

1999

CHAPTER 22

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

(Assented to May 6, 1999)

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, 1999*.

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 Section 2 is amended:

(a) in clause (r):

(i) by repealing subclauses (i) and (i.1) and substituting the following:

“ (i) every village, town, city, rural municipality, northern village and northern hamlet and the northern settlement of Uranium City ”;

(ii) by repealing subclause (ii.1) and substituting the following:

“ (ii.1) the Conseil scolaire fransaskois established pursuant to section 42.1 of *The Education Act, 1995* ”; **and**

(iii) by repealing subclause (vi) and substituting the following:

“ (vi) the Saskatchewan Municipal Hail Insurance Association ”; **and**

(b) by repealing clause (cc.1) and substituting the following:

“ (cc.1) ‘spouse’ means:

(i) a person who is married to an employee; or

(ii) if an employee is not married, a person who is a spouse within the meaning of the *Income Tax Act* (Canada) for the purpose of receiving payments from a pension plan that is registered pursuant to that Act ”.

Section 7 amended

4 Clause 7(2)(b) is amended:**(a) by repealing subclause (v) and substituting the following:**

“ (v) the Saskatchewan Association of School Business Officials ”; **and**

(b) by repealing subclause (vii) and substituting the following:

“ (vii) the Urban Municipal Administrators' Association of Saskatchewan ”.

Section 15.1 repealed

5 Section 15.1 is repealed.

Section 16 amended

6 Subsection 16(1.4) is repealed and the following substituted:

“ (1.4) No employee is required to make contributions in a year that exceed:

(a) the maximum contributions prescribed by the *Income Tax Act* (Canada) with respect to the employee for the year; or

(b) the amount of contributions that the employer is required to make with respect to the employee for the year ”.

New section 16.2

7 The following section is added after section 16.1:**“ Periods of parenting leave**

16.2(1) In this section:

(a) ‘**maximum parenting leave contribution period**’ means the maximum parenting leave contribution period established by the commission pursuant to subsection (3);

(b) ‘**parenting leave**’ includes maternity leave, adoption leave and parental leave within the meaning of *The Labour Standards Act*.

(2) Subject to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act, an employee who takes parenting leave may elect to make contributions to the fund in accordance with this section:

(a) with respect to the period of parenting leave taken; or

(b) where the period of parenting leave taken exceeds the maximum parenting leave contribution period, with respect to the maximum parenting leave contribution period.

(3) For the purposes of clause (2)(b), the commission may establish a maximum parenting leave contribution period that:

(a) is not less than the period of maternity leave, adoption leave or parental leave to which an employee is entitled pursuant to *The Labour Standards Act*; and

(b) with respect to the year in which the leave or a portion of the leave is taken, is not greater than a qualifying period determined pursuant to section 8507 of the *Income Tax Regulations, Consolidated Regulations of Canada, 1978*, chapter 945.

- (4) Periods of parenting leave not exceeding the maximum parenting leave contribution period shall be counted as contributory service if the employee who takes the leave makes contributions to the fund in accordance with this section.
- (5) If an employee elects to make contributions to the fund with respect to periods of parenting leave:
- (a) the employee shall make all contributions to the fund with respect to those periods; and
 - (b) notwithstanding subsection 17(1), the employer is not required to make any contributions with respect to those periods.
- (6) The amount of contributions required for a period of parenting leave is an amount equal to two times the amount of contributions that the employee would have been required to make pursuant to section 16 if the employee had not taken the leave, calculated by applying the employee's rate of pay immediately prior to the commencement of the leave to an amount of service that is the greater of:
- (a) the amount of contributory service that the employee accrued during the period of time immediately preceding the commencement of the leave that is equal in length to the period of leave; and
 - (b) the amount of service that the employee establishes, to the satisfaction of the commission, that he or she would have provided if the period of leave had not been taken.
- (7) An employee who has taken parenting leave in the period commencing on February 3, 1995 and ending on the day before the day on which *The Municipal Employees' Pension Amendment Act, 1999* is assented to may make contributions with respect to that leave not later than December 31, 1999.
- (8) An employee who takes parenting leave in the period commencing on the day on which *The Municipal Employees' Pension Amendment Act, 1999* is assented to may, on returning to work, make contributions with respect to that leave in any of the following ways:
- (a) by lump sum transfer from a registered retirement savings plan;
 - (b) by lump sum payment by personal cheque;
 - (c) by payroll deductions over a period of time equal to the period of the leave or over a period agreed on by the commission.
- (9) A lump sum transfer, a lump sum payment or the first payment by payroll deduction pursuant to subsection (8) must be made not later than 90 days after the employee returns to work ”.

Section 17 amended**8 The following subsection is added after subsection 17(1):**

“(1.01) On and after January 1, 1991, each employer shall contribute to the fund with respect to each employee an amount equal to the amount, determined by the commission in accordance with generally accepted actuarial principles, that the commission requires for the purpose of funding any allowances that may accrue to the employees pursuant to this Act”.

Section 19 amended**9 Clause 19(7)(c) is amended by striking out “ December 31, 1995 ” and substituting “ December 31, 1999 ”.****Section 62 amended****10 Clauses 62(1.2)(a) to (d) are repealed.****Coming into force**

11(1) Subject to subsections (2) and (3), this Act comes into force on assent.

(2) Sections 6 and 8 come into force on assent, but are retroactive and are deemed to have been in force on and from January 1, 1991.

(3) Section 7 comes into force on assent, but is retroactive and is deemed to have been in force on and from February 3, 1995.