

1988, chapter 82
**AN ACT TO AMEND VARIOUS LEGISLATIVE
PROVISIONS CONCERNING THE PENSION PLANS
OF THE PUBLIC AND PARAPUBLIC SECTORS
AND OTHER LEGISLATIVE PROVISIONS**

Bill 103

Introduced by Mr Daniel Johnson, Minister for Administration and Chairman of the
Conseil du trésor

Introduced 8 December 1988

Passage in principle 14 December 1988

Passage 23 December 1988

Assented to 23 December 1988

Coming into force: 23 December 1988, except:

(1) sections 1, 2, 9, 13, paragraph 2 of section 14, sections 17, 20 to 26, 31 to 33, 35 to 38, 40 to 45, paragraph 3 of section 46, sections 50, 54, 58, 59, 61, 67, 72, 73, paragraph 2 of section 74, sections 76, 77, 80 to 89, paragraph 1 of section 91, sections 92, 95, 97, 101 to 111, 115 to 117, 119, paragraph 2 of section 123, sections 125, 128 to 130, 133 to 143, 146 to 149, 154 to 157, 159, 160, 163 to 170, 185, 190 to 193, 198 to 211 and 213, which shall come into force on 1 January 1989;

(2) sections 4 to 8, 12, 15, 27 to 30, paragraph 3 of section 39, paragraphs 1 and 2 of section 46, sections 49, 51, 62 to 66, 70, 75, 90, paragraph 2 of section 91, sections 98 to 100, 112, 113, 121, 122, 124, 126, paragraph 2 of section 144, sections 145, 150, 151, 172 to 176, 179 to 182, paragraph 3 of section 184, sections 187, 194 to 197 and 212, which shall come into force on 1 January 1990.

Acts amended:

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1)

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 Peace Officers in Penal Institutions (1987, chapter 107)



CHAPTER 82

An Act to amend various legislative provisions concerning the pension plans of the public and parapublic sectors and other legislative provisions

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
s. 3, am.

1. Section 3 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 163 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing the words “receiving a pension” in the fourth line of the first paragraph by the words “a pensioner”;

(2) by striking out the third paragraph.

c. R-10,
s. 3.1, added

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

Presumption

“3.1 For the purposes of the plan, an employee shall participate in a plan from his first day of service in pensionable employment. However, if the employee, before participating in this plan, obtained credit for prior service pursuant to the plan, his participation is deemed to begin on the date his application for the redemption of that service was received by the Commission.

Presumption

An employee shall participate in a plan as long as he remains an employee within the meaning of such plan. However, for the purposes of eligibility for and computation of benefits under this plan, where an employee ceases to be an employee within the meaning of this plan

for any period during which he is not in service in pensionable employment, he is deemed to have ceased to participate,

(1) if he is not entitled to a pension, on his last day of service in pensionable employment or, as the case may be, on the date the Commission received an application for redemption whereby years and parts of a year of service have been credited or transferred to the plan if such date is subsequent to the last day referred to above;

(2) if he is entitled to a pension, on the first day he became entitled to the pension, from the day or date which would have been considered if paragraph 1 had applied.”

c. R-10,
s. 5,
replaced
71 years
of age

3. Section 5 of the said Act is replaced by the following section :

“**5.** An employee who attains 71 years of age ceases to be an employee within the meaning of the plan.”

c. R-10,
s. 14, am.

4. Section 14 of the said Act is amended

(1) by replacing the word “salary” in the first line by the words “basic salary”;

(2) by adding the following paragraph:

Basic
salary

“Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration shall not be included in the basic salary.”

c. R-10,
s. 15,
repealed

5. Section 15 of the said Act is repealed.

c. R-10,
s. 16, am.

6. Section 16 of the said Act, amended by section 165 of chapter 107 of the statutes of 1987, is again amended by replacing the first paragraph by the following paragraph :

Lump sum

“**16.** Notwithstanding section 14, any lump sum paid as an increase or adjustment of the pensionable salary for a previous year shall form part of the pensionable salary for the year in which it is paid.”

c. R-10,
s. 17,
replaced

7. Section 17 of the said Act is replaced by the following section :

Pensionable
salary

“**17.** The pensionable salary of an employee in any calendar year shall not be less than the basic salary to which he is entitled in that year, determined in accordance with the conditions of employment

applicable to him and taking into account the second paragraph of section 14, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.”

c. R-10,
s. 18, am.

8. Section 18 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Pensionable
salary

“If the total service credited in respect of the pensionable employments of the employee is reduced by the application of section 20, the pensionable salary of the employee shall not exceed the salary attached to the employment held for a proportionately greater number of days in the year or if he holds such employments for proportionately the same number of days, the salary attached to the highest paid employment. The days and parts of a day of a maternity leave credited pursuant to section 22 shall not be taken into account for determining the number of days referred to above.

Computation

For the purposes of the second paragraph, the salary attached to an employment is the salary defined in section 14, computed on a yearly basis and multiplied by the total service credited, excluding service credited pursuant to section 22.”

c. R-10,
s. 20, am.

9. Section 20 of the said Act is amended by replacing the second paragraph by the following paragraph:

Contributory
days

“However, no employee may, in the year of his retirement or in the year in which he becomes entitled to a deferred pension, be credited with more service than the number of contributory days comprised between 1 January and the date he ceased to participate in the plan.”

c. R-10,
s. 22,
replaced

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

Maternity
leave

“**22.** The days and parts of a day of a maternity leave commencing after 31 December 1988 shall be credited to the employee, without contributions, up to 130 contributory days.

Days
credited

If the employee holds more than one pensionable employment in a year, the days and parts of a day of such a leave shall be credited to her before any other service.”

c. R-10,
s. 23, am.

11. Section 23 of the said Act is amended by replacing the word and figure “and 22” in the fourth line by the word and figures “, 22 and 221.1”.

c. R-10,
s. 24, am.

12. Section 24 of the said Act, amended by section 166 of chapter 107 of the statutes of 1987, is again amended by inserting the word “pensionable” before the word “salary” in the second line of paragraph 2.

c. R-10,
s. 29, am.

13. Section 29 of the said Act, amended by section 167 of chapter 107 of the statutes of 1987, is again amended by replacing the words “and as long as he has not elected to become or again become, as the case may be, a member of this plan” in the seventh and eighth lines of the first paragraph by the words “and from, in the latter cases, the date on which his election not to participate or, as the case may be, not to again participate in this plan applies,”.

c. R-10,
s. 36, am.

14. Section 36 of the said Act is amended

(1) by replacing the word and figure “and 85.1” in the second line of subparagraph 1 of the first paragraph by the word and figures “, 85.1 and 221.1”;

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

Contributory
period

“A contributory period is, for the purposes of this subdivision, the number of contributory days comprised in the period during which the employee participated in the plan in a year or comprised in the period during which days and parts of a day were otherwise credited to him with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, namely, 200 or 260, according to the basis of remuneration. The first contributory period of a new employee who is an employee within the meaning of the plan begins on the first day in respect of which the employee was assessed or was exempt from contributions and the last period ends on the last day in respect of which he was assessed or was exempt from contributions.”

c. R-10,
s. 36.1, am.

15. Section 36.1 of the said Act is amended

(1) by replacing the words “basic pensionable salary” in the fourth line of the first paragraph by the words “basic salary defined in section 17”;

(2) by replacing the words "basic pensionable salary" in the second line of the second paragraph by the words "basic salary defined in section 17 and".

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

16. Section 38 of the said Act is amended by replacing, in the French text, the word "et" in the second line of paragraph 2 by the word "ou".

c. R-10,
s. 40, am.

17. Section 40 of the said Act is amended by adding the following paragraph:

Presumption

"The employee is deemed to retire on the day following the day he ceases to participate in the plan."

c. R-10,
s. 43, am.

18. Section 43 of the said Act is amended by replacing the words "From the day the payment of the pension of a pensioner, or as the case may be, the payment of the salary of an employee who qualifies for a pension ceases, owing to death," in the first, second and third lines by the words "From the day the payment of the pension of a pensioner ceases by reason of death, or as the case may be, from the day of the death of an employee who is entitled to a pension,".

c. R-10,
s. 44,
replaced

19. Section 44 of the said Act is replaced by the following section:

Spouse

"44. For the purposes of the plan, the spouse is the person who is married to the employee or pensioner, as the case may be, or, in the case of an unmarried employee or pensioner, the person who was unmarried at the time of the death of the employee or pensioner and who had been living in a conjugal relationship with the pensioner or employee for a period of not less than three years immediately prior to his death and had been publicly represented as his or her spouse by the employee or pensioner."

c. R-10,
ss. 47 and
48,
replaced

20. Sections 47 and 48 of the said Act, replaced by section 170 of chapter 107 of the statutes of 1987, are again replaced by the following sections:

Refund of
contributions

"47. Except where section 21 applies, if an employee ceases to participate in the plan before becoming entitled to a pension and if he has less than two years of service, he is entitled, provided he does not again participate in the plan and subject to section 58, to the refund of his contributions.

Deferred
annuity

"48. Except where section 21 applies, if an employee ceases to participate in the plan before becoming entitled to a pension or to a

deferred annuity, he may, if he has at least two years of service, apply for a deferred annuity or obtain, provided he does not again participate in the plan and subject to section 58, the refund of his contributions as long as he has not attained 65 years of age.”

c. R-10,
s. 49,
replaced

21. Section 49 of the said Act, replaced by section 171 of chapter 107 of the statutes of 1987, is again replaced by the following section:

Accumulated
years of
service

“**49.** If the employee referred to in sections 47 and 48 again participates in the plan without having received the refund of his contributions, the years and parts of a year of service he accumulates are added to those already credited.”

c. R-10,
s. 49.1,
added

22. The said Act is amended by inserting, after section 49, the following section:

Refund

“**49.1** The contributions shall be payable to the employee entitled to the refund thereof from the 211th day after the day on which he ceased to be an employee within the meaning of the plan for the last time.

Application

Every application for the refund of contributions must be filed with the Commission by means of the prescribed form.”

c. R-10,
s. 51, am.

23. Section 51 of the said Act, amended by section 173 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be an employee within the meaning of” in the first and second lines of the first paragraph by the words “participate in”.

c. R-10,
s. 52, am.

