

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 13
**AN ACT TO AMEND THE ACT RESPECTING
THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN**

Bill 58

Introduced by Madam Pauline Marois, Minister for Administration and the Public Service and Chairman of the Conseil du trésor

Introduced 2 February 1995

Passage in principle 14 March 1995

Passage 14 March 1995

Assented to 16 March 1995

Coming into force: 16 March 1995

Legislation amended:

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)



CHAPTER 13

An Act to amend the Act respecting the Government and Public Employees Retirement Plan

[Assented to 16 March 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
s. 10.1, am.

1. Section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by replacing the words “the person” in the ninth line of the first paragraph by the words “one of the persons”;

(2) by inserting, after the fourth paragraph, the following paragraph:

Provisions
applicable

“Where a pensioner under the Pension Plan of Certain Teachers, the Teachers Pension Plan or the Civil Service Superannuation Plan participates in this plan and belongs to a class of employees designated under the first paragraph, the provisions of that paragraph, adapted as required, apply notwithstanding any inconsistent provision of those plans, with the exception of those concerning the partition and assignment of benefits between spouses.”

c. R-10,
s. 38, am.

2. Section 38 of the said Act is amended by striking out the words “Chapter I.1 of” in the fifth line of the second paragraph.

c. R-10,
s. 59.1, am.

3. Section 59.1 of the said Act is amended by replacing the figure “85.15” in the fifth line of the first paragraph by the figure “215.5.0.2”.

c. R-10,
s. 115.1, am.

4. Section 115.1 of the said Act is amended

(1) by inserting the words “or in which an employee avails herself of a maternity leave under the provisions concerning parental leaves which form part of her conditions of employment” after the word “benefits” in the eighth line of the first paragraph;

(2) by inserting the words “or, in the case of a female employee having availed herself of a maternity leave, an amount equal to the contribution she would have been required to pay on the pensionable salary to which she would have been entitled had she not availed herself of such a leave” after the word “plan” in the third line of the second paragraph.

c. R-10,
ss. 215.0.1-
215.0.4,
added

5. The said Act is amended by inserting, after the heading of Title IV.1, the following chapter:

“CHAPTER 0.1

“APPLICABILITY AND MISCELLANEOUS PROVISIONS

Non-
unionizable
employee

“215.0.1 This Title applies to a non-unionizable employee who

(1) was participating on 31 December 1988, as a non-unionizable employee, in the pension plan provided for in this Act;

(2) has never availed or is not availing himself of the temporary criterion of eligibility for a pension of 35 years of service provided for in Division IV of Chapter V.1 of Title I, of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I, in Chapter III of Title IV including the special application provisions which are or were applicable under this Title, or in subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan, or of the measures provided for in the Act respecting the payment of a retirement allowance and other benefits and amending the Act respecting the Government and Public Employees Retirement Plan (1992, chapter 62);

(3) applies therefor to the Commission, retires and ceases to participate in the pension plan provided for in this Act before the special provisions of this Title cease to have effect.

Entitlement
to pension

“215.0.2 A pensioner who again holds pensionable employment under the plan provided for in this Act or holds pensionable employment under the Pension Plan of Peace Officers in Correctional Services ceases to be entitled to the pension that had been granted to him pursuant to the first paragraph of section 215.5.0.1 and the

other benefits granted to him pursuant to Chapters I.0.2 to I.1 of this Title and may not re-avail himself of the said Title.

Provisions
applicable

Chapter VII of Title I of this Act or Division IV of Chapter V of the Act respecting the Pension Plan of Peace Officers in Correctional Services, as the case may be, applies in respect of the pension to which the pensioner was otherwise entitled at the time he retired and, where applicable, in respect of the other benefits paid to him.

Application

“215.0.3 The Government may determine the date on which each of the measures provided for in Chapters I.0.1 to I.0.4 of this Title begins to apply. Except with respect to a person who availed himself thereof, the Government may determine the date on which each of those measures and the measure provided for in Chapter I.1 of the said Title expire. The Government may also determine any later date until which each of the measures provided for in those chapters may continue to apply.

Order

No order made pursuant to the first paragraph may have effect more than three months before its adoption.

Decision

“215.0.4 A decision rendered in respect of a person pursuant to the provisions of this Title may be contested in the manner prescribed for the pension plan provided for in this Act.”

c. R-10,
ss. 215.5.0.1-
215.5.0.5,
added

6. The said Act is amended by inserting, before Chapter I.1 of Title IV.1, the following chapters:

“CHAPTER I.0.1

“TEMPORARY CRITERION OF ELIGIBILITY FOR THE PENSION

Non-
unionizable
employee

“215.5.0.1 Notwithstanding section 33, a pension is granted to a non-unionizable employee who is 59 years of age or over and whose age and years of service combined total 80 or more.

Retirement

The employee must be participating in the pension plan provided for in this Act, as a non-unionizable employee, at the time he retires under the criterion provided in the first paragraph.

