

**PLAN TEXT  
FOR THE  
NOVA SCOTIA PUBLIC SERVICE SUPERANNUATION PLAN**

**Effective: November 1, 2018**

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# 1 INTRODUCTION

The first five-year comprehensive review of the Public Service Superannuation Plan, pursuant to Section 47 of the *Public Service Superannuation Act*, was completed in February 2017. It recommended a number of revisions to the Act, together with the development of a plan text. Proposed amendments to the Act were put forward by the Public Service Superannuation Plan Trustee Incorporated. They were included by the government as part of the *Financial Measures (2018) Act* introduced in the House of Assembly on April 6, 2018.

The Act amendments received Royal Assent on April 18, 2018. Among other things, they enabled certain terms of the Pension Plan to be moved from formal regulations into a discrete document referred to as the “plan text”. This document is that plan text.

The regulations (the *Public Service Superannuation Plan Regulations*) were under the control of Public Service Superannuation Plan Trustee Incorporated (the Trustee), subject to limitations as set out in the Act. This plan text remains under the Trustee’s control and subject to limitations. The primary purposes for moving Pension Plan terms from formal regulations into a discrete document are to make available to Pension Plan members a more user-friendly version of key terms and to facilitate the Trustee’s ability to effect revisions from time to time.

In accordance with Section 46 of the Act, the Pension Plan documents are:

1. the Act; and
2. this plan text.

The Act and this plan text must therefore be read together, as each contains important elements of the Pension Plan.

Terms used in this plan text that are not defined in the plan text have the same meanings as ascribed to them in the Act.

## 2 INTERPRETATION

### 2.1 Definitions

- (a) “Act” means the Nova Scotia *Public Service Superannuation Act*;

- (b) “allowance earned during the marriage” or “allowance earned during a marriage” means the allowance earned by a plan member throughout a period during which the plan member and another person were spouses;
- (c) “average year’s maximum pensionable earnings” means the average year’s maximum pensionable earnings during the period covered by the highest average salary;
- (d) “court” means the Nova Scotia Supreme Court;
- (e) “current employer” means, if an employee has had more than one successor employer, the current successor employer of the employee;
- (f) “fiscal year” means a 12-month period ending on March 31;
- (g) “highest average salary” means the highest average salary as calculated under Section 7.1;
- (h) “interest” means interest at a rate determined in accordance with Sections 10.1 to 10.4, as applicable;
- (i) “maximum retirement age” means the age specified in the Income Tax Act (Canada) at which a plan member’s superannuation allowance must begin to be paid under this plan text;
- (j) “normal retirement date” means the last day of the month in which a plan member turns 65 years old;
- (k) “original employer” means the employer of an employee during a period of service for which contributions have not been made or have been made and subsequently withdrawn by the employee;
- (l) “overtime” means hours worked in excess of the normal full-time weekly hours or normal full-time biweekly hours specified for the same position or a comparable position;

- (m) “participating employer” means an employer, other than the Province of Nova Scotia, who participates in the Pension Plan and includes those bodies prescribed in Appendix 2;
- (n) “part-time employee” means an employee who meets all of the following criteria:
  - i. they are employed less than full-time,
  - ii. they regularly work at least 40%, but less than 100%, of the full-time hours specified for the same or a comparable position, or a higher minimum percentage of hours specified in a collective agreement applicable to the person for the purposes of determining eligibility for Pension Plan membership,
  - iii. they would be a member if they were employed full-time;
- (o) “plan member” means a member or former member;
- (p) “public authority” means any of the following:
  - i. the Government of Canada,
  - ii. the government of a province of Canada,
  - iii. the government of a municipality in Canada,
  - iv. an authority or association of authorities in Canada that operates a university, hospital or public institution, and includes a representative of the authority or authorities,
  - v. a corporation or body determined by the Trustee to be a public authority for the purposes of this plan text, as set out in Appendix 3;
- (q) “qualifying child” means a plan member’s child who is under
  - i. 18 years old, or
  - ii. 25 years old, if the child meets both of the following:
    - a. the child is in full-time attendance at an educational institution determined by the Trustee to be an educational institution for the purposes of this plan text, and
    - b. the child annually submits evidence of their attendance in a form satisfactory to the Trustee;

- (r) “related plan” means a defined benefit registered pension plan of either of two employers who, for the purposes of the *Income Tax Act* (Canada), do not deal at arm’s length with each other;
- (s) “successor employer” means any employer that succeeds an original employer in respect of an employee;
- (t) “year’s maximum pensionable earnings” means the ‘Year’s Maximum Pensionable Earnings’ within the meaning of the *Canada Pension Plan*.

## **2.2 Definition of “employee who first commences employment on or after April 6, 2010”**

- (a) In this plan text, “employee who first commences employment on or after April 6, 2010” means a person who was not an employee or a member or a former member on April 5, 2010, and who first becomes an employee on or after April 6, 2010, but does not include an employee excluded under subsection (b).
- (b) A person who was not an employee or a member on April 5, 2010, and who meets one of the following criteria is excluded from the definition in subsection (a):
  - i. they entered into negotiations with an employer before April 6, 2010, either directly or through a representative or intermediary, regarding employment with the employer, and subsequently became an employee of the employer and entitled to receive compensation from the employer on or before March 31, 2011;
  - ii. their employment by an employer was approved by the Executive Council, either specifically or in principle, before April 6, 2010, and they became an employee of the employer and entitled to receive compensation from the employer on or before March 31, 2011;
  - iii. they were employed by an employer before April 6, 2010, but were subsequently laid off or their employment terminated, and then later become an employee of an employer and entitled to receive compensation from the employer on or before March 31, 2016.

