

**9.** Section 108 of this Regulation is replaced by the following:

“**108.** A senior administrator who is reinstated in a position located more than 50 kilometres by road from his home base and his residence is entitled to the reimbursement, from his original employer, of his or her moving expenses and temporary moving-in expenses; these expenses are the same as those prescribed in the *Directive concernant l'ensemble des conditions de travail des cadres*, adopted by the Conseil du trésor on April 20, 2010 (C.T. 208914), and its amendments for the public sector, with the necessary modifications.”

**10.** The 2nd paragraph of section 127 of this Regulation is amended by deleting the phrase “or on the date on which he changed his choice”.

**11.** The 2nd paragraph of section 132 of this Regulation is replaced by the following:

“In the case of a decision of non-renewal or termination of employment, the notice must be sent to the senior administrator at least 90 days prior to the date of end of employment.”

**12.** Section 136 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:

“Notwithstanding the foregoing, the severance pay is reduced by the flat dollar amounts received as attraction and retention allowances provided for under sections 40.2 and 161.”

**13.** Section 141 of this Regulation is amended by adding, after the 2nd sentence, the following sentence:

“However, if the senior administrator has received flat dollar amounts as attraction and retention allowances provided for under sections 40.2 and 161, the duration of the leave with pay will be reduced proportionate to the flat dollar amounts received in this respect.”

**14.** The first paragraph of section 157 of this Regulation is revoked.

**15.** Section 161 of this Regulation is amended:

1° by adding, after the number “5”, the words “or end-of-engagement measures provided for in Chapter 6”;

2° by adding, after the last paragraph, the following paragraph:

“This section does not apply to a senior administrator who receives a retirement pension from a pension plan managed by the *Commission administrative des régimes de retraite et d'assurance* (CARRA), other than the Pension Plan of Elected Municipal Officers (PPEMO), the Retirement Plan for Mayors and Councillors of Municipalities (RPMCM) or the Pension Plan of the Members of the National Assembly (PPMNA).”

**16.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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## M.O., 2011

### Order number 2011 019 of the Minister of Health and Social Services dated 22 December 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions

CONSIDERING the Regulation respecting accessibility to positions remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions made by Order in Council 1218-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions”, approved by T.B. 193821 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions.

YVES BOLDUC,  
*Minister of Health and Social Services*

## Regulation to amend the regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions\*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

**1.** The 2nd paragraph of section 1 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions is amended by replacing the word “subdivision” by the word “Division”.

**2.** Section 3 of this Regulation is amended:

1° by inserting, in alphabetical order, the following definition:

“career reorientation”: the moving of an officer to a position in a lower evaluation class, at the officer’s request”;

2° by inserting, at the end of the definition of the word “demotion,” after the words “lower evaluation”, the following words: “, following a decision by the employer”;

\* The last amendment to the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, made by Order in Council No. 1218-96 dated September 25, 1996 (1996, *G.O.* 2, 5749), was made by the regulation enacted by Ministerial Order No. 2011-003 dated April 20, 2011 (2011, *G.O.* 2, 1504). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2011, updated to April 1st, 2011.

3° by inserting, in the definition of the expression “continuous service,” after the word “senior administrator”, the words “, as a union member, as a unionizable non-member”.

**3.** Section 3.14 of this Regulation, is replaced by the following:

“**3.14.** The employer shall, within fifteen (15) days after the end of each of the thirteen (13) accounting periods in the financial year, pay the amounts collected during that period to the appropriate association of intermediate officers, indicating, for each officer from whom a contribution has been collected, the surname, given name, social insurance number, position, the period covered by the contribution and the amount collected.”.

**4.** This Regulation is amended by inserting, after section 3.14, the following sections:

“**3.15.** An intermediate officer is not required to pay the contribution prescribed in section 3.12 for a period of thirty (30) days following the date on which he or she is appointed.

Before the end of the period stipulated in the 1st paragraph, an intermediate officer who does not intend to contribute to the association shall notify the association of this decision in writing. The officer shall send a copy of the notice to the employer.

The employer shall begin to deduct the contribution from the intermediate officer’s salary during the first complete salary period following the period prescribed in the 1st paragraph, unless the intermediate officer has stated an intention not to contribute in accordance with the 2nd paragraph. [C.T. 196312, s. 5].

**3.16.** The situation of existing intermediate officers as contributors or non-contributors is continued as of the date this Regulation comes into force.

**3.17.** An intermediate officer may, at any time, decide not to pay the contribution by means of a written notice sent to the association, with a copy to the employer.

Subject to receipt of the notice prescribed in the 1st paragraph, the employer shall cease to deduct the contribution from the intermediate officer’s salary in the first complete salary period following the ninetieth (90th) day after receipt of the notice. [C.T. 196312, s. 5].

**3.18.** An intermediate officer who does not pay the contribution may change this decision at any time by notifying the association in writing. The intermediate officer shall send a copy of the notice to the employer.

An employer who receives a copy of the notice provided for in the first paragraph shall begin to deduct the contribution from the intermediate officer's salary in the first complete salary period following receipt of the copy of the notice. [C.T. 196312, s. 5].

**3.19.** An employer is relieved of the obligation to deduct the contribution from the salary of an intermediate officer as soon as it ceases to pay that salary or an amount in lieu thereof, in particular following termination of the employment relationship, suspension without pay or leave without pay. The employer shall inform the association concerned that it has ceased to deduct the contribution from the intermediate officer's salary at the same time as it sends the amounts collected for the accounting period in which the stoppage occurred. [C.T. 196312, s. 5]".

**5.** Section 5 of this Regulation is amended:

1° by adding, in paragraph 9, before the words "compensation", the words "remuneration or";

2° by replacing paragraph 10°, by the following paragraphs 10° to 13°:

"10° travel expenses, taking into account the terms and conditions established by the Minister;

11° the performance premium provided for in section 23.1;

12° the conditions for recovery of overpaid salary;

13° an appeal from the application of the management policies."

