

Regulations and other acts

Gouvernement du Québec

O.C. 960-2003, 17 September 2003

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

Classes of employees designated under section 23 — Special provisions

Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may establish special provisions with respect to classes of employees it designates, notwithstanding any inconsistent provision of the Act, except the provisions of Chapter VIII;

WHEREAS the Government made Order in Council 245-92 dated 26 February 1992 respecting the designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS, under section 416 of the Act respecting the Pension Plan of Management Personnel, the order shall be considered as an order made under section 23 of the Act, and it shall apply, with the necessary modifications, until it is replaced by an order made under section 23;

WHEREAS it is expedient to replace Order in Council 245-92 dated 26 February 1992 by this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT Order in Council 245-92 dated 26 February 1992 be replaced by this Order in Council.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Special provisions in respect of classes of employees designated under section 23 of 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. 23)

CHAPTER I DEFINITIONS AND SCOPE

1. In this Order in Council,

“Act” means the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1); (*loi*)

“Commission” means the Commission administrative des régimes de retraite et d’assurances established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10); (*Commission*)

“former pension plan” means

(1) a pension plan designated in paragraph 1 of Schedule I of which the employee was a member before this Order in Council became applicable to the employee or the Order in Council under which, on that date, the employee was receiving a pension;

(2) a pension plan designated in paragraph 2 of Schedule I according to the cases provided for in the Schedule; (*régime de retraite antérieur*)

“plan” means the Pension Plan of Management Personnel; (*régime*)

“total pension” means the amount of the pension or deferred pension under the plan, including the amount resulting from the application of the special provisions of this Order in Council and, where applicable, the amount of any pension under a former pension plan. (*montant total de la pension*)

2. For the purposes of section 23 of the Act, this Order in Council applies to employees who are members of the plan and belong to one of the classes of employees designated in Schedule II.

3. A person who belongs to one of the classes of employees designated in Schedule II who, on 31 December 1991, was not a member of the Government and Public Employees Retirement Plan pursuant to paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000 may, upon prior authorization of the Government, become a member of the plan by sending a notice to that effect to the Commission. The employee's membership may not become effective prior to 1 January of the year during which the notice is received by the Commission.

4. Where an employee ceases to belong to one of the classes designated in Schedule II, this Order in Council continues to apply to the employee as long as the employee holds pensionable employment under the plan.

The same applies to an employee who ceases to be a member of the plan and who again holds pensionable employment under the plan, unless the employee has received the actuarial value of the total pension in accordance with section 16.

An employee who continues to be subject to this Order in Council pursuant to the first paragraph after ceasing to belong to one of the classes of employees referred to in paragraphs 12 and 13 of Schedule II is governed only by the provisions of this Order in Council that were applicable to the employee while those paragraphs applied to the employee.

CHAPTER II SPECIAL PROVISIONS OF THE PLAN

5. No amount shall be withheld from the pensionable salary paid to an employee who has at least 35 years of service for the purpose of computing the total pension.

6. A pension is granted to an employee

- (1) who has reached 60 years of age;
- (2) who has 35 or more years of service;
- (3) who has, in years of age and years of service, a combined total of 85 or more;
- (4) who has reached 50 years of age.

7. In the case provided for in paragraph 4 of section 6, the amount of the pension is payable to the employee from the date on which the application is received by the Commission, and is reduced, for its duration, by 0.25% per month, computed for each month comprised between the date on which it is payable and the nearest date on which it would otherwise have been granted to the

employee without any actuarial reduction under this Order in Council. If the date of receipt of the application is subsequent to the nearest date on which the amount of the pension may be granted to the employee under those paragraphs, the amount of the pension is payable to the employee on the latter date.

For the purposes of the first paragraph, where the employee benefits from the provisions of section 23, all the months during which the employee held an office referred to in section 23 must be counted for the purpose of computing the age and years of service of an employee who was an administrator of state I on 31 December 1991, even where such months occur after 31 December 1991. The total number of years added may not exceed 5.

8. The amount of the employee's pension in respect of the years of service credited to the employee while this Order in Council applies to the employee, subject to section 25, is equal to the total of

(1) the amount obtained by multiplying the average pensionable salary by 1.6% per year of service credited before 1 January 1997 and by 1.7% per year of service credited after 31 December 1996, while this Order in Council or, as the case may be, Order in Council 245-92 dated 26 February 1992, as it read on 16 September 2003, applies to the employee; and

(2) an amount equal to 0.15% of the employee's average pensionable salary per year of service credited before 1 January 1997 and to 0.30% per year of service credited after 31 December 1996, while this Order in Council or, as the case may be, Order in Council 245-92 dated 26 February 1992, as it read on 16 September 2003, applies to the employee if the employee is under 65 years of age. The amount is payable until the end of the month in which the pensioner reaches 65 years of age and is indexed in accordance with sections 115 and 116 of the Act. If the employee has less than 120 months of service, including the months of service recognized under the employee's former pension plan, the amount is reduced by multiplying it by the fraction that the number of months of such service is of the total of 120. For the purpose of computing the number of months of service, the service accumulated by an employee during the period in which the plan did not apply to the employee while one of the following provisions applied to the employee must also be taken into account:

(a) section 2 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000;

(b) paragraph 7 of section 4 of that Act as it read on that date;

- (c) section 2 of the Act; or
- (d) paragraph 7 of section 3 of the Act.

The amount of the pension obtained pursuant to subparagraph 1 of the first paragraph may not exceed the amount obtained by multiplying the defined benefit limit, applicable for the year of retirement and established under the Income Tax Act (R.S.C., 1985, chapter 1, 5th Supplement), by the number of years of service credited while this Order in Council applies to the employee.

The amount of the pension obtained pursuant to subparagraph 2 of the first paragraph may not exceed the amount obtained by computing the reduction provided for in section 57 of the Act, taking into account only the years of service credited after 31 December 1991 while this Order in Council applies to the employee but, for the purposes of subparagraph 3 of the first paragraph of that section, selecting only the last years of service required to bring the aggregate of the corresponding contributory periods up to 3 or, if the aggregate is less than 3, selecting all the years of service.

For the purposes of the first paragraph, the number of years of an employee's credited service are taken into account up to the number of years necessary so that the years of service used in computing the total pension do not exceed 35. The years of service that exceed 35 and are credited on 31 December 1995 to an employee who ceases to be a member of the plan after that date are taken into account for the purpose of computing the pension.

9. For the purposes of subparagraphs 1 and 2 of the first paragraph of section 8, the average pensionable salary is obtained by performing, in order, the following operations:

(1) dividing the pensionable salary for each year by the service credited, except service credited under section 111 of the Act;

(2) selecting, from among the highest salaries resulting from the division, the number of salaries required to bring the aggregate of the contributory periods corresponding to each year for which the salaries are selected up to 3 or, where the aggregate is less than 3, selecting all the salaries;

(3) multiplying each salary so selected for each year by the corresponding contributory period; and

(4) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.

For the purposes of subparagraph 1 of the first paragraph, all the years and parts of a year of service credited must be counted, and service credited pursuant to sections 123, 125 and 126 of the Act may not be counted in respect of service credited prior to 1 January 1992.

10. Despite section 59 of the Act, a person entitled to a pension may request that it become payable only on a date indicated in the pension application where the date is later than the date that would otherwise have been determined by section 59.

A person who has reached age 69 may not request payment of his or her pension later than 31 December of the year of the person's 69th birthday.

11. Section 53 of the Act applies with the necessary modifications.

12. A pension granted pursuant to paragraph 4 of section 6 is, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), indexed annually at the rate of increase of the Pension Index determined by that Act from 1 January following the date on which the employee ceased to be a member of the plan to 1 January of the year in which the pension is payable.

From 1 January following the date on which the pension is payable, the pension is indexed in accordance with the first paragraph of section 115 of the Act, and the first adjustment resulting from indexing shall be carried out in accordance with the first paragraph of section 116 of the Act.

