



## **Members' Information Manual Re a General Election Call** **Rev. 22 June 2021**

Information on a number of topics that concern MLAs in the event of an election.

The MLA Information Manual re a General Election Call is for convenience of reference only. It does not constitute legal advice. For authoritative advice, reference should be made to the appropriate statutes, regulations and policies.



# Overview, Key Terms and Concepts

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# Overview, Key Terms and Concepts

## Overview

### Overview

This document provides information on a number of topics that concern MLAs in the event of an election - Members' salaries, benefits, budgets, services, travel allowances, employees and contracts are impacted by elections and when a Member does not seek re-election.

This manual is intended to be a summary of key points however the final authority is the House of Assembly Management Commission (HAMC) Act and Regulations and the House of Assembly Act.

## Key Terms/ Concepts

### Key Terms/Concepts

#### When an MLA becomes a Registered Candidate

Once an MLA is endorsed by their local Electoral District Association (EDA) as the prospective candidate for the electoral district in the next provincial election, they should immediately familiarize themselves with their duties and responsibilities under the Elections Act. This can be particularly confusing when their endorsement occurs in advance of a writ being issued as at this time, a Member is both an MLA and a candidate.

Members must be careful not to contravene the Elections Act. Election Nova Scotia's website has all the information you need as a candidate.

<https://electionsnovascotia.ca/candidates>

#### Declared Elected

Declared elected is when the returning officer for the electoral district declares the candidate elected (generally 10 days after election day).

### Election Period and Restrictions

The House of Assembly Management Commission Regulations define the “election period” as the period of time from the day the writ is issued (election is called) until the candidate is declared elected by the returning officer for the electoral district (generally 10 days after election day).

During the election period, there are restrictions on the MLA use of office staff, space and equipment.

#### Per House of Assembly Management Commission Regulation 24A:

##### **Election period restrictions**

24A (1) In this Section, “**election period**” means the period of time between the dissolution of the House, or the occurrence of a vacancy for which a writ for an election is issued, **and when a candidate is declared elected.**

(2) During an election period for an electoral district, a person who was the member for the electoral district at any time within three months preceding the commencement of the election period **may not**

- (a) advertise, make donations, engage in constituency communications, engage additional constituency assistant services or utilize any telecommunications for which the member is or was reimbursed, or for such activity during the election period claim reimbursement at any time;
- (b) claim reimbursement for attendance during the election period at

## Overview, Key Terms and Concepts

### Key Terms/ Concepts

an event described in clause 21(1)(k); or

- (c) utilize a constituency office, furniture, equipment or any employee for partisan purposes.

The constituency and caucus offices usually remain open and are managed by constituency or caucus office staff. If office staff work in, or in support of, the election campaign of a candidate or a political party during office hours they must take a leave of absence without pay and/or utilize vacation time entitlement. To be clear, the constituency office and its equipment and furnishings cannot be used for any election related activities, during open or closed hours. Recurring and routine office costs will continue to be paid - such as payment of utilities, rent and cleaning. No new advertising can be issued or paid for from any MLA or caucus offices. No opinion polls or sampling procedures can be paid for from any caucus offices.

During an election period: funds, space, equipment or staff cannot be used for electoral purposes by the caucus office, the MLA constituency office and the Leader's office.

What do I need to know if I am...

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## What do I need to know if I am...

### Current MLA Running in Election

### Current MLA Running in Election

For a current MLA who runs for re-election—the following applies from the date the writ is issued UNTIL the date the MLA is declared elected or defeated by the returning officer (generally 10 days after the election):

### Members Salaries and Benefits

- MLA ceases to be a Member the day the election writs are issued
- There is no interruption in pay or benefits for an MLA who is re-elected

### Constituency Office

The constituency office usually remains open to look after **constituency related matters**.

- MLA office space, staff and equipment **CANNOT** be used for election purposes.
- Members typically enter or access their constituency offices only to the extent of ongoing office administration.
- The telephone message should be changed to redirect callers to the campaign office if they are calling about election matters. The constituency office voice mail should be identified with the constituency name and not an MLA name.
- To be clear, the constituency office and its equipment and furnishings cannot be used for any election related activities, at any time during open or closed hours.



## What do I need to know if I am...

### Current MLA Running in Election

### Office Expenses

Subject to the funds available in the Member's constituency allowance, only recurring and routine office costs will continue to be paid. The following are examples of on-going expenses that can be claimed from the date the election writ is issued to the date the Member is declared elected:

- Office rent and insurance
- Office utilities for power, heat, water, cable television, on-going contracts for office maintenance and janitorial charges,
- Constituency office sign rental,
- Office equipment rental expenses, such as photocopiers,
- Office telephone and Internet charges,
- Cell Phone charges that relate to MLA duties (See Cell Phone section)
- On-going maintenance of a non-partisan constituency office website. No new design or development expenses may be incurred or claimed. The MLA name should be removed, and costs to do so are eligible for reimbursement. See Advertising section.
- Service charges for a bank account.

## What do I need to know if I am...

### Current MLA Running in Election

#### Advertising during the election period:

Any advertising during an election period is considered partisan advertising and MLAs are not permitted to have any advertising displayed during the election period. It is not just a question of whether it can be claimed for reimbursement, as there simply is a prohibition, under section 272 of the Elections Act, on all advertising during an election using government means (i.e. funded through government sources) during this time. The only exception is the MLA's constituency office signage per section 271(3) in the Elections Act. (Elections Act Section 271(3) updated in 2016: now states "Constituency office signage for a member of the House of Assembly that is in place on or before the issuance of the writ is exempt from election advertising rules". This means that an existing MLA office sign is not considered elections advertising and may continue to be displayed.)

