

1984, chapter 48

**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**

Bill 16

Introduced by Mr Yves Bérubé, Minister of Education

Introduced: 15 November 1984

Passage in principle: 17 December 1984

Passage: 20 December 1984

Assented to: 21 December 1984

Coming into force: 21 December 1984

Act amended:

Act respecting the Government and Public Employees Retirement plan (R.S.Q., chapter R-12)



CHAPTER 48

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

[Assented to 21 December 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Transfer of
public
servants

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.

Preserva-
tion of
rights

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.

Obligation
of the
Société

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.

Settlement
of disa-
greement

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

Privilege

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).

Advice on
classifi-
cation

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.

Notice of
classifi-
cation

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.

Layoff

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.

Placement
on reserve

9. Where all of the activities of the Société cease, the employee contemplated in section 8 shall be placed on reserve with the Ministère de l'Éducation until the Office des ressources humaines is able to assign him a position in the public service.

Placement
on reserve

In all other cases, the employee shall be placed on reserve in the public service, and he remains employed by the Société until the Office des ressources humaines is able to assign him a position.

Appeal

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.

Represent-
ation

11. The associations of employees certified in accordance with Chapter IV of the Public Service Act which, on 21 December 1984, represent public servants who agree to be transferred to the Société continue to represent those employees at the Société until 31 December 1985.

Represent-
ation

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.

Collective
agreements

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.

Regulations
continued

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.

Pension
plans

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.

c. R-12,
s. 99.4,
added

13. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by adding, after section 99.3, the following section:

Participa-
tion con-
tinued

“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 48) have become employees of the Société de gestion du réseau informatique des commissions scolaires shall continue to participate in this plan.”

c. R-12,
Sched. A,
am.

14. Schedule A to 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”.

Exception

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).

Coming into
force

16. This Act comes into force on 21 December 1984.

SCHEDULE I

1. The “Règlement sur les conditions de travail du personnel de bureau, techniciens et assimilés, de certains employés à la résidence du lieutenant-gouverneur, des chauffeurs de ministre et du personnel ouvrier”, 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 “Règlement sur les conditions de travail du personnel professionnel”, 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 “Règlement sur la rémunération, les avantages sociaux et les autres conditions de travail de certains fonctionnaires” (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.