

M.O., 2006**Order number 2006-019 of the Minister of Health and Social Services dated 4 August 2006**

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

CONSIDERING the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive director of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”, approved by T.B. 193821 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

1. Section 4 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions is amended:

(1) by replacing the words “Association des CLSC et des CHSLD du Québec” with the words “Association québécoise d’établissements de santé et de services sociaux” and by deleting the words “the Association des hôpitaux du Québec, the Conférence des régies régionales de la santé et des services sociaux du Québec” in the definition of “employers’ association”;

(2) by replacing, in the definition of “senior managerial advisor” the words “executive director” with the word “Minister”;

(3) by inserting the words “and the Pension Plan of Management Personnel (RRPE) instituted pursuant to the Act respecting the pension plan of management personnel (R.S.Q., c. R-12.1)” at the end of the definition of “retirement plan”.

2. Section 5 of the regulation is amended by replacing the words “a regional board” with the words “the Régie régionale de la santé et des services sociaux du Nunavik covered by section 530.31.2 of the Act”.

* The previous amendments to the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions enacted by Order in Council 1217-96 of 25 September 1996 (1996, *G.O.* 2, 4173) were brought by the regulation approved by Ministerial Order 2003-006 of 11 April 2003 (2003, *G.O.* 2, 1499). For earlier amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

3. Section 8 of the regulation is amended:

(1) by replacing the words “an executive director of a regional board” with the words “the executive director of the Régie régionale de la santé et des services sociaux du Nunavik” in the first paragraph;

(2) by replacing the words “a regional board” with the words “the Régie régionale de la santé et des services sociaux du Nunavik” in the first sentence of the second paragraph.

4. Section 10 of the regulation is amended by replacing the words “a regional board” with the words “the Régie régionale de la santé et des services sociaux du Nunavik” in the first paragraph.

5. Section 12 of the regulation is amended:

(1) by replacing the words “a regional board” with the words “the Régie régionale de la santé et des services sociaux du Nunavik” in the first paragraph;

(2) by deleting the words “to the Conférence des régies régionales de la santé et des services sociaux,” in the first sentence of the second paragraph;

(3) by replacing the words “regional board” with the words “Régie régionale de la santé et des services sociaux du Nunavik” in the first sentence of the third paragraph.

6. Section 19 of the regulation is amended by inserting the following after the second sentence in the first paragraph:

“This contract shall also provide that, in the event of a termination or non-renewal of appointment, the executive director shall receive the 90-day notice stipulated in section 132. He shall also benefit from the provisions regarding severance pay in accordance with the terms and conditions stipulated in sections 134 to 141 of this Regulation.”.

7. The regulation is amended by inserting the following after section 19:

“**19.1** Any draft engagement contract of an executive director shall be sent to the president and executive director of the agency for authorization.

The draft contract authorized by the president and executive director of the agency and agreed upon with the executive director shall be the subject of a resolution of the board of directors of the employer.

In the event of a change to an engagement contract of an executive director, the board of directors shall proceed in accordance with this section.”.

8. Section 20 of the regulation is replaced by the following:

“The resolutions of the board of directors respecting the appointment of the executive director and the engagement contract of the executive director shall be sent to the president and executive director of the agency and to the Minister, as shall any subsequent change to the contract.”.

9. Section 22 of the regulation is amended by replacing the fourth paragraph with the following:

“Upon renewal of the engagement contract of the executive director, the board of director shall proceed in accordance with sections 19.1 and 20.”.

10. Section 27 of the regulation is amended by replacing the words “executive director or assistant executive director” with the words “senior administrator”.

11. Section 27.1 of the regulation is amended:

(1) by replacing the words “executive director or assistant executive director” with the words “senior administrators”;

(2) by replacing the words “Conférence des régies régionales” with the word “agencies” in the third paragraph.

12. Section 27.2 of the regulation is amended by replacing the words “executive director or assistant executive director” with the words “senior administrator”.

