

1990, chapter 87

## AN ACT TO AMEND CERTAIN PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS

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**Bill 113**

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

Introduced 12 December 1990

Passage in principle 17 December 1990

Passage 20 December 1990

**Assented to 20 December 1990**

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**Coming into force: 1 January 1991**

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**Acts amended:**

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

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

Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3)

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)





## CHAPTER 87

### An Act to amend certain pension plans in the public and parapublic sectors

[Assented to 20 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

c. R-9.1,  
s. 6, am. **1.** Section 6 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended

(1) by replacing the words “the Commission’s notice establishing the amount payable” in the seventh line of the first paragraph by the words “the redemption proposal made by the Commission”;

(2) by striking out the second paragraph.

c. R-9.1,  
s. 16, am. **2.** Section 16 of the said Act is amended

(1) by replacing the words “the Commission’s notice establishing the amount payable” in the eighth and ninth lines of the first paragraph by the words “the redemption proposal made by the Commission”;

(2) by replacing the words “the Commission’s notice” in the eleventh line of the first paragraph by the words “the redemption proposal. However, no interest will be computed for the period during which the redemption proposal is valid.”

c. R-9.1,  
s. 17, am. **3.** Section 17 of the said Act is amended

(1) by inserting the words “, including the interest referred to in the second paragraph,” after the word “instalments” in the sixth line of the first paragraph;

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

Interest or instalments “If the amount is paid by instalments, it shall bear interest at the rate of 6 %, compounded annually, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-9.1, s. 19, am. **4.** Section 19 of the said Act is amended by replacing the word and figures “, 36, 36.1 and” in the first and second lines of the first paragraph by the word “to”.

c. R-9.1, s. 25, am. **5.** Section 25 of the said Act is amended by replacing the words and figures “sections 77 and 78” in the second line of the first paragraph by the words and figures “the first paragraph of section 77 and in section 78”.

c. R-9.1, heading, replaced **6.** The heading of Division III of Chapter V of the said Act is replaced by the following heading:

“SPOUSE’S PENSION”.

c. R-9.1, s. 34, replaced Spouse’s pension **7.** Section 34 of the said Act is replaced by the following sections:  
**“34.** The pension granted to the spouse is paid for life and runs until the first day of the month following his death.

“DIVISION III.1

“REIMBURSEMENT, DEFERRED ANNUITIES AND OTHER BENEFITS

Refund to spouse **“34.1** The contributions of a person who dies before becoming eligible for a pension shall, subject to sections 34.12 and 34.13, be refunded to his spouse or, where he has no spouse, to his assigns.

Cessation of membership **“34.2** If a person ceases to be a member of this plan before becoming eligible for a pension, and if he has less than two years of service, he is entitled to obtain the refund of his contribution as long as he does not again become a member of the plan and subject to sections 34.12 and 34.13. However, he is not entitled to the refund if section 21 of the Act respecting the Government and Public Employees Retirement Plan, referred to in section 9 of this Act, applies.

Refund to spouse Where the person dies before obtaining the refund, his contributions shall be refunded to his spouse or, where he has no spouse, to his assigns.

Application  
for deferred  
annuity

**“34.3** If a person ceases to be a member of this plan before becoming eligible for a pension or deferred annuity, he may, if he has at least two years of service, apply for a deferred annuity or, subject to sections 34.12 and 34.13, the refund of his contributions. However, he may not obtain such a refund if section 21 of the Act respecting the Government and Public Employees Retirement Plan, referred to in section 9 of this Act, applies, or if he again becomes a member of the plan, or after he has reached 65 years of age.

Refund to  
spouse

Where the person dies before obtaining the refund of his contributions and before his deferred annuity becomes payable, his contributions shall be refunded to his spouse or, where he has no spouse, to his assigns.

Accumulated  
service  
added

**“34.4** If a person referred to in sections 34.2 and 34.3 again becomes a member of this plan without having obtained the refund of his contributions, the years and parts of a year of service he accumulates are added to those already credited.

Date of  
refund

**“34.5** The contributions shall, except in case of death, be payable to the person entitled to the refund thereof from the 211th day after the day on which this plan ceased to apply to him for the last time.

Application  
for refund

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

Contributions

**“34.6** For the purposes of this division, contributions include every amount paid by the person and every contribution from which he was exempt under this plan or under any other pension plan from which his service was transferred to this plan, but excluding contributions deducted in excess for any year subsequent to 1986. Contributions also include any interest accrued on those amounts, where applicable, in accordance with the pension plan in question. However, contributions do not include amounts refunded to the person under any such pension plan following a transfer of service made on the basis of actuarially equivalent benefits, where the total amount of accumulated contributions exceeded the actuarial value of the benefits vested under the other pension plan.

Supplemental  
pension plan

However, any sums paid by a person to a supplemental pension plan established by an included employer within the meaning of the Government and Public Employees Retirement Plan shall be reimbursed if the funds have been transferred in accordance with the said plan.

Options in  
case of  
transfer

**“34.7** A person who has at least ten years of service and is 45 years of age or over, and who ceases to be a member of this plan before

becoming eligible for a pension, is entitled, except if he transfers his years and parts of a year of service to the Pension Plan of Peace Officers in Correctional Services, or if he has availed himself of a transfer agreement in respect of this plan entered into pursuant to section 158 of the Act respecting the Government and Public Employees Retirement Plan, only to one or other of the following options:

(1) a deferred annuity;

(2) an amount representing up to 25 % of the actuarial value of the deferred annuity, and a deferred annuity adjusted to take into account the payment of that amount.

**Actuarial value** The actuarial value is established according to the actuarial assumptions and methods determined by regulation under paragraph 9 of section 134 of the Act respecting the Government and Public Employees Retirement Plan in respect of section 54 of the said Act.

**Maximum amount** However, in no case may the amount exceed the amount of the accumulated contributions of the person with interest.

**Exception** The first paragraph does not apply where section 21 of the Act respecting the Government and Public Employees Retirement Plan, referred to in section 9 of this Act, applies.

**Refund after death** Where the person dies before the deferred annuity becomes payable, the contributions, subject to the amount paid pursuant to subparagraph 2 of the first paragraph and pursuant to sections 34.12 and 34.13, shall be refunded to his spouse or, where he has no spouse, to his assigns.

**Eligibility for deferred annuity** **“34.8** The years and parts of a year which give entitlement to the increase provided for in section 20 shall be counted for the purposes of eligibility for the deferred annuity, and section 21 applies to the deferred annuity.

**Eligibility for deferred annuity** In addition, for the purposes of eligibility for the deferred annuity, every continuous period of service from the first day the person accumulates service after 31 December 1965 must be counted.

**Eligibility for deferred annuity** Any period between the day on which the person ceased to be a member of Government and Public Employees Retirement Plan or this plan and the day on which such a plan ceased to apply to him, and any period of less than 211 days during which such a plan ceased to apply to him, must also be counted if such periods are prior to his last participation.

Cancellation of annuity

**“34.9** Any deferred annuity is cancelled if the person again holds pensionable employment under this plan, and the years of service he accumulates are added to the years of service already credited.

Reduction of pension

However, if the person had elected to receive an amount and a deferred annuity, the recomputed pension is reduced by that part of the annual value of the original pension that was paid to him. If he is entitled to a deferred annuity at the time he ceases to be a member of this plan, he cannot reapply for an amount representing up to 25 % of the actuarial value of the recomputed pension.

Computation

**“34.10** The annual amount of the deferred annuity is computed in the same manner as the pension, and sections 22 and 24 apply.

