

(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.

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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;

WHEREAS, under section 196 of the Act, 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 173.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS the Comité de retraite has been consulted;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by T.B. 197329 dated 27 November 2001;

WHEREAS it is expedient to amend the Regulation;

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;

WHEREAS it is expedient to make the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation, 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 Management Personnel*

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1, s. 196, 1st par., subpar. 2; 2002, c. 30, s. 149, pars. 1 and 2)

1. Division I of the Regulation under the Act respecting the Pension Plan of Management Personnel is revoked.

2. This Regulation is amended by inserting the following division after the repealed Division I:

**“DIVISION I.1
PERSON TEMPORARILY HOLDING NON-
UNIONIZABLE EMPLOYMENT, WITH THE
CORRESPONDING CLASSIFICATION
(section 3, subpar. 8)**

1.1 For the purposes of subparagraph 8 of the first paragraph of section 3 of the Act, a person temporarily holds non-unionizable employment, with the corresponding classification, when the person holds it

(1) to fill a vacant position temporarily or on an interim basis;

(2) to lighten a heavy workload, or as a non-permanent or seasonal employee;

(3) to perform work of a casual or cyclical nature, or to carry out a specific mandate having a fixed term; or

(4) to replace an employee contemplated by the pension plan for management personnel, during that employee's absence.”.

3. This Regulation comes into force on the day it is made but it has effect from 1 July 2002.

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* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Decision 197329 dated 27 November 2001 of the Conseil du trésor (2001, G.O. 2, 6317), has not been amended.