**6.** Paragraph 1° of section 5.1 of this Regulation is replaced by the following:

"1° For the purpose of calculating annual vacation, continuous service means the continuous service specified in section 3 of this Regulation;"

**7.** Section 5.2 of this Regulation is amended by replacing the words "violence, and in order to achieve this, they agree to work together to avoid or obtain the cessation of violence, using all appropriate means including the preparation of a policy" by the words "violence and psychological harassment. To achieve this, they agree to work together to avoid or obtain the cessation of violence or psychological harassment, using all appropriate means."

**8.** Section 5.3 of this Regulation is replaced by the following:

"The employer, after consulting with officers and their respective representatives, shall develop a policy on violence and psychological harassment, which can cover everyone employed by employer.

In addition to the provisions of the policy mentioned in the preceding paragraph, the provisions and remedies provided for in the Act respecting labour standards (R.S.Q., c. N-1.1) apply to psychological harassment."

**9.** Section 6 of this Regulation is amended:

1° by replacing the words "5, 5.1 and 5.2" by the words "5, 5.1 and 5.3";

2° by adding, after section 6.12, the following:

**"DIVISION 7  
PENSION PLAN**

**6.13** The Pension Plan of Management Personnel (RRPE) shall apply to the officer in accordance with the provisions of the Act respecting the pension plan of management personnel (R.S.Q., c. R-12.1) (R.S.Q., c. R-12.1)."

**10.** Section 8 of this Regulation is amended by adding, after the 1st paragraph, the following paragraphs:

"Any absence of more than thirty (30) days shall result in a suspension of the probation period.

When the employer wants to terminate the probation period, it does so in accordance with sections 129 to 129.3. A notice issued under sections 129 to 129.3 suspends the probation period.

An employer that does not give the notice prescribed by section 129.1 or by section 129.2 must pay the officer a compensatory indemnity equal to thirty (30) days of regular salary, unless the officer remains in the employ of, and performs other duties for, the employer."

**11.** Section 8.1 of this Regulation is amended by replacing the words "or emergency medical coordinator" by the words "or emergency medical coordinator or any other physician officer position thus determined by the Minister,".

**12.** Section 10 of this Regulation is amended by inserting the following paragraph between the 2nd and 3rd paragraphs:

"Notwithstanding the foregoing, an officer requested by the employer to work on Christmas Day or New Year's Day shall receive remuneration or compensation equal to the overtime worked, plus fifty (50)%."

**13.** Sections 11 to 12 of Division 2 in Chapter 3 of this Regulation and their associated chapter titles are replaced by the following:

**“DIVISION 2  
EVALUATION CLASSES AND SALARY CLASSES**

**§1. General**

**11.** The following events may result in the determination or review of the classification of management positions:

1° a change made by the Minister to the evaluation system and classification and evaluation conditions for senior administrator and officer positions;

2° the appointment of the officer, if the change of duties is the result of an administrative reorganization;

3° a change made by the employer to the duties of the position;

4° changes in the responsibilities linked to the position.

**§2. Evaluation class of a position of senior officer**

**11.1.** The evaluation class of a position of senior officer that is consistent with a standard position is determined by the executive director of the institution, in accordance with the evaluation system and with the classification and evaluation conditions for officer and senior administrator positions established by the Minister.

If, within ten (10) days following receipt of the evaluation class of his or her position, the senior officer considers that the conditions set out in the 1st paragraph have not been complied with, the senior officer asks the Minister to make a ruling. The Minister shall then determine the evaluation class of the position or order a third party to do so. There is no appeal from the decision made by the Minister or the third party.

**11.2.** The evaluation class of a position of senior officer that is not consistent with a standard position shall be determined in a draft evaluation forwarded to the senior officer by the executive director of the institution. The data relating to the application of the factors and sub-factors used to determine the evaluation class of the position shall be forwarded at the same time as the draft evaluation.

Within thirty (30) days after the draft evaluation is sent, the senior officer may make representations to the executive director. The senior officer may be accompanied by a representative. At or before the end of this period, the executive director submits the draft evaluation, along with the senior officer's representations, if any, to the Minister. The Minister shall then determine the evaluation class of the position. This decision is binding upon the senior officer and the executive director, and may not be appealed.

**§3. Evaluation class of a position of intermediate officer**

**11.3.** The evaluation class of a position of intermediate officer that is consistent with a standard position shall be determined by a representative of the employer, either the executive director of the institution or the president and executive director of the agency, if the employer is an agency. This evaluation class is determined in accordance with the evaluation system and with the classification conditions for officer and senior administrator positions established by the Minister.

The result of the application of the conditions prescribed by the Minister is sent to the intermediate officer by the employer.

If the intermediate officer accepts the result, the employer shall make the evaluation class effective for that position in the manner set out in section 17.1.

If the intermediate officer does not accept the result, he or she may make representations to the employer within thirty (30) days after the result is sent. The intermediate officer may be accompanied by a representative. If, at the end of the thirty (30)-day period, no agreement has been reached between the employer and the intermediate officer and the intermediate officer considers that the conditions set out in the 1st paragraph have not been correctly applied, the intermediate officer asks the Minister to make a ruling. The Minister then determines the evaluation class of the position or mandates a third party to do so. The decision made by the Minister or the third party cannot be appealed.

**11.4.** The evaluation class of a position of intermediate officer that is not consistent with a standard position shall be determined in a draft evaluation. This draft evaluation is forwarded to the intermediate officer by a representative of the employer, either the executive director of the institution or the president and executive director of the agency, if the employer is an agency. This draft evaluation is developed in accordance with the

evaluation system and with the classification conditions for officer and senior administrator positions established by the Minister. This draft evaluation contains, in particular, the data relating to the application of the factors and sub-factors used to determine the evaluation class of the position.

If the intermediate officer accepts the draft evaluation, the employer shall make the evaluation class for that position effective in the manner set out in section 17.1.

If the intermediate officer does not accept the draft evaluation, he or she may make representations to the employer within thirty (30) days after the draft evaluation is sent. The intermediate officer may be accompanied by a representative.

If, at the end of the thirty (30)-day period, no agreement has been reached between the employer and the intermediate officer, the employer shall submit the draft evaluation, along with the intermediate officer's representations, if any, to the Minister. The Minister shall then determine the evaluation class of the position. This decision is binding upon the intermediate officer and the employer, and may not be appealed.

