



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 76

**An Act to amend the pension plans of the
public and parapublic sectors**

Introduction

**Introduced by
Mr Sylvain Simard
Minister responsible for Administration and the Public
Service, Chair of the Conseil du trésor**

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EXPLANATORY NOTES

This bill makes various amendments to the Acts concerning the pension plans of the public and parapublic sectors to give effect to the agreements entered into by the Government and the representatives of the principal associations of public employees. The bill also contains amendments based in particular on the recommendations made by the pension committees.

The bill proposes in respect to the pension plan of peace officers in correctional services a new contribution formula, a reduced rate and a new indexing formula. A new criterion is introduced as regards eligibility for a pension without reduction, and the number of years of service required for entitlement to a deferred pension is lowered. The bill modifies the rights and benefits arising from the plan and provides that supplemental benefits may be paid in addition to the pension. The bill abolishes, while preserving vested rights, the pension granted for disability, and amends the relevant provisions of the plan to harmonize it with a new mandatory supplemental disability insurance plan.

The bill introduces new provisions into the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, concerning the rules relative to the redemption of years of service after a period of absence without pay.

The bill amends the rules governing qualification for the Pension Plan of Management Personnel.

Lastly, the bill contains provisions clarifying the administration of the pension plans as well as technical and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (2001, chapter 31).

Bill 76

AN ACT TO AMEND THE PENSION PLANS OF THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. Section 4 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing “on leave without pay” in the fourth line of the second paragraph by “absent without pay”.

2. The said Act is amended by inserting the following sections after section 34.1 :

“34.1.1. If the person who dies is eligible for a pension but has no spouse entitled to a pension, the contributions are refunded to the person’s successors, subject to sections 34.12 and 34.13. The same rule applies to a pensioner who dies and has no spouse entitled to a pension.

“34.1.2. Following the death of a spouse who was receiving a pension under Division III of this chapter, the successors of the employee, whether or not the employee had been a pensioner, are entitled to receive, subject to section 34.12, the difference between the sum of the contributions and the amounts of pension paid.”

3. The said Act is amended by inserting the following section after section 37 :

“37.1. Every participating member or pensioner under this plan who obtained a pension credit under section 107.1 or 158.0.1 of the Act respecting the Government and Public Employees Retirement Plan is entitled to benefit from the provisions of the regulation enacted pursuant to section 107.1. The provisions apply, with the necessary modifications, if they are more favourable.”

4. Section 59.1.1 of the said Act is amended by replacing “Schedule VI” in the fourth line of the second paragraph by “Schedule VII”.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN
CORRECTIONAL SERVICES

5. Section 17 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by replacing “two” in the last line of the first paragraph by “three”.

6. The said Act is amended by inserting the following sections after section 17:

“17.1. A person referred to in the first paragraph of section 17 who, under the salary insurance plan provided for in the applicable conditions of employment, is entitled to salary insurance benefits for a maximum period of two years of service, shall continue to participate in the plan even if the employer has terminated the person’s employment, during the year following the last day of that two-year period, if on that day the person is disabled within the meaning of the applicable salary insurance plan.

During that year, the service credited, without contributions, is the service that would have been credited if the person had held such employment, and the pensionable salary is the salary the person would have received.

However, the service credited to a person who dies, resigns or retires during the year following the two-year period referred to in the first paragraph shall be reduced by the period comprised between the date of the event and the end of that year. The credited service shall also be reduced by the period comprised between the date on which the person is entitled to receive, following an application therefor, the amount provided for in sections 74.1 and 74.8 and the end of that year.

The service credited under this section to a person who returns to pensionable employment during that period is reduced by the period comprised between the first day on which the person holds such employment and the end of the year.

“17.2. A person who receives benefits under a mandatory supplementary salary insurance plan pursuant to the applicable conditions of employment shall continue to participate in this plan even if the employer has terminated the person’s employment. The person shall continue to participate as long as he or she receives benefits or until he or she becomes entitled to a pension under subparagraphs 2, 3 or 6 of the first paragraph of section 44, whichever occurs first.

The exemption from contributions provided for in section 17 applies and, thereafter, the insurer shall pay an amount equal to 185.19% of the contribution referred to in the first paragraph of section 42 and 100% of the contribution referred to in the second paragraph of that section.

The first and second paragraphs do not apply to a person who receives benefits under a mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors.”

7. Section 30 of the said Act is amended by replacing “at the rate in force on the date the application is received under the Act respecting the Government and Public Employees Retirement Plan” in the fourth and fifth lines of the second paragraph by “at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan in force on the date the application is received”.

8. The said Act is amended by inserting the following subdivision after section 41 :

“§3. — *Redemption of a paid training period*

“41.1. An employee is entitled to pension credit, computed in relation to the years or parts of a year of past service as a paid trainee, by counting such years or parts of a year under the plan.

The categories or subcategories of employees and the rules, terms and conditions applicable to have years or parts of a year of past service as a paid trainee counted, the years or parts of a year of service which may be counted and their number, which may vary according to the category and subcategory of employees, shall be determined by regulation under subparagraph 11.3 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“41.2. The years and parts of a year of service for which pension credit is granted under this subdivision shall be added, solely for the purposes of eligibility for a pension, to the years of service credited to an employee under section 15.

“41.3. Sections 88, 90 to 93, the second paragraph of section 95 and sections 96 and 97 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) shall apply to the pension credit obtained under section 41.1, with the necessary modifications.

“41.4. The amount that an employee must pay to be entitled to pension credit shall be determined according to the tariff of premiums appearing in Schedule IV to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The amounts paid by an employee to acquire pension credit shall be paid into the consolidated revenue fund.

“41.5. The years and parts of a year of service for which pension credit is granted shall be added to the years of service credited to the employee to determine, in case of death, the entitlement of the spouse to a pension even if

the employee died before completing all the payments computed in accordance with section 96 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“41.6. Sections 73.1 to 73.3 and 73.5 to 73.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) shall apply, with the necessary modifications, to an employee who has acquired pension credit under this subdivision. Any reference to a provision of that Act is a reference to the corresponding provision of this Act.

The pension amounts added under the first paragraph must be within the limits established by regulation. If not, the amounts shall be adjusted in the manner prescribed by the regulation.”

9. Section 42 of the said Act is replaced by the following section :

“42. The employer shall, except for a pensioner who, even if he holds pensionable employment, is not an employee for the purposes of this plan, and except for an employee referred to in section 119, from, in the latter case, the date on which the employee’s election not to participate applies, withhold each year from the pensionable salary paid to each employee and, if applicable, from a lump sum paid to a pensioner pursuant to section 11, an amount equal to the contribution rate established by regulation under section 128, from that part of the pensionable salary which exceeds 25% of the lesser of the pensionable salary and the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (chapter R-9).

The supplementary contribution rate established by regulation under the second paragraph of section 66.7 shall be added to the contribution rate referred to in the first paragraph.

However, the employer shall, in respect of an employee referred to in section 5, make the annual deduction provided for in the first and second paragraphs by adding 2% to the rate referred to in the first paragraph; the annual deduction may not exceed 9% of the pensionable salary paid to the employee.

For the purposes of this section, the maximum pensionable earnings is established according to the number of days and parts of a day for which the employee or, as the case may be, the pensioner paid or was exempt from contributions, out of the number of contributory days in a year.

This section applies only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

10. Section 44 of the said Act is amended

(1) by replacing the first two lines of the first paragraph by the following lines:

“44. For the purposes of this plan, the normal retirement age is 65. However, an employee who ceases to participate in the plan is entitled to a pension if the employee”;

(2) by striking out subparagraphs 1 and 4 of the first paragraph;

(3) by adding the following paragraph at the end:

“Subparagraph 5 of the first paragraph does not apply to employees referred to in subparagraph 1 of the first paragraph of section 1.1, to intermediate officers referred to in the regulation enacted pursuant to subparagraph 2 of the first paragraph of that section and to employees referred to in section 5. In addition, the pension provided for in that subparagraph 5 shall be granted to an employee only if the period of disability giving entitlement to the application of section 17 begins before the date of coming into force of a mandatory supplementary salary insurance plan referred to in section 17.2.”

11. Section 50 of the said Act is amended

(1) by striking out “subparagraph 6 or” in the first line;

(2) by replacing “1, 2, 3 or 4” in the sixth line by “2, 3 or 6”.

