c 332 Public Service Superannuation Act

Ontario
CHAPTER 332

The Public Service Superannuation Act

1. In this Act,

(a) "Board" means the Public Service Superannuation Board;

(b) "child" includes adopted child and step-child;

(c) "civil servant" has the same meaning as in The Public Service Act;

(d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under The Public Service Act and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed for a period of one year;

(e) "Crown" means the Crown in right of Ontario;

(f) "Fund" in Part I means the Public Service Superannuation Fund, and in Part II means the Public Service Retirement Fund;

(g) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the Minister to whom the Board is responsible for the administration of this Act;

(h) "Treasurer" means the Treasurer of Ontario. 1960, c. 98, s. 1.

2.—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members.

(2) The chairman of the Civil Service Commission is a member of the Board and the other three members shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. 1960, c. 98, s. 2.

3. The Board is responsible to the Minister for the administration of this Act. 1960, c. 98, s. 3.
The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued.

The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Part.

The Treasurer shall keep records showing a separate account for each contributor to the Fund.

Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year.

If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund.

There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund.

Every person,

(a) who becomes a contributor after the commencement of this Act; and

(b) who was continuously in the service of the Crown up to the time he became a contributor; and

(c) who gives notice in writing to the Board within six months after he becomes a contributor of his intention to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and

(d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest
at the rate of 3 per cent per annum upon such amount, is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made.

(2) Any contributor who is entitled under subsection 1 to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply mutatis mutandis, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 5.

(3) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown. 1960, c. 98, s. 6.

7.—(1) A contributor who is granted leave of absence without salary shall within six months of the termination of the leave contribute to the Fund an amount equivalent to the amount he would have contributed if he had not been granted the leave and, where the leave, (a) exceeds one month; and

(b) is granted for a reason other than illness or pregnancy,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 8.

(2) Where a contributor is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he is not entitled to credit for the period of the leave. 1960, c. 98, s. 7.

8.—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund.

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the
Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection 1.

(3) Where the Lieutenant Governor in Council designates a board or commission under section 27, amounts equivalent to the contributions to the Fund of contributors who are members of the permanent staff of the board or commission shall be paid into the Fund by the board or commission in lieu of the credits to the Fund provided for in subsection 1. 1960, c. 98, s. 8.

9.—(1) Every contributor who,

(a) has attained the age of sixty-five years; and

(b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

(2) Notwithstanding subsection 1, every contributor who was more than fifty years of age on the 1st day of March, 1948, and who,

(a) has attained the age of seventy years; and

(b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

(3) Every contributor who,

(a) has attained the age of sixty years; and

(b) has contributed to the Fund in respect of a period of twenty-five or more years,

is entitled to a superannuation allowance upon his retirement.

10.—(1) Every contributor who,

(a) became a contributor at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and

(b) has contributed to the Fund in respect of a period of ten or more years; and

(c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and

(d) is retired by the Lieutenant Governor in Council,

is entitled to a disability allowance.
Sec. 11 (3) (b) PUBLIC SERVICE SUPERANNUATION  Chap. 332 311

(2) The Board may at any time review the case of any person receiving a disability allowance and, if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Lieutenant Governor in Council who may direct that he be considered for re-employment.

(3) Where a person is offered re-employment under this section, his disability allowance ceases whether or not he accepts the offer.

(4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the total amount of his contributions with interest at 3 per cent per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs. 1960, c. 98, s. 10.

11.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned.

(2) In no case shall the amount of an annual superannuation allowance be,

(a) more than $3,000 where any period of non-contributory service is included in the computation; or

(b) less than $600, except where $600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service.

(3) In no case shall the amount of an annual disability allowance be,

(a) more than $3,000 where any period of non-contributory service is included in the computation; or

(b) less than $600, except that, where the contributor receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than $600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than $600 from both sources.
Computation of part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and,

(a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. 1960, c. 98, s. 11.

Deferred annuities

12.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty-five years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity.

(2) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

(3) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases after he is fifty years of age and before he is sixty years of age is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(4) Every former contributor who has a deferred annuity is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(5) This section does not apply to any person who was more than fifty years of age when his continuous service commenced. 1960, c. 98, s. 12.

Immediate annuities

13.—(1) The amount of every deferred annuity shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned.