- (c) A determination of whether an employee meets the criteria in subsection (b) is made by the Trustee.
- (d) For greater certainty, but subject to clause 2.2(b)(iii), “an employee who first commences employment on or after April 6, 2010” includes a person who was a plan member on or before April 5, 2010, but who ceases to be a plan member on or after April 6, 2010.  
**Subsection (d) added effective November 1, 2018.**

### **2.3 When interest in Pension Plan becomes vested**

A plan member’s interest in the Pension Plan becomes vested under this plan text when they have acquired the following years of eligible service:

- i. 10 years of service that all accrued before April 1, 1986;
- ii. 5 years of service, any part of which accrued on or after April 1, 1986, but none of which accrued on or after January 1, 1988;
- iii. 2 years of service, any part of which accrued on or after January 1, 1988.

### **2.4 Biweekly equivalents used for calculating contributions and allowances**

For purposes of calculating contributions and allowances, figures for salaries and year’s maximum pensionable earnings are converted to their biweekly equivalents.

## **3 PARTICIPATION IN PENSION PLAN**

### **3.1 Trustee to provide annual statement to members**

The Trustee must provide each member with an annual statement containing Pension Plan information relevant to the member.

### **3.2 Pension Plan membership of part-time employees**

- (a) A part-time employee of the Province must be a member.
- (b) A part-time employee of a participating employer

- i. must be a member if a collective agreement applicable to the employee requires membership in the Pension Plan;
- ii. may be a member if all of the following conditions are met:
  - a. the employee and participating employer agree,
  - b. the Trustee consents in writing,
  - c. membership in the Pension Plan is not precluded by any collective agreement applicable to the employee.
- (c) A part-time employee who becomes a member in accordance with clause (b)ii must remain a member while employed by the participating employer, as long as the employee continues to qualify for participation in the Pension Plan under this plan text.

### **3.3 When member's employment reduced**

- (a) Except as provided in subsection (b), a member who works less than the percentage of hours required by the definition of "part-time employee", nevertheless continues to be a member as long as their employment is continuous and they would be a member if employed full-time.
- (b) Subsection (a) does not apply to an employee if a collective agreement applicable to them prevents it from applying.

### **3.4 Prorating obligations and benefits for part-time employees**

- (a) Except as provided in Section 3.5, contributions made by a part-time employee are calculated based on the contributions they would have made if employed full-time multiplied by the ratio of their actual hours worked, not including overtime, to the hours they would have worked if employed full-time.
- (b) The salary recognized for a part-time employee for the purposes of calculating the highest average salary is the salary they would have earned if employed full-time.

- (c) Except as provided in Section 3.5, pensionable service for a part-time employee is the service they would have been credited with if employed full-time multiplied by the ratio of their actual hours worked, not including overtime, to the hours they would have worked if employed full-time.
- (d) Eligible service for a part-time employee is the service they would have been credited with if employed full-time.

### **3.5 Contributions based on scheduled hours worked for part-time employees of participating employers**

Contributions and pensionable service for a part-time employee of a participating employer are calculated in accordance with Section 3.4, based on regularly scheduled hours worked rather than actual hours worked, unless a collective agreement applicable to the employee specifies that actual hours worked apply.

### **3.6 Division of superannuation allowance between spouses**

- (a) If a plan member is entitled to, or is receiving, a superannuation allowance, their spouse or former spouse may apply to the court for a division of the allowance earned during the marriage that is attributable to the spouse or former spouse if any of the following has occurred:
  - i. a petition for divorce has been filed;
  - ii. an application for a declaration of nullity has been filed;
  - iii. the plan member and the spouse have been living separate and apart and there is no reasonable prospect of resuming cohabitation.
- (b) On application for division of an allowance under subsection (a), the court, having regard to all the circumstances, may order that a spouse or former spouse of a plan member is to receive the proportion of the allowance earned during the marriage that is attributable to them, up to a maximum of 50% of the allowance.
- (c) A subsequent spouse of a plan member's spouse or former spouse is not entitled to any allowance or other benefit under this plan text attributable to the plan member.

- (d) Except as otherwise provided by this plan text, a plan member's spouse or former spouse is not entitled to any benefits attributable to the plan member under the Act or this plan text once a court order dividing the plan member's allowance is issued under this Section.

### **3.7 When and how divided allowance is paid**

- (a) Payment of a pension to a spouse or former spouse of a retiree who is entitled to payment of a pension under a court-ordered division of an allowance under Section 3.6 is effective on the date determined by the court.
- (b) Payment to a spouse or former spouse of a plan member other than a retiree who is entitled to payment under a court-ordered division of an allowance under Section 3.6 must be in the form of a lump-sum commuted value of their share of the allowance.
- (c) If a spouse or former spouse dies before receiving payment under subsection (b), the payment must be paid to the estate of the spouse or former spouse.

### **3.8 Section 3.7 applies to court orders received on or after January 1, 2017**

Section 3.7 applies to the payment of a court ordered division of an allowance under Section 3.6 for any court order received by the Administrator on or after January 1, 2017, regardless of when the order was issued.

### **3.9 Death of spouse or plan member does not affect divided allowance**

- (a) Despite any other provision of this plan text, a spouse's or former spouse's share of a plan member's allowance under a court-ordered division is not affected by the death of the plan member.
- (b) A plan member's share of an allowance under a court-ordered division is not affected by the death of a spouse or former spouse who is entitled to a share of the allowance under the court-ordered division.

### **3.10 Information to spouse about share of divided allowance**

If requested, the Trustee must provide a plan member's spouse or former spouse with information about their share of a court-ordered division of an allowance.

### **3.11 Matrimonial Property Act settlement**

- (a) A court-ordered division of an allowance under Section 3.6 does not prevent the division of assets under Section 13 of the Nova Scotia *Matrimonial Property Act* in settlement of the value of any pension, allowance or other benefit under the Act or this plan text that, because the marriage relationship is terminated, the person will lose the chance of acquiring.
- (b) Sections 3.6 to 3.10 do not apply if there is an unequal division of assets under the Nova Scotia *Matrimonial Property Act* in accordance with subsection (a).

### **3.12 Obligations of Trustee and Administrator for divided allowances**

The only obligation of the Trustee and the Administrator regarding the division of an allowance earned during a marriage is to make payments in accordance with the court order, upon provision of the order to the Trustee and the Administrator.

### **3.13 Apportionment of allowance between two spouses**

- (a) If a plan member has two spouses at the time of their death, the total amount payable out of the Superannuation Fund to a surviving spouse under the Act and this plan text must be apportioned between the two spouses in accordance with the period of time each cohabited with the plan member in a conjugal relationship while the plan member was earning an allowance.
- (b) A person to whom a plan member is married at the time of their death is deemed to be the plan member's sole surviving spouse for the purpose of the Act and this plan text unless another person notifies the Trustee in writing, no later than 12 months after the plan member's death, that the person claims to be a spouse of the deceased plan member.
- (c) To be eligible for an apportionment under subsection (a), a surviving spouse must provide sufficient evidence satisfactory to the Trustee to prove that they are a spouse of a plan member.
- (d) The Trustee is not obligated to make payments to any person claiming to be a surviving spouse of a deceased plan member unless that person notifies the Trustee of the claim in writing no later than 12 months after the plan member's death.

- (e) If two surviving spouses of a plan member submit conflicting evidence to the Trustee, the Trustee may decide not to make any payments to the spouses until one or both spouses obtain a court order, at the sole cost of the spouse or spouses, apportioning between them the total amount payable out of the Superannuation Fund to a surviving spouse.
- (f) If two surviving spouses of a plan member submit conflicting evidence to the Trustee, the Trustee is not obligated to pay interest to either spouse because of delays caused by the submissions.

## **4 ELIGIBLE AND PENSIONABLE SERVICE**

### **4.1 Eligible service**

- (a) Any period of service recognized as pensionable service is eligible service.
- (b) The Trustee may, on such terms and conditions as the Trustee prescribes, recognize a prior period of service as eligible service.

### **4.2 20-year limit for applying to receive credit for prior service**

To receive credit for a period of service as pensionable service under Section 4.3, 4.5 or 4.6, an application for the credit must be received by the Administrator no later than the following:

- i. 20 years after the date the period of service ends; or
- ii. if the employee withdrew contributions or was paid a commuted value, 20 years after the date the payment was made to the employee.

### **4.3 Periods of absence at partial pay or without pay**

An authorized period of absence from duty for which an employee receives partial pay or no pay is not counted as pensionable service, unless the employee pays into the Superannuation Fund the following:

- i. if an application to receive service credit for the period is received by the Administrator no later than 10 years after the date the period of absence

ends, a sum equal to the difference between the following, plus any applicable interest:

- a. the amount that would have been deducted from the employee's salary if the employee had been receiving full pay during the period of absence,
  - b. the sum actually paid into the Superannuation Fund from the employee's salary during the period of absence;
- ii. if an application to receive service credit for the period is received by the Administrator later than 10 years after the date the period of absence ends, an amount or amounts equal to the Pension Plan's actuarial cost of the service to be credited, calculated as determined by the Trustee.

#### **4.4 Transfer of employee to or from public authority**

- (a) Any agreement entered into before the date this plan text becomes effective respecting transferring the service of employees under the former Act to a public authority, or transferring the service of persons who were employed by a public authority from the public authority, is hereby affirmed.
- (b) The Trustee may enter into an agreement with a public authority respecting any of the following:
  - i. transferring employees' service from the Pension Plan to a public authority's pension plan;
  - ii. transferring the service of persons who are employed by a public authority from the authority's pension plan to the Pension Plan.

An agreement with a public authority under subsection (b) may include any terms and conditions the Trustee considers necessary.

#### **4.5 Purchase of prior contributory service with a public authority**

- (a) In this Section, "period of prior contributory service with a public authority" means any period during which an employee was employed full-time by a public authority and contributions were being made, either by the employee or on the

employee's behalf directly or through a funding excess, to a registered pension plan in which the public authority participated in respect of the employee.

- (b) For the purpose of calculating pensionable service, a plan member may receive service credit for all or part of a period of prior contributory service with a public authority, if the plan member meets all of the following conditions:
  - i. they pay into the Superannuation Fund an amount or amounts equal to the Pension Plan's actuarial cost of the service credited, calculated as determined by the Trustee;
  - ii. they satisfy any terms and conditions the Trustee determines necessary.

#### **4.6 Credit for prior service**

- (a) Any payments or repayments of contributions or a commuted value by an employee under this Section may only be made subject to the *Income Tax Act* (Canada).
- (b) An employee who, while an employee, has not made contributions for a period of service or has made contributions for a period of service and has withdrawn them may later pay
  - i. if an application to receive service credit for the period is received by the Administrator no later than 10 years after the date the period of service ends, the employee contributions required at the contribution rate applicable on the date the salary was paid or the date the contributions were withdrawn, together with interest from that date to and including the date the contributions are paid or repaid; or
  - ii. if an application to receive service credit for the period is received by the Administrator later than 10 years after the date the period of service ends, an amount or amounts equal to the Pension Plan's actuarial cost of the service to be credited, calculated as determined by the Trustee.
- (c) Unless previously matched by an employer, any contributions paid or repaid by an employee under clause (b)i must be fully matched, at the time they are paid or repaid, by one of the following:
  - i. the original employer;

- ii. a successor employer, if the successor employer is required by an enactment or an agreement to do so;
  - iii. the current employer, if the current employer is required by an enactment or an agreement to do so.
- (d) Except as provided in subsection (e), if an employer who is required to make matching payments under clause (c)i or ii no longer exists, the Administrator must ask the Trustee to determine whether, and on what terms, the employee may receive credit for the prior period of service, and the Trustee's determination applies despite subsection (b).
- (e) If an employer who is required to make matching payments under clause (c)i or ii was part of the Province of Nova Scotia but no longer exists, any contributions paid or repaid by an employee under subsection (b) must, unless previously matched by an employer, be fully matched by the Province at the time they are paid or repaid.
- (f) Any employee who has been paid a commuted value may repay the commuted value to the Superannuation Fund, together with interest from the date the commuted value was paid to the employee to and including the date the commuted value is repaid.
- (g) Except as provided in subsection (h), an employee who pays or repays employee contributions under subsection (b) or a commuted value under subsection (f) must be credited with a corresponding amount of pensionable service.
- (h) An employee may only acquire pensionable service before they retire, and any prior service that has not actually been paid for before the date the employee receives their last regular pay is not pensionable service.

