

(2) by inserting the following after paragraph 4:

“(4) the Regulation respecting the appointment and remuneration of directors of professional services and directors of public health, made by Order in Council 1094-94 dated 13 July 1994;”;

(3) by substituting the following for paragraph 5:

“(5) the Regulation respecting the dismissal, non-renewal of employment, termination of employment, suspension without pay, demotion and severance pay of officers of regional boards and health and social services institutions made by Order in Council 1843-94 dated 21 December 1994;”.

77. The following is inserted after section 133.2:

“**133.3.** Sections 12.2 to 12.5 have effect from 1 July 2000, section 27 has effect from 1 January 2001 and section 37 has effect from 1 July 2001.”.

78. The following is inserted after section 133.3:

“**133.4** On the conditions set out below, the employer shall pay certain officers a lump sum corresponding to 0.83% of the salary or benefits received during the period extending from 1 October 1995 to 31 December 1999.

The lump sum, calculated proportionally to the period of participation in the insurance plans applicable pursuant to Chapter 4 shall be paid to the following persons:

(1) officers employed on 31 December 1999 who continue to participate in the Civil Service Superannuation Plan (RRF) or the Teachers Pension Plan (RRE) after that date without availing themselves of the right to transfer to the Government and Public Employees Retirement Plan with regard to non-unionizable employees, pursuant to the provisions of that plan;

(2) officers reinstated or reassigned to a non-officer position who, during the reference period, did not participate in the Government and Public Employees Retirement Plan with regard to non-unionizable employees but who maintained their participation in the insurance plans applicable pursuant to Chapter 4;

(3) officers contemplated in subparagraph 2 who resign, retire or die during the reference period;

(4) officers who, on 1 January 2000, participate, where applicable, in the Pension Plan of Peace Officers in Correctional Services (RRAPSC) or the Régime de

retraite des employés en fonction au Centre hospitalier Côte-des-Neiges, and officers who, during the reference period, participated in one of those pension plans but have resigned, retired or died.

Notwithstanding the first paragraph, the salary taken into consideration for officers who participated in a deferred salary leave plan during the reference period is the salary they would have received had they not participated in the plan.”.

79. The following is inserted after section 134:

“**134.** The expression “régimes d’assurance collective” is substituted for the expression “régimes collectifs d’assurance” wherever the latter expression occurs in the French version of this Regulation.”.

80. The following is substituted for the title of Appendix A:

“SALARY CLASSES OF OFFICER PHYSICIANS”.

81. The expression “work load” is substituted for the expression “work benefit” wherever the latter expression occurs in the English version of the Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions, approved by T.B. 194784 dated 8 May 2000, and in all amendments thereto.

82. This Regulation shall come into force on the date of its publication in the *Gazette officielle du Québec*.

4212

Gouvernement du Québec

T.B. 196313, 10 April 2001

An Act respecting health services and social services (R.S.Q., c. S-4-2)

Regional boards and health and social services institutions

— Certain terms of employment applicable to senior administrators

— Amendments

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions

CONSIDERING that the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions was made by Order in Council 1217-96 dated 25 September 1996;

CONSIDERING sections 159 and 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that the title of the Regulation was replaced by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions”, approved by T.B. 193820, dated 21 September 1999;

CONSIDERING that it is necessary to amend the Regulation;

CONSIDERING that the Minister of State for Health and Social Services and Minister of Health and Social Services, in a ministerial order, ordered that the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions be made;

CONSIDERING that, pursuant to section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2), such a regulation must be submitted to the Conseil du trésor for approval;

THE CONSEIL DU TRÉSOR DECIDES:

1. To approve the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions, attached hereto;

2. To request that the Regulation be published in the *Gazette officielle du Québec*.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators 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. 487.2)

1. The table of contents of the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions is amended.

(1) by adding the following after Division 3 of Chapter 1:

	SECTION
“DIVISION 4 PROFESSIONAL RELATIONS	4.8
DIVISION 5 COMPENSATORY LEAVE	4.9”;

(2) by adding the following after Division 2 of Chapter 2:

“DIVISION 3 MOVING EXPENSES	24.1”;
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(3) by substituting the following for Division 2 of Chapter 3:

“DIVISION 2 EVALUATION CLASSES AND SALARY CLASSES	
§1. <i>Evaluation classes</i>	27
§2. <i>Salary classes and annual adjustment</i>	28”;

(4) by inserting the following after Subdivision 1 of Division 8 of Chapter 4:

“§1.1 <i>Transfer of sick-leave fund</i>	85.1”;
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(5) by inserting the following after Division 3 of Chapter 4.3:

* The last amendments to the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions, enacted by Order in Council 1217-96 dated 25 September 1996 (1996, *G.O.* 2, 4202), were made by the Regulation approved by T.B. 194783 dated 8 May 2000 (2000, *G.O.* 2, 2949). For previous amendments, see the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

**“CHAPTER 4.4
PROFESSIONAL DEVELOPMENT 87.109”;**

(6) by substituting the following for Division 1 of Chapter 5:

**“DIVISION 1
GENERAL PROVISIONS**

§1. Scope 88

§2. Appeals 88.1”;

(7) by inserting the following after Subdivision 1 of Division 4 of Chapter 5:

“§1.1 Remuneration of reinstated senior administrator 106

§1.2 Miscellaneous provisions 107”;

(8) by substituting the following for heading of Division 3 of Chapter 7:

“LIST OF ARBITRATORS, EXPERT PHYSICIANS AND ARBITRATION FEES”.

2. Section 3 is deleted.

3. The following is substituted for section 4:

“4. In this Regulation, unless otherwise indicated by the context,

“administrative reorganization” means an administrative operation resulting from the effect of an Act of a decision on the part of the Minister or a concerned employer and involving the elimination of one or more positions of senior administrator; this includes, among other things, the amalgamation of employers, the integration of one or more employers with another employer, a grouping of employers, a pooling of supervisory resources or the services of several employers, a grouping of an employer’s administrative units or the closure of an employer; (*réorganisation administrative*)

“assistant executive director” means a senior administrator holding a management position ranked as such by the Minister; (*directeur général adjoint*)

“association” means the Association des directeurs généraux des services de santé et des services sociaux du Québec; (*association*)

“Centre de référence des directeurs généraux et des cadres” means the organization established under sec-

tion 521 of the Act; (*Centre de référence des directeurs généraux et des cadres*)

“continuous service” means the duration of the employment relationship with one or more employers in the public and parapublic sectors, including start-up institutions, as a senior administrator or officer without interruption in the employment relationship for a period of more than six months; (*service continu*)

“dismissal” means the termination by an employer of the contractual employment contract as a senior administrator at any time and for cause; (*congédiement*)

“employer” means a regional board or a public institution; (*employeur*)

“employers’ association” means the Association des centres jeunesse du Québec, the Association des CLSC et des CHSLD du Québec, the Association des établissements privés conventionnés – santé et services sociaux, the Association des établissements de la réadaptation en déficience physique du Québec, the Association des hôpitaux du Québec, the Conférence des régies régionales de la santé et des services sociaux du Québec, the Fédération québécoise des centres de réadaptation pour personnes alcooliques et autres toxicomanes, and the Fédération québécoise des centres de réadaptation pour personnes en déficience intellectuelle; (*association d’employeurs*)