13. The pension credit granted under a former pension plan is reduced, for its duration, by 0.25% per month, computed for each month comprised between the date on which the pension credit is payable to the employee and the nearest date on which the pension would otherwise have been granted to the employee without actuarial reduction pursuant to the provisions of the former pension plan, and taking into account paragraph 3 of section 6 if any of paragraphs 1 to 11 of Schedule II applies or applied to the employee.

14. From the day payment of the pension of a pensioner ceases by reason of death, or, as the case may be, from the day of the death of a person who is eligible for a pension or deferred pension under the second paragraph of section 15, the spouse is entitled to receive as pension 60% of the total pension the pensioner was receiving with the exception of, as the case may be, the amount provided for in section 105 of the Act or, as the case may be, would have otherwise been entitled to receive or would have been entitled to receive under the provisions

of this Order in Council and, where applicable, under the plan, excluding the amount provided for in subparagraph 2 of the first paragraph of section 8, if applicable. The reduction provided for, for the purpose of coordinating the pension with the pension paid under the Act respecting the Québec Pension Plan, applies in respect of the years or parts of a year of service credited under the former pension plan. Where section 28 applies, the spouse's pension is established without counting the years or parts of a year of service credited under the former pension plan.

If a person to whom this Order in Council applies has no spouse and dies while a pensioner or eligible for a pension or deferred pension and before the pension has been paid to the person for at least 10 years, the person's successors are entitled to receive payment of the current value of the total pension for the period comprised between the first day of the month following the person's death and the day on which the 10-year period expires. The current value is established in accordance with the assumptions provided for in Schedule IV. Where section 28 applies, the current value is established without taking into account the current value of the pension resulting from the years or parts of a year of service credited under the former pension plan.

15. Where an employee who is not eligible for a pension under section 6 ceases to be a member of the plan, the employee is entitled to receive a deferred pension payable from the nearest date on which the employee would have been entitled to the pension under paragraph 1 or 3 of that section, taking into account only the years of service credited or counted at the time the employee ceases to be a member.

The person may also be entitled to such pension when the person reaches 50 years of age. In such a case, the pension is payable to the person from the date of receipt of the person's application by the Commission or from any other later date stipulated to that effect in the person's application. The amount of the pension is reduced, for its duration, by 0.25% per month, computed for each month comprised between the date on which it is payable and the nearest date on which it would otherwise have been granted under paragraph 1 or 3 of section 6, taking into account only the number of years of service at the time the person ceases to be a member of the plan and adding to it, if applicable, the additional reduction provided for in subparagraph 2 of the first paragraph of section 8.

16. Where an employee belongs to one of the classes designated in Schedule III or belongs to such a class while this Order in Council applies to the employee, and the employee ceases to be a member of the plan, the

employee may, instead of receiving the total pension or deferred pension payable in accordance with the first paragraph of section 15, elect to have the actuarial value of the total pension, including any pension credit established at the date on which the employee ceases to be a member, in accordance with the actuarial method and assumptions provided for in Schedule V, transferred into a locked-in retirement account within the meaning of section 29 of the Regulation respecting supplemental pension plans made by Order in Council 1158-90 dated 8 August 1990. For each of the periods in respect of which the rates provided for in Schedule VII to the Act apply, interest compounded annually is added from the first day of the month following the month during which the employee ceases to be a member until the end of the month during which the transfer is made. If the employee has fewer than 2 years of service, the employee may elect to have that actuarial value transferred into a registered retirement savings plan.

For the purpose of computing the actuarial value, the years of service added in accordance with section 22 are not taken into account.

The amount transferable under this section may not exceed the limit established for that purpose under the Income Tax Act (R.S.C., 1985, chapter 1, 5th Supplement). If the amount exceeds that limit, the amount of the transferable value is reduced to comply with the limit.

Payment of the actuarial value provided for in the first paragraph gives entitlement to the payment of any other benefit payable under this Order in Council and under the plan.

