

## Constituency Assistants Allowance and Staff Salaries under the Constituency Allowance

### Eligibility

**A Member of the Legislative Assembly may hire one or more Constituency Assistants for the purpose of providing non-partisan access and service to constituents.** Constituency Assistants typically provide secretarial, business, reception and other related services.

Entitlement to the Constituency Assistants 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 Constituency Assistants Allowance.

### Allowance

Constituency Assistants' salaries are eligible expenses under a **Member's Constituency Assistants Allowance and Constituency Allowance.** Constituency Assistants' **salary expenses** are applied first to the Constituency Assistants Allowance which has a bi-weekly salary expense maximum amount and then to the Constituency Allowance. If you claim **less than the maximum** bi-weekly amount, the unused balance is added to the next bi-weekly and so on until the end of the fiscal year. If you claim **more than the maximum** bi-weekly amount, the difference is a staff salary expense under your Constituency Allowance.

Employee benefits are provided to Constituency Assistants in accordance with the Employment Policies for Constituency Assistants. These policies are established by LAMC. Constituency Assistants' **benefit expenses** are covered by the Constituency Assistants Allowance.

See the **Authorized Staff Salary Expenses** section in this Chapter for a listing of authorized salary expenses under the Constituency Assistants Allowance and the Constituency Allowance. See the **Authorized Staff Benefit Expenses** section in this Chapter for a listing of authorized benefit expenses under the Constituency Assistants Allowance.

A table entitled "*Allowance Entitlements for the Fiscal Year*" is located at the beginning of this Manual and indicates the current maximum bi-weekly amount for the Constituency Assistants Allowance.

Constituency Assistants cannot work on any federal, provincial, municipal, local government or school board election and be paid from the Members' Constituency Assistants Allowance or Constituency Allowance at the same time. Constituency Assistants can only work on elections on their own time.

**The Constituency Assistants Allowance does not apply to professional services** such as bookkeeping and accounting. Expenses for those services may be claimed directly against your Constituency Allowance through the Members' Allowances Office. It is important to differentiate between professional services and employment. If Canada Revenue Agency would consider the individual providing the service to be your employee, then you must pay that individual through Human Resource Services. You may hire more than one Constituency Assistant and you may hire a Constituency Assistant on a casual basis if the work is of an as, if and when nature.

## **Calculation of Amounts**

### ***Amounts Calculated April 1***

The amount of the bi-weekly salary expense maximum of the Members' Constituency Assistants Allowance is determined on April 1 of each new fiscal year.

### ***Cost of Living Adjustment***

A cost of living adjustment is applied to the bi-weekly salary expense maximum amount on April 1 of each fiscal year. The cost of living adjustment is **the percentage increase or decrease in the Consumer Price Index for Manitoba over the course of the previous calendar year**. The adjusted amount is rounded up to the nearest dollar.

### ***Prorating of Allowance***

In an election period, the bi-weekly salary expense maximum amount is prorated for all Members from the beginning of the bi-weekly pay period to the day after the writs of election are issued and then from election day to the end of the bi-weekly pay period that includes election day.

## **Before You Hire a Constituency Assistant**

**Please consult your Members' Pay and Benefits Manual. It includes in Section II, Constituency Staff Pay and Benefits, information about your responsibility as an employer and the decisions you need to make**

**before you hire a Constituency Assistant. Section III of the Manual has the Employment Policies for Constituency Assistants. You need to be aware of these policies as they set out the responsibilities of both the employee and the employer.**

Before you hire a Constituency Assistant, you need to decide whether you will exceed the Constituency Assistants Allowance and, if so, the amount of your Constituency Allowance that is available for staff salaries. Other commitments such as constituency office rent, utilities and leases (e.g. fax machine, signage) need to be considered as well as routine expenses for office operation and representation. Please refer to “Authorized Staff Salary Expenses under the Constituency Assistants Allowance and Constituency Allowance” that follows.

## **Authorized Staff Salary Expenses under the Constituency Assistants Allowance and Constituency Allowance**

**You need to budget for the following salary expenses which apply to the bi-weekly salary expense maximum of your Constituency Assistants Allowance. These expenses will be applied first to your Constituency Assistants Allowance and then, if the bi-weekly maximum is reached, to your Constituency Allowance:**

### Hourly Rate of Pay

This is the hourly rate that you determine multiplied by the hours of work that you report. Meal breaks are not paid and are not included in the reported hours of work.

### Holidays

Your Constituency Assistant will be paid for all civil service holidays. Please refer to **Schedule 5 - Civil Service Holidays** in the **Schedules section** of this Manual.