#### *§4. Special provisions*

**11.5.** The evaluation class of a position of officer physician covered in section 8.1, or for a position of senior officer in an agency, shall be determined by the Minister.

**11.6.** The evaluation class of a position of senior officer in an institution that is consistent with a standard position must be confirmed by the Minister when the result of the evaluation of the position determined in accordance with the 1st paragraph of section 11.1 is Class twenty-three (23) or higher or Class C or higher if the position evaluated is an officer's position covered in section 8.1.

**11.7.** Notwithstanding sections 11.1, 11.2 and 11.6, the Minister shall remain responsible for determining the evaluation class of a position of senior officer in an institution until the Minister sends the evaluation system and the conditions for classification and evaluation of positions of senior officers to the institutions."

#### *§5. Salary classes and annual adjustment*

**12.** The salary classes determined in accordance with subdivisions 2, 3 and 4 of Division 2 of this chapter correspond to the salary classes adjusted by two (2)% on April 1, of 2006, 2007, 2008 and 2009. These adjusted salary classes are listed in Schedule 1.

For part-time officers, the salary determined in the 1st paragraph is reduced proportionally to the hours of the position."

**14.** Section 14 of this Regulation is amended:

1° by deleting, in the 1st paragraph of the French version, the adverb "ne" after the expression "31 mars";

2° by replacing, in the 6th paragraph, the word "retirement" by the word "pre-retirement".

**15.** This Regulation is amended by replacing the word "Demotion" in the title of section 20 by "Demotion and career reorientation".

**16.** Section 20 of this Regulation is amended by adding the following 3rd paragraph:

"The salary rules provided for in the 1st and 2nd paragraphs shall also apply in cases of career reorientation, with the necessary modifications."

**17.** Section 22 of this Regulation is amended

1° by replacing, in the 1st paragraph, the words "five (5)% and fifteen (15)% of the officer's salary" by the words "ten (10)% and fifteen (15)% of the salary of the officer holding a second position.";

2° by replacing the 3rd paragraph by the following:

"The plurality of positions may be held simultaneously by more than one officer. In such a case, notwithstanding the 1st paragraph, the percentage of the lump-sum remuneration paid to each officer may be lower than that of ten percent (10)% as set out in the 1st paragraph in order that it does not exceed, for all the officers holding a plurality of positions taken together, a total of fifteen (15)% of the maximum for the salary class of the second position."

**18.** The 1st paragraph of section 27 of this Regulation is amended by replacing the words "shall pay" by the words "must pay".

**19.** Section 30 of this Regulation is amended by adding, in the definition of a disability, after the word "accident," the words "an organ or bone marrow donation without compensation,"

**20.** Section 44 of this Regulation is amended:

1° by deleting, in the 1st and 2nd paragraphs, the words "or retirement benefits" after the words "disability benefits";

2° by adding, after the 2nd paragraph, the following paragraph:

“Notwithstanding the foregoing, an officer who takes advantage of coordination of benefits received under the short-term salary insurance plan with those mentioned in the 1st paragraph shall continue to be considered disabled within the meaning of section 30 and shall benefit from the terms and conditions of the short-term salary insurance plan.”

**21.** Section 49 of this Regulation is amended:

1° by replacing, in paragraph 2°, the words “progressive retirement” by the words “progressive pre-retirement”;

2° by replacing, in paragraph 3°, the semi-colon appearing after the number 121” by a period and by adding the following sentences:

“In accordance with section 94, an officer whose position is eliminated during a disability period shall continue to receive salary insurance benefits as long as the officer is disabled. The choice of opting for pre-retirement leave and retirement shall be made and come into force on the date on which the disability period ends. Moreover, if an officer becomes disabled during the twelve (12) months preceding the pre-retirement leave provided for in section 121, the provisions of section 128.1 shall apply and the officer shall receive the salary to which he or she would have been entitled had the officer been at work;”.

**22.** The 1st paragraph of section 68 is amended by replacing the words “if the position does not involve a weekly work load” by the words “if the position involves a weekly work load”.

**23.** Chapter 4.1 of this Regulation, comprising sections 76.1 to 76.61 is replaced by the following sections 76.1 to 76.61:

**“CHAPTER 4.1  
PARENTAL RIGHTS PLAN**

**DIVISION 1  
GENERAL**

**76.1.** In this chapter, the following terms and expressions mean:

“spouse”: either of two persons who

a) are married or in a civil union and cohabiting;

b) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child;

c) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one (1) year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or upon dissolution of their civil union by court decision, notarized joint declaration or by annulment of the civil union or, if they are living in a conjugal relationship, upon a *de facto* separation for a period exceeding three (3) months.

“weekly salary” salary of an officer including the lump sums paid under sections 17, 20, 21 and sections 104.1 to 104.3, without any additional remuneration.

**76.2.** Unless expressly stipulated otherwise, no provision in this chapter shall have the effect of giving an officer a monetary or non-monetary benefit which the officer would not have had had he or she remained at work.

**76.3.** Compensation for maternity leave, paternity leave or adoption leave shall be paid only as a supplement to parental insurance benefits or employment insurance benefits, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

Subject to paragraph 1° of section 76.16 and section 76.17, compensation for maternity leave, paternity leave and adoption leave, however, is paid only during the weeks the officer receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

If an officer shares adoption or parental benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the officer actually receives a benefit under one of these plans during the maternity leave provided for in section 76.7, the paternity leave provided for in section 76.30 or the adoption leave provided for in section 76.41.

**76.4.** Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

**76.5.** The employer shall not reimburse an officer for amounts that may be claimed from the officer by the Minister of Employment and Social Solidarity under the Act respecting parental insurance (R.S.Q., c. A-29.011) or by Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (L.C., 1996, ch. 23).

**76.6.** The weekly salary, the weekly deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the Employment Insurance Supplemental Unemployment Benefit Plan.

## **DIVISION 2**

### **MATERNITY LEAVE**

**76.7.** A pregnant officer who is eligible for the Québec Parental Insurance Plan is entitled to twenty-one (21) weeks of maternity leave which, subject to sections 76.10 or 76.11, must be consecutive.

A pregnant officer who is not eligible for the Québec Parental Insurance Plan is entitled to twenty (20) weeks of maternity leave which, subject to sections 76.10 or 76.11, must be consecutive.

Maternity leave may be for a shorter duration than the durations mentioned in the two preceding paragraphs. An officer who returns to work within two (2) weeks following the birth must, at the employer's request, submit a medical certificate attesting that she has sufficiently recovered to return to work.

An officer who becomes pregnant while on a leave without pay or partial leave without pay provided for in this chapter is also entitled to maternity leave and to the benefits mentioned in sections 76.14, 76.16 and 76.17, as the case may be.

If an officer's spouse dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the officer.

**76.8.** An officer is also entitled to maternity leave if her pregnancy is terminated after the beginning of the twentieth (20th) week preceding the expected date of delivery.

**76.9.** The distribution of maternity leave, before and after delivery, shall be decided by the officer. However, this leave shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

For an officer who is eligible for benefits under the Employment Insurance Plan, maternity leave must include the day of the delivery.

**76.10.** An officer may suspend her maternity leave and return to work when she has sufficiently recovered from the delivery and the child is unable to leave the health institution. The suspension shall end when the child is brought home. An officer whose child is hospitalized within fifteen (15) days of birth also has this right.

Furthermore, when an officer has sufficiently recovered from delivery and her child is hospitalized more than fifteen (15) days after leaving the health institution, the officer may suspend her maternity leave, upon agreement with her employer, and return to work for the duration of this hospitalization.

**76.11.** At an officer's request, maternity leave may be divided into weeks if her child is hospitalized or if one of the situations, other than a pregnancy-related illness, provided for in sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which the maternity leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other divided maternity leave options, the number of weeks of suspension is that provided for in the Act respecting labour standards (R.S.Q., c. N-1.1) for such a situation.

During such suspension, an officer is deemed to be on leave without pay and shall not receive any allowance or benefit from the employer; however, she receives the benefits provided for in section 76.56.

**76.12.** When an officer resumes a maternity leave that was suspended or divided under section 76.10 or 76.11, the employer shall pay unto the officer the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under sections 76.14, 76.16 or 76.17, as the case may be, subject to section 76.3.

**76.13.** To obtain maternity leave, an officer must give the employer a written notice at least two (2) weeks before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and expected date of delivery.

The time period to give notice may be shorter if a medical certificate certifies that the officer must stop working earlier than expected. In case of unforeseen events, the officer shall not be required to give notice, subject to submitting a medical certificate to her employer stating that she must immediately stop working.

*§1. Officer who is eligible for the Québec Parental Insurance Plan*

**76.14.** An officer who has accumulated twenty (20) weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan is also entitled to receive, during the twenty-one (21) weeks of her maternity leave, an allowance equal to the difference between ninety-three (93)% of her weekly salary and the amount of maternity or parental benefits she receives, or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance is calculated on the basis of the benefits that an officer is entitled to receive under the Québec Parental Insurance Plan, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, if a change is made to the amount of the allowance paid under the Québec Parental Insurance Plan as the result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

An officer who works for more than one employer shall receive an allowance equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the weekly salary paid by the employer proportionate to the sum of the weekly salaries paid by all the employers. For that purpose, the officer shall submit to each employer a statement of the weekly salary paid by each employer, together with the amount of benefits paid to her under the Act respecting parental insurance.

**76.15.** The employer may not use the maternity leave compensation that it pays to an officer to offset the reduction in Québec Parental Insurance Plan benefits attributable to the salary earned with another employer.

Notwithstanding the provisions of the preceding paragraph, the employer shall offset such a reduction if the officer shows that the salary earned is a regular salary, by means of a letter to that effect from the employer paying it. If the officer shows that only a portion of this salary is regular, the compensation shall be limited to that portion.

An employer paying a regular salary as prescribed in the preceding paragraph must provide such a letter at the request of the officer.

The total amounts that an officer receives during her maternity leave in benefits under the Québec Parental Insurance Plan, allowance and salary may not exceed ninety-three (93)% of the weekly salary paid by her employer or, as the case may be, employers.

*§2. Officer who is eligible for the Employment Insurance Plan*

**76.16.** An officer who has accumulated twenty (20) weeks of service and who is eligible for the Employment Insurance Plan but who is not eligible for the Québec Parental Insurance Plan is entitled to receive:

1° for each week of the waiting period prescribed under the Employment Insurance Plan, an allowance equal to ninety-three (93)% of her weekly salary;

2° for each week following the period mentioned in paragraph 1°, compensation equal to the difference between ninety-three (93)% of her weekly salary and the maternity or parental benefit under the Employment Insurance Plan that she receives or could receive after submitting an application for benefits, up to the end of the twentieth (20th) week of her maternity leave.

The allowance is calculated on the basis of the employment insurance benefits that an officer is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan

However, if a change is made to the amount of the employment insurance benefit as a result of a change in the information provided by the employer, the employer shall correct the amount of the allowance accordingly.

An officer who works for more than one employer shall receive an allowance from each of her employers. In such case, the allowance is equal to the difference between ninety-three (93)% of the weekly salary paid by the employer and the percentage of the employment insurance benefit that represents the weekly salary that it pays proportionate to the weekly salaries paid by all the employers. For that purpose, the officer shall submit to each of her employers a statement of the weekly salary paid by each employer, together with the amount of the benefits payable to her under the Employment Insurance Act.



Moreover, if Human Resources and Skills Development Canada (HRSDC) reduces the number of weeks of employment insurance benefits to which an officer would have otherwise been entitled had she not received employment insurance benefits before her maternity leave, the officer shall continue to receive, for a period equivalent to the weeks subtracted by HRSDC, the allowance provided for in this paragraph as if she had received employment insurance benefits during that period.

Section 76.15 applies, with the necessary changes.

**§3. Officer who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan**

**76.17.** An officer who is ineligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan is also excluded from any allowances provided for in sections 76.14 and 76.16.

