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CHAPTER C-9

CIVIL SERVICE SUPERANNUATION ACT

CONTRIBUTIONS FOR ELIGIBLE PRIOR EMPLOYMENT REGULATIONS

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

1. In these regulations

Definitions

- (a) “break in employment” means, in respect of the employment of an individual, break in employment
- (i) for any period of employment prior to October 1, 1990, any pay period during which an individual worked less than full-time hours, or
 - (ii) for any period of employment from October 1, 1990 to April 30, 1999, any two consecutive pay periods during which an individual worked less than full-time hours, but does not include any period of absence by the individual that is
 - (iii) due to an approved leave under a collective agreement,
 - (iv) in the absence of an approved leave under a collective agreement, a period of absence for which the employer can provide historical documentation showing its intention to re-employ the individual immediately after the absence, or
 - (v) due to unpaid statutory holidays;
- (b) “eligible prior employment” means, in respect of the prior employment of an individual with a participating employer for whom no contributions have been made, eligible prior employment
- (i) for any period of time prior to May 1, 1999, continuous full-time employment with a participating employer prior to the individual’s entry into the Fund, and
 - (ii) for any period of time on or after May 1, 1999, continuous full-time or part-time employment with a participating employer prior to the individual’s entry into the Fund if,
 - (A) in the first calendar year of such employment, the hours of service are greater than or equal to the total number of months worked divided by 12 and multiplied by 600, and
 - (B) for each calendar year thereafter, the hours of service in each calendar year are equal to or greater than 600,

but in no case shall the maximum period of time exceed the number of actual work days or portion of a work day calculated from the start date of the period to the end date of the period;

former regulations

(c) “former regulations” means the *Civil Service Superannuation Act Contributions for Service Prior to Permanent Appointment Regulations*. (EC572/04)

Election of member

2. (1) Any member who is contributing to the Fund may, prior to retirement or termination, elect, in writing, to purchase that eligible prior employment which occurred since the member’s most recent break in employment.

Contributions

(2) Where an election is made, contributions for the purchase of eligible prior employment shall be made to the Fund prior to the member’s retirement or termination.

Exception

(3) Notwithstanding subsection (2), a member who
 (a) was a member of the Fund immediately prior to retirement or termination; and
 (b) has retired or has been terminated due to ill health,
 the member may, within 12 months from the date of the member’s retirement or termination, elect to purchase eligible prior employment.

Idem

(4) Where a member makes the election referred to in subsection (3), the member shall make the required contributions to the Fund within the same 12-month period.

Penalty

(5) Where a member makes the election referred to under subsection (3) but fails to make the required contributions to the Fund within the period required under subsection (4), the member
 (a) may not purchase eligible prior employment from the Fund; and
 (b) shall be repaid any contributions he or she has paid in respect of the election.

Considerations

(6) For greater certainty, employment that is prior to the date a participating employer began participating in the Fund shall not be considered as eligible prior employment.

Idem

(7) Employment rendered under a contract arrangement with a participating employer where the employee elects not to participate in the Fund shall not be considered as eligible prior employment. (EC572/04)

Contributions in respect of past elections

3. (1) Any member who has elected to purchase eligible prior employment prior to the coming into force of these regulations is not precluded after these regulations come into force from continuing to pay for that period of service, in accordance with the former regulations.

(2) No adjustment shall be made under these regulations for those members who are currently paying, or who have completed payment, for eligible prior employment. *Idem*

(3) Where a member makes an application or an election to purchase eligible prior employment prior to the date these regulations come into force, the application or the election shall be governed under the former regulations. *Transitional*

(4) Where a member has received information from the Minister in respect of the cost to purchase eligible prior employment pursuant to subsection (3) and the member elects to purchase eligible prior employment, the member shall, within three months of receiving the information, either make payment in full or commence payroll deductions. (EC572/04) *Payment*

4. (1) The purchase of eligible prior employment under these regulations shall be at the full actuarial equivalent to the Fund in respect of the cost of the purchased eligible prior employment. *Purchase at full actuarial cost*

(2) Payment for the purchase of eligible prior employment shall, unless the Minister determines otherwise, be made by a single lump sum payment and in no case shall payment exceed four lump sum payments. *Payment*

(3) Where the lump sum payment is sufficient to cover the cost payable under subsection (1), the entire period of eligible prior employment shall be credited to the member as pensionable service. *Lump sum sufficient*

(4) Where the lump sum payment is insufficient to cover all of the cost payable under subsection (1), only that portion of the eligible prior employment paid for shall be credited to the member as pensionable service, as determined by applying the ratio of the payment received divided by the total contributions required to the total period of eligible prior employment. (EC572/04) *Lump sum insufficient*

5. (1) Contributions for the purchase of eligible prior employment are in addition to the regular deductions made by a member for current service. *Contributions*

(2) Contributions for the purchase of eligible prior employment shall not be deducted from retiring payments. *Idem*

(3) The receipt of retiring pay shall not affect a member's superannuation service entitlement. (EC572/04) *Entitlement*

6. The *Civil Service Superannuation Act Contributions for Service Prior to Permanent Appointment Regulations (EC554/64)* are revoked. (EC572/04) *Revocation*