“evaluation class” means a ranking unit of the classification system used for the positions of senior administrators and officers that corresponds to an evaluation point range reflecting the relative value of positions; (*classe d’évaluation*)

“executive director” means a senior administrator holding a full-time or part-time regular management position ranked as such by the Minister; (*directeur général*)

“home base” means the head office of the employer or the place where the senior administrator usually carries on his duties, if different from the head office of the employer; (*port d’attache*)

“non-renewal of engagement” means the termination by the employer of the employment relationship with a senior administrator at the end of an engagement, but not a layoff; (*non-rengagement*)

“officer” means a person having line, staff or advisory responsibilities related to the planning, organization, direction, coordination and control functions who is appointed to a regular full-time or part-time management position; (*cadre*)

“on reserve” means the situation of a senior administrator who has chosen reinstatement following the elimination of his position in accordance with Chapter 5 on employment stability measures; (*disponibilité*)

“parapublic sector” means the grouping of all public institutions as defined in section 98 of the Act respecting health services and social services, private institutions governed by section 475 of the Act, regional boards established under section 339 of the Act, school boards and general and vocational public colleges; (*secteur parapublic*)

“parental leave” means any leave prescribed in Chapter 4.1 on the parental rights plan; (*congé parental*)

“position” means a set of tasks provided for in the employer’s organization plan and classified in accordance with the evaluation system for senior administrator or officer positions established by the Minister; a position may be full-time or part-time; (*poste*)

“public sector” means government departments or public agencies whose staff is governed by the Public Service Act (R.S.Q., c. F-3.1.1); (*secteur public*)

“reinstatement” means the transfer of a senior administrator to whom employment stability measures apply to another position of senior administrator, officer, union members or unionizable non-member; (*remplacement*)

“retirement plan” means the Government and Public Employees Retirement Plan (RREGOP) established under the Act respecting the Government and Public Employees Retirement plan (R.S.Q., c. R-10), the Teachers Pension Plan (RRE) established under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) or the Civil Service Superannuation Plan (RRF) established under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12); (*régime de retraite*)

“salary” means the portion of direct monetary compensation of an officer corresponding to the salary class established for the position, including adjustments to salary classes and salary progression; (*salaire*)

“senior administrator” means an executive director, an assistant executive director and a senior managerial advisor; (*hors-cadre*)

“senior managerial advisor” means a senior administrator holding a full-time or part-time management position ranked as such by the executive director; (*conseiller-cadre à la direction générale*)

“termination of engagement” means the termination by the employer of the employment contract of a senior administrator before the end of the contract. (*résiliation d’engagement*.)”

4. Chapter 1 is amended by adding the following after section 4.7:

“DIVISION 4 PROFESSIONAL RELATIONS

4.8 Representatives of the association, of the employers’ associations and of the Minister shall meet at the request one of their number to discuss problems related to the interpretation and application of the terms of employment of senior administrators, proposed modifications to the terms of employment and any other related matter.

DIVISION 5 COMPENSATORY LEAVE

4.9 From 1 January 2000, compensatory paid leave shall be introduced for certain officers. The leave shall correspond to 0.83% of the number of hours paid for work as a senior administrator during the period from 1 January to December 31 in a given year. The leave may not exceed 2 days each year.

The leave shall be used with the agreement of the employer or shall be replaced, in whole or in part, by a lump sum where it has not been used in the 12 months following the year in which it was earned. In the latter case, for each day of unused leave, the lump sum shall correspond to 0.415% of the salary or benefits received for work as a senior administrator during the year in which the leave was earned or of the salary that the senior administrator would have received had he not been participating in the deferred salary leave plan.

If the employee dies, the employer shall pay an amount equivalent to the days of leave earned but not used, without exceeding four days.

4.10 The leave contemplated in section 4.9 applies to a senior administrator who participates in the Régime de retraite des employés en fonction au Centre hospitalier Côte-des-Neiges.

The leave contemplated in section 4.9 also applies to a senior administrator who is reinstated or assigned to a position other than an officer’s position after 31 December 2000 if he participates in a pension plan other than Government and Public Employees Retirement Plan for non-unionizable employees or the Régime de retraite de l’administration supérieure (RRAS). In such a case, the

leave applies from the effective date of the reinstatement or assignment for such time as the senior administrator continues to participate in the insurance plans provided for in Chapter 4.

4.11 The leave contemplated in section 4.9 also applies to any officer who, where applicable, participates in the Pension Plan of Peace Officers in Correctional Services (RRAPSC).”.

5. The following is substituted for section 6:

“6. When an administrative reorganization results in leaving only one position of executive director, the boards of directors involved shall notify, in accordance with section 92, the executive directors who hold the existing positions pursuant to a contract or an engagement resolution, of their intention to eliminate those positions. The new board of directors or the boards of directors that are maintained shall notify, in accordance with section 94, the said executive directors of the effective elimination of their position and shall create a new executive director position.

The new board of directors or the boards of directors that are maintained shall determine whether or not to offer the new executive director position to one of the said executive directors. If they determine to do so, they shall hold a competition in order to select, among them, the one to whom they are to offer the new executive director position. The procedure for the competition shall be established by the new board of directors or the boards of directors that are maintained.

The new board of directors or the boards of directors that are maintained shall appoint, in accordance with the provisions of Subdivision 5 of this Division, the person selected to fill the new position of executive director.

If the new board of directors or the boards of directors that are maintained decide not to proceed according to the procedure provided for in the second paragraph to fill the new position of director general, or if the competition held pursuant to that paragraph does not lead to the selection of an executive director, they shall ask the Minister for authorization to hold a selection competition under Subdivisions 3 and 4 of this Division.

The provisions regarding employment stability measures for senior administrators prescribed in Chapter 5 of this Regulation apply to executive directors whose positions have been eliminated pursuant to this section and who have not been granted or have not applied for the new position of executive director.

If the new board of directors or the boards of directors that are maintained consider it necessary, they may designate an acting executive director.”.

6. The following is substituted for the second paragraph of section 8:

“Except for the cases provided for in the second paragraph of section 6 and in section 16, the Minister’s authorization must be obtained in order to open the selection competition for the position of executive director of a regional board or of a public institution. The authorization shall be requested by the employer no later than 60 days from the date on which the position actually becomes vacant.”.

6.1 Section 11 is revoked.

7. The following is substituted for section 12:

“12. The board of directors of a regional board or of a public institution shall give written sectoral and public notice of the holding of a competition for the appointment of an executive director.

The sectoral notice shall be forwarded to the Minister, to the Conférence des régies régionales de la santé et des services sociaux, to the employers’ associations and to the associations of senior administrators and officers in the sector, who shall circulate it, at least 30 days prior to the date of the first sitting of the selection committee. The sectoral notice for the competition shall provide for a registration period of at least 25 days from the date it is sent out.

The public notice shall be published in a newspaper distributed in the region served by the regional board or in the region in which the institution is situated, as the case may be, and in a newspaper distributed throughout Québec. The notice must be published at least 20 days prior to the date of the first sitting of the selection committee. It must provide for a registration period of at least 15 days from the date it is sent out.”.

8. The following is substituted for section 13:

“13. In a case of equivalent competency, a senior administrator or officer employed by a regional board, public institution or private institution referred to in section 475 of the Act, by an association of senior administrators or officers in the sector, by an employers’ association or by the Ministère de la Santé et des Services sociaux, shall have hiring priority over other candidates in a competition to obtain a position of executive

director. The sectoral notice and public notice mentioned in section 12 must contain a statement of that fact.”.

