

JOB DESCRIPTION

Section 1 - Identifying Data

Position Title: Clerk of the Assembly	Yukon Legislative Assembly
Position Number: 1020	Location: Whitehorse
Supervisor's Title: n/a	Medical Clearance Required: No
	Security Clearance Required: Yes
Date Completed: July 12, 2018	

Section 2 - General Summary

The Clerk of the Legislative Assembly is the chief permanent officer of the Yukon Legislative Assembly and, under direction of the Legislative Assembly, the Members' Services Board (MSB), and the Speaker of the Legislative Assembly (the Speaker) is responsible for all matters pertaining to the management of the operations of the Legislative Assembly. The Clerk has overall responsibility for the provision of advice to the Speaker and Members of the Legislative Assembly (MLAs) on procedural matters concerning the privileges, rules, usages and proceedings of the Assembly and for the maintenance and custody of the records and other documents of the Assembly. While the Clerk interacts with current members, cabinet and caucus staff and others, the Clerk's fundamental responsibility is to the Legislative Assembly as an institution and ensuring that the institution can fulfill its constitutional role as a forum for: (a) the legitimation of government action (b) holding the government to account for its actions, and (c) providing all MLAs with the opportunity to represent their constituents and all Yukoners.

In order to fulfill this role the Clerk will have in-depth knowledge of, and commitment to, the Westminster system of parliamentary democracy as practiced in Yukon. To perform the role effectively, the Clerk must enjoy the trust and have the confidence of all sides of the House. Therefore, the Clerk must be non-partisan and demonstrate sound judgement, probity, integrity and tact.

The duties of the Clerk are largely matters of precedent, practice and necessity. However, certain specific duties and authority can be found in the *Standing Orders of the Yukon Legislative Assembly*, the *Cabinet and Caucus Employees Act*, the *Child and Youth Advocate Act*, the *Conflict of Interest (Members and Ministers) Act*, the *Continuing Consolidation of Statutes Act*, the *Elections Act*, the *Interpretation Act*, the *Legislative Assembly Act*, the *Legislative Assembly Retirement Allowances Act, 2007*, the *Ombudsman Act*, the *Public Interest Disclosure of Wrongdoing Act*, and the *Yukon Act (Canada)*.

The *Public Service Act* regulations classify the position of Clerk of the Legislative Assembly as a 'deputy head', similar to a departmental deputy minister or government corporation president. Like other deputy heads, the Clerk is appointed by Order in Council. However, as with Officers of the Legislative Assembly, the Clerk is recruited and recommended for appointment by the MSB. Due to the uniqueness of this position, the *Public Service Act* regulations stipulate that the Clerk may only be given a probationary release, suspension or termination by the Commissioner of Yukon upon the recommendation of the Speaker of the Legislative Assembly, acting on the advice of the Legislative Assembly or an appropriate committee thereof.

Section 3 – Organizational Structure

The Clerk of the Legislative Assembly is a unique, stand-alone position without direct supervisory reporting relationship to any single position or authority. Depending on the issue or circumstance, the reporting relationship may be to the Legislative Assembly, the MSB and/or the Speaker.

The Clerk directly supervises the Deputy Clerk, the Director of Administration, Finance and Systems, the Clerk of Committees and the Sergeant at Arms. The Clerk provides leadership and direction for the LAO and ensures that the office is a positive work environment where staff can meet their professional goals and operational requirements are met.

Section 4 – Principal Duties and Responsibilities (limit to 10 Duty Statements)

