

Treasury Board

Gouvernement du Québec

T.B. 209326, 21 September 2010

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

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 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), the Government may determine, by regulation, for the purposes of paragraph 3 of section 4 of the Act, the classes and conditions of employment and the remuneration or mode of remuneration by reason of which a person is excluded from the plan;

WHEREAS, under subparagraph 3 of the first paragraph of section 134 of the Act, amended by paragraph 1 of section 33 of chapter 11 of the Statutes of 2010, the Government may establish, by regulation, the rules governing a poll held under section 6 or 6.1 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under subparagraph 4.2 of the first paragraph of section 134 of the Act, amended by paragraph 2 of section 33 of chapter 11 of the Statutes of 2010, the Government may establish, by regulation, for the purposes of sections 25, 115.1 and 115.10.1 of the Act, the tariff applicable to the payment of redemption cost which may vary according to the employee's age, the reason for the absence, the year of service covered by the redemption and the date of receipt of the application, and prescribe the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections;

WHEREAS, under the first paragraph of section 134 of the Act, the Government exercises the regulatory powers provided for in that section 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;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), 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;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is hereby made.

GEORGES BOULET,
Acting Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpars. 1, 3 and 4.2; 2010, c. 11, s. 33)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended in section 1 by adding the following at the end:

“(7) a postdoctoral trainee who works in a research centre within the meaning of section 6.2 of the Act.”.

* 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 Decision 208555 of the Conseil du trésor dated 16 December 2009 (2010, *G.O.* 2, 155). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

2. The heading of Division II of Chapter I is replaced by the following:

“RULES GOVERNING THE HOLDING OF POLLS
(s. 134, 1st par, subpar. 3)

1. Poll referred to in section 6 of the Act”.

3. The following is inserted after section 7:

“2. Polls referred to in section 6.1 of the Act

Employer’s poll

7.1. The person responsible for the management of a research centre within the meaning of section 6.2 of the Act and section 22.2 of the Act respecting the Pension Plan of Management Personnel is responsible for the holding of the employer’s poll.

7.2. The person responsible for the management of a research centre draws up the list of the employees of the centre who, on the date on which the notice of meeting referred to in section 7.3 is sent or the ballot paper referred to in section 7.5 is given, as the case may be, would be qualified to vote under section 6.1 of the Act or, as the case may be, section 22.1 of the Act respecting the Pension Plan of Management Personnel if the employees’ poll was held on that day.

Each employee is assigned to one of the parties forming the employer within the meaning of section 6.2 of the Act and section 22.2 of the Act respecting the Pension Plan of Management Personnel according to the imputation of the employee’s remuneration to the research budget of one of the parties. If the employee’s remuneration is imputed to more than one research budget, the employee is assigned to the party whose budget pays the highest percentage of the employee’s remuneration.

The assignment of an employee to a party forming the employer gives that party a vote for the purposes of the fourth paragraph of section 7.4 or the third paragraph of section 7.5.

7.3. A notice of meeting specifying the place and date of the meeting to hold an employer’s poll must be sent to each party forming the employer at least 10 days before the date set for the holding of the poll.

The list drawn up pursuant to section 7.2 is attached to the notice of meeting.

7.4. The parties forming the employer, present at the meeting, designate a returning officer and 2 deputy returning officers. The deputy returning officers draw up the list

of the parties present by specifying in respect of each one of them the number of employees that were assigned to each party pursuant to section 7.2, and proceed with the voting.

The vote of each party is expressed by means of a ballot worded as follows:

“I am favourable to the participation in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as the case may be, of the employees of the research centre who will be called to elect to participate in one plan or the other.

Yes [] No []

Name of the party forming the employer: _____
Number of employees assigned: []”.

A party may vote by proxy. The proxy must be given to the returning officer.

After collecting the ballot papers, the deputy returning officers count the votes on the basis of the number of employees assigned to one party, each employee counting for one vote, and immediately communicate the result of the poll to the meeting. A simple majority of the votes cast on that basis decides the question.