13. Sections 27.3 and 27.4 of the regulation are repealed.

14. The last sentence of section 27.5 of the regulation is replaced with the following:

“There shall be no appeal regarding a classification of a position of senior administrator made under sections 27 and 27.2.”.

15. Section 28 of the regulation is replaced with the following:

“**28.** The salary classes determined in accordance with subdivision 1 of division 2 of chapter 3 correspond to the salary classes adjusted by 2% on 1 April 2006, on 1 April 2007, on 1 April 2008 and on 1 April 2009. The adjusted salary classes are listed in Schedule 1.”.

16. Section 74 of the regulation is amended:

(1) by replacing the words “inc. and the Association des cadres de la santé et des services sociaux du Québec” with the words “and the APER santé et services sociaux” in the first hyphen;

(2) by replacing the words “Conférence des régions régionales de la santé et des services sociaux du Québec” with the word “agencies” in the second hyphen.

17. Section 118 of the regulation is amended by deleting the words “the Conférence des régions régionales,” in the third paragraph.

18. The second paragraph of section 132 of the regulation is replaced by the following:

“In the case of a decision of non-renewal or termination of employment, the notice shall reach the senior administrator 90 days prior to the date of the end of the senior administrator’s employment.”

19. The regulation is amended by inserting the following after section 132:

“**132.1** Any draft severance agreement of a senior administrator that includes a notice of termination or non-renewal of employment, renunciation of his duties or of his position of senior administrator, a leave without pay, an appointment to a position of senior adviser to the office of the executive director, the payment of severance pay or any other measure shall be sent to the Minister for authorization.

The draft severance agreement authorized by the Minister and agreed upon with the senior administrator shall be the subject of a resolution of the board of directors of the employer.

Copies of that resolution and of the agreement shall be sent to the Minister and to the president and executive director of the agency.

In the event of a change to a severance agreement, the board of directors shall proceed in accordance with this section.”

20. Section 153 of the regulation is amended by replacing the first two paragraphs with the following:

“Any draft agreement to be entered into before the arbitrator delivers his decision shall be forwarded to the Minister for authorization.

The draft agreement authorized by the Minister and entered into with the senior administrator shall be the subject of a resolution of the board of directors of the employer.

Copies of that resolution and of the agreement shall be sent to the arbitrator, to the Minister and to the president and executive director of the agency within 15 days following the adoption of the resolution.

In the event of a change to such agreement, the board of directors shall proceed in accordance with this section.”

21. Sections 159.2, 159.3, 159.4 and 159.5 of the regulation are repealed.

22. Schedule 1 of the regulation is replaced by the following:

“SCHEDULE 1

(s. 28)

