

Treasury Board

Gouvernement du Québec

T.B. 207216, 20 January 2009

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11)

An Act respecting the Civil Service Superannuation Plan
(R.S.Q., c. R-12)

Regulation

— Amendments

Regulation to amend various regulations under certain public sector pension plans

WHEREAS, under subparagraph 4.0.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), paragraph 4.0.1 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) and paragraph 3.1 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan, determine, for the purposes of sections 17.2 of the Act respecting the Government and Public Employees Retirement Plan, 14.1 of the Act respecting the Teachers Pension Plan and 61.1 of the Act respecting the Civil Service Superannuation Plan, the circumstances in which another salary may be established and the terms and conditions relating to the application of such salary;

WHEREAS, under subparagraph 16.0.1 of the first paragraph of that section 134, enacted by paragraph 3 of section 82 of chapter 43 of the Statutes of 2007, the Government may, by regulation, after the Commission has consulted the pension committee, prescribe, for the purposes of section 147.0.1 of the Act respecting the Government and Public Employees Retirement Plan, the manner of determining the latest date on which errors or corrections may be identified or received in order for the Commission to adjust the amount of a pension downwards;

WHEREAS, under subparagraph 24 of the first paragraph of section 134, enacted by paragraph 4 of section 82 of chapter 43 of the Statutes of 2007, the Government may, by regulation, after the Commission has consulted the pension committee, determine, for the purposes of section 219 of the Act respecting the Government and Public Employees Retirement Plan, the other conditions for computing the interest on contributions within the meaning of section 50 of the Act;

WHEREAS section 166 of chapter 43 of the Statutes of 2007 provides that the first regulations made after 21 December 2007 under sections 17.2 of the Act respecting the Government and Public Employees Retirement Plan, 14.1 of the Act respecting the Teachers Pension Plan and 61.1 of the Act respecting the Civil Service Superannuation Plan may, if they so provide, have effect from any date not prior to 1 January 2008;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor exercises, after consulting the Minister of Finance, 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 Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and the Conseil du trésor made the Regulation under the Act respecting the Teachers Pension Plan by its Decision 169291 dated 29 November 1988 and the Regulation under the Act respecting the Civil Service Superannuation Plan by its Decision 169292 dated 29 November 1988;

WHEREAS it is expedient to amend those regulations;

WHEREAS the pension committee has been consulted;

WHEREAS the consultation required by section 40 of the Public Administration Act has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend various regulations under certain public sector pension plans, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend various regulations under certain public sector pension plans

An Act respecting the Government and Public Employees Retirement Plan¹

(R.S.Q., c. R-10, s. 134, 1st par., subpars. 4.0.1, 16.0.1 and 24; 2007, c. 43, s. 82, pars. 3 and 4 and s. 166)

An Act respecting the Teachers Pension Plan²

(R.S.Q., c. R-11, s. 73, par. 4.0.1; 2007, c. 43, s. 166)

An Act respecting the Civil Service Superannuation Plan³

(R.S.Q., c. R-12, s. 109, par. 3.1; 2007, c. 43, s. 166)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by inserting “but before 2008” in section 8.0.1 after “after 1992”.

2. The following is inserted after section 35.1:

**“DIVISION XIV.0.1
PENSION ADJUSTMENT
(s. 134, par. 16.0.1)**

35.1.0.1. For the purposes of the first paragraph of section 147.0.1 of the Act, the Commission may adjust downwards the amount of a pension that began to be paid to correct any clerical error or to take into account corrections that may be made to the data used for computing the pension if such errors or corrections are identified or received on or before the later of the following dates:

¹ The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the regulation made by Conseil du trésor Decision 206316 dated 22 April 2008 (2008, *G.O.* 2, 1297).

² The Regulation under the Act respecting the Teachers Pension Plan, made by Conseil du trésor Decision 169291 dated 29 November 1988 (1988, *G.O.* 2, 4085), was last amended by the regulation made by Conseil du trésor Decision 206221 dated 1 April 2008 (2008, *G.O.* 2, 1165).