Presumption

A person 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, and shall be indexed in accordance with section 25 from 1 January following the date on which he reaches 65 years of age.

Interest on refund

**“34.11** Contributions are refunded with interest.

Exception

However, contributions in respect of service which is credited to the person and which gives entitlement to the application of section 99 of the Act respecting the Government and Public Employees Retirement Plan, referred to in section 34.17 of this Act, are reimbursed without interest.

Refund of contributions

**“34.12** When contributions are refunded, if amounts have been paid as pension benefits under this plan or a pension plan from which service has not been transferred to this plan on the basis of actuarially equivalent benefits, the total amount of the contributions, excluding amounts paid by the person in respect of which a pension credit is granted and any interest accrued on the contributions up to the date on which a pension became payable, is reduced by any amounts paid as pension benefits from the date the pension ceased to be paid. The balance of the contributions and any accrued interest shall bear interest from that date, at the rate in force on the date of reimbursement, for every period during which no amount was paid as pension benefits.

Refund of contributions

However, if a pension is payable to the person, spouse or child in accordance with section 99 of the Act respecting the Government and Public Employees Retirement Plan, referred to in section 34.17 of this Act, contributions refunded under sections 34.1 to 34.3 do not include contributions in respect of service giving entitlement to the application of the said section 99. In that case, the first paragraph of

this section applies, at the time the pension becomes payable, in respect of other contributions, but without taking into account the amounts paid as pension benefits in accordance with the said section 99. However, where the employee is entitled only to a deferred annuity under this plan, or where he has applied for a deferred annuity under section 34.3, the amounts paid as pension benefits in accordance with the said section 99 are deducted only from the amount of contributions in respect of service giving entitlement to the application of the said section 99, if that pension is more advantageous than the benefits provided for under this plan.

Excess  
amounts

**“34.13** If, at the death of the beneficiary of a pension credit, the amount he had to pay to acquire the pension credit, with accrued interest until the date on which the pension credit became payable, exceeds the total amounts which have been paid to him in respect of such pension credit, the excess is paid in a single payment to his spouse or, if he has no spouse, to his assigns.

Computation

If benefits related to the pension credit ceased to be paid to a person who holds or again holds pensionable employment under this plan, the amount he was required to pay to acquire the pension credit, with accrued interest until the date on which the pension credit became payable, is reduced by the amounts paid in respect of such pension credit from the date on which payment thereof had ceased.

Interest

The balance of the amount he was required to pay bears interest at the rate in force on the date of reimbursement for every period in respect of which no amount was paid as pension credit in a year or, as the case may be, during the period contemplated in section 69 of the Act respecting the Government and Public Employees Retirement Plan pursuant to section 36 of this Act.

Interest

**“34.14** The interest payable under this division is that provided for in Schedule VI of the Act respecting the Government and Public Employees Retirement Plan in respect of the period indicated therein.

Percentage  
of interest

**“34.15** The person, his spouse or, where he has no spouse, his assigns, are entitled to only a percentage of the interest payable on contributions within the meaning of section 34.6. This percentage is dependent on the length of the period comprised between the date on which this plan or the Government and Public Employees Retirement Plan, as the case may be, became applicable to the person and the date the refund is made. The percentage is established as follows:

- (1) 0 % for a period of less than one year;
- (2) 60 % for a period of one year or more, but less than two years;

(3) 85 % for a period of two years or more, but less than five years;

(4) 90 % for a period of five years or more.

**Interest**

If the application for reimbursement covers interrupted periods of service, the percentage of interest payable on contributions is dependent on the length of the period comprised between the first date on which this plan or the Government and Public Employees Retirement Plan, as the case may be, became applicable to the person and the date the refund is made.

**Exception**

However, the first and second paragraphs do not apply in computing interest accrued under this plan for the purposes of section 71 of the Act respecting the Pension Plan of Peace Officers in Correctional Services.

**Computation**

**“34.16** For the purpose of computing interest, a person’s contributions within the meaning of section 34.6, except amounts paid into a pension plan from which service has been transferred to this plan in accordance with sections 101, 115.7 and 158 of the Act respecting the Government and Public Employees Retirement Plan, are deemed to be received at the midpoint of each year. The manner of computing the interest on any contribution within the meaning of section 34.6 is established by regulation made under paragraph 24 of section 134 of the Act respecting the Government and Public Employees Retirement Plan.

**Provisions applicable**

**“34.17** Sections 99 and 236.2 of the Act respecting the Government and Public Employees Retirement Plan apply, adapted as required.”

**c. R-9.1,  
s. 35, am.**

**8.** Section 35 of the said Act is amended by replacing the words “computed in accordance with the standards established by regulation under section 79 of the Act respecting the Government and Public Employees Retirement Plan,” in the sixth, seventh and eighth lines of the first paragraph by the words “established in accordance with the actuarial assumptions and methods determined by regulation under paragraph 9 of section 134 of the Act respecting the Government and Public Employees Retirement Plan with respect to section 79 of the said Act,”.

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

**9.** Section 37 of the said Act is amended by replacing the figure “34,” in the fourth line of the third paragraph by the word and figures “34.1 to 34.17,”.

c. R-9.1,  
s. 44, am. **10.** Section 44 of the said Act is amended by replacing the words “and 31 to 33, and section 34 to the extent that it refers to sections 58, 59 and 217 to 219 of the Act respecting the Government and Public Employees Retirement Plan,” in the eleventh, twelfth and thirteenth lines of the first paragraph by the words and figures “, 31 to 33 and 34.12 to 34.16”.

c. R-9.1,  
s. 51, am. **11.** Section 51 of the said Act is amended by replacing the figure “34,” in the eighth line of the first paragraph by the word and figures “34.1 to 34.17,”.

c. R-9.1,  
s. 52, am. **12.** Section 52 of the said Act is amended by replacing the words “the Commission’s notice establishing the amount payable” in the fifteenth and sixteenth lines of the second paragraph by the words “the redemption proposal made by the Commission”.

c. R-9.1,  
s. 59.1,  
added **13.** The said Act is amended by inserting, after section 59, the following section:

Redemption  
proposal **“59.1** Where an application for redemption of years or parts of a year of service is made to the Commission under this plan, the Commission shall send the person a redemption proposal valid for a period of 60 days from the date it is made.

Presumption The application for redemption is deemed never to have been made if the Commission does not receive from the person before the 60 day period expires a notice to the effect that he accepts the proposal.

Presumption In addition, the application is deemed never to have been made if the lump sum payment of the cost of redemption is not made before the 60 day period expires, where such a payment is exigible owing to the choice made by the person or by operation of law. Where payment is exigible by instalments and the person fails to make a payment, the application for redemption is deemed never to have been made in respect of service for which the payments have not been made if the person does not make the payment which has become overdue within 30 days after the date of a notice from the Commission to that effect. However, in the case of sections 12 to 14 and section 52, the application for redemption is deemed never to have been made in respect of all the service, and the amounts paid by the person shall be refunded with the interest contemplated in section 34.14, computed in accordance with sections 34.15 and 34.16.”

## ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN PENAL INSTITUTIONS

c. R-9.2,  
title, am. **14.** The title of the Act respecting the Pension Plan of Peace Officers in Penal Institutions (R.S.Q., chapter R-9.2) is amended by replacing the words "Penal Institutions" by the words "Correctional Services".

c. R-9.2,  
s. 1, am. **15.** Section 1 of the said Act is amended by adding, at the end, the words "designated since 21 August 1990 under the name of the Syndicat des agents de la paix en services correctionnels du Québec. It also applies, from 1 January 1991, to every peace officer who would be included therein if he were not, in the course of his duties, temporarily representing the employer in his relations with the employees."

c. R-9.2,  
s. 4,  
replaced **16.** Section 4 of the said Act is replaced by the following sections:

Member of  
staff of  
Lieutenant-  
Governor **4.** An employee who ceases to be a member of this plan and who, within 180 days after the date on which this plan ceased to apply to him, becomes a member of the staff of the Lieutenant-Governor, is a member of this plan.

