

**House of Assembly Management Commission
Agenda**

Date: January 12, 2022
Time: 9:30 am
Location: Via Videoconference (WebEx)

Televised Meeting

1. Approval of Minutes – December 1 2021
2. Speaker’s Report – Rulings on Allowance Use
3. Compensation for Constituency Assistants



**House of Assembly
Newfoundland and Labrador**

**Minutes of the House of Assembly
Management Commission**

Date: December 1, 2021

Location: via videoconference

Time: 9:31 a.m.

Members Present:

Hon. Derek Bennett, Speaker (Chair)
Barry Petten, Opposition House Leader
Helen Conway Ottenheimer, MHA (PC), Harbour Main
Hon. Lisa Dempster, MHA (LIB), Cartwright - L'Anse au Clair
Jim Dinn, MHA (NDP), St. John's Centre
Paul Pike (LIB), Burin - Grand Bank
Sandra Barnes, Clerk of the House of Assembly

Other

Brian Warr, Deputy Speaker
Mark Jerrett, Policy, Planning & Research Analyst

Regrets

Hon. Steve Crocker, Government House Leader

As required by the *House of Assembly Accountability, Integrity and Administration Act*, the Chair reported decisions from *in camera* meetings held on September 15 and October 6, 2020. Details of decisions made at those meetings were included with the draft Minutes circulated to the Commission for approval as part of agenda item 1.

CM 2021-032 The Minutes of the Commission meetings held on September 15, 2021, September 22, 2021 and October 6, 2021 were approved as read.

CM 2021-033 The Commission approved the audited financial information for April 1, 2020 to March 31, 2021 for the House of Assembly and Statutory Offices, as recommended by the Audit Committee.

Pursuant to subsection 32(3) of the Auditor General Act, the audited financial information for the Office of the Auditor General for the fiscal year ended 31 March 2021 was presented to the Management Commission.

As required by the *House of Assembly Accountability, Integrity and Administration Act*, financial reports of the Legislature as well as actual expenditures of Members were presented to the Commission for the reporting periods from April 1 to June 30, 2021 and April 1 to September 20, 2021.

CM 2021-034

The Commission directed the following amendments to House of Assembly policies:

- That the Standard Office Allocation Package for Members be amended to:
 - a. Remove: One television (including accessories) not greater than 32 inches
 - b. Add: One television (including accessories), most economical available at time of purchase.
 - c. Remove: One camera and accessories
 - d. Remove: One recording device for television
 - e. Add: Cable service – installation and maintenance of the most basic package, including the local news channels; House of Assembly broadcast channel; and recording device (PVR). Satellite services are not permitted.

- That the Inventory Management Policy be amended to:
 - a. Remove: “Physical counts of all inventory items will be conducted by Corporate and Members Services (or designates) on a periodic basis and at a minimum, once every four years”; and
 - b. Add: “Physical counts of all inventory items will be conducted by Corporate and Members Services (or designates) on a periodic basis and at a minimum, once each general assembly.”

- That the Purchasing Policy be amended to:
 - a. Increase the threshold from \$200 to \$500, for purchase of goods/services by or for Members, without quotations/explanation of how fair and reasonable price was established.

CM 2021-035 The Commission approved the following transfer of funds:

To:		
1.1.04.01 Members’ Resources – Salaries		\$10,300.00
&		
1.1.04.01 Members’ Resources – Grants and Subsidies		\$600.00
From:		
1.1.07.01 Official Opposition Caucus – Salaries		\$7,300.00
&		
1.1.07.10 Official Opposition Caucus – Grants and Subsidies		\$600.00

Adjournment: 9:47 a.m.

Hon. Derek Bennett
Speaker (Chair)

Sandra Barnes
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland & Labrador**

To: House of Assembly Management Commission

From: Speaker of the House of Assembly

Subject: Rulings of Allowance Use

The process for rulings on allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). The Act gives authority for the Speaker to make rulings when expenditures of Members have been rejected for payment, provided that the ruling is distributed to and receives concurrence of the Management Commission.

The report below provides the details with respect to all such rulings for the **period ended: January 10, 2022**. These expenditures were rejected for payment because they were not submitted within 60-days of being made; however they are permitted and are in compliance with all other provisions of the *Members' Resources and Allowances Rules*.

