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Guidelines on Dissolution of the Alberta Legislative Assembly



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Summary

These guidelines are provided for Members and staff of the Legislative Assembly of Alberta. They are intended to provide basic policies and procedures to be followed when the Assembly is dissolved. Some points that may be of particular interest are:

- Upon dissolution Members are not to make any expenditures related to promotional or communications activities. However, all contractual obligations (office rent, employee salaries, etc.) and day-to-day expenses will continue to be paid out of the Members' Services Allowance.
- Constituency offices may remain open during the election period but cannot be used to prepare, store or distribute party, constituency association or election campaign material, nor can offices display any material advocating the choice of any party or candidate.
- All employment contracts will automatically terminate on the 14th day after polling day.
- Upon dissolution all temporary residence and travel allowances are no longer claimable unless they meet the conditions outlined in these guidelines.
- Other than for ongoing or emergent matters, use of all credit cards must cease upon dissolution.
- Constituent case files and other operational files are the Member's personal property and may be disposed of as the Member sees fit. Records Services is available to assist Members and their staff in determining the best method of disposition.
- Case files that require continuing work must be authorized for transfer to the new Member by the constituent.

Frequently Asked Questions

Q Am I still considered to be a Member of the Legislative Assembly after dissolution?

A The issuance of a writ dissolves the current Legislature. Since there is no Legislature, Members are no longer Members of the Legislative Assembly. However, members of Executive Council are still members of Executive Council, and the Speaker remains Speaker until the election of a new Speaker on the first day of the first session of the new Legislature.

Q If I am no longer a Member, do I continue to get paid?

A Yes, Members continue to receive their pay until the day preceding polling day. (page 4)

Q If I am currently a Member, can I use "MLA" on my election campaign advertising?

A No. As indicated above, once the Legislature is dissolved, Members are no longer Members of the Legislative Assembly.

Q After the election, when am I considered a Member of the Legislative Assembly?

A Unless the election results are challenged, a person declared elected is considered to be a Member of the Legislative Assembly after the expiry of the election appeal period outlined in the *Election Act*.

Q Can I continue to assist my constituents following dissolution?

A Yes. Members are permitted to assist their constituents with ongoing or emergent nonpartisan concerns.

Q Do I have to close my constituency office after dissolution?

A No. Constituency offices may remain open during the election period. (page 8)



Member Information

Members' Remuneration

Members' indemnity and expense allowance - Upon dissolution Members continue to receive their indemnity and tax-free expense allowance up to the day preceding the polling day. Once elected or re-elected, a Member's remuneration commences/recommences on polling day.

Ministerial salaries - Ministerial salaries are not affected by dissolution. Although dissolution dissolves the Assembly, it does not affect the appointment of ministers, who continue to be ministers until such time as their appointment is terminated by Order in Council.

Speaker's salary - The person who is Speaker at the time of dissolution continues to hold office and receive remuneration up to and including the day preceding the first day of the next sitting of the Legislative Assembly. The election of the Speaker takes place on the first sitting day.

Salaries of the Deputy Speaker and Deputy Chair - Upon dissolution these salaries continue up to the day preceding polling day.

Salary of the Leader of the Official Opposition - Upon dissolution this salary continues up to the day preceding polling day.

Salary of the leader of a recognized opposition party* - This salary is discontinued immediately upon dissolution.

Special Members' allowance (Whips, House Leaders) - The payment of all special Members' allowances discontinues immediately upon dissolution.

Committees of the Legislative Assembly of Alberta - Upon dissolution Standing, Special Standing and Select Special Committees cease to exist, and therefore allowances and expenses related to these committees are not claimable.

Service on cabinet policy committees and other government committees, boards, etc. - Service on government committees is not regulated by the *Legislative Assembly Act*. Remuneration continues until changed by Order in Council, Ministerial Order or resignation from the appointment.

*A "recognized opposition party" is a party that is represented in the Assembly by at least four Members and received at least five per cent of the popular vote.

Members' Benefits and Entitlements

Benefits:

Continuation of benefits - Upon dissolution all benefits remain in effect up to and including the day preceding polling day. If re-elected, benefits continue uninterrupted. Returning Members will be provided with the same coverage they were receiving prior to the election.

Benefits for new Members - Newly elected Members are provided with the basic coverage until they indicate otherwise. Newly elected Members' basic benefit coverage commences on polling day, dependent on Members' individual choices and transfer dates from existing plans.