7.5. If it is impossible to hold a meeting, the poll may be held by giving each party forming the employer a ballot paper worded as prescribed by the second paragraph of section 7.4 and the list drawn up pursuant to section 7.2.

Each party forming the employer must sign the ballot paper and return it to the person responsible for the management of the research centre not later than 15 days after receiving it.

The votes must be counted in the presence of the representative of the researchers and according to the rules provided for in the fourth paragraph of section 7.4. A simple majority of the votes cast on the basis of that paragraph decides the question. The result of the employer’s poll must be communicated to each party forming the employer, with an affidavit signed by the person responsible for the centre and the representative of the researchers.

7.6. Where applicable, the person responsible for the management of the research centre sends to the Commission a notice specifying that the employer agrees to the participation of its employees in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as the case may be.

Employees' poll

7.7. The employees of a research centre within the meaning of section 6.2 of the Act and section 22.2 of the Act respecting the Pension Plan of Management Personnel who are qualified to vote under section 6.1 of the Act or, as the case may be, section 22.1 of the Act respecting the Pension Plan of Management Personnel, or their representative, must notify the Commission in writing that they intend to hold a poll to elect to participate in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as the case may be.

The notice must specify the name and address of the research centre and the names and addresses of the person responsible for the management of the research centre and of the representative of the employees.

The notice must be signed by 10% of the employees or 100 employees, whichever is less, or by their representative.

7.8. The person responsible for the management of the research centre or, failing that, the representative of the employees, is responsible for the holding of the employees' poll.

7.9. The employees' poll is held within 3 months of the date of receipt by the Commission of the last of the 2 notices referred to in sections 7.6 and 7.7.

7.10. A notice of meeting specifying the place and date of the meeting to hold an employees' poll must be sent to each employee qualified to vote at least 10 days before the date set for the holding of the poll.

7.11. At the meeting, the employees qualified to vote designate a returning officer and 2 deputy returning officers. The deputy returning officers draw up the list of the employees present who are qualified to vote, and proceed with the voting.

The vote of each employee is expressed by means of a ballot worded as follows:

"I wish to participate in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as the case may be.

Yes [] No []".

After collecting the ballot papers, the deputy returning officers count the votes and immediately communicate the result of the poll to the meeting. A simple majority of the votes cast decides the question.

7.12. If it is impossible to hold a meeting, the poll may be held by giving each employee qualified to vote a ballot paper worded as prescribed by the second paragraph of section 7.11.

Each employee must sign his or her ballot paper and return it to the person responsible for the holding of the poll under section 7.8 not later than 15 days after receiving it.

The votes must be counted in the presence of the representative of the employees and the result of the poll must be posted at the usual places for posting information at the research centre. A simple majority of the votes cast decides the question.

7.13. The representative of the employees notifies the Commission of the results of the poll. The notice must come with an affidavit signed by the representative."

4. Section 8.3 is amended by replacing "and 115.1" by ", 115.1 and 115.10.1".

5. Section 8.5 is amended by adding "and the third paragraph of section 115.10.1" after "section 115.1".

6. Schedule 0.I is amended by adding the following at the end:

"4. The tariff applicable to pay the cost of redemption of service under section 115.10.1 of the Act in respect of a period of service performed by an employee in a research centre varies according to the date on which the application for redemption of service is received by the Commission.

Where the application for redemption of service is received before 1 January 2013, the tariff is the tariff appearing in the table of section 2 of this Schedule. Where the application is received after 31 December 2012, the tariff is the tariff appearing in the table of section 1 of this Schedule."

7. This Regulation comes into force on the date of coming into force of the sections referred to in paragraph 2 of section 42 of the Act to amend the Act respecting the Pension Plan of Management Personnel and other legislation establishing pension plans in the public sector (2010, c. 11).