

## Regulations and other Acts

Gouvernement du Québec

### O.C. 524-2009, 6 May 2009

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

#### Special provisions in respect of classes of employees designated under section 23 of the Act — Amendments

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 960-2003 dated 17 September 2003 concerning Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend the Order in Council;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph of that section may have effect 12 months or less before it is made;

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

THAT the Amendments to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT the Amendments have effect as of 1 January 2010, except the amendments in sections 6 and 7, which have effect from 7 May 2008, and the amendments in section 11, which have effect from the day they are made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### Amendments to the 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)

**1.** The Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 960-2003 dated 17 September 2003, are amended in section 1 by replacing “established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)” in the definition of “Commission” by “established by section 1 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (R.S.Q., c. C-32.1.2)”.

**2.** The following is inserted after section 7:

“**7.1.** Where the employee ceases to be a member of the plan before 1 January 2010, sections 8, 9, 11, 23 and 27 apply as they read on the date the employee ceases to be a member of the plan. The same applies in respect of sections 14 and 29 if a person to which this Order in Council applies dies before 1 January 2010.”

**3.** Section 8 is amended by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“**8.** Subject to section 25, the amount of the pension of an employee who ceases to be a member of the plan after 31 December 2009 in respect of the years of service credited to the employee while this Order in Council applies to the employee, is equal to the total of the following amounts on the date on which the employee ceases to be a member of the plan:”

\* The Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 960-2003 dated 17 September 2003 (2003, *G.O.* 2, 2963), were last amended by Order in Council 1235-2005 dated 14 December 2005 (2005, *G.O.* 2, 5519). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

**4.** Section 9 is amended

(1) by replacing the first paragraph by the following:

“**9.** For the purposes of subparagraphs 1 and 2 of the first paragraph of section 8, the average pensionable salary is established in accordance with sections 50.3 and 53.1 to 53.20 of the Act, subject to the following modifications:

(1) subparagraph 1 of the first paragraph of section 50.2 of the Act does not apply;

(2) a reference to subparagraph 2 of the first paragraph of section 50.2 of the Act must be read as a reference to the first paragraph of section 8;

(3) subparagraph 1 of the first paragraph of section 53.1 of the Act does not apply;

(4) a reference to the first paragraph of section 53.1 of the Act must be read as a reference to subparagraph 2 of the first paragraph of section 53.1;

(5) a reference to the limit imposed by the first paragraph of section 30 of the Act must be read as a reference to the limit provided for in the third paragraph of this section and the terms and conditions of its application.”;

(2) by replacing “pensionable salaries that must be adjusted” in the third paragraph by “annualized pensionable salaries that must be established”.

**5.** Section 11 is revoked.

**6.** Section 14 is amended by replacing “has no spouse and dies while a pensioner or eligible for a pension or deferred pension” in the first sentence of the second paragraph by “dies without a spouse entitled to the benefits provided for in the first paragraph while the person is a pensioner or eligible for a pension or deferred pension under the second paragraph of section 15”.

**7.** The following is inserted after section 14:

“**14.1.** For the purposes of the third paragraph of section 79.1 of the Act, the waiver by the spouse is cancelled only if, on the date the pensioner dies, no amount is payable to his or her successors pursuant to the second paragraph of section 14.”.

**8.** Section 19 is amended

(1) by inserting “once again” in the first paragraph before “ceases”;

(2) by replacing “11” in subparagraph 1 of the first paragraph by “10”;

(3) by replacing “28” in subparagraph 2 of the first paragraph by “27”;

(4) by adding the following paragraph at the end:

“Average pensionable salaries selected to recompute, pursuant to the first paragraph, each part of the pension related to the years prior to 2010 may not be smaller than the average pensionable salaries that had been selected to compute the total pension that was paid immediately before the return to work.”.

**9.** Section 25 is amended by replacing “subdivision 2” in the second paragraph by “subdivisions 2 and 2.1”.

**10.** Section 27 is amended

(1) by inserting “annualized” before the second occurrence of “pensionable salary” in the first sentence;

(2) by replacing “2 of section 9” in the first sentence by “1 of section 50.3 of the Act”;

(3) by replacing “pensionable salary must be adjusted” in the second sentence by “annualized pensionable salary must be established”;

(4) by inserting “annualized” before the second occurrence of “pensionable salary” in the second sentence.

**11.** Schedules II and III are amended by striking out “or members” in paragraph 8.