DISTRICT	MEMBER	AMOUNT	DETAILS
Placentia - St. Mary's	Sherry Gambin-Walsh	\$303.45	These expenditures were rejected for payment because they were not submitted within 60-days of being made. These expenditures are in compliance with all other provisions of the <i>Members' Resources and Allowances Rules</i> .
St. Barbe - L'Anse aux Meadows	Krista Lynn Howell	\$1,630.19	These expenditures were rejected for payment because they were not submitted within 60-days of being made. These expenditures are in compliance with all other provisions of the <i>Members' Resources and Allowances Rules</i> .
St. George's - Humber	Scott Reid	\$319.53 \$1231.56	These expenditures were rejected for payment because they were not submitted within 60-days of being made. These expenditures are in compliance with all other provisions of the <i>Members' Resources and Allowances Rules</i> .

Torngat Mountains	Lela Evans	\$2274.30 \$5350.87 \$2978.93 \$2229.52 \$2681.71 \$3150.90	These expenditures were rejected for payment because they were not submitted within 60-days of being made. These expenditures are in compliance with all other provisions of the <i>Members' Resources and Allowances Rules</i> .
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**House of Assembly Management Commission
Briefing Note**

Title: Compensation for Constituency Assistants

Issue: To consider whether a change should be made to the pay level for constituency assistants.

Background:

- In December 2018, when considering the extinguishment of severance entitlements and implementation of a termination benefit for political support staff, the Management Commission directed that a review of salary and other benefits of political support staff employed by the Legislature be undertaken. Subsequently, in February 2020, the Commission, at an *in-camera* meeting, directed a review of the classification for constituency assistants be undertaken and be brought forward at a future meeting.
- The requested reviews were undertaken concurrently in the spring/summer of 2020. In summary:
 1. The terms and conditions of employment for political support staff were established in accordance with a 1989 Order-in-Council that was adopted by the Internal Economy Commission and remained unchanged since that time until 2018 when the severance benefit was replaced by a termination benefit.
 2. The human resource policies that apply to public service employees generally apply to political support staff. The exceptions are listed in attachment A.
 3. The following matters were identified for further consideration:
 - Pension plan participation;
 - Compensation for constituency assistants;
 - Step placement for newly hired constituency assistants;
 - Breaks in service;
 - Overtime;
 - Voluntary/involuntary demotions; and
 - Labrador benefits.
- The Pension Plan participation matter was dealt with by the Commission in October 2020. Since 1989, political support staff contracts stipulated participation in the Government Money Purchase Plan (GMPP). The Commission directed that political support staff could elect participation in either the Government Money Purchase Plan (GMPP) or the Public Service Pension Plan (PSPP) (**CM 2020-026 refers**).
- This submission deals with compensation for constituency assistants. The remaining matters will be the subject of forthcoming submission(s).

- The earliest records that could be found dealing with the compensation level for constituency assistants date back to 1989. At that time, the position was entitled Secretary to a Private Member and compensated at the PS-03 level. In 2011, the Clerk requested that the position title be changed in the payroll system from secretary to constituency assistant. This was simply a title change and not a re-examination of duties.
- These positions were located in the Confederation Building Complex, either situated with the caucus if the MHA was a private Member or situated in the Minister's Office if the MHA was a Minister.
- In 2006, there was a re-classification of executive secretary positions in the Executive Branch, which resulted in a change in the pay levels of those positions. The Internal Economy Commission directed that the salary level for the Secretary to MHA positions in the Legislature be adjusted similarly and the compensation was changed to the PS-04 level. There was no re-examination of the duties of the position at that time.
- In June 2007, the *House of Assembly Accountability, Integrity and Administration Act* (HOAAIAA) was enacted and resulted in fundamental changes to the conduct of constituency business:
 1. The legislation entitled each MHA to a constituency office in their districts with the operating costs covered by the Legislature (sections 19 and 20 of the *Members Resources and Allowances Rules* refer). Previous to this, if a MHA wished to establish a constituency office in their district, they had to pay all costs from their allowance. As a result there were one or two offices located in districts;
 2. The majority of constituency offices are now located in the districts. Only those Members representing Capital region districts maintain constituency offices in Confederation Building Complex (often because of difficulty procuring space for a small stand-alone office in the district). As a result, most constituency assistants are responsible for running a stand-alone office often on a solo basis when the House is sitting or the MHA is attending to business in the Capital region;
 3. The legislated accountability requirements increased the responsibility and complexity for processing Members' claims, receipting invoices, maintaining and safeguarding records, following procurement processes and ensuring that assets assigned to the constituency office are managed appropriately.
- In addition to the changes brought about by HOAAIAA, constituency assistant duties have also evolved with changing times. Today, these positions deal with a myriad of complicated and sensitive constituent issues often on an in-person basis. They frequently represent the MHA at district events and meetings when the House is in session. They monitor and maintain the MHAs social media accounts, which have become a common platform for constituents to engage with their MHA. Furthermore, constituency assistants must have the requisite technical skills to use Government's financial management systems, which operate on the Government network, in the performance of their duties. These are in addition to the generally expected skills required to manage schedules, book appointments, process documents, etc., and the administrative support duties originally assigned to the position.

