2003

CHAPTER 31

An Act to amend *The Municipal Employees' Pension Act*

(Assented to June 27, 2003)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Municipal Employees' Pension Amendment Act, 2003*.

R.S.S. 1978, c.M-26 amended

2 *The Municipal Employees' Pension Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Subclause 2(e)(ii) is repealed and the following substituted:

"(ii) with respect to the period commencing on January 1, 2001:

(A) in the case of an employee described in subsection 2.1(2) or (3), an amount equal to one full year for each academic year in which the employee meets the requirements of subsection 2.1(2);

(B) in the case of an employee described in subsection 2.1(3.1), an amount equal to the employee's contributory service; and

(C) in any other case, an amount equal to the total of the pay periods with respect to which the employee is credited with contributory service**".**

Section 2.1 amended

4(1) Subsections 2.1(1) and (2) are repealed and the following substituted:

"(1) In this section:

(a) **'academic year'** means, with respect to an employer that is a division or the conseil scolaire within the meaning of *The Education Act, 1995* or a regional college within the meaning of *The Regional Colleges Act*, a period that:

(i) is the regular period of annual employment of a full-time employee who provides educational services; and

(ii) is not less than 10 consecutive months;

(b) **'unit of service'** means a number of hours of service provided by an employee that is equal to the number of hours of service that a full-time employee of the employer would regularly provide in a week, but that is not less than 30 and not more than 40 hours.

"(2) Subject to subsections (3) to (5), an employee is entitled to count as one full year of contributory service every academic year in which the employee:

(a) is employed continuously by an employer pursuant to a contract of employment that requires the employee to provide services for an academic year; and

(b) contributes to the plan with respect to not less than 10 months in the academic year".

(2) Subsection 2.1(3) is amended:

(a) by striking out "a year**" and substituting "**an academic year**"; and**

(b) by striking out "the year**" wherever it appears and in each case substituting "**the academic year**".**

(3) The following subsections are added after subsection 2.1(3):

"(3.1) An employee who is a full-time employee pursuant to a contract of employment that requires the employee to provide services for a portion of an academic year is entitled to count as contributory service that proportion of an academic year that the period of service provided by the employee during the academic year bears to the academic year.

"(3.2) An employee described in subsection (3.1) who has not terminated employment with the employer may apply to the commission to have his or her contributory service with the employer recalculated in accordance with that subsection with respect to a period of time before the coming into force of that subsection".

(4) The following subsection is added after subsection 2.1(4):

"(5) No period of contributory service that an employee is entitled to count pursuant to this section shall be combined with any other service to provide the employee with more than one year of contributory service in a year".

New section 7

5 Section 7 is repealed and the following substituted:

"**Composition of commission**

7(1) The Municipal Employees' Pension Commission is continued.

(2) The commission shall administer this Act.

(3) A person who was a member of the commission immediately before the coming into force of this section ceases to be a member of the commission on the coming into force of this section unless the person is reappointed pursuant to subsection (4) or (5).

(4) The commission shall consist of:

(a) the following persons who are deemed to be employer representatives:

(i) one person appointed by The Saskatchewan Urban Municipalities Association;

(ii) two persons appointed by The Saskatchewan School Trustees' Association;

(iii) one person appointed by The Saskatchewan Association of Rural Municipalities;

(iv) one person appointed by associations that represent regional colleges as defined in *The Regional Colleges Act* and regional libraries as defined in *The Public Libraries Act, 1996*; and

(b) the following persons who are deemed to be employee representatives:

(i) one person appointed by The Rural Municipal Administrators' Association of Saskatchewan;

(ii) one person appointed by The Saskatchewan Association of School Business Officials;

(iii) one person appointed by The Urban Municipal Administrators' Association of Saskatchewan;

(iv) one person appointed by the trade unions that represent employees who are members of the plan, other than members mentioned in subclause (v);

(v) one person appointed by associations that represent firefighters and police officers who are members of the plan.

(5) If there is a dispute with respect to the appointment of a member pursuant to subclause (4)(a)(iv) or (b)(iv) or (v), the minister shall appoint an arbitrator and the arbitrator shall:

(a) conduct an arbitration in which the parties are the associations or trade unions that the member is to represent;

(b) determine who should be appointed to represent the associations or trade unions; and

(c) appoint the member.

(6) Subject to subsections (7) and (8), a member of the commission:

(a) holds office for a period of four years; and

(b) is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(7) The term of office of one-half of the first members of the commission to be appointed after the coming into force of this section is two years.

(8) If the associations or trade unions that appoint members of the commission are unable to agree amongst themselves which members of the commission are to serve a two-year term pursuant to subsection (7), the commission shall, at its first meeting after the coming into force of this section, select by lot the members whose term of office is to be two years, alternating between employer and employee representatives.

(9) Subject to subsection (10), at the first meeting of the commission held after the coming into force of this section and in each subsequent year at the first meeting held after June 30, the commission shall elect from its members a chairperson and a vice-chairperson to serve a term of one year.

(10) The members elected as chairperson and vice-chairperson must be selected alternately from the employer representatives and the employee representatives so that:

(a) the chairperson and vice-chairperson who hold office at the same time are not representatives of the same group; and

(b) the successor to a chairperson or vice-chairperson is not a representative of the same group as the person to whom he or she is the successor.

(11) The chairperson or vice-chairperson and four other members of the commission constitute a quorum.

(12) The chairperson may call meetings of the commission whenever the chairperson considers it necessary to do so for the proper administration of this Act.

(13) On or before September 1, 2005 and every five years thereafter, the minister shall cause a review to be made of the composition of the commission.

(14) The cost of a review pursuant to subsection (13) is a charge on, and payable out of, the fund**".**

Section 20 amended

6 The following subsections are added after subsection 20(4):

"(4.1) If a member has terminated employment and has not made a transfer pursuant to subsection (4) within the period after termination of employment specified by the commission, the value of any accumulative contributions with interest in excess of the amount required to offset 50% of the value of the member's allowance shall be transferred in accordance with clause (4)(c.11).

"(4.2) At any time before the member commences receiving an allowance, a member may transfer the commuted value of the additional pension benefits to which the member becomes entitled as a result of a transfer pursuant to clause (4)(c.11):

(a) to a plan or person to which a transfer may be made pursuant to subsection (6); or

(b) to the member**".**

Coming into force

7(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 5 of this Act comes into force on September 1, 2003.

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