

BILL

No. 52 of 1948.

An Act respecting the Superannuation of Certain
Employees of Municipal Districts.

(Assented to _____, 1948.)

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Municipal Districts' Office Employees' Superannuation Act, 1948.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the expression, —

- (a) "Association" means The Alberta Association of Municipal Districts.
- (b) "Secretary-Treasurers' Association" means The Alberta Association of Municipal Districts Secretary-Treasurers.
- (c) "Board" means the Administrative Board constituted by this Act.
- (d) "Employee" means a person, male or female, employed as Secretary, Treasurer, or Secretary-Treasurer, or anyone acting in either of the said capacities, and any other person, male or female, employed in the office of, and performing office work in a Municipal District or the office of the Alberta Association of Municipal Districts.
- (e) "Employer" means a Municipal District, or The Alberta Association of Municipal Districts.
- (f) "Fund" means the Superannuation Fund established under the authority of this Act.

ADMINISTRATIVE BOARD.

3.—(1) This Act shall be administered by a board, which shall be known as "Alberta Municipal Districts' Office Em-

ployees' Superannuation Board" and shall be composed of three members appointed annually by the Board of Directors of the Association. At least one of the members so appointed shall be a member of the Secretary-Treasurers' Association. The three members so appointed shall appoint a chairman who shall hold office for one year, or until his successor is appointed. Frank J. Ewing of Rockyford, Alberta; Jonathan Wheatley of Chancellor, Alberta, and Delmar D. McQueen of Vulcan, Alberta, are hereby constituted the first Board, and they shall hold office until the 31st day of December, A.D. 1948. The said Frank J. Ewing shall be the first chairman of the said Board.

(2) The members of the Board shall serve without remuneration.

4. The Board shall be a body corporate and shall have perpetual succession and a common seal, and shall be capable of suing and being sued.

5.—(1) The Board shall maintain an office in the City of Edmonton or such other place in the Province of Alberta as it may determine, and may employ a secretary, or secretary-treasurer, and such staff as is necessary for the proper carrying on of the work of the Board.

(2) The necessary salaries and costs of administration shall be a charge on and be paid out of the fund hereinafter constituted.

6. The Board may enter into such contracts and agreements with municipal districts or other persons or bodies as may be necessary to carry into effect the intent and purpose of the Act.

7. The Association, Secretary-Treasurers' Association, and any other body or individual interested in municipal government may make grants to the fund and the Board may accept grants so made.

8. In the event of a vacancy on the said Board arising during any year, the Board of Directors of the Association shall appoint a member to fill the vacancy who shall hold office for the balance of the term vacated.

9.—(1) There shall be established under the supervision of the Board a fund to be known as "The Alberta Municipal Districts' Office Employees' Superannuation Fund." All grants and contributions received by the Board shall form a part of the fund and superannuation allowances and refunds shall be a charge on the fund and shall be paid therefrom.

(2) All grants and contributions received by the Board shall, as soon as reasonably possible after receipt, be de-

posited to the credit of the fund in a chartered bank or treasury branch of the Government of Alberta, to be determined at the first meeting of the Board, but subject to change at any time by resolution of the Board.

(3) The payment of any benefit under this Act, and of any expense incurred in its administration, shall be made upon a requisition in writing, signed by the secretary of the Board, and countersigned by the chairman, or if the chairman is unable to act, by any member of the Board appointed by resolution so to act.

(4) All payments from the fund shall be made by cheque drawn on the bank in which the fund is deposited and signed by the secretary of the Board and countersigned by the chairman, or, if the chairman is unable to act, by any other member of the Board, provided that no requisition or cheque shall be valid unless signed by two persons having authority hereunder to do so.

10. The Board may from time to time invest any part of the money standing to the credit of the fund in any bond, debenture or security of the Government of Canada, or of any province of Canada, or in any bond, debenture or security, the payment of which is guaranteed by the Government of Canada, and may at any time sell such bond, debenture or security, and deposit the proceeds in the bank to the credit of the fund.

CONTRIBUTIONS.

11.—(1) An employer may, by by-law of its council, agree to contribute to the fund for the employee or employees named in the said by-law the annual amount hereinafter set out. Passage of the said by-law and notice thereof to the Board, whether before or after the coming into force of this Act, shall constitute an agreement between the employer and the Board, which shall continue from year to year until terminated by the employer giving to the Board a clear twelve months' notice of its intention to terminate the agreement. Upon the giving of such notice, the said agreement shall terminate and be at an end as of the 31st day of December next following the expiration of the said year. Any defect in the passing of the said by-law shall not invalidate the said agreement.

12.—(1) The employer shall contribute annually the sum of seventy-five dollars for each employee in the service of such employer who may be named in the said by-law. The amount of such annual contribution shall be due and payable to the Board on the 1st day of January in each year;

Provided however, that if in any year a by-law is not passed by an employer until after the 1st day of July in

that year, the amount payable by the employer for the balance of the said year shall be one-half of the said annual contribution.

(2) Every employee shall also contribute to the fund annually, on or before the 1st day of January in each year, the sum of seventy-five dollars;

Provided however, if the said by-law is not passed by his or her employer until after the 1st day of July, his or her contribution for that year shall only be one-half the said amount. The employee's contribution shall be made by the employer but may be recovered from the employee by deducting the same from his or her salary at the rate of six dollars and fifty cents per month.