Member of  
staff of  
minister **4.1** An employee who ceases to be a member of this plan and who, within 180 days after the date on which this plan ceased to apply to him, becomes a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is a member of this plan if he is entitled to re-assignment to a position where this plan would apply to him.

Order If the employee is not entitled to such re-assignment, he may be a member of this plan if he applies therefor and if the Government adopts an order to that effect. The order may have effect 12 months or less prior to its adoption."

c. R-9.2,  
s. 18, am. **17.** Section 18 of the said Act is amended by replacing the words "included in the bargaining unit referred to in section 1" in the fourth line of the first paragraph by the words "to whom this plan applied".

c. R-9.2,  
s. 24, am. **18.** Section 24 of the said Act, amended by section 180 of chapter 82 of the statutes of 1988, is again amended by adding, at the end of the first paragraph, the following sentence: "However, no interest shall be computed for the period during which the redemption proposal made by the Commission is valid."

c. R-9.2,  
s. 24.1,  
added

**19.** The said Act is amended by inserting, after section 24, the following section:

Service  
to be  
credited

**“24.1** An employee is entitled to be credited with the years and parts of a year of service during which he was a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly, provided he has not otherwise been credited with such years and parts of a year or provided his contributions in respect of them have not been refunded to him.

Application

To have all or part of such service credited, the employee must apply to the Commission within 60 months after the date on which he ceased to be such a member of staff, and must pay to the Commission an amount equal to the contribution he would have been required to pay if he had been a member of this plan. The amount bears interest, compounded annually, at the rates determined for each period pursuant to the Act respecting the Government and Public Employees Retirement Plan. The interest accrues from the midpoint of each year to the date on which the redemption proposal is made by the Commission. Where the employee has only part of his service credited, the most recent service is credited first.

Payment  
and  
interest

The amount established pursuant to the second paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal expires.”

c. R-9.2,  
s. 26,  
replaced

**20.** Section 26 of the said Act is replaced by the following section:

Payment  
and  
interest

**“26.** The amount established pursuant to section 25 is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-9.2,  
s. 29, am.

**21.** Section 29 of the said Act, amended by section 182 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If the application for redemption is made after the end of the year in which the employee was on leave without pay, the amount bears interest at 8.5 %, compounded annually, computed from the end of the leave. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-9.2,  
s. 30, am.

**22.** Section 30 of the said Act is amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. This amount bears interest, compounded annually, computed from the date on which the application is received, at the rate in force on that date under the Act respecting the Government and Public Employees Retirement Plan. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-9.2,  
s. 32, am.

**23.** Section 32 of the said Act is amended

(1) by replacing the words “any school year that would otherwise be incomplete for pension purposes by reason of the leave” in the third, fourth and fifth lines of subparagraph 1 of the first paragraph by the words “95 % or more of the school year during which she was on leave”;

(2) by replacing the figure “90” in the ninth line of the third paragraph by the figure “100”.

c. R-9.2,  
s. 33, am.

**24.** Section 33 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for these years and parts of a year to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-9.2,  
s. 36, am.

**25.** Section 36 of the said Act is amended by inserting the words “from the date on which the redemption proposal made by the Commission expires,” after the word “interest” in the fourth line.

c. R-9.2,  
s. 40, am.

**26.** Section 40 of the said Act is amended

(1) by replacing the words “the notice from the Commission stating the amount to be paid” in the tenth and eleventh lines of the first paragraph by the words “the redemption proposal made by the Commission”;

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

Payment  
and  
interest

“The amount determined under the first paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal expires.”

c. R-9.2,  
s. 48, am.

**27.** Section 48 of the said Act is amended

(1) by striking out the words “, even if they have been credited under this plan on an actuarially equivalent basis” in the sixth and seventh lines;

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

Salary and  
periods  
excluded

“However, the pensionable salary and the contributory periods of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits, and those of any years and parts of a year preceding them, are excluded from the average pensionable salary.”

c. R-9.2,  
s. 132.1,  
added

**28.** The said Act is amended by inserting, after section 132, the following section:

Redemption  
proposal

**132.1** Where an application for the redemption of years or parts of a year of service is made to the Commission under this plan, the Commission shall send the employee a redemption proposal valid for a period of 60 days from the date it is made.

Presumption

The application for redemption is deemed never to have been made if the Commission does not receive from the employee before the 60 day period expires a notice to the effect that he accepts the proposal.

Presumption

In addition, the application is deemed never to have been made if the lump sum payment of the cost of redemption is not made before

the 60 day period expires, where such a payment is exigible owing to the choice made by the employee or by operation of law. Where payment is exigible by instalments and the employee fails to make a payment, the application for redemption is deemed never to have been made in respect of service for which the payments have not been made if the employee does not make the overdue payment within 30 days after the date of a notice from the Commission to that effect. However, in the case of sections 20, 27, 29, 30 and 38, the application for redemption is deemed never to have been made in respect of all the service, and the amounts paid by the employee shall be refunded with the interest contemplated in and computed pursuant to section 72.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

c. R-9.3,  
s. 38, am.

**29.** Section 38 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended

(1) by replacing the words “computed in accordance with the standards established by regulation under” in the third and fourth lines by the words “established in accordance with the actuarial assumptions and methods determined by regulation made under paragraph 9 of section 134 of”;

(2) by inserting the words “in respect of section 79 of the said Act” after the word and figure “(chapter R-10)” in the fifth line;

(3) by replacing the words and figure “section 79 of the said Act” in the eighth line by the words and figure “the said section 79”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,  
s. 2, am.

**30.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 319 of chapter 38 of the statutes of 1989, is again amended by adding, after paragraph 4, the following paragraph:

“(5) a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) who is not entitled to assignment or re-assignment to a position where this plan would apply to him if, at his request, the Government adopts an order to that effect, except where he can avail himself of section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), section 9.01 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) and section 54 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).”

c. R-10,  
s. 24, am. **31.** Section 24 of the said Act, amended by section 12 of chapter 82 of the statutes of 1988, is again amended by adding, after the first paragraph, the following paragraph:

Maternity,  
paternity  
or adoption  
leave “However, in the case of unpaid leave immediately following maternity, paternity or adoption leave, the employee shall pay only one-half of the amount referred to in subparagraph 2 of the first paragraph.”

c. R-10,  
s. 26, am. **32.** Section 26 of the said Act is amended

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

Payment of  
redemption  
cost **“26.** The amount required to pay the cost of redeeming a period of unpaid leave, including the interest referred to in section 25, is payable either in a lump sum or by instalments spread over the period and payable at the times determined by the Commission.”;

(2) by replacing the first two lines of the second paragraph by the following words: “If this amount is paid by instalments, it bears interest, compounded annually, at the rate in force on the date on which the application is received, and computed”;

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

Interest **“Notwithstanding the second paragraph, this amount does not bear interest for the period during which the redemption proposal is valid.”**

c. R-10,  
s. 28, am. **33.** Section 28 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest **“The amount determined under the second paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”**

c. R-10,  
s. 33.1,  
added **34.** The said Act is amended by inserting, after section 33, the following section:

Application  
for pension **“33.1** A pension is also granted to an employee who ceases to be a member of this plan when he is 55 years of age or over and is not otherwise eligible for a pension if he applies therefor not later than 180 days after the date on which this plan ceased to apply to him.