Benefits for non-returning Members:

Extended benefits option - The extended benefits option (EBO) provides Members with continued benefit coverage when they resign, choose not to run for re-election or are defeated. Benefit coverage may be extended for benefits listed under "Members' Choice" (Alberta Health Care, Prescriptions and Extended Medical, Dental and Life Insurance)

If a former Member exercises this option, the extended coverage continues:

- until the age of 70 years;

- until the death of the former Member; or
- until the date the former Member gives written notice to discontinue the coverage.

Premiums are paid by the former Member and the Legislative Assembly in the same proportions as for a current Member for the first five years of coverage or until the age of 70 (whichever comes first). If a former Member continues coverage beyond the five years, the premiums are to be paid entirely by the former Member.

Former Members can extend only that part of the coverage in place when they ceased to be Members. Later they may discontinue that coverage in whole or in part. Once the extended coverage has been terminated, it may not be recommenced.



Members' Benefits and Entitlements

Transition Allowance:

Members are entitled to a transition allowance when they leave office. A transition allowance shall be paid to:

- a) every Member who resigns their seat as a Member;
- b) every person who was a Member at the time of dissolution, and
 - i) does not stand as a candidate for re-election, or
 - ii) is defeated at the election immediately following dissolution.

When a person who is a Member dies, there shall be paid an amount equivalent to the amount of the transition allowance that the deceased person would have been entitled to at the date of death.

For service commencing on or after March 20, 1989, the amount of the transition allowance to be paid shall be determined by the formula $A \times B \times 3$

Where "A" means

- (i) the average monthly salary* based on the three calendar years in which the person received their highest salary; or
- (ii) if the Member served less than three calendar years, the average monthly salary for the person's term of service;

Where "B" is the number of years the person served as a Member during the period commencing March 20, 1989. For service prior to March 20, 1989, the amount of the transition allowance to be paid shall be determined by multiplying the highest rate of the Member's monthly indemnity and expense allowances by one month for every year of service prior to March 20, 1989.

Members' Expense Allowance

Temporary residence allowance

Sessional residence allowance - Upon dissolution the sessional residence allowance is no longer claimable.

Nonsessional residence allowance - Upon dissolution and during the election period the nonsessional allowance is no longer claimable unless the Member is required to stay overnight in the capital to attend to an ongoing or emergent, nonpartisan constituent matter. The Member is asked to provide details to the Legislative Assembly Office when claiming reimbursement. Capital residence allowance terminates on the date of dissolution.

Travel Allowances

Vehicle operation, mileage allowance, parking, vehicle rental, air, taxi, bus travel - Upon dissolution payment of the above expenses ceases unless the Member is required to travel

Notwithstanding any other provisions of this section, for the purpose of calculating the amount of the transition allowance, no person shall be credited for any years of service as a Member for which that person has previously received a payment under this section or the predecessor sections. A person who is eligible to receive a transition allowance may elect to be paid the amount of that allowance over a period of years.

Vehicles (if applicable):

Speaker - the Speaker may continue to use an Assembly-supplied vehicle on Assembly business

- a) if re-elected as Speaker without any interruption; or
- b) if not re-elected as Speaker, until the day preceding the opening of the new legislative session.

Deputy Speaker and Deputy Chair of Committees - may continue to use their Assembly-supplied vehicles up to the day preceding polling day.

Leader(s) of a recognized opposition party - use of an Assembly-supplied vehicle by the leader should discontinue upon dissolution. The Member should contact the Clerk's Office to make arrangements for return of the vehicle.

Premier, Ministers and Associate Ministers - may continue to use their vehicles on government business until their appointments are terminated, even if not re-elected as Members.

** Includes MLA indemnity, tax-free allowance, RRSP allowance, remuneration for office other than MLA, special Members' allowance and monthly remuneration for Legislative Assembly and government committees.*

and therefore use one or more of these expenses in dealing with an ongoing or emergent, nonpartisan constituent concern. If a Member is in the capital when the election writ is issued, he or she is eligible to claim expenses to return to his/her constituency. Submission of personal expense claims or invoices related to the above must be completed within 10 days after the writ is issued unless it applies to expenses for dealing with an emergent, nonpartisan constituent matter during the campaign period. In this instance, expenses should be itemized on a personal expense claim form and submitted to the Legislative Assembly Office with supporting documentation. Any airline tickets ordered by the Member prior to dissolution must be cancelled or returned for credit with the original vendor.

Spouse/family member/guest travel - Upon dissolution this is no longer claimable.

Credit Cards

PHH Gasoline, Bell Calling Card, Amex Corporate Card -
Upon dissolution Members may utilize their Assembly-issued credit cards only in relation to dealing with an ongoing or emergent, nonpartisan constituent concern. If a credit card is used for this purpose, details must be provided to Financial Management and Administrative Services at the time of use.

If a Member chooses not to run or is not re-elected, his/her cards will be cancelled the day after polling day. Members in this situation are asked to return all their cards to the Financial Management and Administrative Services office within 10 days of polling day.

Computers & On-line Service

E-mail and Internet services that are accessed through the Legislative Assembly continue throughout the election period, but Members are reminded that their use should be limited to dealing with emergent, nonpartisan constituent matters and may not be used for election purposes. After polling day, services for Members not re-elected will be cancelled.



Laptop computers and other electronic equipment in the Member's possession should be returned to Information Technology Services (ITS) within 10 days of polling day. After polling day constituency office services will continue; however, passwords for accessing services will be reset.

Contact ITS to obtain new passwords.

Records Management

Personal and constituency records* generated by Members in their capacity as Members of the Legislative Assembly or as private citizens are their personal property and can be disposed of as they see fit. Records Services is available to assist Members and their staff in determining the best method of disposition. The Members' Services Committee has approved some guidelines for records disposition that should be considered when making decisions related to records. These guidelines are:

1. Nonreturning Members

- All personal records may be removed and retained or disposed of as seen fit.
- All remaining records may be reviewed by your staff, but you must sign off on an *Acknowledgement of Records Disposition* form that signifies that you have reviewed the records as well and directs how you wish them to be disposed.

- Any administrative files which have met their retention period may be prepared for disposal.
- Constituent case files and other operational files that are closed may be taken with you or prepared for disposal.
- Case files which require continuing work must be authorized for transfer to the new Member by the constituent. A **Consent to Transfer File** must be completed prior to the new Member beginning work on the file.

2. Returning Members

A review of all files should be done to determine what records need to be kept and which may be disposed of. If any advice or assistance is required, Records Services is available to help.

* Records include paper records, e-mail, electronic documents, microfilm, maps, images/photos, databases or any recorded information used in the course of your duties as a Member. Records may reside in or on file cabinets, desk drawers, Blackberries/PDAs, laptop or desktop computers or the LAO network under your Member's account

Websites

Members/Constituency Office Websites:

Directly after dissolution, Members' websites for which public funds have been used to pay for their development, establishment, or maintenance must either be deactivated, temporarily suspended, or edited to remove any reference to the Member (name, caucus, roles in the Legislature, etc.) from the body, banners, headers, or footers of the site. If the domain name of the site includes the Member's name, it **must** be deactivated. If the website is to remain accessible during the election period to provide nonpartisan informa-

tion of use to constituents, content should be restricted to either a notice of the temporary suspension and/or basic contact information (office address, phone number, fax number, office hours) or links to nonpartisan community resources of use to constituents.

Caucus Websites:

Caucuses must deactivate or temporarily disable any internet site of which public funds have been used to pay for their development, establishment, or maintenance.

Telephone Services

Residence, temporary residence, cellular and constituency office telephone service continues throughout the election period, but Members are reminded that their use should be limited to dealing with ongoing or emergent, nonpartisan constituent matters and may not be used for election purposes.

After polling day telephone services paid by the Legislative Assembly Office for Members not re-elected will be cancelled. If the nonreturning Member wishes to pay for certain services personally - for example, rental of current equipment or lines - he/she should contact the Manager of Administrative Services immediately after the election so

that the office can advise the service provider accordingly.

Cellular telephones of nonreturning Members should be returned to the Financial Management and Administrative Services office within 10 days of polling day. Telephone service for nonreturning Members will be cancelled within 10 days of polling day unless the Member contacts Administrative Services to transfer services to him/her personally.

After polling day constituency office telephone service will be continued pending a decision by the Member on the status of his/her constituency office.

Promotional and Communication Expenses

Upon dissolution Members are not to incur any promotional or communications-related expenses. Where orders have been placed but delivery not made prior to dissolution, payment will be made from the Members' Services Allowance by the Clerk upon delivery of the service. Such material may not be distributed during the election period.

During the election period photos of groups visiting the Legislature will be taken in the Member's absence and paid for by the LAO. Photos taken but not received before dissolution will be charged to the Members' Services Allowance and may not be distributed during the election period.

In the event of dissolution Members are responsible for notifying the Clerk of outstanding orders.

Since new purchase order books will be issued to all Members after polling day, current Members are to return their books to Financial Management and Administrative Services upon dissolution.

If a constituency office requires an item not available in the LAO's Supplies and Stationery catalogue, the office can request the item be ordered on its behalf.

All requests must be pre-approved by the Clerk of the Assembly.