24. Section 52 of the said Act is amended by adding the following paragraph:

Periods of
eligibility

“Any period comprised between the day on which the employee ceased to participate in the plan and the day on which he ceased to be an employee within the meaning of the plan, and any period of less than 211 days during which he ceased to be an employee within the meaning of the plan shall also be counted if such periods are prior to his last participation.”

c. R-10,
s. 53, am.

25. Section 53 of the said Act is amended by replacing the words “this plan ceases to be applicable to him” in the fourth line of the second paragraph by the words “the employee ceases to participate in the plan”.

c. R-10,
s. 54, am.

26. Section 54 of the said Act is amended by replacing the second paragraph by the following paragraph:

Presumption “Notwithstanding section 40, an employee who is entitled to a deferred annuity is deemed to retire on the date of his sixty-fifth birthday. The deferred annuity shall be payable to him from that date and for life.”

c. R-10,
s. 62, am. **27.** Section 62 of the said Act, replaced by section 178 of chapter 107 of the statutes of 1987, is amended by striking out the word “basic” before the word “salary” in the third line.

c. R-10,
s. 64, am. **28.** Section 64 of the said Act, replaced by section 178 of chapter 107 of the statutes of 1987, is amended by replacing the lines which precedes subparagraph 1 of the first paragraph by the following:

Annual
salary **“64.** The annual salary is equal to the salary defined in section 14”.

c. R-10,
s. 65, am. **29.** Section 65 of the said Act, replaced by section 178 of chapter 107 of the statutes of 1987, is amended by striking out the word “basic” before the word “salary” in the third line.

c. R-10,
s. 69, am. **30.** Section 69 of the said Act, amended by section 179 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing the words “basic salary” in the first line of subparagraph 1 of the first paragraph by the words “the salary which corresponds to the salary defined in section 14 and which has been” and by replacing the words “basic salary that” in the first line of subparagraph 2 of the first paragraph by the words “the salary which corresponds to the salary defined in section 14 and which”;

(2) by striking out the second paragraph.

c. R-10,
s. 83, am. **31.** Section 83 of the said Act is amended by replacing the words “he holds such an employment” in the fifth and sixth lines of the second paragraph by the words “the whole or part of the pension or deferred annuity is not paid”.

c. R-10,
s. 85, am. **32.** Section 85 of the said Act is amended by replacing the words “he holds such an employment” in the seventh line of the second paragraph by the words “the whole or part of a pension is not paid”.

c. R-10,
s. 85.3, am. **33.** Section 85.3 of the said Act, amended by section 184 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be covered by” in the fifth and twelfth lines of the first paragraph by the words “participate in”.

c. R-10,
s. 85.15, am. **34.** Section 85.15 of the said Act is amended by replacing the words and figures “subparagraphs 2 and 5” in the second line of paragraph 1 by the words and figures “subparagraph 2 or 5” and by replacing the words and figures “subparagraphs 1, 3 and 4” in the second line of paragraph 2 by the words and figures “subparagraph 1, 3 or 4”.

c. R-10,
s. 85.17, am. **35.** Section 85.17 of the said Act is amended by replacing the words “and retire” in the second line of the third paragraph by the words “, retire and cease to be an employee within the meaning of the plan”.

c. R-10,
s. 96, am. **36.** Section 96 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Date of payment “In no case may the instalments be paid after the earlier of the following dates:

(1) the date on which the employee ceased to be an employee within the meaning of the plan;

(2) the date on which he attains 71 years of age.

Restriction However, where the employee is entitled to a deferred annuity, no instalment may be paid after the date on which he retires.”

c. R-10,
s. 98, am. **37.** Section 98 of the said Act is amended by adding, at the end of the second paragraph, the words “or if he is not a pensioner under either of such plans”.

c. R-10,
s. 99, am. **38.** Section 99 of the said Act, amended by section 188 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be a member of this” in the second and third lines of the first paragraph by the words “participate in the”.

c. R-10,
s. 115, am. **39.** Section 115 of the said Act is amended

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

Former MNA **“115.** Every employee is entitled to be credited, for pension purposes, with the years and parts of a year during which he contributed to the system of retirement pensions established under the Legislature Act (R.S.Q., chapter L-1) and in respect of which he obtained, before 1 January 1983, the withdrawal of his contributions under the said Act, except if he has already redeemed such years and

parts of a year under section 29 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”;

(2) by replacing the words “rate of contribution applicable under this plan for each year and part of a year on” in the second and third lines of the second paragraph by the words “amount obtained by applying the rate of contribution applicable under this plan for each year and part of a year to”;

(3) by inserting the word “pensionable” before the word “salary” in the first line of subparagraph 2 of the second paragraph and in the first line of the third paragraph.

c. R-10,
s. 116,
replaced

40. Section 116 of the said Act, amended by section 191 of chapter 107 of the statutes of 1987, is replaced by the following section:

Pensioner
re-employed

116. A pensioner who, before 1 January 1983, held pensionable employment under this plan, the Civil Service Superannuation Plan or the Teachers Pension Plan, except if he has received or is entitled to only the refund of his contributions for the period prior to that date, and who again holds pensionable employment under this plan before 65 years of age, becomes, notwithstanding the first paragraph of section 3, an employee within the meaning of this plan. His pension shall cease to be paid for a period corresponding to the service credited to him while he again holds pensionable employment under the plan and, at the time he ceases to hold such employment or on his reaching 65 years of age at the latest, his pension shall be recomputed in accordance with section 119, and sections 121 and 122 apply.

Participation

However, the pensioner may elect not to again participate in this plan, and he may continue to receive his pension until he reaches 65 years of age and to receive his salary, in which case the second paragraph of section 118 applies. When he reaches 65 years of age, he may also elect not to again participate in this plan as is provided in section 118, and sections 117, 120 and 122 apply.”

c. R-10,
s. 117, am.

41. Section 117 of the said Act is amended by replacing that part which precedes subparagraph 1 of the first paragraph by the following:

Interruption
of pension
payments

117. The payment of any benefit under subparagraphs 1 to 9 of the first paragraph of section 67 ceases in respect of any pensioner or person who has received the actuarial value of his pension and who holds or again holds pensionable employment under this plan, for a

period corresponding to the service credited to him while he holds or again holds pensionable employment or, if he made an election under section 118, to the service that would otherwise have been credited to him while he held or again held pensionable employment, had the election not been made.”.

c. R-10,
s. 118,
replaced

42. Section 118 of the said Act, replaced by section 192 of chapter 107 of the statutes of 1987, is again replaced by the following section:

Option

“118. Notwithstanding the first paragraph of section 3, the pensioner becomes an employee within the meaning of this plan, unless he elects not to participate or not to again participate in the plan.

Date of
applicability

The election applies from the date on which the Commission receives notice in writing to that effect. However, the election made by an employee who has not transferred or been credited with years and parts of a year of service under the plan from the first day on which he held his last pensionable employment applies from that day or from the date on which he reaches 65 years of age if he is a pensioner under the Teachers Pension Plan or the Civil Service Superannuation Plan and if the first day is prior to the said date.”

c. R-10,
s. 119,
replaced

43. Section 119 of the said Act, replaced by section 193 of chapter 107 of the statutes of 1987, is again replaced by the following section:

Pension
recomputed

“119. The pension of a pensioner who has become an employee within the meaning of this plan is, at the time he ceases to hold employment, recomputed to take into account his pensionable salary and the years of service credited to him for the period during which the pension ceases to be paid.”

c. R-10,
s. 120,
replaced

44. Section 120 of the said Act, replaced by section 194 of chapter 107 of the statutes of 1987, is again replaced by the following section:

Adjustment

“120. If the pensioner elects not to participate or again participate in this plan, the pension credits accumulated by him under this plan shall be adjusted in accordance with the plan for the period during which the pension ceases to be paid.”

c. R-10,
s. 121, am.

45. Section 121 of the said Act is amended by replacing the words “recomputed pension” in the second line of the first paragraph by the words “pension recomputed in accordance with this plan for the period during which it ceases to be paid”.

c. R-10,
s. 134, am.

46. Section 134 of the said Act, amended by section 197 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) determine the bonuses, allowances, compensations or any other additional remuneration that are included in the basic salary defined in section 14;”;

(2) by replacing the words “basic yearly pensionable salary” in the second line of paragraph 7 by the words “basic salary defined in section 17;”;

(3) by striking out paragraph 8;

(4) by inserting, after paragraph 17, the following paragraph:

“(17.1) determine the minimum amount of interest that is payable pursuant to section 151;”.

c. R-10,
s. 147, am.

47. Section 147 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

Remittance

“Except in cases of fraud or deceit, the Commission shall remit any amount of pension or pension credit owing to it which had been paid more than 48 months before the effective date of any adjustment of the pension or pension credit.”;

(2) by replacing the words “sum owing to it to the person” in the second line of the second paragraph by the words “other sum owing to it”.

c. R-10,
s. 151, am.

48. Section 151 of the said Act, amended by section 199 of chapter 107 of the statutes of 1987, is again amended by adding, after the second paragraph, the following paragraph:

Interest

“No amount of interest is payable pursuant to this section if it is less than the minimum amount prescribed by regulation.”

c. R-10,
s. 153, am.

49. Section 153 of the said Act is amended by replacing the words “of salary increase or adjustment” in the first and second lines by the words “of an increase or adjustment of the pensionable salary”.

c. R-10,
s. 209, am.

50. Section 209 of the said Act is amended by replacing the words “he held an employment contemplated” in the fourth and fifth lines by the words “the pension ceased to be paid”.

c. R-10,
s. 221, am.

51. Section 221 of the said Act, amended by section 209 of chapter 107 of the statutes of 1987, is again amended by inserting the word "pensionable" before the word "salary" in the third line of subparagraph 2 of the first paragraph.

c. R-10,
s. 221.1,
added

52. The said Act is amended by inserting, after section 221, the following section:

Maternity
leave

"221.1 A female employee may be credited, without contribution, with the days and parts of a day of a maternity leave in progress on 1 July 1983 or beginning on or before 31 December 1988, up to a total of 130 contributory days."

c. R-10,
s. 233,
replaced

53. Section 233 of the said Act is replaced by the following section:

Leave in
progress

"233. Sections 24, 25 and 26, as they read before 20 June 1985, continue to apply in respect of a leave having ended before that date, and the same sections, as they read before 19 June 1986, continue to apply in respect of every consecutive period of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986."

c. R-10,
ss. 236.1-
236.4, added

54. The said Act is amended by inserting, after section 236, the following sections:

Cessation of
participation

"236.1 Any employee who ceases to be an employee within the meaning of the plan for any period during which he is not in service in pensionable employment and who ceases to participate in the plan before 1 January 1989 is, notwithstanding section 3.1, deemed to have ceased to participate on the day he ceases to be an employee within the meaning of the plan.