17. Despite the fourth paragraph of section 16, an employee who has availed himself or herself of a provision permitting the transfer of the actuarial value of the benefits acquired under the plan pursuant to a provision made under section 23 of the Act or section 10.1 of the Act respecting the Government and Public Employees Retirement Plan as it read on 31 December 2000 is entitled to have credited or counted, in whole or in part, the years or parts of a year of service that had been credited or counted on his or her behalf before the date of the transfer. The employee's former pension plan is the plan designated in Schedule I of which the employee was a member before this Order in Council or, as the case may be, Order in Council 245-92 dated 26 February 1992, as it read on 16 September 2003, applied for the first time to the employee.

To have the years or parts of a year of service credited or counted, an employee must pay, on the date on which the employee exercises that right, an amount equal to

the amount that was transferred to the employee increased by interest compounded annually, for each of the periods in respect of which the rates provided for in Schedule VII to the Act apply, from the date of the transfer until the date on which the amount is paid to the Commission.

Despite the second paragraph, the employee may pay part of the amount required to have the years or parts of a year of service credited. In that case, the employee must pay an amount at least equal to the amount that was transferred to the employee and those years and parts of a year of service are credited to the employee or counted commencing with the most recent service. Where applicable, the years and parts of a year of service that cannot be credited or counted for the purposes of the plan are added, solely for pension eligibility purposes, to the years and parts of a year of service credited to the employee or counted on the employee's behalf under the plan.

Any amount paid to the Commission pursuant to the second or third paragraph shall be paid into the consolidated revenue fund.

The first, second and third paragraphs apply, with the necessary modifications, only to the extent permitted under the Income Tax Act (R.S.C., 1985, chapter 1, 5th Supplement).

18. A pensioner whose pension is payable under this Order in Council and who holds pensionable employment or again holds pensionable employment under the plan, or a pensioner under a former pension plan who holds such employment while belonging to one of the classes of employees designated in Schedule II becomes, despite section 4 of the Act, an employee to whom the plan applies if the employee elects to be a member of the plan. The pensioner is subject to this Order in Council for as long as the pensioner holds employment under the plan but the pensioner may not avail himself or herself of section 16.

The election applies and the pensioner's pension is cancelled from the date on which the Commission receives from the pensioner a written notice to that effect or, retroactively, from the first day of the pensioner's new employment if the pensioner remits to the Commission a total amount equal to the contribution the pensioner would have made had the pensioner been a member of the plan during that period, as well as the amount of pension that would have ceased to be paid for the period during which the pensioner held pensionable employment or again held pensionable employment. For each of the periods in respect of which the rates provided for

in Schedule VII to the Act apply, interest compounded annually is added to those amounts for each of the periods comprised between the date the pensioner began to be a member of the plan and the date the notice is received by the Commission.

In the case of a pensioner of the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan and the Pension Plan of Certain Teachers who made the election under the first paragraph, the years or parts of a year of service that had been credited or counted under the plan are credited or counted for pension purposes under the plan, and the third paragraph of section 180 of the Act applies with the necessary modifications.

19. The pension of a pensioner who elected to be a member of the plan pursuant to the first paragraph of section 18 is recomputed at the time the pensioner ceases to be a member in accordance with

(1) sections 8 to 11, for the part attributable to service credited to the plan while this Order in Council applied to the pensioner; and

(2) the provisions of the former pension plan, applying section 28 or section 22 of Order in Council 245-92 dated 26 February 1992 as it read at the time of the person's retirement, for the part attributable to service credited under that pension plan.

If the pension that is cancelled pursuant to the second paragraph of section 18 was granted with actuarial reduction, each part of the reduced pension that is recomputed is reduced, where applicable, by 0.25% multiplied by the number of months representing the difference between the number of months that applied for the purpose of computing the actuarial reduction and the number of months comprised between the date on which the person became a member of the plan and the date on which the person ceased to be a member of the plan.