Eligibility      If the employee dies, he is deemed to be eligible for a pension for the purposes of sections 43 and 46 to 46.2. The same applies where his death occurs in the 180 days following the date on which this plan ceased to apply to him, even if he had not applied for the pension.”

c. R-10,  
s. 36.2, am.      **35.** Section 36.2 of the said Act is amended

(1) by striking out the words “, even if they have been credited under this plan on an actuarially equivalent basis” in the sixth and seventh lines;

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

Salary and  
periods  
excluded      “However, the pensionable salary and the contributory periods of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits, and those of any years and parts of a year preceding them, are excluded from the average pensionable salary.”

c. R-10,  
s. 38, am.      **36.** Section 38 of the said Act is amended by adding, at the end, the following paragraph:

Reduction      “In the case described in section 33.1, the pension is reduced for its duration by 0.5 % per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which a pension would otherwise have been granted to him without actuarial reduction.”

c. R-10,  
s. 39, am.      **37.** Section 39 of the said Act is amended by adding, at the end, the following paragraph:

Reduction      “Where the pension is reduced pursuant to section 43.1, the amount obtained pursuant to subparagraphs 1, 2 and 3 of the first paragraph is reduced by 2 %.”

c. R-10,  
ss. 43.1  
and 43.2,  
added      **38.** The said Act is amended by inserting, after section 43, the following sections:

Increased  
spouse's  
pension      **“43.1** The employee may, when he applies for a pension, elect to reduce his pension by 2 % for its duration to allow his spouse to obtain a pension equal to 60 % of the reduced pension to which the employee is entitled, instead of the pension provided for in section 43. An employee who is entitled to a deferred annuity may also make such an election in the 90 days preceding the date of his sixty-fifth birthday.

Irrevocable  
election      Any such election is irrevocable once payment of the employee's pension has begun, even where there is no spouse entitled to a pension.

Actuarial  
value

**“43.2** The actuarial value of a pension which becomes payable to the spouse following the death of the employee, established in accordance with the actuarial assumptions and methods determined by regulation, must not be less than the total of the contributions with interest accumulated up to the date of death. If the actuarial value is less, the spouse’s pension shall be adjusted so that it is equal in value to the total of the contributions and interest.

Provisions  
applicable

The second paragraph of section 46.1 applies for the purpose of determining the total of such contributions.”

c. R-10,  
s. 46,  
replaced

**39.** Section 46 of the said Act, amended by section 23 of chapter 5 of the statutes of 1990, is replaced by the following sections:

Refund to  
spouse

**“46.** If the employee dies before becoming eligible for a pension and if he has less than two years of service, his contributions shall, subject to sections 58 and 59, be refunded to his spouse or, if he has no spouse, to his assigns.

Amount  
payable  
to spouse

**“46.1** If the employee dies before becoming eligible for a pension and if he has at least two years of service, his spouse or, if he has no spouse, his assigns, are entitled to receive the higher of the following two amounts:

(1) the total contributions with interests accumulated up to the date of death;

(2) the actuarial value of the deferred annuity established on the date of death in accordance with the actuarial assumptions and methods determined by regulation.

Contributions

For the purposes of the first paragraph, contributions include the amounts contemplated in section 50, except those paid by the employee or transferred to this plan and for which he has acquired a pension credit. The total of the contributions is established taking account of the second paragraph of section 55 and section 58.

Amounts  
excluded

Where section 99 applies, the contributions and the actuarial value of the deferred annuity in respect of the years and parts of a year of service credited pursuant to sections 85.1, 85.3 and 98 are excluded for the purposes of the first paragraph.

Interest

The amount determined pursuant to the first paragraph bears interest, compounded annually, at the rates determined for each period by this Act from the date of death of the employee to the date on which the refund is made.

No eligible spouse      **“46.2** If the employee who dies is eligible for a pension but has no spouse entitled to a pension, his contributions, subject to sections 58 and 59, are refunded to his assigns. The same rule applies to a pensioner who dies but has no spouse entitled to a pension.”

c. R-10,  
s. 47,  
replaced      **40.** Section 47 of the said Act, amended by section 24 of chapter 5 of the statutes of 1990, is replaced by the following section:

Refund of contributions      **“47.** If an employee who is less than 55 years of age ceases to be a member of the plan before becoming eligible for a pension and if he has less than two years of service, he is entitled, except if section 21 applies and subject to sections 58 and 59, to the refund of his contributions. However, he may not obtain the refund if he again becomes a member of the plan.

Refund to spouse      If he dies before obtaining the refund, his contributions shall be refunded to his spouse or, if he has no spouse, to his assigns.”

c. R-10,  
s. 48,  
repealed      **41.** Section 48 of the said Act, amended by section 25 of chapter 5 of the statutes of 1990, is repealed.

c. R-10,  
s. 49, am.      **42.** Section 49 of the said Act is amended by replacing the words and figures “sections 47 and 48” in the first line by the word and figure “section 47”.

c. R-10,  
s. 50, am.      **43.** Section 50 of the said Act, amended by section 319 of chapter 38 of the statutes of 1989, is again amended by inserting the words “, except sections 46.1 and 54,” after the word “division” in the first line of the first paragraph.

c. R-10,  
s. 51,  
replaced      **44.** Section 51 of the said Act, amended by section 26 of chapter 5 of the statutes of 1990, is replaced by the following section:

Deferred annuity      **“51.** The employee who ceases to be a member of this plan when he is not eligible for a pension is entitled, except if section 21 applies, only to a deferred annuity, if he satisfies at least one of the following requirements:

(1) he is 55 years of age or over, unless he elects in favour of the pension provided for in section 33.1;

(2) he has at least two years of service.

Cancellation of annuity      The deferred annuity is cancelled if the person transfers his years and parts of a year of service to the Pension Plan of Peace Officers in Correctional Services or the Pension Plan of Certain Teachers, or if he avails himself of a transfer agreement applicable to this plan

entered into in accordance with section 158, or if he dies before his deferred annuity becomes payable. In this latter case, section 46.1 applies.”

c. R-10,  
s. 52,  
repealed

**45.** Section 52 of the said Act is repealed.

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

**46.** Section 53 of the said Act is amended

(1) by inserting the words “in accordance with section 51 as it read on 31 December 1990” after the word “annuity” in the second line of the second paragraph;

(2) by striking out the last sentence of the second paragraph.

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

**47.** Section 54 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Actuarial  
value

“If the actuarial value of the deferred annuity established in accordance with the actuarial assumptions and methods determined by regulation is less than the total of the contributions with interest accumulated on the date of the employee’s sixty-fifth birthday, the deferred annuity is adjusted so that it is equal in value to the total of the contributions and interest. The second paragraph of section 46.1 applies for the purpose of determining the total of such contributions.”

c. R-10,  
s. 55, am.

**48.** Section 55 of the said Act is amended by adding, at the end of the second paragraph, the words “, except, where applicable, interest payable on the amount determined pursuant to section 46.1”.

c. R-10,  
s. 58, am.

**49.** Section 58 of the said Act is amended

(1) by replacing the word and figure “to 48” in the third line of the second paragraph by the word and figure “and 47”;

(2) by striking out the words “or where he has applied for a deferred annuity under section 48” in the ninth line of the second paragraph.

c. R-10,  
s. 59, am.