#### **4.7 Member receiving disability benefits**

- (a) In this Section, "LTD Plan" means any long-term disability income continuance plan of an employer.
- (b) A member who is receiving benefit payments under an LTD Plan and who has not commenced receipt of a superannuation allowance must continue to make contributions in accordance with this plan text, based on the current rate of

salary for the position which the member held immediately before the date they began receiving the benefit payment.

**Subsection (b) amended effective November 1, 2018.**

(c) **Subsection (c) deleted effective November 1, 2018.**

## **5 EMPLOYEE AND EMPLOYER CONTRIBUTIONS**

### **5.1 Contribution rates**

(a) For each employee participating in the Pension Plan, an employer must, in each pay period,

- i. for the employee's contributions, deduct the amounts set out in subsection (b) from the employee's salary and pay the amounts into the Superannuation Fund; and
- ii. for the employer's contributions, match the amount in clause i by paying the amount set out in subsection (b) into the Superannuation Fund from the employer's own resources.

(b) The contribution rates for subsection (a) are as follows:

- i. 8.4% of the amount of an employee's salary that is equal to or less than the year's maximum pensionable earnings;
- ii. 10.9% of the amount of the employee's salary that exceeds the year's maximum pensionable earnings.

(c) The employer's contribution amount in subsection (a) applies to all contributions made by an employee for which a matching employer contribution has not already been made, and, subject to any limitations on employer contributions expressly set out in the Act or this plan text, these matching contributions must be paid

- i. by the Province of Nova Scotia, as employer, by payment out of the General Revenue Fund of the Province for

- a. an employee of the Province, and
    - b. an employee of a school board, except any school board which by agreement with the Province is responsible for making its own matching payments;
  - ii. by a participating employer.
- (d) Matching employer contributions are not required in respect of any service transferred by an employee under any of the following agreements or arrangements unless provided for in the agreement or arrangement:
- i. an agreement with a public authority;
  - ii. a reciprocal transfer agreement or a similar agreement or arrangement with an entity who is not an employer.

## **5.2 Contributions cease and allowance begins at maximum retirement age**

- (a) Subject to Section 57 of the Act, an employee who is employed after their normal retirement date must make contributions until the earlier of the following dates:
- i. the date their employment terminates;
  - ii. November 30 of the calendar year in which they reach the maximum retirement age.
- (b) An employee must begin receiving their superannuation allowance no later than December of the calendar year in which the employee reaches the maximum retirement age.

## **6 RETIREMENT ELIGIBILITY**

### **6.1 Retirement at age 60**

A plan member who is 60 years old or more may retire with an unreduced superannuation allowance if their interest in the Pension Plan is vested.

### **6.2 Retirement based on the 'rule of 80' or 'rule of 85'**

- (a) Except as provided in subsection (b), a plan member who is less than 60 years old but more than 50 years old may retire with an unreduced superannuation allowance if
  - i. their interest in the Pension Plan is vested; and
  - ii. their years of eligible service plus their age totals 80 or more.
- (b) For an employee who first commences employment on or after April 6, 2010, subsection (a) applies with the following changes:
  - i. "50" must be read as "55";
  - ii. "80" must be read as "85".

### **6.3 Early retirement**

- (a) A plan member who is less than 60 years old but more than 55 years old may retire with a reduced superannuation allowance, calculated in accordance with subsection (b), if their interest in the Pension Plan is vested.
- (b) The amount of an early retirement allowance payable under subsection (a) is the unreduced superannuation allowance the plan member would be entitled to if they were eligible to retire under Section 6.1 or 6.2, minus 0.5% for every month or part of a month remaining between the date they retire and the date they would qualify for an unreduced superannuation allowance under Section 6.1 or 6.2 based on eligible service as of the date of retirement.

## **6.4 Effective time of retirement**

Despite any other provision of the Act or this plan text, a plan member's retirement is deemed to be effective as of the last day of the month in which the plan member retires.

## **7 SERVICE ALLOWANCES**

### **7.1 Calculation of highest average salary**

- (a) Except as provided in subsection (b), an employee's highest average salary must be calculated using the following formula:

$$\text{HBWS} \div 5$$

in which,

HBWS is the total of the employee's 130.5 highest biweekly salaries, or portions thereof, on which the employee made contributions that

- i. have not been refunded to the employee, or on behalf of the employee, or withdrawn from the Superannuation Fund, or
- ii. if refunded or withdrawn, have been fully repaid to the Superannuation Fund together with any applicable interest.

- (b) The highest average salary for an employee who has made contributions on less than 130.5 biweekly salaries must be calculated in accordance with the following formula:

$$\text{TBWS} \div \text{YES}$$

in which

TBWS is the total of the employee's biweekly salaries on which the employee made contributions that

- i. have not been refunded to the employee, or on behalf of the employee, or withdrawn from the Superannuation Fund, or
- ii. if refunded or withdrawn, have been fully repaid to the Superannuation Fund together with any applicable interest

YES is the employee's years of eligible service.

- (c) In computing the number of years of eligible service under subsection (b), only the actual number of years and full months of eligible service, expressed as a fraction of a year, are recognized as eligible service.

