

nated by the Chairman, a member of the staff of the Ministère du Conseil exécutif or Ministère des Affaires municipales and a representative of the legal community. Notwithstanding the foregoing, the Chairman of the Board may not be represented by the person who has been, during the last year of the term of office of the commissioner whose renewal is examined, the vice-chairman of the division to which that member was assigned.

In the case of a commissioner who performs administrative duties within the Board, the committee in charge of examining the renewal of his term of office shall be composed of a member of the staff of the Ministère of the Conseil exécutif, a member of the staff of the Ministère des Affaires municipales and a representative of the legal community.

Sections 6 to 9 then apply.

27. The committee shall determine whether the commissioner still fulfils the criteria set out in section 15, taking into account the needs of the Board and may hold the consultations provided for in section 14 on any matter in the record.

28. Committee decisions shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General and to the Minister of Municipal Affairs.

29. The Associate Secretary General shall be the agent empowered to notify a commissioner of the non-renewal of his term of office.

DIVISION X **CONFIDENTIALITY**

30. The names of candidates, the reports of selection or renewal committees, the register, the list of candidates declared apt to be appointed as commissioners to the Board, as well as any information or document related to a consultation or decision by a committee, are confidential.

Notwithstanding the foregoing, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee concerning him.

31. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 300-98, 18 March 1998

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1; 1997, c. 43)

Régie du logement **— Remuneration and other conditions of office**

Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement

WHEREAS under the first and second paragraphs of section 7.14 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), made by section 603 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), the Government may, by regulation, determine the mode, standards and scales of remuneration of the commissioners of the Régie du logement, as well as the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties; the Government may also determine other conditions of office applicable to all or certain members, including fringe benefits other than the pension plan;

WHEREAS the third paragraph of the same section of the Act provides that regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the Board;

WHEREAS the fourth paragraph of the same section of the Act provides that the regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 7.14 of the Act, made by section 603 of Chapter 43 of the Statutes of 1997 comes into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides in particular that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement

An Act respecting the Régie du logement (R.S.Q., c. R-8.1, s. 7.14.; 1997, c. 43, s. 603)

DIVISION I REMUNERATION

1. The salary scales applicable to the chairman, vice-chairmen and commissioners of the Board du logement are those in Schedule I.

The salary scales shall be revised in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

2. Part-time commissioners of the Board shall receive fees in accordance with the hourly rate in Schedule I, up to a maximum of seven hours' work a day.

The maximum number of work hours may be exceeded where authorized by the chairman of the Board and special circumstances warrant it.

For the purpose of this Regulation, fees paid to the commissioners of the Board are considered to be a salary.

3. The starting salary of a full-time commissioner of the Board shall be determined by his experience and education, the position available, his income at the time established in accordance with the standards prescribed in Schedule II.

A civil servant appointed as a full-time commissioner of the Board may not receive a salary lower than the regular salary to which he was entitled before his appointment, in accordance with his classification in the public service.

4. A person who has retired from the public sector defined in Schedule III and is appointed commissioner of the Board shall receive a salary corresponding to the

salary determined in accordance with the standards of this Regulation, from which shall be deducted half the amount of the retirement pension he receives from the public sector. The deduction shall be established in the instrument of appointment or upon renewal of the commissioner's term of office. The salary may therefore be lower than the minimum of the scale applicable to the position.

5. Whoever has received or is receiving a severance pay or allowance from the public sector defined in Schedule III and simultaneously receives a salary as a commissioner of the Board during the period covered by such pay or allowance shall reimburse the portion of the severance pay or allowance that covers the period for which he was receiving a salary, or shall cease to receive it during that period.

However, if the salary he receives as a commissioner of the Board is less than what he was receiving prior to his appointment, he shall repay only that portion of the severance pay or allowance up to the amount of his new salary, or he may continue to receive the portion of the severance pay or allowance that exceeds his new salary.

The period covered by the severance pay or allowance corresponds to that which would have been covered by the same amount if the member had received it as a salary for his office, employment or previous position.

6. Upon renewal of a term of office, the salary shall remain the same as the salary paid before such renewal, subject to section 4.

7. Where a commissioner of the Board already in office is designated as vice-chairman, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a vice-chairman of the Board already in office is designated as chairman, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a commissioner of the Board already in office is designated as chairman, his salary shall be the regular minimum salary of the scale applicable to that position. However, the new salary may not be lower than the regular salary to which the member was entitled before the designation.

8. A full-time commissioner of the Board who ceases to hold an administrative office within the Board in

accordance with the second paragraph of section 7.16. of the Act respecting the Régie du logement (R.S.Q., c. R-8.1; 1997, c. 43 s. 603), shall receive, starting on the effective date, a salary equivalent to what he was receiving without exceeding the maximum of the salary scale for a commissioner's position.

