



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 16

**An Act respecting the transfer of certain
public servants from the Ministère de
l'Éducation to the Société de gestion
du réseau informatique des
commissions scolaires**

Introduction

**Introduced by
Mr Yves Bérubé
Minister of Education**



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EXPLANATORY NOTES

The object of this bill is to allow for the transfer of certain public servants from the Ministère de l'Éducation to the Société de gestion du réseau informatique des commissions scolaires.

The bill also provides for cases where the public servants will be entitled to re-enter the public service and ensures that other rights it indicates are preserved.

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An Act respecting the transfer of certain public servants from the Ministère de l'Éducation to the Société de gestion du réseau informatique des commissions scolaires

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Minister of Education and the Société de gestion du réseau informatique des commissions scolaires may enter into an agreement permitting the transfer of the public servants with permanent tenure of the Direction des services informatiques aux réseaux du Ministère de l'Éducation to the Société.

2. The agreement shall preserve accumulated sick-leave and vacation of the public servants. It shall stipulate that the salary of a public servant who agrees to be transferred to the Société may in no case be reduced by the sole fact of the transfer.

3. The Société has an obligation to take as an employee every public servant contemplated in section 1 who agrees to be transferred to the Société.

4. The agreement shall provide mechanisms for the settlement of any disagreement arising from the interpretation of this Act or the agreement.

5. Every public servant who becomes an employee of the Société pursuant to the agreement contemplated in section 1 shall have the privilege, as long as he holds that position, to apply for a transfer or enter a competition for promotion to a position in the public service in accordance with the Public Service Act (1983, chapter 55).

6. An employee contemplated in section 5 may, while he is employed by the Société, require the Office des ressources humaines to advise him on the classification that could be assigned to him in the public service. The opinion must take account of the classification that the employee had in the public service and the years of experience and formal training acquired since he has been in the employ of the Société.

7. The Office des ressources humaines shall issue to every employee contemplated in section 5 who applies for a transfer or enters a competition for promotion a notice of classification established as provided in section 6.

8. Where some or all of the activities of the Société cease, or in the case of a layoff due to a lack of work, the employee contemplated in section 5 is entitled to be assigned by the Office des ressources humaines to a position in the public service that corresponds to a classification established as provided in section 6.

9. Where the Office des ressources humaines is unable to place an employee contemplated in section 8, that employee is placed on reserve with the Office until he is assigned to a position.

10. Subject to the remedies provided in a collective agreement, every employee contemplated in section 1 may appeal from his dismissal in the manner contemplated in section 33 of the Public Service Act.

11. The associations of employees certified in accordance with Chapter IV of the Civil Service Act which, on (*insert here the date of assent to this Act*), represent public servants who agree to be transferred to the Société continue to represent those employees at the Société until 31 December 1985.

The associations of employees contemplated in the first paragraph also represent, until 31 December 1985, every other person who becomes an employee of the Société.

The collective agreements which apply to the associations of employees shall continue to apply, to the extent that they are applicable, and bind the associations of employees and the Société as if they were parties to them.

The regulations mentioned in Schedule I continue to apply until 31 December 1985 to employees of the Société who were subject to those regulations before being transferred, so far as the provisions of the collective agreements to which they refer are applicable.

12. The public servants contemplated in section 3 shall continue to participate in the civil service superannuation plan or the government and public employees retirement plan in which they were participating.

13. The Act respecting the Government and public employees Retirement Plan (R.S.Q., chapter R-12) is amended by adding, after section 99.3, the following section:

“99.4 The public servants of the Ministère de l'Éducation who, following the agreement made under section 1 of the Act respecting the transfer of certain public servants from the Ministère de l'Éducation to the Société de gestion du réseau informatique des commissions scolaires (1984, chapter *insert here the chapter number of this Act*) have become employees of the Société de gestion du réseau informatique des commissions scolaires shall continue to participate in this plan.”

14. Schedule A of the said Act is amended by adding, at the place determined by the Commission de refonte des lois et des règlements, the following:

“the Société de gestion du réseau informatique des commissions scolaires”.

15. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

16. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE I

1. The "Regulation respecting the conditions of employment of office staff, technicians and staff of comparable rank, certain employees at the official residence of the Lieutenant-Governor, minister's chauffeurs and workmen", made on 13 April 1982 by ministerial order 188-82 approved by C.T. 138 835 of 27 April 1982, amended on 2 December 1982 by ministerial order 263-82 approved by C.T. 142 047 of 7 December 1982, amended on 17 December 1982 by ministerial order 269-82 approved by C.T. 142 284 of 20 December 1982 and amended on 10 May 1983 by ministerial order 292-83 approved by C.T. 144 821 of 7 June 1983.

2. The "Regulation respecting the conditions of employment of professional staff", made on 12 January 1982 by ministerial order 187-82 approved by C.T. 137 510 of 16 February 1982, amended on 29 March 1982 by ministerial order 215-82 approved by C.T. 139 121 of 11 May 1982, amended on 2 December 1982 by ministerial order 261-82 approved by C.T. 142 045 of 7 December 1982, amended on 17 December 1982 by ministerial order 268-82 approved by C.T. 142 283 of 20 December 1982, and amended on 10 May 1983 by ministerial order 294-83 approved by C.T. 144 823 of 7 June 1983.

3. The "Regulation respecting the remuneration, social benefits and other conditions of employment of certain civil servants" (R.R.Q., 1981, chapter F-3.1, r.19), amended on 2 December 1982 by ministerial order 262-82 approved by C.T. 142 046 of 7 December 1982, amended on 28 February 1983 by ministerial order 279-83 approved by C.T. 143 074 of 1 March 1983 and amended on 10 May 1983 by ministerial order 295-83 approved by C.T. 144 824 of 7 June 1983.