

(4) employees designated to occupy a casual senior staff position within the meaning of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by Minister's Order 2-89 dated 7 December 1989;

(5) employees designated to occupy a casual senior executive position within the meaning of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by Minister's Order 1-89 dated 7 December 1989;

(6) the attorney general's prosecutors referred to in the Règlement sur les substituts occasionnels du procureur général made by Décret 1105-93 dated 11 August 1993; and

(7) employees who are not referred to in sections 1 to 6 and who occupy a temporary, interim or casual position at a non-unionizable level, in particular non-permanent employees, employees appointed or engaged to fill a cyclical or seasonal position, to lighten a heavy workload or to replace another employee.

## DIVISION II

### SETTING OF THE INTEREST RATE

2. The interest rate set each year is equal to the annual rate of return of the amounts referred to in section 177, except for the employer's contribution.

3. The annual rate of return is calculated according to the formula provided for in Schedule I.

The annual rate is set from the assets of the two preceding years and the income on investments of the last of those two years. The assets and the income on investments are those which correspond to the amounts referred to in section 2 and which appear in the plan's financial statements.

Notwithstanding the preceding, for the purpose of the second paragraph, shall be taken into account the portion of assets and income on investments pertaining to non-unionizable employees referred to in Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) such as the title read on 31 December 2000 and which appears in the financial statements of the Government and Public Employees Retirement Plan.

4. This Regulation comes into force on the day it is made but it has had effect since 1 January 2001.

## SCHEDULE I

(s. 3)

### RATE OF RETURN

Formula:

$$i = \frac{2I}{A + B - I}$$

i = annual rate of return

I = income on investments for the previous year

A = assets to 31 December of the previous year

B = assets to 31 December of the year preceding the year referred to in A

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Gouvernement du Québec

### **T.B. 197330, 27 November 2001**

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

### Regulation

#### — Amendments

CONCERNING the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 9.1 of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 28 of Chapter 32 of the Statutes of 2000, the Government may, by order, establish, for the purposes of section 73.4 of the Act respecting the Government and Public Employees Retirement Plan, the limits applicable to a pension amount added under sections 73.1 and 73.2 of the Act and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS, under subparagraph 22 of section 134, the Government may, by regulation, establish, based on the rate of return of certain categories of amounts contemplated in section 127 of the Act and designated by regulation, the rules and terms governing the computation of interest;

WHEREAS, under the first paragraph of 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 the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension 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 to amend the Regulation under 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 to amend the Regulation under 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. 134, 1st par., subpar 9.1 ;  
2000, c. 32, s. 28)

1. Section 12.4 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by substituting the following for subparagraph *i* of paragraph 1:

“(i)  $MO_i = [N_L \times [(F \times 2.0\% \times TM) - (0.7\% \times (TM \text{ or } MGA, \text{ whichever is lower}))]] - CR_{RR}$ ”.

2. Section 12.5 is amended by adding “or the increase provided for in section 93 of the Act” introduced after the abbreviation “ $CR_{RR}$ ” at the end of paragraph 1.

3. Section 46 is amended by adding the following paragraph at the end:

“Notwithstanding the foregoing, for the purposes of the second paragraph, the portion of assets and investment income relating to non-unionizable employees referred to in Title IV.0.1 of the Act as it read on 31 December 2000 shall not be taken into account.”.

4. This Regulation comes into force on the day it is made.

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\* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154) was last amended by the Regulation made by C.T. 195704 dated 19 December 2000 (2000, *G.O.* 2, 546). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.