

M.O., 2017**Order of the Minister of Education, Recreation and Sports dated 14 August 2017**

Education Act
(chapter I-13.3)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 451 of the Education Act (chapter I-13.3);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 10 May 2012 approved by the Conseil du trésor on 8 May 2012 (C.T. 211408) and as amended;

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

WHEREAS, pursuant to section 451 of the Education 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 staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal, herewith attached, be made.

SÉBASTIEN PROULX,
*The Minister of Education,
Recreation and Sports,*

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal¹

Education Act
(chapter I-13.3, s. 451)

1. Schedule III of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is replaced by the following:

1. Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 10 May 2012 (2012, G.O. 2, 1817) and was amended by the regulation made by the Minister's Order dated 30 March 2017 (2017, G.O. 2, 996).

**"SCHEDULE III
SALARY SCALES CORRESPONDING TO CLASSIFICATION PLAN**

CLASSES	RATES 2016-12-30 to 2017-03-31 (\$)		RATES 2017-04-01 to 2018-03-31 (\$)		RATES as of 2018-04-01 (\$)		
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
	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	
8	78 553	104 735	79 928	106 568	81 527	108 699	
7	73 227	97 633	74 508	99 342	75 998	101 329	
6	68 261	91 013	69 456	92 606	70 845	94 458	
5	63 410	84 544	64 520	86 024	65 810	87 744	
4	59 053	78 736	60 086	80 114	61 288	81 716	
3	54 128	72 169	55 075	73 432	56 177	74 901	
2	49 614	66 150	50 482	67 308	51 492	68 654	
1	45 477	60 634	46 273	61 695	47 198	62 929	

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2. Schedule V of the Regulation is amended by replacing at the end of the second paragraph, “Régime d’assurance emploi” by “Régime d’assurance-emploi”. (This applies to the French text only.)

3. Section 4 of this schedule is amended by replacing “Human Resources and Skills Development Canada (HRSDC)” by “Employment and Social Development Canada (ESDC)”.

4. Section 17 of this schedule is amended:

1° by replacing the first paragraph by the following:

“A senior staff member 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 staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’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 staff member 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 paid by the school board and the benefits paid under the Québec Parental Insurance Plan that represent the proportion of the basic weekly salary paid by it” by “the amount determined in paragraph 1 of the first paragraph and the amount of Québec Parental Insurance Plan benefits corresponding to the proportion of basic weekly salary paid by the school board”.

5. Section 19 of this schedule is amended by replacing at the end, “, including the lump sums resulting from the salary readjustment procedure” by “, including lump sums resulting from the salary readjustment procedure and the responsibility premiums to the exclusion of others”.

6. Section 20 of this schedule is amended by replacing, in the fourth paragraph, “93% of the basic salary paid by the senior staff member’s employer or, where applicable, employers” by “the gross amount determined in paragraph 1 of the first paragraph of section 17. The formula must be applied to the sum of the basic weekly salaries received from the senior staff member’s employer as prescribed in this section or, where applicable, employers”.

7. Section 21 of this schedule is amended:

1° by replacing the first paragraph by the following:

“A senior staff member 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 staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’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 staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’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 staff member 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 paid by the school board and the percentage of the Employment Insurance benefits that represents the proportion of the basic weekly salary paid by it” by “the amount determined in paragraph 1 of paragraph B) of the first paragraph and the amount of the Employment Insurance benefits corresponding to the proportion of basic weekly salary paid by the school board”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first paragraph of subparagraph 2)” by “in paragraph B) of the first paragraph”.

8. Section 22 of this schedule is amended by replacing the second, third and fourth paragraphs by the following:

“However, the senior staff member 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 staff member’s basic weekly salary up to \$225; and

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

The fourth paragraph of section 20 applies to this subsection with the necessary changes.”.

9. Section 23 of this schedule is amended:

1° by replacing in the second paragraph of paragraph 2, “Régime d’assurance emploi” by “Régime d’assurance-emploi”; (This applies to the French text only.)

2° by replacing, in the third paragraph of paragraph 2:

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

(b) “HRSDC” by “ESDC”;

3° by replacing, in the first paragraph of paragraph 3, “health and social services agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”;

4° by replacing, in the third paragraph of paragraph 4, “CSST” by “CNEST”.

10. Section 26 of this schedule is amended:

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

2° by replacing, in the second paragraph, “subparagraph 2 of section 21” by “paragraph B) of the first paragraph of section 21”.

11. Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 26, the following:

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

12. Section 27 of this schedule is amended by adding “, if the senior staff member has completed 20 weeks of service” at the end.

13. Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 27, the following:

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

14. Section 28 of this schedule is amended by replacing “Subparagraphs 1, 2 and 4 of section 23 apply” by “Section 23 applies”.

15. Section 33 of this schedule is amended by replacing in the second paragraph, “Régime d’assurance emploi” by “Régime d’assurance-emploi”. (This applies to the French text only.)

16. Section 35 of this schedule is amended:

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

2° by replacing, in the second paragraph “subparagraph 2 of section 21” by “paragraph B) of the first paragraph of section 21”.

17. Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 35, the following:

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

18. Section 36 of this schedule is amended by adding “, if the senior staff member has completed 20 weeks of service” at the end.

19. Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 36, the following:

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

20. Section 40 of this schedule is amended by replacing “Subparagraphs 1, 2 and 4 of section 23 apply” by “Section 23 applies”.

21. The provisions of Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal as they read on the day before the day on which this Regulation comes into force continue to apply to the senior staff member already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

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