

Gouvernement du Québec

C.T. 209327, 21 September 2010

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 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 determine, by regulation, for the purposes of subparagraph 3 of the first paragraph of section 3, the classes of employees, the conditions of employment and the remuneration or mode of remuneration by reason of which a person is excluded from the plan;

WHEREAS, under subparagraph 5.1 of the first paragraph of section 196 of the Act, amended by section 12 of chapter 11 of the Statutes of 2010, the Government may establish, by regulation, for the purposes of sections 39, 146 and 152.1 of the Act respecting the Pension Plan of Management Personnel, the tariff applicable to the payment of redemption costs 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 196 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 196.2 of the Act respecting the Pension Plan of Management Personnel;

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 Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision 202420 dated 24 May 2005;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, 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.

GEORGES BOULET,
Acting 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. 1 and 5.1; 2010, c. 11, s. 12)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by inserting the following before Division I:

“DIVISION 0.1
PERSONS EXCLUDED FROM THE PLAN
(s. 196, 1st par., subpar. 1)

0.1. The classes of employees, the conditions of employment and the remuneration or mode of remuneration by reason of which a person is excluded from the plan are

- (1) a person paid in fees or paid by the act;
- (2) a person hired to perform duties as a student or a *coopérant*;
- (3) a person hired to perform duties directly related to his or her training program in a college as student employee;

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Decision 202420 of the Conseil du trésor dated 24 May 2005 (2005, *G.O.* 2, 1733), was last amended by the regulation made by Decision 208549 of the Conseil du trésor dated 16 December 2009 (2010, *G.O.* 2, 141). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

(4) a person hired under contract as an independent worker under the terms of whose contract no deduction at source is made;

(5) a resident physician;

(6) a person hired to perform duties as a trainee, that is a person who, under the guidance of a college, university or professional corporation, is required to complete a training period or clinic to obtain his or her final degree, except a person belonging to an employment group that provides for a class of trainees; and

(7) a postdoctoral trainee who works in a research centre within the meaning of section 22.2 of the Act.”.

2. Section 4 is amended by replacing “and 146” by “, 146 and 152.1”.

3. Section 6 is amended by adding “and the third paragraph of section 152.1” after “section 146”.

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

“3. The tariff applicable to pay the cost of redemption of service under section 152.1 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.”.

5. 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).