



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 124

An Act to amend various pension plans in the public sector

Introduction

**Introduced by
Madam Michelle Courchesne
Minister responsible for Government Administration and
Chair of the Conseil du trésor**

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EXPLANATORY NOTES

This bill amends the Acts establishing certain pension plans in the public sector so that plan members may accumulate, for each year of service from the year 2011, one year of service in addition to the 35 years used to compute the pension, up to a maximum of 38.

The rules concerning the 90-day reserve that serves to cover an employee's periods of absence without pay are amended in a number of those Acts.

The bill also amends a number of those Acts to exclude, beginning 1 January 2011, the possibility for an employee of redeeming years of prior service in the form of pension credits.

A number of those Acts are also amended so that the rules that apply to employees on adoption leave will apply as well to employees on paternity leave.

Lastly, various technical, consequential and transitional amendments are introduced to simplify the administration of the public sector pension plans.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- 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 (R.S.Q., chapter R-12.1).

Bill 124

AN ACT TO AMEND VARIOUS PENSION PLANS IN THE PUBLIC SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

1. Section 14 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “on adoption” wherever it occurs in the third paragraph by “on paternity or adoption”.

2. Section 18.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “In the case of a year of service over and above 35 years of service that is used in computing the pension, the salary required to arrive at the defined benefit limit is established as if that year were counted for the purposes of section 39.”

3. Section 19 of the Act is amended by replacing “35” in the last sentence of the first paragraph by “38”.

4. Section 23 of the Act is amended by replacing “35” in the last sentence by “38”.

5. Section 25 of the Act is amended by inserting “, in addition to a minimum cost,” after “may prescribe” in the last sentence of the second paragraph.

6. Section 29 of the Act is amended by replacing “35” in the third paragraph by “38”.

7. Section 29.2 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

8. Section 34.2 of the Act is amended by replacing “35” at the end of the last paragraph by “38”.

9. Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

“74. For the purposes of eligibility for and computation of an employee’s pension, except on contrary notice from the employee, a maximum of

90 contributory days may be added to the service credited to the employee to enable the employee to make up any period of leave without pay taken previous to 1 January 2011 or any period of absence without pay taken under the employee's conditions of employment and related to a maternity, paternity or adoption leave, while holding pensionable employment."

10. Section 77 of the Act is amended by replacing "35 years" in the second paragraph by "the number of years of service used in computing the pension".

11. The Act is amended by inserting the following section after the heading of Division I of Chapter VI of Title I:

"85.35. This division applies only in respect of an employee whose application for the redemption of prior service is received by the Commission before 1 January 2011 and who obtained a pension credit under this division following the application."

12. Section 100 of the Act is amended by adding the following sentence at the end of the first paragraph: "For the employee to obtain the pension credit, the application must be received by the Commission before 1 January 2011."

13. The Act is amended by inserting the following section after the heading of Division III of Chapter VI of Title I:

"100.1. This division applies only in respect of an employee whose application for the redemption of prior service is received by the Commission before 1 January 2011 and who obtained a pension credit under this division following the application."

14. Section 134 of the Act is amended by replacing "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 and the rules for determining the pensionable salary for the purposes provided for in those sections" in subparagraph 4.2 of the first paragraph by "the payment of the 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, in addition to a minimum cost for the purposes of section 25, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in sections 25 and 115.1".

15. Section 187 of the Act is amended by replacing "an adoption" in the first paragraph by "a paternity or adoption".

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT
PERSONNEL

16. Section 30 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by adding the following sentence at the end of the first paragraph: “In the case of a year of service over and above 35 years of service that is used in computing the pension, the salary necessary to reach the defined benefit limit is established as if that year were counted for the purposes of section 57.”

17. Section 31 of the Act is amended by replacing “35” in the last sentence of the first paragraph by “38”.

18. Section 37 of the Act is amended by replacing “35” in the last sentence by “38”.

19. Section 39 of the Act is amended by inserting “, in addition to a minimum cost,” after “may prescribe” in the last sentence of the second paragraph.

20. Section 41 of the Act is amended by replacing “35” in the third paragraph by “38”.

21. Section 50.2 of the Act is amended by replacing “35” at the end of the last paragraph by “38”.

22. Section 111 of the Act is amended by replacing the first paragraph by the following paragraph:

“**111.** For the purposes of eligibility for and computation of an employee’s pension, except on contrary notice from the employee, a maximum of 90 contributory days may be added to the service credited to the employee to enable the employee to make up any period of leave without pay taken previous to 1 January 2011 or any period of absence without pay taken under the employee’s conditions of employment and related to a maternity, paternity or adoption leave, while holding pensionable employment.”

23. Section 115 of the Act is amended by replacing “35 years” in the second paragraph by “the number of years of service used in computing the pension”.

24. Section 196 of the Act is amended by replacing “and prescribe the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections” in subparagraph 5.1 of the first paragraph by “and prescribe, in addition to a minimum cost for the purposes of section 39, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in sections 39 and 146”.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

25. Section 22 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing “70%” wherever it appears in the first paragraph by “76%”.

26. Section 24 of the Act is amended by replacing “referred to in section 22;” at the end of subparagraph 2 of the first paragraph by “, which is the total of the following amounts:

(a) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited before 1992 multiplied by the number of years and parts of a year of service credited before 1992 over the total number of years and parts of a year of service credited; and

(b) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited after 1991 multiplied by the number of years and parts of a year of service credited after 1991 over the total number of years and parts of a year of service credited;”.

ACT RESPECTING THE TEACHERS PENSION PLAN

27. Section 11 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “an adoption” in the second paragraph by “a paternity or adoption”.

28. Section 28.5.6 of the Act is amended by inserting “Provided the teacher’s application is received by the Commission before 1 January 2011,” at the beginning of the first paragraph.

29. Section 29.1.0.1 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

30. Section 51 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing “an adoption” in the second paragraph by “a paternity or adoption”.

31. Section 69.0.0.1 of the Act is amended by replacing “less than 30 consecutive days” in the first paragraph by “30 consecutive days or less”.

32. Section 69.0.1.1 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

33. Section 99.17.1 of the Act is amended by adding “Provided the officer’s application is received by the Commission before 1 January 2011,” at the beginning of the first paragraph.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

34. The first regulation made after (*insert the date of assent to this Act*) under the following provisions may have effect from any date not prior to 1 January 2011:

(1) paragraphs 3 to 5 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) paragraphs 8.3 to 8.5 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

(3) section 10.2 and subparagraphs 9.1, 14.4 to 14.6 and 22.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(4) paragraphs 9.3 to 9.5 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(5) paragraphs 8.4 to 8.6 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(6) subparagraphs 8, 15 to 17 and 22 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1); and

(7) section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, chapter 5) as it applies to the Pension Plan of the employees of the Centre hospitalier Côte-des-Neiges.

35. For the purposes of the provisions amended by sections 2 to 4, 6, 8, 16 to 18, 20 and 21, the years of service credited over and above 35 years of service that are used to compute the pension must be subsequent to 2010.

For the purposes of the provision amended by section 25, the percentage that exceeds 70% must reflect the 2% per year of service credited over and above 35 years of service that is used to compute the pension and is subsequent to 2010.

36. Sections 1, 7, 15, 27, 29, 30 and 32 have effect from 10 June 2010.

37. This Act comes into force on 1 January 2011.