- Where possible, all MLA ads must be cancelled. All reasonable efforts must be made to remove all MLA advertising. If you are not able to remove MLA advertising, you must notify the Chief Electoral Officer as soon as practicable, in writing, explaining what effort you have taken and the reasons that you were unable to remove the signage or advertising. Where it is not possible to remove existing advertising (billboards, bus ads, etc.) or if the advertising was committed prior to the election period and then printed or published within the election period, the pro-rated costs for this advertising must be included as candidate election costs as a non-reimbursable expense, and will count toward the candidate's maximum election spending limit.

## What do I need to know if I am...

### Current MLA Running in Election

- For example: An MLA paid \$1200 to advertise on a rink wall and this is not easily removed during the election period. If the election period is 30 days (one month) the MLA will record \$100 as an election advertising expense on their 2-3E form under the Election Expenses Discounts column. The MLA must report all such ads on the 2-3E form that are paid for but are not able to be removed or cancelled.
- No new advertising can be issued or paid for from any MLA office.
- Any invoices for advertising must be dated prior to the start of the election period to comply with HAMC regulation 24A.
- Except for constituency office signage, all other media displaying the MLA name and/or likeness must be removed. Social media pages and names with the word "MLA" must be taken down, turned off or not linked to another web page during an election period. This includes twitter, Facebook, websites, emails, etc. Reasonable costs that are incurred to do this are eligible for reimbursement by the House.
- It is important to note that when you obtain video and other services from Legislative TV you sign a disclaimer that says: "Program material may not be used for political party advertising, election campaigns or any other politically partisan activity. Program material may not be edited for use in promotional material by any political party or other organization and may not be used in any edited form that could mislead or misinform an audience or viewer, or which does not present a balanced portrayal of the proceedings in the House."

## What do I need to know if I am...

### Current MLA Running in Election

- If you have videos on the internet or a website that refer to you as an MLA or that you obtained from Leg TV or some other source, then these must be taken down during an election campaign.

#### Cell Phone Charges:

- If the MLA's cell phone will be used during an election campaign for both MLA and candidate/election related calls, it is important the charges be allocated accordingly.
- Members are personally responsible for all cell phone charges that relate to their re-election campaigns. Cell phone charges that relate to ongoing constituency office duties can still be submitted for reimbursement.
- If the bill is paid by the Speaker's Office directly to the vendor and a portion of the cost relates to the election, that portion must be included as a candidate election cost on the 2-3E form under the Election Expenses Discounts column as a non-reimbursable expense, and will count toward the candidate's maximum election spending limit. The same applies to the Constituency Assistant's mobile device, if they decide to take a leave or utilize their vacation to work on the campaign.
- If the bill is paid by the member directly, they are not able to submit election related costs for reimbursement by the House. If it is a portion of the bill, the candidate should only submit the portion that does not relate to the election. The election related portion of the bill can be submitted for repayment following Elections Nova Scotia guidelines.

## What do I need to know if I am...

### Current MLA Running in Election

#### Constituency Staff

- CA continues to manage routine office affairs until their member is declared re-elected or defeated.
- Staff can only look after constituency related matters.
- If office staff work in, or in support of, the election campaign of a candidate or a political party during office hours they must take a leave of absence without pay and/or utilize vacation time entitlement. A combination of work in the office focusing on constituency related matters only and vacation can also be applied. Staff should get approval from their Member. See Constituency Assistant section of this manual.

#### Travel

- Travel expenses (commuting or constituency related) are not permitted for reimbursement from the date the writ is issued.

#### Access to Province House

Per Communications Nova Scotia (CNS) Guidelines and Protocols During an Election Campaign—May 2009

- Use of Province House and the Legislature: Rooms located in Province House and the services of Leg TV, may not be booked for announcements or events that may suggest or give favour to the government or any political party. Each individual request will be assessed by the staff of the House of Assembly Operations or Leg TV.

## What do I need to know if I am...

### Current MLA NOT Re-offering in Election

### Current MLA NOT Re-offering in Election

#### Members Salaries and Benefits

MLA salary ceases on the last day of the month in which the day immediately preceding the election falls (per House of Assembly Act 39(4)).

#### Constituency Office

- The MLA winds-down the constituency office and eligible office expenses can only be paid for the next full month following the date of election.
- Any contracts or leases (i.e. for space or office equipment) entered into by the Member should have the necessary cancellation clauses and it is the Member's responsibility to ensure these are cancelled.
- Cell phone and office phone charges related to winding down the constituency office are eligible expenses for the following full month following the date of the election. Disconnecting office phones and cancelling cell phone plans are the MLA's responsibility. The cell phone should be disposed of by completing the Asset Disposal Process noted below under Computers, Furniture and Equipment.

## What do I need to know if I am...

### Current MLA NOT Re-offering in Election

- Members will be contacted regarding the process for capital items (provincial assets) that are in their offices.
- All capital items must be left for the incoming Member (per HAMC regulation 23(10)) or returned to Surplus.
- The cost of moving personal items and/or those acquired prior to October 28, 2009, from the office is not an eligible expense. However, all provincial assets must be either transferred to the new MLA or disposed of to Surplus and the transfer costs are an eligible expense. See Asset Disposal section.
- Per HAMC regulations 19B(4) and 23(10) new MLAs may utilize the departing member's constituency office and their office furniture and equipment. In some cases, (e.g. if it is a long-term lease and the location is barrier free) the new MLA MUST utilize the departing member's constituency office. In these situations, it is helpful for the departing MLA to transition their office closure as quickly as possible.
- It is suggested the MLA communicate to the constituents that you are closing your office and that they may come to remove their files or information, or you will be having them destroyed by a certain date. If you intend to keep their case open and pass it on to the next MLA, you must get their signed approval to share the information.
- Per HAMC regulation 53, if a Member does not re-offer, the Member is not required to pay back any portion of expenses already reimbursed to them for the remainder of the year (i.e. a portion of an annual subscription or annual contract).

