June 1998 shall maintain such classification for the period from 1 July 1998 to 30 June 1999.

At the end of the period, the provisions of section 28 shall apply, where applicable.

These provisions shall not apply in the case of a reclassification resulting from a natural reduction in the number of students. In such case, the provisions of section 28 shall apply.

28. Subject to section 27, the salary readjustment procedure, without taking into consideration the maximum two-year time limit, prescribed by the regulations or documents respecting working conditions, shall apply to management staff reassigned to a position with a lower salary.

29. A member of the management staff shall transfer to his or her new school board his or her days of vacation as well as the sick-leave days accumulated on 30 June 1998. The provisional council shall confirm this information in writing to each member of the management staff.

30. From 1 July 1998 until such time as it may be amended by resolution of the new school board, the management policy applicable to an administrator or a member of the senior staff of schools shall be that agreed to between the provisional council and the representative associations or, in the absence of such an agreement, of the existing school board representing the greatest number of management staff in the new school board covered by the management policy concerned.

31. A member of the management staff who is transferred to a new school board where the distance between the new place of work and his or her present domicile is greater than 65 kilometres is entitled to the reimbursement of his or her moving expenses prescribed in the applicable regulation or document respecting working conditions. However, at the request of the management staff member, the new school board may implement a similar measure.

32. The following provisional salary scales apply as of the date of appointment of the director general covered by this class of employment until such time as a definitive salary scale is prescribed by the applicable regulation or document respecting working conditions:

Class VI 33 000 students or +	Prior to		
	1 January 1998	1 January 1998	1 April 1998
Maximum	100 555	101 561	102 577
Minimum	80 384	81 188	82 000

CHAPTER VII RECOURSE

33. This chapter applies to a member of the management staff who believes he or she has been treated unjustly or inequitably by the application of this Regulation or an agreement pursuant thereto, except for the provisions specified in sections 6 and 11 and those concerning the selection committee specified in paragraph 1° of section 18 or paragraph 2° of section 23.

34. A member of the management staff may, within 20 days following an act or his or her knowledge of an act giving him or her right to recourse, submit a complaint in writing to his or her association. A copy of the complaint shall be sent to the provisional council.

35. For the purposes of this chapter, the word “association” means the member of the management staff where he or she is not a member of the association at the time the act takes place. In such case, notwithstanding section 36, the member of the management staff shall submit his or her complaint directly to the provisional

council within 20 days following the act or his or her knowledge of the act giving him or her right to recourse.

36. The association shall have 20 days following the date of the application of the management staff member to request that the provisional council submit the complaint to an arbitrator for ruling. A copy of the application shall be sent to the first chairman of the Appeal Committee:

Address: Greffe des comités de recours et d’appel
300, boulevard Jean-Lesage, bureau 512
Québec (Québec) G1K 8K6

37. The association and the provisional council shall have 20 days thereafter to agree upon an arbitrator. Failing agreement, the latter shall be named by the first chairman of the Appeal Committee chosen in accordance with the regulations or documents respecting working conditions.

38. The arbitrator shall call the parties as soon as possible; he or she shall proceed in such manner as he or she may determine and shall make his or her award with reasons in support thereof within 30 days following the end of the statements of the parties. Notwithstanding the foregoing, an award shall not be invalid solely because it is made after the expiry of the prescribed time.

39. The arbitrator shall determine whether the decision of the provisional council complies with the provisions of this Regulation.

40. Where the arbitrator determines that a decision does not comply with the provisions of this Regulation, he or she may change the decision wholly or in part.

41. The arbitrator’s award may not have the effect of amending, exempting from or adding to the provisions of this Regulation.

42. The arbitrator’s award shall be final, executory and binding on the parties.

43. The expenses and fees of the arbitrator shall be borne by the ministère de l’Éducation.

CHAPTER VIII FINAL PROVISIONS

44. The time limits prescribed in this Regulation are not mandatory.

45. This Regulation takes precedence over any regulation or document respecting working conditions.

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

SCHEDULE 1

ADMINISTRATIVE REGIONS

Bas-Saint-Laurent (01)

Saguenay–Lac-St-Jean

Québec (03)

Mauricie (04)

Estrie (05)

Montréal (06)

Outaouais (07)

Abitibi-Témiscamingue (08)

Côte-Nord (09)

Nord-du-Québec (10)

Gaspésie — Îles-de-la-Madeleine (11)

Chaudière-Appalaches (12)

Laval (13)

Lanaudière (14)

Laurentides (15)

Montérégie (16)

Centre du Québec (Bois-Francs) (17)

1732

M.O., 1997

Order number 97-04 of the Minister of Health and Social Services dated 9 September 1997

Regulation to amend the Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik

The Minister of Health and Social Services

CONSIDERING section 530.14 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that the Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik was made by the Minister's Order 94-03 dated 24 October 1994 of the Minister of Health and Social Services;

CONSIDERING that it is necessary to substitute provisions consistent with section 530.14 of the Act respecting health services and social services for the provisions of the Regulation that were made under the transitory provisions of the Act to amend the Act respecting health services and social services (1993, c. 58);

CONSIDERING sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the publication of the Draft Regulation to amend the Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik on page 3701 of Part 2 of the *Gazette officielle du Québec* of 16 July 1997;

CONSIDERING that it is expedient to make this Regulation without amendment;

ORDERS:

THAT the Regulation to amend the Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik, attached to this Minister's Order, be made.

Given at Québec City, on 9 September 1997

JEAN ROCHON,
*Minister of Health
and Social Services*

Regulation to amend the Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 530.14)

1. The Regulation respecting the procedure for electing the members of the boards of directors of the institutions in the territory of the Régie régionale du Nunavik, made by Order 94-03 dated 24 October 1994 of the Minister of Health and Social Services, is amended by substituting the following for the title of Division I: