

NATIONAL ASSEMBLY

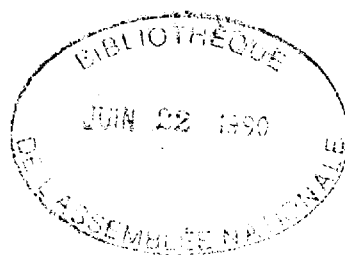
FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 78

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

Introduction



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

Québec Official Publisher
1990

EXPLANATORY NOTES

The main object of this bill is to follow up certain proposals made by the Comité de retraite or in the letter of intention of the Government to be found as a schedule to the collective agreements in the public and parapublic sectors and concerning the main pension plans applicable to the employees covered by the agreements.

As far as the proposals made by the Comité de retraite are concerned, the bill first of all allows the Commission administrative des régimes de retraite et d'assurances, unless notice to the contrary is given, to transfer automatically any years of service credited under the Teachers Pension Plan or the Civil Service Superannuation Plan from one to the other or to the Government and Public Employees Retirement Plan, as the case may be. It amends those plans and the Pension Plan of Peace Officers in Penal Institutions by providing that a lump sum paid in a year during which no service is credited is included in the pensionable salary of the last year during which service is credited prior to payment of the lump sum.

The bill also amends the Government and Public Employees Retirement Plan in order to standardize the rules relating to compensation where a debt is owed to the Commission, to provide for all the cases where the Commission may cancel the debt and to allow a person waiting for a deferred pension to transfer the years of service of which he has contributed to the pension fund established under Part VIII of the Education Act of 1964.

As far as the proposals contained in the letter of intention of the Government are concerned, the bill first of all introduces a progressive retirement program into the Government and Public Employees Retirement Plan, the Teachers Pension Plan and the Civil Service Superannuation Plan. This new program allows members of those plans, on certain conditions, to reduce their regular working week while still accumulating service.

The bill also renews, until 1 September 1992, the temporary early retirement program and the temporary criteria for eligibility for

retirement under the Government and Public Employees Retirement Plan and also extends, until 1 July 1992, the limit for making an application to redeem prior service giving entitlement to pension credit.

It also abolishes, from 1 January 1991, the right to transfer from the Teachers Pension Plan or the Civil Service Superannuation Plan to the Government and Public Employees Retirement Plan. However, it allows anyone who ceases to be a member of the Teachers Pension Plan or the Civil Service Superannuation Plan but who, in the following 180 days, returns to pensionable employment, to become a member once again.

The bill also lowers the permanent eligibility criterion under the Teachers Pension Plan from 35 years of service to 33 years.

Finally, it includes other amendments, mainly of a technical nature or for concordance, which are included to facilitate the administration of the pension plans.

ACTS AMENDED BY THIS BILL:

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

(2) Act respecting the Pension Plan of Peace Officers in Penal Institutions (R.S.Q., chapter R-9.2);

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

(4) Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(5) Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).

Bill 78

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. Section 5 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is replaced by the following section:

“5. A person who holds pensionable employment under the Teachers Pension Plan or the Civil Service Superannuation Plan shall, to be entitled to benefits under this plan, elect to become a member of this plan by sending a notice to that effect. This plan shall apply to the person from the first day of the month not less than three months after receipt of the notice.

However, if the pension of that person becomes payable before the date on which this plan becomes applicable to him pursuant to the first paragraph, this plan is deemed to apply to him from the date on which the pension becomes payable.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN PENAL INSTITUTIONS

2. Section 11 of the Act respecting the Pension Plan of Peace Officers in Penal Institutions (R.S.Q., chapter R-9.2), amended by section 174 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

“However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited to him prior to payment of the lump sum.”

3. Section 87 of the said Act is replaced by the following section:

“87. If the pensioner receives less benefit than that to which he is entitled, the Commission shall pay the due amount within two months of receiving a report under section 84.

If he receives more benefit than that to which he is entitled, the Commission may effect compensation for any overpayment made, in the manner determined by regulation under section 147 of the Act respecting the Government and Public Employees Retirement Plan.

No interest may be charged on any sum thus paid or collected.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

4. Section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 22 of chapter 5 of the statutes of 1990, is again amended by replacing the last sentence of the last paragraph by the following sentence: “In that case, if a person belongs to such a class and is a member of the Civil Service Superannuation Plan, he may elect to become a member of that special plan by sending a notice to that effect, and the special plan applies to him from the first of the month not less than three months after receipt of the notice.”

5. Section 13 of the said Act is amended by adding, at the end of the first paragraph, the words “before 1 January 1991”.

6. Section 16 of the said Act, amended by section 6 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

“However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited to him prior to payment of the lump sum.”

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

“72. If the pensioner receives less benefit than that to which he is entitled, the Commission shall pay the due amount within 2 months of receiving a report under section 69.

If he receives more benefit than that to which he is entitled, the Commission shall effect compensation for any overpayment made, in the manner determined by regulation under section 147.

No interest may be charged on any sum thus paid or collected.”

8. The said Act is amended by inserting, after section 85.5, the following division:

“DIVISION II.1

“PROGRESSIVE RETIREMENT

“85.5.1 This division applies to every employee, except a seasonal or casual employee, who has not already availed himself of it and who, within the scope of an agreement with his employer, agrees to a reduction of his working time for a period of one to three years, providing he retires at the end of that period. However, his working time may not be less than 40 % of the regular service of a full-time employee in such employment.

Before he may avail himself of this division, the employee shall ascertain from the Commission that he is likely to be eligible for a pension on the date proposed for the end of the agreement. Any change to the date fixed for the beginning or the end of the agreement must be accepted by the Commission before being made.

However, if at the end of the agreement the employee would not be eligible for his pension, or if the agreement is suspended due to circumstances determined by regulation, the agreement is extended until the date on which the employee becomes eligible for his pension, even where this would cause the period to exceed three years.

“85.5.2 The employer shall make a deduction from the salary paid to the employee equal to the deduction he would have made if the employee had not availed himself of this division.

If the employee is eligible for salary insurance benefits, the exemption from contributions provided for in section 21 is the exemption to which he would have been entitled if he had not availed himself of this division.

“85.5.3 For the purposes of this plan and Title IV, the pensionable salary for the years or parts of a year covered by the agreement is the salary the employee would have received or, for a period in respect of which salary insurance benefits apply, the salary which he would have been entitled to receive if he had not availed himself of this division. The service credited is the service which would have been credited to the employee if he had not availed himself of this division.

“85.5.4 If the agreement becomes null or terminates due to circumstances which, in each case, are determined by regulation, the pensionable salary, the service credited and the contributions are determined, for each circumstance, in the manner prescribed by regulation.

The regulation may prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance.”

9. Section 85.6 of the said Act is amended

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

“85.6 This division applies to every employee who satisfies the following requirements:

(1) he is less than 65 years of age;

(2) he is 62 years of age or over and has two years of service for purposes of eligibility for the pension;

(3) he was a member of this plan on 31 December 1986;

(4) he has never availed or is not availing himself of the early retirement measures under Chapter III of Title IV of this Act or under subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(5) he retired not later than 1 July 1990.”;

(2) by adding, after the second paragraph, the following paragraph:

“Any employee who was a member of this plan on 31 December 1988 and who retires after 29 June 1990 may avail himself of this division if he satisfies the requirements of paragraphs 1, 2 and 4 of the first paragraph.”

10. Section 85.8 of the said Act is amended by replacing the word and figures “1 July 1989” in the third line of the second paragraph by the word and figures “1 October 1992”.

11. Section 85.17 of the said Act, amended by section 2 of chapter 76 of the statutes of 1989, is again amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “Except with respect to a person who has availed

himself of them, Divisions III and IV have effect until 1 September 1992 unless, following the valuation prepared under section 85.19 and after the Commission has consulted the Comité de retraite, the Government determines the date until which each of those divisions may continue to apply.”;

(2) by striking out the second paragraph;

(3) by inserting the words “, subject to subparagraph 5 of the first paragraph of section 85.6,” after the word “must” in the second line of the third paragraph.

