



**House of Assembly
Newfoundland and Labrador**

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

Date: December 7, 2016

Location: House of Assembly Chamber

Time: 5:05 p.m.

Members Present:

Hon. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Andrew Parsons, Government House Leader

Mr. Paul Davis, MHA (PC) Topsail – Paradise

Mr. Keith Hutchings, MHA (PC) Ferryland

Ms. Lorraine Michael, MHA (NDP) St. John's East - Quidi Vidi

Hon. Siobhan Coady, MHA (Lib), St. John's West

Mr. Mark Browne, MHA (Lib) Placentia West - Bellevue

Other

Ms. Lisa Dempster, Deputy Speaker

Ms. Sandra Burke, Chair, Members' Compensation Review Committee

Ms. Maureen McCarthy, Director of Pensions Administration, Department of Finance

Ms. Lorna Proudfoot, Law Clerk, House of Assembly

Ms. Marie Keefe, Policy & Communications Officer

CM 2016-054 The Minutes of the House of Assembly Management Commission meeting held on November 23, 2016 were approved as read.

CM 2016-055 The Commission, at an *in camera* meeting, recommended to the Lieutenant-Governor in Council that the new Chief Electoral Officer and Commissioner of Legislative Standards be compensated at EP-06, Step 1 with regular step increases to apply. In order to give immediate effect to this Decision, the Commission waived the usual two day waiting period for Management Commission decisions.

- CM 2016-056** The Commission, at an *in camera* meeting, recommended to the Lieutenant-Governor in Council that the new Child and Youth Advocate be compensated at EP-10, Step 21 with regular step increases to apply. In order to give immediate effect to this Decision, the Commission waived the usual two day waiting period for Management Commission decisions.
- CM 2016-057** The Commission accepted MCRC recommendation 39 and directed that there shall be no portability option to the Member of the House of Assembly Pension Plan. An amendment shall be necessary to the Portability of Pensions Act.
- CM 2016-058** The Commission accepted MCRC recommendation 40 and directed that eligibility for an MHA to receive a pension shall be at 60 years of age, and there shall be no option to select an early retirement option.
- CM 2016-059** The Commission accepted MCRC recommendation 41 and directed that the MHAPP shall have no indexing component.
- CM 2016-060** The Commission accepted MCRC recommendation 42 and directed that the current MHAPP vesting component and survivor's benefit remain unchanged.
- CM 2016-061** The Commission modified MCRC recommendation 43 and directed that the Defined Benefit Plan as outlined in the Morneau Shepell Report attached as Appendix H (Option 2) shall apply to Members of the House of Assembly who were first elected on or after December 7, 2016. Mr. Browne and Ms. Coady recused themselves from the vote.
- CM 2016-062** The Commission accepted MCRC recommendation 31 and directed that a Member must serve 3 years to be eligible to receive severance.
- CM 2016-063** The Commission accepted MCRC recommendation 32 and directed that severance shall be calculated as follows:
- a. If the Member's service ends at the conclusion of his/her 1st General Assembly, 20% of the Member's salary is payable as severance;

- b. If the Member's service ends at the conclusion of his/her 2nd General Assembly, 50% of the Member's salary is payable as severance;
- c. If the Member's service ends at the conclusion of his/her 3rd General Assembly or thereafter, a maximum of 75% of the Member's salary is payable as severance.

Provided that, if a Member's service ends prior to the end of an Assembly, the severance will be pro-rated for the years of service.

CM 2016-064 The Commission accepted MCRC recommendation 33 and directed that severance shall be paid monthly during the transition period.

CM 2016-065 The Commission accepted MCRC recommendation 34 and directed that a Member who is or becomes disqualified from being a Member pursuant to Part V of the Act (other than the failure to be re-elected or the resignation of his/her seat) is not eligible to receive severance.

CM 2016-066 The Commission accepted MCRC recommendation 35 and directed that no additional severance shall be paid to an MHA who has vacated or otherwise terminated his/her Legislative Office for any reason whatsoever.

CM 2016-067 The Commission accepted MCRC recommendation 36 and directed that severance benefits paid to an MHA from any other government source including, but not limited to, severance benefits available to Members through Executive Council (e.g. the receipt by a Minister of payment upon leaving a Ministerial office and an extended car allowance) shall be deducted from the severance payable to an MHA from the HOA, so that the overall severance payable to the MHA from all sources does not exceed severance payable to a Member pursuant to Severance Recommendation 32.