However, in such cases, a public servant may not receive a salary lower than the regular salary to which he would be entitled according to his classification in the public service.

9. The salary of a commissioner of the Board shall be revised in keeping with the performance assessment carried out according to the job factors and job ratings shown in Schedule IV and in keeping with the policy adopted by the Government for holders of holders of senior positions appointed by the Government.

Revision of the salary of a commissioner of the Board who has retired from the public sector defined in Schedule III shall also take into account the deduction made in the instrument of appointment or upon renewal of his term of office in accordance with section 4 of this Regulation.

10. The annual performance assessment of a commissioner of the Board shall be carried out by the chairman of the Board or by a vice-chairman he designates. The job factors and job ratings for assessing a commissioner's performance, in accordance with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of a vice-chairman of the Board shall be carried out by the chairman of the Board and shall address, with respect to his administrative office, the efficiency and effectiveness of the management of resources at his disposal to carry out the Board's mission. If applicable, it shall also address his performance as a commissioner, and the job factors and job ratings for the assessment, in keeping with the principle of the independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of the chairman of the Board shall be carried out by the Minister of Municipal Affairs and shall address only the efficiency and effectiveness of the management of resources at his disposal to carry out the Board's mission. The job factors and job ratings for assessing his performance are shown in Schedule IV.

11. A commissioner of the Board whose term of office has expired and who is concluding the cases he has begun to hear but has yet to determine in accordance

with the first paragraph of section 7.13. of the Act respecting the Régie du logement, shall continue to be remunerated by the Board, for a period to be determined by the chairman, according to the annual salary to which he was entitled. However, if the chairman considers that the new situation warrants his performing his duties part time, the commissioner may be remunerated according to an hourly rate calculated in keeping with the annual salary he was receiving at the time his term of office expired. For the purposes of this paragraph, a commissioner is deemed to work 35 hours a week.

If the situation applies to a part-time commissioner, he shall receive the hourly rate to which he was entitled.

12. A vice-chairman of the Board who replaces the chairman under section 12 of the Act respecting the Régie du logement shall receive an additional remuneration equivalent to 5 % of his annual salary for the duration of that replacement.

A vice-chairman of the Board who replaces another vice-chairman in accordance with section 12 of the Act shall receive an additional remuneration equivalent to 3 % of his annual salary for the duration of that replacement.

The additional remuneration shall be paid only in the event of a replacement lasting at least 45 consecutive days.

DIVISION II OTHER CONDITIONS OF OFFICE

§1. *Insurance plans*

13. Full-time commissioners of the Board shall participate in the group insurance plans for managerial staff of the Québec public and parapublic sectors.

In case of disability of a commissioner of the Board who is entitled to salary insurance benefits during his term of office, the benefits provided for under the long- or short-term salary insurance plans shall be paid and the commissioner shall be exempted from paying premiums to the insurance plans and pension plan for the duration of the period of disability, even if the commissioner's term expires during that period.

§2. *Pension plans*

14. In accordance with section 7.17. of the Act respecting the Régie du logement and subject to any special provisions included in the following plans and prescribed by order in council,

(1) full-time commissioners and vice-chairmen of the Board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees.

(2) the chairman of the Board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Order in Council 245-92 dated 26 February 1992 and any consequential amendments.

§3. *Annual vacation leave*

15. Full-time commissioners and vice-chairmen of the Board shall be entitled to a paid annual vacation of 20 working days, to be calculated proportionally to the time in office during the fiscal year.

Commissioners who are on full leave without pay from the public service shall be entitled to an annual vacation equivalent to the number of days of leave they would be entitled to under their classification in the public service.

Where part or all of the annual vacation to which a member or vice-chairman is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the chairman of the Board before the end of that fiscal year.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which a commissioner or vice-chairman is entitled.

16. The chairman of the Board shall be entitled to a paid annual vacation of 25 working days, to be calculated proportionally to the time in office during the fiscal year.

Where part or all of the annual vacation to which he is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which he is entitled.

§4. *Legal holidays*

17. A full-time commissioner of the Board shall have the same annual paid legal holidays as those that apply to the public service.

§5. *Expenses incurred in office*

18. The chairman and vice-chairmen of the Board are entitled to the reimbursement of expenses, with supporting documents but without prior authorization, that were incurred in the performance of their duties up to the annual amount of \$2 100 per fiscal year for the chairman and \$1 400 per fiscal year for a vice-chairman.

The expenses are reimbursed in accordance with Décret 1308-80 concernant les dépenses de fonction des présidents et de certains vice-présidents et membres à plein temps d'organismes gouvernementaux, dated 28 April 1980, and any consequential amendments.