1. Provides non-partisan advice on parliamentary procedure to the presiding officers of the Legislative Assembly (the Speaker, the Deputy Speaker/Chair of Committee of the Whole and Deputy Chair of Committee of the Whole), the chairs of standing, select or special committees, the House Leaders, and all other MLAs.
2. Drafts or directs the drafting of: (a) rulings and/or statements for the presiding officers regarding procedural matters that arise during proceedings of the Legislative Assembly and its committees, and (b) memorandums and other communications to presiding officers, House Leaders or all MLAs regarding procedural or administrative matters affecting the Legislative Assembly and its committees.
3. Provides orientation seminars to MLAs, cabinet and caucus staff, public servants, media and others on the history, evolution, rules and practices of the Legislative Assembly.
4. Maintains or ensures the maintenance of the records of all activities of, and decisions taken by, the Legislative Assembly and its committees. This includes ensuring the safekeeping and accessibility of records in accordance with legislation, the Standing Orders or the direction of the Legislative Assembly and its committees. Directs the production and maintenance of a variety of Assembly documents including the Order Paper, Votes and Proceedings, Journals, committee meeting agendas and minutes, and Hansard.
5. Provides leadership and management direction to the LAO including directing the operations, delivery and evaluation of programs through subordinate staff; directing the development of the Assembly's annual Capital, and Operations and Maintenance budget estimates; directing the monitoring and approval of expenditures and reporting variances; reviewing and evaluating program priorities with staff, the Speaker and the MSB and allocating resources based on these priorities; and directing the development of management systems to effectively support operations in the LAO and caucus offices.
6. Advises and directs the Clerk of Committees regarding the provision of procedural and operational support to the standing committees of the Legislative Assembly (the Standing Committee on Public Accounts, the Standing Committee on Rules, Elections and Privileges; the Standing Committee on Appointments to Major Government Boards and Committees and the Standing Committee on Statutory Instruments) and any select or special committees established during the course of a legislative assembly. This includes advice regarding: (a) the provision of procedural advice to the committee chairs and members, (b) the drafting of reports for presentation to the Legislative Assembly, (c) serving as the media contact for the committees, (d) coordinating public hearings, and (e) ensuring the maintenance and safekeeping of committee records.

7. Drafts or directs the drafting of: (a) submissions to parliamentary publications (the *Canadian Parliamentary Review*, *Table Review* and *The Table*) regarding the proceedings of the Legislative Assembly; and (b) presentations to conferences by MLAs or clerks-at-the-table (Canadian Presiding Officers, Canadian Council of Public Accounts Committees) and professional development seminars for clerks-at-the-table (Association of Clerks-at-the-Table in Canada, Society of Clerks-at-the-Table in Commonwealth Parliaments).
8. Provides or directs the development and provision of public education regarding the history, evolution and function of the Legislative Assembly. This includes supervising updates to the Legislative Assembly's website, drafting or supervising the drafting of information sheets describing aspects of the operations of the Assembly, and providing tours to a wide variety of individuals and groups (including visiting government officials, elementary and secondary school classes, foreign heads of missions, military attachés, and elder hostellers).
9. As an Advisor to the MSB, advises the Board and carries out its direction with reference to the Board's responsibilities for the administration of (a) the Legislative Assembly, (b) the MLA pension plan, and (c) Officers of the Legislative Assembly (Chief Electoral Officer, Ombudsman/Information and Privacy Commissioner/Public Interest Disclosure Commissioner, Child and Youth Advocate and the Conflict of Interest Commissioner and Lobbyist Registrar). The Clerk is also Chair of the Board of Trustees responsible for the trust fund that contains the funding for the registered portion of the MLA pension plan.
10. Oversees interparliamentary relations such as visits by parliamentary officials to Yukon; managing, planning and coordinating Assembly-related national and international conferences hosted in Yukon, and liaising with officials in other jurisdictions whenever Yukon MLAs or LAO staff are attending conferences, parliamentary seminars, or workshops outside Yukon.

Section 5 – Contacts

Describe, in narrative form, the working relationships inherent to the success of the position.

