

Regulations and Other Acts

Gouvernement du Québec

O.C. 1197-97, 17 September 1997

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

Pension plan for federal employees — Amendments

Amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec

WHEREAS under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the employees of the federal government who transfer to an employment that is pensionable employment under that plan within the framework of an agreement between the Government of Canada and the government of Québec may elect, in accordance with the rules and conditions fixed by the Government, to become members of that plan or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged, and section 125 of that Act applies to the plan thus established;

WHEREAS under the second paragraph of that section 10.0.1, no order made under the first paragraph may have effect more than 6 months before its adoption;

WHEREAS by Order in Council 430-93 dated 31 March 1993, the Government made the Pension plan for federal employees transferred to employment with the gouvernement du Québec;

WHEREAS under section 109 of Chapter 50 of the Statutes of 1997, the amendments relating to the temporary measures made to the retirement plans established under that section 10.0.1 by the first order in council concerning those measures made pursuant to that section after 19 June 1997, may be made without increasing employee contributions and the additional costs resulting from the amendments shall be paid out of the actuarial surplus of that plan, notwithstanding section 125 of the Act;

WHEREAS it is expedient to amend that plan in order to introduce temporary measures therein;

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

THAT the amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec*

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 10.0.1; 1997, c. 50, s. 109)

1. Section 40 of the Pension plan for federal employees transferred to employment with the gouvernement du Québec is amended, in the definition of the expression “annual allowance”, by substituting “, 67 to 70 and 90.5” for “and 67 to 70”.

2. The following chapter is inserted after section 90:

“CHAPTER VI TEMPORARY MEASURES

DIVISION I APPLICABILITY AND MISCELLANEOUS PROVISIONS

90.1 This Chapter applies to a contributor who made an application to that effect received by the Commission before 11 July 1997 and who

* The Pension plan for federal employees transferred to employment with the gouvernement du Québec, made by Order in Council 430-93 dated 31 March 1993 (1993, G.O. 2, 2390), was amended by Order in Council 735-96 dated 19 June 1996 (1996, G.O. 2, 2878).

(1) did not enter, before 19 December 1996, into an agreement with his employer within the scope of measures designed to reduce personnel or any other measure designed to promote retirement or, as the case may be, waive such agreement entered into after 18 December 1996 within the scope of measures in force before that date; and

(2) ceases to hold employment with his employer and retires before 3 July 1997.

90.2 A contributor who meets the condition provided for in paragraph 1 of section 90.1 and who is entitled to receive, before 2 July 1997 under the provisions of this Chapter, an immediate pension or an annual allowance may cease to hold employment with his employer, retire and prevail himself of the provisions of this Chapter no later than 2 July 1997 or at the end of a 30-day period after the date of receipt of an estimate of his pension or annual allowance made by the Commission, whichever is later, if he has sent to the Commission, within 30 days from the date of receipt of his statement of participation in the plan sent by the Commission for the application of the measures provided for in this Chapter, an application for an estimate of his pension or annual allowance.

90.3 A contributor who has benefited from the measures provided for in this Chapter and whose pension is no longer paid to him under the provisions concerning a pensioner's return to work in the provincial Act is entitled to receive, as an adjustment to his pension, a lump sum corresponding to the amounts of pension that were not paid to him between 21 March 1997 and 1 September 1997.

90.4 Except in respect of a contributor who prevails himself of them, the measures in this Chapter apply until 2 July 1997, subject to the provisions prescribed by this Division.

DIVISION II TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION

90.5 Notwithstanding Divisions II and III of Chapter V of this Title, a contributor who ceases to hold employment with his employer is entitled to

(1) an immediate pension if, at the time of cessation,

(a) his age and years of service giving entitlement to a pension total 80 or more, and if he is at least 50 years of age; or

(b) he has attained 60 years of age; or

(2) an annual allowance payable immediately if, at the time he ceases to hold employment, he has reached age 50 and has at least 10 years of service giving entitlement to a pension, and equal to the amount of pension established according to section 55 less the smallest of the 2 products obtained by multiplying 3 % of the pension amount

(a) by 60 less his age, rounded to the nearest tenth of a year; or

(b) by half the difference between 80 and the total of his age and years of service giving entitlement to a pension.

90.6 Where a contributor dies while being entitled to an immediate pension or an annual allowance payable immediately under section 90.5, or where a contributor dies while holding a position with his employer and who could have benefited from the measures provided for in this Chapter before they cease to apply in his respect, both his surviving spouse and children are entitled to an annual allowance and sections 63 and 70 apply, adapted as required.

DIVISION III ACTUARIAL VALUATION

90.7 The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan shall request the Commission to cause to be prepared, not later than 31 October 1998, by the actuaries it designates, the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in Division II and of the actuarial reductions that will not be made pursuant to that Division.

Notwithstanding the second paragraph of section 94, the assessment rate shall not be revised if that valuation reveals that the plan has an actuarial surplus sufficient to pay the costs resulting from the amendments provided for in this Chapter.”

3. These amendments come into force on the day they are made by the Government, but have effect since 22 March 1997.

1760