## What do I need to know if I am...

### Current MLA NOT Re-offering in Election

#### Constituency Staff

- If the MLA is not re-offering, per the CA contract, the CA is deemed to receive notice on the day nominations for the election close.
- Depending on the length of the CA notice (4-12 weeks) the CA would assist in the office closure for the first 4 weeks and if the CA is entitled to more, they would continue to be paid to the end of their eligible notice period.

#### Travel by Outside Member

Travel expenses are not permitted for reimbursement after the writ is issued except for 2 return trips from the member's ordinary residence to Halifax to close office and apartment (HAMC Reg 53A)

#### Apartment

- Leased accommodation arrangements must be terminated with eligible termination expenses paid for no more than three (3) months after the month of the election.
- Members who are not seeking re-election will be contacted regarding the capital items (provincial assets) that are in their apartments



## What do I need to know if I am...

Current MLA  
NOT Re-offering  
in Election

### If you are eligible for RETIREMENT (age 55 +)

- The Speaker's Administration Office will be in touch to give you information on the following topics:
  - Pension
  - Health and Dental
  - Completion of the Required Retirement Documentation form
- Those immediately eligible for retirement (usually age 55+) are not entitled to the Transition Allowance or the Counselling and Retraining allowance
- More information is available in the [Members' Manual](#)

### If you are RESIGNING (AGE < 55)

- An MLA who resigns is paid to the end of the month in which they resign.
- Transition allowance
- Counselling and Retraining allowance
- Pension
- Health and Dental
- Completion of the Required Retirement Documentation form
- More information is available in the [Members' Manual](#)

## What do I need to know if I am...

### Current MLA Defeated in Election

#### Current MLA Defeated in Election

##### Members Salaries and Benefits

- MLA salary ceases on the last day of the month in which the day immediately preceding the election falls (per House of Assembly Act 39(4)).
- Benefits continue for 28 days after the last pay.
- The Speaker's Administration Office will send the MLA a letter with instructions to close up the office (and apartment) and the relevant forms.

##### Constituency Office

- The MLA winds-down the constituency office and eligible office expenses can only be paid for one (1) full month following the date of the election.
- Any contracts or leases (i.e. for space or office equipment) entered into by the Member should have the necessary cancellation clauses and it is the Member's responsibility to ensure these are cancelled.
- Cell phone and office phone charges related to winding down the constituency office are eligible expenses for the following full month after the date of the election. Disconnecting office phones and cancelling cell phone plans are the

## What do I need to know if I am...

### Current MLA Defeated in Election

MLA's responsibility. The cell phone must be disposed of by completing the Asset Disposal Process noted under Provincial Assets: Computers, Furniture and Equipment.

- Members will be contacted soon after election day regarding the process for capital items (provincial assets) that are in their offices.
- Per regulations 19B(4) and 23(10) new MLAs may utilize the departing member's constituency office and their office furniture and equipment. In some cases, (e.g. if it is a long-term lease and the location is barrier free) the new MLA MUST utilize the departing member's constituency office. In these situations, it is helpful for the departing MLA to transition their office closure as quickly as possible.
- The cost of moving **personal items** and/or those acquired prior to October 28, 2009 from the office is not an eligible expense. However, all provincial assets should be either transferred to the new MLA or disposed of to Surplus and the transfer costs are an eligible expense. See Asset Disposal section.
- It is suggested the MLA communicate to the constituents that you are closing your office and that they may come to remove their files or information, or you will be having them destroyed by a certain date. If you intend to keep their case open and pass it on to the next MLA, you must get their signed approval to share the information.
- Per HAMC regulation 53, if a Member is not re-elected, a Member is not required to pay back any portion of expenses already reimbursed to them for the remainder of the year (i.e. a portion of an annual subscription or annual contract).

## What do I need to know if I am...

### Current MLA Defeated in Election

#### Constituency Staff

- If your MLA is defeated, your CA contract, the CA is deemed to receive notice on the date the new Member for the constituency is declared elected.
- Depending on the length of the CA notice (4-12 weeks) the CA would assist in the office closure for the first 4 weeks and if the CA is entitled to more, they would continue to be paid to the end of their eligible notice period.

#### Travel

Travel expenses are not permitted for reimbursement effective when the writ is issued except for 2 return trips from the member's ordinary residence to Halifax to close office and apartment (HAMC Reg 53A)

#### Apartment

- Leased accommodation arrangements must be terminated with eligible termination expenses paid for no more than three (3) months after election results.
- Members will be contacted soon after election day regarding the process for capital items (provincial assets) that are in their apartments

## What do I need to know if I am...

### Current MLA Defeated in Election

#### If you are eligible for RETIREMENT (age 55 +)

- The Speaker's Administration Office will be in touch to give you information on the following topics:
  - Pension info
  - Health and Dental
  - Completion of the Required Retirement Documentation form
- Those immediately eligible for retirement (usually age 55+) are not entitled to the Transition Allowance or the Counselling and Retraining allowance
- More information is available in the [Members' Manual](#)

## What do I need to know if I am...

### Current MLA Re-Elected in Election

#### Current MLA Re-Elected in Election

##### Members Salaries and Benefits

All returning Members are eligible to resume the annual salary effective the first of the month the election was held in, however no pay will be issued to Members until they are officially declared elected. This could take 10-14 calendar days after election day or longer if there is a recount.

##### Office Expenses

- Constituency expenses re-commence from the day the Member is declared elected.
- Re-elected members must manage their office funds within the available balance remaining in the Member's allowance for the rest of the fiscal year.

##### Office Staff

Since CA notice had not been given, employment relationship continues.

## What do I need to know if I am...

### Current MLA Re-Elected in Election

#### Travel

Travel expenses may include the period between the election date and the date the member is declared elected per reg 7(4). After they are declared elected, re-elected Members can renew submitting for their commuting and constituency travel.