However, a full-time officer who has accumulated twenty (20) weeks of service, as defined in paragraph 3° of section 76.18, is entitled to an allowance equal to ninety-three (93)% of her weekly salary for twelve (12) weeks, if she does not receive benefits under a parental rights plan established by another province or a territory.

A part-time officer who has accumulated twenty (20) weeks of service is entitled to compensation equal to ninety-five (95)% of her weekly salary for twelve (12) weeks, if she does not receive benefits under a parental rights plan established by another province or a territory.

If a part-time officer is exempt from contributing to pension plans and to the Québec Parental Insurance Plan, the compensation rate is set at ninety-three (93)% of her weekly salary.

**§4. Special provisions**

**76.18.** In the cases provided for by sections 76.14, 76.16 and 76.17:

1° no compensation may be paid during a vacation period during which an officer receives her salary;

2° unless the salary is paid on a weekly basis, the allowance shall be paid at two (2)-week intervals, the first payment being due, in the case of an officer eligible for benefits under the Québec Parental Insurance Plan or the or the Employment Insurance Plan, only fifteen (15) days after the employer obtains proof that she is receiving benefits under one of those plans. For the purposes of

this paragraph, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or by Human Resources and Skills Development Canada (HRSDC) shall be accepted as proof;

3° service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, all agencies for which, by law, the employees' employment conditions or standards and scales of remuneration are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of twenty (20) weeks of service under sections 76.14, 76.16 and 76.17 is deemed to have been met, if the officer has satisfied this requirement with any employer mentioned in this paragraph;

4° The weekly salary of a part-time officer is the average weekly salary of the last twenty (20) weeks preceding her maternity leave.

If, during that period, an officer received benefits established at a certain percentage of her regular salary, it shall be understood that, for the purposes of calculating her salary during her maternity leave, the salary referred to is that on the basis of which such benefits are determined.

Moreover, any period during which an officer on a special leave as provided for in section 76.25 did not receive an indemnity from the Commission de la santé et de la sécurité du travail, as well as the weeks during which the officer was on annual leave or was absent without pay in accordance with the Regulation, are excluded for the purpose of calculating the average weekly salary.

If the period of twenty (20) weeks preceding a part-time officer's maternity leave includes the date on which salaries are adjusted, the calculation of the weekly salary shall be made on the basis of the salary in force on that date. Moreover, if the maternity leave includes the date on which salaries are adjusted, the weekly salary shall change on that date in accordance with the adjustment formula applicable to her salary class.

The provisions of this paragraph constitute one of the express provisions covered by section 76.2.

**76.19.** During her maternity leave and the extensions prescribed in section 76.21, an officer shall receive, where she is normally entitled thereto, the following benefits:

- accumulation of vacation days;
- accumulation of continuous service;
- any salary increase following the adjustment of salary classes;
- any increase for satisfactory performance.

**76.20.** An officer may defer vacation leave that falls within maternity leave, provided that that she informs her employer in writing of the date of deferral no later than two (2) weeks prior to the end of her leave.

**76.21.** Where the birth takes place after the expected due date, an officer is entitled to an extension of her maternity leave equal to the delay, unless she already has at least two (2) weeks of maternity leave remaining after the birth.

An officer is entitled to an extension of her maternity leave if her own or her child's state of health requires it. The duration of this extension, is the period that is specified in the medical certificate that must be provided by the officer.

During such extensions, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer. The officer receives the benefits provided for in section 76.19 only during the first six (6) weeks in which the leave is extended, and thereafter, receives the benefits mentioned in section 76.56, provided that she is normally entitled thereto.

**76.22.** During her maternity leave, an officer shall maintain her participation in the mandatory group insurance plans provided for in section 51, but the employer shall make a payment equal to both its own contribution and the officer's contribution to those plans. Furthermore, the officer shall be exempt from contributing to the optional insurance plans in accordance with the provisions of the master policy.

**76.23.** An officer receiving an allowance for regional disparities under this regulation shall continue to receive the allowance during her maternity leave.

**76.24.** An employer shall send an officer, in the fourth (4th) week preceding the expiry date of her maternity leave, a notice indicating the scheduled date of expiry of said leave.

An officer to whom the employer has sent the notice referred to in the 1st paragraph, must report for work on the expiry date of the maternity leave, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the preceding paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

**76.25.** While on maternity leave and special leave for pregnancy and breast-feeding, an officer shall retain the employment relationship with the employer. Her contract must be renewed. Her employment may not be terminated. She may not be dismissed, except for gross negligence.

At the end of her maternity leave, an officer shall resume her position with her employer, subject to the provisions respecting employment stability provided for in Chapter 5. Her terms of employment, including her salary, shall be the same as those to which she would have been entitled had she remained at work.

During maternity leave and special leave for pregnancy and breast-feeding, a person who temporarily carries out the duties of an officer may not be dismissed, and her employment may not be terminated for the intended duration of the position, except for serious misconduct. In such a case, the temporary worker may avail himself or herself of the appeal procedure set out in Divisions 2 and 3 of Chapter 6.

### **DIVISION 3** **SPECIAL LEAVE FOR PREGNANCY AND** **BREAST-FEEDING**

#### *§1. Temporary assignment and special leave*

**76.26.** An officer may request to be temporarily assigned to another position or to other tasks corresponding to her training or experience in the following cases:

1° she is pregnant and the conditions of employment involve risks of infectious diseases or physical danger to her or her unborn child;

2° the conditions of employment are dangerous for the child she is breast-feeding.

The officer must submit a medical certificate to that effect as promptly as possible.

If the reassignment is not carried out immediately, the officer is entitled to a special leave beginning immediately. Unless a temporary reassignment is subsequently made terminating the special leave, the special leave ends, for an officer who is pregnant, on the date of delivery and, for an officer who is breast-feeding, at the end of the breast-feeding period.

However, for an officer who is eligible for benefits under the Act respecting parental insurance, the special leave shall end as of the fourth (4th) week preceding the expected date of delivery.

During the special leave provided for in this section, the officer shall be governed, in respect of her allowance, by the provisions of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) respecting preventive withdrawal of a pregnant worker or a worker who is breast-feeding.