9. The following is substituted for the second paragraph of section 15:

“The eligibility list and the substantiated recommendation of the selection committee shall be sent to the board of directors which shall make the final decision.”.

10. The following is substituted for section 16:

“16. There shall be no appeal regarding a decision made by the board of directors concerning the appointment of an executive director.”.

11. The following is substituted for section 17:

“17. Where no candidate is declared eligible by the selection committee or where the board of directors decides to appoint none of the candidates declared eligible, a new competition must be held.”.

12. The following is substituted for section 20:

“20. The resolution of the board of directors respecting the appointment of the executive director and the engagement contract of the executive director shall be sent to the Minister on request, as shall any subsequent change to the contract.”.

13. The following is substituted for the third and fourth paragraphs of section 22:

“The board of directors shall inform the executive director in writing at least 90 days before the end of his engagement contract of its decision to renew or not to renew the contract. The board of directors may not renew the engagement contract of an executive director more than 12 months prior to the expiry date of the contract. In a case of non-renewal of engagement, the board of directors shall proceed as set out in Division 1 of Chapter 6.

The resolution of the board of directors respecting the renewal of the engagement contract of the executive director and the renewed contract shall be forwarded to the Minister on request, as shall any subsequent change to the contract.”.

14. The following is substituted for the second paragraph of section 23:

“In a case of equivalent competency, a senior administrator or an officer employed by a regional board,

public institution or private institution referred to in section 475 of the Act, by an association of senior administrators or officers in the sector, by an employers’ association or by the Ministère de la Santé et des Services sociaux, shall have hiring priority over other candidates in a competition to obtain a position of assistant executive director.

There shall be no appeal regarding a decision made by the board of directors concerning the appointment of an assistant executive director.”.

15. Section 24 is amended by adding the following at the end:

“There shall be no appeal regarding a decision made by the board of directors concerning the appointment of a senior managerial advisor.”.

16. Chapter 2 is amended by adding the following after section 24:

“DIVISION 3 MOVING EXPENSES

24.1 A senior administrator who accepts a senior administrator’s or officer’s position with his employer or with another employer shall be reimbursed by the employer concerned for his moving expenses when the senior administrator must move more than 50 kilometres by road from his home base and his residence. The same rule applies to an officer who is appointed to a senior administrator’s position.

24.2 An employer must reimburse the moving expenses of an executive director covered by employment stability measures or designated as a senior managerial advisor who is from a school board, or an executive director who is from a general and vocational public college, where it is necessary for the executive director to move a distance of over 50 kilometres by road from his home base and residence.

24.3 The moving expenses referred to in sections 24.1 and 24.2 shall be reimbursed to the senior administrator in accordance with the rules concerning the moving of public servants adopted under the Financial Administration Act (R.S.Q., c. A-6).”.

17. The following is substituted for section 25:

“25. A senior administrator may not receive from his employer, and an employer may not give a senior administrator, for the carrying out of his duties as senior administrator, any form of remuneration other than the remuneration provided for by this Regulation.

Notwithstanding the first paragraph, the board of directors may, in certain special circumstances and with the approval of the Conseil du trésor, give another form of remuneration.”.

18. The following is substituted for section 26:

“**26.** In general, no remuneration or compensation shall be paid to the senior administrator for the overtime occasionally required for the carrying out of his normal duties.”.

19. The following is substituted for Division 2 of Chapter 3:

“DIVISION 2
EVALUATION CLASSES AND SALARY CLASSES

§1. Evaluation classes

27. The Minister shall determine the evaluation class of every position of executive director or assistant executive director in accordance with the evaluation system he has established for the evaluation of positions of senior administrators and officers.

27.1 During the evaluation process provided for in section 27, the Minister shall forward the draft evaluation and the reasons on which it is based to the board of directors and to the executive director or assistant executive director for consultation purposes.

If the board of directors or the executive director or assistant executive director disagrees with the draft evaluation, he or it may apply in writing to be heard. The application must set out the reason for disagreement put forward by the board or directors or by the executive director or assistant executive director, and be submitted within 60 days after the draft evaluation was received.

The Minister, after consulting the Association des directeurs généraux, the Conférence des régies régionales and associations of institutions, shall appoint persons who did not take part in the draft evaluation to hear the board or directors or the executive director or assistant executive director.

The report of the work of those persons, and their recommendation concerning the draft evaluation, shall be forwarded to the Minister within 60 days after the application of the board or directors or of the executive director or assistant executive director was received.

27.2 The Minister shall make a decision and inform the board or directors and the executive director or assistant executive director of the classification of the position.

27.3 The executive director shall draw up a draft evaluation of the position of a senior managerial advisor and forward it to the senior managerial advisor together with the data relating to the application of the factors and sub-factors used by the executive director to determine the evaluation class of the position.

Within thirty days following the transmission of the draft evaluation, the senior managerial advisor may make representations to the executive director. He may be accompanied by a representative. On or before the expiry of the 30 days, the draft evaluation and the representations of the senior managerial advisor, if any, shall be presented to the Minister who shall then determine the evaluation class of the position. The decision shall be binding on the senior managerial advisor and on the executive director.

27.4 Where a board of directors reaches an initial agreement with a senior administrator, it may appoint him to a position of senior managerial advisor. In such a case, the evaluation class of the position shall be the same as that of the position held by the senior administrator before his appointment as senior managerial advisor.

27.5 The classification of a position of senior manager shall take effect on the date of the occurrence justifying the determination of the class or on the date fixed by the Minister. There shall be no appeal regarding a classification of a position of senior administrator made under sections 27, 27.2 and 27.3.

§2. Salary classes and annual adjustment

28. The evaluation classes determined under section 27 to 27.5 shall correspond to the salary classes, which shall be adjusted by 1.5% on 1 January 1999, and by 2.5% on 1 January 2000, 1 January 2001 and 1 January 2002. The adjusted salary classes are shown in Schedule 1.”.

20. Section 29 is revoked.

21. The following is substituted for section 30:

“**30.** On 1 April each year, a salary increase shall be granted to a senior administrator, unless his performance during the year ending on 31 March is deemed unsatisfactory. The employer’s substantiated written assessment shall be sent to the senior administrator during the reference period. There shall be no appeal regarding the content of the assessment.

The salary increase shall represent 4% of the senior administrator’s salary on 31 March, provided that the

increase does not make the salary of the senior administrator higher than the maximum of the salary class for the position.

A reinstated senior administrator who performs the activities provided for in his reinstatement plan is entitled to receive the salary increase as though he had worked for the employer full-time.

A senior administrator whose position has been eliminated and who has chosen pre-retirement leave shall not be eligible for the increase.

Where a senior administrator has held his position for less than 1 year at the effective date of the salary increase or has changed employers during the reference period, the salary increase shall be established according to the time he has worked during the year prior to 1 April in that position or another position of senior administrator or officer with the same employer or another employer.

A senior administrator who has not worked during the whole year preceding 1 April, either because he is disabled or on leave without pay, deferred salary leave or progressive pre-retirement leave, is entitled to the salary increase according to the time worked during the year. However, for the purpose of calculating the percentage of the salary increase, a disabled senior administrator shall be considered as having been at work during the first 6 months of his disability.