12. Section 52.1 of the said Act is amended by inserting “including those provided for in Division III.2 and additional benefits computed pursuant to Division III.1” after “division” in the first line.

13. Section 62 of the said Act is amended by replacing “10 years of service” in the first line of the first paragraph by “2 years of credited service”.

14. The said Act is amended by inserting the following division after section 66.3:

“DIVISION III.2

“SUPPLEMENTARY PENSION BENEFITS

“66.4. The Government may, by regulation, provide for the payment of supplementary benefits to be added to the amount of the employee’s pension. The supplementary benefits may vary, in particular, according to the date of retirement and the years of credited service. The Government shall determine the rules, terms and conditions relating to the supplementary benefits as well as the applicable limits.

“66.5. The actuarial value of the supplementary benefits provided for in section 66.4 shall be financed by the employees. The contributions referred to in the second paragraph of section 42 shall be affected to the payment of those supplementary benefits.

A separate accounting record shall be kept for the contributions and supplementary benefits.

“66.6. The amounts referred to in section 66.5 bear interest, compounded annually, and computed according to the rate of return obtained at the Caisse de dépôt et placement du Québec determined according to the cost value of the employee’s contribution fund of the Government and Public Employees Retirement Plan.

For the purpose of computing the interest, the contributions and benefits paid shall be established annually and are deemed to be received or paid, as the case may be, at the midpoint of each year.

“66.7. The Commission shall cause a separate actuarial valuation to be prepared simultaneously with the actuarial valuation provided for in section 126. The Commission shall determine the actuarial value of the benefits payable and the amount accumulated under sections 66.5 and 66.6.

Following the valuation, the Government may, by regulation, revise the rate of supplementary contribution provided for in the second paragraph of section 42 and determine the period of application of the rate.

“66.8. Any excess identified by the actuarial valuation shall be affected only to the portion assumed by the employees in the apportionment of the cost of the plan determined under section 127.

“66.9. A regulation enacted under this division may have effect 12 months or less before its adoption.”

15. The said Act is amended by inserting the following sections after section 70:

“70.1. If the employee who dies is eligible for a pension but has no spouse or child entitled to a pension, the contributions paid shall be refunded to the employee’s successors, subject to section 74. The same rules apply to a pensioner who dies and has no spouse or child entitled to a pension.

“70.2. If the total of the amounts paid as pension and supplementary benefits is less than the total of the contributions paid with interest, the difference shall be, subject to section 74, refunded to the employee’s successors, whether or not the employee had been a pensioner, when payment of a pension to the last person entitled to it ceases.”

16. Section 72 of the said Act is amended by replacing “at the rates determined, for each period, under” in the second line of the first paragraph by “at the rates determined for each period in Schedule VI to”.

17. Section 74 of the said Act is amended

(1) by inserting “and additional benefits” after “pension benefits” in the second and sixth lines of the first paragraph;

(2) by replacing “under” in the eight line of the first paragraph by “in Schedule VI to”;

(3) by adding the following paragraph at the end:

“For the purposes of this section, contributions do not include amounts paid for the acquisition of pension credits under sections 41.1 to 41.5. However, with respect to those amounts, section 59 of the Act respecting the Government and Public Employees Retirement Plan applies with the necessary modifications.”

18. The said Act is amended by inserting the following division after section 74:

“DIVISION IV.1

“EMPLOYEE SUFFERING FROM A TERMINAL ILLNESS

“74.1. Except in the case of a pensioner, an employee who has ceased to participate in the plan and who, according to a medical certificate, is suffering from an illness likely to lead to death within a period of two years is, if the employee is entitled only to a deferred pension or to an actuarially reduced pension under section 50, entitled to receive the higher of the following amounts:

(1) the total contributions with interest accrued up to the date of receipt of the application;

(2) the actuarial value of the employee’s pension and additional benefits established on that date in accordance with the actuarial assumptions and methods determined by regulation under section 46.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The first paragraph also applies to an employee who provides such a certificate and who, if he or she ceased to participate in the plan on the date of receipt of the application by the Commission, would be entitled to only one of the pensions referred to in that paragraph. However, an employee who receives the amount ceases to participate in the plan on that date and, subject to section 74.6, is not considered to be an employee even if he or she continues to hold pensionable employment after the date of receipt of the application.

The amount referred to in the first paragraph bears interest, compounded annually, at the rates determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, from the date of receipt of the application to the date on which the refund is made.

“74.2. For the purposes of section 74.1, contributions include the amounts referred to in section 71, except amounts paid by the employee for the acquisition of a pension credit. The total of the contributions shall be established having regard to sections 72 to 74.

“74.3. The refund of the amount referred to in section 74.1 precludes entitlement to any other benefit, advantage or refund under the plan.

“74.4. The spouse of an employee referred to in the first and second paragraphs of section 74.1 may, upon the death of the employee, obtain that the refund of the amount referred to in that section be cancelled if the spouse applies therefor to the Commission before the amount is received. In such a case, the application for a refund is deemed never to have been made.

“74.5. An employee who has ceased to participate in this plan pursuant to the second paragraph of section 74.1 and who, at the end of a period of two years from the date on which the application for a refund of the amount referred to in that section is received, holds pensionable employment under this plan may elect to resume participation in the plan by sending a notice to that effect to the Commission. Notwithstanding section 3, the employee’s participation in the plan shall begin on the date on which the notice is received by the Commission.

“74.6. An employee who has availed himself or herself of the first or second paragraph of section 74.1 may be credited with the years or parts of a year of service that had been credited before the date of the refund if the employee applies therefor and pays an amount equal to the amount that was refunded to the employee, with interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan. The interest runs from the date of the refund until the date of the redemption proposal made by the Commission.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

“74.7. An employee who has availed himself or herself of the second paragraph of section 74.1 may be credited with the years and parts of a year of service pertaining to the period during which the employee would have participated in plan, had it not been for the application of that paragraph, if the employee applies therefor and pays an amount equal to the contribution the employee would have paid if he or she had participated in this plan, with interest, compounded annually at the rates determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan. The interest runs from the mid-point of each year up to the date of the redemption proposal made by the Commission. However, where

the years and parts of a year of service are credited to the employee, section 17 applies as though the employee had been a member of this plan during that period.

The amount established under the first paragraph is payable either in cash or by instalments spread over the period and at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.

“74.8. Sections 59.2 to 59.5 of the Act respecting the Government and Public Employees Retirement Plan apply, with the necessary modifications, to an employee referred to in section 74.1 who, under subdivision 3 of Division II of Chapter II, had years or parts of a year counted under the plan and obtained pension credit in respect thereof.”

19. Section 75 of the said Act, amended by section 243 of chapter 31 of the statutes of 2001, is again amended by inserting “this plan,” after “under” in the first line of subparagraph 3 of the first paragraph.

20. Section 82 of the said Act, amended by section 244 of chapter 31 of the statutes of 2001, is again amended by replacing “the said Act” in subparagraph 8 of the first paragraph by “this Act, the Act respecting the Government and Public Employees Retirement Plan”.

21. The said Act is amended by inserting the following sections after section 98:

“98.1. For each calendar year from 1 January 1988, the days and parts of a day that are not credited to an employee who holds pensionable employment under the plan for at least one day during that calendar year shall be considered solely for the purposes of eligibility for a pension.

However, during the year in which the employee begins to participate in the plan, the days comprised between 1 January and the first day on which the employee holds pensionable employment shall not be considered for the purposes of eligibility. In addition, during the year in which the employee ceases to participate in the plan, the days comprised between the day on which the employee’s participation ceases and 31 December.

Subject to section 98, the first and second paragraphs also apply to an employee who did not have days and parts of a day of leave without pay credited under section 20.

The days and parts of a day that are not credited to an employee who, during the year 1987 or a subsequent year, held pensionable employment under the Government and Public Employees Retirement Plan for a least one day during the year shall also be considered solely for purposes of eligibility for a pension if they were not otherwise considered under this plan.

“98.2. For the purposes of section 98.1, the Government may, by regulation, establish a pension reduction factor and criteria for the application of that factor. The Government may also designate categories and subcategories of employees to whom the factor and the criteria do not apply.”

22. Section 100 of the said Act is amended by replacing the first paragraph by the following paragraph :

“100. Every pension is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (chapter R-9),

(1) for that part attributable to service prior to 1 January 2000, by the excess of the rate of increase of the Pension Index determined by the said Act over 3% ; and

(2) for that part attributable to service subsequent to 31 December 1999, by the formula provided for in subparagraph 1 of this paragraph or by one-half of the rate of increase of the Pension Index, according to the formula that is the most advantageous.”

23. Section 112 of the said Act, amended by section 251 of chapter 31 of the statutes of 2001, is again amended by replacing “his pension shall cease” in the third line of the first paragraph by “benefits shall cease”.

24. Section 115 of the said Act is amended by replacing “the pension benefits accrued” in the second line by “the benefits accrued”.

25. The said Act is amended by adding the following paragraph at the end of section 127 :

“However, the employer shall assume the cost resulting from the application of sections 41.1 to 41.6.”

26. Section 130 of the said Act is amended

(1) by inserting the following paragraph after paragraph 3 :

“(3.1) establish the limits applicable to a pension amount added under section 41.6 and the manner in which an amount is to be adjusted to comply with the limits;” ;

(2) by inserting the following paragraphs after paragraph 7.1 :

“(7.2) prescribe, for the purposes of section 66.4, the payment of supplementary benefits added to the amount of the pension and prescribe rules, terms and conditions relating to those supplementary benefits and the limits that apply thereto ;

“(7.3) revise, in accordance with section 66.7, the supplementary contribution rate provided for in the second paragraph of section 42 and determine the period covered by the rate;

“(7.4) establish, for the purposes of section 98.2, a pension reduction factor and criteria for the application of that factor, and designate categories and subcategories of employees to whom the factor and the criteria do not apply;”.

27. Section 132.1 of the said Act is amended by adding the following sentence at the end of the first paragraph: “As well, no interest is computed in respect of the period between the expiry date of a redemption proposal in respect of which the cost is contested and the expiry date of a new proposal made following a decision by the reexamination committee or arbitrator that modifies the cost.”

28. The said Act is amended by replacing the expressions “at the rate in force pursuant to” in the fifth and sixth lines of the first paragraph of section 21 and “at the rate in force under” in the fourth line of the third paragraph of section 24.1, the fourth line of section 26, the fourth line of the third paragraph of section 33 and the fourth line of the second paragraph of section 40 of the said Act are replaced by “at the rate provided for in Schedule VI to”. The expressions “at the rates determined for each period pursuant to” in the fourth line of the second paragraph of section 24.1 and “at the rates determined, for each period, under” in the fourth and fifth lines of the second paragraph of section 25, the sixth and seventh lines of the first paragraph of section 40, the second line of the first paragraph of section 72, the second line of the second paragraph of section 136, the second line of the second paragraph of section 137 and the second line of the second paragraph of section 138 are replaced by “at the rates determined for each period in Schedule VI to”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

29. Section 3 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “on leave without pay” in the fourth line of the second paragraph by “absent without pay”.

30. The said Act is amended by inserting the following section after section 17.1:

“17.2. An employee’s pensionable salary pertaining to the years of service credited under sections 24, 24.0.2 and 115.1 is the pensionable salary established according to the terms and conditions governing the computation determined by government regulation. The regulation shall also determine the terms and conditions governing the application of that salary.”

31. Section 21.1 of the said Act, enacted by section 8 of chapter 32 of the statutes of 2000, is amended by replacing the last sentence of the third paragraph by the following : “The credited service shall also be reduced by the period between the date on which a person is entitled, following an application therefor, to the amount provided for in section 59.1, 59.2 or 59.6.1 and the end of that year.

The service credited under this section to a person who returns to pensionable employment during that period shall be reduced by the period between the person’s first day of service in pensionable employment and the end of that year.”

32. The said Act is amended by inserting the following heading after section 23 :

**“DIVISION III
“REDEMPTION OF YEARS OF SERVICE”.**

33. Section 24 of the said Act, amended by section 271 of chapter 31 of the statutes of 2001, is replaced by the following section :

“24. An employee who has had a period of absence without pay at a time he or she held pensionable employment may, if the employee applies therefor, be credited in whole or in part with that period of absence. However, if that period of absence ended after 31 December 2001, it must have consisted of more than 30 consecutive days or, in the case of part-time absence, of more than 20% of the regular time of a full-time employee holding similar employment.

The employee may not be credited with less than ten pensionable days in respect of the same calendar or school year, as the case may be, unless the number of days of absence is less than ten. In that case, the employee must be credited with all such days.

To redeem a period of absence, the employee must be contributing to the plan on the date the application is received by the Commission, which must be subsequent to the date of the end of the period of absence except if pursuant to section 21 or 22 the employee does not pay contributions. However, such a period may also be redeemed if, at the end of the period, the employee is no longer contributing to the plan by reason of eligibility for a pension or death, or by reason of a transfer agreement entered into pursuant to section 158.

For the purposes of the third paragraph, an employee who, at the end of a period of absence without pay, is contributing to the Pension Plan of Certain Teachers, the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services, provided the employee was not in the latter case holding pensionable employment under the Civil Service Superannuation Plan at the time the period of absence without pay began, may

also redeem such a period of absence prior to his or her participation in any such plan if the application was received while the employee was participating in this plan.

An employee holding another pensionable employment under this plan or the Pension Plan of Management Personnel during part of a period of absence without pay may not be credited with the days and parts of a day during which the employee held such employment.”

34. Section 24.0.2 of the said Act, enacted by section 272 of chapter 31 of the statutes of 2001, is replaced by the following section :

“24.0.2. An employee who has had a period of absence without pay at a time he or she held pensionable employment under the Pension Plan of Management Personnel may, if the employee applies therefor, be credited with all or part of that period of absence if it consisted of more than 30 consecutive days or, in the case of part-time absence, of more than 20% of the regular time of a full-time employee holding similar employment.

Section 24, except the first paragraph, applies for the purposes of this section, with the necessary modifications, in particular provided that the transfer agreement under the third paragraph of that section is a transfer agreement under section 203 of the Act respecting the Pension Plan of Management Personnel.”

35. Section 25 of the said Act is replaced by the following section :

“25. The amount required of the employee to pay the cost of redemption provided for in section 24 or 24.0.2 is equal to 200% of the contributions that would have been deducted from the pensionable salary the employee would have received if the employee had not been absent during the period covered by the application according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the applicable annual remuneration.

However, in cases where the application for redemption of a period of absence without pay is received by the Commission more than six months after the end of the period of absence, the amount required of the employee to pay the redemption cost is determined in accordance with the tariff established by regulation, on the basis of the pensionable salary established under section 14 at the time of receipt of the employee’s application, according to the number of days and parts of a day to be redeemed out of the pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee’s age, the reason for the absence, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff.

A regulation enacted under this section may have effect 12 months or less before its adoption.”

36. The said Act is amended by inserting the following section after section 25:

“25.1. The amount required to pay the cost of redeeming a period of absence without pay pursuant to the employee’s conditions of employment related to a maternity, paternity or adoption leave in progress on 1 January 1991 or that begins after that date, is equal to one-half of the amount determined pursuant to the first or, as the case may be, the second paragraph of section 25.”

37. Section 26 of the said Act is amended

(1) by replacing “unpaid leave, including the interest referred to in section 25,” in the first and second lines of the first paragraph by “absence without pay referred to in section 24 or 24.0.2”;

(2) by replacing “at the rate” in the first and second lines of the second paragraph by “at the rate provided for in Schedule VII”;

(3) by adding the following paragraph at the end:

“The interest rate provided for in Schedule VII, applicable to the cost of redemption paid by instalments, is established according to the rules, terms and conditions prescribed by regulation. The regulation may have effect 12 months or less before its adoption.”

38. Section 28 of the said Act, amended by section 273 of chapter 31 of the statutes of 2001, is again amended by replacing “at the rate” in the fourth line of the fourth paragraph by “at the rate provided for in Schedule VII”.

39. The said Act is amended by inserting the following section after section 29:

“29.0.1. The employer shall also, in accordance with section 29, withhold an amount equal to the amount the employer would have withheld from the employee’s salary if the employee had not been absent without pay for a period of 30 consecutive days or less or in the case of part-time absence corresponding to 20% or less of the regular time of a full-time employee holding similar employment.

The terms and conditions applicable to the collection of the amount withheld shall be determined by the Commission.

However, the first paragraph does not apply to an employee who, pursuant to the applicable conditions of employment, is entitled to participate in a time management program providing that the employee is not required to pay contributions to the plan and that such contributions are to be borne by the employer.”

40. Section 35 of the said Act is amended by adding the following paragraph at the end :

“For the purpose of computing the pension and the average pensionable salary, the Government may, by regulation, establish the terms and conditions to exclude, in whole or in part, the pensionable salary and service calculated pursuant to section 17.2.”

41. Section 36.2 of the said Act is amended by adding the following sentence “The years and parts of a year referred to in the third paragraph of section 35 are also excluded.” at the end of the last paragraph.

42. The said Act is amended by inserting the following section after section 46.2:

“46.3. Following the death of a spouse who was receiving a pension under Division II of this chapter, the successors of the employee, whether or not the employee had been a pensioner, are entitled to receive, subject to section 58, the difference between the sums of the contributions and pension amounts paid.”

43. Section 59.5 of the said Act, amended by section 282 of chapter 31 of the statutes of 2001, is again amended by replacing “at the rate” in the fourth line of the second paragraph by “at the rate provided for in Schedule VII”.

44. Section 59.6 of the said Act is amended by replacing “at the rate” in the fourth line of the second paragraph by “at the rate provided for in Schedule VII”.

45. Section 59.6.0.1 of the said Act, enacted by section 283 of chapter 31 of the statutes of 2001, is amended by replacing “at the rate” in the fourth line of the second paragraph by “at the rate provided for in Schedule VII”.

46. Section 59.6.0.2 of the said Act, enacted by section 283 of chapter 31 of the statutes of 2001, is amended by replacing “at the rate” in the fourth line of the second paragraph by “at the rate provided for in Schedule VII”.

47. Section 60 of the said Act, amended by section 285 of chapter 31 of the statutes of 2001, is again amended by inserting “, the Pension Plan of Peace Officers in Correctional Services” after “this plan” in the first line of subparagraph 3 of the first paragraph.

48. Section 67 of the said Act, amended by section 286 of chapter 31 of the statutes of 2001, is again amended by inserting “, the Pension Plan of Peace Officers in Correctional Services” after “this plan” in subparagraph 8 of the first paragraph.

49. Section 74.1 of the said Act, enacted by section 15 of chapter 32 of statutes of 2000, is amended

(1) by replacing “on leave without pay” in the third line of the third paragraph by “absent without pay”;

(2) by inserting the following paragraph after the third paragraph :

“The days and parts of a day that are not credited to an employee who, during the year 1988 or a subsequent year, held pensionable employment under the Pension Plan of Peace Officers in Correctional Services for at least one day per year shall also be considered solely for the purposes of eligibility for a pension, if they have not been otherwise considered under this plan.”

50. Section 85.3 of the said Act, amended by section 289 of chapter 31 of the statutes of 2001, is again amended by replacing “at the rate” in the fourth line of the fourth paragraph by “at the rate provided for in Schedule VII”.

51. Section 114.1 of the said Act is amended by replacing “at the rate” in the fourth line of the third paragraph by “at the rate provided for in Schedule VII”.

52. Section 115.1 of the said Act, amended by section 302 of chapter 31 of the statutes of 2001, is again amended

(1) by replacing the second paragraph by the following paragraph :

“To be credited with all or part of that service, the employee is required to pay to the Commission the amount determined under the tariff established by regulation on the basis of the pensionable salary established under section 14 at the time of receipt of the employee’s application according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the employee applies to have only part of that service credited, the most recent service is credited first.”;

(2) by adding the following paragraph at the end :

“A regulation enacted under this section may have effect 12 months or less before its adoption.”

53. Section 115.2 of the said Act is amended by replacing “at the rate” in the fourth line by “at the rate provided for in Schedule VII”.

54. The said Act is amended by inserting the following section after section 115.5:

“115.5.1. The employee who, as substitute teacher or as a public servant under contract, has taught for at least four months, has participated in

the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) and who, in that capacity, was credited with a full year of service under the Teachers Pension Plan or the Civil Service Superannuation Plan and, subsequently, received a reimbursement of contributions from one of those plans in respect of that service, is entitled to a pension credit for each year of service credited and that year must be included in the years referred to in the third paragraph of section 86. Sections 88 to 97 apply in respect of that pension credit.”

55. Section 115.8 of the said Act is amended by replacing “at the rate” in the fourth line of the second paragraph by “at the rate provided for in Schedule VII”.

56. Section 134 of the said Act, amended by section 28 of chapter 32 of the statutes of 2000 and by section 322 of chapter 31 of the statutes of 2001, is again amended

(1) by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.0.1) determine, for the purposes of section 17.2, the terms and conditions governing the computation and application of the pensionable salary pertaining to the years of service credited pursuant to sections 24, 24.0.2 and 115.1.”

(2) by striking out subparagraph 4.1 of the first paragraph;

(3) by inserting the following subparagraphs after subparagraph 4.1 of the first paragraph:

“(4.2) establish, for the purposes of sections 25 and 115.1, the tariff applicable to the payment of redemption cost which may vary according to the employee’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 the terms and conditions governing the application of the tariff;

“(4.3) prescribe, for the purposes of section 26, the rules and the terms and conditions of the establishment of the rate of interest provided for in Schedule VII applicable to the cost of redemption paid by instalments;”;

(4) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) establish, for the purposes of section 35 and for the purpose of computing the pension and average pensionable salary, the terms and conditions to exclude, in whole or in part, the pensionable salary and service calculated pursuant to section 17.2;”;

(5) by adding “and determine the method for computing those benefits” at the end of subparagraph 17 of the first paragraph.

57. Section 137 of the said Act, amended by section 323 of chapter 31 of the statutes of 2001, is again amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) under sections 26, 28, 59.5 to 59.6.0.2, 85.3, 114.1, 115.2 and 115.8 of this Act, under sections 22, 23, 27, 27.2 and 28.3 of the Act respecting the Teachers Pension Plan (chapter R-11) and under sections 66.2, 93 and 99.7 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), in the case of the determination of periods and dates of payment;

“(2) under sections 29.0.1, 79, 86, 95, 100, 104, 115.1, 149, 158 and 190 of this Act, under sections 29.0.1 and 66 of the Act respecting the Teachers Pension Plan, under sections 63.7, 69.0.0.1 and 74 of the Act respecting the Civil Service Superannuation Plan and under sections 12 and 35 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1).”

58. Section 147.0.3 of the said Act is amended by adding the following paragraph at the end:

“Where pursuant to section 147.0.3, a person returns the difference between the amount of the contributions reimbursed by the Commission and the amount corresponding to the value of the contributions covered by the person’s application for reimbursement, no interest is added to the amount so returned.”

59. Section 147.0.4 of the said Act, amended by section 324 of chapter 31 of the statutes of 2001, is again amended

(1) by striking out “which, considering the provisions of the plan at the time the person begins to participate in the plan, is advantageous to the person,” in the second, third and fourth lines of the first paragraph;

(2) by inserting the following paragraph after the third paragraph:

“The Commission must notify the employee of any error affecting a decision concerning the employee’s eligibility for participation in a pension plan, despite the irrevocability of the decision. In such a case, the employee may elect to participate in the plan in which the employee should have participated. The employee is deemed to participate in the plan from the date on which the employee should have participated in the plan and, where applicable, the Commission or the employee shall return all amounts due as a consequence of such election. The employee must inform the Commission of his or her election within 90 days from the date of the notice of the Commission, failing which, the employee’s participation in the plan shall be continued.”;

(3) by adding the following at the end of the last paragraph: “, and the decision becomes irrevocable if that is advantageous to the person considering the provisions of the plan at the time the person’s participation in the plan begins. In addition, the fourth paragraph does not apply to the Pension Plan of Management Personnel.”

60. Section 148 of the said Act is amended

(1) by inserting “in accordance with the method determined by regulation” after “monthly basis” in the third line of the first paragraph;

(2) by inserting “the” after “by” in the fifth line of the first paragraph.

61. Section 151 of the said Act, amended by section 325 of chapter 31 of the statutes of 2001, is again amended by adding the following sentence at the end of the second paragraph: “In the case of the Teachers Pension Plan and the Civil Service Superannuation Plan, the interest is computed, for the reimbursement of contributions deducted in excess for the years prior to the year 1987, according to the rates fixed in Schedule VI which are applicable from the date determined in the first paragraph until the date of payment.”

62. Section 158.1 of the said Act, amended by section 236 of chapter 31 of the statutes of 2001, is again amended by adding the following sentence at the end: “It may, in addition, determine the amount attributable to the fund referred to in subparagraph 2 of the first paragraph of section 127 for which a separate accounting record is kept”.

63. Section 158.8 of the said Act, amended by section 330 of chapter 31 of the statutes of 2001, is replaced by the following section:

“158.8. The contribution that the employers and government bodies must pay under the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Pension Plan of Peace Officers in Correctional Services, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel shall include the portion of the administrative expenses of the plans that must be paid by the employer.”

64. Section 158.13 of the said Act is amended by replacing “, 158.7 and 158.8” in the first line of the first paragraph by “and 158.7”.

65. Section 215.13 of the said Act, amended by section 44 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting the following sentence after the first sentence of subparagraph 6 of the first paragraph: “The Government may prescribe the terms and conditions applicable to the redemption of a period of service prior to the period during which the person was a member of the plan.”;

(2) by inserting “and 6” after “4” in the first line of the second paragraph.

66. Section 216.1 of the said Act, amended by section 357 of chapter 31 of the statutes of 2001, is again amended

(1) by replacing “, 115.5 and 221” in the tenth line of the third paragraph by “and 115.5”;

(2) by adding the following sentence at the end of the last paragraph: “As well, no interest is computed in respect of the period between the expiry date of a redemption proposal in which the cost is contested and the date of expiry of a new proposal made following a decision by the reexamination committee or arbitrator that modifies the cost.”

67. Section 216.1.1 of the said Act is amended by inserting “provided for in Schedule VII” after “rate” in the third line of the second paragraph.

68. Section 216.3 of the said Act is replaced by the following section:

“216.3. The periods of absence of an employee which may be credited under this plan are, for each type of absence and in total, determined by regulation and may vary according to the year during which the employee is absent.”

69. Section 220 of the said Act, amended by section 358 of chapter 31 of the statutes of 2001, is again amended by replacing “and VI” in the second line of the first paragraph by “, VI and VII”.

70. Sections 221 and 233 of the said Act are repealed.

71. The said Act is amended by inserting the following section after section 233:

“233.1. Sections 24, 24.0.2, 25, 115.1, 216.1, 221 and 233, as they read on 31 May 2001, continue to apply in respect of the employee who agreed to a redemption proposal before 1 June 2001 and in whose respect the third paragraph of section 216.1 of this Act or section 59.1 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), as they read on 31 May 2001, as the case may be, applies as of or after that date. However, the interest rate applicable to the redemption cost paid by instalments is the rate provided for in Schedule VII.”

72. The said Act is amended by adding the following schedule at the end:

“SCHEDULE VII
(Section 26)

**INTEREST APPLICABLE TO THE PAYMENT OF REDEMPTION
COSTS BY INSTALMENT**

RATE	PERIOD
5.34%	1 June 2001 to 31 July 2002”.

73. Subparagraph 2 of the first paragraph of section 64 and paragraph 1 of section 69 of the said Act are amended by replacing “on leave without pay” by “absent without pay”, the fourth paragraph of section 85.1 of the said Act is amended by replacing “leave without pay” and “leave” by “period of absence without pay” and “period of absence”, respectively, and the fifth paragraph of section 221.1 of the said Act is amended by replacing “leave without pay” and “leave” by “period of absence without pay”.

74. Paragraph 1 of section 164, paragraph 1 of Schedule I and Schedules II.1 and III of the said Act are amended by replacing “Centrale de l’enseignement du Québec” by “Centrale des syndicats du Québec”.

ACT RESPECTING THE TEACHERS PENSION PLAN

75. Section 2.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), is amended by replacing “on leave without pay” in the fourth line of the first paragraph by “absent without pay”.

76. Section 10.1 of the said Act is amended by replacing “sections 21, 76 and 76.1” in the tenth line of the third paragraph by “section 21”.

77. The said Act is amended by inserting the following section after section 14:

“14.1. A teacher’s pensionable salary pertaining to the years of service credited under sections 21 and 21.0.1 is the pensionable salary established according to the terms and conditions governing the computation determined by government regulation. The regulation shall also determine the terms and conditions governing the application of that salary.”

78. Section 21 of the said Act, amended by section 369 of chapter 31 of the statutes of 2001, is replaced by the following section:

“21. A teacher who has had a period of absence without pay at a time he or she held pensionable employment may, if the teacher applies therefor, be credited in whole or in part with the period of absence if it consisted of more than 30 consecutive days or, in the case of part-time absence, of more than 20% of the regular time of a full-time teacher holding similar employment.

The teacher may not be credited with less than 10 pensionable days in respect of the same school or calendar year, as the case may be, unless the number of days is less than 10. In such a case, the teacher may be credited with all those days.

To redeem a period of absence, a teacher must be contributing to the plan on the date the application is received by the Commission which must be subsequent to the date of the end of the period of absence except if pursuant to section 18 or 19 the teacher does not pay contributions. However, such a period may also be redeemed if, at the end of the period, the teacher is no longer contributing to the plan by reason of eligibility for a pension or death, or by reason of a transfer agreement pursuant to section 158 of the Act respecting the Government and Public Employees Retirement Plan.

For the purposes of the third paragraph, a teacher who, at the end of the period of absence without pay, is contributing to the Pension Plan of Peace Officers in Correctional Services, the Civil Service Superannuation Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel even, in the latter two cases, if the teacher holds pensionable employment under the Pension Plan of Certain Teachers, may also redeem a period of absence prior to his or her participation in any such plan if the application was received while the teacher was participating in this plan.”

79. The said Act is amended by inserting the following section after section 21 :

“21.0.1. A teacher who has had a period of absence without pay at a time he or she held pensionable employment may, if the teacher applies therefor, be credited with all or part of the period of absence if it began on 1 July 1965 or after that date and ended before 1 July 1973, where that period was for the purpose of allowing the teacher to pursue specialized studies, or if that period began on 16 July 1970 or after that date but before 1 January 2002.

Section 21, except the first paragraph, applies for the purposes of this section.”

80. Section 22 of the said Act is replaced by the following section :

“22. The amount required of a teacher for payment of the cost of redemption under sections 21 or 21.0.1 is equal to 100% of the contributions that would have been withheld from the pensionable salary the teacher would have received if the teacher had not been absent during the period covered by the application according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the applicable annual remuneration.

However, where the application for redemption of a period of absence without pay is received by the Commission more than six months after the end

of the period of absence without pay, the amount required of a teacher to pay the redemption cost is determined on the basis of the pensionable salary established under section 11 at the time of receipt of the teacher's application, according to the number of days or parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. Such cost is determined in accordance with the rate established by a regulation made under section 25 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The regulation may also provide for a special rate applicable to employees who are members of this plan.

To pay the redemption cost, a teacher may spread the payment over the period and payment dates determined by the Commission. In that case, the second paragraph of section 26 of the Act respecting the Government and Public Employees Retirement Plan applies.”

81. Section 23 of the said Act is amended by replacing “in force under the Act respecting the Government and Public Employees Retirement Plan” in the fourth and fifth lines of the third paragraph by “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and in force”.

82. Section 27.2 of the said Act is amended by replacing “in force under the Act respecting the Government and Public Employees Retirement Plan” in the fourth and fifth lines of the second paragraph by “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and in force”.

83. Section 28.3 of the said Act is amended by replacing “in force under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the fourth, fifth and sixth lines of the third paragraph by “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and in force”.

84. The said Act is amended by inserting the following section after section 29:

“29.0.1. The employer shall also deduct, in accordance with section 29, an amount equal to the amount it would have deducted from the teacher's salary if the teacher had not been absent without pay for a period of 30 consecutive days or less or for a part-time period corresponding to 20% or less of the regular time of a full-time teacher holding similar employment.

The terms and conditions applicable to the collection of the deductible amount shall be determined by the Commission.

However, the first paragraph does not apply to a teacher who, pursuant to the applicable conditions of employment, participates in a time management program providing that the teacher is not required to pay contributions to the plan and that such contributions are to be paid by the employer.”

85. Section 34 of the said Act is amended by adding the following paragraph at the end :

“For the purpose of computing the pension and the average salary, the Government may establish, by regulation, the terms and conditions to exclude, in whole or in part, the pensionable salary calculated pursuant to the second paragraph of section 22.”