Provisions
applicable

"236.2 Sections 47, 48, the first paragraph of section 49 and section 52, as they read before 1 January 1989, continue to apply to an employee who ceases to be an employee within the meaning of the plan before that date.

Provisions
applicable

"236.3 Sections 29, 83, 85, 116 to 121 and 209, as they read before 1 January 1989, continue to apply to a pensioner or person who, before that date, participated in the plan or notified the Commission in writing of his intention not to participate in the plan, until he ceases to hold his employment or, in the case of section 116, until he reaches 65 years of age, whichever occurs first. The same rule applies, but only as regards the provisions of section 117 which concern the interruption of payment of pension benefits and, with respect to the

other sections, only as regards the provisions which concern the period during which employment is held, to a pensioner or person referred to in section 117 who, before 1 January 1989, did not participate in the plan or did not notify the Commission in writing of his intention not to participate in the plan, as long as he has not ceased to hold his employment.

Employee
65 years old
or over

“236.4 Notwithstanding the second paragraph of section 118, in no case may an election made under section 118 by an employee 65 years of age or over apply with respect to any date prior to the date on which he reaches 65 years of age if, before 1 January 1989, he participates in the plan during the last period in which he holds pensionable employment.”

c. R-10,
Schedule I,
am.

55. Schedule I to the said Act is amended

(1) by inserting the words “the Séminaire de Québec, in respect of employees who were participating in the plan on 30 June 1987” in paragraph 1;

(2) by striking out the words “the Association des administrateurs des services de santé et des services sociaux du Québec” in paragraph 1;

(3) by striking out the words “the Syndicat des Professionnelles et Professionnels des Affaires sociales du Québec” in paragraph 1.

c. R-10,
Schedule II.1,
am.

56. Schedule II.1 to the said Act is amended by striking out the words “the Syndicat de l’enseignement de la Région des Mille-Îles”.

c. R-10,
Schedule III,
am.

57. Schedule III to the said Act is amended

(1) by inserting the words “the Séminaire de Québec, in respect of employees who were participating in the plan on 30 June 1987” in paragraph 1;

(2) by striking out the words “the Association des administrateurs des services de santé et des services sociaux du Québec” in paragraph 1;

(3) by striking out the words “the Syndicat des Professionnelles et Professionnels des Affaires sociales du Québec” in paragraph 1.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,
s. 2.1, am.

58. Section 2.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by striking out the second paragraph.

c. R-11,
s. 2.2, added **59.** The said Act is amended by inserting, after section 2.1, the following section:

Participation **“2.2** For the purposes of the plan, a teacher shall participate in a plan from his first day of service in pensionable employment.

Eligibility and computation A teacher shall participate in a plan as long as he remains a teacher within the meaning of the plan. However, for the purposes of eligibility for and computation of benefits under this plan, where a teacher ceases to be a teacher within the meaning of this plan for any period during which he is not in service in pensionable employment and is not entitled to a pension by reason of mental or physical disability, the teacher is deemed to have ceased to participate,

(1) if he is not entitled to a pension, on his last day of service in pensionable employment or, as the case may be, on the date the Commission received an application for redemption whereby years and parts of a year of service have been credited or transferred to the plan if such date is subsequent to the last day referred to above;

(2) if he is entitled to a pension, on the first day he became entitled to the pension, from the day or date which would have been considered if paragraph 1 had applied.”

c. R-11,
s. 4,
replaced **60.** Section 4 of the said Act is replaced by the following section:

71 years of age **“4.** A teacher having attained 71 years of age ceases to be a teacher within the meaning of the plan.”

c. R-11,
s. 5, am. **61.** Section 5 of the said Act, amended by section 211 of chapter 107 of the statutes of 1987, is again amended by replacing the words “A person who is a member of this plan or of the Civil Service Superannuation Plan when such plan ceases to be applicable to him” in the first two lines by the words “Except in the case of a pensioner under this plan or the Civil Service Superannuation Plan, a person who participates in either of those plans and who ceases to be a person to whom such plan is applicable”.

c. R-11,
s. 11, am. **62.** Section 11 of the said Act is amended

(1) by replacing the words “the salary paid” in the first line by the words “the basic salary paid”;

(2) by adding the following paragraph:

Basic
salary

“Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration shall not be included in the basic salary.”

c. R-11,
s. 12,
repealed

63. Section 12 of the said Act is repealed.

c. R-11,
s. 13, am.

64. Section 13 of the said Act, amended by section 212 of chapter 107 of the statutes of 1987, is again amended by replacing the first paragraph by the following paragraph:

Lump sums

“**13.** Notwithstanding section 11, every lump sum paid as an increase or adjustment of the pensionable salary for a previous year is part of the pensionable salary for the year in which it is paid.”

c. R-11,
s. 14,
replaced

65. Section 14 of the said Act is replaced by the following section:

Pensionable
salary

“**14.** The pensionable salary of a teacher in any calendar year shall not be less than the basic salary to which he is entitled in that year, determined in accordance with the conditions of employment applicable to him and taking into account the second paragraph of section 11, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.”

c. R-11,
s. 15, am.

66. Section 15 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Maximum
pensionable
salary

“If the total service credited in respect of the pensionable employments of the teacher is reduced by the application of section 17, the pensionable salary of the teacher shall not exceed the salary attached to the employment he holds for a proportionately greater number of days in the year or, if he holds such employments for proportionately the same number of days, the salary attached to the highest paid employment. The days and parts of a day of a maternity leave credited pursuant to section 19 shall not be taken into account to determine the number of days referred to above.

Computation

For the purposes of the second paragraph, the salary attached to an employment is the salary defined in section 11, computed on a yearly basis and multiplied by the total service credited, excluding service credited pursuant to section 19.”

c. R-11,
s. 17, am.

67. Section 17 of the said Act is amended by replacing the second paragraph by the following paragraph:

Restriction

“However, no teacher may, in the year of his retirement or in the year in which he becomes entitled to a deferred pension, be credited with more service than the number of contributory days comprised between 1 January and the date he ceased to participate in the plan.”

c. R-11,
s. 19,
replaced

68. Section 19 of the said Act is replaced by the following section:

Maternity
leave

19. The days and parts of a day of a maternity leave commencing after 31 December 1988 shall be credited to the teacher, without contributions, up to 130 contributory days.

Days
credited

If the teacher holds more than one pensionable employment in a year, the days and parts of a day of such a leave shall be credited to her before any other service.”

c. R-11,
s. 20, am.

69. Section 20 of the said Act is amended by replacing the word and figure “and 19” in the fourth line by the word and figures “, 19 and 76.2”.

c. R-11,
s. 21, am.

70. Section 21 of the said Act, amended by section 213 of chapter 107 of the statutes of 1987, is again amended by inserting the word “pensionable” before the word “salary” in the second line of paragraph 2.

c. R-11,
s. 25, am.

71. Section 25 of the said Act is amended by replacing the first paragraph by the following paragraph:

Former
MNA

25. Every teacher is entitled to be credited, for pension purposes, with the years and parts of a year during which he contributed to the system of retirement pensions established under the Legislature Act (R.S.Q., chapter L-1) and in respect of which he obtained, before 1 January 1983, the withdrawal of his contributions under the said Act, except if he has already redeemed such years and parts of a year under section 29 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1), provided

(1) he applies therefor within 24 months of the date he becomes a teacher within the meaning of the plan;

(2) he pays, for each of such years and parts of a year, an amount equal to the amount obtained by applying the rate of contribution

applicable under the plan at the time the plan becomes applicable to him to the indemnity he received as a Member or to the pensionable salary he receives or would have been entitled to receive in the school year at the time the plan becomes applicable to him, whichever is less."

c. R-11,
s. 28.3, am.

72. Section 28.3 of the said Act, amended by section 216 of chapter 107 of the statutes of 1987, is again amended by replacing the words "be covered by" in the fourth and in the eleventh lines of the first paragraph by the words "participate in".

c. R-11,
s. 29, am.

73. Section 29 of the said Act is amended by replacing the words "as long as he has not elected to become a member" in the third and fourth lines by the words ", from the date on which his election not to participate applies,".

c. R-11,
s. 35, am.

74. Section 35 of the said Act is amended

(1) by replacing the word and figure "and 62" in the second line of subparagraph 1 of the first paragraph by the word and figures ", 62 and 76.2";

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

Contributory
period

"A contributory period is, for the purposes of this subdivision, the number of contributory days comprised in the period during which the teacher participated in the plan in the year or comprised in the period during which days and parts of a day were otherwise credited to him with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, namely, 200 or 260, according to the basis of remuneration. The first contributory period of a new teacher who is a teacher within the meaning of the plan begins on the first day in respect of which the teacher was assessed or was exempt from contributions, and the last period ends on the last day in respect of which he was assessed or was exempt from contributions."

c. R-11,
s. 35.1, am.

75. Section 35.1 of the said Act is amended

(1) by replacing the words "basic pensionable salary" in the fourth line of the first paragraph by the words "basic salary defined in section 14";

(2) by replacing the words "basic pensionable salary" in the second line of the second paragraph by the words "basic salary defined in section 14 and".

c. R-11,
s. 41, am.

76. Section 41 of the said Act is amended by adding the following paragraph:

Presumption

“A teacher is deemed to retire on the day following the day on which he ceases to participate in the plan.”

c. R-11,
s. 41.1,
added

77. The said Act is amended by inserting, after section 41, the following section:

Physical
or mental
disability

41.1 Every teacher who is entitled to a pension by reason of physical or mental disability ceases to be a teacher within the meaning of the plan and is deemed to retire on the day the pension was granted to him.”

c. R-11,
s. 44, am.

