

Treasury Board

Gouvernement du Québec

T.B. 197198, 30 October 2001

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Pension credits obtained pursuant to sections 101 and 158

CONCERNING the Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 13.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 28 of chapter 32 of the Statutes of 2000, the Government may determine, by regulation, for the purposes of sections 107.1 and 158.0.1, the increase in pension credits, fix the limits and the rules applicable to the increase, prescribe, for the purposes of those sections, special provisions that may vary from those provided for in sections 91, 92 and 107, in order to take into account, for those purposes, the nature of the pension credits and the retirement plan under which they have been credited;

WHEREAS, under section 134, the Government makes the regulation after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS it is expedient to make the Regulation;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8; 2001, c. 31, s. 394) the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a retirement plan applicable to personnel of the public and parapublic sectors, except some powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 107.1 and 158.0.1; 2000, c. 32, s. 22 and 29)

DIVISION I APPLICATION

1. This Regulation applies to the persons who have obtained, before 1 January 1997, under section 101 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), a pension credit attributable to a supplemental retirement plan referred to in Schedule I or II.

It also applies to the persons to whom a pension credit has been granted, before 1 January 1997, after a transfer agreement entered into under section 158 of the Act and referred to in Schedule I.

DIVISION II PENSION CREDITS ATTRIBUTABLE TO A SUPPLEMENTAL PENSION PLAN OR A TRANSFER AGREEMENT REFERRED TO IN SCHEDULE I

2. This Division applies to the persons who have obtained a pension credit attributable to a supplemental pension plan referred to in Schedule I and to those to whom a pension credit has been granted following a transfer agreement referred to in Schedule I.

3. The employee who, on 31 December 1999 or after that date, participated in this plan, has the right to be paid his pension credit when, at the moment he ceases to participate, he:

- (1) has reached the age of 60;
- (2) has carried out at least 35 years of service; and
- (3) is eligible to a pension under this plan, under the restrictions of the third paragraph.

Notwithstanding the foregoing, the employee may request that his pension credit be granted at a date subsequent to the one on which retires, but without exceeding the date on which his pension credit would have been granted without the reduction provided for in paragraph 3.

The pension credit paid to the employee under paragraph 3 of the first paragraph is reduced during its term, of 1/3 of 1% per month comprised between the date on which it is payable and the closest date on which his pension credit would have been paid under subparagraph 1 or 2 of this paragraph.

4. The pension credit is increased, under restrictions of sections 6 to 8, of an amount not exceeding 45% of the annual payable amount.

The pension credit resulting from the application of sections 6 to 8 is divided in two parts, one of which is a temporary annuity, payable up to the last day of the month that the person reaches 65 and the other, a life annuity.

5. The increase provided for in section 4 shall be applied to the amount of the pension credit payable on the date that the person, who did not participate in the plan on 31 December 1999, retires and:

(1) of which the pension credit had begun to be paid; and

(2) of which the payment of the pension credit had been postponed under section 91 of the Act.

6. With regards to the employee referred to in section 3, the increase provided for in section 4 may not have the effect of increasing the pension credit, on the date he retires, to a greater amount:

(1) for the life annuity part of the pension credit, the amount “MO” resulting from the following formula:

$MO = \text{maximum} [F1 \times N \times 2\% \times TM - (0,7\% \times N \times \text{minimum} (MGA; TM)); CR]; \text{ and}$

(1) for the temporary annuity part of the pension credit, the amount resulting from the formula “M – MO” where:

$M = \text{maximum} [F1 \times N \times 2\% \times TM; CR];$

Where applicable, the amount of the increase is reduced in order for the life and temporary annuity parts of the pension credit to be equal to the amounts established in subparagraph 1 or 2 of the first paragraph.