#### Apartment

Re-elected Members continue with their annual living allowance until the end of the fiscal year.

## What do I need to know if I am...

### New MLA

### NEW MLA

#### Members Salary and Benefits

**All new Members** are eligible for an annual salary effective the first of the month the election was held in, however no pay will be issued to Members until they are officially declared elected. This could take 10–14 calendar days after election day or longer if there is a recount.

#### Constituency Office

- Per regulations 19B(4) and 23(10) new MLAs may utilize the departing member's constituency office and must use their office furniture and equipment. In some cases, (e.g. if the departing MLA was in a long-term lease and the location is barrier free) the new MLA **MUST** utilize the departing member's constituency office.
- Contact the Speakers Administration office for advice regarding your office space.



## What do I need to know if I am...

### New MLA

#### Office Expenses

New MLA may incur authorized constituency expenses from the date the Member is declared elected, and for outside members, travel expenses are eligible from the election day per Reg 7(4). The maximum entitlement is prorated monthly to the end of the fiscal year. New Members are also entitled to an additional capital allowance of \$2,550 for the initial set up of a constituency office.

Once you are declared elected we refer you to the Members Manual which contains all the information and forms you will need. A training session will be coordinated in the near future for all new MLAs. <https://nslegislature.ca/sites/default/files/pdfs/people/CompensationExpenses.pdf>

#### Travel

- Travel expenses may include the period between the election date and the date the member is declared elected per reg 7(4).
- **New Members** may submit commuting and constituency travel costs from the date they are declared elected and the allowance is prorated for the remainder of the fiscal year.

## What do I need to know if I am...

### Running for or holding an office other than MLA

Section 19(1) of the House of Assembly Act provides that a Member's seat becomes vacant if the Member

- is appointed to the Senate;
- becomes the nominee of a registered political party under federal or provincial elections legislation to represent an electoral district in the House of Commons or the legislature of another province, as the case may be;
- is confirmed as a candidate under federal or provincial elections legislation to represent an electoral district in the House of Commons or the legislature of another province, as the case may be;
- accepts or holds any office in the service of the Government of Canada or of Nova Scotia to which salary or wages are attached, other than the office of Minister of the Crown or any other office held in the capacity of Minister; or
- is nominated as a candidate under the Municipal Elections Act.

If any of these events occurs, the Member's seat is automatically vacated and the Member must immediately advise the Speaker of this in writing.

## Constituency Assistants (CA'S)

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### Constituency Assistants (CA'S)

Constituency staff salaries continue to be paid for the time they work in the constituency offices doing only constituency related work from the date the election writ is issued to the date the MLA is declared elected. However, they are only to be working on constituency related business and no work is to be done on a campaign.

If office staff want to work in, or in support of, the election campaign of a candidate or a political party during office hours and outside of the constituency office, they must take a leave of absence without pay and/or utilize vacation time entitlement. A combination of work in the office focusing on constituency related matters only and vacation can also be applied. Staff should get approval from their Member or Manager, who will complete the paperwork required for HR. Contact [kira.fitzgerald@novascotia.ca](mailto:kira.fitzgerald@novascotia.ca) with any questions and your HR support is Monica Rose 902-220-2532 or [monica.rose@novascotia.ca](mailto:monica.rose@novascotia.ca)

The individual Constituency Assistant (CA) contract sets out the terms of the contract.

## Constituency Assistants (CA'S)

### Constituency Assistants (CA'S)

#### Excerpt from CA contract:

5. (a) Subject to subparagraph (b), this Agreement may be terminated at any time by
  - (i) during the first year of service, at least 4 weeks written notice,
  - (ii) during the second year of service, at least 8 weeks written notice, or
  - (iii) after two years of service, at least 12 weeks written notice,to that effect by either the Employer or the Employee to the other or upon payment in lieu of notice by the Employer to the Employee.
- (b) Payment in lieu of notice must be 4, 8 or 12 weeks salary, depending upon service as provided in subparagraph (a), at the rate provided by subparagraph 2(a).
- (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).

## Constituency Assistants (CA'S)

### Constituency Assistants (CA'S)

#### What does section 5(c) mean?

- If your MLA was re-elected, there is no notice given and you carry on with your responsibilities.
- If your MLA ran in the election and was defeated, your notice of termination is deemed to be given the day another MLA is declared elected for your constituency.
- If your MLA is not a candidate in the election, your notice of termination is deemed to be given the day following the day nominations for the election close.

The CA can only work to the end of the notice period noted in their contract— see subsections 43(3) and (6) of the Regulations. Casual staff (paid hourly) is an eligible expense if assistance is required to coordinate the office closure.

Health and dental plans continue during the notice period and for 28 days after termination date, however pension payments, life insurance and any other benefits cease on the termination day.

### Living Allowance

**Outside Members who cease to be Members** (per regulation 27(3)) may claim for the expenses incurred for the termination of accommodation expenses. Such expenses cannot exceed the allowable reimbursement for up to three months, after the end of the month the election was held. This gives a Member time to wind up his or her temporary residence. A Member who is not re-offering will likely have wound up his or her temporary residence well before this. Any contracts or leases entered into by the Member should have the necessary cancellation clauses, and ensuring they are cancelled is the responsibility of the Member. The cost of moving personal items from the apartment is not an eligible expense. However, you may claim the kilometres for two return trips from your ordinary residence, to Halifax, to vacate your caucus office and your rental accommodation.

**New outside Members** may incur living allowance expenses from the date they are declared elected and are also entitled to an additional one time capital allowance of \$2,550 for the initial set up of their apartment.

All items, above the \$50 threshold, reimbursed to the MLA to furnish an apartment (except a mattress and linens) must follow the Asset Addition process in the Member's Manual and become provincial assets, per regulation 27(6A). An outgoing MLA is encouraged to transfer these items to the new MLA and transfer any other items to Surplus by following the Asset Disposal process outlined on the following page. Separate Asset Disposal forms need to be completed for the assets the new MLA is taking and for any items being sent to Surplus.