§6. *Travel and living expenses*

19. Commissioners of the Board shall be entitled to the reimbursement of travel and living expenses incurred in the performance of their duties in accordance with Décret 2500-83 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, dated 30 November 1983, and any consequential amendments.

20. For the purposes of reimbursing expenses incurred, the principal location for the performance of duties of commissioners of the Board is that provided for by order in council.

§7. *Notice of resignation*

21. For the purposes of section 7.10. of the Act respecting the Régie du logement, a notice of resignation given to the Minister of Municipal Affairs shall be sent to the chairman of the Board who shall forward a copy to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

§8. *Full leave without pay from the public service*

22. For the purposes of section 7.18. of the Act respecting the Régie du logement, a public servant who is appointed commissioner of the Board shall be on full leave without pay from the Ministère des Affaires municipales for the duration of his term of office and for carrying out his duties.

23. A commissioner who is on full leave without pay from the public service and resigns his office or whose term is not renewed shall be reintegrated into the Ministère des Affaires municipales with the salary he had with the Board if that salary is equal to or lower than the maximum of the applicable salary scale in the public service. If his salary with the Board was higher, he shall be reintegrated at the maximum of the salary scale according to his classification in the public service.

§9. Transition allowance and other similar measures

24. A full-time commissioner of the Board, who is not on full leave without pay from the public service and whose term of office is not renewed or who does not request a renewal of his term, shall receive a transition allowance.

The allowance at the time of departure is equivalent to one month's salary for each year of continuous service since the beginning of his term as full-time holder of a senior position appointed by the Government, without exceeding twelve months.

If the period is less than one year, the allowance shall be calculated proportionally to the number of days of service completed.

25. A commissioner of the Board shall not receive a transition allowance if he is dismissed or removed pursuant to sections 7.11. or 7.12. of the Act respecting the Régie du logement.

26. A commissioner of the Board who has resigned from office, who received or is receiving the transition allowance prescribed in section 24 and who holds an office, employment or any other remunerated position in the public sector defined in Schedule III during the period to which the allowance applies, shall either reimburse that portion of the allowance that covers the period for which he received a salary, or cease to receive it during that period.

However, if the salary he receives is lower than that which he previously received, he shall reimburse the allowance only up to the amount of the new salary, or he may continue to receive the portion of the allowance that exceeds his new salary.

The period covered by the transition allowance is the same as that which would have been covered by the same amount had the member received it as a salary while holding an office, an employment or a previous position.

27. A full-time commissioner of the Board who has resigned from office, who has benefitted from a departure incentive program or its equivalent and who, within the two years following his departure holds an office, employment or any other remunerated position in the public sector defined in Schedule III shall reimburse the amount equivalent to the amount received under the program up to the amount of the remuneration received during that two-year period as a result of his return.

28. Part-time teaching activities are not governed by sections 26 and 27.

29. Sections 9 and 10 of this Regulation come into force on 1 April 1999. Any salary revision made before that date shall be carried out, if applicable, in accordance with the rules applicable before the date of coming into force of this Regulation.

30. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(ss. 1, 2)

SALARY SCALES APPLICABLE TO THE CHAIRMAN, VICE-CHAIRMEN AND COMMISSIONERS OF THE RÉGIE DU LOGEMENT

1. The salary scale applicable to the chairman of the Board corresponds to the scale established for Level 5 chief executive officers under Décret 1018-95 dated 2 August 1995, and any consequential amendments.

2. The salary scale applicable to vice-chairmen of the Board corresponds to the scale established for Level 3 vice-chairmen of government bodies under the Order in Council referred to in section 1.

3. The salary scale applicable to the full-time commissioners of the Board corresponds to the scale established for Level 2 full-time members of government bodies under the Order in Council referred to in section 1.

4. The hourly rates paid to commissioners of the Board performing their duties part time are calculated as follows: the maximum of the scale applicable to Level 2 full-time members of bodies + 20 %* ÷ 261 working days ÷ 7 hours per working day.

* Compensation for the absence of fringe benefits

SCHEDULE II

(s. 3)

DETERMINATION OF THE STARTING SALARY OF A COMMISSIONER APPOINTED TO THE RÉGIE DU LOGEMENT

For the purposes of determining the salary to be used as a basis for the calculation of the starting salary of a commissioner appointed to the Régie du logement, the following rules shall apply:

1. Take into account the regular salary with the previous employer, supported by a compulsory attestation by the employer.

2. Determine self-employment income by one of the following means:

— a financial statement prepared by an accounting firm;

— a copy of the T4 or Relevé 1 slip(s) showing the income for the year(s) of reference required;

— an affidavit in which the candidate attests to his income;

— any other acceptable and accurate proof of the candidate's financial situation.