### Vacation Pay

Your Constituency Assistant is eligible for vacation pay in accordance with the Employment Policies for Constituency Assistants. Vacation Pay is paid at the rate of 4% of pay, on a bi-weekly basis, for the first 4 years and at 6% thereafter. An election period is not considered a break in service with respect to calculating the years of service.

### Sick Leave

Your Constituency Assistant is eligible for sick leave at the rate of 3.625 hours for each 72½ hours of accumulated service. On a full time basis, this means approximately 1 day of sick leave per month. After four years of service, the rate of sick leave increases to 7 ¼ hours for each 72½ hours of

accumulated service or approximately 2 days of sick leave per month. An election period is not considered a break in service with respect to calculating the years of service.

Extended sick leave is considered a benefit expense and is applied to the benefit category of the Constituency Assistants Allowance. If a Constituency Assistant is **sick beyond five continuous normally scheduled work days**, additional sick leave is paid as a benefit expense rather than a salary expense until the employee returns to work. For instance, if your Constituency Assistant works every Monday, Wednesday and Friday, on the second Friday involving this absence, the expense of sick leave is no longer a salary expense under your Constituency Assistants Allowance or Constituency Allowance.

#### Overtime

Your Constituency Assistant will be paid for overtime in accordance with the Employment Policies for Constituency Assistants. Overtime is paid at time and one-half for all overtime worked after 7¼ hours in a day. A Constituency Assistant who is required to work on his or her first or second day of rest is paid overtime at double time for all hours worked. Overtime is paid on the basis of the hours of work that you report.

#### Compassionate Leave, Paternity Leave, Adoptive Parent Leave and Family Related Leave

Your Constituency Assistant is eligible for Compassionate Leave, Paternity Leave, Adoptive Parent Leave and Family Related Leave in accordance with the Employment Policies for Constituency Assistants. This is leave with pay.

#### Maternity, Parental and Compassionate Care Leave (No Cost)

Your Constituency Assistant is eligible for Maternity, Parental and Compassionate Care Leave in accordance with the Employment Policies for Constituency Assistants. This is leave **without pay**.

## **Authorized Staff Benefit Expenses under the Constituency Assistants Allowance**

**Benefit expenses for Constituency Assistants are covered by the Constituency Assistants Allowance. You do not need to budget for benefit expenses.**

#### Health Benefits

Your Constituency Assistant is eligible for the Dental Plan, Vision Care Plan, Prescription Drug Plan, Health Spending Account Plan (except Term) and Ambulance and Hospital Semi-Private Plan in accordance with the Employment Policies for Constituency Assistants.

### Sick Leave

If a Constituency Assistant is sick beyond five continuous normally scheduled work days, additional sick leave is paid as a benefit expense rather than a salary expense until the employee returns to work.

### Long Term Disability

Your Constituency Assistant is eligible for Long Term Disability in accordance with the Employment Policies for Constituency Assistants.

### Worker's Compensation

Your Constituency Assistant is covered by Worker's Compensation.

### Canada Pension Plan and Employment Insurance

Your Constituency Assistant is eligible for Canada Pension Plan and Employment Insurance.

### Pension and Insurance

Constituency Assistants may join at any time. Your Constituency Assistant must join after two years' service subject to earnings.

### Notice on Lay-off or Termination

Your Constituency Assistant is entitled to notice of lay-off or termination, as set out in the Employment Policies for Constituency Assistants. In the absence of notice, payment may be made in lieu of notice. In a general election, lay-off occurs on the day after the writs of election are issued and your Constituency Assistant is paid pay in lieu of notice. The expense of pay in lieu of notice is a benefit expense so you do not need to budget for this expense from your Constituency Assistants Allowance or your Constituency Allowance.

### Severance Pay

Your Constituency Assistant may be eligible for severance pay as set out in the Employment Policies for Constituency Assistants. The expense of severance pay is a benefit expense so you do not need to budget for this expense from your Constituency Assistants Allowance or your Constituency Allowance.

## **How to Claim**

**Constituency Assistant salaries must be paid directly to your Constituency Assistant by Human Resource Services, Legislative Assembly.**

### ***Year End Cut-off of Members' Claims***

Constituency Assistant staff salaries should be claimed (attendance reported) by the payroll deadline of the next Tuesday following a pay day. Notwithstanding this payroll deadline for staff salaries, claims for all expenses incurred in a fiscal year under any allowance must be submitted by June 30 following the fiscal year just ended.

### ***Notice of Hire***

Before your Constituency Assistant can be paid, you must complete a Notice of Hire. Please refer to **Schedule 6 - Constituency Assistant - Notice of Hire** in the **Schedules section** of this Manual.