### Asset Disposal Process for Apartment Assets

The departing MLA completes and signs the Asset Disposal forms identifying the items to:

1. Be transferred to new MLA, or
2. Be disposed to Surplus

and sends each to the PPA, Kira Fitzgerald (email [Kira.Fitzgerald@novascotia.ca](mailto:Kira.Fitzgerald@novascotia.ca) or fax 902-424-2404) at the Speaker's Administration Office.

Once received, forms will be processed by the PPA as follows:

1. A list of the assets being transferred to the new MLA will be prepared and sent to them for review. When they are settling in the office, they are asked to review the assets on the list to verify all items are accounted for, initial the list of assets, and return a copy to the PPA for the files.
2. Inventory Control will be notified of the assets to be disposed of and they will contact the MLA office to make arrangements for the Surplus disposal to be completed. Depending on the item(s), arrangements could be to pick the item up from the MLAs constituency office or for the MLA office to send the item to the warehouse via courier. This will be conveyed by Inventory Control. Once the transaction is complete, the PPA will receive a Transfer Voucher from Inventory Control, confirming removal of the item(s) from their account. A copy will be forwarded to the MLA office.

The Asset Disposal form (sample on page 5-3) is available under Forms in the Members Only site <https://nslegislature.ca/mla-extranet/forms>

# Provincial Assets: Computers, Furniture and Equipment

## Provincial Assets: Computers, Furniture and Equipment

### Provincial Assets: Computers, Furniture and Equipment

Assets that are tagged and reimbursed to a Member from their Constituency allowance since October 28, 2009 are the property of the House of Assembly. In accordance with the House of Assembly Management Commission Regulations, when a Member ceases to be a Member, all capital items must be left for the incoming Member (per regulation 23(10)) or returned to Surplus. Costs related to transporting the contents of the constituency office to Surplus are an eligible expense. It is very important your office inventory be kept up to date to avoid confusion on these items at the end of your term.

Office furniture and office equipment cannot be bought back by departing MLAs.

Per regulation 23(9), the only exception is “computing devices”, which may be bought back by the departing MLA, after deducting amortization from the original purchase price. Desktops, laptops, tablets, iPads, iPhones and BlackBerry’s are considered “computing devices”. The fair market value is calculated over four years. If the computing device is older than four years we will assess it’s fair market value, on an individual basis, using it’s age and original cost.

The departing MLA must complete the Asset Disposal process noted below. Separate Asset Disposal forms need to be completed for the assets the new MLA is taking, and for any items being sent to Surplus.



# Provincial Assets: Computers, Furniture and Equipment

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### Asset Disposal Process

The MLA completes and signs the Asset Disposal forms identifying the items to:

1. Be transferred to new MLA, or
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Once received, forms will be processed by the PPA as follows:

1. A list of the assets being transferred to the new MLA will be prepared and sent to them for review. When they are settling in the office, they are asked to review the assets on the list to verify all items are accounted for, initial the list of assets, and return a copy to the PPA for the files.
2. Inventory Control will be notified of the assets to be disposed of and they will contact the MLA office to make arrangements for the Surplus disposal to be completed. Depending on the item(s), arrangements could be to pick the item up from the MLAs constituency office or for the MLA office to send the item to the warehouse via courier. This will be conveyed by Inventory Control. Once the transaction is complete, the PPA will receive a Transfer Voucher from Inventory Control, confirming removal of the item(s) from their account. A copy will be forwarded to the MLA office.

# Provincial Assets: Computers, Furniture and Equipment

## Provincial Assets: Computers, Furniture and Equipment

The Asset Disposal form is available under Forms in the Members Only site <https://nslegislature.ca/mla-extranet/forms>.



**House of Assembly**  
Nova Scotia

### MLA - Asset/ Inventory Disposal

Complete and attach this form with each invoice for an asset(s) purchase.  
Examples of assets are furniture, office equipment, computers, and software.

Page \_\_\_\_\_ of \_\_\_\_\_

MLA Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/Town \_\_\_\_\_

Office Phone \_\_\_\_\_

Contact Name \_\_\_\_\_

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Rev 16Jun2020

# Caucus and Leader's Offices

## Caucus and Leader's Offices

### Caucus and Leader's Offices

During an election period: funds, space, equipment, or supplies cannot be used for electoral purposes by the caucus office or the Leader's office, whether it is during working hours or after.

### Caucus Offices

Caucus office funding "should" cease immediately upon the call of a general election. However, this isn't practical, so when an election writ is issued, the caucus offices continue to function and routine expenses are allowed.

Each caucus office is funded in accordance with the formula set out at Regulation 33. The amount is pro-rated when a Member is added to the caucus during the fiscal year. If the caucus office loses a Member during the fiscal year, the funding is not pro-rated (reduced). Offices should consider these budget implications when entering long-term contracts and leases.

### Leader's office

Leader's office funding "should" cease immediately upon the call of a general election. However, this isn't very practical, so when an election writ is issued, the leader's office continues to function and routine expenses are allowed.

## Caucus and Leader's Offices

### Caucus and Leader's Offices

#### Staffing Budget

From the date the writs of election are issued to the date the Members are declared elected, caucus office and leader's office staff continue to be paid to perform their normal non-election related duties. However, if staff choose to work on the election campaign during their working/paid hours they must use vacation or accumulated overtime or take a leave of absence without pay. Staff should get approval from their Manager, who will complete the paperwork required for HR. Your HR support is Monica Rose 902-220-2532 or [monica.rose@novascotia.ca](mailto:monica.rose@novascotia.ca).

At the time the election writ is issued, consider giving notice to staff that may have to be laid off due to downsizing as a result of the election, to minimize the financial impact to your budgets.