78. Section 44 of the said Act is amended by replacing the words “From the day when, owing to death, payment of the pension of a pensioner or, as the case may be, payment of the salary of a teacher ceases,” in the first, second and third lines by the following words: “From the day the payment of the pension of a pensioner ceases by reason of death or, as the case may be, from the day of the death of a teacher,”.

c. R-11,
s. 46,
replaced

79. Section 46 of the said Act is replaced by the following section:

Spouse

46. For the purposes of the plan, the spouse is the person who is married to the teacher or pensioner, as the case may be, or, in the case of an unmarried teacher or pensioner, the person who was unmarried at the time of the death of the teacher or pensioner and who had been living in a conjugal relationship with the teacher or pensioner for a period of not less than three years immediately prior to his death and had been publicly represented as his or her spouse by the teacher or pensioner.”

c. R-11,
s. 50, am.

80. Section 50 of the said Act, amended by section 219 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be a teacher to whom this plan is applicable” in the second and third lines by the words “participate in this plan”.

c. R-11,
s. 51, am.

81. Section 51 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Deferred
pension

“Notwithstanding section 41, a teacher who is entitled to a deferred pension is deemed to retire on the same day.”

c. R-11,
s. 56,
replaced

82. Section 56 of the said Act, replaced by section 221 of chapter 107 of the statutes of 1987, is again replaced by the following section:

Refund of
contributions

56. A teacher who ceased to participate in the plan before becoming entitled to a pension or to only a deferred pension is entitled to the refund of his contributions except if he is a participant.”

c. R-11,
s. 60.1,
added

83. The said Act is amended by inserting, after section 60, the following section:

Application
for refund

60.1 Every application for the refund of contributions must be filed with the Commission by means of the prescribed form.”

c. R-11,
s. 67,
replaced

84. Section 67 of the said Act is replaced by the following section:

Pensioner
re-employed

67. The pension, except a pension granted to the spouse and children, or the deferred pension shall be paid to a pensioner holding pensionable employment under the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan, until he attains 65 years of age. However, if the pensioner holds pensionable employment under the Government and Public Employees Retirement Plan, he is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, until he attains 65 years of age.”

c. R-11,
s. 68, am.

85. Section 68 of the said Act is amended by adding the following paragraph:

Participation

“However, a teacher whose pension ceases to be paid pursuant to the first paragraph and who subsequently holds pensionable employment under the Government and Public Employees Retirement Plan shall participate in that plan notwithstanding section 5 or, as the case may be, in the Pension Plan of Certain Teachers or, if he holds pensionable employment under the Pension Plan of Peace Officers in Penal Institutions, he shall participate in that latter plan.”

c. R-11,
s. 69, am.

86. Section 69 of the said Act is amended by inserting the words “except in accordance with section 70 or 71, as the case may be,” after the word “paid” in the third line.

c. R-11,
s. 70,
replaced

87. Section 70 of the said Act, amended by section 229 of chapter 107 of the statutes of 1987, is replaced by the following section:

Pensioner
re-employed

70. A pensioner 65 years of age or over who holds pensionable employment under the Government and Public Employees Retirement Plan is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees

Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, and sections 117, 118 and 122 of the said Act apply.”

c. R-11,
s. 71, am.

88. Section 71 of the said Act is amended by replacing the words “he may, if the rules of section 63.8 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) do not apply, elect to become a member of such plan” in the third, fourth and fifth lines by the words “and if the rules provided in section 63.8 of the Act respecting the Civil Service Superannuation Plan do not apply, he is, notwithstanding section 54 of that Act, an employee within the meaning of such plan for any period during which he holds pensionable employment under such plan”.

c. R-11,
s. 72,
replaced

89. Section 72 of the said Act is replaced by the following section:

Adjusted
pension

72. The pension of a person who has not transferred his years of service to the Civil Service Superannuation Plan or to the Government and Public Employees Retirement Plan, as the case may be, shall be adjusted in accordance with this plan for the period during which payment of that pension ceased pursuant to section 69.”

c. R-11,
s. 73, am.

90. Section 73 of the said Act, amended by section 230 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) determine the bonuses, allowances, compensations or other additional remuneration that are included in the basic salary defined in section 11;”;

(2) by replacing the words “basic annual pensionable salary” in the second line of paragraph 7 by the words “basic salary defined in section 14”.

c. R-11,
s. 76, am.

91. Section 76 of the said Act, amended by section 231 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing the words “this plan ceased to be applicable to him” in the fourth and fifth lines of the first paragraph by the words “he ceased to participate in this plan”;

(2) by inserting the word “pensionable” after the words “based on the” in the third line of subparagraph 2 of the first paragraph.

c. R-11,
s. 76.1, am.

92. Section 76.1 of the said Act is amended by replacing the words “this plan ceased, between 30 June 1965 and 1 July 1973, to be applicable to him” in the third and fourth lines of the first paragraph by the words “he ceased, between 30 June 1965 and 1 July 1973, to participate in this plan”.

c. R-11,
s. 76.2,
added

93. The said Act is amended by inserting, after section 76.1, the following section:

Maternity
leave

“76.2 Every female teacher may be credited, without contributions, with the days and parts of a day of a maternity leave in progress on 1 July 1983 or beginning on or before 31 December 1988, up to a total of 130 contributory days.”

c. R-11,
s. 80,
replaced

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

Provisions
applicable

“80. Sections 21 and 22, as they read before 20 June 1985, continue to apply in respect of a maternity leave having ended before that date, and the same sections, as they read before 19 June 1986, continue to apply in respect of every consecutive period of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.”

c. R-11,
ss. 83.1-
83.3, added

95. The said Act is amended by inserting, after section 83, the following sections:

Presumption

“83.1 Any teacher who ceases to be a teacher within the meaning of the plan in a period during which he is not in service in pensionable employment and who ceases to participate before 1 January 1989 is deemed, notwithstanding section 2.2, to have ceased to participate on the day he ceases to be a teacher within the meaning of the plan.

Provision
applicable

“83.2 Section 67, as it read before 1 January 1989, continues to apply to any pensioner who, before that date, was holding pensionable employment under the plan, as long as he holds such employment.

Provisions
applicable

“83.3 Sections 29, 69, 70, 71 and 72 and those to which they refer, except the provisions of section 72 which concern the pension paid for physical or mental disability, as they read before 1 January 1989, continue to apply to a pensioner who, before that date, elected to participate in the Government and Public Employees Retirement Plan or in the Civil Service Superannuation Plan, or who notified the Commission in writing of his intention not to participate therein, as long as he has not ceased to hold his employment.

Provisions
applicable

The provisions of section 117 of the Act respecting the Government and Public Employees Retirement Plan which concern the interruption of payment of benefits, or, as the case may be, the provisions of sections 119 to 121 of the said Act which concern the period during which employment is held, as they read before 1 January 1989, continue to apply to a pensioner referred to in section 70 or 71 who, before that date, did not participate in the plan or did not notify the Commission in writing of his intention not to participate therein, as long as he has not ceased to hold his employment."

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,
s. 3,
replaced

96. Section 3 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is replaced by the following section:

71 years
of age

3. An officer who attains 71 years of age ceases to be an officer within the meaning of the plan provided for in this division."

c. R-12,
s. 18, am.

97. Section 18 of the said Act is amended by replacing the words "as long as he has not elected to become a member" in the third line of what precedes paragraph 1 by the words ", from the date his election not to participate applies".

c. R-12,
s. 19, am.

98. Section 19 of the said Act is amended

(1) by replacing the words "the salary" in the second line of the first paragraph and the word "that" in the third line of the said paragraph by the words "the basic salary";

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

Additional
remunera-
tion

"Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration are not included in the basic salary."

c. R-12,
s. 20, am.

99. Section 20 of the said Act, amended by section 234 of chapter 107 of the statutes of 1987, is again amended by replacing the first paragraph by the following paragraph:

Lump sum

20. Notwithstanding section 19, any lump sum paid as an increase or adjustment of the pensionable salary for a previous year shall form part of the pensionable salary of the year in which it is paid."

c. R-12,
s. 21,
replaced

100. Section 21 of the said Act is replaced by the following section:

Pensionable
salary

“21. The pensionable salary of an officer in any calendar year shall not be less than the basic salary to which he is entitled in that year, determined in accordance with the conditions of employment applicable to him and taking into account the second paragraph of section 19, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.”

c. R-12,
s. 27, am.

101. Section 27 of the said Act, amended by section 235 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be a member of the plan contemplated in this section” in the second line of what precedes paragraph 1 by the words “participate in the plan provided for in this division”.

c. R-12,
s. 28, am.

102. Section 28 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Presumption

“The officer is deemed to retire on the same day.”

c. R-12,
division and
heading,
struck out

103. The said Act is amended by striking out, after section 30, the following division and heading:

“C.— *Return to work of a pensioner*”.

c. R-12,
s. 31,
replaced

104. Section 31 of the said Act is replaced by the following section:

Cessation of
payment

“31. A pension granted under subparagraph 3 of the first paragraph of section 2 shall cease to be paid on the first day of the month following the date on which the reason for which it was obtained ceases to apply.

Participation

However, an officer whose pension ceases to be paid pursuant to the first paragraph and who subsequently holds pensionable employment under the Government and Public Employees Retirement Plan shall participate in that plan notwithstanding section 54 or, as the case may be, in the Pension Plan of Certain Teachers or, if he holds pensionable employment under the Pension Plan of Peace Officers in Penal Institutions, he shall participate in the latter plan.”

c. R-12,
s. 32,
repealed

105. Section 32 of the said Act is repealed.

c. R-12,
division and
title, added

106. The said Act is amended by inserting, before section 42, the following division and heading:

“C.— *Return to work of a pensioner*”.

c. R-12,
s. 42,
replaced

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

Pensioner
re-employed

“42. The pension, except a pension granted to the spouse and children, or the deferred pension shall be paid to a pensioner who holds pensionable employment under the Teachers Pension Plan or the Government and Public Employees Retirement Plan, until he attains 65 years of age. However, if the pensioner holds pensionable employment under the Government and Public Employees Retirement Plan, he is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, until he attains 65 years of age.”

c. R-12,
s. 43, am.

108. Section 43 of the said Act is amended by inserting the words “except in accordance with section 43.1 or 43.2, as the case may be,” after the word “paid” in the second line.

c. R-12,
s. 43.1,
replaced

109. Section 43.1 of the said Act, amended by section 237 of chapter 107 of the statutes of 1987, is replaced by the following section:

65 years
of age

“43.1 A pensioner who is 65 years of age or over and who holds pensionable employment under the Government and Public Employees Retirement Plan is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, and sections 117, 118 and 122 of the said Act apply.”

c. R-12,
s. 43.2, am.