The Notice of Hire includes the following:

- name of your Constituency Assistant and contact information
- hourly rate of pay
- employment status
- frequency of work
- start date
- your signature

You must provide the original signed document to Human Resource Services and a copy to your Constituency Assistant. To expedite the process, the form may also be faxed to (204) 948-3115.

### ***Notice of Change***

Before a change can take effect, such as a change of hourly rate of pay, you must complete a Notice of Change. Please refer to **Schedule 7 - Constituency Assistant - Notice of Change** in the **Schedules section** of this Manual.

The Notice of Change is used to change one or more of the following:

- hourly rate of pay
- employment status
- frequency of work

You must provide the original signed document to Human Resource Services and a copy to your Constituency Assistant. To expedite the process, the form may also be faxed to (204) 948-3115.

### ***Employee Registration***

Before your Constituency Assistant can be paid, he or she must complete standard forms such as employee registration, benefit enrolment and income tax forms.

Human Resource Services will assist Constituency Assistants in completing these forms, either in person or by telephone. If it is not practical for your Constituency Assistant to complete the forms at the Human Resource Services office, the forms may be mailed to 1035 – 405 Broadway, Winnipeg, MB, R3C 3L6. To expedite the process, they may also be faxed to (204) 948-3115.

### ***Attendance Form***

A claim for staff salaries must be made on the Attendance Form for Constituency Assistants. Please refer to **Schedule 8** - Constituency Assistant Attendance Form in the **Schedules section** of this Manual. The Attendance Form:

- will cover a two week period beginning on a Saturday and ending on a Friday.
- **must be signed by the Member** (it is a claim against the Member's Constituency Assistants Allowance, subject to the bi-weekly salary expense maximum, and then against the Member's Constituency Allowance).
- **must be received by Human Resource Services by noon Tuesday according to the Payroll Schedule.** Please refer to **Schedule 9** - Payroll Schedule in the **Schedules section** of this Manual. The fax number is (204) 948-3115.
- pay day is the 2<sup>nd</sup> Friday after the two week period reported on the attendance form.

### ***Notice of Lay-off***

In the event of lay-off outside of an election period, you are required to provide your Constituency Assistant with written notice of the lay-off in accordance with the Employment Policies for Constituency Assistants. Please refer to Section II in your **Member's Pay and Benefits Manual** for

information regarding the required length of notice. In addition, you must submit a signed Notice of Lay-off to Human Resource Services. This will ensure that your Constituency Assistant is paid any required pay in lieu of notice based on the length of written notice that you have provided. It will also ensure that your Constituency Assistant is provided with a Record of Employment for employment insurance purposes. Please refer to **Schedule 10 - Constituency Assistant - Notice of Lay-off** in the **Schedules section** of this Manual.

### **Notice of Termination**

Whenever you terminate the employment of your Constituency Assistant, you are required to provide your Constituency Assistant with written notice of the termination in accordance with the Employment Policies for Constituency Assistants. Please refer to Section II in your **Member's Pay and Benefits Manual** for information regarding the required length of notice. In addition, you must submit a signed Notice of Termination to Human Resource Services. This will ensure that your Constituency Assistant is paid any required pay in lieu of notice based on the length of written notice that you have provided. It will also ensure that your Constituency Assistant is provided with a Record of Employment for employment insurance purposes. Please refer to **Schedule 11 - Constituency Assistant - Notice of Termination** in the **Schedules section** of this Manual.

## **Conflict of Interest Qualification**

Staff salaries **cannot** be paid to:

- a) your spouse or common-law partner, or
- b) a relative of yours or of your spouse or common-law partner, or
- c) another Members' spouse or common-law partner, or a child of another Member of a child of another Members' spouse or common-law partner.

**Please note the following broad definition of "relative" which includes not only Members' relatives but their spouses' or common-law partners' relatives as well:**

**"relative"** means

- a) a child, grandchild, brother, sister, parent or grandparent of the Member or of the Member's spouse or common-law partner, and
- b) the spouse or common-law partner of a child, grandchild, brother, sister, parent or grandparent of the Member or of the Members' spouse or common-law partner.

“**common-law partner**” of a person means a person who, not being married to the other person, is cohabiting with him or her in a conjugal relationship of some permanence.

Please refer to **Schedule 4** - Diagram of Relationships defined by “Relative” in the **Schedules section** of this Manual for a diagram of the relationships indicated above.

## **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 Constituency Assistants Allowance**

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

## **Definitions**

The following terms are defined in the Definitions section of this Manual:

“**authorized expense**”  
“**common-law partner**”  
“**LAMC**”  
“**non-partisan**”  
“**relative**”

## **Listing of Schedules**

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