7. With regards to the employee referred to in section 5, the increase provided for in section 5 may not have the effect of increasing the pension credit, on the date he retires, to a greater amount:

(1) for the life annuity part of the pension credit, the amount “MO” resulting from the following formula

$MO = \text{maximum} [F \times N \times 2\% \times TM - (0,7\% \times N \times \text{minimum} (MGA; TM)) - A1.1; CR]; \text{ and}$

(1) for the temporary annuity part of the pension credit, the amount resulting from the formula “M – MO” where:

$M = \text{maximum} [F \times N \times 2\% \times TM - A1.1 - B230; CR].$

Where applicable, the amount of the increase is reduced in order for the life and temporary annuity parts of the pension credit to be equal to the amounts established in subparagraph 1 or 2 of the first paragraph.

8. The increase provided for in section 4 may not have the effect of increasing the pension credit to an amount greater than the one resulting from the application of subparagraph 1 of the first paragraph of section 6, with regards to the person who, on 31 December 1999:

(1) participated in the plan and ceases to participate before being eligible to a pension under this plan; and

(2) did not participate in the plan and whose pension credit has not started to be paid without it having been postponed in application of section 91 of the Act.

9. For the application of sections 6 to 8:

A1.1 represents, where the person has benefited from the application of section 85.27 or 215.11.8 of the Act, the amount provided for in section 85.27, attributable to the pension credit referred to in this Division, multiplied by 77%;

B230 represents, where the person has benefited from the application of section 85.27 or 215.11.8 of the Act, the amount provided for in section 85.28 of the Act, attributable to the pension credit referred to in this Division, multiplied by 93%;

CR represents the amount of the pension credit payable under section 3 or, in the case of a person who was not an employee on 31 December 1999, payable on the date of retirement and takes into account, where applicable, the applicable actuarial reduction or the increase provided for in section 93 of the Act;

F represents the percentage of actuarial reduction applicable to the retirement subtracted from 1;

F1 represents the percentage of actuarial reduction applicable to the pension credit payable under section 3 subtracted from 1;

N represents the number of years of service attributable to the pension credit referred to in this section;

MGA represents the average of the maximum admissible earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) applicable to the date of retirement; and

TM represents the average admissible salary established in accordance with section 36 of the Act.

10. The pension credit for which the payment begins after 31 December 1999 is, after the start of payments, annually indexed, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan to the ratio that the Pension Index bears.

Where the pension credit is indexed under section 107 of the Act, the index rate which is retained is, for the purpose of the first paragraph, the one that is higher.

11. The pension credit of the person who, on 31 December 1999, did not participate in this plan and which had started to be paid on that date is, in order to establish the annual payable amount at 1 January 2000, indexed from 1 January 1990 or from the date on which the pension credit started being paid if that date is subsequent, of the Pension Index ratio or, where applicable, of the rate retained for the purposes of section 107 of the act if it is higher.

Where the person referred to in the first paragraph retired after 31 December 1989 but before the date on which the pension credit started being paid, it is also indexed, according to the rate referred to in the first paragraph, from the date where the person retired up to the one when the pension credit started to be paid.

From 1 January 2000, the pension credit is indexed according to section 10.

12. Where, for the purposes of the second paragraph of section 3, the employee has requested that the pension credit be paid to him on a date subsequent to the one when his pension is granted, the pension credit is indexed between the two dates, in accordance with section 10.

13. Where the second paragraph of section 92 of the act applies to an employee referred to in section 3, the increase rate is of 1/3 of 1% per month calculated for each month comprised in the period during which the pension credit is not paid to the employee before he reaches 60 or 35 years of service. Subsequently and until he reaches the age of 65, the pension credit is not increased.

14. From the date on which the payment of the pension credit of the employee referred to in section 3 is terminated for cause of death or from the death of the employee eligible to the payment of a pension credit for the purposes of that section, the spouse is entitled to half of the life annuity of the pension credit paid or, if applicable, that the employee would have been entitled to.

The first paragraph also applies, by making the necessary changes, to the spouse of the deceased pensioner.

15. The spouse of the person who, on 31 December 1999, did not participate in this plan and dies when a pension credit referred to in this Division is being paid to him under section 91 of the Act, or when that said person is eligible to the payment of the pension credit under that section, is entitled to half of the life annuity of the pension credit or, if applicable, that the person would have been entitled to.