110. Section 43.2 of the said Act is amended by replacing the words “he may, if the rules of section 61 of the Act respecting the Teachers Pension Plan (chapter R-11) do not apply, elect to become a member of that plan” in the third, fourth and fifth lines by the words “and if the rules of section 61 of the Act respecting the Teachers Pension Plan (chapter R-11) do not apply, he is, notwithstanding section 5 of the said Act, an employee within the meaning of that plan for any period during which he holds pensionable employment”.

c. R-12,
s. 43.3,
replaced

111. Section 43.3 of the said Act is replaced by the following section:

Adjusted
pension

“43.3 The pension of a person who has not transferred his years of service to the Teachers Pension Plan or to the Government and

Public Employees Retirement Plan, as the case may be, is adjusted in accordance with the plan provided for in this division for the period during which the pension ceased to be paid pursuant to section 43.”

c. R-12,
s. 51, am.

112. Section 51 of the said Act is amended

(1) by replacing the words “the salary” in the first and second lines of the first paragraph and the word “that” in the second line of the said paragraph by the words “the basic salary”;

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

Basic
salary

“Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration are not included in the basic salary.”

c. R-12,
s. 52, am.

113. Section 52 of the said Act, amended by section 238 of chapter 107 of the statutes of 1987, is again amended by replacing the first paragraph by the following paragraph:

Lump sum

“**52.** Notwithstanding section 51, any lump sum paid as an increase or adjustment of the pensionable salary of a previous year shall form part of the pensionable salary for the year in which it is paid.”

c. R-12,
s. 53.1,
replaced

114. Section 53.1 of the said Act is replaced by the following section:

71 years
of age

“**53.1** An officer who attains 71 years of age ceases to be an officer within the meaning of the plan provided for in this division.”

c. R-12,
s. 54, am.

115. Section 54 of the said Act, amended by section 240 of chapter 107 of the statutes of 1987, is again amended by replacing the first three lines of the second paragraph by the following: “However, except in the case of a pensioner under any of the plans provided for in this Act or under the Teachers Pension Plan, a person who participates in any of such plans and who ceases to be an employee within the meaning of the plan but who, within 180 days”.

c. R-12,
s. 55, am.

116. Section 55 of the said Act is amended by striking out the third paragraph.

c. R-12,
s. 55.1,
added

117. The said Act is amended by inserting, after section 55, the following section:

First day of participation

“55.1 For the purposes of this Act, an officer shall participate in a pension plan from the first day he holds pensionable employment.

Eligibility and computation

An officer shall participate in a plan as long as he remains an officer within the meaning of the plan. However, for the purposes of eligibility for and computation of benefits under this plan, where an officer ceases to be an officer within the meaning of this plan for any period during which he is not in service in pensionable employment and is not entitled to a pension by reason of mental or physical disability, he is deemed to have ceased to participate,

(1) if he is not entitled to a pension, on his last day of service in pensionable employment or, as the case may be, on the date the Commission received an application for redemption whereby years and parts of a year of service have been credited or transferred to the plan if such date is subsequent to the last day referred to above;

(2) if he is entitled to a pension, on the first day he became entitled to the pension, from the day or date that would have been considered if paragraph 1 had applied.”

c. R-12, s. 56, am.

118. Section 56 of the said Act is amended by replacing, in the French text, the word “et” in the seventh line of the second paragraph by the word “ou”.

c. R-12, s. 59, am.

119. Section 59 of the said Act is amended by replacing the second paragraph by the following paragraph:

Restriction

“However, no officer may, in the year of his retirement or in the year in which he becomes entitled to a deferred pension, be credited with more service than the number of contributory days comprised between 1 January and the date he ceased to participate in the plan.”

c. R-12, s. 60.1, am.

120. Section 60.1 of the said Act is amended by replacing the word and figure “and 67” in the fourth line by the word and figures “, 67 and 112.2”.

c. R-12, s. 61, replaced

121. Section 61 of the said Act is replaced by the following section:

Minimum pensionable salary

“61. The pensionable salary of an officer in any calendar year shall not be less than the basic salary to which he is entitled in that year, determined in accordance with the conditions of employment

applicable to him and taking into account the second paragraph of section 51, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.”

c. R-12,
s. 62, am.

122. Section 62 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Maximum
pensionable
salary

“If the total service credited in respect of the pensionable employments of an officer is reduced by the application of section 59, the pensionable salary of the officer shall not exceed the salary attached to the employment he holds for a proportionately greater number of days in the year or, if he holds such employments for proportionately the same number of days, the salary attached to the highest paid employment. The days and parts of a day of a maternity leave credited pursuant to section 67 shall not be taken into account in determining the number of days referred to above.

Computation

For the purposes of the second paragraph, the salary attached to an employment is the salary defined in section 51, computed on a yearly basis and multiplied by the total service credited, excluding service credited pursuant to section 67.”

c. R-12,
s. 63.1, am.

123. Section 63.1 of the said Act is amended

(1) by replacing the word and figure “and 99.5” in the second line of subparagraph 1 of the first paragraph by the word and figures “, 99.5 and 112.2”;

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

Contributory
period

“A contributory period is, for the purposes of this Act, the number of contributory days comprised in the period during which the officer participated in the plan in a year or comprised in the period during which days and parts of a day were otherwise credited to him with contributions, except the days and parts of a day determined by regulation, out of the number of contributory days in the year concerned, namely, 200 or 260, according to the basis of remuneration. The first contributory period of a new officer within the meaning of the plan begins on the first day in respect of which the officer was assessed or was exempt from contributions and the last period ends on the last day in respect of which he was assessed or was exempt from contributions.”

c. R-12,
s. 63.1.1,
am.

124. Section 63.1.1 of the said Act is amended

(1) by replacing the words "basic pensionable salary" in the fourth line of the first paragraph by the words "basic salary defined in section 61";

(2) by replacing the words "basic pensionable salary" in the second line of the second paragraph by the words "basic salary defined in section 61 and".

c. R-12,
s. 63.6, am.

125. Section 63.6 of the said Act is amended by replacing the words "to whom the plan provided for in this division ceases to be applicable" in the second and third lines by the words "who ceases to participate in the plan provided for in this division".

c. R-12,
s. 66.1, am.

126. Section 66.1 of the said Act, amended by section 243 of chapter 107 of the statutes of 1987, is again amended by inserting the word "pensionable" before the word "salary" in the second line of paragraph 2.

c. R-12,
s. 67,
replaced

127. Section 67 of the said Act is replaced by the following section:

Maternity
leave

"67. The days and parts of a day of a maternity leave commencing after 31 December 1988 shall be credited to the female officer, without contributions, up to 130 contributory days.

Days
credited

If the female officer holds more than one pensionable employment in a year, the days and parts of a day of such a leave shall be credited to her before any other service."

c. R-12,
s. 68,
replaced

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

Payment of
the pension

"68. The pension becomes payable to an officer who is entitled to it from the day he retires or at the latest on his reaching 71 years of age and the officer is deemed to have retired on the day following the day he ceased to participate in the plan. The pension is paid to the pensioner for life."

c. R-12,
s. 68.1,
added

129. The said Act is amended by inserting, after section 68, the following section:

Presumption

"68.1 An officer who is entitled to a pension by reason of physical or mental disability ceases to be an officer within the meaning of the plan and is deemed to have retired on the day the pension was granted to him."

c. R-12,
s. 69, am.

130. Section 69 of the said Act is amended by replacing the words "as long as he has not elected to become a member" in the third line of what precedes paragraph 1 by the words ", from the date on which his election not to participate applies".

c. R-12,
s. 76, am.

131. Section 76 of the said Act is amended by replacing the words "From and after the day when the pension of the pensioner or, as the case may be, the salary of the public officer ceases to be paid owing to death," in the first, second and third lines by the words "From the day the payment of the pension of a pensioner ceases by reason of death, or as the case may be, from the day of the death of a public officer,".

c. R-12,
s. 77,
replaced

132. Section 77 of the said Act is replaced by the following section:

Spouse

"77. For the purposes of this Act, the spouse is the person who is married to the officer or pensioner or, in the case of an unmarried officer or pensioner, the person who was unmarried at the time of the death of the officer or pensioner and who had been living in a conjugal relationship with the officer or pensioner for a period of not less than three years immediately prior to his death and had been publicly represented as his or her spouse by the officer or pensioner."

c. R-12,
s. 82, am.

133. Section 82 of the said Act, amended by section 248 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing the words "who ceased to be an employee for the purposes of the plan provided for in this division" in the first and second lines of the first paragraph by the words "who ceases to participate in the plan provided for in this division";

(2) by striking out the second paragraph.

c. R-12,
s. 82.3,
added

134. The said Act is amended by inserting, after section 82.2, the following section:

Application
for refund

"82.3 Every application for a refund of contributions must be filed with the Commission by means of the prescribed form."

c. R-12,
s. 83, am.

135. Section 83 of the said Act, amended by section 250 of chapter 107 of the statutes of 1987, is again amended by replacing the words "to whom the plan provided for in this division ceases to be applicable" in the first and second lines of what precedes paragraph 1 by the words "who ceases to participate in the plan provided for in this division".

c. R-12,
s. 84, am.

136. Section 84 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Presumption

“Notwithstanding section 68, the officer is deemed to retire on the same day.”

c. R-12,
s. 89,
replaced

137. Section 89 of the said Act, amended by section 253 of chapter 107 of the statutes of 1987, is replaced by the following section:

Cessation
of payment

89. A pension granted under subparagraph 3 of the first paragraph of section 56 shall cease to be paid on the first day of the month following the date on which the reason for which it was granted ceases to apply.