## **7.2 Calculation of superannuation allowance**

- (a) The unreduced annual superannuation allowance payable to a plan member who is less than 65 years old when they retire is the sum of all of the following, calculated in accordance with this Section:
- i. 1.3% of the plan member's highest average salary up to the average year's maximum pensionable earnings plus 2% of the plan member's highest average salary in excess of the average year's maximum pensionable earnings, multiplied by the plan member's number of years of pensionable service that are also pensionable under the *Canada Pension Plan*;
  - ii. 2% of the plan member's highest average salary multiplied by the plan member's number of years of pensionable service that are not pensionable under the *Canada Pension Plan*;
  - iii. a bridge benefit payable from the date the superannuation allowance begins until the plan member turns 65 years old, calculated as 0.7% of the plan member's highest average salary up to the average year's maximum pensionable earnings multiplied by the plan member's number of years of pensionable service that are also pensionable under the *Canada Pension Plan*.
- (b) In computing the number of years of pensionable service under subsection (a), only the actual number of years and full months of pensionable service, expressed as a fraction of a year, are recognized as pensionable service.
- (c) The unreduced annual superannuation allowance payable to a plan member who is 65 years old or more when they retire is the sum of the amounts in clauses (a) i and ii, calculated in accordance with this Section.
- (d) For greater certainty,

- i. if a plan member's total pensionable service includes pensionable service that accrued before January 1, 1966, all of the years of pensionable service accrued before January 1, 1966, must be counted for the purposes of clause (a)ii; and
  - ii. the total amount of the bridge benefit paid under clause (a)iii includes the total of any accumulated cost of living adjustments applied to the bridge benefit during
    - a. the period the bridge benefit is paid, and
    - b. any period in which the allowance is deferred.
- (e) For an employee who has acquired the maximum number of pensionable service years under Section 57 of the Act, the highest average salary under subsection (a) must include any biweekly salaries, or portions of biweekly salaries, that
  - i. they earned after acquiring the maximum; and
  - ii. they would have made contributions on if the salaries had been earned before they acquired the maximum.
- (f) In computing the number of years of pensionable service of an employee under subsection (a), the employee must be credited with one year of pensionable service for each of the following:
  - i. a year of service the employee is entitled to for the purpose of a retirement allowance under the *Teachers' Pension Act*, upon the transfer from the Nova Scotia Teachers' Pension Fund to the Superannuation Fund of the amounts determined by Trustee;
  - ii. a university year spent as a full-time teacher in a university in the Province, if the employee applies in writing to the Trustee and pays into the Superannuation Fund the actuarial cost, as determined by the Trustee, of the pensionable service credited to the employee.
- (g) Any pensionable service credited in accordance with Section 13 of the former Act for service in World War II or the Korean Conflict, and payment particulars of

a superannuation allowance in respect of the service, remain unaffected by the Act and this plan text.

### **7.3 Payment of allowance in monthly instalments**

A superannuation allowance and survivor allowance must be paid in monthly instalments.

### **7.4 Minimum superannuation allowance**

Despite any other provision of the Act or this plan text, if the commuted value of a plan member's superannuation allowance when they retire is less than their contributions plus applicable interest, their superannuation allowance must be increased so that its commuted value is equal to their contributions plus applicable interest.

### **7.5 Lump sum payment of commuted value if benefit small**

If the commuted value of an allowance payable under the Act and this plan text is less than 2% of the year's maximum pensionable earnings in the last year of their employment, the person entitled to the allowance may elect to receive a lump sum payment of the commuted value of the allowance instead of the allowance.

### **7.6 Retired member returning to work**

- (a) If a retiree is re-employed as an employee and is required to pay contributions into the Superannuation Fund, the retiree's superannuation allowance must be suspended until the retiree terminates employment.
- (b) If a re-employed retiree whose superannuation allowance has been suspended under subsection (1) terminates employment, the retiree's superannuation allowance must be recalculated to include salary and pensionable service for the period of re-employment.

## **8 TERMINATION BENEFITS**

### **8.1 Termination before pension vested**

A plan member whose employment terminates before their interest in the Pension Plan is vested may apply in writing for a refund of the contributions they paid, together with

interest credited to the last day of the month immediately before the month the Trustee received their application.

## **8.2 Termination after interest in Pension Plan vested**

- (a) This Section applies only to plan members whose employment terminates after their interest in the Pension Plan is vested but who are not entitled to an immediate allowance or receiving a superannuation allowance.
- (b) Instead of receiving a deferred allowance, a plan member may require the Trustee to pay the commuted value of the deferred allowance as follows, by notifying the Trustee in the manner the Trustee requires:
  - i. for transfer to a pension fund related to another plan, if the administrator of the other plan agrees to accept the payment;
  - ii. for transfer to a retirement savings arrangement prescribed for the transfer in regulations made under the *Pension Benefits Act*;
  - iii. for the purchase for the plan member of a deferred life annuity under which payments do not begin earlier than 10 years before the plan member's normal retirement date.
- (c) If the commuted value of a plan member's deferred allowance is less than their contributions plus interest credited to the last day of the month immediately before the month the Trustee receives notice under subsection (b), the plan member may request, in addition to payment under subsection (b),
  - i. a refund of the difference, payable to the plan member; or
  - ii. a transfer of the difference, in accordance with subsection (b).
- (d) Despite subsection (b), a plan member may
  - i. request, in writing, a refund of the employee contributions paid by the plan member that relate to pensionable service accrued before January 1, 1988, together with interest credited to the last day of the month immediately before the month in which the Trustee receives the request; and

- ii. require the Trustee to transfer, in accordance with subsection (b), the commuted value of the portion of their deferred allowance that is attributable to pensionable service on or after January 1, 1988.
- (e) Despite anything in this Section, no transfer may be made under this Section except as permitted by the *Income Tax Act* (Canada).

### **8.3 Calculation of commuted value**

The commuted value referred to in Section 8.2 must be calculated in accordance with the recommended computation of minimum transfer values of deferred pensions issued by the Canadian Institute of Actuaries, dated December 1987, and any subsequent pronouncement by that body.

## **9 SURVIVOR ALLOWANCES AND OTHER DEATH BENEFITS**

### **9.1 Death before interest in Pension Plan vested**

The surviving spouse, or designated beneficiary or estate, of a plan member who dies before their interest in the Pension Plan is vested may apply in writing for, and must be paid, a refund of the contributions the plan member paid, together with interest credited to the last day of the month immediately before the month the Trustee receives the application.

### **9.2 Death after interest in Pension Plan vested but before retirement**

- (a) In this Section, “total superannuation allowance” means the total superannuation allowance calculated under Section 9.5.
- (b) If a plan member dies after their interest in the Pension Plan is vested but before they retire, then their surviving spouse, qualifying children and dependants are entitled to an immediate survivor allowance, as follows:
- i. for the plan member’s surviving spouse, an amount equal to 66 2/3% of the total superannuation allowance, payable for life;
  - ii. for each surviving qualifying child, an amount equal to

- a. if there is a surviving spouse, 10% of the total superannuation allowance, or a proportionately lesser percentage if there are more than 3 qualifying children, payable until the applicable date set out in subsection (c), not exceeding in the whole 33 1/3% of the total superannuation allowance in respect of all qualifying children,
  - b. if there is no surviving spouse or the surviving spouse dies, an equal share of 66 2/3% of the total superannuation allowance, payable until the applicable date set out in subsection (c);
  - iii. if there is no surviving spouse and no qualifying children, for each of the plan member's dependants, an amount equal to an equal share of 66 2/3% of the total superannuation allowance, payable until as specified in subsection (d).
- (c) A survivor allowance paid under this Section to a qualifying child must be paid until the last day of the month in which
  - i. for a child who does not meet the criteria in clause ii or iii, the child turns 18 years old;
  - ii. for a child who is 18 years or older and in full-time attendance at an educational institution determined by the Trustee to be an educational institution for the purposes of this plan text and annually submits evidence of their attendance in a form satisfactory to the Trustee,
    - a. the child turns 25 years old, or
    - b. the child is under 25 years old but ceases to attend an educational institution full-time;
  - iii. for a child who is 18 years or older and is also a dependant,
    - a. there are no other remaining qualifying children or a surviving spouse, or

- b. there are other remaining qualifying children or a surviving spouse and the child's mental or physical disability ceases or the child dies.
- (d) A survivor allowance paid under this Section to a dependant must be paid until the last day of the month in which the dependant's mental or physical disability ceases or the dependant dies.
- (e) If a qualifying child or dependant ceases to be paid a share of a survivor allowance under subsection (c) or (d) the equal share of the survivor allowance to which survivors are entitled under subclause (b)iib or clause (b)iii must be recalculated so that the remaining qualifying children or remaining dependants continue to receive an equal share in accordance with those provisions.

### **9.3 Death after retirement**

- (a) If a plan member dies after they retire, then their surviving spouse, qualifying children and dependants are entitled to an immediate survivor allowance in accordance with Section 9.2, with the following changes:
  - i. "plan member" in Section 9.2 must be read as "retiree";
  - ii. a "surviving spouse" of a retiree means a person who
    - a. became the retiree's spouse before the retiree retired, or
    - b. became the retiree's spouse at least 3 years before the retiree's death.
- (b) In determining whether the 3-year requirement contained in subclause (a)iib. has been met, a period of cohabitation in a conjugal relationship may be added to a period of legal marriage or registered domestic partnership that immediately follows the period of cohabitation in a conjugal relationship.

### **9.4 Survivor allowances for employee who first commences employment on or after April 6, 2010**

Sections 9.2 and 9.3 apply to an employee who first commences employment on or after April 6, 2010, with the following substitutions made to Section 9.2:

- i. "66 2/3%" must be read as "60%";
- ii. "33 1/3%" must be read as "40%";
- iii. "3 qualifying children" must be read as "4 qualifying children".

## **9.5 Total superannuation allowance for calculating survivor allowances**

- (a) Except as provided in subsection (c), the total superannuation allowance for purposes of calculating survivor allowances payable under Section 9.2 to a surviving spouse, qualifying child, or dependant is based on the following:
  - i. the superannuation allowance calculated under clause 7.2(a)i for that portion of the plan member's pensionable service accrued on and after January 1, 1992;
  - ii. the superannuation allowance calculated under clause 7.2(a)ii for that portion of the plan member's pensionable service accrued before January 1, 1992.
- (b) If a retiree dies before turning 65 years old, the total superannuation allowance for the purpose of calculating survivor allowances payable under Section 9.3 to a surviving spouse, qualifying child or dependant is based on the following:
  - i. until and including the month in which the retiree would have turned 65 years old, the superannuation allowance calculated under subsection 7.2(a);
  - ii. beginning the month immediately after the month in which the retiree would have turned 65 years old, in accordance with clauses 7.2(a)i and ii
- (c) If a plan member dies after turning 65 years old, the total superannuation allowance for the purpose of calculating a survivor allowance payable under Section 9.2 or 9.3 to a surviving spouse, qualifying child or dependant is based on the superannuation allowance calculated under clause 7.2(a)i for all pensionable service.

## **9.6 Payment of allowance to surviving spouse in first five years after death**

- (a) Despite Sections 9.2 and 9.3, payment of a survivor allowance to a surviving spouse within the first five years after a plan member dies must be paid in accordance with this Section.
- (b) For the first five years after a plan member other than a retiree dies, a surviving spouse of the plan member who is entitled to a survivor allowance under Section 9.2 must be paid the superannuation allowance that the plan member would have been entitled to receive,
  - i. calculated as if the plan member qualified for an immediate unreduced superannuation allowance, less any survivor allowance paid to qualifying children; and
  - ii. subject to the limits in subsection (c).
- (c) If the plan member would not have qualified for an immediate unreduced superannuation allowance had their employment terminated, the survivor allowance payable under subsection (b) must not exceed the greater of
  - i. the survivor allowance payable under Section 9.2; and
  - ii. the lesser of
    - a. the year's maximum pensionable earnings in the year the plan member died, and
    - b. 66 2/3% of the unreduced superannuation allowance that would be payable to the plan member under subsection 7.2(a) at age 65 if the plan member had continued in employment to age 65 at the same rate of salary.
- (d) Subject to subsection (e), if a retiree dies within five years after retiring, for the remainder of the five years since the retiree retired, a surviving spouse of the retiree who is entitled to a survivor allowance under Section 9.3 must be paid the superannuation allowance that was being paid to the retiree at the date of death less any survivor allowances being paid to qualifying children.
- (e) If a retiree would have turned 65 years old within five years after retiring, the superannuation allowance payable under subsection (d) must be adjusted the

month immediately after the month in which the retiree would have turned 65 years old to take into account the end of the bridge benefit in clause 7.2(a)iii.