- There are no public service positions comparable to that of the current constituency assistant position. From the 1989 documentation, the position was considered to be administrative support in nature and was paid equivalent to that of a Secretary to a Deputy Minister. The PS-04 salary level is consistent with the HL-12 level of the current Secretary to a Deputy Minister. Secretaries to Ministers, Secretary to the Chief provincial Court Judge and the Secretaries to Clerks are compensated at HL-14, which correlates to the PS-05 level. (While the positions retain the titles of Secretary in the classification and payroll systems, they are generally referred to as Administrative Assistants.)
- There are only two political support positions in the Legislature with defined pay levels:
 1. Constituency assistants at PS-04; and
 2. Assistants to the Government/Opposition House Leaders at PS-05.
- In the Executive Branch, the Executive Assistant positions are PS-07 level. The Secretary to the Speaker position (now abolished) was compensated at PS-05. Information on these pay levels is provided in Attachment 2.
- A jurisdictional scan of other Canadian legislatures (see Attachment 3) indicates that there is no consistent approach taken in establishing salaries for constituency assistants. Some legislatures provide more than one assistant to a member; others allow the Member to establish the salary, while others provide a base salary and allow Members to provide top-ups from their allowances.
- A reasonable approach would be to change the pay level for these positions to PS-05, which would make them equivalent to the Assistant to the House Leader positions, as well as the most senior administrative assistant positions in Government. In doing so, each constituency assistant would move from the step they are currently at on PS-04 to the same step on the PS-05 scale.
- The Management Commission is authorized to determine the salaries, benefits and terms and conditions of employment of constituency assistants as set out in the following provisions:

HOAAIAA:

20. (6) *In carrying out its duties, the commission may*

(a) make rules of general application respecting

(ii) the engagement by a member and the amount and method of payment and other terms of engagement of constituency assistants and the reimbursement of reasonable expenses incurred by those assistants in carrying out their duties

Members Resources and Allowances Rules:

26 (2) The salaries and benefits for constituency assistants shall be set by directive of the commission and, unless otherwise contrary to law or a directive of the commission, the member may set the terms and conditions of employment.

Analysis:

Legal Consultation:

N/A

Internal Consultation(s):

Corporate and Members Services

External Consultation(s):

Classification and Pay Division, Treasury Board Secretariat
Cabinet Secretariat, Executive Council
Other Canadian legislatures

Comparison to Government Policy:

N/A

Financial Impact:

Compensation at the PS-05 level is between \$4000 to \$5000 more annually than compensation at the PS-04 level depending on the step. Consequently, an increase to PS-05 would require a permanent increase in the Legislature's budget of \$200,000.

Legislative Impact:

N/A

Options:

- Direct that the pay level for constituency assistant's be changed with each constituency assistant placed at their current step on the new pay level.
- Direct that the pay level for constituency assistant's remain as is.

Status:

- All constituency assistants are currently compensated at the PS-04 level.

Action Required:

- The direction of the Commission is requested.