Participation

However, an officer whose pension ceases to be paid under the first paragraph and who holds pensionable employment under the Government and Public Employees Retirement Plan shall participate in that plan notwithstanding section 54 or, as the case may be, in the Pension Plan of Certain Teachers or, if he holds pensionable employment under the Pension Plan of Peace Officers in Penal Institutions, he shall participate in the latter plan.”

c. R-12,
s. 89.1,
repealed

138. Section 89.1 of the said Act is repealed.

c. R-12,
s. 89.2,
replaced

139. Section 89.2 of the said Act is replaced by the following section:

Pensioner
re-employed

89.2 The pension, except a pension granted to the spouse and children, or the deferred pension shall be paid to a pensioner who holds pensionable employment under the Teachers Pension Plan or the Government and Public Employees Retirement Plan, until he attains 65 years of age. However, if the pensioner holds pensionable employment under the Government and Public Employees Retirement Plan, he is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, until he attains 65 years of age.”

c. R-12,
s. 89.3, am.

140. Section 89.3 of the said Act is amended by inserting the words “except in accordance with section 89.4 or 89.5, as the case may be,” after the word “paid” in the second line.

c. R-12,
s. 89.4,
replaced

141. Section 89.4 of the said Act, amended by section 254 of chapter 107 of the statutes of 1987, is replaced by the following section:

Pensioner
re-employed

“89.4 A pensioner who is 65 years of age or over and who holds pensionable employment under the Government and Public Employees Retirement Plan is, notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan, an employee within the meaning of that plan for any period during which he holds pensionable employment, and sections 117, 118 and 122 of the said Act apply.”

c. R-12,
s. 89.5, am.

142. Section 89.5 of the said Act is amended by replacing the words “he may, if the rules of section 61 of the Act respecting the Teachers Pension Plan (chapter R-11) do not apply, elect to become a member of such plan” in the third, fourth and fifth lines by the words “and if the rules of section 61 of the Act respecting the Teachers Pension Plan (chapter R-11) do not apply, he is, notwithstanding section 5 of the said Act, an employee within the meaning of that plan for any period during which he holds pensionable employment”.

c. R-12,
s. 89.6,
replaced

143. Section 89.6 of the said Act is replaced by the following section:

Adjusted
pension

“89.6 The pension of a person who has not transferred his years of service to the Teachers Pension Plan or to the Government and Public Employees Retirement Plan, as the case may be, is adjusted in accordance with the plan provided for in this division for the period during which the pension ceased to be paid pursuant to section 89.3.”

c. R-12,
s. 90, am.

144. Section 90 of the said Act is amended

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

Former
MNA

“He is also entitled to be credited for pension purposes with the years and parts of a year during which he contributed to the system of retirement pensions established under the Legislature Act (R.S.Q., chapter L-1) and in respect of which he obtained, before 1 January 1983, the withdrawal of his contributions under the said Act, except if he has already redeemed such years and parts of a year under section 29 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1); for such purpose, he must notify the Commission of his intention to avail himself of this paragraph and pay, for each of such years, an amount equal to the amount obtained by applying the rate of contribution applicable on the date on which this division becomes applicable to him to the indemnity he received as a Member or to the pensionable salary he was entitled to receive during the first year during which he was an officer, after having been a Member, whichever is less.”;

(2) by inserting the word “pensionable” after the word “the” in the second line of the fifth paragraph.

c. R-12,
s. 94, am.

145. Section 94 of the said Act is amended by inserting the word “pensionable” after the word “his” in the ninth line of the second paragraph.

c. R-12,
s. 96, am.

146. Section 96 of the said Act is amended by replacing the words “it ceased to be applicable to him” in the sixth line of the ninth paragraph by the words “he ceased to participate in the plan”.

c. R-12,
s. 99.7, am.

147. Section 99.7 of the said Act, amended by section 257 of chapter 107 of the statutes of 1987, is again amended by replacing the words “be covered by” in the fifth line of the first paragraph by the words “participate in” and by replacing the words “her plan ceased to be applicable to her” in the eleventh line of the said paragraph by the words “she ceased to participate in the plan”.

c. R-12,
s. 99.16, am.

148. Section 99.16 of the said Act, replaced by section 258 of chapter 107 of the statutes of 1987, is amended by inserting the words “notwithstanding section 54” after the word “Plan” in the ninth line of the first paragraph.

c. R-12,
s. 99.18, am.

149. Section 99.18 of the said Act is amended by replacing the second line of the second paragraph by the following words: “subdivision 3, the officer must apply therefor, retire and cease to be an officer within the meaning of the plan before the”.

c. R-12,
s. 109, am.

150. Section 109 of the said Act, amended by section 259 of chapter 107 of the statutes of 1987, is again amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) determine the bonuses, allowances, compensations or other additional remuneration that are included in the basic salary defined in section 19 or 51;”;

(2) by replacing the words “basic annual pensionable salary” in the second line of paragraph 6 by the words “basic salary defined in section 61”.

c. R-12,
s. 112, am.

151. Section 112 of the said Act, amended by section 260 of chapter 107 of the statutes of 1987, is again amended by inserting the word “pensionable” before the word “salary” in the second line of subparagraph 2 of the first paragraph.

c. R-12,
s. 112.2,
added

152. The said Act is amended by inserting, after section 112.1, the following section:

Maternity
leave

“112.2 A female officer may be credited, without contributions, with the days and parts of a day of a maternity leave in progress on 1 July 1983 or beginning not later than 31 December 1988, up to 130 contributory days.”

c. R-12,
s. 116,
replaced

153. Section 116 of the said Act is replaced by the following section:

Provisions
applicable

“116. Sections 12, 66.1 and 66.2, as they read before 20 June 1985, continue to apply to a leave having ended before that date, and the said sections, as they read before 19 June 1986, continue to apply in respect of every consecutive period of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.”

c. R-12,
ss. 119.1 to
119.4, added

154. The said Act is amended by inserting, after section 119, the following sections:

Presumption

“119.1 An officer who ceases to be an officer within the meaning of the plan for any period during which he does not hold pensionable employment and who ceases to participate in the plan before 1 January 1989 is deemed, notwithstanding section 55.1, to have ceased to participate on the day he ceased to be an officer within the meaning of the plan.

Provisions
applicable

“119.2 Sections 31, 32, 89 and 89.1, as they read before 1 January 1989, continue to apply to any pension paid by reason of physical or mental disability if the reason for which the pension was granted ceases to apply before that date.

Provisions
applicable

“119.3 Sections 42 and 89.2, as they read on 1 January 1989, continue to apply to a pensioner who, before that date, holds pensionable employment and as long as he holds such employment.

Provisions
applicable

“119.4 Sections 18, 43 to 43.3, 69, 89.3 to 89.6, and those to which they refer, except the provisions of sections 43.3 and 89.6 which concern the pension paid by reason of physical and mental disability, as they read before 1 January 1989, continue to apply to the pensioner who, before that date, elected to participate in the Government and Public Employees Retirement Plan or to the Teachers Pension Plan or notified the Commission in writing of his intention not to participate therein, as long as he has not ceased to hold his employment.

Provisions
applicable

The provisions of section 117 of the Act respecting the Government and Public Employees Retirement Plan which concern

the interruption of payment of benefits, or as the case may be, the provisions of sections 119 to 121 of the said Act which concern the period during which an employment is held, as they read before 1 January 1989, continue to apply to a pensioner referred to in section 43.1, 43.2, 89.4 or 89.5 who, before that date, did not participate in the plan or did not notify the Commission in writing of his intention not to participate therein, as long as he has not ceased to hold his employment.”

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

c. R-9.1,
s. 2, am.

155. Section 2 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1), amended by section 150 of chapter 107 of the statutes of 1987, is again amended by replacing the words “receiving pension benefits” in the eighth line of the second paragraph by the word “pensioners”.

c. R-9.1,
s. 4, am.

156. Section 4 of the said Act is amended by striking out the third paragraph.

c. R-9.1,
s. 4.1, added

157. The said Act is amended by inserting, after section 4, the following section:

First day
of participa-
tion

“4.1 For the purposes of this plan, a person shall participate in a pension plan from his first day of service in pensionable employment.

Eligibility
and com-
putation

The person shall participate in a plan as long as he remains a person to whom the plan is applicable. However, for the purposes of eligibility for and computation of benefits under this plan, where the person ceases to be a person to whom this plan is applicable for any period during which he is not in service in pensionable employment, that person is deemed to have ceased to participate,

(1) if he is not entitled to a pension, on his last day of service in pensionable employment or, as the case may be, on the date the Commission received an application for redemption whereby years and parts of a year of service have been credited or transferred to the plan if such date is subsequent to the last day referred to above;

(2) if he is entitled to a pension, on the first day he became entitled to the pension, from the day or date which would have been considered if paragraph 1 had applied.”

c. R-9.1,
s. 9, am.

158. Section 9 of the said Act, amended by section 154 of chapter 107 of the statutes of 1987, is again amended by inserting the word and figure "and 221.1" after the figure "23" in the second line.

c. R-9.1,
s. 17, am.

159. Section 17 of the said Act is amended by replacing the third paragraph by the following paragraphs:

Restriction

"No instalment may be paid after the earlier of the following dates:

(1) the date the person ceased to be a person to whom the plan is applicable;

(2) the date of the person's seventy-first birthday.

Deferred
pension

However, where the person is entitled to a deferred pension, no instalment may be paid after the date of his retirement."

c. R-9.1,
s. 29, am.

160. Section 29 of the said Act is amended by replacing the words "be a member of" in the ninth line of the second paragraph by the words "participate in".

c. R-9.1,
s. 32, am.

161. Section 32 of the said Act is amended by replacing the words "From the day the payment of the pension of a pensioner or, as the case may be, the payment of the salary of a person who is eligible for a pension ceases, owing to death," in the first, second and third lines of the first paragraph by the following words: "From the day the payment of the pension of a pensioner ceases by reason of death or, as the case may be, from the day of the death of a person who is entitled to a pension,".

c. R-9.1,
s. 33,
replaced

162. Section 33 of the said Act is replaced by the following section:

Spouse

33. For the purposes of the plan, the spouse is the person who is married to the employee or pensioner, as the case may be, or, in the case of an unmarried employee or pensioner, the person who was unmarried at the time of the death of the employee or pensioner and who had been living in a conjugal relationship with the employee or pensioner for a period of not less than three years immediately prior to his death and had been publicly represented as his or her spouse by the employee or pensioner."

c. R-9.1,
s. 34, am.

163. Section 34 of the said Act is amended by replacing the words and figures “and 217 to 219” in the first line of the first paragraph by the words and figures “, 217 to 219 and 236.2”.

c. R-9.1,
s. 37, am.

