

## Regulations and other acts

Gouvernement du Québec

### O.C. 1485-2002, 18 December 2002

Public Service Act  
(R.S.Q., c. F-3.1.1)

#### Public servants not governed by a collective agreement

##### — Appeals procedure

Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement

WHEREAS, under the first paragraph of section 127 of the Public Service Act (R.S.Q., c. F-3.1.1), the Government, by regulation, shall make provision for an appeal in the matters it determines, for public servants who are not governed by a collective agreement and for whom no appeal is provided in those matters under the Act;

WHEREAS, by Order in Council 1042-2001 dated 12 September 2001, the Government made the Regulation respecting an appeals procedure for public servants not governed by a collective agreement;

WHEREAS the Regulation provides for an appeals procedure for public servants not governed by a collective agreement against decisions made under certain directives governing all their working conditions, except the provisions respecting classification, staffing and certain aspects of performance evaluation;

WHEREAS it is expedient to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement in order to update the list of directives governing all the working conditions of those public servants and giving them the right to appeal;

WHEREAS, in accordance with section 128 of the Public Service Act, a draft Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement was published in Part 2 of the *Gazette officielle du Québec* of 6 November 2002, with a notice that it could be made by the Government, with or without amendment, upon the expiry of 30 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement\*

Public Service Act  
(R.S.Q., c. F-3.1.1, s. 127, 1st and 2nd pars.)

1. The Regulation respecting an appeals procedure for public servants not governed by a collective agreement is amended by substituting the following for section 2:

“2. An appeal is available to any public servant who considers himself or herself aggrieved by a decision rendered in his or her respect under the following directives of the Conseil du trésor, except for the provisions in those directives respecting classification, staffing and performance evaluation excluding, in the latter case, the procedure for performance evaluation:

(1) the Directive concernant l'ensemble des conditions de travail des cadres;

(2) the Directive concernant l'ensemble des conditions de travail des cadres juridiques;

\* The Regulation respecting an appeals procedure for public servants not governed by a collective agreement, made by Order in Council 1042-2001 dated 12 September 2001 (2001, G.O. 2, 5045), has not been amended since.

(3) the Directive concernant l'ensemble des conditions de travail des cadres œuvrant en établissement de détention à titre d'agents de la paix à l'exclusion des directeurs des établissements de détention;

(4) the Directive concernant l'ensemble des conditions de travail des cadres œuvrant en établissement de détention à titre de directeurs des établissements de détention;

(5) the Directive concernant la rémunération et les conditions de travail des commissaires du travail;

(6) the Directive concernant la rémunération et les conditions de travail des médiateurs et conciliateurs;

(7) the Directive concernant l'ensemble des conditions de travail des conseillères et conseillers en gestion des ressources humaines;

(8) the Directive concernant les conditions de travail des fonctionnaires;

(9) the Directive concernant l'attribution des taux de traitement ou taux de salaire et des bonis à certains fonctionnaires;

(10) the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents;

(11) the Directive sur le remboursement des frais de déplacement des cadres;

(12) the Directive sur les frais remboursables lors d'un déplacement à l'extérieur du Québec;

(13) the Directive sur les déménagements des fonctionnaires; and

(14) the Directive concernant les indemnités et les allocations versées aux fonctionnaires affectés à l'extérieur du Québec.”

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

5493

Gouvernement du Québec

## O.C. 1489-2002, 18 December 2002

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5)

### Régime de retraite des membres de la Sûreté du Québec

#### — Partition and assignment of benefits accrued

Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec

WHEREAS, under the first paragraph of section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5), notwithstanding any provision of any Act, regulation or order inconsistent therewith, the Government may, by order, render the special measures provided in Chapter VII.1 of Title I of the Act respecting Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and in the regulations thereunder applicable, in whole or in part and adapted as required to the Régime de retraite pour les membres de la Sûreté du Québec for the purposes of partition and assignment of benefits between spouses;

WHEREAS, under the second paragraph of that section, the Government may also, by the same order, prescribe special provisions for the establishment and assessment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec and for the reduction of the sums payable under such plan by reason of payment of the sums awarded to the spouse;

WHEREAS, in accordance with section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, the Government made Order in Council 756-91 dated 5 June 1991 respecting the partition and assignment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec, which refers to the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan made by Order in Council 351-91 dated 20 March 1991;