Questions about what happens to staff during an election should be directed to Monica Rose 902-220-2532 or [monica.rose@novascotia.ca](mailto:monica.rose@novascotia.ca).

#### Operating Budget.

From the date the writs of election are issued to the date the Members are declared elected, the caucus offices usually remain open and are managed by caucus office staff. If office staff work in, or in support of, the election campaign of a candidate or a political party during office hours they must take a leave of absence without pay and/or utilize vacation time entitlement.

## Caucus and Leader's Offices

### Caucus and Leader's Offices

The practice is to continue to pay routine caucus office and leader's office bills. This means that only previously incurred expenses and ongoing routine office expenses will be allowable expenditures - such as payment of utilities, rent, cleaning, to list a few examples. No new advertising, opinion polls or sampling procedures can be issued or paid for from any caucus office. Any exceptions to this must be raised with the Speaker's Office Administration prior to incurring the expense.

### Access to Province House

(Per Communications Nova Scotia (CNS) Guidelines and Protocols During an Election Campaign—May 2009)

Use of Province House and the Legislature: Rooms located in Province House and the services of Leg TV, may not be booked for announcements or events that may suggest or give favour to the government or any political party. Each individual request will be assessed by the staff of the House of Assembly Operations or Leg TV.

# Legislative Salaries

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# Legislative Salaries

## Speaker or Deputy Speaker

### Speaker or Deputy Speaker

Speaker and Deputy Speaker pay commences on the date they are elected to the House as a member and continues to the next general election.

Although the Speaker and Deputy Speaker are elected to those positions at a sitting of the House generally held after the general election in which they were elected as members, they are considered to have occupied those positions effective the date of their election as a member of the House (see Section 15 of the House of Assembly Act) and their pay for those positions starts that day. The Speaker and Deputy Speaker pay stops with the next general election.

### Leader of the Official Opposition or Leader of a recognized party

#### Leader of the Official Opposition or Leader of a recognized party

At the moment the writs of election are issued, the Member ceases to hold this position. Leader pay should end at the end of the month the election writs are issued.

If the individual is Leader when the election is held, they are paid effective the first of the month the election was held in. If the Leader is appointed at some other date, they are paid from the first of the month they are appointed as Leader. The Leader is paid to the last day of the month in which the member ceases to hold the position of Leader (at the end of the month the writ is issued).



# Legislative Salaries

## Members who hold other special positions

### Members who hold other special positions

These are chair and vice-chair of Committees, House and Deputy House Leaders, Whips, and Caucus Chairs.

Chair and vice-chairs of committees cease to hold the positions at the moment the writs of election are issued. The position is vacant until a Member is appointed at the beginning of the first session of each General Assembly for the duration.

Pay for committee chairs and vice-chairs is in accordance with Regulation 29 that provides for payment in two annual installments at the end of each six-month period. That amount is reduced proportionally to the period of time the member serves in the position (e.g. if after an election the committee was reconstituted for only 3 of the 6 months) or when two or more Members hold the position. There is no payment when the committee does not meet in any given six month period.

House leaders, whips and caucus chairs cease to hold the position at the moment the writs of election are issued. These Members are paid in accordance with Regulation 31 in two annual installments. Where a Member ceases to hold the position before the end of the six-month period of which it is made, the payment is not pro-rated or asked to be refunded. Another member taking the position is not paid for the remainder of the period unless there is an intervening general election (HAMC Reg 31 (10) and (11)).

# Legislative Salaries

## Members of the Executive Council

### Members of the Executive Council (i.e. Premier, Ministers)

A Member of Executive Council is appointed by the Lieutenant Governor and continues to hold the position until the appointment is revoked or a new cabinet is appointed.

Members of the Executive Council receive their salaries from two sources: as an MLA and an additional amount as member of the Executive Council. Payment of their additional amount as a member of the Executive Council commences on the first day of the month in which the member takes office as a member of the Executive Council and ends on the last day of the month in which the Member ceases to hold office as a member of the Executive Council.

### MLA Pension

The most up to date and detailed information on the MLA Pension Plan can be obtained from the website <http://mlapp.novascotiapension.ca/>

Members contribute 10% of each of the two components of an MLA's remuneration: Member's Indemnity Service (MLA salary) and if applicable Executive Council/Leader/Speaker/Deputy Speaker salary. Contributions are paid for a maximum of 20 years on each service or until you have reached the maximum total accrual of 75% (70% if first elected on or after October 8, 2013). At age 71 contributions cease, and you are entitled to start drawing a pension even if you are still serving as an MLA.

Your pensionable service begins to accrue on the first day of the month in which you are elected to the House of Assembly, regardless of which day of the month the election is held. You are credited with a full year of pensionable service for each twelve calendar months regardless of the number of days the House of Assembly sits. You stop accruing pensionable service on the last day of the last month for which you are paid as a Member of the Legislative Assembly.

If you resign as an MLA, your last day of pay and earning pensionable service is the last day of the month in which your resignation is effective. If you do not contest an election, or are unsuccessful in an election, your pensionable service ceases on the last day of the month in which the day immediately preceding the election falls. You may only be credited with a maximum of 20 years of pensionable service.

## MLA Pension

### MLA Pension

There are two components to eligibility: service and age. If you were a member on or after November 1, 2013, you must have at least two years of service. To be eligible for an unreduced pension, you must be at least 55 years of age. A reduced pension is payable as early as age 50. The reduction factor is 0.5% for each month from your actual age to age 55.