Following a written request, however, the employer shall pay to the officer an advance on the allowance receivable from the Commission de la santé et de la sécurité du travail on the basis of anticipated payments. If the Commission pays the allowance, repayment of the advance shall be deducted therefrom. Otherwise, repayment is at the rate of ten (10)% of the amount disbursed per pay period, until the debt is fully paid.

## §2. *Other special leave*

**76.27.** An officer is also entitled to special leave in the following cases:

1° where a pregnancy complication or a risk of miscarriage requires stopping work for a period, the duration of which shall be prescribed by a medical certificate, however, this special leave may not be extended beyond the beginning of the fourth (4th) week preceding the expected date of delivery;

2° upon presentation of a medical certificate prescribing the duration of the special leave, where a spontaneous or induced termination of pregnancy occurs before the beginning of the twentieth (20th) week preceding the expected date of delivery;

3° for pregnancy-related consultations with a health professional, attested to by a medical certificate or a written report signed by a midwife.

**76.28.** For the consultations mentioned in subparagraph 3 of section 76.27, an officer is entitled to special leave, with pay, for up to four (4) days, which may be taken in half-days.

During a special leave provided for in this Division, an officer shall be granted the benefits provided for in section 76.19, provided that she is entitled thereto.

## **DIVISION 4** **CHILDBIRTH LEAVE**

**76.29.** An officer is entitled, after informing the employer as promptly as possible, to take leave with pay for a maximum of five (5) working days to attend the birth of his child. An officer is also entitled to this leave in the event of a termination of pregnancy after the beginning of the twentieth (20th) week preceding the expected date of delivery. The leave with pay may be discontinuous, but must be taken between the beginning of the delivery and the fifteenth (15th) day following the mother's or the child's return home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

An officer whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

## **DIVISION 5** **PATERNITY LEAVE**

**76.30.** Upon the birth of his child, an officer is also entitled to paternity leave not exceeding five (5) weeks, which, subject to sections 76.34 and 76.35, must be consecutive.

Paternity leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The time period for giving notice may be shorter if the child is born before the expected date of delivery. The leave shall end no later than the end of the fifty-second (52nd) week following the week in which the child was born.

The leave of an officer who is eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

An officer whose spouse is giving birth is also entitled to this leave if she is designated as one of the child's mothers.

**76.31.** During the paternity leave provided for in section 76.30, an officer shall receive an allowance equal to the difference between his basic weekly salary and the

amount of benefits he receives, or would receive after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The 2nd, 3rd and 4th paragraphs of section 76.14 or the 2nd, 3rd and 4th paragraphs of paragraph 2° of section 76.16, as the case may be, as well as section 76.15, shall apply to this paragraph, with the necessary modifications.

**76.32.** An officer who is not eligible for paternity benefits under the Québec Parental Insurance Plan nor benefits under the Employment Insurance Plan shall receive, during the paternity leave provided for in section 76.30, an allowance equal to his basic weekly salary.

**76.33.** Paragraphs 1°, 2° and 4° of section 76.18 apply to an officer who receives the compensation provided for in section 76.31 and 76.32, with the necessary modifications.

**76.34.** If his child is hospitalized, an officer may suspend his paternity leave, upon agreement with his employer, and return to work for the period during which the child is hospitalized.

**76.35.** At the officer's request, the paternity leave may be divided into weeks if his child is hospitalized or if a situation described in section 79.1 and sections 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks the paternity leave may be suspended is equal to the number of weeks the child is hospitalized. For other divided paternity leave options, the maximum number of weeks of suspension is that prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, the officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits provided for in section 76.56.

**76.36.** When an officer resumes a paternity leave that was suspended or divided under section 76.34 or 76.35, the employer shall pay the officer the allowance to which he would have been entitled had he not availed himself of the suspension or division and do so, for the number of weeks remaining under section 76.30.

**76.37.** An officer who sends to his employer, before the expiry date of his paternity leave, a notice accompanied by a medical certificate attesting that his child's

state of health makes it necessary, is entitled to an extension of his paternity leave. The duration of this extension is that specified in the medical certificate.

During such extension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits provided for in section 76.56.

**76.38.** An officer who goes on paternity leave under section 76.30 is entitled to the benefits provided for in sections 76.19, 76.20, 76.23 and 76.25.

The officer who is on paternity leave maintains his participation in all of the mandatory group insurance plans in which he participates. The employer and the officer make their respective payments on the basis of the salary that the officer would receive if he were at work and the full provisions of the group insurance plans apply.

**76.39.** The officer must report for work on the expiry date of the paternity leave provided for in section 76.30, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the 1st paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

## DIVISION 6

### ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

**76.40.** An officer is entitled, after informing the employer as promptly as possible, to leave with pay for a maximum of five (5) working days to adopt a child, other than his or her spouse's child. This leave may be discontinuous, and may not be taken after the fifteenth (15th) day following the child's arrival in the home.

One (1) of the five (5) days may be used for the baptism or registration of the child.

**76.41.** An officer who legally adopts a child, other than his or her spouse's child, is entitled to adoption leave not exceeding five (5) weeks which, subject to sections 76.42 and 76.43, must be consecutive.

Adoption leave may be taken after giving written notice of no less than three (3) weeks to the employer indicating the dates scheduled for the beginning of the leave and for the return to work. The leave must be terminated no later than the end of the fifty-second (52nd) week following the child's arrival in the home.

The leave of an officer who is eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance (R.S.Q., c. A-29.011) are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of an officer who is ineligible for benefits under the Québec Parental Insurance Plan must be taken either following the order of placement of the child or its equivalent, in the case of an international adoption, in accordance with the adoption plan or at another time agreed upon with the employer.

**76.42.** An officer whose child is hospitalized may, suspend the adoption leave provided for in section 76.41, upon agreement with the employer and return to work for the duration of the hospitalization.

**76.43.** At the officer's request, the adoption leave provided for in section 76.41 may be divided into weeks if the child is hospitalized or if a situation described in sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1) occurs.

The maximum number of weeks during which adoption leave may be suspended is equal to the number of weeks during which the child is hospitalized. For other adoption leave division options, the maximum number of weeks of suspension is prescribed in the Act respecting labour standards (R.S.Q., c. N-1.1) for the applicable situation.