**50.** Section 59 of the said Act, amended by section 27 of chapter 5 of the statutes of 1990, is again amended by inserting, before the first paragraph, the following paragraph:

Refund to  
spouse

**59.** If an employee having acquired a pension credit dies before the credit becomes payable to him, the amount which he was required to pay to acquire the pension credit is refunded with accrued interest to his spouse or, if he has no spouse, to his assigns.”

c. R-10,  
s. 77, am.

**51.** Section 77 of the said Act is amended by replacing the second paragraph by the following paragraph:

Indexing  
of deferred  
annuity

“The deferred annuity is, at the same time, indexed annually at the rate of increase of the Pension Index determined by the said Act from 1 January following the date on which the employee ceased to be a member of the plan to 1 January of the year in which he reached 65 years of age. From 1 January following the date on which he reached 65 years of age, the deferred annuity is indexed in the manner set out in the first paragraph.”

c. R-10,  
s. 78, am.

**52.** Section 78 of the said Act is amended

(1) by inserting the words “, except a deferred annuity,” after the word “pension” in the first line;

(2) by adding, at the end, the following paragraph:

Adjustment

“In the case of a deferred annuity, the adjustment on 1 January following the date on which the employee reaches 65 years of age is made in the proportion provided for in subparagraph 1 of the first paragraph.”

c. R-10,  
s. 79, am.

**53.** Section 79 of the said Act is amended by replacing the words “computed in accordance with the standards established” in the fourth line of the first paragraph by the words “established in accordance with the actuarial assumptions and methods determined”.

c. R-10,  
s. 85.1, am.

**54.** Section 85.1 of the said Act is amended

(1) by replacing the words “any school year that otherwise would be incomplete for pension purposes by reason of the leave” in the third, fourth and fifth lines of subparagraph 1 of the first paragraph by the words “95 % or more of the school year during which she was on leave”;

(2) by replacing the figure “90” in the ninth line of the third paragraph by the figure “100”.

c. R-10,  
s. 85.3, am.

**55.** Section 85.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those years to be credited is payable either in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in

force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-10,  
s. 85.6, am. **56.** Section 85.6 of the said Act, amended by section 9 of chapter 32 of the statutes of 1990, is again amended by inserting the words “, including special provisions included in Chapter I of Title IV.1 of the said Act,” after the word “Act” in the second line of subparagraph 4 of the first paragraph.

c. R-10,  
s. 85.13, am. **57.** Section 85.13 of the said Act is amended by inserting the words and figure “or, where applicable, under section 43.1” after the figure “43” in the second line.

c. R-10,  
s. 85.18, am. **58.** Section 85.18 of the said Act, amended by section 12 of chapter 32 of the statutes of 1990, is again amended

(1) by replacing the figure “1.84 %” in the first line of subparagraph 3 of the first paragraph by the figure “3.27 %”;

(2) by replacing the word “aux” in the fourth line of the second paragraph of the French text by the word “au”;

(3) by replacing the word “aux” in the fourth line of the third paragraph of the French text by the word “au”.

c. R-10,  
s. 85.21,  
added **59.** The said Act is amended by inserting, after section 85.20, the following section:

Restriction **“85.21** Sections 85.18, 85.19 and 85.20, except the second paragraph of the latter section, apply only in respect of the contributions of unionized employees, the contributory amounts of their employers and the actuarial valuations produced in respect of such employees.”

c. R-10,  
s. 96, am. **60.** Section 96 of the said Act is amended by inserting the words “, including the interest referred to in section 97,” after the word “instalments” in the fourth line of the first paragraph.

c. R-10,  
s. 97,  
replaced **61.** Section 97 of the said Act is replaced by the following section:

Interest on  
instalments **“97.** If the sum to which section 95 refers is paid by instalments, it shall bear interest at the rate of 6 %, compounded annually, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-10,  
s. 99, am.

**62.** Section 99 of the said Act is amended by replacing the words “entitlement to and to payment of a pension” in the fourth and fifth lines of the first paragraph by the words “entitlement to a pension, as they read on 31 December 1990.”.

c. R-10,  
s. 105, am.

**63.** Section 105 of the said Act is amended

(1) by replacing the words “If the supplemental pension plan is a money purchase plan within the meaning of the Act respecting supplemental pension plans (chapter R-17),” in the first, second and third lines of the first paragraph by the words “If the supplemental pension plan is a defined contribution plan within the meaning of the Supplemental Pension Plans Act (1989, chapter 38),”;

(2) by replacing the words “If the supplemental pension plan is a unit benefit plan” in the first and second lines of the second paragraph by the words “If the supplemental pension plan is a defined benefit plan”;

(3) by replacing the words “supplémentaire de rentes” in the second line of the third paragraph of the French text by the words “complémentaire de retraite”.

c. R-10,  
s. 111, am.

**64.** Section 111 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-10,  
s. 114.1,  
added

**65.** The said Act is amended by inserting, after section 114, the following section:

Service  
to be  
credited

**114.1** An employee is entitled to be credited with the years and parts of a year of service during which he was a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly, provided he has not otherwise been credited with such years and parts of a year or provided his contributions in respect of them have not been refunded to him.

Application

To have all or part of such service credited, the employee must apply to the Commission within 60 months after the date on which he ceased to be such a member of staff, and must pay to the Commission an amount equal to the contribution he would have had to pay if he had been a member of this plan. The amount bears interest, compounded annually, at the rates determined for each period by this Act. The interest accrues from the midpoint of each year to the date on which the redemption proposal is made by the Commission. Where

the employee has only part of his service credited, the most recent service is credited first.

Payment  
and  
interest

The amount established pursuant to the second paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force on the date on which the application is received, computed from the date on which the redemption proposal expires.”

c. R-10,  
s. 115.2,  
replaced

**66.** Section 115.2 of the said Act is replaced by the following section:

Payment  
and  
interest

**“115.2** The amount established pursuant to section 115.1 is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-10,  
s. 115.8, am.

**67.** Section 115.8 of the said Act is amended

(1) by replacing the words “notice from the Commission of the amount to be paid” in the eighth and ninth lines of the first paragraph by the words “redemption proposal made by the Commission”;

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

Payment  
and  
interest

“The sum established under the first paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

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

**68.** Section 134 of the said Act, amended by section 29 of chapter 5 of the statutes of 1990 and by section 20 of chapter 32 of the statutes of 1990, is again amended

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

“(9) determine the actuarial assumptions and methods, which may vary according to the nature of the benefits, used to establish the actuarial values of the benefits contemplated in sections 43.2, 46.1, 54 and 79;”;

(2) by striking out paragraph 23.

c. R-10,  
s. 137, am. **69.** Section 137 of the said Act is amended by inserting the figure "114.1," after the figure "85.3," in the first line of subparagraph 1 of the second paragraph.

c. R-10,  
s. 152, am. **70.** Section 152 of the said Act is amended by adding the words "in respect of the amount determined pursuant to section 46.1 and" after the word "apply" in the first line of the second paragraph.

c. R-10,  
Title IV.1,  
added **71.** The said Act is amended by inserting, after section 215, the following title:

"TITLE IV.1

"PARTICULAR PROVISIONS APPLICABLE TO NON-UNIONIZABLE  
EMPLOYEES

"CHAPTER I

"SPECIAL APPLICATION OF EARLY RETIREMENT PROVISIONS  
UNDER CHAPTER III OF TITLE IV

Early  
retirement  
for non-  
unionizable  
employees **"215.1** Chapter III of Title IV concerning the provisional early retirement measure applies, without the need for an agreement with the employer, to any non-unionizable employee who fulfills the following requirements:

(1) he is 58 years of age or over, but less than 62 years of age;

(2) he has at least 28 years of service for the purpose of eligibility for a pension;

(3) he is a member, as a non-unionizable employee, of the pension plan provided for in this Act on 31 December 1988.

