

Treasury Board

Gouvernement du Québec

T.B. 204823, 6 March 2007

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2; 2004, c. 39)

Institut Philippe-Pinel — Designation of classes of employees and determination of special provisions applicable to employees

Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

WHEREAS paragraph 0.1 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2) provides that the Government may, by regulation, determine, for the purposes of paragraph 4 of section 1 of the Act, the classes of employees of the Institut Philippe-Pinel who are or who may elect to be members of the plan and the special provisions applicable to them;

WHEREAS the Government made the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel by Order in Council 1443-92 dated 30 September 1992, as amended;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, under section 283 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the first regulation made under paragraph 4 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services may have effect from 1 January 1992;

WHEREAS, in accordance with 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, except certain powers;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, s. 1, par. 4; 2004, c. 39, s. 283)

1. The Pension Plan of Peace Officers in Correctional Services applies to the employees of the Institut Philippe-Pinel who are in a class of employees designated in the Schedule.

2. The years and parts of a year of service of an employee who became covered by the Pension Plan of Peace Officers in Correctional Services on the date on which the employee's employee class became covered by the Plan, and that were credited to the employee on that date under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, must be credited, if there has been no refund of contributions, under the Pension Plan of Peace Officers in Correctional Services on that same date, namely

(1) 1 January 1992 if, on that date and the preceding day, the employee was, at the Institut Philippe-Pinel, in an employee class listed in the Schedule to the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel (1992, G.O. 2, 4663) as the Schedule read on 1 January 1992;

(2) 1 April 1993 if, on that date and the preceding day, the employee was, at the Institut Philippe-Pinel, in the “professional social worker” employee class or the class listed in Division IV of the Schedule to this Regulation;

(3) 15 August 1993 if, on that date and the preceding day, the employee was, at the Institut Philippe-Pinel, in the employee class listed in paragraph 7 of Division II of that Schedule; or

(4) 1 January 2002 if, on that date and the preceding day, the employee was, at the Institut Philippe-Pinel, in the employee class listed in paragraph 3 of Division III of that Schedule.

In addition, the years and parts of a year of service prior to the date on which the employee became covered by the Pension Plan of Peace Officers in Correctional Services and that had been credited to the employee pursuant to the first paragraph of section 39 of the Act, as it read before 1 January 2005, must be credited under the Plan if the employee did not receive a refund of contributions.

3. The years and parts of a year of service prior to 1 January 1975 for which the employee obtained a paid-up annuity certificate within the meaning of section 75 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) must be credited under the Pension Plan of Peace Officers in Correctional Services if the employee became covered by the Plan on the date and conditions set out in subparagraph 1 of the first paragraph of section 2.

The years and parts of a year of service are credited under the Pension Plan of Peace Officers in Correctional Services if the amount of the actuarial value of their benefits, established on the basis of the actuarial assumptions and methods used in the actuarial valuation based on the data finalized at 31 December 1990 for the Plan, was paid to the Commission administrative des régimes de retraite et d’assurances before 1 January 2005.

The employee’s pensionable salary for those years and parts of a year is the annual pensionable salary the employee was receiving on 1 July 1973 or, if the employee has no annual pensionable salary on that date, the annual pensionable salary the employee was receiving on the date on which the employee began making contributions to the Government and Public Employees Retirement Plan, multiplied by the service credited for each of the years and parts of a year.

4. The years and parts of a year of service for which a pension credit had been granted under any of sections 81, 86, 100, 101, 104, 105, 113 and 158 of the Act respecting the Government and Public Employees Retirement Plan to an employee at the Institut Philippe-Pinel must be credited under the Pension Plan of Peace Officers in Correctional Services if the employee became covered by the Plan on the date and conditions set out in any of subparagraphs 1 to 4 of the first paragraph of section 2.

To establish the average pensionable salary at the time the pension is calculated, the pensionable salary and contribution periods relating to the years to which the first paragraph refers are determined in accordance with the first paragraph of section 48 of the Act as that section read on the date on which the employee became covered by the Pension Plan of Peace Officers in Correctional Services.

5. The Act applies to an employee referred to in section 2, 3 or 4 or to a person who was so referred to and to whom section 143.1 of the Act applies in the same manner as it applies to an employee or person to whom section 143.1 of the Act applies. However, for the purposes of Division III of Chapter I of the Act, the years and parts of a year of service credited under the Pension Plan of Peace Officers in Correctional Services pursuant to section 3 or 4 are taken into account only if the employee was a member of the Plan on 31 December 2004.