- (f) For greater certainty, clauses 9.2(b)i and ii apply after the five-year period referred to in subsections (b) to (e).

## **9.7 Refund payable to designated beneficiary or estate**

If a plan member dies leaving no surviving spouse, qualifying children or dependants, or when the last survivor allowance attributable to a retiree ceases to be paid because there are no persons eligible to continue receiving it, the plan member's designated beneficiary or estate, or the estate of the last person to have been receiving a survivor allowance attributable to the plan member, may apply to the Trustee in writing for payment of, and must be paid the following:

- i. for a plan member who dies after their interest in the Pension Plan is vested but before they retire, the contributions made by the plan member together with interest credited to the last day of the month immediately before the month in which the Trustee receives the application for payment;
- ii. for a retiree who dies, and whose contributions together with interest credited to the date of the retiree's retirement exceeds the total of all superannuation allowances and survivor allowances paid in respect of the retiree, the difference between those 2 amounts.

## **10 INTEREST RATES AND CALCULATION**

### **10.1 Interest on outstanding amounts payable to the Superannuation Fund**

- (a) In this Section, "outstanding amount" means any amount that is payable to the Superannuation Fund under this plan text, but for which payment has not been made.
- (b) Unless excepted by the Trustee, an outstanding amount must include interest, in accordance with subsections (c) and (d) for the period from the following applicable date to the date of payment:

- i. date the amount was or would have been originally payable;
  - ii. the date the amount was withdrawn from the Superannuation fund.
- (c) For periods before April 1, 2008, interest on any outstanding amounts must be calculated in the manner and at the rate corresponding to the period in which the amount was or would have been originally payable, as set out in Appendix 1.
- (d) Interest on any amount that became or becomes payable on or after April 1, 2008, must be calculated for any fiscal year or part of a year in which the amount payable, or any portion of it, remains an outstanding amount, at the discount rate used to determine the Pension Plan's actuarial liability in the previous fiscal year's actuarial valuation report, compounded semi-annually.

## **10.2 Interest rates for instalment payments**

- (a) Payments made to the Superannuation Fund by instalment must include interest, in accordance with the rates in subsection (b).
- (b) The interest rate during the amortized instalment period for payments made by instalment into the Superannuation Fund by employees who are permitted to make payments by instalment to receive credit for pensionable service is
  - i. for an employee who was permitted before April 1, 2008, to make the payments, 10% per year, compounded semi-annually; and
  - ii. for an employee who was permitted on or after April 1, 2008, to make the payments, the discount rate used to determine the Pension Plan's actuarial liability in the actuarial valuation report from the fiscal year immediately before the fiscal year in which the amortized instalment period begins, compounded semi-annually.
- (c) Permission to make payments into the Superannuation Fund in instalments to receive credit for pensionable service, as referred to in subsection (b), is at the discretion of the Trustee.

### **10.3 Outstanding balance of instalment contributions and interest upon retirement, termination of employment, or death**

- (a) Upon their retirement or termination of employment, an employee who has been paying or repaying required contributions plus interest in instalments to receive credit for pensionable service must pay any remaining balance owed to the Superannuation Fund no later than the date of the employee's retirement or termination of employment, or the date of the employee's last regular pay.
- (b) If an employee does not pay an outstanding balance owed to the Superannuation Fund under subsection (a) in full in accordance with that subsection, the amount of their allowance or other amount to which they are entitled must be adjusted to reflect the amount of pensionable service actually paid for immediately before the date they retire or the date their employment is terminated, including any subsequent payments made by payroll deduction.
- (c) If an employee who has been paying or repaying required contributions plus interest to receive credit for pensionable service dies owing a balance to the Superannuation Fund, the amount of the allowance or other amount attributable to the employee must be adjusted to reflect the amount of pensionable service actually paid for before the date the employee died, including any subsequent payments made by payroll deduction.
- (d) In this Section, "required contributions" includes an amount previously paid or transferred from the Superannuation Fund to, or on behalf of, the employee.

### **10.4 Interest on amounts payable from the Superannuation Fund**

- (a) An amount payable from the Superannuation Fund must include interest calculated in accordance with this Section.
- (b) Interest for a calendar year, or part of a calendar year, on contributions by a plan member that are refunded to, or in respect of, the plan member must be calculated as follows:
  - i. on or after August 1, 1983, to and including December 31, 1989, at a simple interest rate of 6%;
  - ii. on or after January 1, 1990, to and including December 31, 2007, at a simple interest rate of 10%;

- iii. on or after January 1, 2008, at a rate equal to the average 5-year personal fixed-term chartered bank administered interest rate, as published by the Bank of Canada, for the 12-month period ending October 31 of the previous calendar year, compounded annually.
- (c) Interest on contributions by a plan member that are refunded to, or in respect of, the plan member, is payable on and after January 1 of the year following the year in which the contributions were made, and continues to accrue until the following applicable date:
  - i. the last day of the month in which a refund of contributions is made;
  - ii. the effective date of calculation of the commuted value;
  - iii. the effective date of the plan member's retirement;
  - iv. the last day of the month immediately before the month in which the plan member dies.
- (d) Interest on any amount payable from the Superannuation Fund other than as described in subsection (b) must be at the rate or rates set out in clause (b)iii.
- (e) In this Section "contributions", in relation to a plan member, means all amounts paid or transferred by the plan member to the Superannuation Fund and, for the purpose of calculating the compounded interest payable starting in 2008 in accordance with clause (b)iii, includes interest accrued to the end of the previous calendar year.
- (f) Daily interest does not apply to any amount determined to be payable under this Section.