86. Section 35.2 of the said Act is amended by adding the following sentence at the end of the second paragraph : “The years and parts of a year referred to in the third paragraph of section 34 are also excluded.

87. Section 57 of the said Act is amended by adding “to his successors. The same rule applies where no pension is payable upon the death of a pensioner.” at the end.

88. The said Act is amended by inserting the following section after section 57 :

“57.1. If the total of the amounts paid as pension benefits is less than the sum of the contributions, the difference, subject to sections 58 to 60, shall be reimbursed to the teacher’s successors, whether or not the teacher was a pensioner, at the time payment of a pension to the last person entitled thereto ceases.”

89. Section 73 of the said Act, amended by section 63 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting the following paragraph after paragraph 4 :

“(4.0.1) determine, for the purposes of section 14.1, the terms and conditions governing the computation and application of the pensionable salary pertaining to the years of service credited for the purposes of sections 21 and 21.0.1 ;” ;

(2) by inserting the following paragraph after paragraph 5 :

“(5.1) establish, for the purposes of section 34 and for the purpose of computing the pension and average pensionable salary, the terms and conditions to exclude, in whole or in part, the pensionable salary calculated pursuant to the second paragraph of section 14.1 ;” ;

(3) by striking out paragraph 10.

90. Sections 76, 76.1 and 80 of the said Act are repealed.

91. The said Act is amended by inserting the following section after section 80 :

“80.1. Sections 10.1, 21, 22, 76, 76.1 and 80, as they read on 31 May 2001, continue to apply to a teacher who agreed to a redemption proposal before 1 June 2001 and in whose respect the third paragraph of section 10.1, as it read on 31 May 2001, applies as of or after that date. However, except in the case of section 76, the interest rate applicable to the redemption cost paid by instalments is the rate provided for in Schedule VII to Act respecting the Government and Public Employees Retirement Plan. In addition, section 22.0.1 does not apply to that teacher.”

92. The second paragraph of section 5 of the said Act is amended by replacing “leave without pay” by “period of absence without pay”, the fourth paragraph of section 28.1 and the fourth paragraph of section 76.2 of the said Act are amended by replacing “leave without pay” by “a period of absence without pay”.

93. Paragraph 1 of Schedule II to the said Act is amended by replacing “Centrale de l’enseignement du Québec” by “Centrale des syndicats du Québec”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

94. Section 54 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 380 of chapter 31 of the statutes of 2001, is again amended

(1) by replacing “leave without pay” in the first line of the fourth paragraph by “period of absence without pay”;

(2) by replacing “is granted a leave without pay to hold” in the second line of the fifth paragraph by “during a period of absence without pay holds”.

95. Section 55 of the said Act is amended by replacing “on leave without pay” in the fourth line of the second paragraph by “absent without pay”.

96. The said Act is amended by inserting the following section after section 61 :

“61.1. An officer’s pensionable salary pertaining to the years of service credited under sections 66.1 and 66.1.0.1 is the pensionable salary established according to the terms and conditions governing the computation determined by government regulation. The regulation shall also determine the terms and conditions governing the application of that salary.”

97. Section 63 of the said Act is amended by adding the following paragraph at the end :

“For the purpose of computing the pension and the average pensionable salary, the Government may, by regulation, establish the terms and conditions to exclude, in whole or in part, the pensionable salary and the service calculated pursuant to the second paragraph of section 61.1.”

98. Section 63.1.2 of the said Act is amended by adding “as well as those excluded under the third paragraph of section 63” after “them” in the fourth line of the second paragraph.

99. Section 66.1 of the said Act, amended by section 382 of chapter 31 of the statutes of 2001, is replaced by the following section :

“66.1. An officer who has had a period of absence without pay at a time he or she held pensionable employment may, if the officer applies therefor, be credited in whole or in part with the period of absence if it consisted of more than 30 consecutive days or, in the case of part-time absence, of more than 20% of the regular time of a full-time officer holding similar employment.

The officer may not be credited with less than 10 pensionable days in respect of the same school or calendar year, as the case may be, unless the number of days is less than 10. In such a case, the officer may be credited with all those days.

To redeem a period of absence, an officer must be contributing to the plan on the date the application is received by the Commission which must be subsequent to the date of the end of the period of absence except if the officer does not pay contributions under section 60 or 67. However, an officer may also redeem such a period if, at the end of the period of absence, the officer is no longer contributing to the plan by reason of disability, eligibility for a pension, death or by reason of a transfer agreement entered into under section 158 of the Act respecting the Government and Public Employees Retirement Plan.

For the purposes of the third paragraph, an officer who, at the end of the period of absence without pay, is contributing to the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel even, in the latter two cases, if the officer holds pensionable employment under the Pension Plan of Certain Teachers, may also redeem a period of absence prior to the officer’s participation in any such plan if the application is received while the officer was participating in this plan.”

100. The said Act is amended by inserting the following section after section 66.1 :

“66.1.0.1. An officer who has had a period of absence without pay at a time he or she held pensionable employment under the plan may, if the officer applies therefor, be credited with all or part of the period of absence without pay if it began after 12 June 1969 but before 1 January 2002.

Section 66.1, except the first paragraph, applies for the purposes of this section.”

101. Section 66.2 of the said Act is replaced by the following section :

“66.2. The amount required of an officer for payment of the redemption cost under sections 66.1 or 66.1.0.1 is equal to 100% of the contributions that would have been withheld from the pensionable salary the officer would have received if the officer had not been absent during the period covered by the application according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the applicable annual remuneration.

However, in cases where the application for redemption of a period of absence without pay is received by the Commission more than six months after the end of the period of absence without pay, the amount required of an officer for payment of the redemption cost is determined on the basis of the pensionable salary established under section 51 at the time of receipt of the officer’s application according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. Such cost is determined in accordance with the rate established by a regulation made under section 25 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The regulation may also provide for a special rate applicable to employees who are members of this plan.

The officer may, to pay the redemption cost, spread the payment over the period and at the intervals determined by the Commission. In that case, the second paragraph of section 26 of the Act respecting the Government and Public Employees Retirement Plan applies.”

102. The said Act is amended by inserting the following section after section 69:

“69.0.0.1. The employer shall also deduct, in accordance with section 69, an amount equal to the amount it would have deducted from the officer’s salary if the officer had not been absent without pay for a period of less than 30 consecutive days or for a part-time period corresponding to 20% or less of the regular time of a full-time officer holding similar employment.

The terms and conditions applicable to the collection of the deductible amount shall be determined by the Commission.

However, the first paragraph does not apply to an officer who, pursuant to the applicable conditions of employment, participates in a time management program providing that the employee is not required to pay contributions to the plan and that such contributions are to be borne by the employer.”

103. Section 87 of the said Act is amended by adding “to his successors. The same applies where no pension is payable upon the death of a pensioner.” at the end.

104. The said Act is amended by inserting the following section after section 87:

“87.1. If the total of the amounts paid as pension benefits is less than the sum of the contributions, the difference shall, subject to sections 81, 82.1 and 82.2, be reimbursed to the officer’s successors, whether or not the officer was a pensioner, at the time payment of a pension to the last person entitled thereto ceases.”

105. Section 93 of the said Act is amended by replacing “in force under the Act respecting the Government and Public Employees Retirement Plan” in the fourth and fifth lines of the second paragraph by “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and in force”.

106. Section 99.5 of the said Act is amended by replacing “leave without pay” in the second line of the fourth paragraph by “a period of absence without pay”.

107. Section 99.7 of the said Act is amended by replacing “in force under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the fourth and fifth lines of the third paragraph by “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) in force”.

108. Section 109 of the said Act, amended by section 78 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting the following paragraph after paragraph 3 :

“(3.1) determine, for the purposes of section 61.1, the terms and conditions governing the computation and application of the pensionable salary pertaining to the years of service credited pursuant to sections 66.1 and 66.1.0.1;”;

(2) by inserting the following paragraph after paragraph 4 :

“(4.1) establish, for the purposes of section 63 and for the purpose of computing the pension and the average pensionable salary, the terms and conditions to exclude, in whole or in part, the pensionable salary and service calculated pursuant to the second paragraph of section 66.2;”;

(3) by striking out paragraph 9.

109. Section 111.0.1 of the said Act is amended by replacing “, 66.1, 112 and 112.1” in the tenth line of the third paragraph by “and 66.1”.

