

M.O., 1998

Minister's Order number 2-98 of the Minister of Education dated of 23 September 1998

General and Vocational Colleges Act
(R.S.Q., c. C-29)

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, by regulation, the conditions of employment for, the classification and the maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was made by Minister's Order 2-89;

WHEREAS the Minister of Education is of the opinion that it is expedient to amend the Regulation;

THEREFORE, the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges attached hereto;

Québec, 23 September 1998

PAULINE MAROIS,
Minister of Education

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by changing in sections 1, 7 and 24, the title of the "Regulation respecting certain conditions of employment of principals and academic deans of general and vocational colleges" to "Regulation respecting certain conditions of employment of senior executives of general and vocational colleges".

2. Section 1 is amended as follows:

a) In the definition of "senior staff member", the terms "principal or academic dean designated as supernumerary senior staff" are replaced by the following: "senior executive designated as supernumerary senior staff";

b) The addition, after the term "campus" of the following definitions:

"college": a general and vocational college and a regional college within the meaning of the General and Vocational Colleges Act (R.S.Q., c. C-29, s. 18.1);

"constituent college": a constituent college of a regional college within the meaning of the General and Vocational Colleges Act."

3. Section 5 of Chapter II is replaced by the following:

"5. The classification plan is found in Schedule I to the Regulation and the classification of positions in Schedule II."

4. In section 7, the terms "and to the principal and academic dean designated as supernumerary senior staff" are replaced by "and to the senior executive designated as supernumerary senior staff."

* The latest amendments to the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges (Minister's Order 2-89 of the Minister of Higher Education and Science dated 7 December 1989, (1990, *G.O.* 2, 502) were made by Minister's Order 4-97 of the Minister of Education (1997, *G.O.* 2, 5839). For previous amendments, see "Table of Amendments and Summary Index", Éditeur officiel du Québec, 1998, updated to 1 Mach 1998.

5. Divisions I and II of Chapter III are replaced by the following:

**“DIVISION I
CALCULATION OF SALARY**

12. Salary is the remuneration to which a senior staff member is entitled in accordance with this division and with Division V of this chapter, excluding any premium or lump-sum payment, as well as Division IV of Chapter V.

13. The senior staff member’s salary shall be determined in accordance with the classification assigned to him in accordance with the provisions of Schedule II or of section 17 of this Regulation and of the class of the college, constituent college or campus.

All the salary scales are found in Schedule V.

14. The class of the college, constituent college or campus shall be determined taking into account the total number of students registered in all of the college-level programs.

The calculation shall be made on 1 October by adding the number of students obtained by the application of the following subparagraphs:

1- the total number of “full-time equivalent” students registered on 20 September in regular sessions;

2- the total number of students registered in summer sessions preceding 1 October, each 500 hours of training being equivalent to one student;

3- the total number of students registered in an adult training course during the school year preceding 1 October, each 600 hours of training being equivalent to one student.

15. Where the class of the college, constituent college or campus is changed following the calculation of the total number of students, the salary of a senior staff member shall be determined in accordance with one of the following situations:

1- the maximum rate of the scale applicable is greater than the maximum rate of the salary that was applicable to him:

in such case, his salary shall be calculated by adding to the salary he was receiving an amount equal to the difference between the two rates;

2- the maximum rate of the scale applicable is less than the maximum rate of the scale that was applicable to him:

in such case, the salary he was receiving shall be maintained if it is equal to or less than the maximum rate of the scale applicable. It shall correspond to the rate if it is greater.

The change in salary mentioned in this section shall take effect from the preceding 1 July.

16. Where a college cannot determine the classification of a senior staff member because his principal and usual assignments and responsibilities do not correspond to any of the descriptions of positions prescribed by Schedule II, the college shall submit the case to the Minister. The file shall include:

1- a detailed description of the senior staff member’s assignments and responsibilities;

2- the situation of the senior staff member in the college’s structure;

3- the eligibility criteria required.

17. Where in the Minister’s opinion, the senior staff member’s principal and usual assignments and responsibilities do not correspond to any of the descriptions of positions prescribed by Schedule II, he shall determine the senior staff member’s salary by using the factors listed in Schedule III.

18. A college may assign a senior staff member to principal and usual assignments and responsibilities relating to more than one position.

The classification assigned to a senior staff member shall then correspond to the position to which he is assigned for the greatest part of his time.

19. Where the dates of the increase in salary scales, the annual review of salary or the calculation of salary at the time of a movement of personnel coincide, the rules shall apply in that order.

20. The salary of a person newly appointed to a senior staff position or assigned to another position shall be determined in accordance with the management policy of the college.

21. The rules used to determine the salary of a senior staff member must comply with the following parameters:

— the salary must be situated between the minimum rate and the maximum rate of the applicable scale;

— where the maximum rate of the salary scale does not enable a senior staff member to maintain a differ-

ence of 7 % between his salary and that of a senior staff member of whom he is the immediate superior, his salary shall be increased to maintain such a difference and he shall not be considered as overscale.

DIVISION II LUMP-SUM PAYMENTS RELATED TO THE CALCULATION OF SALARY

22. Where the application of sections 15, 17 and 21 has the effect of reducing the salary of a senior staff member, he shall be entitled to a lump-sum payment.

The amount is variable and represents the difference between the salary he was receiving and the salary he is receiving.

The payment shall be made in accordance with the procedures for the payment of his salary.

23. Where the decision of the college, made under section 20, has the effect of reducing the salary of a senior staff member, the college shall pay him a lump sum according to the conditions prescribed in section 22. However, if the decision results from an express request of the senior staff member or from a disciplinary measure, the college may pay him a lump sum under the conditions prescribed by the management policy.”

6. The following Division VI is inserted in Chapter III:

“DIVISION VI TEMPORARY ASSIGNMENT TO TWO OR MORE CONCURRENT POSITIONS

36.1 Where a management position is vacant for a period exceeding two months, a college may grant a premium to a senior staff member who performs, in addition to his usual duties, part or all of the responsibilities of that position. Such premium, paid as a lump sum, cannot exceed 5 % of the salary to which he is entitled during such temporary assignment.”

7. The following Chapter III.1 is inserted after Chapter III:

“CHAPTER III.1 MEASURES FACILITATING INTER-COLLEGE MOBILITY

36.2 This chapter applies to the senior staff member who, on the date preceding his engagement, was employed by the college.

DIVISION I STABILITY OF EMPLOYMENT

36.3 Notwithstanding section 118, Chapter X entitled “Stability of Employment” applies, as of the date of his engagement, to the person who so benefited in his college of origin.

DIVISION II BANK OF SICK-LEAVE DAYS

36.4 A senior staff member engaged by another college may choose one of the following measures:

1. the reimbursement of all of the cash-convertible sick-leave days to his credit;

2. the reimbursement of part of his cash-convertible sick-leave days to his credit and transfer of the remainder to the new college;

3. the transfer of all of his cash-convertible or non-cash-convertible sick-leave days to the new college. In such a case, the terms and conditions of reimbursement of his cash-convertible sick-leave days as well as the procedure respecting the use of his cash-convertible or non-cash-convertible sick-leave days shall be maintained when transferring such days.

36.5 When transferring sick-leave days, the college of origin shall forward to the new college:

1. for cash-convertible sick-leave days, a document attesting to the number of cash-convertible sick-leave days to the senior staff member’s credit, the amount transferred corresponding to the value of the cash-convertible sick-leave days at the time of transfer and the terms and conditions of reimbursement;

2. for non-cash-convertible sick-leave days, a document attesting to the number of non-cash-convertible sick-leave days.

SECTION III ANNUAL VACATION

36.6 A senior staff member hired by another college shall transfer thereto his years of service for the purposes of determining the number of days of annual vacation.”

8. Sections 56.15.1 and 56.15.2 are inserted after section 56.15 of Chapter V:

56.15.1 Although he is already considered on a total disability leave, a senior staff member who is again

absent from work due to total disability resulting from the same illness or accident, prior to the end of the first 104 weeks of disability but after having completed rehabilitation, shall be considered as suffering from a relapse of the same disability.

In such a case, the senior staff member shall continue to receive a benefit equal to 90 % of the salary to which he would have been entitled had he been at work in his position up to 104 weeks from the beginning of the disability and the provision contained in the second paragraph of section 56.15 shall apply.

56.15.2 Where a new total disability begins prior to the end of the first 104 weeks of the first disability but after having completed rehabilitation, the senior staff member shall be considered as totally disabled for the position he holds at the beginning of this new disability. However, the senior staff member shall continue to receive a benefit equal to 90 % of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first disability up to 104 weeks from the beginning of the first total disability, and the provision contained in the second paragraph of section 56.15 shall apply.

At the end of the first 104 weeks of the first total disability, the senior staff member whose rehabilitation occurred during rehabilitative employment shall be assigned a new classification in accordance with section 56.19.

As of the date of the new classification, the provisions of Division II shall apply, up to 104 weeks from the beginning of such new disability, to the salary determined at the time when the new classification is assigned."

9. Section 158 of Chapter XI is amended by inserting, after paragraph 3°, the following paragraph 3.1°:

"**3.1°** Chapter III.1".

10. Section 181 of Chapter XII is amended by adding the following items to the third paragraph:

"— eligibility criteria;

— rules for determining salary upon a movement of personnel (appointment, promotion or demotion) and the lump sums related to the calculation of salary in accordance with sections 20 and 23."

11. Section 185 of Chapter XIII is repealed.

12. Section 186 of Chapter XIII is added:

"The rules prescribed in sections 20, 21 and 23 to 30, those found in Part A of Schedule II and the minimum qualifications prescribed in the job descriptions, applicable on the day preceding 7 October 1998 shall continue to be in effect until the coming into force of the rules enacted by the college in the management policy concerning eligibility criteria or in accordance with sections 20 and 23."

13. The title of Schedule I is amended by deleting the words "and the rules determining staff numbers."

14. The title of Table I of Part A of Schedule I is replaced by the following: "Plan of classification of manager positions of colleges and constituent colleges".

15. The title of Table 3 of Schedule I is changed to the following: "Plan of classification of senior staff positions of colleges and constituent colleges".

16. Part B of Schedule I is repealed.

17. Schedule II is amended as follows:

— the title of the schedule is replaced by the following: "Classification of positions";

— Part A is repealed;

— Part B is amended by deleting all the "minimum qualifications" prescribed by the job descriptions.

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

2528

M.O., 98013

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Order of the Minister of the Environment and Wildlife dated of 18 September 1998

Establishment of the Pointe-de-l'Est wildlife sanctuary

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING that section 122 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), modified by section 20, Chapter 29 of the