Restriction However, the number added pursuant to the first paragraph of section 198 may not exceed 3.

Pension  
credit **"215.2** Where applicable, the employee is entitled to receive any pension credit acquired without actuarial reduction and section 201 applies to such a pension credit.

Conditions **"215.3** To be entitled to avail himself of the provisions of this chapter, a non-unionizable employee must apply therefor to the Commission, retire and cease to be a member of the pension plan provided for in this Act before Chapter III ceases to have effect.

**Effect**           “**215.4** Except in respect of a person who has availed himself of it, this chapter has effect until 1 September 1992.

**Extension of application**       However, the Government may, following the actuarial valuation referred to in the second paragraph of section 215.7, determine another date until which the chapter may continue to apply.

**Contestation**       “**215.5** No decision made in respect of a person pursuant to the provisions of this chapter may be contested except in the manner provided in the pension plan provided for in this Act.

## “CHAPTER II

### “FINANCING OF SPECIFIC MEASURES AND ACTUARIAL VALUATIONS

**Funding of benefits**       “**215.6** The actuarial value of benefits resulting from the measure provided for in Chapter III of Title IV in respect of employees covered by Chapter I of this Title, taking into account the special provisions governing the application of this measure provided for in Chapter I, the actuarial value of benefits resulting from the measures provided for in Division III of Chapter V.I of Title I, except those resulting from the benefits provided for in section 85.9, and the actuarial value of benefits resulting from the measures provided for in Division IV of the same chapter, to the extent that they introduce, for the purposes of eligibility for and computation of any pension, the eligibility criterion of 35 years of service, shall be funded, in the case of non-unionizable employees, out of the sum of the amounts obtained under subparagraphs 1, 2 and 3, as follows:

(1) an amount equal to the difference between the following amounts:

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

(b) the amount of contributions that would, for the same period, have been paid by such employees and the contributory amounts that would have been paid by their employers, on the basis of the result of the actuarial valuation, as of 31 December 1984, of the plan provided for in this Act, and produced in respect of such employees, if the Government had, from 1 January 1987 and in accordance with section 177, revised the rate of contribution and if the 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 following amounts:

(a) the amount of contributions paid by such employees and the contributory amounts paid by their employers, the latter being equivalent to 73.45 % of the contributions paid by those employees for the period comprised between 1 January 1990 and 31 December 1990;

(b) the amount of contributions which would, during the same period, have been paid by such employees and the contributory amounts which would have been paid by their employers on the basis of the result of the actuarial valuation, as of 31 December 1987, of the pension plan provided for in this Act and produced in respect of such employees;

(3) the amount of an additional contributory amount paid by the employers of such employees equivalent to 10.09 % of the contributions paid by the non-unionizable employees during the period comprised between 1 January 1991 and 31 December 1992.

Amounts transferred

The Commission shall transfer, annually and for the period comprised between 1 January 1987 and 31 December 1989, with interest, from the employer's contributory fund of the Caisse de dépôt et placement du Québec into the non-unionizable employees' contribution fund of 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 subparagraph.

Actuarial valuation

**“215.7** The Commission shall, not later than 1 January 1992, cause the actuarial valuation of the benefits provided for in section 215.6 and of the amounts to be allocated to their funding to be made by the actuaries it determines. The payment made or to be made by employers in respect of their non-unionizable employees in relation to the continued participation, where that is the case, of those who availed themselves of any of the measures provided for in Division III of Chapter V.1 of Title I, in the basic health insurance plan in accordance with the conditions of employment applicable to them, must be added to the actuarial value of such benefits.

Time limit

For the purposes of the second paragraph of section 215.4, the Commission must also cause such a valuation to be made not later than 30 April 1992.

Extension of application

**“215.8** In addition to its power of extension under section 85.17, the Government may determine up to which other later date the

measure provided in Division IV of Chapter V.1 of Title I may continue to apply in respect of non-unionizable employees.

**215.9** The amount representing the actuarial value of reductions which will not be made pursuant to section 215.2 on pension credits obtained under sections 86, 100 and 104 shall be transferred to the pension credits fund up to an amount equivalent to 5/12 of the actuarial value for years of service prior to 1 July 1982, and equivalent to one-half of that value for years of service subsequent to 30 June 1982. The amounts, up to 30 % of the total actuarial value of reductions not made, shall be taken annually out of the non-unionizable employees' contribution fund of the Caisse de dépôt et placement du Québec, and the remaining balance to be transferred shall be taken out of the employers' contributory fund of the Caisse.

The amount representing the actuarial value of reductions which will not be made pursuant to section 215.2 on the pension credits obtained under sections 101, 113 and 158 shall be transferred to the pension credits fund. The amounts, up to 30 % of the total, shall be taken annually out of the non-unionizable employees' contribution fund of the Caisse de dépôt et placement du Québec, and the remaining balance to be transferred shall be taken out of the employers' contributory fund of the Caisse.

Notwithstanding the transfers made under this section, the amount representing the total actuarial value of reductions not made on pension credits under section 215.2 shall continue to be funded out of the total of the amounts obtained under subparagraphs 1, 2 and 3 of the first paragraph of section 215.6.

**215.10** The actuarial value of the benefits resulting from the measure provided for in Chapter III of Title IV in respect of employees covered by Chapter I of this Title, taking into account the special provisions governing the application of the measure provided for in Chapter I, the actuarial value of the benefits resulting from the measures provided for in Division III of Chapter V.1 of Title I, except the value resulting from any benefits under the first paragraph of section 85.9, and the actuarial value of the benefits resulting from the measures provided for in Division IV of the same chapter, to the extent that they introduce, for the purposes of eligibility for and computation of any pension, the eligibility criterion of 35 years of service, and the sums allocated to their funding, shall not be taken into account for the purposes of the actuarial valuation, as of 31 December 1990, of the pension plan provided for in this Act and produced in respect of non-unionizable employees. However, they must be taken into account for the purposes of subsequent actuarial valuations of the

pension plan provided for in this Act and produced in respect of such employees.

### “CHAPTER III

#### “ADMINISTRATION

Administration   **“215.11** This Title shall be under the administration of the Commission.”

c. R-10,  
s. 216.1,  
added           **72.** The said Act is amended by inserting, after section 216, the following section:

Redemption  
proposal       **“216.1** Where an application for the redemption of years or parts of a year of service is made to the Commission under the pension plan provided for in this Act, the Commission shall send to the employee a redemption proposal valid for a period of 60 days from the date it is made.

Presumption    The application for redemption is deemed never to have been made if the Commission does not receive from the employee before the 60-day period expires a notice to the effect that he accepts the proposal.