Prepared by: Sandra Barnes
Date: 2022 01 07

Attachment 1:

	Political Support	Public Service
Employment Status	Contractual	Permanent, temporary or contractual
Pension Plan	Originally participation was in the GMPP only. This was changed in October 2020 to allow participation in either the PSPP or GMPP as selected by employee.	PSPP or GMPP according to employment status
Termination Benefit	Salary scales PS01- PS05: 30 calendar days Salary scales PS06 - PS12: six weeks Political support employees who resign from their positions, and those dismissed during the probationary period (first three months service) will not receive any termination benefit.	In accordance with the Position Elimination Policy (applies to permanent positions only)
Recruitment	Recruitment is conducted by the caucus or the MHA	Recruitment is in accordance with the Public Service Commission Act
Eligibility for Internal Public Service competitions	No, as political support employees are not scheduled to the Public Service Commission Act	Yes, in accordance with the Public Service Commission Act
Position Classification and Compensation	Political Support (PS) Plan. Caucuses determine the positions required and the associated salary level. Two exceptions: <ul style="list-style-type: none"> - Legislative Assistants are classified at PS-05 - Constituency Assistants are classified at PS-04 	In accordance with the rating established under the Position Rating Policy and the relevant salary plan (e.g. bargaining unit, management pay plan) appropriate to the position
Demotions (Voluntary and Involuntary)	does not apply	In accordance with the Demotion (Voluntary and Involuntary) Policy
Overtime	Time off in lieu (TOIL) is permitted if agreed to by the MHA/caucus and the employee	Collective agreement provisions or Management Overtime Policy (as relevant)
Labrador Benefits	Not provided	In accordance with the Labrador Benefits Policy

Attachment 2:

Political Support Pay Scales: PS-04 to PS-07

	PS-04	PS-05		PS-06	PS-07
STEP 1	\$46,127	\$50,062	STEP 1	\$58,681	\$71,228
STEP 2	\$46,703	\$50,688	STEP 2	\$60,149	\$73,012
STEP 3	\$47,279	\$51,312	STEP 3	\$61,620	\$74,791
STEP 4	\$47,857	\$51,939	STEP 4	\$63,158	\$76,659
STEP 5	\$48,434	\$52,563	STEP 5	\$64,696	\$78,524
STEP 6	\$49,009	\$53,190	STEP 6	\$66,314	\$80,490
STEP 7	\$49,586	\$53,816	STEP 7	\$67,927	\$82,451
STEP 8	\$50,163	\$54,442	STEP 8	\$69,626	\$84,517
STEP 9	\$50,738	\$55,067	STEP 9	\$71,327	\$86,573
STEP 10	\$51,315	\$55,694			
STEP 11	\$51,893	\$56,320			
STEP 12	\$52,470	\$56,946			
STEP 13	\$53,047	\$57,572			
STEP 14	\$53,623	\$58,197			
STEP 15	\$54,199	\$58,823			
STEP 16	\$54,776	\$59,450			
STEP 17	\$55,352	\$60,075			
STEP 18	\$55,929	\$60,700			
STEP 19	\$56,506	\$61,325			
STEP 20	\$57,082	\$61,951			
STEP 21	\$57,658	\$62,578			
STEP 22	\$58,236	\$63,203			
STEP 23	\$58,811	\$63,830			
STEP 24	\$59,388	\$64,455			
STEP 25	\$59,967	\$65,080			
STEP 26	\$60,541	\$65,706			
STEP 27	\$61,118	\$66,333			
STEP 28	\$61,696	\$66,957			
STEP 29	\$62,271	\$67,584			
STEP 30	\$62,847	\$68,208			
STEP 31	\$63,425	\$68,836			
STEP 32	\$64,001	\$69,461			
STEP 33	\$64,577	\$70,086			

Step Progression:

PS01-PS04: Employees progress 3 steps annually on their anniversary of hire date, e.g. Step 1 on date of hire, step 4 in year 2, step 7 in year 3 until step 25 is reached which would be after 9 years of service. Steps 26-33 are not utilized except under rare and exceptional circumstances.

PS06-PS12: Employees progress 1 step annually in their anniversary of hire date until the top of scale (Step 9) is reached.