6. A person who, before 1 January 2005, held a position at the Institut Philippe-Pinel covered by the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel following the application of an employment stability measure or bumping procedure, a layoff or a replacement, or following a permanent disability as a result of an employment injury or after occupational reintegration following a six-month disability, who was, in that establishment, on the day preceding the application of the measure or procedure or the day preceding the disability or reintegration, in a class of employees designated in the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel (1992, G.O. 2, 4663) and who was, on that same day, a member of the Pension Plan of Peace Officers in Correctional Services, continues to be a member of that Plan in that position.

If the person to whom the first paragraph applies was in a class of employees designated in any of Divisions II to IV in the Schedule to the Regulation referred to in the first paragraph, the person is deemed to be, until

1 January 2005 and for the purposes of section 42 of the Act as that section read before that date, an employee referred to in section 5 of the Act, as that section read on the date on which the person began to hold the position referred to in the first paragraph, as long as the person holds such a position at the Institut Philippe-Pinel.

The Pension Plan of Peace Officers in Correctional Services applies, as of 1 January 2005, to the person to whom the first paragraph applies if the person was a member of the Plan on 31 December 2004 pursuant to that paragraph and holds the position referred to in that paragraph on 1 January 2005. The person is qualified for membership in the Plan on that date.

7. Despite the second paragraph of section 20 of the Act and in respect of the employees in a class in Division III of the Schedule, an amount equal to 185.19% of the contribution referred to in the first paragraph of section 42 of the Act and to 100% of the contribution referred to in the second paragraph of that section is borne by the Government.

8. Sections 32 and 39 of the Act in reference to the redemption of service apply, with the necessary modifications, to an employee who, during an absence, was a member of the Government and Public Employees Retirement Plan and had the employee not been absent, would have held a position designated in the Schedule.

The employee may, pursuant to the second, third and fourth paragraphs of section 143.4 of the Act, have the years and parts of a year that were not credited because of the second paragraph of section 39 of the Act, as that paragraph read before 1 January 2005, credited as regards a redemption under section 6 of the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel (1992, G.O. 2, 4663).

9. Section 89 of the Act does not apply in respect of an employee to whom this Regulation applies.

10. Section 35 of the Act applies to an employee to whom subparagraph 2, 3 or 4 of the first paragraph of section 2 applies who, on the day preceding the date on which the employee became covered by the Pension Plan of Peace Officers in Correctional Services, was a member of the Civil Service Superannuation Plan.

The first and second paragraphs of section 57 of the Act apply to the spouse of an employee to whom subparagraph 2, 3 or 4 of the first paragraph of section 2 applies if the employee dies before becoming entitled to a pension or before the pension under section 63 or 64 of the Act becomes payable to the employee.

11. This Regulation replaces the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel made by Order in Council 1443-92 dated 30 September 1992.

12. This Regulation comes into force on 1 January 2005. However, sections 3 and 6 have effect from 1 January 1992, section 7 has effect from 20 February 2003 and the mention of the class of employees in paragraph 7 of Division II of the Schedule to this Regulation has effect from 15 August 1993.

SCHEDULE

(s. 1)

CLASSES OF EMPLOYEES

DIVISION I

MIDDLE MANAGERS

- (1) Assistant head of the Security Department;
- (2) Assistant activities coordinator;
- (3) Assistant program coordinator;
- (4) Head of the Criminology Department;
- (5) Head of the Security Department;
- (6) Head of the Psychology Department;
- (7) Activities coordinator;
- (8) Program coordinator;
- (9) Coordinator of the specialized personal development service.

DIVISION II

EMPLOYEES IN THE SYNDICAT DES PROFESSIONNELLES ET PROFESSIONNELS DU GOUVERNEMENT DU QUÉBEC (SPGQ)

- (1) Criminologist;
- (2) Physical education instructor;
- (3) Remedial teacher;
- (4) Educator;
- (5) Psychologist;
- (6) Educational psychologist.

DIVISION III

EMPLOYEES IN THE CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) AFFILIATED WITH THE FÉDÉRATION DES TRAVAILLEURS ET TRAVAILLEUSES DU QUÉBEC (FTQ)

- (1) Community agent-supervisor;
- (2) Intervention officer;
- (3) Administrative officer whose position would be classed "unit clerk" if the names of the employment position titles at the Institut Philippe-Pinel applying before 21 November 2006 continued to apply;

- (4) Guard;
- (5) Nurse;
- (6) Clinical nurse;
- (7) Workshop instructor;
- (8) Socio-therapist;
- (9) Medical electrophysiology technician;
- (10) Radio-diagnostic technologist.

DIVISION IV

OTHER UNIONIZED EMPLOYEES

- Human relations officer.

8072