

SPECIAL FORCES PENSION PLAN

AMENDMENT NO. 2022-01

The Plan is amended effective December 1, 2022 as follows:

- (a) Section 2.38 is renumbered as Section 2.38.1 and the following Section 2.38.2 is added:

“2.38.2 *Leave of Absence with Partial Salary for Child or Family Care* means, subject to any limitations under the Income Tax Act, a period that is an eligible period of reduced pay under the Income Tax Act during which an Active Member is temporarily on leave from a portion of the regular duties of employment to care for their child or another family member and is receiving remuneration that is less than regular salary from the Participating Employer, but does not include a period during which the Active Member is in receipt of benefits under a Disability Plan.”

- (b) Subsection 2.48(4) is deleted and replaced with the following:

“(4) in the case of an Active Member who is receiving benefits under a Disability Plan or who is on a Leave of Absence without Salary, a Leave of Absence with Partial Salary, or a Leave of Absence with Partial Salary for Child or Family Care, Pensionable Salary is deemed to be received at the rate of Pensionable Salary the Active Member was receiving immediately preceding the period of Disability or leave, adjusted in accordance with any subsequent general adjustments in respect of the period in question that are applicable to the class of employees that the Active Member was then in. However, such deemed Pensionable Salary shall not exceed the amount of compensation that may be prescribed for this purpose under the Income Tax Act; and”

- (c) Subsection 5.01(2) is deleted and replaced with the following:

“(2) **Eligible Service** means any period recognized as eligible service under the Income Tax Act, and includes, but is not limited to, a period where the Active Member was:

- (a) in receipt of benefits under a Disability Plan;
- (b) on Leave of Absence without Salary;
- (c) on Leave of Absence with Partial Salary; or
- (c.1) on Leave of Absence with Partial Salary for Child or Family Care,

but shall exclude:

- (d) any such period of service performed outside of Canada that is not a period of employment with a Participating Employer.”

- (d) Subsection 6.02(1) is deleted and replaced with the following:

“6.02 **Contribution Rates**

Subject to Sections 6.04 and 6.05,

- (1) each Active Member, except in relation to a Leave of Absence without Salary or the unpaid portion of a Leave of Absence with Partial Salary for Child or Family Care, or in relation to the unpaid portion of a period that would otherwise be a Leave of Absence with Partial Salary but for the period not meeting the necessary conditions under the Income Tax Act, shall contribute 12.70% of the Active Member’s Capped Pensionable Salary, or such other amount as may be determined by the Sponsor Board, until the earlier of the Active Member’s Termination, Retirement or death, or the withdrawal of the Participating Employer pursuant to Section 19, for any Salary Period; and”

- (e) Section 6.06 is deleted and replaced with the following:

“6.06 **Contributions in Respect of Leave Periods**

- (1) An Active Member who is on a Leave of Absence with Partial Salary must continue to make Member Contributions on the paid and unpaid portions of the Leave of Absence with Partial Salary in order for the Active Member to accrue Pensionable Service for the paid and unpaid portions of that Leave of Absence with Partial Salary.
- (2) An Active Member who is on a Leave of Absence without Salary or a Leave of Absence with Partial Salary for Child or Family Care may make Member Contributions with respect to the unpaid portion of that leave in order to have that period of leave recognized as Pensionable Service.

- (3) An Active Member who was on a Leave of Absence without Salary or a Leave of Absence with Partial Salary for Child or Family Care and who does not make Member Contributions in respect of the unpaid portion of the leave may elect to have that service taken into account as Pensionable Service, and if the Active Member wishes to do so, the Active Member must:
 - (a) apply to the Administrator before the date established by the Administrator to have all or part of the service recognized as Pensionable Service;
 - (b) make Member Contributions in respect of that period in accordance with Subsection 6.02(1) as it read during the applicable Plan Year, and in respect of a Leave of Absence without Salary, pay the associated Credited Interest; and
 - (c) make payment in accordance with administrative policies established by the Administrator and, if applicable, in the instalment amounts in accordance with Section 6.09.
- (4) If the Member makes contributions in accordance with Subsections 6.06(2) or (3), the Participating Employer of the Active Member must make the Participating Employer's share of the contributions, together with Credited Interest where the Member is required to pay Credited Interest under paragraph 6.06(3)(b), except in the case of contributions towards a period of Leave of Absence without Salary where the aggregate of all acquired periods of Leave of Absence without Salary in respect of the Member exceeds one (1) year.
- (5) If the aggregate of all periods of Leave of Absence without Salary in respect of the Active Member exceeds one (1) year, the Active Member shall be responsible for the Participating Employer's share of the contributions required under Subsection 6.02(2), together with Credited Interest, as those contributions apply to the period in excess of one (1) year.
- (6) If the Active Member does not return to employment at the end of the leave period or returns to employment but then Terminates before the dates established by the Administrator for the purposes of Section 6.06, the Member may apply to the Administrator before the date established by the Administrator to have all or part of the leave period recognized as Pensionable Service. The Member must then pay the entire payment required by this Section 6.06, with Credited Interest, by the date established by the Administrator.
- (7) If a Member to whom Subsections 6.06(3) or (6) applies ceases to make the required payment under the arrangements referred to in that Section, the Pensionable Service credited to such Member shall be pro-rated in accordance with the method prescribed by the Administrator for the portion of the contributions the Member had made at the point the payments ceased. If the Member is subsequently outside of any timeframes prescribed by the Administrator under this Section, the Member is only entitled to purchase the remainder of the service not credited pursuant to Subsection 6.07(1).

- (8) Notwithstanding any other provision of this Section 6.06, the sum of all periods of Leave of Absence without Salary and the unpaid portions of all periods of Leave of Absence with Partial Salary and Leave of Absence with Partial Salary for Child or Family Care, may only be recognized as Pensionable Service in respect of a Member to a maximum sum of five (5) years plus an additional three (3) years for periods of parenting. For the purposes of this Subsection 6.06(8), “periods of parenting” shall be: i) as set out in subsection 8507(3)(b) of the Income Tax Regulations (Canada); ii) be limited to a maximum of 12 months for any one period of parenting; and iii) further restricted to periods occurring on and after June 30, 2002. For greater certainty, periods of parenting are calculated in accordance with the terms of the PSPPA, and Applicable Pension Laws, as applicable, on and after June 30, 2002. For greater clarity, these limits do not apply where a period of parenting has been established as Prior Service.