Attachment 3: Jurisdictional Scan (as of Summer 2020)

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
British Columbia	The number of constituency assistants can vary between 1 and 5 but Members typically hire 2 constituency assistants per constituency office. Members with more assistants likely have them working as partial full time equivalents (FTEs). Constituency assistants are located at the constituency offices	Members have an annual constituency office budget so it's up to them to decide how much of their budget to allocate to staffing.	<p>NDP caucus has a collective agreement:</p> <p>January 1/20 Starting Salary: \$48,490.82 6 months upon completion of probation: \$51,363.64 12 months after: \$54,988.40 12 months after: \$56,338.04 12 months after: \$57,466.64</p>
Alberta	The Legislative Assembly of Alberta employs constituency assistants, based on the recommendation of the Member. Currently there is an average of 1-3 constituency assistants in each office. There is no cap on how many constituency assistants can be hired for an office. The cap is provided by the constituency budget.	<p>The individual Member makes staffing decisions for their office based on their operational needs and their constituency budget.</p> <p>The amount of the Member's Services Allowance for a Member in each fiscal year shall be the sum of the following where E is the number of electors in the most recent list of electors compiled for the Member's electoral division under Part 2 of the Election Act, and where C is the population in the electoral division according to the Alberta Population Estimates as reported annually by Alberta Finance;</p> <p>(a) (i) \$27,626 for office operations in constituencies identified as "rural" in Schedule "A"; (i.1) \$33,151 for office</p>	<p>There are 3 levels of Constituency Assistant</p> <p>Level 1: \$32,880 - \$43,068 Level 2: \$37,908 - \$52,620 Level 3: \$45,396 - \$76,080</p> <p>Annual salary is based on a 36.25 hour work week</p>

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
		<p>operations in constituencies identified as "urban" in Schedule "A";</p> <p>(ii) \$88,324 for staffing;</p> <p>(iii) \$2,940 for supplies;</p> <p>(b) \$1.30 x E/1.5</p> <p>(c) \$2,923 plus \$0.0757 x (C - 14,000);</p> <p>(c.1) plus an adjustment amount based on the table below where the matrix score for the constituency is as outlined in the Schedule to this Order; Matrix Score Adjustment -18 to 0 \$6,120 1 to 4 \$9,180 5 to 9 \$12,340 10 to 15 \$18,509 16+ \$24,679</p> <p>(d) less any amount transferred by the Member by authorization in writing from the Member's Services Allowance pursuant to section 12.</p>	
Saskatchewan	<p>Members are able to hire Constituency Assistant(s) to provide support. There is no cap on how many CAs a Member may hire, however there is a maximum Constituency Assistant's Allowance. If the allowance amount is exceeded, the excess is drawn from their Constituency Services provision.</p>	<p>The total annual amount available to each Member for constituency assistant expenses is \$59,042.</p> <p>The Constituency Services provision is currently ~\$63,000</p>	<p>On average in a fiscal year, in no instance shall a constituency assistant's remuneration exceed \$2,884.62 bi-weekly (\$75,000 per annum) inclusive of bonus payments over the course of the fiscal year.</p>
Manitoba	<p>Members are able to hire Constituency Assistants(s) to provide support. While there is no cap on how many CAs a Member may hire there is a maximum Constituency Assistant's allowance. If the) and if</p>	<p>The bi-weekly maximum entitlement is \$2,016 for Constituency Assistant's salary expenses including holiday and vacation pay. Salaries must be paid first under the Constituency Assistants Allowance. Any salary amounts that are over</p>	<p>\$2016 bi weekly = \$52,416 annually</p>

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
	<p>they go over in that the costs come out of their Constituency Allowance.</p>	<p>the bi-weekly maximum are then applied to the Member's Constituency Allowance.</p> <p>The entitlement for constituency expenses per region is Winnipeg: \$65,185, Southern: \$60,444, and Northern: \$58,189. This includes all expenses reimbursed for constituency office space, office operation (which includes capital equipment & furnishings), representation, & staff salaries that are over the bi-weekly maximum claimed under the Constituency Assistants Allowance.</p>	
Ontario	<p>Usually a member will have an assistant at Queen's Park and at their constituency office. How they hire and staff their offices is up to their discretion, they are their own employers.</p>	<p>Members are provided a global budget to be used for the purpose of operating their offices and hiring staff.</p>	<p>There is a union contract for the NDP and upper limits for the other members as follows: Clerk Typist: \$39,203 Special Assistant \$50,050 Legislative Assistant \$52,899 Constituency Assistant \$56,878 Executive Assistant \$60,600</p>
Quebec	<p>Members are considered their own employers and are responsible for committing the necessary resources to assist them in their duties. Members of Parliament's staff are made up of three job</p>	<p>The member determines the annual salary of the employee upon appointment and may revise it as long as it does not exceed the maximum annual salary.</p>	<p>A support employee cannot be higher than the maximum salary scale that can be granted to a property valuation technician in accordance with the</p>

