

1972 Bill 100

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 100

The Public Service Management Pension Act

HONOURABLE DR. HOHOL

First Reading

Second Reading

Third Reading

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BILL 100

1972

THE PUBLIC SERVICE MANAGEMENT PENSION ACT

(Assented to _____, 1972)

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

1. In this Act

- (a) "Board" means The Public Service Management Pension Board established under this Act;
- (b) "employee" means a person to whom this Act applies by virtue of section 2;
- (c) "employment", with reference to a person who is an employee by virtue of section 2, subsection (4), clause (b) or (c), means the services which that person is engaged or required to provide or the period during which the services are provided, as the context requires, and "employ" and "employed" with reference to that person have corresponding meanings;
- (d) "Fund" means the General Revenue Fund of the Province;
- (e) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (f) "non-cash employment benefit" means any benefit, other than money, conferred on an employee during his employment with the Government that is declared by the Board pursuant to section 33, subsection (4) to be a non-cash employment benefit for the purposes of this Act;
- (g) "pensionable salary" means
 - (i) in the case of an employee whose service includes at least five years of employment with the Government or a party to a reciprocal agreement, the average rate of salary of that employee for the five consecutive years of service with the Government and that body during which his salary was the highest, or
 - (ii) in the case of any other employee, his pensionable salary as determined by the Board pursuant to section 33, subsection (5);
- (h) "pensionable service" means any service taken into account in computing a pension payable under this Act;
- (i) "reciprocal agreement" means an agreement made pursuant to section 34;

Explanatory Notes

General. This Bill will establish a new pension scheme to apply (instead of The Public Service Pension Act) to Government employees in management positions.

1. Interpretation.

- (j) “salary” means, with reference to an employee,
 - (i) the gross rate of salary, wages, fees or other remuneration paid to him in any year of his employment in consideration of his services to his employer, and
 - (ii) the value of any non-cash employment benefit conferred on the employee in any year of employment,
 but does not include travelling expenses, subsistence allowances, overtime pay, bonuses or honouraria;
- (k) “service” means any period or periods during which a person is or has been employed prior to the age of 65 years by the Government, a body with whom there is a reciprocal agreement or any other body approved by the Board and includes
 - (i) service in the Canadian or Allied Forces during World War II or the Korean War,
 - (ii) authorized leave of absence with or without pay subject to conditions prescribed by the Board,
 - (iii) service as a member of the Legislative Assembly or of the Executive Council, and
 - (iv) any period of employment otherwise than with the Government that is approved by the Board.

2. (1) This Act applies only to

- (a) those employees of the Government who are
 - (i) the holders of offices or positions designated as management positions by an order of the Minister under subsection (2), clause (a), or
 - (ii) persons who are designated as employees for the purposes of this Act by an order of the Minister under subsection (2), clause (b),
- (b) persons to whom this Act is made applicable by an order of the Board under subsection (4), and
- (c) persons to whom this Act is made applicable by an order of the Lieutenant Governor in Council under section 35, but subject to the provisions of the order.

(2) The Minister, with the approval of the Lieutenant Governor in Council, may from time to time by order designate

- (a) offices or positions in the public service of Alberta that are management positions for the purposes of this Act, or

2. Persons to whom the Act applies. Generally, the Act will apply to persons in managerial or senior positions but subsections (5) and (6) allow for anyone to whom the Act would otherwise apply to elect to remain under The Public Service Pension Act.

(b) any specified employee of the Government as an employee for the purposes of this Act
but no order may be made under this subsection in respect of any person referred to in subsection (4), clause (a), (b) or (c).

(3) The Minister may from time to time amend an order under subsection (2) without the approval of the Lieutenant Governor in Council.

(4) The Board may by order approve the application of this Act to

- (a) a person employed under a contract of employment made pursuant to section 46 of *The Public Service Act*, or
- (b) any person whose services are engaged pursuant to section 47 of *The Public Service Act*, or
- (c) any other person whose services are engaged by or on behalf of the Government on a fee for service basis, per diem basis, commission basis or any other basis other than a salary or wage basis,

if the Board is satisfied that that person provides his services for a minimum average of 30 hours per week throughout the year.