20. The payment of the pension credit of a pensioner who elected to be a member of the plan pursuant to the first paragraph of section 18 ceases to be made for the period during which the pensioner is a member of the plan, and the second paragraph of that section applies with the necessary modifications in respect of any amount of pension credit which must be remitted to the Commission. The pension credit becomes payable again on the day that follows the day on which the pensioner ceases to be a member of the plan, and the actuarial reduction that applied thereto, where applicable, is recomputed in accordance with the second paragraph of section 19, with the necessary modifications.

21. Where a pensioner elects not to be a member of the plan, the pensioner continues to receive his or her total pension and, where applicable, his or her pension credit.

CHAPTER III MISCELLANEOUS

22. An employee who, on 31 December 1991, was a member of the Civil Service Superannuation Plan, is not a pensioner under that pension plan, and held employment referred to in Schedule III to the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) for one or more periods totalling not less than 5 years or employment referred to in that Schedule while the employee held the employment, is entitled, from that date, to have 10 years added to the number of years of service credited to the employee under that pension plan and transferred to the plan in accordance with section 139 of the Act or section 98 of the Act respecting the Government and Public Employees Retirement Plan.

Where the employee held such employment for one or more periods totalling less than 5 years on 31 December 1991, the employee is entitled, from that date, to have added the number of years or parts of a year of service obtained by multiplying 10 years by the fraction that the number of years or parts of a year during which the employee held such employment up to that date is of 5 years.

The provisions of the Civil Service Superannuation Plan apply in respect of the years of service added under the first and second paragraphs. However, the years of service are taken into account, subject to section 5, only for the purpose of computing the total pension and may not enable an employee to have more than 35 years of service credited for the purpose of computing total pension.

23. Where an employee ceases to be a member of the plan, is or was an administrator of state I and held the office of secretary-general of the Conseil exécutif, associate secretary-general of the Conseil exécutif with the rank and privileges of a deputy minister in accordance with section 10 of the Executive Power Act (R.S.Q., c. E-18), executive assistant to the Premier, secretary of the Conseil du trésor, or deputy minister or chair of the Office des ressources humaines, the employee is entitled, from 31 December 1991, to have a number corresponding to 0.5 months for each month during which the employee held any of such offices before 1 January 1992, up to 5 years, added to the years of age and years of service credited to the plan on that date. That number is, to the extent that it is added to the years of service,

deemed to be service credited after 30 June 1982, and section 57 of the Act applies taking into account that number, except to the extent that it is added to the age of the employee.

From 1 April 1984, the office must be held as administrator of state I.

For the purposes of this section, an employee who was a member of the Teachers Pension Plan or of the Civil Service Superannuation Plan on the day preceding the day on which this Order in Council became applicable to the employee is deemed to have elected to be a member of the plan on 31 December 1991 in accordance with the terms and conditions prescribed in Order in Council 1609-90 dated 21 November 1990.

24. An employee who is entitled to both the benefit under section 22 and the benefit under section 23 is granted the most advantageous of the two at the time the total pension is computed.

25. Every person referred to in clauses *a* to *d* of subparagraph 2 of the first paragraph of section 8 may have credited the years or parts of a year of service during which the plan was not applicable to the employee according to the terms and conditions set out in the second paragraph of section 39 or section 40 of the Act.

The part of the pension pertaining to the years or parts of a year of service credited is computed in accordance with subdivision 2 of Division I of Chapter IV of the Act. The part of the pension pertaining to the years or parts of a year of service subsequent to 31 December 1991 during which the person belonged to one of the classes of employees designated in Schedule II is computed in accordance with section 8.

26. A person to whom a pension is payable under this Order in Council shall receive the amount of pension arising from the years and parts of a year of service credited under the former pension plan. The amount of the pension, computed in accordance with the provisions of the pension plan and section 27, is reduced by 0.25% per month, computed for each month comprised between the date on which the pension becomes payable and the nearest date on which it would otherwise have been granted without actuarial reduction under the pension plan or, if any of paragraphs 1 to 11 of Schedule II applies or applied to the person, under paragraph 3 of section 6. For the purpose of computing the reduction, all years of service counted or credited to the person at the time the person ceases to be a member of the plan must be taken into account.