Where a senior administrator holds on 1 July or has held during the year preceding this 1 July a part-time position, the rate of the salary increase shall be determined according to his relative annual work load during the year.”.

22. The following is substituted for section 31 :

“**31.** The salary of a person who is appointed to a position of senior administrator or is designated to hold such a position temporarily shall be fixed by the board of directors within the salary class for the position of senior administrator.”.

23. The following is substituted for section 32 :

“**32.** The employer shall increase the salary of a senior administrator holding a position of senior administrator whose evaluation class is raised, by a percentage equal to 5%, provided that the increase does not make the salary of the senior administrator higher than the maximum for the new salary class. However, the employer shall ensure that the senior administrator receives at least the minimum for the new class. The classifica-

tion shall take effect on the date of the occurrence justifying the determination of the class, or on the date fixed by the Minister.”.

24. The following is substituted for section 34 :

“**34.** The salary of a senior administrator appointed to a position of senior administrator or officer in a higher evaluation class, shall be fixed by the board of directors within the new salary class.”.

25. The following is substituted for section 35 :

“**35.** The salary of a senior administrator appointed to a position of senior administrator or officer in the same evaluation class shall be fixed by the board of directors within the same salary class.”.

26. The following is substituted for section 36 :

“**36.** The salary of a senior administrator appointed to a position of senior administrator or officer in a lower evaluation class shall be reduced, if needed, to the maximum for the salary class of the new position, or maintained, if his salary is already within the range of the new salary class.

Where the salary of a senior administrator is decreased following such an appointment :

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the appointment and the new annual salary he is entitled to, for the first 3 years following the appointment ;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the appointment and the new annual salary he is entitled to for the fourth year, during that fourth year ;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the appointment and the new annual salary he is entitled to for the fifth year, during that fifth year.”.

27. The following is substituted for section 37 :

“**37.** A senior administrator who agrees with an employer to be assigned to a position of union member or unionizable non-member shall receive the salary corresponding to the classification determined by the employer in accordance with the salary provisions applicable to that position.

If the salary received by the senior administrator before the assignment is higher than the salary determined in accordance with the first paragraph, that salary shall be maintained provided that it is within the salary range for that position and does not exceed the maximum for that position, in which case it shall be reduced to that maximum.

If the salary of a senior administrator is reduced following such an assignment:

— the senior administrator shall receive as a lump sum the total difference between the salary he received prior to the assignment and the new annual salary he is entitled to, for the first 3 years following the appointment;

— the senior administrator shall receive in the same manner two thirds of the difference between the salary he received prior to the assignment and the new annual salary he is entitled to for the fourth year, during that fourth year;

— the senior administrator shall receive in the same manner one third of the difference between the salary he received prior to the assignment and the new annual salary he is entitled to for the fifth year, during that fifth year.”

28. The following is substituted for section 38:

“**38.** A senior administrator who agrees to hold, temporarily and simultaneously, another position of senior administrator or officer in addition to his usual position, shall receive remuneration determined by the employer concerned in the form of a lump sum. The remuneration may vary between 14% and 24% of the salary of the senior administrator concerned. In certain exceptional situations where positions are held cumulatively, the employer may grant higher lump-sum remuneration with the approval of the Conseil du trésor.

No senior administrator may hold cumulatively more than one additional position, and may not hold cumulatively a position under his direct or indirect responsibility.

No executive director may hold, cumulatively, an additional position with the same employer. The same applies to an acting executive director who did not, prior to being designated, hold a position of assistant executive director or senior managerial advisor with the employer.

A position may be held cumulatively for between 2 and 18 months, subject to any extension expressly au-

thorized by the Minister. However, to replace a senior administrator or officer on disability leave, parental leave or public office leave, the position may be held for the duration of the leave.”

29. The following is substituted for section 39:

“**39.** A senior administrator is considered to hold a position temporarily for an interim period when he is designated to hold a position of senior administrator or officer that is vacant or whose holder is on leave, and does not hold his usual position simultaneously.

An interim period may last between 2 and 18 months, subject to any extension expressly authorized by the Minister. However, to replace a senior administrator or officer on disability leave, parental leave or public office leave, the position may be held for the duration of the leave.

A senior administrator holding a position for an interim period shall receive the salary fixed by the board of directors within the salary class of the position held.

In certain cases, the board of directors may decide, with the approval of the Conseil du trésor, to pay the person holding a position for an interim period a salary higher than the maximum of the salary class for the interim position held.

A senior administrator holding a position for an interim period shall benefit from all the terms of employment prescribed by regulation.

A senior administrator holding a position for an interim period with another employer, after being granted leave without pay by his employer, shall be governed by Chapter 1, Chapter 3, excepting sections 33 to 38.3 inclusively, Chapters 4, 4.1 and 4.4, and Divisions 1 and 3 of Chapter 7.”

29.1 The following is substituted for section 39.1:

“**39.1** The terms and conditions of the performance premium are established annually by the Minister, taking into account the parameters fixed by the Conseil du trésor.”

30. The following is substituted for section 40:

“**40.** A senior administrator who coordinates social emergency or health emergency measures for an employer shall receive a compensation per shift of availability which shall be paid as a lump sum, on the condition that his employer demands that he be available 7 days a week. The amount of the compensation shall correspond to one hour of work at the normal rate.

The compensation for availability shall have effect from 1 January 2001.”

31. The following is substituted for paragraph 2 of the definition of “salary” in section 42:

“(2) the lump sum resulting from the application of sections 33, 36, 37, 106.1 and 106.2;”

32. The following is substituted for section 43:

“**43.** The salary of a senior administrator holding a part-time position of senior administrator shall be computed for the purposes of calculating the benefits payable under this Chapter on the basis of the senior administrator’s average salary during the 12 weeks preceding the event that entitled him to a benefit and for which no disability period, annual vacation, leave without pay or maternity leave has been authorized.”

33. The following is substituted for section 44:

“**44.** A senior administrator who is assigned to a position of union member or unionizable non-member may retain, on the date of his new assignment and provided that he has held a position of senior administrator or officer for at least 12 months, his group insurance plans.”

34. The following is substituted for section 57:

“**57.** Payment of short-term salary insurance benefits shall be made to a senior administrator by the employer upon presentation of vouchers establishing the disability for the duration of the disability falling within the first 104 weeks.

The senior administrator shall immediately notify the employer if he cannot be present at work because of a disability and shall accept any medical examination to be performed by the employer’s physician. The cost of such examination shall be borne by the employer.

A senior administrator who has been disabled for a period of at least 5 months shall also allow the employer or the employer’s representative, the insurer or any other consulting firm, to reveal the vouchers establishing the disability for the purposes of calculating the possibilities of offering him a position in accordance with the provisions of this Chapter.

57.1 An employer that decides to suspend the payment of short-term salary insurance benefits to a senior administrator on the basis of the medical opinion obtained pursuant to the provisions of the second paragraph section 57, shall notify the senior administrator concerned in writing. The senior administrator shall have

10 days from the date of receipt of the employer’s notice to make his disagreement known in writing.