(5) An order of the Board under subsection (4), clause (a) applies to a person employed under a contract of employment made pursuant to section 46 of *The Public Service Act* notwithstanding anything in the contract of employment pertaining to the application of, or exclusion from, *The Public Service Pension Act*.

(6) Notwithstanding subsections (1) and (2), any person to whom this Act would otherwise apply at the commencement of this Act may at any time not later than October 31, 1972 file with the Board a notice signed by him and by one witness stating that he elects to remain as a contributor under *The Public Service Pension Act*.

(7) Where a notice of election is filed with the Board in accordance with subsection (6),

- (a) this Act shall be deemed to have never applied to the person filing the notice, and
- (b) thereafter the person who filed the notice is not entitled to revoke the notice or to have this Act made applicable to him by an order of the Minister or the Board under this section.

3. (1) This Act shall be administered by a board called The Public Service Management Pension Board and consisting of

- (a) the chief executive officer of the Public Service Pension Board, who shall be chairman of the Board under this Act, and

3. Establishment of Board to administer the Act.

- (b) not less than four other members appointed by the Lieutenant Governor in Council, at least one of whom shall represent the employees and one of whom shall be designated as vice-chairman of the Board.

(2) The vice-chairman shall act as chairman in the event of the absence or inability of the chairman to act or in the event of a vacancy in the office of chairman.

4. In accordance with *The Public Service Act* there may be employed such persons as are required for the administration of this Act.

Contributions to the Fund

5. (1) Every employee shall contribute to the Fund at the rate of 5 per cent of his salary.

(2) No contributions may be made by an employee pursuant to subsection (1) in respect of his employment after he reaches the age of 65 or once he has contributed an amount sufficient to establish a normal pension equal to 70 per cent of his pensionable salary.

6. (1) The contributions referred to in section 5 shall be deducted from each payment of salary to an employee and shall be remitted to the Board, who shall credit the contributions to the Fund.

(2) The Board shall keep a separate account of the contributions so credited on behalf of each employee.

7. (1) Interest at the rate of 4 per cent a year, or at such other rate as the Board may from time to time fix by regulation,

- (a) shall be credited by the Board to each employee's account on the last day of June and December in each year, and

- (b) shall be computed on the amounts standing to the credit of the accounts on the next preceding first day of January and July respectively.

(2) The interest shall continue to be credited to an employee's account until the end of the calendar month immediately preceding

- (a) the date when payment is made in full to the employee pursuant to section 27, or

- (b) the date the employee becomes entitled to deferred pension payments pursuant to section 26, or

- (c) the date of death of an employee whose beneficiary is entitled to benefits pursuant to section 29.

4. Appointment of staff.

5. Contributions to the Fund.

6. Deduction of contributions from salary.

7. Interest credited to accounts.

8. (1) The Provincial Treasurer, in each year, shall appropriate from the Fund sufficient moneys to provide in each year for the payment of all benefits payable under this Act.

(2) The payment of all benefits payable under this Act is guaranteed by the Government of Alberta.

Retirement

9. (1) Except as otherwise provided in *The Public Service Act*, every employee shall retire upon attaining the age of 65 years.

(2) Where the employment of an employee continues after he has attained the age of 65 years, for the purposes of section 17 the employee's retirement shall be effective upon the date of the actual termination of his employment.

(3) Where arrangements are made for the continuation of the employment of any employee after he has attained the age of 65 years and that employee has elected a pension payable for life or for a term certain, whichever is the longer, the term of years certain commences and shall be calculated from the termination of his employment.

(4) Where arrangements are made for the continuation of the employment of any employee after he has attained the age of 65 years, the pension to be paid shall be in an amount that is the actuarial equivalent at his age upon the termination of his employment of the normal pension that would have been payable to him were his age then 65 as determined by the actuarial tables approved by the Board for that purpose.

10. An employee whose pensionable service is not less than five years may retire at any time he has attained the age of 55 years.

11. The Lieutenant Governor in Council may, upon the recommendation of the Board, authorize the retirement at any age of an employee whose pensionable service is not less than five years.

12. (1) The Board may authorize the retirement at any age of an employee whose pensionable service is not less than five years and who from mental or physical disability has become incapable of effectively performing his regular duties.

(2) In order to determine whether an employee is incapable of effectively performing his regular duties by reason of mental or physical disability, the Board may require the employee to be examined by a medical officer of The Workmen's Compensation Board who shall submit a report with respect to his examination and findings.

8. Appropriations.

9. Retirement age.

10. Early retirement at or after 55.

11. Authorized retirement after 5 years.

12. Disability retirement.

13. A person receiving a pension under this Act may, without forfeiture of pension payments, be re-employed by the Government for such period or periods as may be prescribed by the Lieutenant Governor in Council.

14. (1) Notwithstanding section 13, where a person has retired on pension under this Act or *The Public Service Pension Act* before the retirement age of 65 and is re-employed by the Government, then, if he is eligible to make contributions pursuant to section 5, the payment of any pension received by him pursuant to this Act or *The Public Service Pension Act*, in respect of his prior service, shall be suspended until he again ceases to be employed.

(2) Notwithstanding any other provision of this Act, a person who accepts re-employment as specified in subsection (1) shall make contributions as required by section 5 in respect of his further employment and upon retirement is entitled to receive an additional pension in an amount calculated on the basis of his subsequent period of employment.

(3) When a person who accepts re-employment elects to pay back the amount he has been paid while in receipt of a pension, together with interest on that amount from the date when he became re-employed to the date of completion of payment in full, then his pensionable service prior to re-employment and his subsequent service shall be taken into account in calculating his pension upon retirement.

Pensionable Service

15. (1) For the purposes of this Act, pensionable service includes

- (a) any term or terms of an employee's service in respect of which a separate account has been maintained for him under *The Superannuation Act*, *The Public Service Pension Act* or this Act;
- (b) in the case of a person at the time of his enlistment
 - (i) who was in the employ of the Government, or
 - (ii) who was in the employment of the Legislative Assembly, or
 - (iii) who was in the employment of a public body with whom there is a reciprocal agreement
any period of absence on account of service in the Canadian or Allied Forces during World War II or the Korean War, if he pays into the Fund
 - (iv) a sum equal to the contributions that he would have made in respect of any period or periods of his service had he been subject to *The Superannuation Act* or *The Public Service Pension Act*, and

13. Re-employment.

14. Effect of re-employment on pension.

15. Pensionable service.

- (v) the interest that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full;
- (c) in the case of a person who at the time of his enlistment was not employed by the Government or a public body that is a party to a reciprocal agreement, any period of service in the Canadian or Allied Forces during World War II or the Korean War,
 - (i) if the date he was employed by the Government or a party to a reciprocal agreement was within six months of the date of his discharge from military service, except in a case where circumstances in the opinion of the Board warrant an extension of the period of time referred to, and
 - (ii) if there is paid into the Fund, in such manner and on such terms as the Board may direct, a sum equal to 10 per cent of the amount of his annual salary when such employment commenced following discharge, calculated as if he had received the salary during his military service, together with interest that would have accumulated thereon, had an account been maintained in respect of him under *The Public Service Pension Act* or this Act, to date of completion of payment in full;
- (d) in the case of a person
 - (i) who during a period or periods of his service was not eligible to become a contributor under this Act or *The Public Service Pension Act*, and
 - (ii) who has since become a contributor under this Act or *The Public Service Pension Act*,
 the period or periods of his service prior to the date when he became a contributor, if there is paid into the Fund in such manner and upon such terms as the Board may direct an amount equal to the contributions he would have made had he then been a contributor under this Act or *The Public Service Pension Act*, together with interest that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full;
- (e) any period of service that may be recognized as pensionable service under the terms of a reciprocal agreement;
- (f) any period of service with any body that is a party to a reciprocal agreement, in the case of a person who is not eligible to come under the reciprocal agreement,

