

Québec on 28 April 2016 and appears as Schedule 2 to the Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998.

3. This Regulation comes into force on 1 October 2017.

103101

M.O., 2017

Order of the Minister responsible for Higher Education dated 10 July 2017

General and Vocational Colleges Act
(chapter C-29)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

THE MINISTER RESPONSIBLE FOR HIGHER EDUCATION,

WHEREAS in and by section 18.1 of the General and Vocational Colleges Act (chapter C-29);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges was made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (C.T. 202573) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 18.1 of the General and Vocational Colleges Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (chapter R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges, herewith attached, be made.

HÉLÈNE DAVID,
*The Minister responsible
for Higher Education,*

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges¹

General and Vocational Colleges Act
(chapter C-29, s. 18.1)

1. Section 1 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended:

(a) by replacing the definition of “Ministry” by the following: “Ministère de l'Éducation et de l'Enseignement supérieur”;

(b) by replacing the definition of “Minister” by the following: “Minister responsible for Higher Education”.

2. Section 5.1 of the Regulation is amended by replacing the first paragraph by the following:

“For the purposes of this Regulation, the Comité des hors-cadre des collèges (CHCC) has been set up to discuss problems concerning the interpretation and application of the conditions of employment of senior executives.

The committee shall be consulted before determining or amending the conditions of employment of senior executives.

The committee consists of representatives of the associations of senior executives, the Fédération des cégeps and the Minister.”

3. Section 6 of the Regulation is amended by adding after the words “a senior executive”, “of a college or whose term of office is renewed”.

1. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202573 dated 21 June 2005 (2005, *G.O.* 2, 2423) was amended by the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203754 dated 23 May 2006 (2006, *G.O.* 2, 1708), the Regulation made by the Minister's Order dated 18 November 2008 approved by the Conseil du trésor, C.T. 207141 dated 9 December 2008 (2008, *G.O.* 2, 5545), the Regulation made by the Minister's Order dated 18 June 2009 approved by the Conseil du trésor, C.T. 207980 dated 22 June 2009 (2009, *G.O.* 2, 2111), the Regulation made by the Minister's Order dated 6 June 2011 (2011, *G.O.* 2, 1398), the Regulation made by the Minister's Order dated 11 July 2012 (2012, *G.O.* 2, 4128), the Regulation made by the Minister's Order dated 10 August 2012 (2012, *G.O.* 2, 2751) and the Regulation made by the Minister's Order dated 30 March 2017 (2017, *G.O.* 2, 987).

4. Section 9.2 of the Regulation is amended by inserting before the end of the first sentence after the words “or when his term of office is renewed” “or during the term of office following a significant change in position since the previous job evaluation”.

5. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by adding, after section 9.2, the following:

“**9.3** Where the class of a senior executive position is amended under section 9.2, the senior executive’s salary shall be determined as follows:

1° if the maximum rate of the applicable salary scale is greater than that of the salary scale that was applicable to him, his salary shall be adjusted by adding an amount equal to the difference between these two rates to the salary he was receiving;

2° if the maximum rate of the applicable salary scale is equal to or less than that of the salary scale that was applicable to him:

(a) the salary he was receiving shall be maintained if it is less than or equal to the maximum rate of the applicable scale;

(b) the salary shall be adjusted to the maximum rate of the new scale if the salary he was receiving is greater than the maximum rate of that scale.

In such cases, the senior executive shall receive for a two-year period a lump-sum amount equal to the difference between the salary he was receiving and the maximum rate of the new salary scale. The lump-sum amount shall be paid in the same manner as the payment of salary.”

6. Section 14.1 of the Regulation is amended by deleting in the fourth paragraph the words “applies as of 25 April 2012 and”.

7. Section 19 of the Regulation is repealed.

8. Section 32 of the Regulation is amended by replacing “90 days” by “120 days”.

9. Section 34 of the Regulation is amended by replacing “45 days” by “60 days”.

10. Section 36 of the Regulation is amended by replacing at the end, the word “action” by “section”. (This applies to the French text only.)

11. Section 37 of the Regulation is amended by adding at the end, the following second paragraph:

“The college specifies the reasons underlying the procedures undertaken in the notice”.

12. Section 41 of the Regulation is amended by adding at the end, the words “, the proof of which lies on him”.

13. Section 47 of the Regulation is amended:

1° by replacing the first subparagraph by the following:

(1) “he may retain the services of a specialized placement or career management firm which include resourcing, counselling and assessment of potential as well as support activities in the development of his relocation plan, job search and outplacement designed to assist senior executives in finding suitable employment. These services shall be provided by an external resource specialized in this field;”;

2° by adding in the second paragraph after the words “from the date he finds employment”, “in an agency in the public or parapublic sector”.