(2) An annuity computed under subsection 1 shall be reduced by 1 per cent for each whole year by which the number of years of service is less than twenty years.

(3) The amount of every immediate annuity shall be computed in the same manner as provided in subsections 1 and 2 except that the amount so determined shall be adjusted in accordance with the following table:
(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and,

(a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. 1960, c. 98, s. 13.

14. Section 20 applies *mutatis mutandis* to the widow or child or children of an annuitant under section 12, except that the amount of the allowance shall be equal to one-half the value of the annuity. 1960, c. 98, s. 14.

15. Except as provided in section 14, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest at 3 per cent per annum, less the amount of the annuity paid to him, shall be paid to his personal representative. 1960, c. 98, s. 15.

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which such person is under the age of sixty-five years shall be added to the period of his prior employment and the allowance payable upon termination of his re-employment shall be recalculated accordingly. 1960, c. 98, s. 16.

17.—(1) Where a contributor who has contributed to the Fund in respect of a period of less than three years resigns, is dismissed, or dies leaving no widow and no child or children, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

<table>
<thead>
<tr>
<th>Age</th>
<th>Divisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>50</td>
</tr>
<tr>
<td>59</td>
<td>54</td>
</tr>
<tr>
<td>58</td>
<td>58</td>
</tr>
<tr>
<td>57</td>
<td>62</td>
</tr>
<tr>
<td>56</td>
<td>67</td>
</tr>
<tr>
<td>55</td>
<td>72</td>
</tr>
<tr>
<td>54</td>
<td>77</td>
</tr>
<tr>
<td>53</td>
<td>82</td>
</tr>
<tr>
<td>52</td>
<td>88</td>
</tr>
<tr>
<td>51</td>
<td>94</td>
</tr>
<tr>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

(4) Here a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and,
(2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be. 1960, c. 98, s. 17.

18. Where a contributor who,

(a) has attained retiring age is retired by the Lieutenant Governor in Council in circumstances under which he is not entitled to a superannuation allowance or annuity; or

(b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or

(c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be. 1960, c. 98, s. 18.

19. Except as provided in section 20, where a person who is in receipt of an allowance dies, an amount equal to the amount of his contributions, with interest at 3 per cent per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. 1960, c. 98, s. 19.

20.—(1) Where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

(a) dies leaving a widow, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 11 but based on the deceased's employment to the time of his death, or

(ii) one-half of the allowance that the deceased was receiving at the date of his death,
as the case may be, shall be paid to his widow during her life or during her widowhood and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) dies leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 11 but based on the deceased's employment to the time of his death, or

(ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the deceased with interest at 3 per cent per annum, the amount of the difference shall be paid to his personal representative.

(3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be.

(4) Where the contributor or the person to whom an allowance was being paid was a widow, subsection 1 applies mutatis mutandis to her child or children. 1960, c. 98, s. 20.

21. Allowances and annuities shall be paid in monthly instalments. 1960, c. 98, s. 21.

22.—(1) This Part applies to,

(a) every sheriff; and

(b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,
whether paid by fees or salary or partly by fees and partly by salary.

(2) Where a person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of The Public Officers' Fees Act, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. 1960, c. 98, s. 22.

23.—(1) This Part applies to every registrar of deeds whether paid by fees or by salary and to the permanent staffs of their offices.

(2) Where a registrar of deeds is paid by fees, his contributions payable under this Part shall be computed upon the net income within the meaning of The Registry Act for the preceding year in respect of the office occupied by him, and his allowance or annuity shall be computed accordingly.

(3) Where a registrar's income is supplemented under section 110 of The Registry Act, the amount of such supplement shall not be included in arriving at his net income for the purpose of computing the amount of his contributions payable under this Part.

(4) Every registrar of deeds shall pay monthly to the Fund from the fees of his office an amount equal to the contributions in respect of present services that is due to the Fund by himself and by the members of the permanent staff of his office, and, where such fees are insufficient to pay such contributions, the balance shall be paid to the Fund from the Consolidated Revenue Fund.

(5) Where a registrar of deeds or any of the members of the permanent staff of his office make payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and, if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively are entitled to credit in the Fund for such period of past service as is fixed by the Board. 1960, c. 98, s. 23.