12. Section 85.18 of the said Act is amended

(1) by replacing the words “the difference between” in the seventh line of the first paragraph by the words “the aggregate of the amounts obtained under the following subparagraphs 1, 2 and 3:”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following:

“(1) the amount equal to the difference between the amounts provided for in the following paragraphs:

(a) the amount of the contributions paid by the employees and the contributory amounts of the employers during the period between 1 January 1987 and 31 December 1989;

(b) the amount of the contributions that would, during the same period, have been paid by the employees and the contributory amounts of the employers on the basis of the result of the actuarial valuation of this plan as of 31 December 1984 if the Government had, from 1 January 1987 and in accordance with section 177, revised the rate of contribution and if that rate had taken into account the introduction, for the purposes of eligibility for and computation of any pension, of the criterion of 62 years of age and 10 years of service;

“(2) the amount equal to the difference between the amounts provided for in the following paragraphs:

(a) the amount of the contributions paid by the employees and the contributory amounts of the employers during the period between 1 January 1990 and 31 December 1990;

(b) the amount of the contributions that would, during the same period, have been paid by the employees and the contributory amounts of the employers on the basis of the result of the actuarial valuation of this plan as of 31 December 1987 if the Government had,

from 1 January 1990 and in accordance with section 177, revised the rate of contribution;

“(3) the amount equivalent to 1.84 % of the contributions paid by the employees for the period between 1 January 1991 and 31 December 1992 and drawn in equal parts from the contributions of the employees and the contributory amounts of the employers for the same period.”;

(3) by replacing the second paragraph by the following paragraphs:

“The Commission shall transfer annually, with interest, for the period between 1 January 1987 and 31 December 1989, from the employers’ contributory fund at the Caisse de dépôt et placement du Québec to the employees’ contribution funds at the Caisse, one half of the difference between the amount of the contributions paid by the employees as established under paragraph *b* of subparagraph 1 of the first paragraph and the amount of the contributory amounts paid by the employers as established under the said paragraph *b*.

The Commission shall also transfer annually, with interest, for the period between 1 January 1990 and 31 December 1992, from the employers’ contributory fund at the Caisse de dépôt et placement du Québec to the employees’ contribution funds at the Caisse, one half of the difference between the amount of the contributions paid by the employees and the amount of the contributory amounts of the employers established under the actuarial valuation of the plan as of 31 December 1987.”

13. Section 85.19 of the said Act is amended by replacing the word and figures “1 April 1989” in the first line by the word and figures “1 January 1992”.

14. Section 85.20 of the said Act is amended by replacing the figure “1987” in the ninth line of the first paragraph by the figure “1990”.

15. Section 86 of the said Act is amended by replacing the word and figures “1 January 1989” in the fourth line of subparagraph 2 of the first paragraph by the word and figures “1 January 1992”.

16. Section 87 of the said Act is amended by replacing the word and figures “1 July 1989” in the second line by the word and figures “1 July 1992”.

17. Section 98 of the said Act is amended

(1) by replacing the words “or if he is not a pensioner under either of such plans” in the fourth and fifth lines of the second paragraph by the words “, if he is not a pensioner under either of those plans, if he ceases to be a member of either of those plans before 1 January 1991 and if he is a member of this plan before that date”;

(2) by adding, at the end of the second paragraph, the following sentence: “Notwithstanding the fact that no application to that effect has been made by the employee, the years and parts of a year of service shall be credited to him upon assessment for the purposes of Chapter VII.1 of the benefits he has accumulated under this plan or upon computation of any pension, unless the employee gives written notice to the contrary within 60 days after the date of statement referred to in section 122.1 or before the pension is paid, as the case may be.”;

(3) by adding, after the second paragraph, the following paragraph:

“Where an employee is not covered by the first or second paragraph, the years and parts of a year of service shall be added, for the purposes of eligibility only for any pension, to the service credited to him under this plan, provided he has not received or is not entitled to a refund of his contributions under the Civil Service Superannuation Plan or the Teachers Pension Plan and provided he is not a pensioner under either of those plans when he ceases to be a member of this plan.”

18. Section 115.4 of the said Act is replaced by the following section:

“115.4 The years and parts of a year of service in respect of which a person has contributed to the pension fund of the officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235), but not to the Teachers Pension Plan or the Civil Service Superannuation Plan, are credited for pension purposes if that person satisfies either of the following requirements:

(1) he applied, between 1 July 1973 and 4 August 1980, for a transfer of those years and parts of a year of service to this plan;

(2) he has received a refund of the contributions he paid to that pension fund after 30 June 1973 while he was a member of this plan.

Such years and parts of a year of service are also credited for pension purposes to an employee who has not applied for their transfer

to this plan and has not received a refund of the contributions he paid to that pension fund.”

19. Section 115.5 of the said Act is amended by replacing the first two lines of the first paragraph by the following lines:

“115.5 Any person who has satisfied the requirement set out in subparagraph 2 of the first paragraph of section 115.4 must, to be credited”.

20. Section 134 of the said Act, amended by section 46 of chapter 82 of the statutes of 1988 and by section 29 of chapter 5 of the statutes of 1990, is again amended

(1) by inserting, after paragraph 11, the following paragraphs:

“(11.1) determine, for the purposes of section 85.5.1, the circumstances due to which an agreement is suspended;

“(11.2) determine, for the purposes of section 85.5.4, the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the service credited and the contributions; prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance;”;

(2) by replacing paragraph 16 by the following paragraph:

“(16) determine the terms and conditions on which the Commission may effect compensation under sections 147 and 190 out of sums it owes to a person;”.

21. Section 147 of the said Act is amended by adding, at the end of the second paragraph, the words “or before the date entered on the notice of claim from the Commission”.

22. Section 222.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“An officer who was a member of the Civil Service Superannuation Plan on 31 December 1988 may also cancel any such election made by him between 31 August 1988 and 1 January 1990, if he meets the requirements of subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan and if he avails himself thereof before the said subdivision ceases to have effect.”

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

“233. Section 24, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 19 June 1986.

Sections 25 and 26, as they read on 19 June 1985, continue to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 20 June 1985. The same sections, as they read on 18 June 1986, continue to apply with respect to a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.”

24. Schedule I to the said Act, amended by orders 767-89 of 24 May 1989, 889-89 of 14 June 1989, 1224-89 of 2 August 1989, 1583-89 of 10 October 1989, 1773-89 of 22 November 1989, 1942-89 of 20 December 1989 and 584-90 of 2 May 1990, is again amended by inserting, in paragraph 1 and alphabetically arranged, the words “the Institut du tourisme et de l’hôtellerie du Québec, in respect of employees of the Adult Education Service” and the words “the Office de la sécurité du revenu des chasseurs et piégeurs cris”.

25. Schedule III to the said Act, amended by orders 1224-89 of 2 August 1989 and 1942-89 of 20 December 1989 and by section 5 of chapter 73 of the statutes of 1989, is again amended

(1) by striking out the words “the Conseil de la Science et de la Technologie” in paragraph 1;

(2) by striking out the words “the Société de la Maison des sciences et des techniques” in paragraph 1.

ACT RESPECTING THE TEACHERS PENSION PLAN

26. Section 5 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the first paragraph by the following paragraph:

“5. A teacher who, within 180 days of ceasing to be a person to whom this plan applies, holds pensionable employment under this plan or the Government and Public Employees Retirement Plan, but not, in the latter case, employment listed in Schedule I or II to the Act respecting the Civil Service Superannuation Plan, is a member of this plan. An officer who, within 180 days of ceasing to be a person to whom the Civil Service Superannuation Plan applies, occupies pensionable employment under this plan, is a member of the latter plan.”

27. Section 13 of the said Act, amended by section 64 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

“However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited to him prior to payment of the lump sum.”

28. Section 24 of the said Act is amended

(1) by adding, at the end, the words “and if he is not a pensioner under this plan”;

(2) by adding the following paragraph:

“Notwithstanding the fact that no application to that effect has been made by the teacher, the years and parts of a year of service shall be credited to him upon assessment for the purposes of Chapter V.1 of the benefits he has accumulated under this plan or upon computation of any pension, unless the teacher gives written notice to the contrary within 60 days after the date of the statement referred to in section 72.1 or before the pension is paid, as the case may be.”