- (i) if the period between the employment with that body and the employment with the Government was not greater than six months, except in a case where circumstances in the opinion of the Board warrant an extension of such period, and
- (ii) if he pays at the rate and on the terms that the Board directs, contributions on the salary paid to him by that body, together with interest that would have accumulated thereon, had an account been maintained in respect of him under this Act or *The Public Service Pension Act*, to the date of completion of payment in full;
- (g) any period or periods of authorized leave of absence with or without pay approved by the Board if payment of contributions and interest is made in an amount that the Board by regulation may prescribe;
- (h) any period of service with any private or public body approved by the Board, if payment is made at the rate and on the terms that the Board directs, of contributions on the rate of salary paid to him by the Government at the commencement of employment upon last becoming a contributor under this Act or *The Public Service Pension Act* calculated as if that rate of salary were actually paid to him during his service with that body, together with interest at a rate prescribed by the Board that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full;
- (i) any period of service as a member of the Legislative Assembly or the Executive Council, if
 - (i) there is paid into the Fund in such manner and upon such terms as the Board may direct an amount equal to the contributions he would have made had he then been a contributor under this Act or *The Public Service Pension Act* together with interest that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full, and
 - (ii) the employee is not receiving any pension in respect of that period of service under *The M.L.A. Pension Act*.
- (2) Notwithstanding subsection (1), any service under subsection (1), clauses (c) and (f) may be counted as pensionable service only where
 - (a) the period between military discharge and the commencement of service first following discharge or the period between employment referred to in sub-

section (1), clause (f) is greater than six months and the circumstances in the opinion of the Board do not warrant an extension of the six-month period, and

- (b) payment is made of contributions on the salary referred to in subsection (1), clause (c) or (f), as the case may be, at the rate and upon the terms that the Board directs, together with interest at a rate prescribed by the Board that would have accumulated thereon, had an account been maintained in respect of him under this Act or *The Public Service Pension Act* to the date of completion of payment in full.

(3) Any period of service that is recognized for pension purposes under any other pension plan may not be counted as pensionable service under this Act unless the Board otherwise orders and then only upon such terms and conditions as the Board may direct.

(4) Notwithstanding subsection (1), no period of employment shall be considered to be pensionable service if it is employment occurring either after the employee attained the age of 65 or after he has established a normal pension credit equal to 70 per cent of his pensionable salary.

(5) Notwithstanding anything in this section, the Board may generally or in any particular case fix a rate of interest for any purpose under this section.

16. Where an employee has resigned or has been dismissed at any time during his service and has thereafter been re-employed by the Government, his service prior to his resignation or dismissal shall be deemed to be pensionable service if there is paid into the Fund in such manner and on such terms as the Board may direct any sum paid to the employee at the time of his resignation or dismissal, together with interest thereon at a rate fixed by the Board, from the date a refund of contributions was made to the date of completion of such payment in full.

Pension and other Benefits

17. Any employee who retires pursuant to section 9 or 10 and whose pensionable service has not been less than five years is entitled upon his retirement to receive from the Fund in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

18. (1) Where a retirement is authorized under section 11, the Board may determine on its judgment of the merits of the case whether in the circumstances the pension to be paid to the employee is to be

16. Reinstatement of service.

17. Pension on ordinary retirement under section 9 or 10.

18. Pension on retirement authorized under section 10, 11 or 12.

- (a) in an amount determined in accordance with section 20, or
 - (b) in an amount that is the actuarial equivalent at the employee's age of retirement of the normal pension that would have been payable to the employee were his age then 55, as determined by actuarial tables approved by the Board for the purpose.
- (2) The pension payable to an employee so retiring shall be in such amount as is determined by the Board under subsection (1), subject to the exercise by the employee of the option of selecting an alternative pension as provided by section 21.
- (3) Notwithstanding subsection (1), where an employee retires pursuant to section 10, 11 or 12, the Lieutenant Governor in Council may, upon the recommendation of the Board, grant additional benefits under this Act upon the terms and conditions stipulated.

19. (1) Where a retirement is authorized under section 12,

- (a) the Board may grant the employee a pension in an amount determined in accordance with section 20, or
 - (b) where the disability does not totally disable the employee from entering any gainful employment, the Board may grant the employee a pension that is the actuarial equivalent at his age of retirement of the normal pension that would have been payable to him were his age then 55, as determined by the actuarial tables approved by the Board for that purpose.
- (2) The Board, if it is satisfied that a person who has been granted a partial disability pension pursuant to this section has as a result of the illness from which he was suffering at the date of his retirement become totally disabled before he reaches the age of 55, may upon application of that person made before he reaches the age of 55 grant him a pension as specified in section 20 or 21.
- (3) Where a person has been granted a total disability pension in an amount determined under section 20 or at his option an alternative pension of one of the types specified in section 21, the Board may from time to time require the person to submit medical evidence of his continuing total disability, and if at any time prior to his attaining the age of 55 years the Board finds that he is no longer wholly incapable of gainful employment, his pension may be actuarially reduced as provided by subsection (1).