24. This Part applies to every full-time magistrate. 1960, c. 98, s. 24.
25.—(1) This Part applies to every jailer and jail employee, other than a jail surgeon, who is employed full time on the permanent staff of a county or city jail, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the jailer or jail employee in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 8, and shall also pay into the Fund the contribution deducted from the salary of the jailer or jail employee.

(2) The Board and the council of a county or city that has established a jail may, with the approval of the Lieutenant Governor in Council, enter into an agreement under which the jailer and jail employees and the municipality may pay into the Fund in respect of the service of such persons before the 1st day of July, 1948, and, where such an agreement is entered into and such payments are made, the jailer and jail employees are entitled to credit for the period of service represented by the payments made in reckoning the amount of allowances or annuities payable to them. 1960, c. 98, s. 25.

26.—(1) Every person who had been a contributor to the Teachers' Superannuation Fund and who was a contributor to the Public Service Superannuation Fund on the 1st day of July, 1953, and whose contributions and credits in the Teachers' Superannuation Fund have been transferred to the Public Service Superannuation Fund shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

(2) Where a person who was a contributor to the Teachers' Superannuation Fund becomes a contributor to the Public Service Superannuation Fund after the 1st day of July, 1953, an amount equal to his contributions and credits in the Teachers' Superannuation Fund with accumulated interest shall be transferred to the Public Service Superannuation Fund and thereupon he shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of The Teachers' Superannuation Act, his contributions and credits in the Fund, together with interest at the rate of 43\(\frac{3}{4}\) per cent per annum, shall be transferred to the Teachers' Superannuation Fund. 1960, c. 98, s. 26.
27. This Part applies to the permanent staff of any board or commission established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. 1960, c. 98, s. 27.

28.—(1) Where a contributor becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Where a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. 1960, c. 98, s. 28.

PART II

RETIREMENT FUND

29.—(1) The fund known as the Public Service Retirement Fund and the account in the books of the Treasurer known as the Public Service Retirement Fund Account are continued.

(2) The Fund consists of the moneys paid in by contributors under this Part and the amounts credited to it under subsection 4, less the moneys paid out under this Part.

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund.

(4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 3 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. 1960, c. 98, s. 29.
30.—(1) This Part does not apply to any person who was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Board.

(2) This Part does not apply to any person who is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Board, and, if he so elects and in due course becomes a contributor within the meaning of Part I, his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part I, be deemed to have ceased on the date on which his election to come under this Part becomes effective. 1960, c. 98, s. 30.

31. There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1960, c. 98, s. 31.

32. Where a contributor under this Part becomes a contributor under Part I, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. 1960, c. 98, s. 32.

33.—(1) Where a contributor who has contributed to the Fund in respect of three years or less ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be.

(2) Where a contributor who has contributed to the Fund in respect of more than three years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be. 1960, c. 98, s. 33.

PART III

GENERAL

34. The Treasurer is custodian of the Public Service Superannuation Fund and the Public Service Retirement Fund. 1960, c. 98, s. 34.

35. The Public Service Superannuation Fund and the Public Service Retirement Fund shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an
annual report in respect of the preceding fiscal year to the Lieutenant Governor in Council and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1960, c. 98, s. 35.

36. Every payment out of the Public Service Superannuation Fund or the Public Service Retirement Fund shall be made by cheque of the Treasurer issued upon the requisition of the Board. 1960, c. 98, s. 36.

37. The interest of any person in the Public Service Superannuation Fund or the Public Service Retirement Fund or in any allowance, annuity, refund or other sum payable out of either fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. 1960, c. 98, s. 37.

38. Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. 1960, c. 98, s. 38.

39. Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. 1960, c. 98, s. 39.

40.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires.

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1960, c. 98, s. 40.

41. The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. 1960, c. 98, s. 41.

42. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

(a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;

(b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;
(c) determining the maximum number of years of contribution to the Public Service Superannuation Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1960, c. 98, s. 42.

43. Nothing in this Act,

(a) increases or decreases the amount of any allowance or annuity that was being paid under the predecessor of this Act immediately before the 1st day of April, 1960; or

(b) affects any right to any benefit created under any predecessor of this Act and, where there is any such right, the provisions of this Act apply mutatis mutandis thereto. 1960, c. 98, s. 43.