However, for the purposes of the first paragraph, where the person benefits from the provisions of section 23, the amount of the pension or deferred pension payable under the former pension plan is reduced by the lesser of

(1) the amount determined under the first paragraph, without adding the benefit provided for in section 23 to the person's age and years of service ; and

(2) the amount provided for in the second paragraph of section 7.

For the purposes of the first paragraph and, where applicable, for the purposes of the provisions to which the second paragraph refers, if the person was entitled to a pension under section 15, the amount of the reduction is computed according to the number of months comprised between the date on which the amount of the pension is payable to the person and the date on which it would otherwise have been granted to the person under the former pension plan or, if any of paragraphs 1 to 11 of Schedule II applies or applied to the person, under paragraph 3 of section 6.

27. For the purpose of computing the amount of the pension payable under section 26, the average pensionable salary is computed in accordance with the provisions of the former pension plan, using the pensionable salary of all years of service, including years credited under the plan while this Order in Council applies to the person and, if any of paragraphs 1 to 11 of Schedule II applies or applied to the person, applying paragraph 2 of section 9.

28. In the case of a total and permanent disability or in the case of physical or mental disability, death or cessation of employment or where the employee ceases to be a member of the plan, the provisions of the former pension plan which concern entitlement or computation of a pension continue to apply in respect of the years or parts of a year of service credited under the former pension plan.

In the case of death, those provisions continue to apply only if they are more advantageous than those of the plan. The same applies in the case of a total and permanent disability or in the case of physical or mental disability, but only until a pension becomes payable under the plan.

If the person referred to in the first paragraph was a member of the Civil Service Superannuation Plan or the Teachers Pension Plan on the day preceding the day on which this Order in Council became applicable to the

person, the average pensionable salary provided for in section 27 is used for the purpose of computing the pension.

29. Where a person who was a member of the Teachers Pension Plan or of the Civil Service Superannuation Plan on the day preceding the day on which this Order in Council became applicable to the person dies at 50 years of age or older, the person's spouse may renounce the amount of the pension computed in accordance with section 28 in order to receive a single pension payment computed in accordance with section 14. However, for the purposes of that computation, the years of service credited under the Teachers Pension Plan or the Civil Service Superannuation Plan are deemed to have been credited under the plan.

30. The provisions of the Teachers Pension Plan and the Civil Service Superannuation Plan which concern the redemption of years or parts of a year of service apply, as they read on the date of application for redemption, to every employee who was a member of either plan and who is not a pensioner under that plan.

31. Section 18.1 of the Act applies to an employee subject to this Order in Council from the date on which the Order in Council applies to the employee, with the necessary modifications.

32. The first paragraph of section 139 of the Act also applies to an employee who has ceased to be a member of the Teachers Pension Plan or the Civil Service Superannuation Plan before the day preceding the day on which this Order in Council applies to the employee.

CHAPTER IV FINANCIAL

33. The Commission shall pay into the consolidated revenue fund, in respect of employees subject to this Order in Council, the funds, contributions or contributory amounts referred to in subparagraphs 1 to 4 of the first paragraph of section 177 of the Act.

34. The sums necessary for the payments referred to in the first paragraph of section 180 of the Act and made in respect of a beneficiary or an employee subject to this Order in Council shall be taken out of the consolidated revenue fund.

35. When an employee becomes subject to this Order in Council, the Commission shall transfer to the consolidated revenue fund the sums paid into the employees' contribution fund at the Caisse de dépôt et placement du

Québec in respect of that employee, in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 177 of the Act or, where applicable, subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act respecting the Government and Public Employees Retirement Plan, except contributions or funds paid or transferred to purchase pension credits pursuant to that Act.

The sums transferred under the first paragraph include the interest accrued until the date of the transfer.

