



## CHAPTER 18

### An Act to amend the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan

[Assented to 18 June 1980]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q.,  
c. R-10,  
s. 10, am.

**1.** Section 10 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by replacing the first paragraph by the following paragraph:

Election.

“**10.** Every employee contributing on 30 June 1973 to the Civil Service Superannuation Plan or the Teachers Pension Plan may, until 30 June 1981, elect in favour of this plan by sending a notice to that effect to the Commission in the prescribed manner.”

R.S.Q.,  
c. R-10,  
s. 17,  
replaced.

**2.** Section 17 of the said act is replaced by the following section:

Composition.

“**17.** The Commission is composed of twelve members, including a chairman and a vice-chairman, appointed by the Government.

Members.

Three of the members are from the Confédération des syndicats nationaux, the Centrale de l'enseignement du Québec and the Fédération des travailleurs du Québec and are appointed after consultation with these bodies.

Member.

Another member is appointed from the lists provided by the employee-associations groups within the meaning of the Act respecting the organization of the management and union parties in view of collective bargaining in the sectors of education, social affairs and government agencies (1978, c. 14) and the associations of employees recognized or certified under the Civil Service Act (1978, c. 15).

Chairman. The chairman is at the same time the director general of the Commission. He is appointed for not more than five years.

Terms. The members of the Commission, other than the chairman, are appointed for three years. However, three of the first members appointed following the coming into force of this section are appointed for one year, four of them for two years and the others for three years.

Vacancy. Any vacancy occurring during the term of a member appointed in accordance with the second or third paragraph is filled, for the remainder of the term, following the procedure prescribed for his appointment.

Vacancy. Any other vacancy is filled by a person appointed by the Government for the remainder of the term of the member to be replaced."

R.S.Q.,  
c. R-10,  
s. 24, am. **3.** Section 24 of the said act is amended by replacing the first paragraph by the following paragraph:

Quorum. **"24.** Seven members of the Commission, including the chairman or the vice-chairman, constitute a quorum."

R.S.Q.,  
c. R-10,  
s. 45.1,  
added. **4.** The said act is amended by inserting, after section 45, the following section:

Leave without pay. **"45.1** The Government may, by regulation, on the conditions that it fixes, permit an employee who belonged to an association of employees that it determines and who was on leave without pay for a period of at least thirty days between 22 June 1979 and 13 November 1979 to be credited for that period under this plan."

R.S.Q.,  
c. R-10,  
s. 52,  
replaced. **5.** Section 52 of the said act is replaced by the following section:

Right to pension. **"52.** The Commission shall grant an annual retirement pension to every employee who applies for it and who

(a) has attained 60 years of age; or

(b) has attained compulsory retirement age; or

(c) has, in years of age and years of service, including the years for which a paid-up annuity or pension credit has been redeemed, a combined total of 90 or more.

Pension reduced. In the case contemplated in subparagraph *a*, the pension is reduced for its term by one-half of one per cent computed for each month falling between the date on which the pension is granted to the employee and the nearest date on which it would otherwise have been granted to him under subparagraph *b* or *c*.

Pension  
reduced.

In the case contemplated in subparagraph *c*, if the employee is under sixty years of age at his retirement, the pension is reduced for its term by one-half of one per cent computed for each month falling between the date on which the pension is granted and the date of the employee's sixtieth birthday."

R.S.Q.,  
c. R-10,  
s. 53,  
replaced.

**6.** Section 53 of the said act is replaced by the following section:

Days  
credited.

**"53.** For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the employee's duration of service to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the employee to the Commission.

Restric-  
tion.

In no case, however, may the days provided for in the first paragraph be added in respect of a period of service subsequent to the date on which the employee ceased to occupy an employment contemplated in this act."

R.S.Q.,  
c. R-10,  
s. 56, am.

**7.** Section 56 of the said act is amended by replacing the second paragraph by the following paragraph:

Presump-  
tion.

"However, a teacher who attains his sixty-fifth birthday or who becomes qualified for a pension under subparagraph *a* or *c* of the first paragraph of section 52 within the two months following the end of a school year within the meaning of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) is deemed to be eligible for his pension at the end of that school year."

R.S.Q.,  
c. R-10,  
s. 81, am.

**8.** Section 81 of the said act, amended by section 73 of chapter 11 of the statutes of 1980, is again amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(b) that on 1 July 1973 his name is entered on a list of eligible persons of a sectorial or intersectorial employment office provided for by a collective agreement, or that he begins to contribute to this plan not later than 1 January 1982."

R.S.Q.,  
c. R-10,  
s. 82, am.

**9.** Section 82 of the said act, amended by section 74 of chapter 11 of the statutes of 1980, is again amended by replacing the first paragraph by the following paragraph:

Notice.

**"82.** An employee wishing to avail himself of section 81 and to be credited, for the computation of such pension credit, with all or part of the number of such years of past service contemplated

in that section, must give a notice to that effect to the Commission not later than 30 June 1982.”

R.S.Q.,  
c. R-10,  
s. 84,  
replaced.

**10.** Section 84 of the said act is replaced by the following section:

Pension  
credit.

“**84.** Pension credit is equal, for each year of service so computed, to 2% of the annual pensionable salary of the employee as of 1 July 1973 if he was then receiving a salary or, if he was not, of the annual pensionable salary he is receiving on the date prior to 1 January 1982 on which he begins to contribute to the pension plan established by this act, less 0.7% of his maximum pensionable earnings at such date by virtue of the Québec Pension Plan.”

R.S.Q.,  
c. R-10,  
s. 138,  
replaced.

**11.** Section 138 of the said act is replaced by the following section:

Actuarial  
valuation.

“**138.** At least once every three years, the Commission must cause an actuarial valuation of this plan to be prepared by the actuaries designated by it.

Consulting  
actuary.

The Government, after consulting with the members of the Commission appointed in accordance with the second or third paragraph of section 17, shall appoint a consulting actuary responsible for reporting to the Minister within a period of thirty days from his appointment, on the validity of the bases used for the actuarial valuation of this plan. The Minister must, within ninety days after receiving the report, send it to the Commission and the executive committee.

Fees.

The fees and expenses of the consulting actuary are to be paid by the Commission.”

R.S.Q.,  
c. R-11,  
s. 12, am.

**12.** Section 12 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), amended by section 8 of chapter 42 of the statutes of 1979, is again amended by replacing the second paragraph by the following paragraph:

Days  
credited.

“For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the teacher’s duration of service after 30 June 1965 to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the teacher to the Commission.

Restriction.

In no case, however, may the days provided for in the second paragraph be added in respect of a period of service subsequent to the date on which a teacher ceased to occupy a position contemplated in this act.”

R.S.Q.,  
c. R-12,  
s. 67.1,  
added.

**13.** The Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) is amended by inserting after section 67, the following section:

Days  
added.

**“67.1** For the purposes of qualification for and computation of a pension or, as the case may be, a deferred annuity, a maximum of 90 days is added to the officer’s or employee’s duration of service after 31 December 1978 to enable him to make up any period of leave without pay during his service, unless a notice to the contrary effect is sent by the officer or employee to the Commission.

Restric-  
tion.

In no case, however, may the days provided for in the first paragraph be added in respect of a period of service subsequent to the date on which an officer or employee ceased to occupy an office contemplated in this act.”

Coming  
into force.

**14.** This act comes into force on the day of its sanction, except sections 2 and 3 which will come into force on a later date fixed by proclamation of the Government.