14. Section 75 of the Regulation is amended by adding the word “total” before “disability”.

15. Section 78 of the Regulation is amended by adding the following paragraphs at the end:

“For the purposes of the short-term salary insurance plan, period of total disability means any continuous period of total disability or any series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time work or, as the case may be, part-time work in accordance with the senior executive’s regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, remunerated or not.

Total disability resulting from a deliberately self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection, or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior executive is receiving treatment or medical care with a view to his rehabilitation shall be recognized as a period of total disability. Also, the period of disability related to an organ donation without compensation shall be recognized as a period of total disability.”

16. Section 79 of the Regulation is repealed.

17. Section 121 of the Regulation is amended by replacing “Human Resources and Skills Development Canada (HRSDC)” by “Employment and Social Development Canada (ESDC)”.

18. Section 121.2 of the Regulation is amended by adding at the end, the words “as well as the responsibility premiums to the exclusion of others”.

19. Section 131 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan shall receive for the 21 weeks of her maternity leave an allowance based on the following formula:

(1) sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Québec Parental Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph, “93% of the basic salary” by “the amount determined in paragraph 1 of the first paragraph”.

20. Section 135 of the Regulation is amended by replacing “93% of the basic salary paid” by “the gross amount determined in paragraph 1 of the first paragraph of section 131. The formula must be applied to the sum of the basic weekly salaries received”.

21. Section 136 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan, is entitled to receive during her maternity leave of 20 weeks, an allowance based on the following formula:

A) For each week of the waiting period prescribed by the Employment Insurance Plan, an allowance calculated as follows:

sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above.

B) For each week following the period prescribed in paragraph A), an allowance based on the following formula:

(1) sum of

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Employment Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph:

(a) “93% of the basic salary” by “the amount determined in paragraph 1 of paragraph B) of the first paragraph”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first subparagraph of paragraph *b*” by “in paragraph B) of the first paragraph”.

22. Section 137 of the Regulation is amended by replacing the second paragraph by the following:

“However, the senior executive who has accumulated 20 weeks of service is entitled to an allowance based on the following formula for 12 weeks, if she is not receiving benefits under a parental rights plan established by another province or territory:

sum of:

(a) the amount equal to 100% of the senior executive's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive's basic weekly salary and the amount determined under subparagraph *a* above.

Sections 133 to 135 apply to this subdivision with the necessary changes.”

23. Section 138 of the Regulation is amended:

1° by replacing, in the third paragraph of subparagraph *b*:

(a) “Ministry of Employment and Social Solidarity” by “Ministère du Travail, de l'Emploi et de la Solidarité sociale”;

(b) “HRSDC” by “ESDC”;

2° by replacing, in the first paragraph of paragraph *c*, “health and social service agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”;

24. Section 141 of the Regulation is amended:

1° by adding in the first paragraph after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 136” by “paragraph B) of the first paragraph of section 136”;

3° by adding, after the second paragraph, the following:

“The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”

25. Section 141.1 of the Regulation is amended:

1° by adding at the end, “, if the senior executive has completed 20 weeks of service”;

2° by adding the following second paragraph:

“The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”

26. Section 141.2 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 138 apply” by “Section 138 applies”.

27. Section 142.3 of the Regulation is amended:

1° by adding in the first paragraph after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 136” by “paragraph B) of the first paragraph of section 136”;

3° by adding, after the second paragraph, the following:

“The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”

28. Section 142.4 of the Regulation is amended:

1° by adding at the end, “, if the senior executive has completed 20 weeks of service”;

2° by adding the following second paragraph:

“The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”

29. Section 146 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 138 apply” by “Section 138 applies”.

30. Section 215 of the Regulation is replaced by the following:

“**215.** The honoraria and fees of the chairman shall be borne by the party that loses, withdraws or requests a postponement of the hearing.

However, in the case of a disagreement relating to a dismissal, the honoraria and fees of the chairman shall be borne by the Minister.

In all other cases, the honoraria and fees of the chairman shall be borne equally by the parties.”

31. Section 2 of Schedule II of the Regulation is replaced by the following:

“2. Salary Scales

CLASSES	Rates on 2016-12-30 (\$)		Rates on 2017-04-01 (\$)		Rates on 2018-04-01 (\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
	15	116 949	155 928	118 996	158 657	121 376
14	110 485	147 310	112 418	149 888	114 666	152 886
13	104 379	139 169	106 206	141 604	108 330	144 436
12	98 611	131 478	100 337	133 779	102 344	136 455
11	93 161	124 212	94 791	126 386	96 687	128 914
10	88 012	117 347	89 552	119 401	91 343	121 789
9	83 148	110 861	84 603	112 801	86 295	115 057

" "

32. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by replacing the reference “R.S.Q.” by “CQLR”, wherever it is found.

33. The provisions of Chapter IX of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges as they read on the day before the day on which this Regulation comes into force continue to apply to the senior executive already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

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