

Treasury Board

Gouvernement du Québec

T.B. 199279, 21 January 2003

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1; 2002, c. 30)

Schedule I — Amendment

Schedule I to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 207 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1; 2002, c. 30, s. 153), the Government may, by order, amend Schedule I to the Act;

WHEREAS, under section 24.1 of the Act (2002, c. 30, s. 123), the Government may, by order, with respect to employment designated in that Schedule identify, according to sectors or classes of employers, the person who is authorized to confirm the non-unionizable classification of the employment;

WHEREAS it is expedient to amend the Schedule;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), 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, with the exception of certain powers;

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

THE CONSEIL DU TRÉSOR DECIDES :

THAT Schedule I to the Act respecting the Pension Plan of Management Personnel, attached hereto, replace the existing Schedule I.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

SCHEDULE I

(Section 1)

DIVISION I

NON-UNIONIZABLE EMPLOYMENT

1. In the public and parapublic sectors, the positions held by management or non-management personnel determined according to the classification plans established by the authorities designated for each of the public and parapublic sectors, if the positions are provided for in the relevant organization plan of an employer that is approved by the designated authority, and if they are confirmed in accordance with Division II.

In addition, the positions held by management or non-management personnel in the sector referred to in paragraph 2 of section 11 must be recognized in the conditions of employment established by the designated authority.

2. In the departments and bodies referred to in paragraph 1 of section 11, the following employment, if it is part of the authorized staffing level for regular positions, and if it is confirmed in accordance with Division II:

- (1) human resource management consultant;
- (2) Attorney General's prosecutor;
- (3) mediator and conciliator; and
- (4) labour commissioner.

3. The following employment, in the government bodies referred to in section 37 of the Public Administration Act (c. A-6.01) or in the bodies in which, under the law, the conditions of employment or the standards and scales of remuneration of the members of its personnel are determined by the Government, if the employment is confirmed in accordance with Division II:

- (1) positions similar to positions of management personnel appointed under the Public Service Act that are referred to in the first paragraph of section 1;
- (2) mediators of the Conseil des services essentiels if the position is provided for in the relevant organization plan; and

(3) human resource management consultants, if the employment is subject to the conditions of employment of management personnel within the body and if the position is provided for in the relevant organization plan.

4. For members of the staff of a Minister, of a person referred to in section 124.1 of the Act respecting the National Assembly (c. A-23.1) or of the other Members, the position of executive secretary and, where applicable, the position of assistant executive secretary where the conditions of employment provide that the latter benefits from the conditions of employment of senior management officers appointed under the Public Service Act, if the positions are confirmed in accordance with Division II.

5. In private institutions and for all other employers party to the plan, positions similar to positions of management or non-management personnel in the public and parapublic sectors, in relation to their respective sectors, that are referred to in the first paragraph of section 1 and paragraph 1 of section 2, if they are confirmed in accordance with Division II.

6. Any employment not referred to in sections 1 to 3 that is similar to the employment referred to in section 1 and is held by a person who belongs to a class of employees designated pursuant to section 23 of the Act.

7. Employment held by persons appointed by the Government if their conditions of employment provide that the plan applies to them.

DIVISION II CONFIRMATION OF NON-UNIONIZABLE EMPLOYMENT

8. The Secretariat of the Conseil du trésor confirms the non-unionizable classification of

(1) employment held in the departments and bodies referred to in paragraph 1 of section 11; and

(2) employment referred to in sections 3, 4, and 5 if, in the latter case, it is held with a labour union or association representing the management personnel.

9. The Ministère de l'Éducation confirms the non-unionizable classification of

(1) employment held with employers referred to in paragraph 2 of section 11; and

(2) employment held in institutions or with employers referred to in section 5, except those referred to in section 8, whose activities fall within the jurisdiction of the Minister of Education.

10. The Ministère de la Santé et des Services sociaux confirms the non-unionizable classification of

(1) employment held with employers referred to in paragraph 3 of section 11; and

(2) employment held in establishments or with employers referred to in section 5, except those referred to in section 8, whose activities fall within the jurisdiction of the Minister of Health and Social Services.

DIVISION III PUBLIC AND PARAPUBLIC SECTORS

11. For the purposes of this Schedule, the public and parapublic sectors are

(1) departments and bodies whose personnel is appointed under the Public Service Act (c. F-3.1.1);

(2) school boards within the meaning of the Education Act (c. I-13.3) or within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (c. I-14) or colleges within the meaning of the General and Vocational Colleges Act (c. C-29); and

(3) regional boards and public institutions within the meaning of the Act respecting health services and social services (c. S-4.2), health and social services boards, and public institutions within the meaning of the Act respecting health services and social services for Cree Native persons (c. S-5).

12. This Schedule has effect from 1 July 2002.

5562

Gouvernement du Québec

T.B. 199280, 21 January 2003

An Act respecting the Pension Plan
of Management Personnel
(R.S.Q., c. R-12.1; 2002, c. 30)

Regulation — **Amendments**

Regulation to amend the Regulation under the Act
respecting the Pension Plan of Management Personnel

WHEREAS, under paragraph 2.1 of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1; 2002, c. 30, s. 149, par. 2), the Government may define, by regulation, for the purposes of subparagraph 8 of the first paragraph of section 3 of the Act, the fact of holding temporarily non-unionizable employment, with the corresponding classification;