

Treasury Board

C.T. 211924, 30 October 2012

An Act respecting the Pension Plan of Management Personnel
(c. R-12.1)

Regulation — **Amendment**

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS section 174 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) provides that the rate of contribution applicable to the plan each year is determined according to the rules, terms and conditions prescribed by regulation, that the rate is based on the result of the actuarial valuation referred to in the first paragraph of section 171 and is adjusted from 1 January following the receipt by the Minister of the report of the independent actuary and, for the two subsequent years, from 1 January of each year;

WHEREAS, under subparagraph 18 of the first paragraph of section 196 of the Act, the Government may, by regulation, establish, for the purposes of section 174 of the Act, the rate of contribution applicable to the plan each year, according to the rules, terms and conditions prescribed by the regulation;

WHEREAS, under subparagraph 18.1 of the first paragraph of section 196, the Government may, by regulation, prescribe, for the purposes of section 177.1 of the Act, the rules, terms and conditions for establishing and paying the compensatory amount in respect of the years determined under this regulation and the latest date on which that amount must be established;

WHEREAS, under the first paragraph of section 196, the Government exercises the regulatory powers provided for therein after consultation by the Commission administrative des régimes de retraite et d'assurances with the pension committee referred to in section 196.2 of the Act;

WHEREAS section 28 of the Act to amend the Act respecting the Pension Plan of Management Personnel and other legislative provisions (2012, c. 6) provides that, despite the first paragraph of section 177.1 of the Act respecting the Pension Plan of Management Personnel, the first regulation made under that section may, for the years 2012 and 2013, provide for a contribution rate other than the rate referred to in that paragraph but without exceeding it;

WHEREAS the Minister received the report of the independent actuary on 12 November 2010;

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 the powers listed in paragraphs 1 to 6 of that provision;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by its decision dated 24 May 2005 (C.T. 202420);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, be made.

La greffière du Conseil du trésor,
MARIE-CLAUDE RIOUX

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 18 and 18.1; 2012, c. 6, s. 28)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 1) is amended by replacing section 11 by the following:

“**11.** The rate of contribution to the plan applicable from 1 January following receipt by the Minister of the independent actuary’s report accompanying the actuarial valuation provided for in the first paragraph of section 171 of the Act and the rates applicable respectively on 1 January of the two following years are obtained

(1) on the basis of the rate of contribution resulting from that valuation, as indicated in Schedule I.1, and the rate of the current service resulting from that valuation; those rates apply to the portion of the pensionable salary in excess of 35% of the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan;

(2) by setting a floor rate of contribution equal to the rate of the current service less 1% and a ceiling rate of contribution equal to the rate of the current service plus 1.5%;

(3) by retaining

(a) the rate of contribution referred to in subparagraph 1, if that rate is at least equal to the floor rate of contribution but does not exceed the ceiling rate of contribution;

(b) the floor rate of contribution or the ceiling rate of contribution, depending on whether the rate of contribution referred to in subparagraph 1 is lower or higher, respectively.

The rate of contribution applicable to the plan for the year concerned is indicated in Schedule I.2.

For the purposes of this Division, the rate of the current service refers to the rate of contribution required to finance the benefits accrued annually and the administrative expenses determined by the actuarial valuation.

11.1. Despite section 11, the rate of contribution applicable to the plan from 1 January 2013 is obtained by deducting from the rate indicated in Schedule I.1 in respect of that year a factor of 0.54%.

The rate of contribution to the plan thus applicable for the year 2013 is set at 12.30%.

DIVISION V.1 COMPENSATION

(s. 196, 1st par., subpar. 18.1)

11.2. Where the rate of contribution resulting from the valuation referred to in subparagraph 1 of the first paragraph of section 11 exceeds the ceiling rate of contribution determined under that paragraph for a year concerned, the Commission must establish, not later than 30 September of the following year, the amount to be paid by the employer as compensation for the year concerned.

The compensatory amount corresponds to the difference between the sum of the contributions that would have been paid if the rate of contribution resulting from the valuation had applied to the plan for the year concerned and the sum of the contributions paid into the plan for that year.

In the case of the employers referred to in Schedule IV to the Act, the Commission must transfer, in accordance with section 177.1 of the Act, the compensatory amount not later than within 30 days of the date on which the Commission established the amount pursuant to the first paragraph. For other employers, the Commission must send them a statement of account for the compensatory amount not later than within 60 days of the date on which the Commission established the amount, and section 43 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.R.Q., c. R-10, r. 2) applies, with the necessary modifications.

11.3. Despite the first paragraph of section 11.2, the Commission establishes the amount to be paid by the employer as compensation for the years 2012 and 2013 not later than 30 September of the year that follows the year concerned. For the purposes of the second paragraph of that section, the rate of contribution resulting from the actuarial valuation is deemed to be 12.84% for each of those years and the third paragraph of that section applies, with the necessary modifications.”.

2. The following schedules are inserted after Schedule I:

“SCHEDULE I.1

(s. 11)

RATE OF CONTRIBUTION RESULTING FROM THE ACTUARIAL VALUATION

Year	Rate of contribution resulting from the actuarial assessment
2012	12.84%
2013	12.84%

SCHEDULE I.2

(s. 11)

RATE OF CONTRIBUTION

Year	Rate of contribution to the plan
2012	12.30%
2013	12.30%

”.

3. This Regulation comes into force on 1 January 2013.