29. The said Act is amended by inserting, after section 28.5, the following division:

“DIVISION II.1

“PROGRESSIVE RETIREMENT

“28.5.1 This division applies to every teacher, except a casual teacher, who has not already availed himself of it and who, within the scope of an agreement with his employer, agrees to a reduction of his working time for a period of one to three years, providing he retires at the end of that period. However, his working time may not be less than 40 % of the regular service of a full-time teacher in such employment.

Before he may avail himself of this division, the teacher shall ascertain from the Commission that he is likely to be eligible for a pension on the date proposed for the end of the agreement. Any change to the date fixed for the beginning or the end of the agreement must be accepted by the Commission before being made.

However, if at the end of the agreement the teacher would not be eligible for his pension, or if the agreement is suspended due to

circumstances determined by regulation, the agreement is extended until the date on which he becomes eligible for his pension, even where this would cause the period to exceed three years.

“28.5.2 The employer shall make a deduction from the salary paid to the teacher equal to the deduction he would have made if the teacher had not availed himself of this division.

If the teacher is eligible for salary insurance benefits, the exemption from contributions provided for in section 18 is the exemption to which he would have been entitled if he had not availed himself of this division.

“28.5.3 For the purposes of this plan and Title IV of the Act respecting the Government and Public Employees Retirement Plan, the pensionable salary for the years or parts of a year covered by the agreement is the salary the teacher would have received or, for a period in respect of which salary insurance benefits apply, the salary which he would have been entitled to receive if he had not availed himself of this division. The service credited is the service that would have been credited to the teacher if he had not availed himself of this division.

“28.5.4 If the agreement becomes null or terminates due to circumstances which, in each case, are determined by regulation, the pensionable salary, the service credited and the contributions are determined, for each circumstance, in the manner prescribed by regulation.

The regulation may prescribe the terms and conditions on which a teacher may be credited with service not recognized by reason of any such circumstance.”

30. Section 32 of the said Act is amended by replacing the figure “35” in subparagraph 2 of the first paragraph by the figure “33”.

31. Section 50 of the said Act is amended by replacing the first line of paragraph 1 by the following line: “his years and parts of a year of service are transferred to the Civil”.

32. Section 72 of the said Act is amended by replacing the first two lines by the following lines: “The pension of a person whose years of service have not been transferred to the Civil Service Superannuation Plan or to the”.

33. Section 73 of the said Act, amended by section 90 of chapter 82 of the statutes of 1988 and by section 36 of chapter 5 of the statutes of 1990, is again amended

(1) by inserting, after paragraph 4.1, the following paragraphs:

“(4.2) determine, for the purposes of section 28.5.1, the circumstances due to which an agreement is suspended;

“(4.3) determine, for the purposes of section 28.5.4, the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the service credited and the contributions; prescribe the terms and conditions on which a teacher may be credited with service not recognized by reason of any such circumstance;”;

(2) by replacing paragraph 10 by the following paragraph:

“(10) determine, for the purposes of section 76.1, the actuarial assumptions and methods permitting the computation of amounts representing the actuarial value of benefits.”

34. Section 76.1 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) pays an amount representing the actuarial value of the benefits, computed on the basis of the actuarial assumptions and methods determined by regulation.”

35. Section 79 of the said Act is repealed.

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

“80. Paragraphs 1 and 2 of section 21 and that part of section 21 that precedes paragraph 1, as they read on 18 June 1986, continue to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 19 June 1986. Paragraph 3 of section 21, as it read on 19 June 1985, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 20 June 1985. The same paragraph 3, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.

Section 22, as it read on 19 June 1985, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after

that date but having ended before 20 June 1985. That section, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986."

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

37. Section 20 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 99 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

"However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited to him prior to payment of the lump sum."

38. Section 27 of the said Act is amended by replacing the first line of paragraph 1 by the following line: "his years and parts of a year of service are transferred to the".

39. Section 43.3 of the said Act is amended by replacing the first two lines by the following lines: "The pension of a person whose years of service have not been transferred to the Teachers Pension Plan or to the Government and".

40. Section 52 of the said Act, amended by section 113 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

"However, where the lump sum is paid in a year during which no service is credited, it shall be included in the pensionable salary of the last year during which service is credited to him prior to payment of the lump sum."