DIVISION III

PENSION CREDITS ATTRIBUTABLE TO A SUPPLEMENTAL PENSION PLAN REFERRED TO IN SCHEDULE II

16. This section applies to the persons who have obtained a pension credit attributable to a supplemental pension plan referred to in Schedule II.

17. The pension credit is increased by an amount of 3% of the annual payable amount.

18. After the start of payments, the pension credit is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, according to the most profitable of the following formulas:

(1) the surplus of the increase rate of the Pension Index over 3%; and

(2) half of the increase rate of the Pension Index.

19. From the date on which the payment of the pension credit is terminated for cause of death or from the death of the employee eligible to the payment of a pension credit under section 91, the spouse is entitled to half of the pension credit paid or, if applicable, that the person would have been entitled to.

DIVISION IV MISCELLANEOUS

20. The pension credit granted to the spouse is indexed in the manner provided for in sections 10 to 18, as applicable. It is a life annuity and is payable up to the first day following the death of the spouse.

21. Where a person has obtained a pension credit referred to in Division II as well as a pension credit referred to in Division III, each of the divisions apply with regards to the pension credit which is respectively referred to.

22. Where a pension credit referred to in Division II of this Regulation is also referred to in Division VII.1 of the Regulation under the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), the abbreviation CRRR provided for in section 12.5 of the Regulation represents:

(1) for the purposes of section 12.3 of the Regulation, the total of the life and temporary annuity parts of the pension credit are established in accordance with sections 6 or 7 of this Regulation, as applicable; and

(2) for the purposes of section 12.4 of the Regulation, the life annuity part of the pension credit is established in accordance with sections 6 or 7 of this Regulation, as applicable.

23. This Regulation comes into force on the date it is made, but has had effect since 1 January 2000.

SCHEDULE I

SUPPLEMENTAL PENSION PLANS AND TRANSFER AGREEMENTS REFERRED TO IN DIVISION II

1. SUPPLEMENTAL PENSION PLANS

- Concordia University, Loyola Campus Pension Plan (n° 21638)
- Jewish General Hospital Pension Plan (n° 21579)
- Mackey Center's Pension Plan (n° 24320)

- Montreal Convalescent Hospital Employees Pension Plan (n° 21296)

- Pension Plan for the non-teaching employees of the Protestant School Board of Greater Montréal (n° 21909)

- Pension Plan Service de réadaptation sociale Inc. (n° 23708)

- Pension Plan of Centre hospitalier Notre-Dame du Chemin Inc. (n° 24179)

- Pension Plan of Commission scolaire d'Alma (n° 24434)

- Pension Plan of Commissaire scolaire Delisle (n° 25091)

- Pension Plan of Le Centre de consultation sociale (Rimouski) Inc. (n° 22348)

- Pension Plan of Séminaire Marie-Reine-du-Clergé (n° 25344)

- Pension Plan of the Commission des écoles catholiques de Montréal (n° 22406)

- Pension Plan of the Commission scolaire Baie des Ha ! Ha ! (ex. : de Port Alfred) (n° 23963)

- Pension Plan of the Commission scolaire Baie des Ha ! Ha ! (ex. : de Port Alfred, de Bagotville) (n° 23966)

- Pension Plan of the Commission scolaire catholique de Sherbrooke (n° 21738)

- Pension Plan of the Commission scolaire de la Ville de Charlesbourg (n° 24327)

- Pension Plan of the Commission scolaire Outaouais-Hull (n° 22490)

- Pension Plan of the Commission scolaire régionale des Vieilles-Forges (n° 23857)

- Pension Plan of the Commission scolaire régionale Dollard-des-Ormeaux (n° 24473)

- Pension Plan of the Commission scolaire Sainte-Croix (ex. : Commission des écoles catholiques de St-Laurent) (n° 21169)

- Pension Plan of the Commission scolaire Sault Saint-Louis (n° 23413)

- Pension Plan of the Corporation du Centre d'accueil de Cap-Chat (n° 24804)

