

Treasury Board

Gouvernement du Québec

T.B. 198913, 15 October 2002

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under section 66.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), enacted by section 14 of chapter 30 of the Statutes of 2002, the Government may, by regulation, provide for the payment of supplementary benefits added to the amount of the pension and determine the rules, terms and conditions relating to the supplementary benefits as well as the applicable limits;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, 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 certain powers;

WHEREAS the Minister of Finance, the Economy and Research has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, s. 66.4; 2002, c. 30, ss. 14, 171)

1. Section 7.4 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by substituting the words “payment begins” for the words “the person retires”.

2. Section 7.5 is amended by substituting the following for the first sentence:

“**7.5.** The additional benefit shall be granted from the date on which a person retires. Where that date is prior to the date on which a person reaches the age of 55, the person may choose to postpone payment to the first day of the month that follows the day of the month in which that age is reached.”

3. The following Chapter is inserted after section 7.9:

“CHAPTER VII.2 SUPPLEMENTARY BENEFITS

DIVISION I SUPPLEMENTARY BENEFIT GRANTED TO AN EMPLOYEE WHO RETIRES BETWEEN 31 AUGUST 2003 AND 1 JANUARY 2004

7.10. A supplementary benefit shall be granted to an employee who meets the following conditions:

(1) the employee is under 65 years of age;

(2) the employee has accumulated at least 28 years of credited service;

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the Regulation made by Order in Council 1530-2001 dated 19 December 2001 (2002, *G.O.* 2, 245). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(3) the employee retires between 31 August 2003 and 1 January 2004;

(4) the employee is a member of the plan on the day preceding retirement; and

(5) the employee was not refunded the contributions paid into the plan between 31 December 1994 and 1 January 2001 or the contributions exempted from paying during that period.

7.11. The employee referred to in section 7.10 is entitled to an annual benefit equal to \$150 per year of service credited to the plan up to 25 years of service.

The benefit is payable until the date determined in section 7.6.

DIVISION II

SUPPLEMENTARY BENEFIT RELATED TO THE YEARS OF CREDITED SERVICE BETWEEN 31 DECEMBER 1994 AND 1 JANUARY 2001

7.12. A supplementary benefit, in respect of each year of service credited to the plan between 31 December 1994 and 1 January 2001, except the years that were transferred to the plan, shall be granted to an employee who retires after 31 December 2003 while under 65 years of age. The years of credited service shall be those referred to in the second paragraph of section 7.1.

An employee is entitled to an annual benefit equal to \$250 per year of service referred to in the first paragraph.

7.13. A supplementary benefit granted by this Division shall be payable to an employee in accordance with sections 7.5 to 7.7 subject to section 7.14.

A supplementary benefit shall be indexed annually by 2% from 1 January 2002 to the first January of the year during which payment begins.

7.14. A pensioner who retired between 1 January 1995 and 15 April 2001 is entitled, from the latter date, to the supplementary benefit provided for in this Division. A pensioner who receives a pension under subparagraph 5 of the first paragraph of section 44 of the Act is entitled to the supplementary benefit only from the first day of the month following the month in which the age of 55 is reached, if on 15 April 2001 the pensioner had not reached that age.

If, on 15 April 2001, the pensioner had not reached the age of 55, the pensioner's benefit shall be reduced, for the duration of its term, by 1/12 of 7% per month between 15 April 2001 and the month in which the age of 55 is reached. The pensioner may choose to postpone payment to the first day of the month that follows the month in which that age is reached.

If, on 15 April 2001, the pensioner had reached the age of 55, the pensioner's benefit shall be increased, for the duration of its term, by 1/12 of 7% per month between the date on which the age of 55 is reached and 15 April 2001. That rule also applies to a pensioner who receives a pension under subparagraph 5 of the first paragraph of section 44 of the Act.

7.15. An employee who, between 14 April 2001 and 1 January 2004, is entitled to a pension under subparagraph 5 of the first paragraph of section 44 of the Act is also entitled to the supplementary benefit provided for in this Division, when there is no entitlement to the supplementary benefit provided for in Division I.

DIVISION III

MISCELLANEOUS

7.16. The benefits referred to in this Chapter shall be added to the amount of the pension paid to the employee. However, section 100 of the Act does not apply in respect of the amount of those benefits.

7.17. For the purposes of section 52.1 of the Act, where the pension amounts including supplementary benefits referred to in this Chapter and the additional benefits referred to in Chapter VII.1 exceed the limits authorized under the Income Tax Act (R.S.C. (1985), c. 1, 5th Supplement), the amount of the supplementary benefits referred to in this Chapter shall be reduced first.

7.18. A pensioner may not accumulate the benefits referred to in Divisions I and II.”

4. This Regulation comes into force on the day it is made. Section 3 has had effect since 15 April 2001.

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