1. Regular ongoing contact with the presiding officers, party leaders, House leaders and all other MLAs to discuss and provide information, advice and guidance on matters of parliamentary procedure and the provision of support services provided to the Assembly and MLAs.
2. Contact with MLAs as Executive Secretary-Treasurer of the Yukon Branch of the Commonwealth Parliamentary Association and as Secretary-Treasurer of the Parliamentary Broadcasting Society.
3. Contact with the MSB in the role of Board Advisor to ensure the Board is able to fulfil its functions (on the executive side, the analogous role would be that of Secretary to Cabinet).
4. Frequent contact with journalists to provide information and answer questions about the Legislative Assembly and its practices, procedures and activities.
5. Frequent contact with parliamentary clerks in other jurisdictions (Canada and Commonwealth) to exchange information and discuss matters of parliamentary procedure and administration.
6. Contact with the Board of Trustees responsible for the MLA pension plan trust fund (in the role of Chair of that Board) to ensure the Board fulfils the responsibilities assigned it in its agreement with the MSB and the Government of Yukon.

7. Contact with Deputy Ministers and other senior Government of Yukon officials to exchange information and answer inquiries concerning the Assembly and its procedures.
8. Contact with members of the public, students, teachers and academics to exchange information and respond to questions regarding the history and activities of the Legislative Assembly. This would include assisting members of the public with the submission of petitions.
9. Contact with the RCMP regarding security issues for the Legislative Assembly.

Section 6 – Problem-Solving

List three examples of problems, issues, or complexities most typically encountered in the position AND describe the actions this position takes to resolve each problem listed.

1. Presiding officers have to deal with procedural issues (such as points of order) that arise during sittings of the Legislative Assembly and its committees. The Clerk must assist presiding officers in resolving these issues quickly and properly according to law, rules, practice and precedent. This must sometimes be done verbally in 'real time' while the House or committee is in session. On other occasions this will require the timely preparation of a written ruling or statement to be delivered in the House or committee by the presiding officer. This process will include some discussion with the presiding officer involved and the other clerks.
2. MLAs and caucus staff will regularly have questions about, or otherwise require assistance regarding, matters related to House proceedings. The Clerk can, therefore, be expected to assist MLAs and staff with matters such as: (a) the drafting of notices of motions, amendments to bills or motions, written questions and petitions, (b) discussion of the rules surrounding the submission of petitions, legislative returns and other documents, and (c) sorting out the roster of business on sitting days when private members' business has precedence. These matters regularly need to be discussed and resolved on short notice during a sitting day.
3. All MLAs require the provision of administrative and financial services in order to perform their duties. This includes the provision of office space and equipment, the processing of expense claims, and the arrangement of travel to electoral districts and parliamentary conferences. The role of the Clerk is to work with the Director of Administration, Finance and Systems to ensure that these services are provided to all members and caucuses in a timely, efficient, neutral and non-partisan way, as prescribed by law, rules or the direction of the MSB.

Section 7 - Specific Accountabilities

1. Describe final decisions regularly made for which the incumbent is held accountable.
 - The quality and timeliness of advice and assistance provided to the Legislative Assembly's presiding officers and MLAs.
 - The preservation and safekeeping of records of the Legislative Assembly and its committees. Ensuring that these records are accessible to LAO staff, MLAs, the media and the public, as required.
 - Communicating accurate information to members, cabinet and caucus staff, the media and others regarding the commencement of sittings of the Legislative Assembly and the conduct of business during Spring, Fall and Special Sittings.

- Ensuring that proper procedure and protocol is followed for unprecedented events involving visiting dignitaries, such as the Governor-General's address to the Legislative Assembly in February 2011.
 - Ensuring proper procedure and protocol is followed for statutorily-required events, such as the swearing in of Members of the Legislative Assembly, the Ombudsman and the Child and Youth Advocate.
 - Ensuring that the LAO is following proper administration and financial accountability practices.
 - Ensuring, pursuant to the direction of the MSB, the development and implementation of required programs such as policies for dealing with harassment and sexual harassment applicable to MLAs, LAO staff and caucus staff.
 - Establishing priorities for the LAO that ensure its overall organization and functioning and its use of resources, enable Members, LAO staff and caucus staff to perform their duties effectively.
 - Approving the Legislative Assembly Office's budget and policy submissions to the MSB.
2. What are the expected end results of this position, i.e. what are the impacts of properly performing the Principal Duties and Responsibilities?