20. (1) The normal pension payable to an employee upon his retirement shall be an annual amount equal to 2 per cent of pensionable salary multiplied

19. Pension on disability retirement under section 12.

20. Normal Pension.

(a) by the total number of years of his pensionable service computed to the nearest complete month thereof, or

(b) by 35,

whichever is the less.

(2) The normal pension of an employee shall be payable to him for his life and, if he dies after retirement and there is a surviving spouse whom he married at least five years prior to his death, the pension shall then be payable to that spouse for life in an amount equal to 75 per cent of the normal pension that was payable to him.

21. The alternative pensions referred to in this Act shall be of an actuarial value equivalent in each case to that of the normal pension provided for by section 20, and the alternative pensions shall be of the following types:

(a) a pension payable for the life of the employee and ceasing on his death;

(b) a pension payable for the life of the employee or a term of years certain, whichever is the longer;

(c) a pension paid during the joint lives of the employee and a nominee designated by him which, after the death of either, shall continue to be paid in the same amount or in an amount of two-thirds or one-half thereof, to the survivor for his life;

(d) such other form of pension or payment as may, upon application of the employee and with the consent of the Board, be deemed best suited to the employee's circumstances upon his retirement.

22. The Board, before an employee attains the age of 65 years, shall notify him in writing as to the normal and alternative pensions from which the employee may make a selection, and if the employee does not select an alternative pension prior to his attaining the age of 65 years, the Board may, in its discretion, select for him a normal pension or one of the alternative pensions referred to in section 21.

23. All pensions shall be paid out of the Fund by the Provincial Treasurer upon the certificate of the Board.

24. (1) Where there is a delay beyond 30 days in processing the pension of a person who has retired from the employment of the Government he may be advanced money by the Provincial Treasurer out of any appropriation available for the purpose.

(2) Every advance shall be fully accounted for with proper vouchers for all disbursements made before a pension payment to which the person is entitled is made.

21. Alternative pensions.

22. Selection of pension.

23. Certification.

24. Advance on pension.

25. (1) Notwithstanding the provisions of this Act, for the purpose of maintaining an approximate parity with the cost of living, the Lieutenant Governor in Council may authorize the Board from time to time to make specific or general adjustments in the amount of pensions or any class thereof, effective from such time as may be specified in the order.

(2) Nothing in subsection (1) empowers the Lieutenant Governor in Council to make specific or general adjustments in the amount of pensions or any class thereof which would have the effect of reducing the amount of a pension to a level below that to which a person becomes entitled, apart from subsection (1), under this Act.

26. (1) This section applies to any person who resigns or is discharged from the employment of the Government or any body referred to in section 35 and who

- (a) was at the time of the termination of his employment a contributor under this Act, and
- (b) has pensionable service of not less than five years, but who was not eligible upon the termination of his employment to receive a pension pursuant to this Act.

(2) When a person is discharged or resigns, he is entitled to receive at his option

- (a) the amount standing to his credit in the records of the Board as provided by section 27, or
 - (b) a deferred pension, as provided in this section, at the age of 55 years.
- (3) Where a person elects to receive a deferred pension under this section, it shall at his option be
- (a) a normal pension as determined under section 20, or
 - (b) an alternative pension of any of the types specified in section 21.

(4) A person who has elected to receive a deferred pension under this section may at any time thereafter, at his written request, receive in lieu thereof, the payment specified in subsection (2), clause (a), in which case his election to receive a deferred pension thereupon becomes void.

(5) Where a person is entitled to a deferred pension and becomes mentally or physically disabled for gainful employment, he may apply for an immediate pension.

