

Regulations and other Acts

M.O., 2015

Order number 2015 006 of the Minister of Health and Social Services dated 1 April 2015

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

Regulation respecting certain terms of employment applicable to assistant president and executive directors of integrated health and social services centres and unamalgamated institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the second paragraph of section 34 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), which provides that the Minister determines, by regulation, the standards and scales governing the selection, appointment, hiring, remuneration, employee benefits and other conditions of employment applicable to the assistant president and executive director of an integrated health and social services centre or of an unamalgamated institution;

CONSIDERING that it is expedient to make the Regulation;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 34 of the Act;

CONSIDERING that it is expedient to make the Regulation respecting certain terms of employment applicable to assistant president and executive directors of integrated health and social services centres and unamalgamated institutions;

ORDERS AS FOLLOWS:

The Regulation respecting certain terms of employment applicable to assistant president and executive directors of integrated health and social services centres and unamalgamated institutions is hereby made.

GAÉTAN BARRETTE,
Minister of Health and Social Services

Regulation respecting certain terms of employment applicable to assistant president and executive directors of integrated health and social services centres and unamalgamated institutions

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, s. 34)

CHAPTER I GENERAL

1. This Regulation applies to an assistant president and executive director of an integrated health and social services centre or of an unamalgamated institution, within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

CHAPTER II SELECTION, APPOINTMENT AND ENGAGEMENT

DIVISION I SELECTION FOLLOWING AN AMALGAMATION OR INTEGRATION OF INSTITUTIONS

2. When institutions are amalgamated or integrated, the boards of directors involved notify in writing, at least 120 days in advance, the assistant president and executive directors who hold the existing positions pursuant to a contract or an engagement resolution, of the elimination of those positions and of the creation of a new assistant president and executive director position.

The new board of directors determines whether or not to offer the new assistant president and executive director position to one of the assistant president and executive directors. Where applicable, it must hold a competition in order to select, among them, the one to whom it is to offer the new assistant president and executive director position. The procedure for the competition must be established by the new board of directors.

The new board of directors appoints, in accordance with Division IV of this Chapter, the person selected to fill the new position of assistant president and executive director.

If the board of directors decides not to proceed according to the procedure provided for in the second paragraph to fill the new position of assistant president and executive director, or if the competition held pursuant to that paragraph does not lead to the selection of an assistant president and executive director, the board of directors asks the Minister for authorization to hold a selection competition under Divisions II and III of this Chapter.

If the new board of directors considers it necessary, it may designate an acting assistant president and executive director.

DIVISION II OPENING OF THE SELECTION COMPETITION

3. The appointment of an assistant president and executive director is made following a selection competition and upon the recommendation of a selection committee.

Except for the case provided for in section 10, the Minister's authorization must be obtained in order to open the selection competition for the position of assistant president and executive director. The authorization must be requested by the employer no later than 60 days from the date on which the position actually becomes vacant.

The obligation to hold a selection competition does not apply to appoint a person who temporarily occupies a position of assistant president and executive director during the process of selection and appointment of an assistant president and executive director.

4. The selection committee is composed of 5 members, 3 of whom are persons designated by the board of directors, with at least one of them not being employed by a health and social services institution, and 2 persons designated by the Minister.

All members of the selection committee must be present for the pre-selection, selection and drawing-up of the eligibility list.

DIVISION III HOLDING OF THE SELECTION COMPETITION

5. The board of directors of an institution is to give written sectoral and public notice of the holding of a competition for the appointment of an assistant president and executive director.

The sectoral notice is sent to the Minister and to the associations of senior administrators and officers in the sector, who must circulate it, at least 30 days prior to the date of the first sitting of the selection committee. The sectoral notice for the competition provides for a registration period of at least 25 days from the date it is sent out.

The public notice is to be published in a newspaper distributed in the region in which the institution is situated and in a newspaper distributed throughout Québec. The notice must be published at least 20 days prior to the date of the first sitting of the selection committee. It must provide for a registration period of at least 15 days from the date it is published.

The 2 notices may be replaced by identical notices published or distributed by electronic means that can reach as many potential candidates as possible at a lower cost.

6. In a case of equivalent competency, an assistant president and executive director, a senior administrator or an officer employed by a public institution or private institution referred to in section 475 of the Act respecting health services and social services (chapter S-4.2), by an association of senior administrators or officers in the sector and by the Ministère de la Santé et des Services sociaux must have hiring priority over other candidates in a competition to obtain a position of assistant president and executive director. The sectoral notice and public notice referred to in section 5 must contain a statement to that effect.