SALARY CLASSES FOR SENIOR ADMINISTRATORS

Classes	2003 04 01		2006 04 01		2007 04 01		2008 04 01		2009 04 01	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
2	27 954	36 344	28 513	37 071	29 083	37 812	29 665	38 568	30 258	39 339
3	29 530	38 389	30 121	39 157	30 723	39 940	31 337	40 739	31 964	41 554
4	31 108	40 438	31 730	41 247	32 365	42 072	33 012	42 913	33 672	43 771
5	32 691	42 498	33 345	43 348	34 012	44 215	34 692	45 099	35 386	46 001
6	34 269	44 552	34 954	45 443	35 653	46 352	36 366	47 279	37 093	48 225
7	36 277	47 161	37 003	48 104	37 743	49 066	38 498	50 047	39 268	51 048
8	38 403	49 923	39 171	50 921	39 954	51 939	40 753	52 978	41 568	54 038
9	40 653	52 846	41 466	53 903	42 295	54 981	43 141	56 081	44 004	57 203
10	43 033	55 941	43 894	57 060	44 772	58 201	45 667	59 365	46 580	60 552
11	45 553	59 217	46 464	60 401	47 393	61 609	48 341	62 841	49 308	64 098
12	48 221	62 684	49 185	63 938	50 169	65 217	51 172	66 521	52 195	67 851
13	51 043	66 355	52 064	67 682	53 105	69 036	54 167	70 417	55 250	71 825
14	54 032	70 241	55 113	71 646	56 215	73 079	57 339	74 541	58 486	76 032
15	57 194	74 354	58 338	75 841	59 505	77 358	60 695	78 905	61 909	80 483
16	60 546	78 708	61 757	80 282	62 992	81 888	64 252	83 526	65 537	85 197
17	64 094	83 318	65 376	84 984	66 684	86 684	68 018	88 418	69 378	90 186
18	67 844	88 197	69 201	89 961	70 585	91 760	71 997	93 595	73 437	95 467
19	71 817	93 362	73 253	95 229	74 718	97 134	76 212	99 077	77 736	101 059
20	76 021	98 829	77 541	100 806	79 092	102 822	80 674	104 878	82 287	106 976
21	80 474	104 616	82 083	106 708	83 725	108 842	85 400	111 019	87 108	113 239
22	85 184	110 742	86 888	112 957	88 626	115 216	90 399	117 520	92 207	119 870
23	90 176	117 228	91 980	119 573	93 820	121 964	95 696	124 403	97 610	126 891
24	95 456	124 093	97 365	126 575	99 312	129 107	101 298	131 689	103 324	134 323
25	101 046	131 360	103 067	133 987	105 128	136 667	107 231	139 400	109 376	142 188
26	106 965	139 053	109 104	141 834	111 286	144 671	113 512	147 564	115 782	150 515
27	113 225	147 195	115 490	150 139	117 800	153 142	120 156	156 205	122 559	159 329

Classes	2003 04 01		2006 04 01		2007 04 01		2008 04 01		2009 04 01	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
28	119 856	155 815	122 253	158 931	124 698	162 110	127 192	165 352	129 736	168 659
29	126 877	164 939	129 415	168 238	132 003	171 603	134 643	175 035	137 336	178 536
30	134 305	174 599	136 991	178 091	139 731	181 653	142 526	185 286	145 377	188 992

These salary rates shall determine, for each of these salary classes, the minimum and maximum salary limits for the annual salary of a full-time senior administrator.

The conversion of the annual salary of a senior administrator into a weekly salary is obtained by dividing the annual salary by 52.18. The conversion of the annual salary of a senior administrator into a daily salary is obtained by dividing the annual salary by 260.9.”

23. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Notwithstanding the first paragraph, a senior administrator covered by a severance agreement that includes a notice of termination, non-renewal or resignation of employment, an appointment to a position of senior adviser to the office of the executive director or the payment of severance pay continues to be governed by the provisions that applied prior to the coming into force of this Regulation.

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M.O., 2006

Order number 2006-015 of the Minister of Health and Social Services dated 27 July 2006

An Act respecting health services and social services (R.S.Q., c. S-4.2; 2005, c. 32)

Regulation respecting the designation procedure for certain members of the board of directors of a public institution

CONSIDERING that section 137 of the Act respecting health services and social services (R.S.Q., c. S-4.2), replaced by section 79 of chapter 32 of the Statutes of 2005, provides that the Minister shall determine, by regulation, the procedure to be followed for the designation of certain members of the board of directors of a public institution and shall fix the date on which such designations are to be made;

CONSIDERING that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec*;

CONSIDERING that, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

CONSIDERING that, under section 13 of that Act, the reason justifying the absence of publication of the proposed regulation shall be published with the regulation;

CONSIDERING that the urgency of the situation is due to the fact that, in accordance with sections 135 and 137 of the Act respecting health services and social services, 23 October 2006 has been determined as the date when the elections by the population of certain members of the board of directors of the public institutions are to take place and 17 October 2006 has been determined as the date when the designations of other members of the boards of directors of those institutions are to be made;

CONSIDERING that the urgency of the situation is also due to the fact that the implementation of the Regulation respecting the designation procedure for certain members of the board of directors of a public institution requires the application of various preliminary measures within certain time limits extending over a period of close to 60 days before the designations to be made on 17 October 2006;

CONSIDERING that the Minister is of the opinion that these reasons justify that the Regulation be made without a 45-day prior publication period;

THEREFORE, the Minister of Health and Social Services