(3) Contributions which are not paid within thirty days after the date on which they become due and payable shall be deemed to be in default and shall bear interest at the rate of five per cent per annum from that date until paid.

13. The responsibility for payment of all contributions set out in section 12 and any interest thereon shall be upon the employer, and such contribution shall be a debt due from the employer to the Board, and shall be recoverable as a debt by action in any Court of competent jurisdiction.

14. An employee may make additional voluntary contributions to the fund in excess of the contributions required by section 12 (2) and an employee who makes such excess contributions shall be entitled on retirement to receive an increased additional allowance as hereinafter provided.

15. An employee employed after the date upon which this Act comes into force, who is fifty years or over in age at the date of such employment, shall not be eligible to contribute to the said fund, nor for any benefits under the Act.

RETIREMENT.

16. Subject to the provisions of this Act every employee shall retire from the service of his or her employer upon reaching the age of sixty-five years, in the case of males, and sixty years in the case of females.

17. An employee who has attained the age of retirement, as set out in section 15, may be continued in the service of the employer, and in such case the provisions of this Act shall apply in all respects as though the employee had not attained the age of retirement.

18. When an employee is to be retired under the provisions of this Act the employer shall notify him or her by registered mail, not less than six months prior to the

date on which the retirement is to take place, and a copy of such notice shall be mailed by prepaid, registered mail, addressed to the secretary of the Board.

19. Nothing in this Act contained shall impair or affect the right of an employer to remove or dismiss an employee from his employment.

SUPERANNUATION ALLOWANCE.

20. Subject to the provisions of this Act and any regulations made thereunder a yearly superannuation allowance shall be granted to every employee who is retired from the service of his or her employer pursuant to sections 16 and 17.

21. The superannuation allowance payable hereunder shall be at the basic rate of three hundred dollars per annum for the life of the superannuated employee, payable monthly at the rate of twenty-five dollars per month, commencing in the first day of the month succeeding that for which the allowance is payable.

22. In addition to the allowance provided for in section 21 every superannuated employee shall for a period of ten years be paid an annual allowance equal to one-tenth of his or her contributions made under the provisions of section 14. The additional allowance shall be paid in equal monthly payments beginning on the first day of the month succeeding that for which the allowance is payable, provided that if the superannuated employee dies before the expiration of the said period of ten years the balance, or the unused portion of the said additional allowance shall be refunded to his heirs or his estate.

23. The Board shall not pay an allowance to any employee unless such employee and his employer shall have paid one full year's contribution to the said fund.

REFUNDS.

24. If before attaining the age of retirement an employee voluntarily ceases to be an employee, or is forced by disability to retire, or is dismissed from his employment, or his office is abolished, the sums which the employee has contributed to the fund under the provisions of section 12 (2) and 14 shall be refunded to him by the Board;

Provided however, that if the said employee re-enters the service of the same, or another employer, he may resume his regular contributions to the fund as from the date of re-engagement, or he may reinstate himself as at the date of his former withdrawal by paying into the fund the amount necessary for that purpose.

25. If an employee dies before attaining the age of retirement the total of his contributions shall be paid to his heirs, or his estate.

26. Except as herein expressly provided, nothing in this Act shall be construed to confer upon any employee any right to demand or enforce payment of his contributions, or payment of interest thereon.

MISCELLANEOUS.

27. The Board shall maintain at its office an adequate system of books of account and such books shall be subject to inspection at all reasonable times during business hours by any employer or employee.

28. The books of account shall be subject to an annual audit by an auditor appointed by the Association. The services of the auditor shall be paid from the fund.

29. The Board may from time to time make regulations for the purpose of carrying out the provisions of this Act according to their true intent and without limiting the generality of the foregoing may make regulations for the following purposes:

- (1) The enrolment of employees.
- (2) The form of by-law required by section 11 (1).
- (3) The payment of contributions by employers and employees.
- (4) The payment of voluntary contributions pursuant to sections 7 and 14.
- (5) The retirement of employees and the payment of superannuation allowances and refunds.
- (6) Books of account, records and reports.

30. On or before the expiration of four months from the close of its fiscal year, the Board shall transmit to the secretaries of the Association and of the Secretary-Treasurers' Association a report showing,—

- (a) the names of all employees who have been retired from the service of employers or who have died during the fiscal year;
- (b) the offices held by them and the respective periods of their employment;
- (c) the age of each at retirement or death;
- (d) the cause of retirement in the case of employees who have retired before the age of retirement;
- (e) the amount of superannuation or other allowance granted in each case;
- (f) a copy of the regulations made under this Act; and

(g) a copy of the Board's financial statement and of the auditor's report for the said fiscal year.

31. Payments made to a superannuated employee under the provisions of this Act shall be exempt from provincial and municipal taxation and shall not be subject to garnishment, attachment, seizure or any legal process and shall not be assignable.

32. Where any dispute or question arises as to the application of this Act to an employee, the same shall be determined by the Board after having given ten days' notice by registered mail to the employee, who shall be entitled to be heard before the Board, and the adjudication of the Board shall be final and conclusive.

33. This Act shall come into force on the day upon which it is assented to.

No. 52

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act respecting the Superannua-
tion of Certain Employees of
Municipal Districts.

Received and read the

First time

Second time

Third time

MR. HOLDER.

EDMONTON:
A. Shnitka, King's Printer
1948