

No. 65

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2nd Session, 14th Legislature, Alberta  
9 Elizabeth II

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## **BILL 65**

A Bill to amend The Teachers' Retirement Fund Act

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HON. MR. AALBORG

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Edmonton, Alberta, 1961

## Explanatory Note

**2. Section 2 is amended to add a definition of "board of trustees" and to revise the definitions of "salary" and "teacher". Section 2, clauses (c) and (d) presently read:**

- "(c) "salary" means all compensation, including any bonus or other allowance, paid to a teacher by the board of trustees of a school division or school district for the discharge of his regular and ordinary duties as teacher, and for such other duties regularly performed by him as in the opinion of the Board of Administrators form a proper part of school activities, whether or not such other duties are extra-curricular;**
- "(d) "teacher" means any person who holds a valid certificate of qualification issued under the regulations of the Minister of Education and who is employed**
  - (i) by the board of trustees of a school district or division, constituted under The School Act, in the capacity of**
    - (A) a teacher, or**
    - (B) a librarian devoting his full time to the work of a school, or by the Lloydminster Public School District or the Lloydminster Roman Catholic Separate School District in the capacity of a teacher,**
  - (ii) as a superintendent, supervisor, principal or other such official of a school district or a school division formed and constituted under The School Act and includes a person employed by the board of trustees of a school district or division constituted under The School Act and engaged in a non-teaching capacity if the holding of a valid certificate of qualification issued under the regulations of the Minister of Education is required by the board of trustees as a condition of the employment and the requirement is approved by the Board of Administrators,**
  - (iii) by the Alberta Teachers' Association or by the Board of Administrators."**

# BILL

No. 65 of 1961

## An Act to amend The Teachers' Retirement Fund Act

(Assented to \_\_\_\_\_, 1961)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Teachers' Retirement Fund Act*, being chapter 330 of the Revised Statutes, is hereby amended.

**2.** Section 2 is amended by striking out clauses (b), (c), and (d) and by substituting the following:

- (b) "board of trustees" means the board of trustees of a school district or a school division constituted under *The School Act* or the school committee of a county council appointed under *The County Act* and includes the board of trustees of the Lloydminster Public School District and of the Lloydminster Roman Catholic Separate School District;
- (c) "Fund" means the Teachers' Retirement Fund established under this Act;
- (d) "salary" means the compensation paid for the regular and ordinary services of a teacher;
- (e) "teacher" means the holder of a valid certificate of qualification as a teacher issued by the Minister of Education under *The Department of Education Act* who is employed
  - (i) pursuant to Part XII of *The School Act*,
  - (ii) by a board of trustees as librarian engaging his full time as such in the school libraries of the board,
  - (iii) by a board of trustees as a superintendent, a supervisor, or in any other position the duties of which include administrative or supervisory jurisdiction over teaching or the curriculum of the schools,
  - (iv) by a board of trustees in any position, not included in subclauses (i), (ii) and (iii), if it is a condition of his employment, imposed by the board, that he hold a valid certificate of qualification as a teacher, and the condition is approved by the Board of Administrators,
  - (v) permanently and full time by the Board of Administrators or by the Alberta Teachers'

**3. Section 3 is revised because of the changes in definition in section 2. Section 3 presently reads:**

**"3. This Act applies**

- (a) to all teachers actually employed in teaching in those school districts or school divisions receiving grants from the Province of Alberta, and**
- (b) to any teacher acting as a full-time employee of the Alberta Teachers' Association or of the Board of Administrators."**

**4. Section 10 presently reads:**

**"10. Every teacher shall, until he has made contributions to the Fund for a total period not exceeding thirty-five years, contribute to the Fund an amount equal to such per cent, not being less than four per cent nor more than seven per cent, of his salary as a teacher, as the Board of Administrators by by-law may determine."**

**5. Section 11, subsection (3) reads:**

**"(3) A substitute or temporary teacher as defined in The School Act shall not be required to contribute to the Fund except when employed for a total of ten days or more in any month."**

See clause 4 above.

**6. Section 14a presently reads:**

**"14a. (1) In this section "university teacher" means a teacher employed by the Governors of the University of Alberta as a full-time member of the academic staff of the University.**

**(2) Where a teacher who is contributing to the Fund becomes a university teacher, the teacher may elect to continue contributions to the Fund and upon any such election the Governors of the University of Alberta shall retain from the salary of the teacher the amount required to be retained by a board of trustees under section 11, and shall pay over the moneys retained to the Board of Administrators at such times and in such manner as the Board of Administrators may direct.**

**(3) At the same time and in the same manner, the Governors of the University of Alberta shall pay to the Board of Administrators an amount equal to the contributions of the university teacher, for deposit in the revenue account established under section 17."**

Association in the usual business of the employer,

- (vi) by the Board of Governors of the University of Alberta as a full-time member of the academic staff if he is qualified to elect and has elected to continue contributions to the Fund in accordance with section 14a, or
- (vii) by a local of the Alberta Teachers' Association as a full-time secretary or secretary-treasurer thereof if prior to such employment he was a contributor to the Fund in accordance with section 146.

3. Section 3 is struck out and the following is substituted:

3. This Act applies to every teacher.

4. Section 10 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding the following immediately after the renumbered subsection (1):
  - (2) Notwithstanding subsection (1), no contributions shall be made by a substitute teacher as defined in *The School Act* in respect of salary earned in any month in which he has been paid for less than ten days' service.