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

"However, an officer who, within 180 days of ceasing to be a person to whom one of the plans provided for in this Act applies, occupies pensionable employment under the Government and Public Employees Retirement Plan, but not employment listed in Schedule I or II to the Act respecting the Teachers Pension Plan, is a member of the plan provided for in this division. A teacher who, within 180 days of ceasing to be a person to whom the Teachers Pension Plan applies, occupies pensionable employment under Schedule I or II to this Act, is a member of the plan provided for in this division."

42. Section 83 of the said Act is amended by replacing the first line of paragraph 1 by the following: “if his years and parts of a year of service are transferred to the”.

43. Section 89.6 of the said Act is amended by replacing the first two lines by the following: “The pension of a person whose years of service have not been transferred to the Teachers Pension Plan or to the Government and”.

44. Section 90 of the said Act is amended

(1) by inserting the words “and provided he is not a pensioner under that plan” after the word “contributions” in the fourth line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following sentence: “Notwithstanding the fact that no application to that effect has been made by the officer, the years and parts of a year of service shall be credited to him upon assessment for the purposes of Division III.1 of the benefits he has accumulated under this plan or upon computation of any pension, unless the officer gives written notice to the contrary within 60 days after the date of the statement referred to in section 108.1 or before the pension is paid, as the case may be.”

45. The said Act is amended by inserting, after section 99.9, the following subdivision:

“§ 2.1.—Progressive retirement

“99.9.1 This subdivision applies to every officer, except a seasonal or casual officer, who has not already availed himself of it and who, within the scope of an agreement with his employer, agrees to a reduction of his working time for a period of one to three years, providing he retires at the end of that period. However, his working time may not be less than 40 % of the regular service of a full-time officer in such employment.

Before he may avail himself of this subdivision, the officer shall ascertain from the Commission that he is likely to be eligible for a pension on the date proposed for the end of the agreement. Any change to the date fixed for the beginning or the end of the agreement must be accepted by the Commission before being made.

However, if at the end of the agreement the officer would not be eligible for his pension, or if the agreement is suspended due to

circumstances determined by regulation, the agreement is extended until the date on which he becomes eligible for his pension, even where this would cause the period to exceed three years.

“99.9.2 The employer shall make a deduction from the salary paid to the officer equal to the deduction he would have made if the officer had not availed himself of this subdivision.

If the officer is eligible for salary insurance benefits, the exemption from contributions provided for in section 60 is the exemption to which he would have been entitled if he had not availed himself of this subdivision.

“99.9.3 For the purposes of the plan provided for in Division II of this Act and Title IV of the Act respecting the Government and Public Employees Retirement Plan, the pensionable salary for the years or parts of a year covered by the agreement is the salary the officer would have received or, for a period in respect of which salary insurance benefits apply, the salary which he would have been entitled to receive if he had not availed himself of this subdivision. The service credited is the service which would have been credited to the officer if he had not availed himself of this subdivision.

“99.9.4 If the agreement becomes null or terminates due to circumstances which, in each case, are determined by regulation, the pensionable salary, the service credited and the contributions are determined, for each circumstance, in the manner prescribed by regulation.

The regulation may prescribe the terms and conditions on which an officer may be credited with service not recognized by reason of any such circumstance.”

46. Section 109 of the said Act, amended by section 150 of chapter 82 of the statutes of 1988 and by section 43 of chapter 5 of the statutes of 1990, is again amended

(1) by inserting, after paragraph 8.1, the following paragraphs:

“(8.1.1) determine, for the purposes of section 99.9.1, the circumstances due to which an agreement is suspended;

“(8.1.2) determine, for the purposes of section 99.9.4, the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the service credited and the contributions; prescribe the terms and conditions on which an officer may be credited with service not recognized by reason of any such circumstance;”;

(2) by replacing paragraph 9 by the following paragraph:

“(9) determine, for the purposes of section 112.1, the actuarial assumptions and methods permitting the computation of amounts representing the actuarial value of benefits.”

47. Section 112.1 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) pays an amount representing the actuarial value of the benefits, computed on the basis of the actuarial assumptions and methods determined by regulation.”

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

“**116.** Section 12, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 19 June 1986.