The senior administrator or the employer may, within five days after the date the notice in which the senior administrator makes his disagreement known was received, request that the employer’s and the senior administrator’s physicians reconcile their conflicting opinions. The two physicians have 15 days from the date of the request made by the employer or the senior administrator to produce a written report. If they fail to agree, or if the 15-day deadline has expired, the senior administrator and the employer have 7 days to agree on the choice of an expert physician from a list of names drawn up under section 154 or, if both agree, whose name does not appear on the list. If the parties fail to agree on the choice of an expert physician, either may ask the Minister in writing to designate an expert physician from the list. The Minister shall appoint the expert physician within 10 days after receiving the request. The expert physician appointed shall perform his duties in accordance with a procedure and time limits that may vary from those prescribed in Division 1 of Chapter 27, provided his decision is made not later than 15 days after his appointment.

The expert physician may base his decision on the documents forwarded to him, and may meet and examine the senior administrator if he considers it relevant. His decision is final, without appeal and binding on the employer and the senior administrator.

The costs of the parties and the fees and honorarium of the expert physician shall be allocated in accordance with the provisions of section 155 for cases covered by Division 1 of Chapter 7. The senior administrator shall be on leave without pay for the duration of the procedure described in the first and second paragraphs, until a final decision is made by the expert physician.

This procedure differs from the arbitration procedure used to establish disability after 104 weeks, as provided for in section 76, and must in no case be confused with that procedure.”

35. The following is substituted for the second paragraph of section 59:

“During the period of progressive return to work, the senior administrator shall be deemed to be disabled and shall continue to be subject to his salary insurance plan. He shall receive, for the proportion of time he works, the salary of the position and any bonus, allowance, compensation or lump sum, and he shall accumulate vacation time. For the proportion of time he does not work, he shall receive the applicable salary insurance benefit.”

36. The following is substituted for subparagraph 2 of the second paragraph of section 62:

“(2) additional plans:

- a) deleted;
- b) a mandatory long-term salary insurance plan;
- c) an optional additional life insurance plan.”.

37. The following is substituted for the first paragraph of section 63:

“The cost of the mandatory basic plans shall be shared between the Government and all the participants in the plans according to the agreement signed by the Québec Government and the associations representing the participants in the management employees group insurance plans of the public and parapublic sectors, for the length of the agreement.”.

38. The following is inserted after section 69:

“**69.1** A senior administrator who, despite already being considered disabled, must again leave work by reason of a disability resulting from the same illness or accident, before the end of the first 104 weeks of disability but after having completed his rehabilitation, is deemed to have suffered a reoccurrence of the disability.

In such a case, the senior administrator shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he continued to work in his position, up to 104 weeks from the beginning of the disability, and the provision set out in the second paragraph of section 68 shall apply.

69.2 Where a new disability begins before the end of the first 104 weeks of the first disability, but after the senior administrator has completed his rehabilitation, the senior administrator is considered to be disabled in the position that he held at the beginning of the new disability. However, the senior administrator shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he worked in the position that he held at the beginning of the first disability, up to 104 weeks from the beginning of the first disability, and the provision set out in the second paragraph of section 68 shall apply.

After the first 104 weeks of the first disability, a senior administrator whose rehabilitation took place in a position in relation with his rehabilitation plan shall be assigned to that position in accordance with the first paragraph of section 73.

From the date of the assignment, the provisions of Division 5 shall apply, up to 104 weeks from the beginning of the new disability, with regard to the salary of the position to which the senior administrator is assigned in accordance with the first paragraph of section 73.”.

39. The following is substituted for section 71:

“**71.** A senior administrator shall accumulate vacation time during the time he works in a position which is in relation with his rehabilitation plan.”.

40. The following is substituted for the first paragraph of section 73:

“**73.** The senior administrator shall be assigned by an employer to a position in relation with his rehabilitation plan at the end of the 104th week of disability or, if such is the case, at the end of his rehabilitation if the rehabilitation ends after the 104th week, and he shall receive from the date of the assignment the salary of that position and shall be governed, subject to section 44, by the provisions which apply to that position.”.

41. The following is substituted for the first paragraph of section 74 introduced by a hyphen:

“— 4 representatives designated jointly by the Association des directeurs généraux des services de santé et des services sociaux du Québec, the Association des cadres supérieurs de la santé et des services sociaux, the Association des gestionnaires des établissements de santé et de services sociaux inc. and the Association des cadres de la santé et des services sociaux du Québec;”.

42. The following is substituted for section 79:

“**79.** A senior administrator who does not satisfy the definition of disability after the first 104 weeks from the beginning of the disability must accept a position offered to him by an employer in his administrative region or by an employer in another administrative region located less than 50 kilometres by road from his home base and his residence, except during the period where he has submitted his disagreement with the insurer to a medical arbitration court, or if the position involves a weekly work load that is lower than that of the position he held at the beginning of the disability.

A senior administrator assigned to another position in accordance with the first paragraph shall receive the salary for that position and shall be governed, subject to section 44, by the provisions that apply to that position.

The premiums and contributions to the insurance and retirement plans shall be established on the basis of the new salary.

If the senior administrator refuses the position offered, his employer may terminate his engagement 15 days after sending him a notice of intention. A copy of the notice shall be forwarded to the sectoral committee provided for in section 74. During the 15-day period, the employer must allow the sectoral committee to intervene as necessary in accordance with section 75.”

43. The following is substituted for section 85:

“85. The sick-leave days accumulated by a union member or by a unionizable non-member appointed as a senior administrator after 31 December 1973 are governed by the provisions that apply to the group to which the senior administrator originally belonged or could have belonged before his appointment as a senior administrator.”

44. The following is added to Division 8 of Chapter 4 after section 85:

§1.1 Transfer of the sick-leave fund

“85.1 On the date on which the employment relationship is terminated, a senior administrator may choose either to transfer his sick-leave fund to an employer in the parapublic sector or to be reimbursed in accordance with the terms and conditions set out in paragraph 4 of section 86.

Where the senior administrator’s sick-leave fund is transferred to an employer in the parapublic sector, a document stating the number of days of sick leave transferred and the terms and conditions for their use shall be prepared by the senior administrator’s employer and forwarded to the new employer in the parapublic sector.

85.2 An employer must allow a senior administrator formerly employed by an employer in the parapublic sector to transfer his sick-leave fund, as of the date of termination of the employment relationship, where the senior administrator has so chosen. In such a case, the terms and conditions for reimbursement for that sick-leave fund shall be maintained.”

45. The following is substituted for paragraph 2 of section 86:

“(2) for the purposes of making up the difference between the salary insurance benefit and the net salary of the senior administrator:

In such case, the disabled senior administrator may use his sick-leave fund to make up the difference between the short-term salary insurance benefit provided for in section 54 and the net salary he would receive if he were not on disability leave; the net salary corresponds to the gross salary that he would receive if he were at work, less federal and provincial income taxes, and contributions to the Québec Pension Plan, the employment insurance plan and the retirement plan;

Days or parts of days used in accordance with the second paragraph shall be subtracted from the sick-leave fund;”.

46. The following is substituted for section 87.17:

“87.17 The weekly salary of a part-time senior administrator is the average weekly salary of the last 20 weeks preceding the maternity leave during which no leave without pay was authorized. If, during that period, the senior administrator received benefits representing a percentage of her salary, it is the salary used to calculate the benefits that shall determine the compensation for maternity leave. These provisions constitute one of the provisions referred to in section 87.1.”

47. The following is substituted for section 87.28:

“87.28 A full-time senior administrator who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 87.30 is entitled to compensation equal to 93% of her weekly salary for twelve weeks if she is not eligible for employment insurance benefits because she has not held insurable employment for at least 700 hours during the period of reference prescribed by the employment insurance plan.”

