

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

The twentieth meeting of the House of Assembly Management Commission was held in the Johnston Building, Room 233A, on Thursday, September 10, 2015, at 12:30 p.m.

Present were: Chair, Hon. Kevin Murphy, Ms Margaret Miller, Hon. Michel Samson, Hon. David Wilson, Mr Brendan Maguire, Mr Ian Rankin, Hon. Joanne Bernard, Hon. Chris d'Entremont, Mr Larry Harrison and Mr Neil Ferguson, Chief Clerk. Also present were Deborah Lusby, Director of Administration, Office of the Speaker and Annette M. Boucher, Q.C., Assistant Clerk and Counsel to the Commission.

It was moved by Hon. Michel Samson and seconded by Ms Margaret Miller that the agenda for the meeting be adopted as presented.

CARRIED

1) Minutes of the March 3, 2015 meeting

The start time of the meeting is incorrect and is to be changed from 3:00 p.m. to 11:00 a.m. on the first page of the minutes.

It was moved by Hon. Chris d'Entremont and seconded by Hon. Michel Samson that the minutes of the March 3, 2015 House of Assembly Management Commission meeting with the corrected meeting start time, be approved as circulated.

CARRIED

2) Amendment to the *House of Assembly Management Commission Regulations*

At the March 3, 2015, meeting, the Regulations were amended by adding Section 43A providing an additional total annual amount for constituency expenses rather than designating the funds solely for franking and travel.

The Commission Audit Committee recommended that the Regulation be further amended to specify that the additional amount for expenses be reimbursed on a monthly basis.

It was moved by Hon. Chris d'Entremont and seconded by Hon. David Wilson that

Section 43A of the House of Assembly Management Commission Regulations is amended by adding the following subsection immediately after subsection (3):

(4) The amounts payable pursuant to subsections (1) and (2) are to be paid in a monthly amount not exceeding one-twelfth of the total annual amount.

CARRIED

3) Former MLA Gary Ramey's request

Mr Ramey has appealed to the Commission from the Speaker's decision not to reimburse the \$3205.00 spent by him for his retraining program at York University. The Speaker refused the request on the basis that the expense incurred was for the portion of the program being delivered subsequent to October 2014 and that time frame was outside the twelve-month eligibility period set out in Section 40A of the *House of Assembly Act*.

Hon. David Wilson supported Mr Ramey's request for reimbursement given the unique specific reasons provided by Mr Ramey in his letter relating to his inability to take the course before the Summer of 2015. Concern was raised by Mr d'Entremont as to the possible precedent that would be set by reimbursing Mr Ramey's expenses given that the expense was incurred outside of the twelve-month statutory time limit for the counselling or retraining service.

Hon. Michel Samson noted, on his review of Mr Ramey's appeal letter, that the situation was unique to Mr Ramey and he did not believe as a result of approving the reimbursement that the "flood gates" would be opened to other out-of-date expenses being presented for reimbursement.

It was moved by Hon. David Wilson and seconded by Hon. Michel Samson that the House of Assembly Management Commission reimburse former MLA Gary Ramey the amount of \$3205.00 representing the portion of the York University Mediation/Arbitration program fees he paid for the program he followed during the Summer of 2015.

CARRIED

4) Risk Assessment update

Ms Lusby provided a status update on the five risks set out in the House of Assembly Risk Assessment.

Risk #1 – The Assistant Clerk position was filled in March 2015. Succession planning is underway for the Chief Legislative Counsel position.

- Risk #2 – The Audit Committee discussed the key challenges and proposed a solution document with HR and IT being continued areas of monitoring.
- Risk #3 – The House of Assembly is included in the Business Continuity Planning program – the final plan was expected in August 2015, with testing during the Fall 2015.
- Risk #4 – The Audit Committee recommends that the House of Assembly Management Commission hold planned quarterly meetings and invite the Commission to consult the Committee when changes to the regulations are financial in nature.
- Risk #5 – HR and IT support issues are of importance. The ICTS has assigned an IT representative to the House of Assembly and senior management discussion are taking place on the HR support.

