

(4) the employee and the employer decide jointly to terminate the agreement later than one year after the date fixed for the beginning of the agreement;

(5) the employee becomes covered by the Pension Plan of Certain Teachers or by the Pension Plan of Peace Officers in Correctional Services;

(6) the employee is still disabled at the 105th week and if, during the disability, the employee was eligible for salary insurance under a salary insurance plan other than the plan referred to in the second paragraph of section 34 of the Act.

10.0.4. The provisions of sections 134 and 135 of the Act apply in respect of the pensionable salary, annualized pensionable salary, service credited and contributions until the date on which the agreement terminates pursuant to section 10.0.3.”.

6. Section 10.1 is amended by striking out the second sentence of the second paragraph after the heading “Actuarial method”

7. This Regulation comes into force on 1 January 2010, except section 6, which comes into force on 16 December 2009.

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Gouvernement du Québec

T.B. 208550, 16 December 2009

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

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan

WHEREAS, under paragraph 5 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), amended by paragraph 1 of section 76 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the days and parts of a day that are not included in the contributory period;

WHEREAS, under paragraph 6.1 of that section 109, enacted by paragraph 2 of that section 76, the Government may, by regulation, determine the daily factor applicable to the salary, which may vary with the class of officers and the terms of payment of the salary that apply;

WHEREAS, under paragraph 6.2 of that section 109, enacted by paragraph 2 of that section 76, the Government may, by regulation, determine the method of establishing the contributory period of an officer who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under paragraph 8.1.2 of that section 109, amended by section 16 of chapter 56 of the Statutes of 2009, the Government may, by regulation, determine the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the annualized pensionable salary, the service credited and the contributions, and prescribe the terms and conditions on which an officer may be credited with service not recognized by reason of any such circumstance;

WHEREAS, under that section 109, the Government exercises the regulatory powers provided therein 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 (R.S.Q., c. R-10);

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 Civil Service Superannuation Plan by Decision 169292 dated 29 November 1988;

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 Civil Service Superannuation Plan, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan*

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, pars. 5, 6.1, 6.2 and 8.1.2; 2008, c. 25, s. 76; 2009, c. 56, s. 16)

1. The Regulation under the Act respecting the Civil Service Superannuation Plan is amended by replacing Chapter IV by the following:

“CHAPTER IV COMPUTATION OF PENSION (s. 109, pars. 5, 6.1 and 6.2)

4. The days and parts of days credited under sections 67.1, 99.5 and 112.2 of the Act, as well as the days and parts of days of absence without pay not credited are not part of the contributory days included in the contributory period.

4.1. The contributory period of a public servant who simultaneously holds, for the first time during a year, more than one employment under this plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the public servant on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the public servant continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the public servant according to the employment conditions applicable to the public servant on the last credited day of the year.

4.2. Where, in a year, a public servant ceases to hold the reference employment retained pursuant to section 4.1 and, before the end of that year, the public servant simultaneously holds again more than one employment under the plan, that public servant’s contributory period is established, for the part of the year where more than

one employment is simultaneously held, by retaining as new reference employment from among the employments then held the employment held on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, a public servant ceases to hold the reference employment retained pursuant to section 4.1 and continues to simultaneously hold more than one employment under the plan, that public servant’s contributory period is established, for the part of the year that begins on the first day following the day on which the public servant ceases to hold the reference employment, by retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

4.3. The daily factor used to compute the annualized pensionable salary of a public servant who holds employment under the plan whose basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the public servant is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level;

(3) a teacher referred to in paragraph 1 or 2 of this paragraph who is, under the plan, released without pay for union activities; or

(4) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.”.

2. Section 8.2 is amended by adding the following paragraph at the end:

“To compute the pension, the annualized pensionable salary is

* The Regulation under the Act respecting the Civil Service Superannuation Plan, made by Decision 169292 of the Conseil du trésor dated 29 November 1988 (1988, *G.O.* 2, 4088), was last amended by the regulation made by Decision 207216 of the Conseil du trésor dated 20 January 2009 (2009, *G.O.* 2, 121). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2009, updated to 1 March 2009.

(1) for each of the years prior to 2010 during which the agreement applied, the salary determined in accordance with sections 62.6 to 62.8, 62.10 and 62.24 of the Act on the basis of the pensionable salary and service credited respectively referred to in subparagraphs 1 and 2 of the first paragraph;

(2) for each of the years after 2009 during which the agreement applies, the salary determined in accordance with sections 62.11 to 62.20, 62.23 and 62.24 of the Act on the basis of the pensionable salary referred to in subparagraph 1 of the first paragraph, if the public servant holds pensionable employment for which the basis of remuneration is 260 days, or, if the public servant holds pensionable employment for which the basis of remuneration is 200 days, on the basis of the basic salary and the harmonized service established for the period during which the civil servant accomplished service or would have accomplished service if the public servant had not been eligible for salary insurance.”.

3. Section 8.4 is amended by replacing “contributions, pensionable salary and service credited” by “the pensionable salary, annualized pensionable salary, service credited and contributions”.

4. The following is inserted after section 8.4:

“**8.4.1.** In respect of a public servant who ceases to participate in the plan before 1 January 2010, sections 8.2 and 8.4 apply as they read on the date on which the public servant ceased to participate in the plan.”.

5. This Regulation comes into force on 1 January 2010.

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Gouvernement du Québec

T.B. 208551, 16 December 2009

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

Application of Title IV.2 of the Act — Amendments

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under the first paragraph of section 215.11.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the amount of the pension and, where applicable, the amount of the pension

credit of the person referred to in section 215.11.12 of the Act is increased, in accordance with the actuarial assumptions and methods determined by regulation, by an amount corresponding to the actuarial reduction applicable under the person’s plan, if the person pays to the Commission administrative des régimes de retraite et d’assurances a certain amount established;

WHEREAS, under subparagraph 1 of the first paragraph of section 215.13 of the Act, amended by section 27 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the manner in which a person’s pensionable salary, annualized pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person’s conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment, or following the application of sections 79.3 and 81.15 of the Act respecting labour standards (chapter N-1.1);

WHEREAS, under subparagraph 3 of the first paragraph of that section 215.13, the Government may, by regulation, determine measures designed to encourage retirement, and in particular measures designed to anticipate the payment of certain pension benefits;

WHEREAS, under subparagraph 6 of the first paragraph of that section 215.13, the Government may, by regulation, in respect of a person whose employer under the plan has not deducted from the pensionable salary an annual amount provided for in the pension plan whereas the person was an employee to whom the pension plan applied,

— determine the terms and conditions of payment of the necessary sums by the person, the person’s spouse or successors and, as the case may be, the applicable rate of interest;

— prescribe the terms and conditions applicable to the redemption of a period of service prior to the period during which the person was a member of the plan;

— determine, notwithstanding sections 187 to 191.1 of the Act respecting the Government and Public Employees Retirement Plan, the terms and conditions of payment of the contributory amounts by the employers, and the employers exempted from such payment;