110. Sections 112, 112.1 and 116 of the said Act are repealed.

111. Section 112.2 of the said Act is amended by replacing “leave without pay” in the last line of the fourth paragraph by “period of absence without pay”.

112. The said Act is amended by inserting the following section after section 116:

“116.1. Sections 66.1, 66.2, 111.0.1, 112, 112.1 and 116, as they read on 31 May 2001, continue to apply to an officer who agreed to a redemption proposal before 1 June 2001 and in whose respect the third paragraph of section 111.0.1, as it read on 31 May 2001, applies as of or after that date. However, except in the case of section 112, the interest rate applicable to the cost of redemption paid by instalments is the rate provided for in Schedule VII to Act respecting the Government and Public Employees Retirement Plan. In addition, section 66.0.1 does not apply to that officer.”

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

113. Section 3 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) is amended by adding the following subparagraph after subparagraph 7 of the first paragraph:

“(8) holds temporarily non-unionizable employment, as defined by regulation, with the corresponding classification.”

114. Section 7 of the said Act is amended by replacing “40%” in the second line of the first paragraph by “20%”.

115. Section 8 of the said Act is repealed.

116. Section 10 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“10. To qualify for membership in this plan, an employee must hold employment referred to in the first paragraph of section 7 during a period of

(1) 24 consecutive months, if the percentage of working time for that employment is at least 40% of the regular time of a full-time employee holding such employment;

(2) 48 consecutive months, if the percentage of working time for that employment is less than the percentage established in subparagraph 1.

The employee qualifies for membership in this plan on the last day of the period of 24 consecutive months or, as the case may be, 48 consecutive months, subject to sections 10.1 and 10.2.”;

(2) by replacing “first paragraph” in the first line of the second paragraph by “first and second paragraphs”.

117. The said Act is amended by inserting the following sections after section 10:

“10.1. For the purposes of this division, where an employee simultaneously holds more than one employment referred to in the first paragraph of section 7, the percentages of working time for each of those employments shall be added up.

“10.2. In respect of an employee referred to in subparagraph 1 of the first paragraph of section 10, the balance of the qualification period is multiplied by two from the day the employee holds only one pensionable employment constituting less than 40% of the regular time of a full-time employee holding such employment.

In respect of an employee referred to in subparagraph 2 of the first paragraph of section 10, the balance of the qualification period is reduced by one-half from the day the employee holds one or several pensionable employments constituting at least 40% of the regular time of a full-time employee holding such employment.”

118. Section 11 of the said Act is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, employment stability measures are measures established for the purpose of re-assigning an employee and maintaining, during a period determined in accordance with the conditions of employment of the employee, the classification, remuneration and other conditions of employment related to the non-unionizable employment the employee held even if, during that period, the employee holds pensionable employment under the Government and Public Employees Retirement Plan.”

119. Section 12 of the said Act is replaced by the following section:

“12. The qualification period provided for in section 10 begins on the first day on which the employee holds employment referred to in the first paragraph of section 7.

During the qualification period, the only days in respect of which the employee paid or was exempt from contributions and, in the case of a female employee, the days during which the employee was on maternity leave, are to be taken into account.

However, during the qualification period, if the total of the periods of absence without pay exceeds a limit of 29 consecutive days, the qualification period shall be extended by the number of days in excess. In the case where the total of the periods during which the employee is not covered by the plan does not exceed that limit and the sum of that total and the total of the periods during which the employee is absent without pay exceeds that limit, the qualification period shall be extended by the number of days in excess.

The qualification period shall be interrupted if the total of the periods during which the employee ceases to be covered by the plan exceeds the 29-day limit.

For the purposes of this section and in the cases where the days of absence without pay and the days during which the employee is not covered by the plan are not consecutive, the 29-day limit must be applied as if the days consisted in one period of 29 consecutive days.”

120. Section 13 of the said Act is amended by striking out the second sentence in the first and second paragraphs.

121. Section 15 of the said Act is amended by inserting “as it read on 1 January 2001” after “Act” in the second line.

122. Section 17 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraph :

“17. An employee ceases to be covered by the plan on the last day on which the employee holds an employment referred to in the first paragraph of section 7. Where applicable, the employee becomes a member of the Government and Public Employees Retirement Plan as of the day the employee holds pensionable employment under that plan. This paragraph applies subject to section 3.1 of the Act respecting the Government and Public Employees Retirement Plan.”

(2) by replacing “in the case provided for in subparagraph 2 of the first paragraph, where the person does not hold pensionable employment under the Government and Public Employees Retirement Plan” in the first, second and third lines of the third paragraph by “where the person does not hold pensionable employment under the Government and Public Employees Retirement Plan on the day the employee ceases to be covered by this plan”.

123. The said Act is amended by inserting the following section after section 18:

“18.1. A person appointed pursuant to an order of the Government who is a member of this plan pursuant to the order is deemed to be qualified from the first day the order is in effect.”

124. Section 19 of the said Act is amended by replacing “The insurer” in the seventh line by “The exemption from contributions referred to in section 34 shall apply and thereafter, the insurer”.

125. The said Act is amended by inserting the following sections after section 19:

“19.1. During the qualification period, employment designated in Schedule I held temporarily within the meaning of subparagraph 8 of the first paragraph of section 3, with the corresponding classification, becomes pensionable employment under the plan if the employee holds that employment simultaneously with an employment referred to in the first paragraph of section 7, with the same employer and the employer is a regional board, a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2), a private institution within the meaning of section 475 of that Act, a health and social service council or a public institution or private institution under agreement within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5). Such employment shall not, however, be taken into account in determining the duration of the qualification period within the meaning of Division III.

“19.2. An Attorney General’s prosecutor who qualifies for membership in this plan and who is receiving benefits from a mandatory supplementary salary insurance plan shall continue to be a member of this plan, in respect of the employment giving the entitlement to those benefits as long as such benefits are paid, even if the employment relationship has been terminated by the employer. The exemption from contributions referred to in section 34 shall apply and the insurer shall thereafter pay an amount equal to 200% of the contributions that would have been withheld.”

126. Section 20 of the said Act is amended

- (1) by replacing “40%” in the seventh line of the first paragraph by “20%”. ;
- (2) by inserting the following paragraph after the first paragraph :

“An employee holding temporarily non-unionizable employment, with the corresponding classification, within the meaning of the regulation enacted under subparagraph 8 of the first paragraph of section 3, may not take part in the poll.”

127. The said Act is amended by inserting the following section after section 24:

“24.1. The Government may, by order, with respect to employment designated in Schedule I identify, according to sectors or classes of employers, the person who is authorized to confirm the non-unionizable classification of the employment. The order may have effect 12 months or less before its adoption.”

128. Section 35 of the said Act is amended by replacing the last sentence of the third paragraph by the following : “The service credited shall also be reduced by the period comprised between the date on which a person is entitled, following an application therefor, to the amount referred to in section 80 or 88 and the end of that year.

The service credited under this section to a person who returns to pensionable employment during that period is reduced by the period comprised between the first day on which the person holds such employment and the end of the year.”

129. The said Act is amended by inserting the following section after section 69:

“69.1. Following the death of a spouse who was receiving a pension under Division II of this chapter, the successors of the employee, whether or not the employee was a pensioner, are entitled to receive, subject to section 79, the difference between the sum of the contributions and the amounts of pension paid.”

130. Section 89 of the said Act is amended by inserting “the Act respecting the Pension Plan of Peace Officers in Correctional Services,” after “under” in the first line of subparagraph 3 of the first paragraph.

131. Section 97 of the said Act is amended by inserting “the Act respecting the Pension Plan of Peace Officers in Correctional Services,” after “under” in the first line of subparagraph 8 of the first paragraph.

132. Section 112 of the said Act is amended

(1) by striking out “from 1 January 1987” in the first line of the first paragraph;

(2) by inserting the following paragraph after the third paragraph:

“The days and parts of a day that are not credited to an employee who held, during the year 1988 or any subsequent year, pensionable employment under the pension plan of peace officers in correctional services for at least one day per year or who held, during the year 1987 or any subsequent year, pensionable employment under the Government and Public Employees Retirement Plan for at least one day per year shall also be considered solely for purposes of eligibility for a pension, if they have not been otherwise considered under this plan.”