(6) If a person referred to in subsection (1) is re-employed by any employer referred to in that subsection and again becomes eligible to make contributions under this Act,

25. Adjustment of pension.

26. Election of deferred pension.

- (a) he may pay to the Provincial Treasurer upon such terms as the Board may prescribe
 - (i) the total amount of any payment made to him under subsection (3) or under section 27, and
 - (ii) interest on such amount from the date a refund of contributions was made to the date of completion of such payment in full, and upon such payment being made in full his employment prior to the termination of his service shall be deemed to be part of his pensionable service, and
- (b) any election made by him to receive a deferred pension becomes void, and his employment prior to the termination of his service shall be deemed to be part of his pensionable service.

27. Where an employee resigns or is discharged before he becomes entitled to receive a pension under this Act and he elects to receive a refund of his contributions, the amount standing to his credit in the records of the Board, including the accrued interest credited on his contributions shall be paid to him.

28. (1) For the purposes of this Act, any employee may designate any person or persons as his beneficiary by a notice in writing signed by him and one witness and filed with the Board.

(2) Any employee may change his beneficiary from time to time by a notice in writing signed by him and by one witness and filed with the Board.

(3) Upon the filing with the Board of any notice in writing changing his beneficiary or upon the marriage of any employee, any notice filed prior to the filing of the notice changing the beneficiary or prior to the marriage, as the case may be, is void for all purposes and shall be cancelled by the Board.

(4) Where there is no subsisting notice designating a beneficiary on file with the Board at the time of death of the employee, an instrument in writing signed by the deceased employee and designating a beneficiary may after his death be filed with the Board.

(5) Where an instrument filed under subsection (4) purports to be a will and to leave the entire estate of the deceased employee

- (a) to one person, or
 - (b) to a number of persons in specified shares,
- the instrument shall be deemed to designate that person or those persons, as the case may be, as the beneficiary for the purposes of this Act.

27. Return of contributions.

28. Beneficiaries.

(6) Where there is no subsisting designation of a beneficiary, then

- (a) if the deceased employee is survived by a spouse, the surviving spouse is the beneficiary, and
- (b) if there is no surviving spouse, the estate of the deceased employee is the beneficiary.

(7) Where a beneficiary is designated or there is a surviving spouse, any money payable under this Act to the designated beneficiary or surviving spouse is not part of the estate of the deceased employee and is not subject to the claims of his creditors.

29. (1) Where an employee dies while in the employment of the Government or where a person dies who was formerly an employee of the Government and who has elected to receive a deferred pension and had left on deposit in the Fund the amount he would be entitled to withdraw, the amount standing to the credit of his account in the records of the Board at the date of death shall be paid to his beneficiary.

(2) The amount payable under this section may be paid in a lump sum, or in such instalments as the Board may direct.

(3) Where the beneficiary of a deceased employee who had elected to receive a deferred pension is

- (a) his surviving spouse, or
- (b) a dependent child under the age of 18 years,

the beneficiary is also entitled to receive a further sum equal to the amount standing to the credit of the account of the deceased.

(4) Where the pensionable service of an employee who had elected to receive a deferred pension, at the date of his death has not been less than five years, and where the beneficiary is his surviving spouse, the beneficiary may elect to be paid in lieu of the payments under subsections (1) and (3)

- (a) a pension of the same amount as would have been payable if the employee immediately before his death had retired under the provisions of section 12 and had been entitled to exercise and had exercised the option given under section 21 of receiving a pension payable during the joint lives of himself and his spouse and during the life of the survivor in the same amount, or
- (b) a pension payable for life or for a term of years certain, whichever is the longer, that is an actuarial

29. Death while in service.

value equivalent to that of the pension provided for under clause (a).

(5) Where a surviving spouse elects to be paid a pension pursuant to subsection (4) and the employee before his death had been making payments or had made arrangements to make payments in respect of his prior service, the surviving spouse may be permitted to make the payments in respect of that service in order that an increased pension may be granted.

General Provisions

30. (1) There shall be delivered to the Board in respect of each employee

- (a) a birth certificate setting out the date of the employee's birth, or
- (b) where such a certificate is not procurable, a statutory declaration or such other proof of his age as may be required by the Board,

before any retirement or survivor benefits are paid upon the retirement or death of the employee.

