

Gouvernement du Québec

O.C. 926-97, 9 July 1997

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

Regional boards and health and social services institutions

— Officers

— Amendments

Regulation amending the 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 by Order in Council 1218-96 dated 25 September 1996, the Government made the 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 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 accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and 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 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.)

1. The 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 made by Order in Council 1218-96 dated 25 September 1996 and amended by Order in Council 244-97 dated 26 February 1997 is again being amended with the replacement, in the first line of section 5 in the French version, of the word “suivant” with the word “suivants” and, in the seventh line in the French version, of the word “publique” with the word “publiques”.

2. Section 11 of this Regulation is being amended:

1 by the replacement of the third paragraph with the following:

“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. There shall be no appeal under this Regulation regarding the classification of a position of senior administrator and officer thus determined.”;

2 by the replacement at the end of the last paragraph of “30 June” with “31 March”.

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

“**12.** 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.”

4. Section 13 of this Regulation is being replaced by the following:

13. At the time of the adjustment of salary classes, the salary of the officer shall be increased, if applicable, by a rate equal to the rate of adjustment of the salary classes as determined under section 12. This increase shall not make the salary of the officer higher than the maximum of the salary class for the position he holds.”

5. Section 14 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”;

3 by the replacement in the last line of the last paragraph of “30 June” with “31 March”.

6. Section 33 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 officer in the uniform life insurance plan shall be maintained. Also, the officer 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 51 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 officer in the insurance plans shall be maintained based on the time worked during the leave, with the officer paying his premiums and the employer paying his contribution to the plans. However, the officer 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 officer 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 line of the last paragraph with the following:

“A officer benefiting from a deferred salary leave plan”.

7. Section 34.1 of the French version of this Regulation is being amended with the replacement, in the first line, of the expression “ne s’applique pas” with the expression “ne s’appliquent pas”.

8. Division 2 of chapter 4 of this Regulation is being amended with the addition, after section 34.1, of the following section:

43.2 An officer who files a complaint for his dismissal, non-renewal of his appointment or termination of 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 51, 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 between himself and his employer and provided that he so applies to the concerned insurance company in accordance with the provisions of the master policy. The officer 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.

Where the officer is reinstated following an arbitrator’s decision in his favour, the officer has the right to be reimbursed for the contribution normally paid by the employer for the plans in which he maintained his participation and, if applicable, to be reimbursed for the premium he paid to maintain his participation in the survivor’s pension plan, retroactively to the date of his dismissal, non-renewal of appointment or termination of employment. Any disability that has begun since that date shall then be recognized and the officer shall pay retroactively to that same date his premiums in the long-term salary insurance plans.”

9. Section 37 of this Regulation is being replaced by the following section:

37. An officer holding a regular position of officer at 25 % and less of full-time is not eligible to participate in the insurance plans prescribed in this chapter.”.

10. Section 38 of this Regulation is being amended with the replacement, in the first line, of the expression “Notwithstanding sections 35 to 37 ” with the expression “Notwithstanding sections 35 and 36 ”.

11. Section 99 of this Regulation is being amended with the replacement, in the first line of the French version, of the word “rémunéré” by the word “rémunérée”.

12. Section 120 of this Regulation is being replaced by the following section:

“**120.** 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 officer’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 officer’s retirement plan does not completely compensate for the actuarial reduction, the officer 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 officer, and the second one on 15 January of the following year. Where the officer 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 officer to pay the full retirement allowance, within 30 days of his departure at the latest.”.

13. Section 124 of this Regulation is being amended as follows:

1 with the replacement, in the third line of the first paragraph in the French version, of the word “choisit” with the word “choisi”;

2 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 120.”.

14. Section 126 of this Regulation is being amended with the replacement, in the first line in the French version, of the word “choisit” with the word “choisi”.

15. Section 131 of this Regulation is being amended with the insertion, in subparagraph 5, after the words “section 8”, of the words “and section 39”.

16. Section 133 of this Regulation is being replaced by the following section:

“**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 officer covered by sections 122 or 123 of the Regulation mentioned in subsection 1 of section 131 of this Regulation is deemed to have chosen, retroactively to the date of the application of those sections, the reinstatement option as prescribed in division 5 of chapter 5 of this Regulation.

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

17. Section 133.2 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”.

18. 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”.

19. 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.

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

21. Except for sections 3, 4, 6, 8, 16 to 19, this Regulation shall come into force on the day of its publication in the *Gazette officielle du Québec*.

Section 18 shall come into force on 22 April 1996; section 16, on 16 October 1996; sections 6 and 8, on 1 January 1997; section 17, on 5 March 1997; sections 3, 4, and 19, on 1 January 1998 as well as Appendix I and Appendix I.I, on 1 April 1998.

“APPENDIX ISALARY CLASSES AS OF 1 JANUARY 1998
(s. 12)

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
25	\$82,073	\$106,695
26	\$86,413	\$112,336
27	\$90,842	\$118,094
28	\$95,333	\$123,934

Class**Minimum****Maximum**

29 \$100,099 \$130,130

30 \$105,104 \$136,637 ”

“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.

“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 I.ISALARY CLASSES AS OF 1 APRIL 1998
(s. 12)

Class	Minimum	Maximum
02	\$25,074	\$32,598
03	\$26,487	\$34,432
04	\$27,901	\$36,271
05	\$29,321	\$38,119
06	\$30,737	\$39,961
07	\$32,093	\$41,719
08	\$33,671	\$43,771
09	\$35,300	\$45,888
10	\$37,315	\$48,509
11	\$39,655	\$51,550
12	\$42,114	\$54,747
13	\$44,594	\$57,971
14	\$47,510	\$61,763
15	\$49,981	\$64,976
16	\$53,127	\$69,064
17	\$56,127	\$72,963
18	\$59,134	\$76,874
19	\$62,242	\$80,913
20	\$65,800	\$85,541
21	\$69,431	\$90,260

Class	Minimum	Maximum	Class	Minimum	Maximum
22	\$73,022	\$94,930	29	\$101,100	\$133,431
23	\$76,574	\$99,546	30	\$106,155	\$138,033 "
24	\$80,597	\$104,777	"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.		
25	\$82,894	\$107,762			
26	\$87,277	\$113,459	"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."		
27	\$91,750	\$119,275			
28	\$96,286	\$125,173			

"APPENDIX II

**SALARY PROGRESSION PERCENTAGE
CALCULATION TABLE**
(s. 14)

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 »