Hon. Chris d'Entremont moved the following resolution regarding Risk #4:

“I move that the House of Assembly Management Commission fulfil its legislative responsibility for oversight of the financial stewardship of public money used for the operation of the Assembly and its legislative responsibility to meet at least quarterly by scheduling meetings in January, in March, in September and in December.”

Hon. Michel Samson indicated he wished to have this motion deferred to a future meeting to allow time for more reflective consideration of the motion. Hon. d'Entremont was agreeable to the deferral of his motion to a future meeting provided that the matter would indeed come forward for discussion before the end of the current calendar year.

The motion was deferred.

5) CPI increases

Section 52 of the *House of Assembly Management Commission Regulations* states some fixed amounts in the regulations may be increased by the lower of the federal or provincial consumer price index effective April 1st each year subject to the approval of the Commission. The members were informed that the April 1, 2015 CPI was .8% and the Nova Scotia CPI was .3%.

It was moved by Hon. Chris d'Entremont and seconded by Hon Michel Samson that the CPI increase referred to in Section 52 of the *House of Assembly Management Commission Regulations* be waived for the 2015-2016 fiscal year.

CARRIED

6) Financial Update

a) Ms Lusby informed the members of the Commission that representatives from the Office of the Auditor General were doing their on-site work at the Speaker's Administration office during August. To date, no significant items of concern have been raised. The formal report is expected by the end of November.

b) The 4th quarter financials for 2014-15 were distributed. Ms Lusby pointed out that \$1.7 million was returned to the Province representing under-spent statutory amounts in the budget – this amount is consistent with amounts returned in prior years.

c) The 1st quarter financials for 2015-16 were distributed. Ms Lusby directed members' attention to the budget lines that were over 25% - namely, expenses associated with the resignations of two MLAs and the death of one MLA; and Hansard, Legislative Library and House of Assembly Operations due to the extended House sitting hours during the Spring of 2015.

It was moved by Ms Margaret Miller and seconded by Hon. Chris d'Entremont that the financial information provided be accepted by the House of Assembly Management Commission.

CARRIED

7) *In Camera* session

It was moved by Hon. Michel Samson and seconded by Mr Brendan Maguire that the House of Assembly Management Commission go into an *in camera* session to discuss Constituency Assistant compensation matters pursuant to clause 9(1)(a) of the *House of Assembly Management Commission Regulations*.

CARRIED

The *in camera* session was held from 1:05 p.m. to 1:30 p.m. Pursuant to subsection 9(2) of the *House of Assembly Management Commission Regulations*, any decisions made during an *in camera* meeting are to be recorded and form part of the public record. The following motion was adopted by the Commission during the *in camera* session:

BE IT RESOLVED THAT

- A) effective April 1, 2015, when a Constituency Assistant is hired, the Constituency Assistant will be placed on the EC(6) salary scale and the salary range on that scale for that Constituency Assistant will be set by the Public Service Commission (PSC) between 80%-100%;

- B) the placement of Constituency Assistants employed as of April 1, 2015, on the EC(6) pay plan, for the time period January 11, 2011 to March 31, 2015, will be amended to reflect annual pay plan increases of three compa-ratio steps rather than the one compa-ratio step increase previously awarded, to a maximum of 100%. For clarity, effective April 1, 2015 the Constituency Assistants will receive their new rate of pay based on their amended compa-ratio placement; and
- C) effective April 1, 2015, Constituency Assistants who have been re-evaluated pursuant to clause B will received annual adjustments on the renewal of their contracts at the same rate as any adjustments approved for EC employees in the civil service.

The meeting adjourned at 1:30 p.m. on the motion of Hon. Joanne Bernard.

These minutes were approved by the Management Commission on January 21, 2016.

Certified

Speaker

Chief Clerk