Audio and Video Excerpts

Audio and video excerpts of Assembly and committee proceedings may not be used for advertising during election or

by-election campaigns, effective from the issuance of the election writ.

Committee Expenses

As there are no **committees of the Assembly** after dissolution, expenses cannot be claimed in relation to committee business. In order to ensure the integrity of committee records, the Chairs of Standing, Special Standing and Select Special committees are asked to organize any committee records in their possession and transfer them to the Committee Clerk.

Any claims for committee-related expenses incurred before dissolution should be completed and forwarded to the Committee Clerk immediately after dissolution.

Service on **government committees** is not regulated by the *Legislative Assembly Act*.

Remuneration continues until changed by Order in Council, Ministerial Order or resignation from the appointment.

Expenses for government committees, Cabinet Policy committees or boards continue to be forwarded for processing to the government department responsible for payment.

Members' Services Allowance

A Member ceases to be an expenditure officer on dissolution of the Legislature. Approval for any operational expenses of the constituency office is made by the Clerk of

the Legislative Assembly. Members are reminded that year-to-date expenses should not exceed more than 10 per cent of their prorated Members' Services Allowances.

Constituency Information

Constituency Offices

Constituency offices may remain open during the election period, and payments for rent and services will continue to be made out of each Member's Services Allowance.

Constituency offices cannot be used to prepare, store or distribute party, constituency association or election campaign material nor can offices display any material advocating the choice of any party or candidate.

After polling day rent payments for the constituency office will be paid out of the Members' Services Allowance of the newly elected or re-elected Member. Members who do not run or are not re-elected are asked to co-operate to ensure a smooth handover of the office as soon as possible after the election.

Each newly elected Member assumes the constituency office location of his/her predecessor. If a change of office is necessary, arrangements are to be made in consultation with the Clerk of the Assembly and Financial Management and Administrative Services to minimize unnecessary public expense connected with early termination of an existing lease.

The standard lease form provides for the option to give notice of termination within 30 days of polling day. After polling day it is important that Members wishing to terminate an existing lease arrangement contact the Legislative Assembly Office as soon as possible so that sufficient notice can be provided to the landlord by the Clerk of the Legislative Assembly.

Constituency Office Staff and Contractors

Employment contracts - Constituency office employees may continue to carry out normal work for the Member but must not be involved in any way with party promotion, nominations or election campaigning during normal working hours. Employees who wish to become involved with the election campaign during normal working hours must either take an unpaid leave of absence or vacation leave during the election period. Employees wishing to take such leave must inform the Director of Human Resource Services in writing prior to their leave. A constituency employee who is running for election as an MLA must commence a leave of absence without pay upon the issuance of the writ.

In addition, pursuant to all constituency office employment contracts the employment contract will

"terminate on the 14th day after the next polling day in the Member's constituency and the calling of a general election or a by-election in the Member's constituency shall serve as notice that the Employee's services will no longer be required."

Members are asked to consult with the Director of Human Resource Services with respect to the termination status of



their employees and to verify outstanding vacation and overtime entitlements owing. On termination these entitlements will be paid out of the MLA's Members' Services Allowance.

Staff travel ceases upon dissolution unless the individual is dealing with an ongoing or emergent, nonpartisan constituent matter. Details should be provided to the Financial Management and Administrative Services office when a staff member is claiming reimbursement under these circumstances.

Independent contractor agreements - The standard independent contractor agreements provide for the option to terminate the contract on one week's notice. When the writ is issued, all independent contractors will be served notice that services and products will not be required and contracts will terminate the day preceeding polling day.

All payments to independent contractors are co-ordinated through Human Resource Services. Members are asked to consult with the Director of Human Resource Services with respect to any outstanding contractor issues.

Constituency Office Security

Constituency Office Staff must advise the Sergeant-at-Arms' office (780) 422-9259 well in advance as to office closure so that appropriate measures can be taken. The names of office staff who are not returning should also be sent so that key-holder contact information can be amended.

All office keys should be accounted for and surrendered to the lessor:

Fixtures and furniture that have a panic alarm affixed to them cannot be moved without notification to the Sergeant-at-Arms' office.

Constituency Office Equipment, Furniture, Fixtures and Supplies

Any equipment, furniture, fixtures or supplies purchased with Legislative Assembly funds or provided by the Legislative Assembly remain the property of the Legislative Assembly Office (LAO) and must not be used in any partisan campaign activities. The provision, management, reallocation and disposition of these items is at the discretion of the LAO. Normally equipment that is less than two years old will not be considered for disposition.