164. Section 37 of the said Act, amended by section 159 of chapter 107 of the statutes of 1987, is again amended

(1) by inserting the words and figures “and sections 236.3 and 236.4” after the figure “I” in the first line of the second paragraph;

(2) by replacing the third paragraph by the following paragraph:

Participation

“A person referred to in the first or second paragraph who participates or, as the case may be, again participates in the pension plan shall be, notwithstanding the second paragraph of section 2, a person to whom the plan is applicable, and sections 8, 9, 18, 34, 36, 54 and 55 apply.”

c. R-9.1,
s. 38, am.

165. Section 38 of the said Act is amended by replacing the words “to whom such plan ceases to be applicable” in the fourth and fifth lines by the words “who ceases to participate in that plan”.

c. R-9.1,
s. 43, am.

166. Section 43 of the said Act is amended by replacing the words “when this plan ceased to be applicable to him” in the fifth and sixth lines of the second paragraph by the words “when he ceased to participate in this plan”.

c. R-9.1,
s. 45, am.

167. Section 45 of the said Act is amended by replacing the words “to whom such plan ceased to be applicable” in the third line of the first paragraph by the words “who ceased to participate in that plan”.

c. R-9.1,
s. 51, am.

168. Section 51 of the said Act, amended by section 160 of chapter 107 of the statutes of 1987, is again amended by replacing the second sentence of the first paragraph by the following sentence: “Where that person participates or, as the case may be, again participates in the pension plan, he shall be, notwithstanding the second paragraph of section 2, a person to whom this plan is applicable, and sections 8, 9, 18, 34, 36, 54 and 55 apply.”

c. R-9.1,
s. 61.1,
added

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

Presumption

“**61.1** A person who ceases to be a person to whom this plan is applicable for any period during which he is not in service in pensionable employment and who ceases to participate before 1 January 1989 is, notwithstanding section 4.1, deemed to have ceased

to participate on the day he ceased to be a person to whom this plan is applicable.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN PENAL INSTITUTIONS

1987, c. 107,
s. 2, am.

170. Section 2 of the Act respecting the Pension Plan of Peace Officers in Penal Institutions (1987, chapter 107) is amended by replacing the words “receiving a pension” in the second and third lines by the words “a pensioner”.

1987, c. 107,
s. 8, re-
placed

171. Section 8 of the said Act is replaced by the following section:

71 years
of age

8. An employee who attains 71 years of age ceases to be an employee within the meaning of this plan.”

1987, c. 107,
s. 9, am.

172. Section 9 of the said Act is amended

(1) by inserting the word “basic” before the words “salary paid” in the first line;

(2) by adding the following paragraph:

Basic
salary

“Unless included by government regulation, bonuses, allowances, compensations or other additional remuneration are not included in the basic salary.”

1987, c. 107,
s. 10,
repealed

173. Section 10 of the said Act is repealed.

1987, c. 107,
s. 11, am.

174. Section 11 of the said Act is amended by replacing the first paragraph by the following paragraph:

Lump sum

11. Notwithstanding section 9, any lump sum paid to an employee as an increase or adjustment of the pensionable salary for a previous year shall be included in the pensionable salary for the year in which it is paid.”

1987, c. 107,
s. 13, re-
placed

175. Section 13 of the said Act is replaced by the following section:

Minimum
pensionable
salary

13. The pensionable salary of an employee in a calendar year shall not be less than the basic salary to which he is entitled in that year, determined in accordance with the conditions of employment applicable to him and taking into account the second paragraph of section 9, with the exception of any lump sum paid subsequently as an increase or adjustment of the pensionable salary for that year.”

1987, c. 107,
s. 14, am.

176. Section 14 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Maximum
pensionable
salary

“If the total service credited in respect of the pensionable employments of the employee is reduced by the application of section 16,, the pensionable salary of the employee shall not exceed the salary attached to the employment he holds for a proportionately greater number of days in the year or, if he holds such employments for proportionately the same number of days, the salary attached to the highest paid employment. The days and parts of a day of a maternity leave credited pursuant to section 18 shall not be taken into account in determining the number of days referred to above.

Computation

For the purposes of the second paragraph, the salary attached to an employment is the salary defined in section 9, computed on a yearly basis and multiplied by the total service credited, excluding service credited pursuant to section 18.”

1987, c. 107,
s. 18,
replaced

177. Section 18 of the said Act is replaced by the following section:

Maternity
leave

“**18.** The days and parts of a day of a maternity leave beginning after 31 December 1988 shall be credited, without contributions, to every female employee up to 130 contributory days if she was a peace officer included in the bargaining unit referred to in section 1.

Days
credited

If the female employee holds more than one pensionable employment under the plan in a year, the days and parts of a day of such a leave shall be credited to her before any other service.”

1987, c. 107,
s. 19, am.

178. Section 19 of the said Act is amended by replacing the word and figure “and 18” in the fourth line by the word and figures “, 18 and 32.1”.

1987, c. 107,
s. 20, am.

179. Section 20 of the said Act is amended by inserting the word “pensionable” before the word “salary” in the second line of subparagraph 2 of the first paragraph.

1987, c. 107,
s. 24, am.

180. Section 24 of the said Act is amended by inserting the word “pensionable” before the word “salary” in the third line of the third paragraph.

1987, c. 107,
s. 27, am.

181. Section 27 of the said Act is amended by inserting the word “pensionable” before the word “salary” in the second line of subparagraph 2 of the first paragraph.

1987, c. 107,
s. 29, am.

182. Section 29 of the said Act is amended by inserting the word “pensionable” before the word “salary” in the third line of subparagraph 2 of the first paragraph.

1987, c. 107,
s. 32.1,
added

183. The said Act is amended by inserting, after section 32, the following section:

Maternity
leave

“32.1 Every female employee included in the bargaining unit contemplated in section 1 may be credited, without contributions and up to 130 contributory days, with the days and parts of a day of a maternity leave in progress on 1 January 1988 or having begun on 31 December 1988, at the latest.”

1987, c. 107,
s. 35, am.

184. Section 35 of the said Act is amended

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

Former
MNA

“35. Every employee is entitled to be credited for pension purposes with the years and parts of a year during which he contributed to a system of retirement pensions established by the Legislature Act (R.S.Q., chapter L-1) and in respect of which he obtained before 1 January 1983 the withdrawal of his contributions under this Act, except if he has already redeemed such years and parts of a year under section 29 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”;

(2) by replacing the words “computed at” in the second line of the second paragraph by the words “obtained by applying” and by replacing the word “on” in the seventh line of the same paragraph by the word “to”;

(3) by inserting the word “pensionable” before the word “salary” in the first line of subparagraph 2 of the second paragraph and before the word “salary” in the first line of the third paragraph.

1987, c. 107,
s. 42, am.

185. Section 42 of the said Act is amended by replacing the words “of this plan and an employee referred to in section 119 as long, in the latter case, as he has not elected to become a member, shall withhold each year from the pensionable salary he pays to each employee and, if applicable, from a lump sum paid to a pensioner as in section 11,” in the third, fourth, fifth and sixth lines of the first paragraph by the words “of this plan, and except for an employee referred to in section 119, from, in the latter case, the date on which his election not to participate applies, withhold each year from the pensionable salary he pays to each employee and, if applicable, from a lump sum paid to a pensioner pursuant to section 11,”.

1987, c. 107,
s. 46, am.

186. Section 46 of the said Act is amended by replacing the word and figure “and 98” in the second line of subparagraph 1 of the first paragraph by the word and figures “, 32.1 and 98”.

1987, c. 107,
s. 47, am.

187. Section 47 of the said Act is amended

(1) by replacing the words “pensionable salary” in the fourth line of the first paragraph by the words “salary defined in section 13”;

(2) by replacing the words “pensionable salary” in the second line of the second paragraph by the words “salary as defined in section 13 and”.

1987, c. 107,
s. 56, am.

188. Section 56 of the said Act is amended by replacing the words “or, as the case may be, the payment of the salary of an employee entitled to a pension ceases, owing to death” in the first, second and third lines by the words “ceases by reason of death or, as the case may be, from the day of the death of an employee entitled a pension”.

1987, c. 107,
s. 58,
replaced

189. Section 58 of the said Act is replaced by the following section:

Spouse

“58. For the purposes of the plan, the spouse is the person who is married to the employee or pensioner, as the case may be, or, in the case of an unmarried employee or pensioner, the person who was unmarried at the time of the death of the employee or pensioner and who had been living in a conjugal relationship with the employee or pensioner for a period of not less than three years immediately prior to the death of the employee or pensioner and had been publicly represented as his or her spouse by the employee or pensioner.”

1987, c. 107,
s. 67,
replaced

190. Section 67 of the said Act is replaced by the following section:

Refund of
contributions

“67. If an employee ceases to participate in this plan before becoming entitled to a pension or to only a deferred pension, he is entitled, unless he again participates in the plan and subject to section 74, to the refund of his contributions.”

1987, c. 107,
s. 68,
replaced

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

Refund **“68.** A refund of contributions under section 67 is payable to the employee entitled thereto from the 211th day following the day on which he ceased to participate in the plan for the last time.”

1987, c. 107,
s. 68.1,
added **192.** The said Act is amended by inserting, after section 68, the following section:

Application
for refund **“68.1** Every application for a refund of contributions under section 67 shall be filed with the Commission by means of the prescribed form.”

1987, c. 107,
s. 69,
replaced **193.** Section 69 of the said Act is replaced by the following section:

Accumulated
service **“69.** In the case provided for in section 67, where the employee again participates in this plan without having obtained the refund of his contributions, the years and parts of a year of service which he accumulates shall be added to those already credited.”

1987, c. 107,
s. 77, am. **194.** Section 77 of the said Act is amended by striking out the word “basic” before the word “salary” in the third line.

1987, c. 107,
s. 79, am. **195.** Section 79 of the said Act is amended by replacing the part preceding subparagraph 1 of the first paragraph by the following:

Annual
salary **“79.** The annual salary is equal to the salary defined in section 9”.

1987, c. 107,
s. 80, am. **196.** Section 80 of the said Act is amended by striking out the word “basic” before the word “salary” in the first line.