Presumption    In addition, the application is deemed never to have been made if the lump sum payment of the cost of redemption is not made before the 60-day period expires, where such a payment is exigible owing to the choice made by the employee or by operation of law. Where payment is exigible by instalments and the employee fails to make a payment, the application for redemption is deemed never to have been made in respect of service for which the payments have not been made if the employee does not make the payment which has become overdue within 30 days after the date of a notice from the Commission to that effect. However, in the case of sections 24, 27, 109, 111, 115.5 and 221, the application for redemption is deemed never to have been made in respect of all the service, and the sums that have been paid by the employee shall be refunded with the interest contemplated in section 217 computed in accordance with sections 218 and 219.”

c. R-10,  
s. 218, am.      **73.** Section 218 of the said Act, amended by section 31 of chapter 5 of the statutes of 1990, is again amended by replacing the first paragraph by the following paragraph:

Rate of  
interest        **“218.** The interest on contributions within the meaning of section 50 is accrued at the rates determined for each period under this Act. However, until 31 December 1990, interest shall accrue at 90 % of those rates.”

c. R-10,  
s. 220, am. **74.** Section 220 of the said Act is amended by inserting the words “, and any order made under paragraph 5 of section 2 may have effect 12 months or less before it is made” after the words “is made” in the third line of the second paragraph.

c. R-10,  
s. 221, am. **75.** Section 221 of the said Act, amended by section 51 of chapter 82 of the statutes of 1988, is again amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest “The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. This amount bears interest, compounded annually, computed from the date on which the application is received, at the rate in force on that date. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-10,  
s. 236.5,  
added **76.** The said Act is amended by inserting, after section 236.4, the following section:

Provisions  
applicable **“236.5** Sections 46 to 55, 58, 59, 77 and 78, as they read on 31 December 1990, continue to apply to an employee to whom the plan ceases to apply before 1 January 1991 or who dies before that date.”

c. R-10,  
Sched. I, am. **77.** Schedule I to this 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, 584-90 of 2 May 1990 and 1643-90 of 28 November 1990, and by section 24 of chapter 32 of the statutes of 1990, is again amended by striking out the words “the Société Informas du Québec (S.I.Q.)” in paragraph 1.

c. R-10,  
Sched. III,  
am. **78.** Schedule III to this Act, amended by orders 1224-89 of 2 August 1989 and 1942-89 of 20 December 1989, by section 5 of chapter 73 of the statutes of 1989 and by section 25 of chapter 32 of the statutes of 1990, is again amended by striking out the words “the Société Informas du Québec (S.I.Q.)” in paragraph 1.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,  
s. 5, am. **79.** Section 5 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 26 of chapter 32 of the statutes of 1990, is again amended by replacing the words “Penal Institutions” in the second line of the second paragraph by the words “Correctional Services”.

c. R-11,  
s. 9,  
replaced

**80.** Section 9 of the said Act is replaced by the following sections:

Member of  
staff of  
Lieutenant-  
Governor

**“9.** A teacher who ceases to be a member of this plan and who, within 180 days after the date on which this plan ceased to apply to him, becomes a member of the staff of the Lieutenant-Governor, is a member of this plan.

Member of  
staff of  
minister

**“9.01** A teacher who ceases to be a member of this plan and who, within 180 days after the date on which this plan ceased to apply to him, becomes a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is a member of this plan if he is entitled to re-assignment to a position where this plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan would apply to him.

Order

If he is not entitled to such re-assignment, he may be a member of this plan if he applies therefor during the year following the date on which he became such a member of staff and if the Government adopts an order to that effect. The order takes effect on the date on which he became such a member of staff.”

c. R-11,  
s. 10.1,  
added

**81.** The said Act is amended by inserting, after section 10, the following section:

Redemption  
proposal

**“10.1** Where an application for redemption of years or parts of a year of service is made to the Commission under this plan, the Commission shall send to the teacher a redemption proposal valid for a period of 60 days from the date it is made.

Presumption

The application for redemption is deemed never to have been made if the Commission does not receive from the teacher before the 60-day period expires a notice to the effect that he accepts the proposal.

Presumption

In addition, the application is deemed never to have been made if the lump sum payment of the cost of redemption is not made before the 60-day period expires, where such a payment is exigible owing to the choice made by the teacher or by operation of law. Where payment is exigible by instalments and the teacher fails to make a payment, the application for redemption is deemed never to have been made in respect of service for which the payments have not been made if the teacher does not make the payment which has become overdue within 30 days after the date of a notice from the Commission to that effect. In that case, the most recent service is credited first. However,

in the case of sections 21, 76 and 76.1, the application for redemption is deemed never to have been made in respect of all the service, and the amounts paid by the teacher shall be refunded without interest.”

c. R-11,  
s. 23, am.

**82.** Section 23 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest

“The amount determined under the second paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-11,  
s. 26, am.

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

Interest on  
instalments

“However, where he redeems two years of service or more, he may pay by instalments; in that case, the amount to be paid by him shall bear interest from the date on which the redemption proposal made by the Commission expires, at the rate of 5 %, compounded annually, and may be apportioned in equal and consecutive annual instalments over a period not exceeding five years.”

c. R-11,  
s. 27.2, am.

**84.** Section 27.2 of the said Act is amended

(1) by replacing the words “notice from the Commission of the amount to be paid” in the tenth and eleventh lines of the first paragraph by the words “redemption proposal made by the Commission”;

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

Payment  
and  
interest

“The amount determined under the first paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal expires.”

c. R-11,  
s. 28.1, am.

**85.** Section 28.1 of the said Act is amended

(1) by replacing the words "any school year that otherwise would be incomplete for pension purposes by reason of the leave" in the third and fourth lines of subparagraph 1 of the first paragraph by the words "95 % or more of the school year during which she was on leave";

(2) by replacing the figure "90" in the fifth line of the third paragraph by the figure "100".

c. R-11,  
s. 28.3, am. **86.** Section 28.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment  
and  
interest

"The amount required for such years and parts of a year to be credited is payable either in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires."

c. R-11,  
s. 35.2, am. **87.** Section 35.2 of the said Act is amended

(1) by striking out the words ", even if they have been credited under this plan on an actuarially equivalent basis" in the seventh and eighth lines;

(2) by adding, at the end, the following paragraph:

Salary and  
periods  
excluded

"However, the pensionable salary and the contributory periods of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits, and those of any years and parts of a year preceding them, are excluded from the average pensionable salary."

c. R-11,  
s. 76, am. **88.** Section 76 of the said Act is amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

"The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If the application for redemption is made after the end of the year in which the teacher was on leave without pay or was pursuing specialized studies, the amount bears interest at 8.5 % compounded annually, computed from the date on which the leave expires or the end of the specialized studies. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid."

c. R-11,  
s. 76.1, am. **89.** Section 76.1 of the said Act, amended by section 34 of chapter 32 of the statutes of 1990, is again amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. The amount bears interest, compounded annually, computed from the date on which the application is received, at the rate in force on the date under the Act respecting the Government and Public Employees Retirement Plan. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,  
s. 54, am. **90.** Section 54 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 41 of chapter 32 of the statutes of 1990, is again amended by inserting, after the second paragraph, the following paragraph:

Member of  
staff of  
minister

“An officer who ceases to be a member of the plan provided for in this division and who, within 180 days of the date on which this plan ceased to apply to him, becomes a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) but is not entitled to re-assignment to a position where the plan provided for in this division, the Teachers Pension Plan or the Government and Public Employees Retirement Plan would apply to him, is a member of the plan provided for in this division if he applies therefor and if the Government adopts an order to that effect. The order has effect on the date on which the officer becomes such a member of staff.”

c. R-12,  
s. 56, am. **91.** Section 56 of the said Act, amended by section 6 of chapter 76 of the statutes of 1989, is again amended by replacing the words and figures “under subparagraph 1, 2, 4 or 5 of the first paragraph” in the seventh line of the third paragraph by the words “without actuarial reduction under subparagraph 1, 2, 4, 5 or 7 of the first paragraph”.

c. R-12,  
s. 63.1.2, am. **92.** Section 63.1.2 of the said Act is amended

(1) by striking out the words “, even if they have been credited under the plan provided for in this division on an actuarially equivalent basis” in the sixth, seventh and eighth lines;

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

Salary and  
periods  
excluded

“However, the pensionable salary and the contributory periods of all the years and parts of a year of service credited under the plan provided for in this division on the basis of actuarially equivalent benefits, and those of any years and parts of a year preceding them, are excluded from the average pensionable salary.”

c. R-12,  
s. 63.7, am.