7. The selection committee calls for an interview the persons whose application is accepted. At least 7 days must elapse between the date of the pre-selection and the date of the selection interviews.

8. The selection committee draws up a list of eligible candidates. The decision to declare a candidate eligible must be made by at least 3 members of the selection committee where at least 1 person is designated by the Minister. A member may express his or her dissent and communicate it to the board of directors.

The eligibility list and the substantiated recommendation of the selection committee must be sent to the board of directors for the final decision.

9. There will be no appeal against a decision made by the board of directors concerning the appointment of an assistant president and executive director.

10. Where no candidate is declared eligible by the selection committee or where the board of directors decides to appoint none of the candidates declared eligible, a new competition must be held.

DIVISION IV APPOINTMENT AND ENGAGEMENT

11. The assistant president and executive director is appointed by the board of directors for a period not exceeding 4 years.

12. The assistant president and executive director signs an engagement contract. The engagement contract must contain the employment rights, obligations and benefits specific to the position of assistant president and executive director, including annual vacations, social leaves and the terms and conditions for the annual appraisal of his or her work performance.

Any provision of such contract that does not comply with the Act and the Regulations made thereunder is considered null.

13. Any draft engagement contract of an assistant president and executive director is to be sent to the Minister for authorization.

The draft contract authorized by the Minister and agreed upon with the assistant president and executive director must be the subject of a resolution of the board of directors of the institution.

In the event of a change to an engagement contract of an assistant president and executive director, the board of directors must proceed in accordance with this section.

14. The resolutions of the board of directors respecting the appointment of the assistant president and executive director and the engagement contract of the assistant president and executive director are to be sent to the Minister. The same applies to any subsequent change to the contract.

15. Except in the case of an agreement between the employer and the assistant president and executive director on another deadline, the assistant president and executive director may leave his or her duties 60 days after having sent a written notice to that effect to the board of directors.

DIVISION V RENEWAL OF ENGAGEMENT

16. The engagement contract of an assistant president and executive director may be renewed, each time, for a period not exceeding 4 years.

The board of directors may not renew the engagement contract of an assistant president and executive director more than 12 months before the expiry date of the contract.

Upon renewal of the engagement contract of the assistant president and executive director, the board of directors is to proceed in accordance with sections 13 and 14.

Where no decision has been made by the board of directors concerning the renewal of the assistant president and executive director and where the board of directors has

failed to notify the assistant president and executive director in writing of its decision at least 90 days before the end of his or her contract, the engagement contract is renewed for a term of 6 months.

DIVISION VI MOVING EXPENSES

17. An assistant president and executive director who accepts a position with another employer is reimbursed by the employer for moving expenses when the assistant president and executive director must move more than 50 km by road from his or her home base and residence. The same applies to a senior administrator or an officer who is appointed to a position of assistant president and executive director with his or her employer or with another employer.

Payable moving expenses are the same as those prescribed in the Directive concernant l'ensemble des conditions de travail des cadres, enacted by decision of the Conseil du trésor C.T 208914 dated 20 April 2010 and its amendments, with the necessary modifications.

CHAPTER III REMUNERATION

DIVISION I GENERAL

18. An assistant president and executive director may not receive from his or her employer, and an employer may not give an assistant president and executive director, for the carrying out of his or her duties as assistant president and executive director, any form of remuneration other than the remuneration provided for by this Regulation.

Despite the first paragraph, the board of directors may, in certain special circumstances and with the approval of the Conseil du trésor, give another form of remuneration.

19. No remuneration or compensation may be paid to the assistant president and executive director for overtime.

DIVISION II SALARY CLASSES

20. The Minister determines the salary class of every position of assistant president and executive director.

If the board of directors or an assistant president and executive director disagrees with the salary class determined, the board of directors or the assistant president and executive director may apply in writing to be heard. The application must set out the reasons for disagreement put forward by the board of directors or by the assistant president and executive director, and be submitted within 60 days after the draft was received.

The Minister is to make a decision and inform the board of directors and the assistant president and executive director of the salary class of the position.

21. The classification of a position of assistant president and executive director takes effect on the date of the occurrence justifying the determination of the class or on the date fixed by the Minister. No appeal against a classification of a position of assistant president and executive director determined under section 20 may be made.

