

Gouvernement du Québec

**T.B. 208553, 16 December 2009**

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2)

**Regulation**

— **Amendments**

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under paragraph 1.1 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), enacted by paragraph 1 of section 50 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under paragraph 3 of that section 130, the Government may, by regulation, determine the actuarial assumptions and methods used to calculate the actuarial value of the benefits referred to in sections 23, 41.7 and 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, which may vary according to the pension plans and benefits concerned;

WHEREAS, under paragraph 3.1 of that section 130, the Government may, by regulation, establish the limits applicable to a pension amount added under section 41.6 of the Act respecting the Pension Plan of Peace Officers in Correctional Services and the manner in which an amount is to be adjusted to comply with the limits;

WHEREAS, under paragraph 5.1 of that section 130, enacted by paragraph 3 of section 50 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

WHEREAS, under paragraph 5.2 of that section 130, enacted by paragraph 3 of that section 50, the Government may, by regulation, determine the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to an annual basic salary;

WHEREAS, under paragraph 5.3 of that section 130, enacted by paragraph 3 of that section 50, the Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under section 25 of chapter 56 of the Statutes of 2009, the first amendment made after 4 December 2009 to section 3.0.1 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988, may have effect as of a date not prior to 1 January 2006;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises 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 Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

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 Peace Officers in Correctional Services, attached hereto, is made.

SERGE MARTINEAU,  
*Clerk of the Conseil du trésor*

**Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services\***

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2, s. 130, pars. 1.1, 3, 3.1, 5.1 to 5.3; 2008, c. 25, s. 50; 2009, c. 56, s. 25)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by inserting the following after Chapter I:

\* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, G.O. 2, 4149), was last amended by the regulation made by Decision 207218 of the Conseil du trésor dated 20 January 2009 (2009, G.O. 2, 124). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

**“CHAPTER I.1  
CLASSES OF EMPLOYEES FOR WHOM THE  
BASIS OF REMUNERATION IS 200 DAYS  
(s. 130, par. 1.1)**

**1.1.** The classes of employees who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

(3) teachers employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and 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.** Section 3.0.1. is amended

(1) by replacing “sections 23 and 41.7” in the second paragraph following the heading “Actuarial method” by “section 23”;

(2) by striking out “or less than 4 years from retirement under the Pension Plan of members of the Sûreté du Québec” in the same paragraph.

**3.** Section 3.3 is amended by replacing the definition of TM by the following:

“TM represents

(1) for a pension credit pertaining to a year prior to 1992, the average pensionable salary determined in accordance with subdivision 2.0.1 of Division I of Chapter IV of the Act on the basis of average annualized pensionable salaries that do not take into account the limit provided for in the first paragraph of section 14.1 of the Act;

(2) for a pension credit pertaining to a year after 1991, the average pensionable salary determined in accordance with that subdivision 2.0.1 of the Act on the basis of average annualized pensionable salaries that take into account the limit provided for in the first paragraph of section 14.1 of the Act.

In respect of an employee who ceases to participate in the plan before 1 January 2010, TM has the meaning assigned by this section as it reads on the date on which the employee ceases to participate.”.

**4.** The heading of Chapter V is replaced by the following:

“COMPUTATION OF PENSION  
(s. 130, pars. 5, 5.1, 5.2 and 5.3)”.

**5.** The following is inserted after section 5:

“**5.1.** The contributory period of an employee who simultaneously holds, for the first time during a year, more than one employment under the 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 employee 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 employee continues to hold that employment.

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

**5.2.** Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 5.1 and, before the end of that year, the employee simultaneously holds again more than one employment under the plan, that employee’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 simultaneously held or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 5.1 and continues to simultaneously hold more than one employment under the plan, that employee’s contributory period is established, for the part of the year that begins on the first day following the day on which the employee 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.

**5.3.** The daily factor used to compute the annualized pensionable salary of an employee who holds employment under the plan for which the basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the employee 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; or

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

**5.4.** The annual basic salary of an employee who holds pensionable employment for which the basis of remuneration is 200 days and who is paid according to an hourly rate is established by multiplying that rate by the maximum number of hours that may be paid in a year. That number is

(1) 800, in the case of a teacher in adult education or vocational training or a teacher hired by the lesson at the secondary level;

(2) 920, in the case of a teacher hired by the lesson at the preschool or elementary level;

(3) 1,000, in the case of a casual supply teacher.”.

**6.** This Regulation comes into force on 1 January 2010, except section 2, which comes into force on 1 January 2006.

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Gouvernement du Québec

**T.B. 208554, 16 December 2009**

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

**Regulation  
— Amendments**

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers

WHEREAS, under paragraph 1.0.0.1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), enacted by section 33 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the categories of persons who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under paragraph 1.1 of that section 41.8, the Government may, by regulation, establish the limits applicable to a pension amount added under section 35.9 of the Act respecting the Pension Plan of Certain Teachers and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS, under that section 41.8, 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, after consulting the Minister of Finance, exercises 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 respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;