During such suspension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits prescribed in section 76.56.

**76.44.** When an officer resumes an adoption leave that was suspended or divided under section 76.42 or 76.43, the employer shall pay the officer the allowance to which he or she would have been entitled had the officer not availed himself or herself of the suspension or division for the number of weeks remaining under section 76.41.

**76.45.** An officer who sends to his or her employer, before the expiry date of the adoption leave, a notice accompanied by a medical certificate attesting that his or her child's state of health requires it, is entitled to an extension of the adoption leave provided for in section 76.41. The duration of this extension is that specified in the medical certificate.

During such an extension, an officer is considered to be on leave without pay and shall not receive any allowance or benefit from the employer; however, the officer receives the benefits prescribed in section 76.56.

**76.46.** During the adoption leave provided for in section 76.41, the officer shall receive an allowance equal to the difference between the officer's weekly salary and the amount of benefits he or she receives, or would receive after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The 2nd, 3rd and 4th paragraphs of section 76.14 or the 2nd, 3rd and 4th paragraphs of paragraph 2° of section 76.16, as the case may be, as well as section 76.15, shall apply, with the necessary modifications.

**76.47.** An officer who is not eligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child other than his or her spouse's child shall receive, during the adoption leave provided for in section 76.41, an allowance equal to the officer's weekly salary.

**76.48.** Paragraphs 1°, 2° and 4° of the 1st paragraph of section 76.18 apply to an officer receiving compensation under section 76.46 or 76.47, with the necessary modifications.

**76.49.** An officer who takes an adoption leave provided for in section 76.40 or 76.41 is entitled to the benefits provided for in sections 76.19, 76.20, 76.23 and 76.25.

The officer who is on adoption leave maintains his or her participation in all of the mandatory group insurance plans in which he or she participates. The employer and the officer make their respective payments on the basis of the salary that the officer would receive if he or she were at work and the full provisions of the group insurance plans apply.

**76.50.** An officer must report for work on the expiry date of the adoption leave provided for in section 76.41, unless the leave is extended in the manner prescribed in Division 7 of this chapter.

An officer who does not comply with the 1st paragraph is considered to be on leave without pay for a period not exceeding four (4) weeks. At the end of this period, an officer who is not at work is deemed to have resigned.

**76.51.** An officer who is adopting his or her spouse's child is entitled to a leave not exceeding five (5) working days, of which only for the first two (2) days are with pay.

This leave may be discontinuous and may not be taken after the fifteenth (15th) day following the filing of the adoption application.

**76.52.** An officer shall be granted, for the purpose of adopting a child, a leave without pay not exceeding ten (10) weeks from the date on which he or she actually takes custody of the child, unless it involves the child of a spouse.

An officer who travels outside of Québec to adopt a child, except for his or her spouse's child, shall, by applying in writing to the employer, if possible, two (2) weeks in advance, obtain leave without pay for the required travel time.

Notwithstanding the provisions of the preceding paragraphs, the leave without pay shall end no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan, when the provisions of section 76.41 become applicable.

During the leave without pay, the officer is entitled to the benefits provided for in section 87.56.

## **DIVISION 7**

### **LEAVE WITHOUT PAY AND PARTIAL LEAVE WITHOUT PAY**

**76.53.** An officer is entitled to one of the following leaves:

1° a leave without pay not exceeding two (2) years immediately following the maternity leave provided for in section 76.7;

2° a leave without pay not exceeding two (2) years immediately following the paternity leave provided for in section 76.30. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the birth;

3° a leave without pay not exceeding two (2) years immediately following the adoption leave provided for in section 76.41. However, the duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's arrival in the home.

The full-time officer who does not prevail himself or herself of the leave without pay shall be entitled, upon agreement with the employer, to a partial leave without pay not exceeding two (2) years. The duration of the leave must not exceed the one hundred and twenty-fifth (125th) week following the child's birth or arrival in the

home. During the partial leave without pay, the officer may be assigned to his or her position or to any other duties agreed upon between the officer and the employer.

During a leave provided for in this section, the officer may, upon agreement with the employer, prevail himself or herself once of one of the following modifications:

1° convert a leave without pay into a partial leave without pay, or vice versa, as the case may be;

2° convert a partial leave without pay into a different partial leave without pay.

An officer who does not take his or her leave without pay or partial leave without pay may, for the part of the leave that his or her spouse did not use, elect to benefit from a leave without pay or partial leave without pay by complying with the formalities prescribed.

Where an officer's spouse is not employed by an employer referred to in paragraph 3° of section 76.18, the officer may prevail himself or herself of a leave at the time of the officer's choosing within two (2) years following the birth or adoption, without, however, exceeding the deadline set at two (2) years from the birth or adoption. The officer may also, upon agreement with the employer, prevail himself or herself of a partial leave without pay under the same terms.

**76.54.** An officer who does not take the leave provided for in section 76.53 is entitled, after the birth or adoption of the child, to a leave without pay of no more than fifty-two (52) continuous weeks beginning at the time decided by the officer and ending at the latest seventy (70) weeks after the birth or, in the case of an adoption, seventy (70) weeks after the child is placed with the officer.

**76.55.** An officer who wants to take a leave provided for in section 76.53 or in section 76.54 must submit a written request to that effect at least three (3) weeks in advance.

**76.56.** During the leave without pay or partial leave without pay, an officer's continuous service is not interrupted.

His or her participation in the uniform life insurance plan is maintained for the duration of the leave provided for in section 76.53.

Moreover, the officer must maintain his or her participation in the basic compulsory accident and health plan, in compliance with the following conditions:

a) pay his or her contributions according to this plan;

b) pay the employer's contribution to this plan, for the period of time that exceeds the first fifty-two (52) weeks of the leave without pay or the partial leave without pay provided for in section 87.53.

The officer may, upon request made to the employer before the beginning of the leave, maintain his or her participation in all insurance plans that he or she participated in before the leave, in accordance with the provisions of the master policy.

The provisions relating to the maintenance of the officer's participation in the surviving spouse's pension plan are those provided for in section 61.

For the purposes of the short-term disability insurance plan, any total disability beginning during the leave without pay is deemed to have started at the end of the leave.

