

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

A meeting of the House of Assembly Management Commission was held in the Legislative Chamber, Province House, on Wednesday, October 28, 2020 at 5:00 p.m.

Present were: Chair, Hon. Kevin Murphy, Hon. Geoff MacLellan, Hon. Kelly Regan, Mr Brendan Maguire, Ms Rafah DiCostanzo, Mr Allan MacMaster, Ms Karla MacFarlane, Mr Gary Burrill until the end of item # 3 on the agenda, Ms Claudia Chender for item # 4 on the agenda and Ms Annette M. Boucher, QC, Acting Chief Clerk.

Also present were Gordon D. Hebb, QC, Chief Legislative Counsel and Deborah Lusby, Director of Administration, Office of the Speaker.

1) Minutes of January 22, 2020 meeting

It was moved by Hon. Geoff MacLellan and seconded by Ms Rafah DiConstanzo that the minutes of the January 22, 2020 meeting be approved as circulated.

CARRIED

2) Financial Review

- a) 4th Qtr Financial Report for March 31, 2020
- b) 1st and 2nd Quarter Financial Report as of September 30, 2020

Ms Lusby indicated that these financial reports had been distributed in advance of the meeting. She indicated that should Commission members have questions they could contact her in that regard at any time.

It was moved by Mr Allan MacMaster and seconded by Mr Brendan Maguire that the Financial Reports be adopted.

CARRIED

3) Proposed amendments to the House of Assembly Management Commission Regulations

A package of amendments was circulated to the members of the Commission in advance of the meeting. Ms Boucher informed the members that the amendments were mostly housekeeping amendments with the most substantive amendment being proposed to Section 43 of the *Regulations*. That amendment reduces the time available to an outgoing

MLA to wind-down their office from 3 months to 1 month to insure the new in-coming MLA can take over the office space and equipment in a timely fashion. A few questions arose and it was clarified that this amendment did not affect the 3-month notice period relative to office leases.

It was moved by Hon. Geoff MacLellan and seconded by Mr Brendan Maguire that the following package of amendments to the *House of Assembly Management Commission Regulations*, circulated to members in advance of the meeting, be approved by the Commission:

1 Subsection 18(1) of the *House of Assembly Management Commission Regulations* is amended by striking out “accommodation expenditure” and substituting “expenses”.

2 (1) Subsection 19(1) of the Regulations is amended by striking out “not less than”.

(2) Subsection 19(2) of the Regulations is amended by striking out “wheelchair accessible and”.

(3) Subsection 19(4) of the Regulations is amended by adding “and no payment may be made by the Office of the Speaker” immediately after “reimbursed”.

3 Subsection 21(1) of the Regulations is amended by adding immediately after clause (ia) the following clauses:

(ib) travel for professional development if approval of the Speaker is obtained before incurring the expense;

(ic) courses for the member or the member’s constituency assistant if approval of the Speaker is obtained before incurring the expense;

4 (1) Subsection 23(10) of the Regulations is amended by striking out “utilize” and substituting “takeover”.

(2) Subsection 23(11) of the Regulations is repealed.

5 Clause 34(3)(c) of the Regulations is amended by striking out “49” and substituting “50”.

6 (1) Clause 41(2)(b) of the Regulations is amended by striking out “Civil Service classification AS(16)” and substituting “same classification as the member’s constituency assistant”.

(2) Clause 41 (3)(b) of the Regulations is amended by striking out “AS(16)” and substituting “assigned”.

(3) Subsection 41(4) of the Regulations is repealed.

7 Subsection 42(3A) of the Regulations is amended by striking out “within the member’s constituency” and substituting “in relation to the member’s duties as a member”.

8 (1) Subsection 43(1) of the Regulations is amended by striking out “three months” in each time it appears and substituting “one month” in each case.

(2) Subsection 43(2) of the Regulations is repealed.

(3) Subsection 43(6) of the Regulations is amended by striking out “three months” and substituting “one month”.

9 Section 50 of the Regulations is amended by

(a) striking out “or” at the end of clause (a);

(b) striking out the period at the end of clause (b) and substituting “; or”; and

(c) adding immediately after clause (b) the following clause:

(c) the cost of another means of transportation not exceeding the amount that could be claimed under clause (a).

CARRIED

4) Constituency Assistant Contract revision

An amendment was proposed to the Constituency Assistant contract regarding deemed notice of termination. An MLA ceases being a member when the election writ is issued, and this causes the termination notice to be given to their Constituency Assistant. Based on the current contract, Constituency Assistants with 1 year of service or less are entitled to 4 weeks (28 days) notice of termination. Frequently, the election is held 30 days from the date the writ of election is issued. In these instances, Constituency Assistants are terminated days before the election is held, put on casual staff, and then rehired back on contract if their MLA is re-elected. If the MLA is not re-elected the terminated Constituency Assistant is often rehired to assist in closing the office. This is cumbersome for the Speakers Office, for Human Resources, for payroll staff and the process disrupts the benefits, pension and service record of the Constituency Assistant.

In order to avoid possible disruption in benefits and service record, the proposed amendment provides that an MLA ceases to be a member and notice is given to the Constituency Assistant on the happening of the following events: a) when the MLA dies or resigns, b) when an MLA is defeated - the date the new MLA is declared elected, and c) when the MLA is not a candidate in the election, the day after the close of nominations. Should the MLA be re-elected, the service continues uninterrupted as notice is not given.

It was moved by Mr Brendan Maguire and seconded by Hon. Kelly Regan that clause 5(c) of the current Constituency Assistant contract be struck out and replaced with the following new clauses 5(c) and (d):

- (c) For the purpose of this paragraph, the Employer ceases to be a member of the House of Assembly on the day
 - (i) the Employer dies or resigns, or
 - (ii) where the House of Assembly is dissolved for an election,
 - (A) where the Employer is a candidate in the election, a person other than the Employer is declared elected, or
 - (B) where the Employer is not a candidate in the election, immediately following the day nominations for the election close.
- (d) Upon the Employer ceasing to be a member, the Employer is deemed to have given notice to the Employee pursuant to subparagraph (a).

CARRIED

The meeting adjourned the meeting at 5:13 p.m.

These minutes were approved by the Management Commission on _____.

Certified

Speaker

Chief Clerk