**93.** Section 63.7 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

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

**94.** Section 76 of the said Act is amended by replacing the word “one-half” in the fourth line of the first paragraph by the figure “60 %”.

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

**95.** Section 82 of the said Act, amended by section 40 of chapter 5 of the statutes of 1990, is again amended by adding, at the end of the second paragraph, the following sentence: “However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

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

**96.** Section 90 of the said Act, amended by section 44 of chapter 32 of the statutes of 1990, is again amended by adding, at the end of the fourth paragraph, the following sentence: “However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-12,  
s. 93, am.

**97.** Section 93 of the said Act is amended

(1) by replacing the words “notice from the Commission of the amount to be paid” in the tenth and eleventh lines of the first paragraph by the words “redemption proposal made by the Commission”;

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

Payment  
and  
interest

“The amount determined under the first paragraph is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal expires.”

c. R-12,  
s. 99, am.

**98.** Section 99 of the said Act is amended by adding, at the end of the sixth paragraph, the following sentence: “However, no interest

is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-12,  
s. 99.5, am. **99.** Section 99.5 of the said Act is amended

(1) by replacing the words “any school year that otherwise would be incomplete for pension purposes by reason of the leave” in the third and fourth lines of subparagraph 1 of the first paragraph by the words “95 % or more of the school year during which she was on leave”;

(2) by replacing the figure “90” in the fourth line of the third paragraph by the figure “100”.

c. R-12,  
s. 99.7, am. **100.** Section 99.7 of the said Act is amended by replacing the third paragraph by the following paragraph:

Payment and interest “The amount required for such years and parts of a year to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If it is paid by instalments, it bears interest, compounded annually, at the rate in force under the Act respecting the Government and Public Employees Retirement Plan on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

c. R-12,  
s. 111.01,  
added **101.** The said Act is amended by inserting, after section 111, the following section:

Redemption proposal **“111.01** Where an application for redemption of years or parts of a year of service is made to the Commission under the plans provided for in this Act, the Commission shall send to the officer a redemption proposal valid for a period of 60 days from the date it is made.

Presumption The application for redemption is deemed never to have been made if the Commission does not receive from the officer before the 60-day period expires a notice to the effect that he accepts the proposal.

Presumption In addition, the application is deemed never to have been made if the lump sum payment of the cost of redemption is not made before the 60 day period expires, where such a payment is exigible owing to the choice made by the officer or by operation of law. Where payment is exigible by instalments and the officer fails to make a payment, the application for redemption is deemed never to have been made in respect of the service for which payments have not been made if the officer does not make the payment which has become overdue

within 30 days after the date of a notice from the Commission to that effect. However, in the case of sections 63.7, 66.1, 112 and 112.1, the application for redemption is deemed never to have been made in respect of all the service, and the amounts paid by the officer shall be refunded without interest.”

c. R-12,  
s. 112, am. **102.** Section 112 of the said Act, amended by section 151 of chapter 82 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. If the application for redemption is made after the end of the year in which the officer took a leave without pay, this amount bears interest at 8.5 %, compounded annually, computed from the date on which the leave ended. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

c. R-12,  
s. 112.1, am. **103.** Section 112.1 of the said Act, amended by section 47 of chapter 32 of the statutes of 1990, is again amended by replacing the second paragraph by the following paragraph:

Payment  
and  
interest

“The amount required for those days to be credited is payable in a lump sum or by instalments spread over the period and payable at the times determined by the Commission. This amount bears interest, compounded annually, computed from the date on which the application is received, at the rate in force on that date under the Act respecting the Government and Public Employees Retirement Plan. However, no interest is computed for the period during which the redemption proposal made by the Commission is valid.”

#### TRANSITIONAL AND FINAL PROVISIONS

Concordance **104.** In the Act respecting the Pension Plan of Peace Officers in Penal Institutions (R.S.Q., chapter R-9.2) and in the regulations thereunder, the expression “Union des agents de la paix en institutions pénales” is replaced by the expression “Syndicat des agents de la paix en services correctionnels du Québec”, and the expression “Peace Officers in Penal Institutions” is replaced by the expression “Peace Officers in Correctional Services”.

Concordance **105.** In any Act, regulation, order, order in council, agreement, contract or other document, unless the context indicates otherwise, the expressions “Act respecting the Pension Plan of Peace Officers in Penal Institutions” and “Pension Plan of Peace Officers in Penal

Institutions” are replaced respectively by the expressions “Act respecting the Pension Plan of Peace Officers in Correctional Services” and “Pension Plan of Peace Officers in Correctional Services”.

**106.** Sections 34, 36 to 52 and paragraph 1 of section 68 apply only to employees who cease to be members of the Government and Public Employees Retirement Plan after 31 December 1990, or who die after that date.

Sections 91 and 94 apply only to officers who cease to be members of the Civil Service Superannuation Plan after 31 December 1990, or who die after that date.

**107.** Paragraph 2 of section 68 and section 73 apply in respect of any application for a refund of contributions that is received by the Commission administrative des régimes de retraite et d'assurances after 31 December 1990.

**108.** Sections 1 to 3, 12, 13, 18, 20 to 22, 24 to 26, 28, 32, 33, 55, 60, 61, 64, 66, 67, 72, 75, 81 to 84, 86, 88, 89, 93, 95 to 98 and 100 to 103 apply to any redemption proposal made by the Commission administrative des régimes de retraite et d'assurances dated later than 31 December 1990.

**109.** Sections 27, 35, 87 and 92 apply in respect of any pension granted after 31 December 1990 if the employee, the teacher or the officer, as the case may be, ceased to be a member of the plan concerned, retires or dies after that date.

The same sections also apply in respect of the computation of the pension granted to a spouse after 31 December 1990 if a pension or a deferred annuity had not been granted to the employee, teacher or officer, as the case may be, before that date.

**110.** Regulations made under paragraph 9 of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) may, until 1 July 1991, and if they so provide, apply from any date not prior to 1 January 1991.

**111.** Section 31 applies only in respect of unpaid leave following a maternity, paternity or adoption leave in progress on 1 January 1991 or beginning after that date.

**112.** A member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly

(R.S.Q., chapter A-23.1) who, on 31 December 1990, is a member of the Pension Plan of Peace Officers in Penal Institutions or the Teachers Pension Plan and who is not entitled to re-assignment to a position where the plan concerned would apply to him, ceases to be a member of such a plan from 1 January 1991. He may also, where applicable, avail himself of the second paragraph of section 4.1 of the Act respecting the Pension Plan of Peace Officers in Penal Institutions (R.S.Q., chapter R-9.2) or the second paragraph of section 9.01 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11).

Teachers            However, a teacher must apply before 1 January 1992 and, in that case, the order will have effect on 1 January 1991.

Non-unionizable employees            **113.** Chapter I of Title IV.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), enacted by section 71 of this Act, applies to every non-unionizable employee who retires and to whom the Government and Public Employees Retirement Plan ceases to apply after 31 December 1990.

Effect                **114.** Sections 14, 79, 104 and 105 have effect from 21 August 1990. Section 77 has effect from 1 April 1986 and section 78 has effect from 1 April 1985.

Coming into force            **115.** This Act comes into force on 1 January 1991.