The provisions relating to the maintenance of the officer's retirement plan apply as prescribed

With respect to the other terms of employment, an officer who is on partial leave without pay shall be governed, during his or her time at work, by the rules applicable to a part-time officer.

**76.57.** An officer may take any deferred annual vacation immediately before a leave without pay or partial leave without pay, provided that it is continuous with the maternity leave, paternity leave or adoption leave, as the case may be.

For the purposes of this section, statutory holidays or flexible leave accumulated before the beginning of the maternity leave, paternity leave or adoption leave are considered in the same manner as deferred annual vacation time.

**76.58.** An officer to whom the employer has sent, four (4) weeks in advance, a notice indicating the expiry date of his or her leave without pay or partial leave without pay must give notice of his or her return to work at least two (2) weeks before the expiry of said leave, failing which, the officer is deemed to have resigned.

An officer may, upon agreement with the employer, terminate his or her leave without pay or partial leave without pay before the scheduled date.

**76.59.** At the end of this leave without pay or partial leave without pay, an officer shall resume his or her position with the employer, subject to the provisions respecting employment stability provided for in Chapter 5. The terms of employment, including the salary, shall be the same as those to which the officer would have been entitled had he or she remained at work.

## DIVISION 8

### LEAVE FOR PARENTAL RESPONSIBILITIES

**76.60.** An officer who is absent from work under sections 79.8 to 79.15 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the employer of the reasons for his or her absence as promptly as possible and provide the employer with supporting documents to justify the absence.

The conditions set out in sections 76.56 and 76.59 shall be applicable during this absence, subject to the provisions of section 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1).

**76.61.** An officer may, after informing the employer as promptly as possible, be absent without pay up to a maximum of ten (10) days per year to fulfil obligations relating to the custody, health or education of his or her child or spouse's child.

The days thus used shall either be deducted, where possible, from the officer's annual bank of vacation days or taken without pay, as the officer chooses.

This leave may be divided into half-days if the employer consents thereto."

**24.** Section 93 of this Regulation is amended:

1° by adding, in the 1st paragraph, the expression "career reorientation," after the word "demotion,";

2° by adding, in the 5th paragraph, after the words "leave ends.", the sentence: "Even though the replacement of a disabled officer becomes effective only at the end of the disability period, such an officer's progressive return to work may take place in the position in which he or she is reinstated."

**25.** Paragraph 3° of the 1st paragraph of section 103 is replaced by the following:

"3° to provide the services requested by the employer as provided for in the 3rd paragraph of section 95;"

**26.** Section 106 of this Regulation is replaced by the following:

“**106.** An officer who is reinstated in a position located more than fifty (50) kilometres by road from his home base and his residence is entitled to the reimbursement, from his original employer, of his or her moving expenses and temporary moving-in expenses; these expenses are the same as those prescribed in the Directive concernant l’ensemble des conditions de travail des cadres, adopted by the Conseil du trésor on April 20, 2010 (C.T. 208914), and its amendments for the public sector, with the necessary modifications.”

**27.** This Regulation is amended by inserting, after section 119, the following section 119.1:

“**119.1** Notwithstanding section 119, an officer who is appointed to more than one officer position with the same employer or with different employers may continue to hold the other positions while benefiting from the end-of-engagement indemnity for the position that the officer is leaving.

In such a case, the indemnity shall be paid monthly by the employer or in accordance with the conditions of the payroll system, from the date on which the position is eliminated.

During the period in which an officer receives the indemnity, the employer that eliminated the position shall, upon presentation of supporting documents, adjust the amount of the end-of-engagement indemnity if one of the following circumstances occurs:

— an officer holds a new job in the public or parapublic sector for which the number of hours corresponds in part or in full to the number of hours of the position for which the indemnity is paid;

— the number of hours for the other positions the officer held when the position was eliminated is increased.

The modified amount of the severance pay is equal to the difference between the officer’s new salary and his or her salary when the position was eliminated, up to the total amount of the severance pay or until the new salary has reached or exceeded the salary he was receiving on the date of his departure.”

Payment of the severance pay shall cease if an officer refuses an increase in regular working hours in one of the other positions he or she held when the position was eliminated.

**28.** Section 122 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:

“Notwithstanding the foregoing, an officer holding more than one officer position may hold the other positions while on pre-retirement leave, the duration of which is established in proportion to the hours normally worked in the eliminated position. In such a case, sections 123 to 128 shall apply, with the necessary modifications.”

**29.** Section 128.1 of this Regulation is replaced by the following:

“**128.1** An officer to whom this subdivision applies shall not participate in the short-term salary insurance plan, the mandatory basic long-term salary insurance plan or the additional mandatory long-term salary insurance plan.

An officer who becomes disabled during the twelve (12) months preceding the pre-retirement leave shall receive the salary to which he or she would have been entitled had he or she been at work. In such a case, the officer’s disability shall not have the effect of delaying the date on which the officer’s pre-retirement begins in accordance with section 121.”

**30.** The 1st paragraph of section 129.6 of this Regulation is replaced by the following:

“When the employer pays a severance pay under section 129.5, it must be equal to one (1) month of salary per year of continuous service as senior administrator, officer, a union member or unionizable non-member with one or several employers in the public and parapublic sectors, in an association of senior administrators, officers or institutions. This allowance shall be paid by the employer in accordance with the conditions of the payroll system or monthly. In no case shall it exceed twelve (12) months of salary.”

**31.** This Regulation is amended by adding, after section 129.9, the following section:

“**129.10.** At an officer’s request, the employer may provide access to career transition services to an officer who benefits from a severance pay under section 129.5. These career transition services, the duration of which is determined by the employer, shall be of a minimum duration of three (3) months and a maximum duration of six (6) months.”

**32.** Section 130 of this Regulation is amended by adding, after the 1st paragraph, the following paragraph:



“Notwithstanding the 1st paragraph, an officer who ceases to work for the employer without having received payment of all the amounts owed to him or her, including, if applicable, the severance pay provided for in Division 2 of Chapter 5.1, may claim these amounts by following the procedure set out in this Division.”.

**33.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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