³ The Regulation under the Act respecting the Civil Service Superannuation Plan, made by Conseil du trésor Decision 169292 dated 29 November 1988 (1988, *G.O.* 2, 4088), was last amended by the regulation made by Conseil du trésor Decision 206221 dated 1 April 2008 (2008, *G.O.* 2, 1165).

For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

(1) the date occurring 24 months after the date on which participation in the pension plan ceased; or

(2) the date occurring 6 months after the date on which payment of the pension began.”.

3. Section 49 is revoked.

4. The following is inserted after section 49:

“49.1. For the purposes of the second paragraph of section 219 of the Act, the interest rate applicable to the contributions referred to in subparagraph 1 of the first paragraph of that section is determined according to the formula in Schedule VI.”.

5. The following is added after Schedule V:

**“SCHEDULE VI
(s. 49.1)**

The interest rate applicable to the contributions referred to in section 49.1 corresponds to rate I determined according to the following formula:

$$I = [(1+i_1)^{nb_1/365} \times (1+i_2)^{nb_2/365}]^{1/2} - 1, \text{ where}$$

i_1 represents the interest rate of Schedule VI to the Act applicable at the beginning of the employee’s period of membership until the earlier of the following dates: the date of the end of the period of application of the interest rate, the date of the end of the period of membership or 31 December of the year concerned;

nb_1 represents the number of days during which the interest rate represented by the variable i_1 is applicable;

i_2 represents, where the employee’s period of membership ends on a date later than the date of the end of the period of application of the interest rate represented by the variable i_1 , the interest rate of Schedule VI to the Act applicable on the day following the end of the period of application until the earlier of the following dates: the date of the end of the period of membership or 31 December of the year concerned;

nb_2 represents the number of days during which the interest rate represented by the variable i_2 is applicable.

Where the period of membership ends on a date prior to the date of the end of the period of application of the interest rate represented by the variable i_1 , the term $(1+i_2)^{nb_2/365}$ is equal to 1.”.

6. Section 4.1 of the Regulation under the Act respecting the Teachers Pension Plan is amended by inserting “but before 2008” after “after 1992”.

7. Section 2.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan is amended by inserting “but before 2008” after “after 1992”.

8. This Regulation comes into force on the date of coming into force of paragraphs 3 and 4 of section 82, sections 83 and 90 of chapter 43 of the Statutes of 2007, except sections 1, 6 and 7 that have effect from 1 January 2008.

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Gouvernement du Québec

T.B. 207217, 20 January 2009

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

Regulation — Amendments

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

WHEREAS, under subparagraph 4.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 196.2 of the Act, determine, for the purposes of section 28.1, the circumstances in which another salary may be established and the terms and conditions relating to the application of such salary;

WHEREAS, under subparagraph 24 of the first paragraph of that section 196, enacted by paragraph 2 of section 159 of chapter 43 of the Statutes of 2007, the Government may, by regulation, after the Commission has consulted the pension committee, establish, for the purposes of section 206 of the Act respecting the Pension Plan of Management Personnel, the other conditions for computing the interest on contributions within the meaning of section 73 of the Act;

WHEREAS section 166 of chapter 43 of the Statutes of 2007 provides that the first regulations made after 21 December 2007 under section 28.1 of the Act respecting the Pension Plan of Management Personnel may, if they so provide, have effect from any date not prior to 1 January 2008;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor exercises, after consulting the Minister of Finance, 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 Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by its Decision 202420 dated 24 May 2005;

WHEREAS it is expedient to amend the regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the consultation required by section 40 of the Public Administration Act has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

SERGE MARTINEAU,
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., subpars. 4.1 and 24; 2007, c. 43, s. 159, par. 2 and s. 166)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by inserting “but before 2008” in section 3 after “after 1992”.

2. Section 20 is revoked.

3. The following is inserted after section 20:

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Conseil du trésor Decision 202420 dated 24 May 2005 (2005, *G.O.* 2, 1733), was last amended by the regulation made by Conseil du trésor Decision 206317 dated 22 April 2008 (2008, *G.O.* 2, 1299). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.