



# Special Standing Committee on Members' Services

Subcommittee to Review the Members' Services  
Committee Orders

## Interim Report (No. 3) Review of Members' Services Committee Orders

*Review of the Regulations  
Exemption and Variance Order*

Twenty-Ninth Legislature

Fourth Session

February 2019



**COMMITTEES**  
OF THE LEGISLATIVE ASSEMBLY

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**MEMBERS OF THE SUBCOMMITTEE TO REVIEW THE MEMBERS'  
SERVICES COMMITTEE ORDERS**

**29th Legislature**

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\* Member from May 2, 2018 until June 12, 2018.

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## 1.0 SUBCOMMITTEE MANDATE

On September 26, 2016, the Members' Services Committee (the "Committee") passed a motion, as follows:

that the Members' Services Committee strike a subcommittee to conduct an extensive review of all *Members' Services Committee Orders* but not include any review of members' compensation, including benefits.

At the October 25, 2016, meeting of the Committee, the Chair informed the Committee of the Members who had been appointed to the Subcommittee to Review the *Members' Services Committee Orders* (the "Subcommittee").

The Subcommittee began its review on January 10, 2017.

On September 14, 2017, the Committee passed a motion that matters raised by Mr. Greg Clark, MLA, in a letter dated August 10, 2017, concerning Member expenses be referred to the Subcommittee.

The Committee passed a further motion on November 8, 2017, as follows:

that the matters of caucus funding and official party status be referred to the Subcommittee that is reviewing the *Members' Services Committee Orders* and that the Subcommittee be empowered to make any recommendations concerning these matters that are deemed appropriate.

Finally, the Committee passed a motion on October 25, 2018, to refer matters pertaining to the claiming of mileage by Members, as follows:

that the Special Standing Committee on Members' Services refer the matter of the current rate for reimbursement of mileage for Members and the manner in which mileage is recorded and claimed by Members to the Subcommittee to Review the *Members' Services Committee Orders*.

## 2.0 INTRODUCTION

The Subcommittee issued its first Interim Report in January 2018, which included recommendations in 10 different areas concerning the *Members' Services Committee Orders* and related policies and guidelines.

The Committee implemented recommendations made by the Subcommittee in its first Interim Report by approving several orders to amend the *Members' Services Committee Orders* on June 21, 2018. The Committee also adopted an additional amending order recommended by the Subcommittee with respect to reimbursements under the *Constituency Services Order* for event tickets.

The Subcommittee issued its second Interim Report in November 2018, which recommended that the Committee adopt the proposed caucus funding model described in the appendix to the report for future caucus budgets commencing on polling day for the provincial general election for the 30<sup>th</sup> Legislature.

Following this report, the Subcommittee met on January 22, 2019, and February 7, 2019, to review the *Regulations Exemption and Variance Order* and discuss the current rate for the reimbursement of mileage for Members and the method in which mileage is recorded and claimed by Members.

The Subcommittee is now prepared to report on the matter of the *Regulations Exemption and Variance Order*.

### 3.0 SUBCOMMITTEE RECOMMENDATIONS – REGULATIONS EXEMPTION AND VARIANCE ORDER AND POLICY DEVELOPMENT

The Subcommittee makes the following recommendations with respect to the *Regulations Exemption and Variance Order*, RMSC 1992, c R-1 (“Exemption Order”):

#### 1) *Contracts of Employment Regulations*

The Orders in Council referenced in section 1 of the Exemption Order establish the rules governing when a department head may enter into a contract of employment, but are now out of date. Rather than exempting the Legislative Assembly Office (“LAO”) from specific directives that may change frequently, the Subcommittee agreed that the LAO should be made exempt from all regulations made pursuant to section 28(5) of the *Public Service Act*, RSA 2000, c. P-42, governing contracts of employment.

#### **Recommendation**

The Subcommittee recommends that the Exemption Order be amended by repealing section 1 and substituting the following:

#### **CONTRACTS OF EMPLOYMENT REGULATIONS**

**1** Regulations made pursuant to section 28(5) of the *Public Service Act* do not apply to any contract of employment entered into by the Legislative Assembly Office.