133. Section 118 of the said Act is amended by inserting “as it read on 31 May 2001” after “applies” in the fourth line of the fourth paragraph.

134. Section 196 of the said Act is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) define, for the purposes of subparagraph 8 of the first paragraph of section 3, the fact of holding temporarily non-unionizable employment, with the corresponding classification;”.

135. The said Act is amended by inserting the following section after section 196:

“196.1. Where the Government exercises, with respect to this plan, the powers provided for in subparagraphs 16, 16.1, 17, 17.1, 20 and 21 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, it must consult the pension committee referred to in section 173.1 of the said Act in the manner provided for in the second paragraph of section 196 of this Act.”

136. Section 199 of the said Act is amended by adding the following sentence at the end of the last paragraph: “As well, no interest is computed between the expiry date of the redemption proposal in which the cost is contested and the date of expiry of a new proposal made following a decision by the reexamination committee or arbitrator that modifies the cost.”

137. Paragraph 1 of Schedule II to the said Act is amended by replacing “Centrale de l’enseignement du Québec” by “Centrale des syndicats du Québec”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

138. Notwithstanding section 158.3 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the administrative expenses relating to the first increase in pension credits under section 107.1 of that Act shall be borne by the fund provided for in subparagraph 2 of the first paragraph of section 127.

139. The actuarial values transferred to the pension plan of the members of the Sûreté du Québec pursuant to the agreement entered into on 23 October 1997 between the Government and the Association des policiers provinciaux du Québec and in relation to the years and parts of years of service that were credited to the pension plan of peace officers in correctional services, the pension plan of Government and Public Employees Retirement Plan, the Teachers Pension Plan and the Civil Service Superannuation Plan are established on the basis of the actuarial assumptions and methods used by the Commission as at 1 July 1998 pursuant to, as the case may be, section 158 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2).

140. The first regulations made on or after the date of assent to this Act pursuant to subparagraph 2 of the first paragraph of section 1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) and section 9 of that Act, in respect in the latter case of

employees covered by that plan who are members of the Ordre des infirmières et infirmiers du Québec may, where it so provided, have effect from 1 January 1992.

141. The rate of contribution provided for in the first paragraph of section 42 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is equal to 1% from 1 January 2000 to 31 December 2003.

The additional rate of contribution provided for in the second paragraph of that section 42 is equal to 3% for the same period.

142. Section 5 of this Act and section 17.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), apply to any person for whom a period of contribution exemption is in effect on 31 December 2000, taking into account the time that has elapsed.

The Commission shall reimburse with interest, calculated in accordance with section 72 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the amount paid by the employee to pay the costs to redeem a leave without pay subsequent to a period of contribution exemption of two years that began after 31 December 1998, if the employee retired between 31 December 2000 and (*insert here the date of assent to this Act*).

143. Persons who were participating in the Pension Plan of Peace Officers in Correctional Services on 31 December 1999 and who retire after that date but before (*insert here the date of assent to this Act*) may avail themselves of section 8 of this Act if their redemption application is received by the Commission before (*insert here the date that occurs six months after the date of assent to this Act*).

144. Paragraphs 1 and 2 of section 10 and sections 11 and 21 of this Act apply to employees who cease to participate in the Pension Plan of Peace Officers in Correctional Services on 31 December 2000 or after that date.

145. Section 13 of this Act applies to persons who cease to participate in the plan after (*insert here the date of assent to this Act*).

146. The first regulation made under section 8 of this Act may, where it so provides, have effect from 1 January 2000.

The first regulation made pursuant to section 66.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) and the first order made under section 24.1 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) may, where so provided therein, have effect from 1 January 2001.

147. The rate of interest provided for in section 66.6 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q.,

chapter R-9.2) shall be calculated for the year 2000 according to the rate of return obtained at the Caisse de dépôt et placement du Québec determined at cost of the unionized employees' contribution fund of the Government and Public Employees Retirement Plan.

148. Sections 39, 84 and 102 of this Act apply only in respect of a period of absence without pay in progress on 1 January 2002 or beginning after that date and, in the case of a period of absence without pay in progress on that date, those sections apply only in respect of the portion of the period of absence that is subsequent to 31 December 2001.

149. The interest rate provided for in Schedule VII to the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-10) applies in respect of a redemption proposal agreed to after 31 May 2001.

150. As regards a period of absence without pay that ended before 1 July 1983, sections 79 and 100 of this Act apply only from 1 May 2002. However, sections 10.1, 21 to 23, 76 and 76.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) and section 80 of the said Act to the extent that it refers to sections 76 and 76.1 of that Act and section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) to the extent that it refers to sections 112 and 112.1 of the that Act and sections 112 and 112.1 of that Act, as all those sections read on 31 May 2001, continue to apply with respect to a teacher or civil servant, as the case may be, who has that period of absence credited to his plan and whose application for redemption is received by the Commission before 1 May 2002. However, the interest rate applicable to the cost of redemption paid by instalments is the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) if the application for redemption was received by the Commission between 31 May 2001 and 1 May 2002 except where section 76 of the Act respecting the Teachers Pension Plan and section 112 of the Act respecting the Civil Service Superannuation Plan are applicable.

151. A redemption proposal transmitted by the Commission before 22 June 2001 on the basis of the provisions of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) or the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), as the case may be, as those provisions read on 31 May 2001, remains valid if it is agreed to after that date but before the expiry of the time limit of 60 days that is applicable under section 216.1 of the Act respecting the Government and Public Employees Retirement Plan, section 10.1 of the Act respecting the Teachers Pension Plan or section 111.1 of the Act respecting the Civil Service Superannuation Plan and if that proposal is more advantageous than if it had been made under the provisions enacted by this Act.

152. The first regulation made under section 60 of this Act may, if it so provides, have effect from 1 January 2000 and may have effect with respect to pensions payable from that date.

153. The first regulations made under sections 30, 35, 37, 40, 52, 77, 85, 96 and 97 of this Act may have effect, if they so provide, from 1 June 2001.

154. The first regulation made under section 113 of this Act may, if it so provides, have effect from 1 January 2002.

155. Except in respect of employees referred to in section 8 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) as it read on 31 December 2001, sections 7, 10 and 11, section 12 except the last paragraph, and sections 13 and 17 of that Act as they read on that date continue to apply in respect of employees who, on that date, were in the process of qualifying for participation in the Pension Plan of Management Personnel and may continue their membership in the plan.

156. The period of 24 months or 48 months referred to in section 10 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31) includes the period during which employees referred to in section 8 of that Act, as it read on 31 December 2001, were members of the Pension Plan of Management Personnel if on that date the employees had not completed the qualifying period and had not lost the right to membership in the plan.

157. Sections 3, 8 and 9, paragraph 3 of section 17 and sections 19, 20, 22 to 25, 31, 47, 48, 60 and 63 to 65 of this Act have effect from 1 January 2000.

Section 5 and section 6 to the extent that it introduces section 17.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), paragraphs 1 and 2 of section 10 and sections 11, 14, 21, 49, 54, 123, 124, 128, 130 to 132 and 138 of this Act have effect from 1 January 2001.

Section 125 of this Act to the extent that it introduces section 19.2 of the Act respecting the Pension Plan of Management Personnel has effect from 2 April 2001.

Sections 1, 4, 7 and 16, paragraph 2 of section 17, sections 28 to 30 and 32, section 33 to the extent that it refers to a period of absence without pay that ended before 1 January 2002, sections 34 to 38, 40, 41, 43 to 46, 50 to 53, 55 and 57, paragraph 1 of section 66 and sections 67 to 73, 75 to 77, 79 to 83, 85, 86, 90 to 92, 94 to 98, 100, 101, 105 to 107, 109 to 112 and 133 of this Act have effect from 1 June 2001.

Section 61 of this Act has effect from 1 August 2001.

Section 33 to the extent that it refers to a period of absence without pay that ended after 31 December 2001, sections 39, 78, 84, 99, 102, 113 to 117 and 119 to 122, section 125 to the extent that it introduces section 19.1 of the Act respecting the Pension Plan of Management Personnel (2001, chapter 31), sections 126, 127 and 134 of this Act have effect from 1 January 2002.

158. This Act comes into force on (*insert here the date of assent to this Act*). However, section 6 to the extent that it enacts section 17.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), paragraph 3 of section 10 and section 18 of this Act come into force on the date to be fixed by the Government, which may vary according to the category of employee concerned.