

Commuter Allowance

Eligibility

Non-Winnipeg Members are entitled to reimbursement of authorized commuting expenses if:

- a) the Member represents a constituency **wholly outside Winnipeg, and**
- b) the Member's principal **residence is outside Winnipeg, and**
- c) the Member is **not claiming Living or Alternate Living Allowance** expenses in the same month.

A Member, who is eligible for the Living Allowance but would prefer to commute from home rather than establish a temporary residence in Winnipeg, can elect to claim expenses under the Commuter Allowance before April 1 each year or on initial election as a Member. See Chapter 5 - Living Allowance for information on eligibility for the Living Allowance.

A Member, who qualifies for the Commuter Allowance but cannot commute due to a physical disability or infirmity, may be eligible for the Living Allowance, as approved by LAMC.

Entitlement to the Commuter Allowance begins when a Member is elected and ceases upon resignation of the Member or dissolution of the legislature. Members must be declared elected by Elections Manitoba before any eligible expenses may be claimed. Please refer to the Effects of Dissolution section of this Manual for information on the effects of dissolution on the Commuter Allowance.

Allowance

The Commuter Allowance consists of *Commuting Trips* and *Contingency Stays* expenses as follows:

Commuting Trips

- a) For each week when the **Assembly is sitting**, you may claim the costs of commuting from your residence to the city limits **to a maximum of six round trips per week**, at the civil service southern mileage rate.

The Assembly needs to sit at least one day in the week and the week begins on Monday.

- b) For each week that the **Assembly is not sitting**, you may claim the costs of commuting from your residence to the city limits **to a maximum of two round trips per week**, at the civil service southern mileage rate.

and

Contingency Stays

For each legislative session, you are eligible for single commercial accommodation expenses **to a maximum of 20 overnight stays in Winnipeg with a maximum of two meals per stay** based on civil service southern rates. A legislative session begins on the first day of a session and ends on the day before the first day of the next session.

Please refer to **Schedule 1** in the **Schedules section** of this Manual for the current civil service southern meal, mileage and incidental expenses rates.

Members **must complete a declaration** to establish eligibility for the Commuter Allowance prior to claiming commuting expenses. Completed declarations are submitted to the Members' Allowances Office in Room 9B, Legislative Building. Please refer to **Schedule 16 - Declaration Respecting Eligibility for a Member's Commuter Allowance** in the **Schedules section** of this Manual.

Calculation of Amounts

Amounts Calculated April 1

The amounts respecting civil service mileage and meal rates are determined on April 1 of each fiscal year. There is **no re-calculation** of amounts during a fiscal year even if:

- a Member moves, or
- civil service rates change.

The beginning of a new fiscal year does **not** affect the balance of the contingency stays you have remaining within a legislative session.

Cost of Living Adjustment

Cost of living adjustments are not applicable to components of the Commuter Allowance. However, civil service rates applicable to mileage and meal reimbursements are adjusted April 1 of each fiscal year.

Commuting Trips

The amount of a commuting trip is based on the distance you declare for travelling one way by private vehicle by the most direct reasonable route between your residence and the City of Winnipeg limits. The round trip kilometres are multiplied by the civil service southern mileage rate to determine the value of one commuting trip.

Prorating of Allowance

When new Members are elected in a by-election or a general election and are eligible for the Commuter Allowance, they are entitled to 20 contingency stays for the remainder of the legislative session as well as the 6 sitting or 2 non-sitting trips per week.

A re-elected Member is considered to have remained a Member throughout the election period, and is entitled only to the unused balance of his or her 20 contingency stays for the remainder of the legislative session as well as the 6 sitting or 2 non-sitting trips per week.

Legislative Session

A legislative session begins on the first day of a session and ends the day before the first day of the next session.

In the case of a general election, a legislative session begins on polling day and ends on the day before the first day of the first session.

Week

For the purposes of the Commuter Allowance, a week begins on Monday and ends on Sunday.

Authorized Commuting Expenses

The following are authorized commuting expenses:

1) Private Vehicle Mileage (Commuting Trips)

You may claim up to a **maximum of six round trips per week when the Assembly is sitting and up to a maximum of two round trips per week when the Assembly is not sitting**. You must indicate on the Commuter Allowance claim form if you are claiming one or one-half trip for each day that applies.

For example, if you drove into Winnipeg on a Monday, stayed overnight at a hotel and then returned to your residence on Tuesday, you would claim **one-half** commuting trip for Monday and claim **one-half** commuting trip for Tuesday. Or, if you drove into Winnipeg on a Monday morning and returned to your residence that evening, you would claim **one** commuting trip for Monday.

2) Accommodation (Contingency Stays)

The **actual cost of accommodation expenses** for up to 20 overnight stays per legislative session **which includes**:

- **overnight commercial accommodation** for a single hotel or motel room. The 'government rate' should be requested when booking the accommodation. Hotel parking costs may be claimed if not included in the overnight rate.
- **incidental travel expenses** at civil service rates for each overnight stay. This is intended to cover the cost of minor expenses such as a newspaper, soft drink or local telephone call. Please refer to **Schedule 1** in the **Schedules section** of this Manual for current civil service incidental travel expense rates.