36. The actuarial value of the difference between the amount of the reduction computed pursuant to sections 13 and 20 and the amount of the reduction which would otherwise have been applied under section 92 of the Act respecting the Government and Public Employees Retirement Plan, in respect of the pension credits received under that Act, shall be funded out of the consolidated revenue fund.

The actuarial value is computed on the date on which the pension credit is granted to the employee, taking into account the employee's age on that date. It is computed according to the actuarial assumptions and method provided for in Schedule IV to the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 690-96 dated 12 June 1996.

37. The actuarial value of the sums transferred under section 203 of the Act must be established in accordance with the actuarial assumptions and method prescribed in Schedule V.

CHAPTER V TRANSITIONAL AND FINAL

38. The persons designated by the Government under paragraph 14 of Schedule II and paragraph 11 of Schedule III to Order in Council 245-92 dated 26 February 1992 as it read on 16 September 2003 are deemed to be designated under paragraph 14 of Schedule II and paragraph 11 of Schedule III to this Order in Council.

39. The provisions of the third paragraph of section 4 are applicable from 14 June 2002, having regard to the provisions of Order in Council 245-92 dated 26 February 1992 as it read on 16 September 2003.

The provisions in the first paragraph of section 25 pertaining to the credit of years or parts of a year of service are applicable from 1 July 2002, having regard to the provisions of the Order in Council referred to in the first paragraph of this section.

SCHEDULE I

FORMER PENSION PLANS

(s. 1)

(1) the following pension plans :

(a) the Pension Plan of Certain Teachers ;

(b) the Pension Plan of Peace Officers in Correctional Services ;

(c) the Teachers Pension Plan ;

(d) the Civil Service Superannuation Plan ;

(e) the pension plans provided for in sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan ;

(2) the following pension plans :

(a) the Pension Plan of Management Personnel, in the case of an employee who was a member of that plan or of the Government and Public Employees Retirement Plan before this Order in Council became applicable to the employee ;

(b) the Government and Public Employees Retirement Plan, in the case of a person who was a pensioner under the plan before this Order in Council became applicable to the person.

SCHEDULE II

(s. 2)

CLASSES OF EMPLOYEES

(1) the administrators of state ;

(2) the persons appointed under section 57 of the Public Service Act (R.S.Q., c. F-3.1.1) ;

(3) the executive assistant to the Premier ;

(4) the full-time chairs or presidents of government bodies or agencies who are appointed by the Government or whose appointment is ratified by the Government ;

(5) the full-time chairs or presidents of government bodies or agencies who are appointed by resolution of the National Assembly and whose conditions of employment are fixed by the Government or by the National Assembly if its resolution so provides ;

(6) the delegates general, delegates of Québec to foreign countries and heads of post at a Bureau du Québec in Canada;

(7) the persons who, by virtue of the prerogative of the Government or the National Assembly, perform executive duties on a full-time basis within a government institution other than a government body or agency, except the Public Protector and his or her assistant, if section 8 of the Public Protector Act (R.S.Q., c. P-32) applies to them;

(8) the vice-chairs, vice-presidents or members who are appointed by the Government or by resolution of the National Assembly or whose appointments are ratified by the Government and who hold, on a full-time basis, an office the salary level of which corresponds to class DM04 or higher in the pay structure, approved by the Government, of chief executive officers and members of bodies or agencies, within a body, an agency or institution referred to in paragraphs 4, 5 and 7;

(9) the Assistant Auditors General;

(10) the Secretary-General and Associate Secretaries-General of the National Assembly, if their conditions of employment so provide;

(11) any person who belonged to one of the classes of employees designated in paragraphs 1 and 10 and whose remuneration and conditions of employment are maintained by the Government;

(12) for the education sector, the directors general and the assistant directors general of the Commission scolaire de Montréal (CSDM), the Conseil scolaire de l'Île de Montréal (CSIM) and the English Montréal School Board (EMSB), as well as the directors general of Class V and higher classes of the other school boards;

(13) for the health and social services sector, the non-medical executives of Class 23 and higher classes, and the medical executives of Class C and higher classes of public institutions within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) and within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(14) all other persons employed by a government department, a public or parapublic body or agency or by a body or an agency designated by the Government, if the Government makes an order to that effect.