- At least 55 years of age with at least 2 years of service
- At least 50 years of age with at least 2 years of service (this is a reduced pension)

### Calculating your pension

For service prior to October 2013:

- 5% times years of Indemnity Service times 3-year highest average Indemnity;
- 5% times years of Executive Council Service times 3-year highest average Executive Council Salary

For service after September 2013:

# MLA Pension

## MLA Pension

- 3.5% times years of Indemnity Service times 3-year highest average Indemnity;
- 3.5% times years of Executive Council Service times 3-year highest average Executive Council Salary

Pension payments commence the first month following the last day of the month your resignation is effective or after the transition allowance has all been paid (if you are eligible), whichever is later. This means, if you choose to have your transition allowance paid out over a 12-month period, then your pension payments cannot commence until after the last transition allowance payment. Once the pension payments commence, they are made the 3rd last banking day of each month and are direct deposit.

### Example - Unreduced Pension

Member age 55 with 10 years of indemnity service and average annual indemnity of \$89,000

7 years' service prior to October 2013 =  $\$89,000 \times 5\% \times 7 \text{ years} = \$31,150$

3 years' service after October 2013 =  $\$89,000 \times 3.5\% \times 3 \text{ years} = \$9,345$

Total annual pension = \$40,495

## MLA Pension

### MLA Pension

If an MLA does not meet the eligibility criteria, the Member may apply for a refund of contributions plus interest. The contributions made on the indemnity and Executive Council salary, if applicable, may be transferred tax-free to an RRSP. Contributions on a tax-free allowance may only be transferred to an RRSP if there is sufficient RRSP room; otherwise they are paid directly to the Member.

Alternatively, you may leave your contributions in the pension plan. Should you become a Member of the Legislative Assembly again at some future time, your previous service would be added to your future service in the calculation of a possible future pension. If you do take a refund and subsequently become a Member again, you may repay your refund plus interest and re-instate your service.

The website <http://mlapp.novascotiapension.ca/> includes all the detailed information you need or you can call NS Pension Services Corporation at 902-424-5070.

At the time of retirement, you must contact the Director of Administration who will commence the paperwork required by the Nova Scotia Pension Services Corporation. A letter will be sent to you outlining the documentation required.

# Transition Allowance

## Transition Allowance

### Transition Allowance

Please see Section 40 in the House of Assembly Act titled Transition Allowance.  
<https://nslegislature.ca/sites/default/files/legc/statutes/house%20of%20assembly.pdf>

A transition allowance is NOT payable to any Member who is or would have been entitled to an immediate retiring allowance (pension) at the moment the member dies, does not re-offer, resigns or who is defeated.

This allowance is payable in:

- equal amounts over twelve months,
- or lump sum payment.

Effective December 15, 2011 the entitled member “shall be paid a transition allowance equal to the product of:

- a. one twelfth of the person’s number of months of service as a member of the House; and
- b. one twelfth of the annual indemnity and allowance for a member at the rate in force immediately before the person ceased to be a member,
- c. but in any case, not less than twenty-five per cent or greater than one hundred per cent of the annual indemnity and allowance referred to in clause (a) and (b).”

# Transition Allowance

## Transition Allowance

**Example 1:** A Member making \$89,000 and with 15 years of service would get  $(180 \text{ mos.} \times 1/12 = 15) \times (1/12 \times \$89,000 = \$7,416) = \$111,240$  however clause c) does not entitle a Member to more than the annual indemnity so the transition allowance is \$89,000.

**Example 2:** A Member making \$89,000 and with 4.5 years of service would get  $(54 \text{ mos.} \times 1/12 = 4.5) \times (1/12 \times \$89,000 = \$7,416) = \$33,372$ .

### Transition Payment Options:

- A Member can transfer funds to a Registered Retirement Saving Plan if they have sufficient unused contributions room as determined on their Revenue Canada Income Tax Notice of Assessment from their previous year tax return.

To transfer funds to a Registered Retirement Saving Plan, a letter from the Member indicating the following is required

- Name of Financial Institution
- Address of Financial Institution
- Name cheque is made payable to
- Account number of the RRSP Account



## Transition Allowance

### Transition Allowance

If a lump sum payment is requested the payment will be made as soon as the completed paperwork is received and processed. A cheque is prepared by the Department of Finance, delivered to the Director of Administration, who will then have it delivered to the former MLA. If a lump sum payment is chosen the tax deducted is 10% up to \$5,000.00, 20% for \$5,000.01 to \$15,000.00, and 30% for amounts over \$15,000.00.

If monthly payments are chosen, they will be effective the first of the month after the MLA has ceased to be a Member. The first payment will be made as soon as the completed paperwork is received and processed. Subsequent monthly payments will be on the 1<sup>st</sup> of each month.

A Member can choose to receive a portion paid out and deposit the remaining balance to a RRSP. Consultation with a financial advisor may be required to determine the best option for you.

Please contact the Director of Administration to complete the transition allowance form, advise how you want to receive the transition allowance, and provide the information noted above.

## Counselling or Retraining Services

### Counselling or Retraining Services

### Counselling or Retraining Services

The Counselling and Retraining Allowance is only eligible for those in receipt of the Transition Allowance and not for those immediately eligible for an unreduced pension (usually those under age 55).

The eligible member must apply to the Speaker in writing for approval to obtain counselling or retraining services to a maximum of \$7,500.00. The request can be made in advance of an election if they confirm in writing to the Speaker their intention to not re-offer or they can make the request after an election defeat or resignation. The services must be accessed no later than 12 months from the commencement of the payment of the Member's transition allowance. If the Speaker approves the service provider, the invoice is made out to the Speaker on behalf of the retiring MLA, and the payment is made directly to the service provider.

If an MLA is re-elected after having received retirement counselling, career counselling or career retraining services pursuant to the House of Assembly Act, the MLA must immediately reimburse the cost of the services to the Speaker's Office.

Please see section 40A in the House of Assembly Act titled Counselling or Retraining Services. <http://nslegislature.ca/legc/statutes/housassm.htm>

### MLA Benefits

MLAs participate in the civil servant benefit plans and are entitled to certain continued benefits when they commence being paid their MLA pension.