#### 2) *Severance Payment Regulations*

Section 2 of the Exemption Order currently provides that the regulations made pursuant to the *Public Service Act* relating to severance payments to employees, and Treasury Board Directive No. 11/85, are inapplicable to LAO employees. Subcommittee members noted that the reference to the Treasury Board Directive was out of date and agreed that it should be updated and the exemption maintained.

#### **Recommendation**

The Subcommittee recommends that the Exemption Order be amended in section 2 as follows: **Section 2 is amended by striking out “Treasury Board Directive No. 11/85” and substituting “the Termination and Release of Employees Directive, Treasury Board Directive No. 03/92”.**

#### 3) *Accounting Regulations – Credit Cards*

The LAO is expressly excluded from the Government’s current *Credit Card Policy Directive* No. 03/2007; however, subsequent changes in that policy could impact the operations of the LAO, particularly following the Subcommittee’s recent recommendation regarding the issuance of credit cards for Members and their constituency office staff.

The Subcommittee agreed that an exemption from regulations pertaining to the issuance of credit cards should be maintained and made applicable to Members and any LAO staff holding credit cards issued by the LAO.

### **Recommendation**

The Subcommittee recommends that the Exemption Order be amended by repealing section 3 and substituting the following:

#### **CREDIT CARD POLICY DIRECTIVE**

**3** The *Credit Card Policy Directive*, Treasury Board Directive No. 03/2007, does not apply to the Legislative Assembly Office or its officers or employees, or to Members of the Legislative Assembly with respect to credit cards issued under the authority of section 3(a) of the *Administrative Services Order*, RMSC 1992, c. A-1.

#### **4) Out of Country Travel Directive**

The *Out of Country Travel Directive*, Treasury Board Directive No. 06/92, referred to in section 4 of the Exemption Order has been repealed. The *Travel, Meal and Hospitality Expenses Directive*, Treasury Board Directive No. 1/2015, currently sets out the rules governing the reimbursement and payment of travel, meal, hospitality and other expenses and allowances in connection with expenses incurred on Government business.

The Subcommittee agreed that the Exemption Order should be amended to clarify that this directive does not apply to the Legislative Assembly.

### **Recommendation**

The Subcommittee recommends that the Exemption Order be amended by repealing section 4 and substituting the following:

#### **TRAVEL, MEAL AND HOSPITALITY EXPENSES DIRECTIVE**

**4** The *Travel, Meal and Hospitality Expenses Directive*, Treasury Board Directive No. 1/2015, does not apply to the Legislative Assembly Office or its officers or employees, or to Members of the Legislative Assembly with respect to expenses of a Member that are payable or reimbursable by the Legislative Assembly Office pursuant to an act, regulation or the *Members' Services Committee Orders*.

In addition to the recommendations for amendments to the Exemption Order, the Subcommittee also makes the following recommendations with respect to the development of policies by the Legislative Assembly Office for consideration by the Committee:

#### **5) Severance Payment Policy**

Subcommittee members agreed that if the LAO continues to be exempt from regulations pertaining to a cap on severance payments for employees, the LAO should develop an internal policy governing severance payments for review by the Committee.

### **Recommendation**

**That the Special Standing Committee on Members' Services direct LAO Administration to prepare a draft policy for the Committee's consideration concerning the payment of severance to LAO officers and employees, including a maximum number of months of severance that may be paid, and that if such a policy is not in place within 6 months of the commencement of the 30<sup>th</sup> Legislature, the Committee review the exemption made under section 2 of the *Regulations Exemption and Variance Order*.**

6) *Reimbursement Policy for Travel, Meals, Hospitality and other Expenses*

To promote transparency and to establish clear guidelines for employees, the Subcommittee agreed that the LAO should develop an internal policy for the reimbursement of travel, meals, hospitality and other expenses incurred by LAO officers and employees in carrying out Assembly business.

***Recommendation***

**That the Special Standing Committee on Members' Services direct LAO Administration to prepare a draft policy for the Committee's consideration concerning the reimbursement of travel, meal, hospitality and other expenses incurred by LAO officers and employees in carrying out Assembly business, and that if such a policy is not in place within 6 months of the commencement of the 30<sup>th</sup> Legislature, the Committee review the exemption made under section 4 of the *Regulations Exemption and Variance Order*.**



#### **4.0 STATUS OF SUBCOMMITTEE'S DELIBERATIONS**

The Subcommittee continues its review of the matter of Member mileage reimbursement and recordkeeping.