48. The following is substituted for section 87.29:

“87.29 A part-time senior administrator who has accumulated 20 weeks of service with her employer or with one of the employers referred to in section 87.30 is entitled to compensation equal to 95% of her weekly salary for twelve weeks. If she is exempt from pension plan and employment insurance contributions, the compensation rate is 93%.”

49. The following is substituted for section 87.45:

“87.45 Upon the birth of his child, a senior administrator is entitled to a paid paternity leave not exceeding five working days. The leave may be discontinuous. It shall be taken between the date of delivery and the fifteenth day following the date of the mother’s or the child’s return home. One of those five days may be

taken for the child's baptism or registration. A senior administrator is also entitled to paternity leave if the child is still-born and if the delivery takes place after the beginning of the twentieth week prior to the expected date of birth."

50. The following is substituted for section 87.61 :

"**87.61** Leave without pay or partial leave without pay of a maximum duration of one year shall be granted to a senior administrator whose minor child, or the minor child of whose spouse, is sick or handicapped or has social or emotional problems and requires the senior administrator's presence. During the leave, the senior administrator may continue to participate in the group insurance plans in accordance with the provisions of Chapter 4.

A senior administrator may be absent without pay for five days a year, to fulfill obligations relating to the care, health or education of his minor child or the minor child of his spouse in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to assume these obligations otherwise and to limit the duration of the leave. The leave may be divided into days. A day may also be divided if the employer consents thereto. The senior administrator must advise his employer of his absence as soon as possible."

51. The following is inserted after section 87.108 :

"CHAPTER 4.4
PROFESSIONAL DEVELOPMENT

87.109 The employer shall encourage senior administrators to maintain and develop their professional skills.

87.110 A senior administrator shall draw up an annual professional development plan and submit it to the employer for approval.

87.111 The development plan shall provide for activities intended to help the senior administrator meet the objectives of the organization and the objectives of his career plan. The plan may, in particular, provide for an on-going development program, participation in a reference group, leave with or without pay, a loan to another employer or a training period in another work environment. Where applicable, the senior administrator and the employer shall agree on the conditions on which leave is granted and governing the senior administrator's return to work.

87.112 The employer shall provide for financial resources, annually, to allow the senior administrator to

pursue the activities provided for in his professional development plan."

52. The following is substituted for Division 1 of Chapter 5 :

"DIVISION I
GENERAL PROVISIONS

§1. Scope

88. Employment stability measures shall apply to a senior administrator whose position is eliminated.

§2. Appeals

88.1 There shall be no appeal from a decision by an employer to eliminate a position following an administrative reorganization.

88.2 There shall be no appeal from the layoff of a senior administrator following a termination of the employment relationship resulting from a decision made by the employer pursuant to this Chapter."

53. The following is substituted for the fifth paragraph of section 93 :

"Reinstatement of a senior administrator who is disabled, on parental leave, leave without pay or deferred salary leave shall come into force on the date of which the disability period or leave ends."

54. Section 94 is amended

(1) by substituting the following for the first paragraph :

"**94.** If a senior administrator cannot be reinstated during that period, the employer shall notify him in writing of the elimination of his position. The notice shall be sent to the senior administrator at least 30 days before the date on which the position is to be eliminated. A copy of the notice stating the position is to be eliminated shall be sent to the regional board and to the Association des directeurs généraux des services de santé et des services sociaux."

(2) by substituting the following for the fourth and fifth paragraphs :

"A senior administrator who has failed to communicate his choice to his employer by the date of elimination of his position is deemed to have chosen reinstatement in the same sector.

The employer shall forward the choice made by the senior administrator under the second or fourth paragraph to the regional board concerned.

The choice of a senior administrator who is disabled, on parental leave, on leave without pay or leave with pay or on deferred salary leave shall be made and come into force on the date on which the disability period or leave ends. A senior administrator whose position is eliminated during a disability period shall continue to receive his salary insurance benefits as long as he is disabled.”

55. The following is substituted for section 95:

“**95.** A senior administrator who opts for the maintenance of his employment contract shall have the status of senior managerial advisor for the remainder of the contract, from the date of elimination of his position. His salary and, subject to section 46.1, all his terms of employment as senior administrator shall be maintained. He shall enjoy the same benefits as a senior administrator who has opted for reinstatement in the same sector.

The senior administrator may change his choice and opt for departure from the sector as provided for in Division 5. In such a case, the end-of-engagement indemnity and the pre-retirement leave provided for in Division 5 shall not be reduced if the new choice is made while the senior administrator is still entitled to receive at least 24 months’ salary. If the new choice is made when the senior administrator is entitled to receive less than 24 months’ salary, the amounts of the indemnity or leave shall be reduced in proportion to the salary paid under the maintenance of employment option from the date on which the senior administrator is entitled to receive only 24 months’ salary.

A senior administrator who opts for the maintenance of his employment contract shall be laid off at the end of the period of maintenance of the employment contract except if he is disabled on that date, in which case the layoff shall be postponed to the end of his period of disability.”

56. Section 98 is amended

(1) by substituting the following for the second paragraph:

“Subject to section 46.1, the employer shall maintain all the terms of employment of the senior administrator during the reinstatement period, provided that the senior administrator does not refuse, without valid reason, to provide the services required by the employer in duties that take into account the senior administrator’s training and experience and his reinstatement plan, if any.”;

(2) by substituting the following for the fifth paragraph:

“During the reinstatement period, the senior administrator shall retain all the benefits of the group insurance plans prescribed in Chapter 4. Any disability period of more than 3 weeks shall be excluded from the reinstatement period.”;

(3) by substituting the following for the eighth paragraph:

“Any period where the services of the senior administrator are loaned to another employer in the public or parapublic sector at the expense of this other employer shall be excluded from the reinstatement period for a period not exceeding 36 months, for the equivalent in time of the portion of the service loan that is at the expense of this other employer.

Notwithstanding section 4, for the purposes of the eighth paragraph the term “employer” includes the employers referred to in section 87.30 and the third paragraph of section 118.”

57. Section 100 is amended

(1) by deleting paragraph 1;

(2) by substituting the following for paragraphs 2 and 3:

“(2) elaborate within 6 months from the date on which his position is eliminated his reinstatement plan with the help, if needed, of the Centre de référence and submit it for approval to his employer who shall convey his decision to the senior administrator within 30 days following receipt of the reinstatement plan; the senior administrator may modify his reinstatement plan in agreement with the employer. If the employer fails to convey its decision before 30 days, the plan shall be automatically accepted unless the employer has notified the senior administrator that it is unable to make its decision and must extend the time for conveying its decision up to a maximum of 60 days. The notification shall be given in writing and set out the reasons for the extension”;

(3) commit to search for a position.

58. The following is substituted for section 104:

“**104.** A senior administrator who has chosen reinstatement within the sector may change his initial choice and opt for departure from the sector as prescribed in Division 5 of this Chapter. In such case, the end-of-engagement indemnity and the amount granted for pre-

retirement leave prescribed in Division 5 shall not be reduced if the change of choice is made before the senior administrator has received 12 months' salary from his original employer since the date of the placement on reserve. If change of choice occurs after that time, the end-of-engagement indemnity and the amount granted for pre-retirement leave shall be reduced in proportion to the salary received in addition to the 12 months' salary.