5. Section 11 is amended by striking out subsection (3).

6. Section 14a is struck out and the following is substituted:

**14a.** (1) In this section "university teacher" means a teacher employed by the Board of Governors of the University of Alberta as a full-time member of the academic staff of the University.

- (2) A teacher who becomes a university teacher,
  - (a) within three months of the date of his last contribution to the Fund, or
  - (b) within such time, longer than three months, as the Board of Administrators, on the application of the teacher, considers acceptable,

may elect to become a contributor to the Fund again, in accordance with this section.

(3) An election under subsection (2) shall be made in writing and delivered to the Board of Administrators within one year from the commencement of the teacher's employment as a university teacher and the Board of Administrators shall promptly notify the Board of Governors of the University of Alberta of the election.

**7.** Provision is made for a pension scheme for teachers not qualified for the regular pension under this Act by reason of age. These provisions will replace the scheme provided by The Teachers' Retirement Supplementary Fund Act enacted in 1960. That Act is repealed by clause 9 of this Bill. By clause 10 of this Bill these new provisions are made retroactive in effect to the date the repealed Act came into force.

(4) On and after the receipt of a notification, the Board of Governors of the University of Alberta shall retain from the salary of the university teacher named therein the amount required to be retained by a board of trustees under section 11 and shall pay over the moneys retained to the Board of Administrators as his contributions to the Fund at such times and in such manner as the Board of Administrators may direct.

(5) At the same time and in the same manner the Board of Governors of the University of Alberta shall pay to the Board of Administrators an amount equal to the contributions of the university teacher, for deposit in the reserve account established under section 17.

(6) Notwithstanding anything to the contrary in this section if at the commencement of this Act the Board of Governors of the University of Alberta has retained salary of a university teacher in the required amounts for the purpose of payment to the Board of Administrators as his contributions under this section, the Board of Governors shall promptly pay the amount to the Board of Administrators together with an equal amount for deposit in the reserve account, and thereupon the teacher's service as university teacher during the period of retention shall be pensionable service.

**14b.** (1) A teacher who becomes employed as a secretary or secretary-treasurer of a local of the Alberta Teachers' Association

(a) within three months of the date of his last contribution to the Fund, or

(b) within such time, longer than three months, as the Board of Administrators, on the application of the teacher, considers acceptable,

shall become a contributor to the Fund again, in accordance with this section.

(2) The employing local shall retain from the salary of such teacher the amount required to be retained by a board of trustees under section 11 and shall pay over the moneys retained to the Board of Administrators as his contributions to the Fund at such times and in such manner as the Board of Administrators may direct.

(3) At the same time and in the same manner the employing local shall pay to the Board of Administrators an amount equal to the contributions of such secretary or secretary-treasurer for deposit in the reserve account established under section 17.

**7.** The following heading and sections are added immediately after section 17:





### Short Service Annuities

**17a.** Sections 17a to 17e apply only to a teacher who at the date of his retirement from teaching service

- (a) could not, if he had continued to be employed as a teacher until attaining the age of sixty-five years, be eligible for a pension under the by-laws and regulations of the Board of Administrators, and
- (b) has not less than five full years of contributions, made before attaining the age of sixty-five years, standing to the credit of his account in the Fund.

**17b.** The contributions to the Fund by a teacher after attaining the age of sixty-five years shall not be taken into account for the purposes of sections 17a to 17e.

**17c.** (1) A teacher to whom section 17a applies shall notify the Board of Administrators upon his retirement from service.

(2) The Board of Administrators shall thereupon promptly inform the teacher of the alternative benefits he may receive and request his election thereon.

(3) If within sixty days thereafter the teacher has failed to exercise his election by written notice to the Board of Administrators he is entitled only to a lump sum payment in accordance with section 17e.

**17d.** (1) When the teacher so elects he shall be granted an annuity out of the Fund in an amount which can be purchased, at such rate as may be fixed by the Board of Administrators, by the amount standing to the credit of the teacher's account in the Fund at the date of his retirement or at age sixty-five, whichever is the earlier, together with an equal amount contributed by the Board of Administrators from the reserve account established under section 17.

(2) The annuity shall at the option of the teacher be

- (a) a life annuity,
- (b) an annuity payable for his life or for a term of years certain, whichever is the longer,
- (c) an annuity that is payable during the joint lives of the teacher and a nominee designated by him and that after the death of either is payable to the survivor for his life in the same amount or in the amount of one-half or such other greater fraction thereof as the teacher at the time of his retirement may specify, or
- (d) such other form of annuity or payment as is consistent in principle with the other provisions of this section.

**17e.** Where a teacher elects to be paid in a lump sum, or in default of any election, he shall in lieu of an annuity be

**8.** Repealing section. See note to clause 7 of this Bill.

**9.** Commencement of Act.

paid in a lump sum the amount available for the purchase of an annuity under subsection (1) of section 17*d*.

**8.** *The Teachers' Retirement Supplementary Fund Act*, being chapter 105 of the Statutes of Alberta, 1960, is repealed.

**9.** This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) section 6 shall be deemed to have been in force at all times on and after the first day of September, 1959, and
- (b) section 8 shall be deemed to have been in force at all times on and after the eleventh day of April, 1960.

No. 65

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SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

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**BILL**

An Act to amend The Teachers'  
Retirement Fund Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. AALBORG

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