The chart on the following pages sets out the options available for continued benefits. The references in the chart to “Employee” are to be read as MLA; references to “retirement” are to be read as meaning when the MLA commences to draw down the MLA pension; and the reference to “termination date” is to be read as the date the MLA ceases to be a Member.

Your Blue Cross identification number will stay the same, but your Blue Cross group policy number will change to #16000 if you are under age 65, or policy #16500 if you are 65 or over at retirement.

Medavie Blue Cross will send you a new Blue Cross identification card within 4-5 weeks of the date you commence being paid your MLA pension. This coverage is not mandatory. If you decide to discontinue your participation in this plan, please send written notice to the Public Service Commission, Benefits Unit.

It’s important to note that the Retired Employees Health plan (once your MLA pension is in pay) is not the same as the health plan you participated in as a sitting MLA. Additionally, once your MLA pension is being paid, travel coverage and dental benefits are not provided. At age 65, prescription drug coverage ceases to be a benefit, however your other health benefits will continue (i.e. eyeglasses, physiotherapy, semi-private hospital room, etc.) If your spouse is

## MLA Benefits

### MLA Benefits

under 65, their drug coverage will stay in place until their 65th birthday. Persons over 65 who need drug coverage can purchase coverage through either the Seniors or Families Pharmacare programs.

Once your MLA pension is being paid, please keep the Public Service Commission, Benefits Unit updated on any life status changes that could impact your benefits coverage and/or your life insurance beneficiary designation. If your address changes, please notify the Nova Scotia Pension Services Corporation.

# MLA Benefits

## Benefit Terminations for Members of the Legislature

Updated February 4, 2021

Benefit	MLA Resigns or not Re-elected	Retirement	Monthly Costs 2021
Health	<p>Coverage under the Province of Nova Scotia Employees Health and Dental Plan will cease 28 days after the members employment termination date.</p> <p>The member is eligible to convert to an individual health plan with Medavie Blue Cross provided they contact Medavie Blue Cross within 31 days of their termination date. The coverage and cost are not the same, however if the member contacts Medavie Blue Cross within 31 days of their termination date they will not be required to submit medical evidence.</p> <p><b>For more information contact Medavie Blue Cross at 1-800-667-4511.</b></p> <p>Note: MLA's always terminate on the last day of the month they cease to be a member.</p>	<p>Coverage under the Province of Nova Scotia Employees Health and Dental Plan will terminate 28 days after the members retirement date and the member (and any eligible dependents) will automatically be enrolled in the Retired Employee Health Plan. All previous health plan claims history will transfer to the Retired Employees Health Plan. There is no coverage for Dental or Travel under the Retired Employee Health plan and at age 65 prescription drug coverage ceases. The member's Blue Cross Identification number will stay the same, however the Policy number will change and new cards will be issued. Coverage can be cancelled at anytime by providing written notification to the Public Service Commission, Benefits division. If a member defers their pension they may apply for Health coverage once they begin receiving their pension.</p> <p>For more information please refer to the Retired Employee Health plan booklet on the Public Service Commission website <a href="http://www.gov.ns.ca/psc/EmployeeCentre/benefits">www.gov.ns.ca/psc/EmployeeCentre/benefits</a>.</p>	<p><b>Under age 65</b> Single \$29.51 Family \$65.47</p> <p><b>Age 65</b> Single \$15.68 Family \$31.44</p>

# MLA Benefits

Benefit	MLA Resigns or not Re-elected	Retirement	Monthly Costs 2021
<p>Basic Life Insurance</p>	<p>Basic Life Coverage under the Province of Nova Scotia Group Life Insurance plan will cease on the members termination date. The member will have the option to convert coverage within 31 days of their termination date to an individual plan with Sunlife Financial. The Member may convert all or part of their current coverage to a maximum of \$ 200,000 (Basic and Optional Life coverage combined). The cost of converted coverage is not the same, however if the member contacts Sunlife within the 31 day period they will not be required to submit medical evidence.</p> <p>Note: MLA's always terminate on the last day of the month they cease to be a member.</p>	<p>Members are eligible to continue the Basic Group Life coverage that is in place at the time of retirement. Coverage will continue until age 65 or if age 65 at time of retirement coverage will continue for 3 months past the retirement date. Upon termination of coverage the member will have the option to convert the coverage to an individual plan with Sunlife. As a retired employee members have the option to cancel or reduce coverage, however it cannot be reinstated at a later date.</p> <p>Note: The Life Insurance must be continuous, therefore if a member defers their pension they are not eligible continue their life insurance when they begin receiving their pension.</p>	<p>.143 cents per \$1,000 of coverage</p>

## MLA Benefits

Benefit	MLA Resigns or not Re-elected	Retirement	Monthly Costs 2015-2016
Optional Life Insurance	Optional Life Coverage under the Province of Nova Scotia Group Life Insurance plan will cease on the members termination date. The member will have the option to convert coverage within 31 days to an individual plan with Sunlife Financial. The Member may convert all or part of their current coverage to a maximum of \$ 200,000 (Basic and Optional Life coverage combined).	Same as Basic Life Insurance	<b>Costs per \$1,000 of Coverage</b> Age 50-54 \$.093 Age 54-59 \$.162 Age 60-64 \$.269
Spouse and Child Optional Life	Spouse and/or Child Optional Life - Optional Coverage which is currently in place for spouse and/or child will cease on the members termination date. Upon termination of coverage the member's spouse will have the option to convert their optional coverage to an individual plan with Sunlife. There is no conversion option for the Child Optional Life.	Not Applicable (No option to continue)	
Long Term Disability	Long Term Disability benefit terminates on the last day of the month the MLA ceases to be a member	Not Applicable (No option to continue)	
Pension	Pension terminates on the last day of the month the MLA ceases to be a member.	n/a	

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