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
	<p>categories: advisers, political attachés or support staff. The adviser or political attaché mainly perform the professional tasks assigned to them (e.g. press attaché, researcher or liaison officer) while the support employee is responsible to perform administrative support tasks.</p> <p>Upon appointment of the employee, the deputy must determine whether the employee will occupy his position in one of the buildings occupied by the Assembly or in the constituency office.</p>		<p>rules that apply to non-union public servants. This maximum is currently of \$56,761.</p> <p>The annual salary of an adviser or political attaché may not exceed the maximum of the salary scale which may be granted to an actuary in accordance with the rules which apply to non-unionized professionals in the public service. This maximum is currently of \$ 97,981.</p>
New Brunswick	Members have Constituency Office Assistants.	Constituency Asisstants are paid out of each Member's \$50,000 constituency office budget, which also covers rent and other office expenses.	There is no scale.
Nova Scotia	Each MLA is entitled to one Full-Time Equivalent employee, to assist with running an efficient constituency office.	The cost of the Constituency Assistant's salary and benefits are not charged to the Member's allowance. A personal services contract is signed between the Member and their (CA). The CA is paid bi-weekly based on an annual salary.	<p>The PSC evaluated the CA position at an EC 06 level and the House of Assembly Management Commission (HAMC) approved the rating.</p> <p>Using the applicant's resume, the qualifications and experience of a new CA will be evaluated to determine where on the EC 06 pay scale</p>

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
			<p>they best fit.</p> <p>A CA new in their career would start at the lower end of the scale and those with many years of experience would start at the middle or higher end of the scale.</p> <p>CAs will receive annual adjustments at the same rate as any adjustments approved for EC employees in the civil service.</p> <p>EC-06 Minimum \$ 44,563.22 Policy \$ 55,703.70 Maximum \$ 61,273.94</p>
Prince Edward Island	Does not have constituency assistants		
Yukon	The Yukon doesn't have constituency offices. All staff who support MLAs are located in the Legislative Assembly building and their salaries are paid out of the caucus budget.		Salary information not provided
Northwest Territories	Most Members have one Constituency Assistant each but some choose to have two part-time CAs and in some cases share one between them.	CA salaries are paid from the Members constituency budget. (Budget is constituency specific and ranges between \$90,385 - \$106,602)	Salaries vary and are negotiated directly between the Member and the CA

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
Nunavut	Members may have one or more Constituency Assistants (CA) funded from their Constituency Assistants budget.	<p>This budget can be split as the Member wishes, paying one or more individuals at an amount the Member chooses either by the casual payroll system or via service contract. The total paid to Constituency Assistants during the year cannot exceed the annual budget.</p> <p>The Budget for Constituency Assistants as of October 1, 2017 is as follows:</p> <p>Constituencies with: One community: \$62,608 Two communities: \$69,103 More than 2 communities: \$76,065</p> <p>The budgets listed are tied to the collective agreement process and have not changed since October 2017, the last time a collective agreement was signed. They will go up once an agreement is concluded.</p>	The pay scale is determined by the Member depending if the CA is hired full time or part time.
House of Commons	Members hire staff for their Parliament Hill office and staff for their constituency offices.		There is no salary scale for Members' employees but there is a maximum salary of \$89,700. This maximum is adjusted annually based on the index of the average percentage increase in base-rate wages for a calendar year in Canada resulting from major wage settlements negotiated by major groups.

Jurisdiction	Constituency Office Support	Funding mechanism	Salary
Senate	Not comparable as Senators do not represent constituencies.		