Paragraphs 1 and 2 of section 66.1 and that part of section 66.1 that precedes paragraph 1, as they read on 18 June 1986, continue to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 19 June 1986. Paragraph 3 of section 66.1, as it read on 19 June 1985, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 20 June 1985. The same paragraph 3, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.

Section 66.2, as it read on 19 June 1985, continues to apply in respect of a leave in progress on 1 July 1983 or having begun after that date but having ended before 20 June 1985. That section, as it read on 18 June 1986, continues to apply in respect of a leave in progress on 20 June 1985 or having begun after that date but having ended before 19 June 1986.”

49. Section 119 of the said Act is repealed.

50. Schedule II to the said Act is amended

(1) by inserting, in paragraph 1 and alphabetically arranged, the words “the Régie des assurances agricoles du Québec, in respect of employees covered by the Regulation respecting conditions for the hiring and remuneration of persons hired by the Régie des assurances

agricoles du Québec for the sale of insurance and the appraisal of crops (R.R.Q., c. A-30, r. 1)”;

(2) by striking out the words “the Société de la Maison des sciences et des techniques” in paragraphs 1 and 4;

(3) by adding, after paragraph 9, the following paragraph:

“10. CASUAL EMPLOYEES OF THE NATIONAL ASSEMBLY”.

51. Schedule IV to the said Act is amended

(1) by striking out the words “the Conseil de la Science et de la Technologie”;

(2) by striking out the words “the Société de la Maison des sciences et des techniques”.

TRANSITIONAL AND FINAL PROVISIONS

52. Regulations made under paragraphs 11.1 and 11.2 of section 134 of the Act respecting the Government and Public Employees Retirement Plan, paragraphs 4.2 and 4.3 of section 73 of the Act respecting the Teachers Pension Plan or paragraphs 8.1.1 and 8.1.2 of section 109 of the Act respecting the Civil Service Superannuation Plan may, until 1 July 1991 and if they so provide, apply from any date not prior to 1 July 1990.

53. The second paragraph of section 87 of the Act respecting the Pension Plan of Peace Officers in Penal Institutions and the second paragraph of section 72 of the Act respecting the Government and Public Employees Retirement Plan apply to the sums owed to the Commission administrative des régimes de retraite et d’assurances, except those in respect of which it effects compensation before (*insert here the date of assent to this Act*).

54. Notwithstanding the regulations made under paragraph 16 of section 134 of the Act respecting the Government and Public Employees Retirement Plan and in force on (*insert here the date of assent to this Act*), where a person receives only a part of his pension because he also receives a salary, the deduction prescribed by such regulations shall be computed on the basis of the pension he would have been entitled to receive if he did not receive a salary.

55. The first paragraph of section 5 of the Act respecting the Teachers Pension Plan and the second paragraph of section 54 of the

Civil Service Superannuation Plan apply to a teacher or officer who, within the period prescribed, is re-employed and holds employment to which those sections apply after 31 December 1990, even if he ceased to hold his former employment before 1 January 1991.

56. Section 21 has effect from 23 December 1988 and applies to all debts owed to the Commission administrative des régimes de retraite et d'assurances except those in respect of which it was already effecting compensation on 23 December 1988.

57. Paragraph 1 of section 25 and of section 51 have effect from 17 August 1983.

58. Paragraph 2 of section 25, of section 50 and of section 51 have effect from 23 May 1984.

59. Sections 18 and 19 have effect from 25 August 1987.

60. Paragraphs 1 and 2 of section 17 and sections 28 and 44 have effect from 15 September 1987.

61. Sections 23, 36 and 48 have effect from 23 December 1988.

62. Section 24 and paragraphs 1 and 3 of section 50 have effect from 1 January 1988.

63. Section 22 has effect from 1 January 1990.

64. Section 30 has effect from 15 June 1990.

65. This Act comes into force on (*insert here the date of assent to this Act*), except sections 9 to 14 which will come into force on 29 June 1990, section 8, paragraph 1 of section 20, section 29, paragraph 1 of section 33, section 45, paragraph 1 of section 46 and section 52 which will come into force on 1 July 1990, and sections 1, 4, 5, paragraph 3 of section 17, sections 26, 31, 32, 35, 38, 39, 41 to 43, 49 and 55 which will come into force on 1 January 1991.