22. The salary classes of an assistant president and executive director are listed in Schedule 1.

The salary classes are adjusted by a percentage equal to the percentage of adjustment of the salary classes of senior administrators.

DIVISION III ANNUAL INCREASE OF INDIVIDUAL SALARIES

§1. Salary increase following the adjustment of salary classes

23. When the salary classes are adjusted, the salary of the assistant president and executive director is increased, where applicable, by a percentage equal to the percentage of adjustment of the salary classes determined pursuant to section 22. The increase may not cause the salary of the assistant president and executive director to exceed the maximum for the salary class corresponding to the position held.

§2. Increase for satisfactory performance

24. On 1 April each year, a salary increase is granted to an assistant president and executive director, unless his or her performance during the year ending on 31 March is deemed unsatisfactory. The employer's substantiated written assessment is sent to the assistant president and executive director during the reference period. No appeal may be made regarding the content of the assessment.

The salary increase represents 4% of the assistant president and executive director's salary on 31 March, provided that the increase does not make the salary of the assistant president and executive director higher than the maximum for the salary class for the position.

Where an assistant president and executive director has held his or her position for less than 1 year at the effective date of the salary increase or has changed employers during the reference period, the salary increase is established according to the time the assistant president and executive director has worked during the year prior to 1 April in that position or another position of assistant president and executive director, senior administrator or officer with the same employer or another employer.

The assistant president and executive director who has not worked during the whole year preceding 1 April, either because the assistant president and executive director is disabled or on leave without pay, deferred salary leave or progressive pre-retirement leave, is entitled to the salary increase according to the time worked during the year. Despite the foregoing, for the purpose of calculating the percentage of the salary increase, a disabled assistant president and executive director is considered as having been at work during the first 6 months of his or her disability.

Where an assistant president and executive director holds on 1 April or has held during the year preceding this 1 April a part-time position, the rate of the salary increase is determined according to the assistant president and executive director's relative annual work load during the year.

DIVISION IV INTEGRATION INTO A SALARY CLASS

§1. Appointment to a position of assistant president and executive director

25. The salary of a person who is appointed to a position of assistant president and executive director is fixed by the board of directors within the salary class for the position of assistant president and executive director.

§2. Change in the salary class for a position

26. The employer increases the salary of an assistant president and executive director holding a position of assistant president and executive director whose salary class is raised, by a percentage equal to 5%, provided that the increase does not make the salary of the assistant president and executive director higher than the maximum for the new salary class. Despite the foregoing, the employer ensures that the assistant president and executive director receives the minimum for the new class.

27. Where the salary class for a position of assistant president and executive director is lowered, the salary of the assistant president and executive director holding that position is either decreased, if needed, to reach the maximum for the corresponding salary class, or maintained, if it is already within the range of the salary class.

Where the salary of an assistant president and executive director is thus decreased because the evaluation class of the position the assistant president and executive director holds has been lowered,

(a) the assistant president and executive director receives as a lump sum the total difference between the salary the assistant president and executive director received prior to the new evaluation of his or her position and the new salary the assistant president and executive director is entitled to for the first 3 years following the new evaluation;

(b) the assistant president and executive director receives in the same manner two thirds of the difference between the salary the assistant president and executive director received prior to the new evaluation of his or her position and the new salary the assistant president and executive director is entitled to for the fourth year, during that fourth year;

(c) the assistant president and executive director receives in the same manner one third of the difference between the salary the assistant president and executive director received prior to the new evaluation of his or her position and the new salary the assistant president and executive director is entitled to for the fifth year, during that fifth year.

§3. Demotion of an assistant president and executive director

28. The salary of an assistant president and executive director, appointed to a position of senior administrator or officer in a lower evaluation class is either reduced, if needed, to the maximum for the salary class of the new position, or maintained, if his or her salary is already within the range of the new salary class.

Where the salary of an assistant president and executive director is decreased following such an appointment,

(a) the assistant president and executive director receives as a lump sum the total difference between the salary the assistant president and executive director received prior to the appointment and the new salary the assistant president and executive director is entitled to for the first 3 years following the new appointment;

(b) the assistant president and executive director receives in the same manner two thirds of the difference between the salary the assistant president and executive director received prior to the appointment and the new salary the assistant president and executive director is entitled to for the fourth year, during that fourth year;

(c) the assistant president and executive director receives in the same manner one third of the difference between the salary the assistant president and executive director received prior to the appointment and the new salary the assistant president and executive director is entitled to for the fifth year, during that fifth year.