SCHEDULE III

(s. 16)

CLASSES OF EMPLOYEES DESIGNATED FOR THE PURPOSES OF THE TRANSFER INTO A LOCKED-IN RETIREMENT ACCOUNT

(1) the administrators of state;

(2) the persons appointed under section 57 of the Public Service Act (R.S.Q., c. F-3.1.1);

(3) the executive assistant to the Premier;

(4) the full-time chairs or presidents of government bodies or agencies who are appointed by the Government or whose appointment is ratified by the Government;

(5) the full-time chairs or presidents of government bodies or agencies who are appointed by resolution of the National Assembly and whose conditions of employment are fixed by the Government or by the National Assembly if this Order in Council applies to them;

(6) the delegates general, delegates of Québec to foreign countries and heads of post at a Bureau du Québec in Canada;

(7) the persons who, by virtue of the prerogative of the Government or the National Assembly, perform executive duties on a full-time basis within a government institution other than a government body or agency;

(8) the vice-chairs, vice-presidents or members who are appointed by the Government or by resolution of the National Assembly or whose appointments are ratified by the Government and who hold, on a full-time basis, an office the salary level of which corresponds to class DM04 or higher in the pay structure, approved by the Government, of chief executive officers and members of bodies or agencies, within a body, an agency or institution referred to in paragraphs 4, 5 and 7;

(9) the Assistant Auditors General;

(10) the Secretary-General and Associate Secretaries-General of the National Assembly, if this Order in Council applies to them;

(11) all other persons employed by a government department, a public or parapublic body or agency or by a body or an agency designated by the Government, if the Government makes an order to that effect.

SCHEDULE IV

(s. 14)

ASSUMPTIONS

(1) annual rate of interest: 9% ;

(2) annual rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5%.

SCHEDULE V

(s. 16)

ACTUARIAL ASSUMPTIONS AND METHOD**I — ACTUARIAL ASSUMPTIONS FOR BENEFITS ACQUIRED UNDER SECTION 95 OF THE ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

— The assumptions used are those selected for computing the rates in Schedules IV and V to the Act respecting the Government and Public Employees Retirement Plan.

II — ACTUARIAL ASSUMPTIONS FOR BENEFITS BASED ON THE SALARY OF THE BEST YEARS AND FOR BENEFITS IN THE FORM OF DETERMINED PENSIONS NOT ACQUIRED UNDER SECTION 95 OF THE ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

(1) mortality rate: table GAM-83 men and table GAM-83 women, weighted equally ;

(2) annual rate of interest :

9% for the first 15 years following the date of assessment and 6.5% thereafter ;

(3) annual rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) :

5.5% for the first 15 years following the date of assessment and 3% thereafter ;

(4) annual rate of increase in the defined benefit limit under the Income Tax Act (Statutes of Canada), over and above the increase in the Pension Index :

0.5% from the year of the indexing of that limit in accordance with that Act ;

(5) annual rate of increase in the scale of remuneration and of the maximum pensionable earnings over and above the increase in the Pension Index :

Age:	Rate
18 to 30:	2.5%
31 to 45:	1.5%
46 years and over:	0.5% ;

(6) turnover rate: nil ;

(7) disability rate: nil ;

(8) proportion of members having a spouse at the time of retirement : 60% ;

(9) age of spouse: identical to that of the member ;

(10) retirement age: the age at which the person would otherwise have reached 35 years of service. That age may not be under 60 or over 62. If the person is over 62 years of age at the time of the assessment, the age at which the person ceases to be a member shall be used.

III — ACTUARIAL METHOD

The actuarial method is the “benefit allocation with salary projection” method.

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Gouvernement du Québec

O.C. 961-2003, 17 September 2003

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

Certain classes of employees under section 208 — Provisions respecting the determination of supplementary benefits

Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, with respect to classes of employees designated under