The change of choice shall be notified to the regional board concerned by the employer of the senior administrator.”.

59. Section 105 is amended

(1) by deleting paragraph 1;

(2) by adding the following paragraph at the end:

“The employer who has put an end to the employment stability measures of a senior administrator in accordance with the first paragraph shall inform the regional board concerned.”.

60. The following is substituted for section 106:

“§1.1 *Remuneration of reinstated senior administrators*

106. A senior administrator reinstated pursuant to sections 93, 97, 110 and 112 is governed by the terms of employment provided for his new position subject to section 44. His salary shall be determined according to the salary-related provisions applicable to the position in which he is reinstated.

106.1 A senior administrator whose salary is reduced following reinstatement in a position in a lower salary class or with a lower salary scale, with no reduction in his weekly work load, shall receive the whole difference between the salary he received on the date of reinstatement and the salary paid to him in his new position, as a lump sum, until the end of the three year period following the date of elimination of his position. If the senior administrator's period of reinstatement is interrupted because of a disability, service loan, parental leave, leave without pay referred to in sections 98, 102 and 103 or trial period referred to in sections 111 and 114, the end of the three-year period following the date of elimination of his position shall be postponed accordingly, up to a maximum of six years after the date of elimination of the position. However, for a senior administrator on disability leave, the end of the period shall be set postponed for a time equal to the period of disability leave.

During the period referred to in the first paragraph, the sum of the salary and the lump sum may not be less than the salary that the senior administrator would have received had he remained in his reinstated position. For the first year following that period, the lump sum paid to the reinstated senior administrator shall equal two-thirds of the difference between the salary he would have received at the end of the three-year period had he not been reinstated, and the salary for the position in which he was reinstated. The same applies for the second year following the three-year period, except that the lump sum shall equal one-third of the difference.

106.2 A senior administrator who is reinstated in a position involving a lower weekly work load in a lower salary class or having a lower salary scale, shall receive the difference between the new salary and the salary he received on the date of reinstatement, reduced proportionally to the number of hours worked in the new position. The difference shall be paid in accordance with the terms and conditions set out in section 106.1.

106.3 If the reinstatement of the senior administrator results in a decrease in his salary solely because of a reduction in his weekly work load, the salary paid to him for the new position shall correspond to the number of hours worked in the new position.”.

61. The following is substituted for section 107:

“§1.2 *Miscellaneous provisions*

107. A senior administrator who is reinstated in a position of union member or unionizable non-member

(1) may continue to be entitled to the group insurance plans in accordance with section 44;

(2) shall maintain his sick-leave fund and may use it according to the provisions prescribed in Division 8 of Chapter 4;

(3) deleted;

(4) shall continue to be entitled, for a period of 24 months, to the services of the Centre de référence.”.

62. The following is added at the end of section 110:

“The employer shall inform the regional board concerned of the reinstatement of the senior administrator and the terms of the reinstatement.”.

63. The following is added at the end of section 112:

“The employer shall inform the regional board concerned of the reinstatement of the senior administrator and the terms of the reinstatement.”.

64. The following is substituted for section 113:

“**113.** A senior administrator who is reinstated with another employer shall undergo a trial period of not more than 12 months. During the trial period, he shall retain his employment relationship with his original employer.

A senior administrator who is reinstated in a position of union member or unionizable non-member shall retain his employment relationship with his original employer until he obtains job security in his new position or, where applicable, in another position of union member or unionizable non-member.”.

65. The following is substituted for the last sentence of section 114:

“There shall be no appeal under this Regulation against the decision made by the new employer.”.

66. The following is substituted for section 115:

“**115.** The original employer shall dispose of the senior administrator’s sick-leave fund in accordance with sections 86.1 and 86.2 after the trial period has been completed with the new employer.”.

67. The following is substituted for section 116:

“**116.** A senior administrator who is reinstated with another employer located more than 150 kilometres from his home base and his residence, during his reinstatement period, shall receive from his original employer a mobility bonus equivalent to 3 months of the salary he was receiving at the date of reinstatement. The senior administrator shall ask for payment of this bonus at the end of his trial period.”.

68. The following is substituted for the first paragraph of section 118:

“**118.** A senior administrator who has chosen an end-of-engagement indemnity shall receive an indemnity equivalent to 4 months of salary per year of continuous service, including service as union member or unionizable non-member, with 1 or several employers in the public or parapublic sector. However, the minimum amount of that indemnity shall be 6 months salary and the maximum shall be 24 months salary. The indemnity shall be calculated based on the salary that the senior administrator was receiving at the date on which his position was

eliminated or the date on which he changed his choice. A part-time senior administrator shall benefit from the indemnity in proportion to the hours works during the 12 months prior to the date of elimination of his position. However, the indemnity cannot be less than the salary paid for the regular work load prescribed prescribed for his position.”.

69. The following is substituted for section 122:

“**122.** The end-of-engagement indemnity shall be paid in the following ways and in the following order:

(1) a retirement allowance corresponding to the maximum amount that may be transferred into a pension retirement instrument under the applicable tax legislation, and taking into account any sick days that qualify under this heading. The allowance is payable no later than 30 days after the senior administrator’s departure;

(2) a mandatory contribution by the employer to the senior administrator’s pension plan to compensate for the actuarial reduction applicable to him when he becomes eligible for his retirement pension with such a reduction. If the employer’s contribution does not compensate fully for the actuarial reduction, the senior administrator may use the amount of the retirement allowance described in paragraph 1 as full or partial compensation. Such compensation is valid for as long as the pension plan provides therefor;

(3) an additional retirement allowance, for the amount by which the end-of-engagement indemnity exceeds both the transferable retirement allowance and the employer’s contribution, payable to the senior administrator in two equal payments: the first in the 30 days following the senior administrator’s departure and the second on 15 January of the following year. However, the employer may agree with the senior administrator to pay the whole of the additional pension allowance no later than 30 days following his departure.”.

70. The following is substituted for section 126:

“**126.** The total amount to be paid, that is the sum of the salary paid during his pre-retirement leave and the amount paid in end-of-engagement indemnity, at the time of the retirement, to the senior administrator who has chosen departure from the sector, shall be equivalent to 24 months of the salary he was receiving on the date on which his position was eliminated, adjusted if applicable. A part-time senior administrator shall benefit from the indemnity in proportion to the hours works during the 12 months prior to the date on which his position is eliminated. However, the amount paid may not be less than the salary paid for the regular work load pre-

scribed for his position. If a senior administrator chooses pre-retirement leave and retirement after spending time in reinstatement, the total amount paid shall be reduced in accordance with section 104.”.

71. The following is substituted for section 130.1 :

“**130.1** A senior administrator to whom this subdivision applies shall not participate in the short-term salary insurance plan as prescribed in paragraph 3 of section 60, or in the mandatory basic long-term salary insurance plan or the additional mandatory long-term salary insurance plan. In the 12 months preceding the pre-retirement leave, a disabled senior administrator shall receive the salary to which he would have been entitled had he been at work.”.

72. The following is substituted for section 139 :

“**139.** The severance pay provided for in section 134 or the severance pay provided for in section 135 shall be the subject of a resolution of the board of directors of the employer.”.