Reduction

“215.5.0.2 In the cases described in subparagraphs 3 and 4 of the first paragraph of section 33 and notwithstanding the first paragraph of section 38, the employee’s pension is reduced for its duration by 0.5% per month, computed for each month comprised between the date on which the pension is granted and

(1) the date of the employee's fifty-ninth birthday, in the case described in subparagraph 3 of the first paragraph of section 33; or

(2) the nearest date on which the pension would otherwise have been granted to the employee under subparagraph 1 or 2 of the first paragraph of section 33 or the first paragraph of section 215.5.0.1, in the case described in subparagraph 4 of the first paragraph of section 33.

“CHAPTER I.0.2

“PERCENTAGE OF REDUCTION APPLICABLE TO THE PENSION

Percentage **“215.5.0.3** The percentage of reduction applicable to the pension under section 38 or, as the case may be, section 215.5.0.2 is replaced by 1/3 of 1% per month.

“CHAPTER I.0.3

“EXCEPTIONS CONCERNING THE REDUCTION OF THE PENSION CREDIT

Reduction **“215.5.0.4** Notwithstanding the first paragraph of section 92 and any provision referring thereto, the pension credit is not reduced where the pension is granted without actuarial reduction. If the pension is reduced, the number of months taken into account in calculating the reduction is used for the purpose of computing the reduction applicable to the pension credit.

“CHAPTER I.0.4

“PERCENTAGE OF REDUCTION APPLICABLE TO THE PENSION CREDIT

Percentage **“215.5.0.5** The percentage of reduction applicable to the pension credit under the first paragraph of section 92 is replaced by 1/3 of 1% per month.”

c. R-10,
s. 215.5.1,
replaced **7.** Section 215.5.1 of the said Act is replaced by the following section:

Retirement **“215.5.1** Notwithstanding the first paragraph of section 38 or, as the case may be, section 215.5.0.2, an unreduced pension is granted to a non-unionizable employee who retires under the criterion of eligibility of 60 years of age provided for in subparagraph 4 of the first paragraph of section 33.”

c. R-10,
ss. 215.5.2-
215.5.4,
repealed
c. R-10,
s. 215.6, am.

8. Sections 215.5.2 to 215.5.4 of the said Act are repealed.

9. Section 215.6 of the said Act is amended

(1) by replacing the words “measure provided for in Chapter I.1 of” in the fifth line of the first paragraph by the words “measures provided for in”;

(2) by replacing the word “Chapter” in the fifth line of the third paragraph by the words “Chapters I.0.1, I.0.2 and”;

(3) by replacing the words “or Chapter I.1” in the eleventh line of the third paragraph by the word and figures “, I.0.1, I.0.2 or I.1”.

c. R-10,
s. 215.7, am.

10. Section 215.7 of the said Act is amended

(1) by striking out the words “, not later than 1 September 1993,” in the first line;

(2) by replacing the date “2 July 1993” in the second line by the date “1 July 1995”.

c. R-10,
s. 215.8,
repealed
c. R-10,
s. 215.9.1,
added

11. Section 215.8 of the said Act is repealed.

12. The said Act is amended by inserting, after section 215.9, the following section:

Transfer

“215.9.1 The amount representing the actuarial value of reductions which will not be made pursuant to section 215.5.0.4 or 215.5.0.5 on pension credits obtained under sections 86, 100 and 104 or under sections 101, 113 and 158 shall be transferred, taking into account the terms and conditions of payment of those benefits, to the respective funds of such pension credits and to the employers’ contributory fund of the Caisse de dépôt et placement du Québec. The sums shall be taken annually, in equal shares, out of the non-unionizable employees’ contribution fund of the Caisse de dépôt et placement du Québec and out of the employers’ contributory fund of the Caisse.

Funding

Notwithstanding the transfers made under the first paragraph, the total actuarial value of reductions not made on pension credits pursuant to section 215.5.0.4 or 215.5.0.5 shall continue to be funded out of the sum of the amounts obtained pursuant to subparagraphs 1, 2 and 3 of the first paragraph of section 215.6.”

c. R-10,
s. 215.10,
am.

13. Section 215.10 of the said Act is amended

(1) by replacing the words “measure provided for in Chapter” in the seventeenth line by the words “measures provided for in Chapters I.0.1 to”;

(2) by replacing the words “that measure” in the twentieth line by the words “those measures”.

FINAL PROVISIONS

Presumption **14.** Every mayor of a municipality with a population of less than 20 000 who paid contributions before 16 March 1995 to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is deemed to have voted in favour of the by-law respecting the adhesion of that municipality to that plan in respect of the mayor only.

Maximum amount **15.** The maximum amount fixed by the second paragraph of section 10 of the Act respecting the payment of a retirement allowance and other benefits and amending the Act respecting the Government and Public Employees Retirement Plan (1992, chapter 62) applies until 1 July 1993, inclusively.

Coming into force **16.** This Act comes into force on 16 March 1995.