3. Exclude from the salaries, earnings or income provided, any amount that is not of a regular nature such as premiums, overtime or other bonuses of that nature.

4. Take into account, for the purposes of determining the salary, only the income from the principal employment, thereby excluding income from casual employment or work done outside regular hours.

5. Subtract, in the case of candidates who are contract or casual employees of the Gouvernement du Québec, the percentage of their salary compensating for the absence of fringe benefits, where such a percentage is provided.

6. Establish an average over a number of years where income varies considerably because of profit-sharing income or income of another type.

SCHEDULE III

(ss. 4, 5, 9, 26, 27)

PUBLIC SECTOR

The public sector includes

1. the Government, a government department, the Conseil exécutif and the Conseil du trésor;

2. the Lieutenant-Governor's staff, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly, where the law provides that its personnel is appointed and remunerated in accordance with the Public Service Act and any body to which the National Assembly or one of its committees appoints the majority of the members;

3. any body that is established by an Act, pursuant to an Act or by a decision of the Government, the Conseil du trésor or a minister and that meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act;

(3) the Government or a Minister appoints at least half of its members or directors and at least half of its operating costs are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a public body referred to in section 1 or 2 of this Schedule or by both at the same time;

4. the Public Curator;

5. any body or agency, other than those mentioned in sections 1, 2 or 3 of this Schedule, instituted by an Act, pursuant to an Act, or by a decision of the Government, the Conseil du Trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister;

6. any joint-stock company, other than a government body mentioned in section 3 of this Schedule, of which more than 50 % of the voting shares are part of the public domain or are owned by a government body referred to in sections 1 to 3 and 5 of this Schedule or by an undertaking referred to in this section;

7. any educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

8. any general and vocational college instituted in accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29);

9. any school board referred to in the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'Île-de-Montréal;

10. any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1);

11. any other educational institution of which more than one-half of the operating expenses are paid out of the appropriations entered in the budgetary estimates tabled in the National Assembly;

12. any public institution or private institution under agreement and any regional board referred to in the Act

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

13. a regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

14. any municipality, and any body declared by law to be the mandatary or agent of a municipality, and any body whose board of directors is composed for a majority of members of the municipal council, as well as any body otherwise under municipal authority;

15. any urban community, intermunicipal board, intermunicipal transit corporation, intermunicipal board of transport, Kativik Regional Government and any other body whose board of directors is composed in the majority of elected municipal officers, except a private body.

SCHEDULE IV (ss. 9, 10)

JOB FACTORS AND JOB RATINGS FOR PERFORMANCE ASSESSMENTS

Annual performance assessments shall be based on the following job factors:

(1) Qualitative job factors include factors and standards for assessing the knowledge, skills, attitudes and behaviour of a member in the exercise of his powers and duties, in particular,

(a) the knowledge and use of acts, regulations, rules of evidence and procedure, and jurisprudence acquired through the means available to him;

(b) the written quality of decisions, in particular, clarity, precision and conciseness;

(c) behaviour with respect to the parties, their witnesses and their representatives, in particular during hearings;

(d) compliance with the code of ethics applicable to a commissioner of the Board;

(e) availability and interest in the duties;

(f) communications and relations with the management and staff of the Board;

(g) participation in committees and activities related to the duties of a commissioner of the Board.

(2) Quantitative job factors assess the quantitative contribution of a member with respect to the handling of cases, in particular,

(a) the number of cases settled following conciliation, withdrawal or amicable settlement;

(b) the number of cases handled following inquiries and hearings for the parties, and the testimonies, arguments and the entire documentation pertaining to a case taken under advisement;

(c) the number of decisions rendered.

The annual performance assessment shall be in keeping with the following job ratings:

A performance that far exceeds required standards;

B performance that exceeds required standards;

C performance that meets required standards;

D performance that is below required standards;

E performance that is far below required standards.

2092

Gouvernement du Québec

O.C. 306-98, 18 March 1998

Naming of the new French language and English language school boards

WHEREAS under the first paragraph of section 111 of the Education Act (R.S.Q., c. I-13.3), the Gouvernement du Québec made Order in Council 1014-97 dated 13 August 1997 concerning the division of the territory of Québec into territories for French language school boards and territories for English language school boards;

WHEREAS under the third paragraph of that section, amended by paragraph 1 of section 2 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, c. 47), Order in Council 1014-97 temporarily assigned a name to each school board; the name may contain a number;

WHEREAS under the first paragraph of section 111.1 of the Education Act enacted by section 3 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, c. 47), after consulting each school board established by the