## APPENDIX 1: INTEREST PAYABLE ON OUTSTANDING AMOUNTS

The following are the rates for interest payable on outstanding amounts under Section 10.1:

Rates of Interest Payable on Outstanding Amounts		
Time Period		Interest Rate
On and after	To and including	
n/a	December 31, 1958	4% per year, compounded semi-annually
January 1, 1959	December 31, 1969	6% per year, compounded semi-annually
January 1, 1970	September 30, 1978	7% per year, compounded semi-annually
October 1, 1978	March 31, 1982	8.25% per year, compounded semi-annually
April 1, 1982	October 31, 1985	13.15% per year, compounded semi-annually
November 1, 1985	March 31, 2008	10% per year, compounded semi-annually
April 1, 2008	-	The discount rate used to determine the Pension Plan's actuarial liability in the previous fiscal year's actuarial valuation report, compounded semi-annually

## APPENDIX 2: PRESCRIBED EMPLOYERS AND EMPLOYEES

### Employers

The following employers are prescribed as employers for the purposes of the definition of “employer” in clause 2(u) of the Act: \*

- Acadia University
- Atlantic Provinces Special Education Authority (APSEA)
- Canada-Nova Scotia Offshore Petroleum Board
- Cape Breton Regional Municipality
- Cape Breton University
- Chignecto-Central Regional Centre for Education
- Dalhousie University
- Develop Nova Scotia (formerly Waterfront Development Corporation Limited)
- Events East Group (formerly Halifax Convention Centre Corporation)
- Halifax-Dartmouth Bridge Commission (Halifax Harbour Bridges)
- IWK Health Centre - Addiction Services
- Municipality of the County of Pictou
- Nova Scotia Business Incorporated
- Nova Scotia Community College
- Nova Scotia Gaming Corporation
- Nova Scotia Government and General Employees Union
- Nova Scotia Health Authority
- Nova Scotia Innovation Corporation (InNOVAcorp)
- Nova Scotia Lands Inc.
- Nova Scotia Legal Aid Commission
- Nova Scotia Liquor Corporation
- Nova Scotia Municipal Finance Corporation
- Nova Scotia Pension Services Corporation
- Nova Scotia Public Service Long Term Disability Trust Fund
- Nova Scotia Utility and Review Board
- Property Valuation Services Corporation
- Provincial Government Employees Credit Union (formerly Province House Credit Union)
- Sherbrooke Village Restoration Commission
- South Shore Public Libraries
- Tourism Nova Scotia
- Université Sainte-Anne

- University of King's College
- Village of Bible Hill
- Workers' Compensation Board of Nova Scotia

**\* Employer List last updated November 1, 2018.**

## Employees

The following employees/classes of employees are prescribed as employees for the purposes of the definition of "employee" in clause 2(t) of the Act:

- deputy ministers, assistant deputy ministers and associate deputy ministers, within the meaning of the *Public Service Act*, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person appointed by the Governor in Council under an enactment to a position in the public service, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person appointed under Section 76 of the *Public Service Act*, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person appointed under Section 7 of the *Art Gallery of Nova Scotia Act* as Director of the Art Gallery of Nova Scotia, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person appointed under Section 4 of the *Housing Nova Scotia Act* as President/Chief Executive Officer of Housing Nova Scotia, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person who holds the position of a constituency assistant for a sitting member of the Nova Scotia House of Assembly, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person who holds the position of Physician Advisor with the Department of Health and Wellness, unless the terms of their appointment specifically exclude them from participation in the Pension Plan

- any person employed by the *Property Valuation Services Corporation*, unless the terms of their employment exclude them from participation in the Pension Plan
- any person appointed by the Governor in Council as Review Officer under Section 33 of the *Freedom of Information and Protection of Privacy Act*, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person who holds the position of Policy and Outreach Advisor with the Office of Priorities and Planning, unless the terms of their appointment specifically exclude them from participation in the Pension Plan
- any person who holds the position of Director of Implementation and Near Term Initiatives with the Office of Regulatory Affairs and Service Effectiveness, unless the terms of their employment specifically exclude them from participation in the Pension Plan.
- any person who holds 1 of the following positions with the Nova Scotia Home for Colored Children Special Operating Agency, Department of Communities, Culture and Heritage, unless the terms of their employment specifically exclude them from participation in the Pension Plan:
  - Coordinating Director
  - Operations Lead
  - Health Support Lead
  - Knowledge Lead
  - Facilitation Lead
  - Facilitator, Youth Engagement
  - Briefer/Navigator
- any person who holds the position of Director of Human Rights with the Nova Scotia Human Rights Commission, unless the terms of their employment specifically exclude them from participation in the Pension Plan.
- any person who holds the position of Principal Secretary under the direction of the Premier, unless the terms of their employment specifically exclude them from participation in the Pension Plan
- any person who holds the position of Senior Advisor Media Relations with the Executive Council Office, unless the terms of their employment specifically exclude them from participation in the Pension Plan

- any person who holds the position of Policy and Outreach Advisor with the Executive Council Office, unless the terms of their employment specifically exclude them from participation in the Pension Plan
- any person who holds the position of Executive Coordinator, REN Strategic and Organizational Effectiveness[,] with the Department of Municipal Affairs, unless the terms of their employment specifically exclude them from participation in the Pension Plan

### **APPENDIX 3: PUBLIC AUTHORITIES**

The following corporations or bodies are determined by the Trustee to be public authorities for the purposes of this plan text:

- Property Valuation Services Corporation