- Pension Plan of the Régie de la Place des Arts (n° 22510)
- Pension Plan of the employees of the Externat classique Saint-Jean-Eudes (n° 24767)
- Pension Plan of the employees of the Commission scolaire de Grand-Mère (n° 23849)
- Pension Plan of the employees of the Commission scolaire régionale Saint-François (n° 24668)
- Pension Plan of the employees of the Société de service social aux familles (n° 21541)
- Pension Plan of the graduate nurses members of a union affiliated to the Fédération des syndicats professionnels d'infirmières du Québec (n° 24211)
- Pension Plan of the graduate nurses members of a union affiliated to the Fédération nationale des services Inc. (n° 23587)
- Pension Plan of Cégep Lionel Groulx (n° 25107)
- Pension Plan of Collège des Eudistes (n° 23466)
- Pension Plan of Collège des Jésuites (n° 23476)
- Pension Plan of Collège Laval (n° 24914)
- Pension Plan of Collège Notre-Dame-de-Bellevue (n° 23477)
- Pension Plan of Collège Sainte-Anne de Lachine (n° 24703)
- Pension Plan of Conseil des oeuvres et du bien-être de Québec et de ses oeuvres affiliées (COBEQ) (n° 22385)
- Pension Plan of non-teaching personnel of Collège d'enseignement général et professionnel de Limoilou (n° 24260)
- Pension Plan of Séminaire Sainte-Marie (n° 23489)
- Pension Plan of Service social de l'enfance et de la famille (n° 21520)
- Pension Plan for the personnel of the Collège Stanislas (n° 25283)
- Pension Plan for the non-unionized personnel of l'Hôpital Rivière-des-Prairies (n° 24740)
- Pension Plan for the regular employees of the Commission scolaire régionale de l'Estrie (n° 24595)
- Supplemental pension plan for the former employees of Montréal-Nord (n° 50002)
- Supplemental pension plan for the former employees of Ville Mont-Royal (n° 50001)
- Supplemental pension plan of "Traverse Matane Godbout Ltée" (n° 24631)
- Supplemental pension plan of the Commission du Haut Saint-Maurice (n° 22722)
- Supplemental pension plan of the Commission scolaire Jérôme-Le-Royer (ex.: Pointe-aux-Trembles) (n° 23700)
- Supplemental pension plan of Le Centre Psycho-Social de Rimouski (n° 23228)
- Supplemental pension plan of Service social de Portneuf (n° 23300)
- Supplemental pension plan of the Commission scolaire régionale de Péninsule (n° 24066)
- Supplemental pension plan of employés de la Commission scolaire du Sault-Saint-Louis (n° 23702)
- Supplemental pension plan of Séminaire de Chicoutimi (n° 23649)
- Supplemental pension plan of non-teaching employees of the Commission scolaire régionale de la Baie-des-Chaleurs (n° 25053)
- Supplemental pension plan of non-teaching employees of the Commission scolaire régionale de Tilly et de la Commission scolaire de Sainte-Foy (n° 23322)
- Supplemental pension plan (CSN-A.H.P.Q. – ministère des Affaires sociales) (n° 24718)
- Supplemental pension plan of the employees of the Commission scolaire régionale de l'Outaouais (n° 23919)

2. TRANSFER AGREEMENTS

- Transfer agreement with Chambre de commerce du district de Montréal (n° 92101)
- Transfer agreement with Consolidated Bathurst Limited (n° 91301)

- Transfer agreement with the Government of Canada (n°90101)
- Transfer agreement with the Société de développement de la Baie James (n°91201)
- Transfer agreement with the Fiduciaires de l'Alcan (n°92201)

SCHEDULE II

SUPPLEMENTAL PENSION PLANS REFERRED TO IN DIVISION III

- Pension Plan of the Société d'adoption et de protection de l'enfance (C.S.S.M.M.) (n°21141)
- Supplemental pension plan for the management personnel and the unionizable but non-unionized employees of the hospital sector (n°24783)

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