CM 2016-068 The Commission accepted MCRC recommendation 37 and directed that Severance benefits shall cease in the event that a Member:

- a. is eligible to receive a pension sponsored by the Government of Newfoundland and Labrador during the transition period;

- b. obtains fulltime employment with the public sector;
- c. is appointed a provincial or federal judge;
- d. is appointed to the Senate of Canada;
- e. is elected as a Member of the House of Commons;
- f. is appointed Lieutenant-Governor of Newfoundland and Labrador;
- g. is appointed Governor General of Canada;

CM 2016-069 The Commission accepted MCRC recommendation 38 and directed that if a Member becomes a Member again, following a break in service, prior service for which severance has already been paid is not to be counted towards years of service for future severance pay, and the Member shall be considered as commencing his/her first General Assembly, regardless of how many Assemblies he/she may have served previously.

CM 2016-070 The Commission modified MCRC recommendation 44 and directed that the severance recommendation shall not apply to Members of the House of Assembly who were elected before November 30, 2015 and directed that the pension recommendation shall not apply to Members of the House of Assembly who were elected before December 7, 2016.

CM 2016-071 The Commission accepted MCRC recommendation 21 that a Member may opt to receive a lump sum for his/her accommodations rather than avail of the Secondary Accommodation, Private Accommodation or Temporary Accommodation:

- a. such lump sum shall be a taxable benefit to the Member;
- b. shall apply to the Capital Region only, for the entire fiscal year, whether the House in Session or the House not in Session;
- c. the Member must elect this option no later than 30 days before the commencement of the fiscal year. If he/she does not so elect, the Member will not be permitted this option and shall have to choose from the Secondary Accommodation, Private Residence or Temporary Accommodation options;
- d. The lump sum will be calculated as follows:

- i. The number of sitting days in the parliamentary calendar OR the average number of sitting days the House is in Session calculated over the previous 8 year period

multiplied by

- ii. the Temporary Accommodation rate (at the RFP price).
- e. the Member may not seek other accommodation expense reimbursement for the remainder of that fiscal year;
- f. if the Member leaves office prior to the end of the fiscal year, the Member must repay the lump sum on a pro rata basis.

CM 2016-072 The Commission accepted MCRC recommendation 24 and directed that there will be no mileage allowance for any Member travelling within the 60 km zone (commuting distance). This restriction does not apply to Intra/Extra Constituency Allowance.

CM 2016-073 The Commission accepted MCRC recommendation 27 that MHAs in the Capital Region and in the Corner Brook district only, have the option at the beginning of each fiscal year to choose between:

- a. Claiming mileage; or
- b. A monthly automobile allowance of \$200, which will be a taxable benefit to the Member.

The remainder of the current I&E Allowance (until it is changed as recommended herein) to be allotted for the other uses permitted by the Allowance.

CM 2016-074 The Commission accepted MCRC recommendation 12 that all advertising by Members be restricted to the size of a business card.

CM 2016-075 The Commission adopted MCRC recommendation 13 and directed House of Assembly officials to develop a template which will be used by all Members for advertising. The template must be approved by the Management Commission.

- CM 2016-076** The Commission adopted MCRC recommendation 14 to amend paragraph 24(i) of the Members' Resources and Allowances Rules to comply with the advertising recommendations.
- CM 2016-077** The Commission adopted MCRC recommendation 15 to permit recovery of advertising expenses in an organization's brochure/pamphlet despite any reference to a donation or gift by the organization.
- CM 2016-078** The Commission accepted MCRC recommendation 26 that Section 30 of the Rules be amended to add the following:
A member may claim reimbursement for travel and associated accommodation and meal costs related to travel ...
to another district in relation to matters affecting his or her district
- CM 2016-079** The Commission accepted MCRC recommendation 29 that the recovery of meal expenses from restaurants, pubs, delicatessens and the like under the Constituency Allowance shall be prohibited. Members shall not be permitted to claim this expense as part of their meal per diem.
- CM 2016-080** The Commission accepted MCRC recommendation 30 that if incurring an expense as an adjunct to a community event in the district, the Member or his/her Constituency Assistant is required to be present at the event, but is not required to host the event.
- CM 2016-081** The Commission adopted MCRC recommendation 7 that there shall be no meeting per diems for the chair and/or committee members for meetings held when the House is not in session.
- CM 2016-082** The Commission adopted MCRC recommendation 8 that the chair and committee members are expected to take advantage of electronic media to participate in Committee work where practical.
- CM 2016-083** The Commission adopted MCRC recommendation 9 that the chair and committee members shall be reimbursed for expenses associated with travel and

accommodations when meetings are required to be held when the House is not in session.

Adjournment: 6:55 p.m.

Tom Osborne, MHA
Speaker and Chair

A handwritten signature in blue ink that reads "Sandra Barnes". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

Sandra Barnes
Clerk and Secretary to the Commission