73. The following is substituted for section 141 :

“**141.** A senior administrator who receives severance pay under section 134 or 135 may choose to replace it with paid leave. The duration of the leave shall be the number of months obtained by applying the first paragraph of section 136. The paid leave shall cease if the senior administrator obtains another position in the public or parapublic sector. In such a case, sections 134 or 135 and 138 shall apply.

During the paid leave, the senior administrator shall maintain his status as a senior managerial advisor. Vacation time accumulated during the paid leave is deemed to have been taken. The senior administrator shall not benefit from the salary insurance plans. If the senior administrator becomes disabled during this period, he shall continue to receive the salary corresponding to the severance pay to which he would have been entitled until it is exhausted.

A senior administrator is deemed to have resigned on the date on which his leave expires.”.

74. The following is substituted for section 142 :

“**142.** Where there is a misunderstanding between a senior administrator and his employer concerning the interpretation and application of the provisions of this Regulation, except for the provisions of Division 1 of Chapter 6, the senior administrator shall address a written notice of misunderstanding to his employer within

30 days of his becoming aware of the situation and within a period not exceeding 6 months of the occurrence of the fact which gives rise to the misunderstanding.”.

75. The following is substituted for section 143 :

“**143.** The employer and the senior administrator shall meet together within 30 days following receipt of the notice of misunderstanding to discuss the misunderstanding and, where possible, come to an agreement. The senior administrator may be accompanied to this meeting by an association representative.

If the misunderstanding persists at the end of these 30 days, the senior administrator shall, within the following 20 days, notify the employer in writing that he intends to submit the misunderstanding to an arbitrator.”.

76. Section 144 is amended :

(1) by substituting the following for the first, second and third paragraphs :

“Such arbitration request shall include the full particulars respecting the senior administrator’s position, the name of his representative, unless he elects to represent himself, the nature of the misunderstanding and supporting documents. A copy of the arbitration request must be forwarded to the Minister.

The employer shall provide the senior administrator with copies of the documents required by the senior administrator to submit his arbitration request and to ensure his defence, subject to the obligations and powers of public bodies set out in the Act respecting access to public documents and the protection of personal information (R.S.Q., c. A-2.1). An arbitration request shall not be invalidated solely because it fails to include all of the particulars requested.

Within 10 days of receiving the arbitration request, the employer shall provide the name of the employer’s representative in writing to the representative of the senior administrator.”;

(2) by substituting the following for the last paragraph :

“Within 30 days of receiving the application, the Minister shall designate the arbitrator who shall hear the misunderstanding and so shall notify the parties in writing.”.

77. The following is substituted for the fourth and fifth paragraphs of section 145 :

“The arbitrator shall ascertain that the arbitration request was filed within the prescribed period, verify whether the procedure followed by the employer in making the decision is consistent with the Act and with this Regulation, and assess the admissibility and the nature of the misunderstanding.

The arbitrator shall receive the observations of the parties and take the misunderstanding under advisement. The parties shall exchange copies of their respective written observations, if any.”.

78. Section 146 is amended

(1) by substituting the following for the first paragraph:

“**146.** The arbitrator shall analyze the misunderstanding, verify the validity of the employer’s decision, and assess its consistency with the Act and this Regulation.”;

(2) by substituting the following for the fourth paragraph:

“Where the senior administrator ceases to claim that there is a misunderstanding, in particular when an agreement occurs prior to the arbitrator’s decision, the senior administrator shall so notify the employer and the arbitrator in writing.”.

79. The following is substituted for section 148:

“**148.** Where a senior administrator contests his employer’s decision to dismiss him, not to renew his appointment or to terminate his employment, either because he considers that such decision is in violation of Division 1 of Chapter 6 or because he disagrees with its validity, he shall notify the employer, within 45 days of the date of dismissal, non-renewal or appointment or termination of employment, of his decision to submit the issue to an arbitrator. An arbitrator shall be designated in accordance with the procedure defined under section 144.

The arbitrator so designated shall proceed in accordance with section 145.”.

80. The following is substituted for section 153:

“**153.** Where an agreement occurs before the arbitrator delivers his decision, the agreement shall be the subject of a resolution of the board of directors of the employer.

Copies of that resolution and of the agreement shall be sent to the arbitrator within 15 days following the adoption of the resolution.

Such agreement shall include a clause withdrawing the complaint and the senior administrator’s waiver of any other claim. Any benefits granted under such agreement shall in no case exceed those prescribed in section 151.”.

81. The following is substituted for the heading of Division 3 of Chapter 7:

“**DIVISION 3**
LIST OF ARBITRATORS, EXPERT PHYSICIANS
AND ARBITRATION FEES”.

82. The following is substituted for section 154:

“**154.** A list of arbitrators and expert physicians shall be drawn up by the Minister, the employers’ associations and the association. The list may be updated on April 1st of each year at the request of one of the signatories. Any amendment made to the list of arbitrators shall be approved by all of the signatories.”.

83. The following is substituted for paragraph 1 of section 156:

“(1) The Regulation respecting certain terms of employment applicable to executive directors of regional boards and of public health and social services institutions made by Order in Council 1179-92 dated 12 August 1992 and amended by Orders in Council 1403-92 dated 23 September 1992, 782-93 dated 2 June 1993, 430-94 dated 23 March 1994, 1841-94 dated 21 December 1994 and 1007-95 dated 19 July 1995;”.

84. The following is inserted after section 158.2:

“**158.3** On the conditions set out below, the employer shall pay certain senior administrators a lump sum corresponding to 0.83% of the salary or benefits received during the period extending from 1 October 1995 to 31 December 1999.

The lump sum, calculated proportionally to the period of participation in the insurance plans applicable pursuant to Chapter 4 shall be paid to the following persons:

(1) senior administrators employed on 31 December 1999 who continue to participate in the Civil Service Superannuation Plan (RRF) or the Teachers Pension Plan (RRE) after that date without availing themselves of the right to transfer to the Government and Public Employees Retirement Plan with regard to non-unionizable employees, pursuant to the provisions of that plan;

(2) senior administrators reinstated or reassigned to a non-officer position who, during the reference period, did not participate in the Government and Public Employees Retirement Plan with regard to non-unionizable employees but who maintained their participation in the insurance plans applicable pursuant to Chapter 4;

(3) senior administrators contemplated in subparagraph 2 who resign, retire or die during the reference period;

(4) senior administrators who, on 1 January 2000, participate, where applicable, in the Pension Plan of Peace Officers in Correctional Services (RRAPSC) or the Régime de retraite des employés en fonction au Centre hospitalier Côte-des-Neiges, and officers who, during the reference period, participated in one of those pension plans but have resigned, retired or died.

Notwithstanding the first paragraph, the salary taken into consideration for senior administrators who participated in a deferred salary leave plan during the reference period is the salary they would have received had they not participated in the plan.”.

85. The following is inserted after section 159:

“**159.1** The expression “régimes d’assurance collective” is substituted for the expression “régimes collectifs d’assurance” wherever the latter expression occurs in the French version of this Regulation.”.

86. The following is substituted for the title of the English version of the Regulation respecting certain terms of employment applicable to senior administrators of regional boards and health and social services institutions, approved by T.B. 194783 dated 8 May 2000: “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”.

87. The expression “work load” is substituted for the expression “work benefit” wherever the latter expression occurs in the English version of the Regulation referred to in section 85 and in all amendments thereto.

88. This Regulation shall come into force on the date of its publication in the *Gazette officielle du Québec*.