3) Meals (Contingency Stays)

This includes:

- **two meals** at civil service individual southern rates **for each night of overnight commercial accommodation**. This means your choice of:
 - lunch and dinner, **or**
 - dinner and breakfast, **or**
 - breakfast and lunch

is claimable for each overnight stay.

Please refer to **Schedule 1** in the **Schedules section** of this Manual for the current civil service individual southern meal rates.

How to Claim

Year End Cut-off of Members' Claims

Claims for all expenses incurred in a fiscal year must be submitted by June 30 following the fiscal year just ended.

Types of Payment of Expenses

1. Civil service rates.

Private vehicle mileage, meals and incidental travel expenses are claimed at civil service rates.

2. Reimbursement of expenses.

You will need to provide proof of payment and any required supporting documentation. You may claim multiple expenses on one claim form. You should submit these claims on a regular basis as you are paying for these expenses “out of pocket”. You may be using your personal funds, a credit card or a line of credit and will need to repay these sources of funds.

3. Expenses reimbursed from another source.

Expenses reimbursed from another source, including another allowance, are not claimable under the Commuter Allowance.

It is recommended that you maintain a diary of expenses showing whether you were acting on constituency business or Legislative Assembly business or acting in another capacity, such as Minister, Opposition Leader, Legislative Assistant, etc.

For example, a meal cost may be claimable from more than one allowance. You should note whether the meal cost is a Commuter Allowance, Travel Allowance, Living Allowance or other expense. This record keeping will assist you in determining if the expense is reimbursable or payable from another source, including another allowance.

4. Federal and provincial tax.

Members are not exempt from federal or provincial taxes.

Commuter Allowance Claim Form and Supporting Documentation

Commuter Allowance Claim Form

A claim for any commuting expense must be made on the Commuter Allowance claim form. The claim form must include a **statement of the intended purpose** of the expense. The claim form must be accompanied by **proof of payment** and any **additional supporting documentation** that is required. You must sign the claim form. Keep a copy for your records. Submit the original signed claim form with the information described below to the Members' Allowances Office in Room 9B, Legislative Building.

Please contact the Members' Allowances Office if you require a copy of the electronic claim form.

Statement of Intended Purpose

The Commuter Allowance claim form provides:

- a box for the Member to check to indicate that the contingency stay expenses claimed are in relation to an overnight stay. The Member must also provide the reason for the overnight stay.
- a box for the Member to check to indicate that the commuter expenses claimed are for the purpose of commuting between the Member's home and Winnipeg.

Proof of Payment

Unless no receipt can be provided, **proof of payment** for an accommodation expense is always:

- the **original receipt** showing payment of the expense

If no receipt can be provided, then proof of payment can be:

- a copy of a bank statement or bank statement excerpt that identifies the expense and the payee.
- an image of the cancelled cheque that was provided as payment for the expense.
- an invoice for the expense marked "paid" by the supplier.

Proof of payment is not required for the following expenses claimed under the Commuter Allowance:

- personal vehicle mileage at civil service rates (your weekly trips).
- meal expenses at civil service individual southern rates (if a contingency stay is required).
- incidental expenses at civil service rates (if a contingency stay is required).

Additional Supporting Documentation

Claims for meal expenses under the Commuter Allowance require additional supporting documentation as follows:

meals claimed at civil service rates - *the date of the meal and the location (Winnipeg) must be identified on the face of the claim form.*

Appeal

Members are entitled to appeal any decision made under the *Members' Allowances Regulation* to a person appointed by LAMC and that person's decision is final. The appeal must be in writing and must present the argument of the Member. Please contact the Members' Allowances Office for information on the appeal process.

Conflict of Interest Qualification

Any commuter expense is **not** an eligible expense for reimbursement if there is a direct financial interest or ownership in the business providing the service for **you or your spouse or common-law partner, or a relative of yours or of your spouse or common-law partner, or another Member, another Member's spouse or common-law partner, or a relative of any of the above-named persons**, and it is reasonable that you know or should have known of the existence of the direct financial interest/ownership.

Please refer to the **Definitions section** of this Manual for a complete description of the Conflict of Interest Qualification and definitions of common-law partner and relative. A diagram of the relationships indicated above is provided as **Schedule 4 - Diagram of Relationships** defined by "Relative" in the **Schedules section** of this Manual.

Reporting and Disclosure

The **Reporting and Disclosure section** of this Manual provides information on reports relating to Members' Allowances such as Month End Reports and Members' Annual Reports for tabling, and public disclosure of information requirements including Legislative Assembly website publications.

Effects of Dissolution on the Commuter Allowance

The **Effects of Dissolution section** of this Manual provides information on the effects of dissolution on the Commuter Allowance.

Definitions

Please refer to the **Definitions section** for the definitions of:

“civil service mileage rate for travel by private vehicle”
“commercial accommodation”
“common-law partner”
“direct financial interest”
“LAMC”
“legislative session”
“non-arm's-length expenses”
“relative”

Listing of Schedules

Please refer to the **Schedules section** of this Manual for a listing and copies of all Schedules noted in the Commuter Allowance Chapter.