(2) Where the Board is satisfied, after making due inquiry, that satisfactory proof of the age of an employee has not been submitted to it, the Board may in its discretion

- (a) reduce the amount of the pension payable to the employee, or
- (b) direct the repayment to him of such portion of the amount to his credit in the records of the Board as it may specify, and upon such payment being made to the employee, his right to any benefit under this Act ceases or shall be adjusted in accordance with the payment made to him.

31. If any question arises as to

- (a) whether any person is an employee to whom this Act applies, or
- (b) the amount of the salary or pensionable salary of an employee, or
- (c) the extent of the service or pensionable service of an employee, or
- (d) the amount of any pension or other benefits payable under this Act,

the Board shall determine the question and its decision is final.

32. (1) The interest that by this Act any employee or former employee has in the Fund or the interest of an employee in any pension or other benefit granted under this Act

30. Proof of age.

31. Disputes.

32. Pension benefits not attachable or assignable

- (a) is not subject to garnishment proceedings or attachment or seizure, or any legal process, except in respect of a charge of failure to account for public moneys, and
 - (b) is unassignable.
- (2) Nothing in subsection (1) shall be construed to prevent an employee
- (a) from authorizing the deduction from his pension payments of premiums under *The Health Insurance Premiums Act* or premiums for any type of health services insurance, or
 - (b) from authorizing the payment of any moneys payable to him under this Act on his resignation or discharge directly over to another retirement pension plan in which the employee becomes entitled to participate after his resignation or discharge.

33. (1) The Board may

- (a) prescribe forms for its use in connection with the administration of this Act;
 - (b) investigate the experience under this Act with respect to interest, mortality, disability, withdrawals or retirement of employees from service, and such other matters as the Lieutenant Governor in Council may designate;
 - (c) direct the keeping of such accounts and records as it considers necessary for the proper administration of this Act;
 - (d) exempt any employee or class of employees from the regulations or any part thereof.
- (2) The Board may make regulations
- (a) governing the method of payment of pensions;
 - (b) fixing the rate of interest to be credited to the employee's account pursuant to section 7;
 - (c) fixing the rate of interest for the purposes of section 16;
 - (d) providing the application of this Act in cases not specifically or expressly provided for in the Act;
 - (e) providing for any other matters or things convenient or useful in the carrying out of the provisions of this Act.
- (3) Regulations under subsection (2) may be made effective as of a date prior to the date upon which they were filed under *The Regulations Act*.
- (4) The Board may, with respect to any employee,
- (a) declare that any benefit, other than money, conferred on the employee during his employment with

33. Powers of Board.

the Government is a non-cash employment benefit for the purposes of this Act in respect of that employee, and

- (b) determine the value of that benefit for the purposes of this Act in respect of that employee in an amount that is, in the opinion of the Board, the money equivalent of that benefit.

(5) In any case where an employee's pensionable service includes less than five years of employment with the Government or a body that is a party to a reciprocal agreement, the Board shall determine his pensionable salary as being his average rate of salary for the five consecutive years of his service during which his salary was the highest except that, with respect to any period of employment with an employer other than the Government or a body with whom there is a reciprocal agreement,

- (a) the Board may prescribe that only part of his salary earned during that period shall be taken into account for that purpose, and
- (b) the Board shall not take into account any non-cash employment benefits conferred on him during that period.

34. (1) The Board may enter into reciprocal agreements with any Government or public body or local authority (as defined in *The Local Authorities Pension Act*) or any private body whose employees are subject to a retirement pension plan or superannuation plan involving employee contributions, and with any person who administers the pension plan on its behalf, for the purpose of transferring any benefits

- (a) to which a person is entitled who transfers from or to the employment of or service with the Government to or from the employment of such Government, public or private body, or local authority, or
- (b) to which a teacher is entitled who transfers from or to the employment of the Government or to or from the employment of an employer within the meaning of *The Teachers' Retirement Fund Act*, and, subject to the approval of the Lieutenant Governor in Council, such an agreement may be retroactive in effect.

(2) The terms and provisions of an agreement made under this section, if approved by the Lieutenant Governor in Council, have the same effect as if incorporated in this Act.