If the Clerk performs the principal duties and responsibilities of the position properly, the Yukon Legislative Assembly will have the ability to fulfill its constitutional role, subject to the best judgement and abilities of its Members. If this is done, Yukon will be well governed and Yukon's system of governance will be seen as legitimate in the eyes of Yukoners. Yukoners will, of course, have differing opinions as to the wisdom of the decisions made by the Government of Yukon, the opposition parties and the Legislative Assembly. However, it is essential for the stability of Yukon society that its citizens retain confidence that the Legislative Assembly functions as it should, that it adheres to accepted rules of procedure in its consideration of the issues before it, and in following the processes leading to decisions on those issues.

In order for MLAs to exercise their best judgement and abilities, the Clerk must ensure they are provided with the advice and services to which they are entitled in an effective, efficient, transparent and fair manner. If this is done, MLAs will be able to perform their individual roles, thereby contributing to the effective functioning of the institution, as described above.

Section 8 - Budget

1. a) What is the Annual Budget for the unit under the direct control of the position?

Fiscal Year	2018-19
Annual Payroll	\$6,535,000
O&M Budget (excluding Payroll)	\$2,008,000
Capital Budget (excluding Payroll)	\$41,000
Revenues (MLA Pension Plan)	\$1,540,000
Recoveries	\$0

NOTES:

- \$8.6 million in assets are held in a Trust Fund for the registered portion of the MLA Pension Plan. The Members' Services Board is responsible for

administering the Trust Fund and pursuant to that authority has appointed the Clerk as Chair of the Board of Trustees.

- \$33.3 million in assets are held in a Top-Up Plan. The Members' Services Board is responsible for administering the Top-Up Plan and pursuant to that authority, the Legislative Assembly Office, through the Clerk, is responsible for the day-to-day administration of the Plan.

- b) Does the position have the authority to reallocate resources, i.e. transfer budget funds? If yes, provide examples.

Yes, within approved budget.

2. If applicable, describe other expenditures or revenues influenced by this position and how.

Not applicable.

Section 9 - Working Environment

Describe in narrative form the position's working environment, which can be generally favourable or include exposure to undesirable conditions.

The environment in which the Clerk works is challenging, but provides him or her with the opportunity to play a vital role in an important institution. The Clerk generally works in an office type environment. The Legislative Assembly sits for a maximum of 60 days per calendar year, in March/April and October/November. The weeks immediately preceding and following a Sitting of the Legislative Assembly are very busy. Committee meetings may take place throughout the year.

The work environment can be tense, particularly when the Legislative Assembly is in session. When the House is in session decisions and actions often have to be taken quickly. The Clerk must remain assiduously non-partisan in an atmosphere that is rife with partisanship. In safeguarding the institutional interests of the Legislative Assembly, the Clerk will inevitably provide advice or take actions that frustrate the political goals of some MLAs. This can cause friction. The Clerk must be prepared to maintain his or her position when dealing with persons to whom he or she is accountable (collectively, not individually). At the same time, the Clerk must recognize that in many circumstances his or her role is to provide advice, but that final decisions are made by MLAs, either individually or collectively.

The Legislative Assembly is an institution that is the subject of frequent public commentary. The Clerk may, at times, find his or her actions subject to public comment. Such commentary may appear, to the Clerk, to be misleading, incomplete or inaccurate. Nonetheless, the Clerk must accept the fact that such commentary is part of the work environment. While the Clerk may furnish factual information to those in need of it, he or she must resist the temptation to engage in debates over matters of opinion or conjecture.

The Clerk may also, in dealing with government officials, meet resistance to the idea that his or her role is politically neutral and, unlike other 'deputy heads', does not include assisting the government in achieving its policy goals or implementing other political commitments. The Clerk must be prepared to explain and defend his or her role and that of the Legislative Assembly.

The Clerk will frequently engage in conversations or acquire documents that must be kept confidential, even from persons to whom the Clerk is accountable. The Clerk will not be able to disclose who he or she has talked to about certain matters or what was discussed. Often the