Upon dissolution the Senior Financial Officer (SFO) will send each Member an inventory list of all equipment assigned to the constituency office and the Member. The Member is asked to check off each item and return a signed copy of the inventory to the Financial Management and Administrative Services office within 15 days of dissolution. If there are items not accounted for, the Member should contact the SFO to resolve the discrepancy as soon as possible.

All equipment, including EDP (Electronic Data Processing) equipment, remains the property of the LAO and cannot be reassigned. Responsibility for its reallocation or disposition rests with the LAO.

Furniture and fixtures provided by the LAO remain with the constituency office. If the office relocates after the election, it will be at the discretion of the LAO to reallocate any furniture and fixtures.

Office supplies provided by or purchased with LAO funds will also remain in the constituency office until such time as a determination is made as to whether the office will remain open or move. If necessary, any reallocation of supplies is at the discretion of the SFO. All orders for supplies after dissolution and before polling day must be approved by the Clerk of the Legislative Assembly for the basic operations of the constituency office.

Caucus Information

Caucus Staff and Contractors

Employment contracts - Caucus staff may continue to carry out normal work for Members in the Legislature offices during the election period but must not be involved in any way with party promotion, nominations or election campaigning during normal working hours. Employees who wish to become involved with the election campaign during normal working hours must either take an unpaid leave of absence or vacation leave during the election period. Caucus Directors/Chiefs of Staff should inform the Director of Human Resource Services in writing of such leaves. A caucus employee who is running for election as a Member of the Legislative Assembly must commence a leave of absence without pay upon the issuance of the writ.

In addition, pursuant to all caucus office employment contracts the employment contract will

“terminate on the 14th day after the date set as polling day in the next general provincial election, and the calling of an election shall serve as notice that the Employee’s services will no longer be required.”

Caucus Directors/Chiefs of Staff are asked to consult with the Director of Human Resource Services with respect to the termination status of their employees and to verify out-

standing vacation and overtime entitlements owing. On termination these entitlements will be paid out of the Caucus budget.

After the election results are known, each caucus will advise the Clerk of the Assembly with respect to caucus staffing decisions.

Independent contractor agreements - All independent contractor agreements will be reviewed when the writ is issued since services and products being provided may not be required. When the writ is issued, all independent contractors will be served notice that services and products will not be required and contracts will terminate the day preceding polling day.

All payments to independent contractors are co-ordinated through Human Resource Services. Caucuses are asked to consult with the Director of Human Resource Services with respect to any outstanding contractor issues.



Legislature Offices

A Member may use his/her office after dissolution only to continue to serve constituents on continuing or emergent,

nonpartisan matters. Neither telephones nor equipment can be used for any purpose connected with a campaign.

OUR MISSION

To provide nonpartisan parliamentary support to the Speaker and Members of the Legislative Assembly as they carry out their roles as elected representatives.

OUR VISION

Respect ~ Tradition

Exemplify ~ Service

Promote ~ Innovation

OUR VALUES

Employees of the Legislative Assembly Office (LAO) are proud to provide services to the Legislative Assembly on behalf of the citizens of Alberta.

We are guided in our work and conduct by a core set of principles that motivate us as individuals and reflect the qualities of the office as a whole.

Impartiality

Acting in an impartial and objective manner at all times to support the unique and politically neutral role of the LAO.

Integrity

Providing services in an accountable, responsive, ethical and dedicated manner.

Improvement

Encouraging a commitment to ongoing development of skills and services that enhance the operations of the LAO while respecting the traditions of the office.



*Dissolution is the formal ending of
a Legislature by proclamation.*

*Dissolution is followed by a
general election.*

Legislative Assembly Office
9718 - 107 Street
Edmonton, Alberta T5K 1E4

Website: www.assembly.ab.ca

Contacts:

If you require further information or interpretation of the guidelines in this document, please contact the appropriate individual

Clerk's Office

David McNeil, *Clerk* 427-2478

Human Resource and Information Technology Services

Cheryl Scarlett, *Director* 427-1368

Human Resource Services

Moyra Johnson, *Manager* 427-1521

Information Technology Services

Val Rutherford, *Mgr. Planning & Development* 427-1586

Jillian Tilley, *Mgr. IT Operations* 415-2898

Financial Management and Administrative Services

Scott Ellis, *Director and Senior Financial Officer* 427-1566

Jacqueline Breault, *Mgr. Corporate Services and Senior Records Officer* 427-1359

Darren Joy, *Mgr. Financial Services* 427-1356

Dan Dunlop, *Mgr. Administrative Services* 427-1361

Visitor, Ceremonial and Security Services

Brian Hodgson, *Director Sergeant-at-Arms* 422-9259

