

Regulations and other acts

Gouvernement du Québec

O.C. 1651-97, 17 December 1997

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation — Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services was made by Order in Council 1842-88 dated 14 December 1988;

WHEREAS under section 66.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), enacted by section 10 of Chapter 53 of the Statutes of 1996, persons who belong to a category or subcategory determined by regulation are entitled to an additional benefit which shall be granted according to the rules, terms and conditions prescribed in the regulation, which may vary according to the category or subcategory to which the person belongs, and the additional benefit shall be established in the manner prescribed in the regulation;

WHEREAS under section 66.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, also enacted by that section 10, a regulation under Division III.1 of Chapter IV of that Act concerning the additional benefit may have effect 12 months or less before its adoption;

WHEREAS it is expedient to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services;

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

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in

Correctional Services, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services(*)

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, ss. 66.1, 66.3 and 130, par. 7.1; 1996, c. 53, ss. 10 and 13)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by inserting the following Chapter after section 7:

“CHAPTER VII.1 ADDITIONAL BENEFITS (s. 130, par. 7.1)

7.1 A person is entitled to additional benefits in respect of the years of service credited to him under the Pension Plan of Peace Officers in Correctional Services between 31 December 1987 and 1 January 1992, excluding those that have been transferred to that plan, on the following conditions:

(1) the person was participating in the Pension Plan of Peace Officers in Correctional Services on 31 December 1995 or was receiving a pension on that date;

(2) the person was not refunded the contributions paid into that plan between 31 December 1987 and 1 January 1992 or the contributions exempted from paying during that period; and

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.R.Q., 1981, c. R-9.2, r.1) was last amended by the Regulation made by Order in Council 758-97 dated 11 June 1997 (1997, G.O. 2, 2737). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

(3) the person has not transferred his years of service or parts thereof credited under that plan to another pension plan.

For the purposes of the first paragraph, the years of service credited are those for which the employee has accumulated service and paid contributions, those for which he was exempted from contributing or, in the case of maternity leave, those that have otherwise been credited in respect of that leave.

7.2 A person referred to in section 7.1, excluding the person referred to in section 7.9, who retires after 31 December 1996 while under age 65 is entitled to receive a yearly additional benefit equal to \$310 for each year of service credited. That benefit shall be indexed and adjusted, where applicable, in accordance with sections 7.4 and 7.7.

7.3 A person referred to in section 7.1, excluding a person referred to in section 7.9, who retired before 1 January 1997 while under age 65 is entitled to receive a yearly additional benefit equal to \$310 for each credited year of service. That benefit shall be adjusted, where applicable, in accordance with section 7.7 on the date of retirement as if the benefit had been granted on that date.

The benefit established pursuant to the first paragraph shall be granted to the person from 1 January 1997.

7.4 The additional benefit established pursuant to section 7.2 shall be increased each year at an indexation rate of 2 % from 1 January 1998 to January 1 of the year in which the person retires.

7.5 The additional benefit shall be granted to a person from the age of 55 or, if the person retires later, on the date of retirement before reaching the age of 65. However, if a pension is granted to a person under paragraph 5 of section 44 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2) before the age of 55, the additional benefit shall be granted from the month following the month in which that age is reached.

7.6 An additional benefit shall be paid until the earlier of the following dates:

- (1) the first day of the month following the person's death; or
- (2) the first day of the month following the person's 65th birthday.

7.7 If the additional benefit is granted before the person reaches age 55, the benefit shall be reduced by 1/12

of 7 % per month, calculated for each month comprised between the date on which the benefit is granted and the person's 55th birthday, for as long as it is paid.

If the additional benefit is granted after the person reaches age 55, the benefit shall be increased by 1/12 of 7 % per month, calculated for each month comprised between the person's 55th birthday and the date on which the benefit is granted, for as long as it is paid.

7.8 A person referred to in section 7.3 is also entitled to a lump sum corresponding to the additional benefits he would have received since the date of retirement until the earliest of the following dates:

- (1) the first day of the month following the person's death;
- (2) the first day of the month following the person's 65th birthday; or
- (3) 31 December 1996.

Those additional benefits shall be established and granted in accordance with section 7.3. In the event of death, the benefits shall be paid to the spouse or, failing that, to the successors.

7.9 A person referred to in section 7.1 who retired before 1 January 1998 at age 64 or older is entitled to a lump sum equal to \$505.30 for each year of service credited.

If the person dies before receiving that lump sum, it shall be paid to the spouse or, failing that, the successors."

2. This Regulation comes into force on the date of its adoption by the Government but has effect from 1 January 1997.

1932