- (3) An agreement made under this section may provide
 - (a) in the case of the transfer of a person from the employment of or service with the Government, that

34. Transfer of pension benefits.

- (i) the amount of the person's contributions and interest thereon standing to the credit of his account in the records of the Board at the time of transfer of his contributions, and
- (ii) a Government contribution equal to the amount in the person's account under subclause (i), be transferred from the Fund to the pension fund of the other party to the agreement,
- (b) in the case of the transfer of an employee to the service of the Government, that
 - (i) the amount of the employee's contributions and interest thereon standing to the credit of his account in the pension fund at the time of transfer of his contributions, and
 - (ii) the amount of his employer's contributions and interest thereon, be transferred from the pension fund of the other party to the agreement to the Fund, and
- (c) that the service or period of employment of the employee prior to his transfer be recognized as pensionable service in so far as it may equitably be so recognized in conformity with the general intent and spirit of this Act or such other pension plan as thereafter applies to him.

35. Subject to such modifications and exceptions and upon such terms and conditions as he may prescribe, the Lieutenant Governor in Council on the recommendation of the Minister may order that this Act applies to

- (a) the members of any Government body, board or commission or employees of a Government body, board or commission holding positions that are designated as management positions by the Minister, or
- (b) any group of persons, if the nature and terms of their employment permit the convenient application of this Act to them.

36. (1) Where the functions or any part thereof of any public body or private organization have been assumed by the Government and any person employed by that body or organization immediately became or becomes an employee of the Government and also an employee under this Act, the pensionable service of that employee may, subject to subsection (2) and to the approval of the Board, include his term of service as an employee of the body or organization.

(2) No person shall be credited with any pensionable service under this section until he has paid into the Fund

35. Application of the Act.

36. Transfer from public body or private organization.

in respect of the salary earned by that person while he was in the employ of the body or organization, an amount equal to twice the amount of contributions that, if he had been employed during that time by the Government, would have been paid by him together with interest that would have accumulated thereon, had an account been maintained in respect of him, under this Act or *The Public Service Pension Act*, to the date of completion of payment in full.

37. (1) The Board shall, as soon as possible after the end of each fiscal year, prepare and submit to the Minister a report summarizing its transactions and affairs during that fiscal year.

(2) Upon receiving a report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then in session, and if not, within 15 days after the commencement of its next session.

Transitional and Consequential

38. The Lieutenant Governor in Council may make orders or regulations providing for any matter or directing the doing of any act necessary for the purpose of

- (a) facilitating the transfer of any persons from the application of *The Public Service Pension Act* to this Act;
- (b) facilitating the transfer of accounts and other records from the Public Service Pension Board to the Board under this Act;
- (c) minimizing any difficulty in connection with the administration of this Act in relation to *The Public Service Pension Act* either generally or in specific cases.

39. Upon the commencement of this Act

- (a) all accounts and other records of the Public Service Pension Board relating to persons who thereupon become employees under this Act become accounts and records of the Board under this Act and shall be transferred accordingly;
- (b) any agreement under *The Public Service Pension Act* to which the Public Service Pension Board is a party shall, in so far as it relates to employees under this Act and to the extent that it is consistent with this Act, be deemed to be an agreement under this Act, as though the Board under this Act were a party to it in place of the Public Service Pension Board, until such time as that agreement is replaced by an equivalent agreement under this Act;

37. Annual report.

38. Regulations re transition.

39. Transitional provision re accounts and records, agreements
and Board orders and regulations.

- (c) any order or regulation made by the Public Service Pension Board under *The Public Service Pension Act* shall, to the extent that it can be made applicable to this Act and is consistent with this Act, be deemed to be an order or regulation of the Board under this Act until it is replaced by an equivalent order or regulation, as the case may be, under this Act.

40. *The Public Service Pension Act is amended by adding the following section after section 2:*

2.1 This Act does not apply to any person to whom *The Public Service Management Pension Act* applies.

41. Any person

- (a) who retired from the employment of the Government on any date between April 1, 1972 and June 30, 1972, and
- (b) who would have been an employee under this Act if it had been in force at the time of the termination of his employment,

shall be granted a pension under this Act as though this Act had come into force immediately before the date of the termination of his employment.

42. This Act comes into force on July 1, 1972.

40. This section will amend chapter 299 of the Revised Statutes of Alberta 1970.

41. Transitional provision re persons retiring between April 1, 1972 and June 30, 1972.