

Gouvernement du Québec

T.B. 219768, 17 July 2018

Act respecting the Teachers Pension Plan
(chapter R-11)

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 Teachers Pension Plan

WHEREAS under the first paragraph of section 2.1.1 of the Act respecting the Teachers Pension Plan (chapter R-11), an absence without pay is an absence that is provided for in the teacher's conditions of employment and authorized by the teacher's employer, for which the teacher does not receive pay, and during which the teacher 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 2.1.1, 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 a teacher;

WHEREAS under paragraph 2.2 of section 73 of the Act, the Government may, by regulation, determine, for the purposes of section 2.1.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered a teacher;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Teachers Pension Plan (chapter R-11, r. 1) by Decision 169291 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 73 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee;

WHEREAS the pension committee concerned is the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

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 Teachers Pension 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 Teachers Pension Plan

Act respecting the Teachers Pension Plan
(chapter R-11, s. 73, par. 2.2)

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

1. The Regulation under the Act respecting the Teachers Pension Plan (chapter R-11, r. 1) is amended by inserting the following after section 2.1:

“CHAPTER II.2
ABSENCE WITHOUT PAY
(s. 73, par. 2.2)

2.2. An absence without pay is

- (1) an absence of the teacher owing to a strike or a lock-out;
- (2) an absence of the teacher 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 a teacher.”

2. This Regulation has effect from 17 July 2018, except subparagraphs 1 and 2 of the first paragraph of section 2.2 of the Regulation under the Act respecting the Teachers Pension Plan, enacted by section 1, which have effect from 14 June 2002.

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Gouvernement du Québec

T.B. 219769, 17 July 2018

Act respecting the Civil Service Superannuation Plan (chapter R-12)

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 Civil Service Superannuation Plan

WHEREAS under the first paragraph of section 55.0.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), an absence without pay is an absence that is provided for in the officer’s conditions of employment and authorized by the officer’s employer, for which the officer does not receive pay, and during which the officer 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 55.0.1, 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 officer;

WHEREAS under paragraph 3.0.1 of section 109 of the Act, the Government may, by regulation, determine, for the purposes of section 55.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an officer;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 1) by Decision 169292 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 109 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee;

WHEREAS the pension committee concerned is the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

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 Civil Service Superannuation Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY