

Treasury Board

Gouvernement du Québec

T.B. 219766, 17 July 2018

Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 3.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), an absence without pay is an absence that is provided for in the employee's conditions of employment and authorized by the employee's employer, for which the employee does not receive pay, and during which the employee would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 3.0.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under subparagraph 0.1.1 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 3.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under the first paragraph of section 115.10.7.1 of the Act, if, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule I or II and was not excluded from the plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2), the person

may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the employee participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years;

WHEREAS under subparagraph 4.2 of the first paragraph of section 134 of the Act, the Government may, by regulation, establish, for the purposes of sections 25, 115.1, 115.10.1, 115.10.4, 115.10.6 and 115.10.7.1, the tariff applicable to the payment of the redemption cost, which may vary according to the employee's or person's age, the reason for the absence, the year of service covered by the redemption and the date of receipt of the application, and prescribe, in addition to a minimum cost for the purposes of section 25, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections;

WHEREAS under section 115.10.7.3 of the Act, unless it is listed in Schedule II.2, an employer referred to in section 115.10.7.1 must pay to Retraite Québec an amount equal to the amount determined under that section 115.10.7.3 in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation;

WHEREAS under subparagraph 14.1.1 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 115.10.7.3, the conditions and terms of payment by the employer of the amount concerned;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS section 8.3 of the Regulation provides that for the purposes of the second paragraph of sections 25, 115.1, 115.10.1, 115.10.4 and the third paragraph of section 115.10.6 of the Act respecting the Government and Public Employees Retirement Plan, the amount required of the employee to pay the cost of redemption is established in accordance with the tariff in Schedule 0.I to the Regulation;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under the first paragraph of section 134 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee referred to in section 163;

WHEREAS under section 40 of the Public Administration Act (chapter 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 for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

Act respecting the Government and Public Employees Retirement Plan (chapter R-10, s. 134, 1st par., subpars. 0.1.1, 4.2 and 14.1.1)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, ss. 77 and 78)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) is amended by inserting the following after section 0.1:

“DIVISION 0.1.1

ABSENCE WITHOUT PAY
(s. 134, 1st par., subpar. 0.1.1)

0.1.1. An absence without pay is

(1) an absence of the employee owing to a strike or a lock-out;

(2) an absence of the employee owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person’s dismissal owing to disability;

(4) an absence within 24 months after the date of a person’s dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an out-of-court settlement of the dismissal grievance entered into after 16 July 2018. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be an employee.”

2. Section 8.3 is amended

(1) by replacing “and the third paragraph of section 115.10.6” by “, the third paragraph of section 115.10.6 and the second paragraph of section 115.10.7.1”;

(2) by adding the following after the first paragraph:

“Despite the first paragraph, the amount required from the person to pay the cost of the redemption referred to in section 115.10.7.1 of the Act for a year or part of a year of service completed in the three years prior to the date of receipt of the application for redemption is established on the basis of the percentage necessary for the amount to equal the sum of the contributions that would have been withheld if the person concerned had benefitted from the conditions of employment that should have applied during that period.”

3. The Regulation is amended by inserting the following after section 8.5:

“**8.6.** For the purposes of the second paragraph of section 115.10.7.1 of the Act, the pensionable salary of a person who is not participating in the plan on the date Retraite Québec receives the application for redemption is the annual pensionable salary that would have been paid on that date if the person had benefitted from the conditions of employment that should have applied during that period or, if that date is one on which the person was an employee entitled to salary insurance benefits or

an employee on maternity leave, the annual pensionable salary that the person would have been entitled to, had it not been for that absence or leave, if the person had benefitted from such conditions of employment.

In the case where the person, under the conditions of employment that should have been applicable during that period, would not have received salary on the date *Retraite Québec* received the person's application for redemption, the tariff applies to the annual pensionable salary that would have been paid on that date if the person had continued to hold, up to that date, the employment held on the last day worked.

If that employment no longer exists with the employer, the tariff applies to the annual pensionable salary that would have been received if the person had benefitted from the conditions of employment that should have applied on the last day worked, increased by the percentage increase in the salary scales provided for in the conditions of employment applicable to employment in the same class with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) between the last day and the day the person's application for redemption is received at *Retraite Québec*."

4. The Regulation is amended by inserting the following after section 32:

"DIVISION XII.1

CONDITIONS AND TERMS OF PAYMENT OF AN AMOUNT BY THE EMPLOYER ON REDEMPTION
(s. 134, 1st par., subpar. 14.1.1)

32.1. For the purposes of section 115.10.7.3 of the Act, an employer must pay, within 30 days of the date of the statement of account sent by *Retraite Québec*, the amount established in the statement.

Any amount not paid within the 30-day period is increased by interest, compounded annually, at the rate in Schedule VII to the Act in force on the statement of account date and calculated as of that date."

5. Schedule 0.I is amended by adding the following section at the end:

"6- The tariff applicable to pay the cost of redemption of service under section 115.10.7.1 of the Act in respect of a year or part of a year of service prior to 1 January 1988 is the tariff appearing in the table in section 3 of this Schedule.

The tariff applicable to pay the cost of redemption of service under section 115.10.7.1 of the Act in respect of a year or part of a year of service after 31 December 1987 is the tariff appearing in the table in section 1 of this Schedule."

6. This Regulation has effect from 21 March 2018, except subparagraphs 1 and 2 of the first paragraph of section 0.1.1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, enacted by section 1, which have effect from 14 June 2002, and subparagraphs 3 to 5 of the first paragraph and the second and third paragraphs of that section 0.1.1, which have effect from 17 July 2018.

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Gouvernement du Québec

T.B. 219767, 17 July 2018

Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

**Application of Title IV.2 of the Act
—Amendment**

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under subparagraph 1 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Government may, by regulation, determine the manner in which a person's pensionable salary, annualized pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person's conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment, or following the application of sections 79.3, 79.16 and 81.15 of the Act respecting labour standards (chapter N-1.1);

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 4), by Order in Council 690-96 dated 12 June 1996;