DIVISION V **PLURALITY OF POSITIONS**

29. An assistant president and executive director who holds, temporarily and simultaneously to his or her usual position, another position of assistant president and

executive director or another position of assistant executive director of an integrated health and social services centre or of an unamalgamated institution receives, on authorization by the Minister, a lump-sum remuneration of 10% of his or her salary.

The plurality of positions may last between 2 and 18 months, subject to an extension expressly authorized by the Minister. Despite the foregoing, where the holder of a position is on disability leave, parental leave or public office leave, the replacement may be for the duration of the period of absence.

30. The board of directors of the institution may, on authorization by the Minister, pay an assistant president and executive director who carries out the duties of the president and executive director, when the president and executive director's absence or inability to act lasts a long time, a lump-sum remuneration of 10% of his or her salary.

DIVISION VI **INTERIM**

31. An assistant president and executive director who is designated temporarily to hold, for an interim period, a position of assistant president and executive director of another centre or institution receives, on authorization by the Minister, a lump-sum remuneration of 10% of his or her salary.

An interim period may last between 2 and 18 months, subject to an extension expressly authorized by the Minister. Despite the foregoing, where the holder of a position is on disability leave, parental leave or public office leave, the replacement may be for the duration of the period of absence.

DIVISION VII **PERFORMANCE PREMIUM**

32. The terms and conditions of the performance premium are established annually by the Minister, taking into account the parameters fixed by the Conseil du trésor.

CHAPTER IV **OTHER TERMS OF EMPLOYMENT**

DIVISION I **ANNUAL VACATION AND LEAVE FOR PERSONAL AFFAIRS**

33. An assistant president and executive director is entitled to 25 working days of annual vacation.

34. An assistant president and executive director is entitled, each year, to 5 working days of leave for personal affairs.

DIVISION II ALLOWANCES AND COMPENSATIONS

35. An assistant president and executive director is to receive the allowances for regional disparities under the same terms and conditions as those provided for in the collective agreements in force in the health and social services sector.

36. An assistant president and executive director who, on 31 March 2015, was a senior administrator covered by section 40.2 or 161 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) continues to receive the attraction and retention allowance established on the salary that was paid on that date, on the conditions provided for in those sections. Where applicable, the severance pay paid pursuant to section 39 is reduced by the lump sums received from that attraction and retention allowance.

37. An assistant president and executive director whose position is eliminated after an amalgamation or integration of institutions receives a severance pay in accordance with the terms and conditions determined in Division II of Chapter 6 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2).

DIVISION III INSURANCE, PARENTAL RIGHTS, DEFERRED SALARY LEAVE, PRE-RETIREMENT AND DEVELOPMENT

38. Chapters 4, 4.1, 4.2, 4.3 et 4.4 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) apply to an assistant president and executive director, with the necessary modifications.

DIVISION IV END-OF-ENGAGEMENT MEASURES

39. Chapter 6 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) applies to an assistant president and executive director, with the necessary modifications.

DIVISION V PROCEDURE OF APPEAL

40. Chapter 7 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services

institutions (chapter S-4.2, r. 5.2) applies to an assistant president and executive director, with the necessary modifications. Despite the foregoing, if the parties fail to agree on the choice of an arbitrator, the Minister mandates a third person to choose the arbitrator.

CHAPTER V FINAL

41. This Regulation comes into force on 1 April 2015.

SCHEDULE 1 SALARY CLASSES OF ASSISTANT PRESIDENT AND EXECUTIVE DIRECTORS

	1 April 2015	
	Minimum	Maximum
PDGA 1	\$181,538	\$236,000
PDGA 2	\$168,091	\$218,519
PDGA 3	\$155,640	\$202,332
PDGA 4	\$144,111	\$187,344
PDGA 5	\$133,436	\$173,467

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M.O., 2015

Order number 2015 007 of the Minister of Health and Social Services dated 1 April 2015

An Act respecting health services and social services
(chapter S-4.2)

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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services (chapter S-4.2), which provides that the Minister may, by regulation, determine the standards and scales which must be used by agencies and public institutions for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to senior administrators;

CONSIDERING that it is expedient to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2);