1987, c. 107,
s. 84, am. **197.** Section 84 of the said Act is amended

(1) by replacing the words “basic salary” in the first line of subparagraph 1 of the first paragraph by the words “the salary corresponding to the salary defined in section 9 which is” and by replacing the words “estimated amount of basic salary that the employer is to pay to him for” in the first and second lines of subparagraph 2 of the first paragraph by the words “amount of the salary corresponding to the salary defined in section 9 which the employer estimates he will pay to the pensioner during”;

(2) by striking out the second paragraph.

1987, c. 107,
s. 104,
replaced **198.** Section 104 of the said Act is replaced by the following section:

Cessation
of payment

104. A pension granted under subparagraph 5 of the first paragraph of section 44 shall cease to be paid on the first day of the month following the date on which the reason for which the pension was obtained ceases to apply.

Participation

However, every employee whose pension ceases to be paid pursuant to the first paragraph and who holds pensionable employment under this plan shall participate in this plan or, if he holds pensionable employment under the Government and Public Employees Retirement Plan, he shall participate in that plan or, as the case may be, in the Pension Plan of Certain Teachers."

1987, c. 107,
s. 105,
repealed

199. Section 105 of the said Act is repealed.

1987, c. 107,
s. 106, am.

200. Section 106 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentence: "The total amount of benefits referred to in subparagraphs 1 to 9 of the first paragraph of section 82 shall be paid to a pensioner who again holds pensionable employment under the plan, until he attains 65 years of age."

1987, c. 107,
s. 108,
repealed

201. Section 108 of the said Act is repealed.

1987, c. 107,
s. 109, am.

202. Section 109 of the said Act is amended by replacing the word "may" in the third line by the word "shall" and by striking out the final sentence.

1987, c. 107,
s. 111,
replaced

203. Section 111 of the said Act is replaced by the following section:

65 years
of age

111. If the pensioner continues to hold his employment after the age of 65, sections 112 to 115 apply from that age."

1987, c. 107,
s. 112, am.

204. Section 112 of the said Act is amended by replacing the first paragraph by the following paragraph:

Payment of
benefits in-
terrupted

112. If a pensioner 65 years of age or over holds pensionable employment under the Government and Public Employees Retirement Plan, the payment of his pension shall cease for a period corresponding to the service credited to him while he holds pensionable employment under the plan or, if he made the election provided for in section 118 of the Act respecting the Government and Public Employees Retirement Plan, for a period corresponding to the service that would otherwise have been credited to him while he held pensionable employment had he not made the election."

1987, c. 107,
s. 113,
replaced

205. Section 113 of the said Act is replaced by the following section:

Participation

“113. Notwithstanding the first paragraph of section 3 of the Act respecting the Government and Public Employees Retirement Plan or, as the case may be, notwithstanding the second paragraph of section 2 of the Act respecting the Pension Plan of Certain Teachers, the pensioner is an employee or a person to whom those plans apply, except where he elects not to participate; he is not, however, entitled to transfer years of service credited under this plan to either of those plans.

Period of
applicability

The election applies from the date on which the Commission receives notice in writing to that effect. However, an election made by an employee or person who has not been credited with or who has not transferred years and parts of a year of service under the plan from the first day on which he held his last pensionable employment applies from that day or from the date on which he reaches 65 years of age, if the first day referred to above precedes his 65th birthday.”

1987, c. 107,
s. 114,
repealed

206. Section 114 of the said Act is repealed.

1987, c. 107,
s. 116,
replaced

207. Section 116 of the said Act is replaced by the following section:

Payment
of benefits
interrupted

“116. The payment of benefits under subparagraphs 1 to 9 of the first paragraph of section 67 of the Act respecting the Government and Public Employees Retirement Plan shall cease, in respect of every pensioner or person who has received the actuarial value of his pension and who, before the age of 65, holds pensionable employment under this plan, for a period corresponding to the service credited to him while he held such pensionable employment.”

1987, c. 107,
s. 119, am.

208. Section 119 of the said Act is amended by replacing the first paragraph by the following paragraph:

Payment of
benefits in-
terrupted

“119. The payment of benefits under subparagraphs 1 to 9 of the first paragraph of section 67 of the Act respecting the Government and Public Employees Retirement Plan shall cease, in respect of any pensioner or person who has received the actuarial value of his pension and who, at the age of 65 or over, holds pensionable employment under this plan, for a period corresponding to the service credited to him while he holds pensionable employment under this plan or, if he made the election provided for in section 120, for a period corresponding to the service that would otherwise have been credited to him while he held pensionable employment had he not made the election.”

1987, c. 107,
s. 120,
replaced **209.** Section 120 of the said Act is replaced by the following section:

Pensioner re-employed **“120.** The pensioner becomes, notwithstanding section 2, an employee within the meaning of this plan except where he elects not to participate in this plan.

Period of applicability The election applies from the date on which the Commission receives notice in writing to that effect. However, an election made by an employee who has not been credited with or who has not transferred years or parts of a year of service under the plan from his first day of service in his last pensionable employment applies from that day or from the date on which he reaches 65 years of age, if the first day referred to above precedes his 65th birthday.”

1987, c. 107,
s. 121,
replaced **210.** Section 121 of the said Act is replaced by the following section:

Restriction **“121.** The pensioner who becomes, notwithstanding section 2, an employee within the meaning of this plan is not entitled to avail himself of section 22.”

1987, c. 107,
s. 123,
replaced **211.** Section 123 of the said Act is replaced by the following section:

Adjustment **“123.** Where the pensioner ceases to hold his employment and is entitled, under Divisions I to IV, to receive payment of the benefits accrued to him, any amount of such benefits the payment of which had ceased must be indexed or, as the case may be, adjusted in accordance with the plan concerned.”

1987, c. 107,
s. 130, am. **212.** Section 130 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) determine the bonuses, allowances, compensations or other additional remuneration which are included in the basic salary defined in section 9;”;

(2) by replacing the words “basic year’s pensionable salary” in the second line of paragraph 6 by the words “basic salary defined in section 13, computed on a yearly basis”.

1987, c. 107,
ss. 147.1 to
147.4, added **213.** The said Act is amended by inserting, after section 147, the following sections:

Provisions applicable **“147.1** Sections 67, 68 and the first paragraph of section 69, as they read before 1 January 1989, continue to apply to an employee

who ceases to be an employee within the meaning of the plan before that date.

Physical or
mental dis-
ability

“**147.2** Sections 104 and 105, as they read before 1 January 1989, continue to apply to every pension paid by reason of physical or mental disability if the reason for which the pension was obtained ceases to apply before that date.

Provisions
applicable

“**147.3** Sections 106, 108, 109 and the first paragraph of section 111, as they read before 1 January 1989, continue to apply to a pensioner who holds pensionable employment under the plan or under the Government and Public Employees Retirement Plan before that date, for as long as he holds such employment.

Provisions
applicable

“**147.4** Sections 42, 112 to 114, 116, 119 to 121, as they read before 1 January 1989, continue to apply to a pensioner who, before that date, participated in the plan or the Government and Public Employees Retirement Plan or notified the Commission in writing of his intention not to participate therein, until he has not ceased to hold his employment or, in the case of section 116, until he attains 65 years of age, whichever occurs first.

Provisions
applicable

The provisions of section 112 or 119 which concern the interruption of the payment of benefits, as they read before 1 January 1989, continue to apply to a pensioner within the meaning of either plan who, before that date, did not participate in the plan or did not notify the Commission in writing of his intention not to participate therein, as long as he has not ceased to hold his employment.”

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE
MEMBERS OF THE NATIONAL ASSEMBLY

c. C-52.1,
s. 29, am.

214. Section 29 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1), amended by section 6 of the Act to amend the pension plan and other conditions of employment of the Members of the National Assembly (1987, chapter 109), is again amended by replacing the first paragraph by the following paragraph:

Redemption
for pension
purposes

“**29.** A Member may redeem and have counted, for pension purposes, in whole or in part, the period during which he contributed to the retirement pensions system established by the Legislature Act and in respect of which he obtained the withdrawal of his contributions under the said Act before 1 January 1983, except if he has already redeemed that period pursuant to a provision of another Act.”

HEALTH INSURANCE ACT

c. A-29,
s. 65, am.

215. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

(1) by replacing, at the end of the third paragraph, the words "and address of each beneficiary of that establishment and his health insurance number" by the words ", address, health insurance number, date of death and social insurance number of each beneficiary of the establishment. The social insurance number shall not be transmitted except for the sole purpose of verifying its validity or facilitating the transfer of the other information.";

(2) by inserting, at the beginning of the fifth line of the fourth paragraph, the words "the Canada Employment and Immigration Commission as well as to" and by inserting, after the word "Revenu" in the twelfth line of the same paragraph, the words ", the Ministère des Finances, the Commission administrative des régimes de retraite et d'assurances".

Coming
into force

216. This Act comes into force on 23 December 1988, except:

(1) paragraph 3 of sections 55 and 57, which shall have effect from 1 January 1986;

(2) section 56 and paragraph 2 of sections 55 and 57, which shall have effect from 1 January 1987;

(3) paragraph 1 of sections 55 and 57, which shall effect from 30 June 1987;

(4) paragraphs 1 and 2 of section 39, section 71, paragraph 1 of section 144, paragraphs 1 and 2 of section 184 and section 214, which shall have effect from 1 January 1988;

(5) sections 1, 2, 9, 13, paragraph 2 of section 14, sections 17, 20 to 26, 31 to 33, 35 to 38, 40 to 45, paragraph 3 of section 46, sections 50, 54, 58, 59, 61, 67, 72, 73, paragraph 2 of section 74, sections 76, 77, 80 to 89, paragraph 1 of section 91, sections 92, 95, 97, 101 to 111, 115 to 117, 119, paragraph 2 of section 123, sections 125, 128 to 130, 133 to 143, 146 to 149, 154 to 157, 159, 160, 163 to 170, 185, 190 to 193, 198 to 211 and 213, which shall come into force on 1 January 1989;

(6) sections 4 to 8, 12, 15, 27 to 30, paragraph 3 of section 39, paragraphs 1 and 2 of section 46, sections 49, 51, 62 to 66, 70, 75, 90, paragraph 2 of section 91, sections 98 to 100, 112, 113, 121, 122, 124, 126, paragraph 2 of section 144, sections 145, 150, 151, 172 to 176, 179 to 182, paragraph 3 of section 184, sections 187, 194 to 197 and 212, which shall come into force on 1 January 1990.