

Date: 20040607

File: 125-02-105

Citation: 2004 PSSRB 61



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

ASSOCIATION OF PUBLIC SERVICE FINANCIAL ADMINISTRATORS

Applicant

and

TREASURY BOARD OF CANADA

Employer



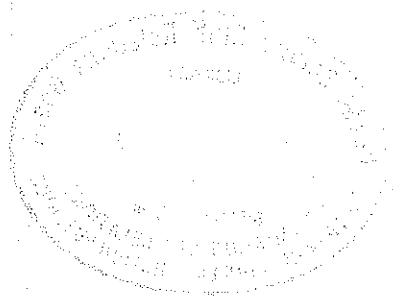
RE: Application pursuant to section 27 of
the Public Service Staff Relations Act

Before: Yvon Tarte, Chairperson

For the Applicant: Scott W. Chamberlain, Counsel

(Decided without an oral hearing following
written submissions.)

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DECISION

[1] This decision pertains to an application, filed by the Association of Public Service Financial Administrators (APSFA), under section 27 of the *Public Service Staff Relations Act* (PSSRA) for a review of decisions in order to amend its certificate to reflect its change of name.

[2] Section 27 of the PSSRA provides as follows:

27.(1) Subject to subsection (2), the Board may review, rescind, amend, alter or vary any decision or order made by it, or may re-hear any application before making an order in respect thereof.

(2) Any rights acquired by virtue of any decision or order that is reviewed, rescinded, amended, altered or varied pursuant to subsection (1) shall not be altered or extinguished with effect from a day earlier than the day on which the review, rescission, amendment, alteration or variation is made.

[3] On October 25, 1989, following a displacement application, APSFA was certified as bargaining agent for the Financial Administration Group, part of the Administrative and Foreign Service Category (Board file no. 144-2-290).

[4] In April of 1993, the Treasury Board, pursuant to section 101 of the *Public Service Reform Act* (PSRA) S.C. 1992 c. 54, specified and defined the occupational group known as the General Services Group (GE Group) which included six subgroups, one of which was identified as Financial Management. The Treasury Board, in accordance with subsection 101(4) of the PSRA, published a notice in Part I of the Canada Gazette that the GE Group was specified and defined effective April 21, 1993. The Board, on March 7, 1994 (File no. 141-2-3), and pursuant to the provisions of subsection 103(2) of the PSRA, amended the certificate issued to APSFA by deleting the description of the bargaining unit contained therein and substituting therefore the following:

All employees of the Employer in the Financial Management Subgroup of the General Services Group.

[5] For the purposes of clarification, it was acknowledged that the employees in the Financial Management Subgroup of the General Services Group were those employees who performed duties prior to April 21, 1993, which placed them in the Financial Administration Group in the Administrative and Foreign Service Category. The Board issued an amended certificate in accordance with its decision.

[6] In early 1999, the Treasury Board, pursuant to subsection 102(1) of the PSRA, amended the specification and definition of the occupational group known as the Financial Management Subgroup of the General Services Group, by specifying and defining in its place the occupational group known as the Financial Management Group, effective March 18, 1999. On March 27, 1999, the Treasury Board, in accordance with subsection 102(2) of the PSRA, caused to be published in the Canada Gazette a notice of amendment. On June 3, 1999, pursuant to subsection 103(2) of the *Public Service Reform Act*, the Board again amended the description of the bargaining unit to have the latter include "all the employees of the employer in the Financial Management Group as defined in Part I of the Canada Gazette of March 27, 1999" and confirmed APSFA's certification as bargaining agent (Board file 142-2-336).

[7] On May 7, 2004, APSFA filed a section 27 application, asking the Board to change its name to replace it with the Association of Canadian Financial Officers (ACFO). The application stated that on March 25, 2004, the APSFA Board of Directors, upon a majority vote of the membership, resolved to amend the bargaining agent's Constitution to change the name of APSFA to ACFO. Following the vote, Article 1 of APSFA's Constitution was amended to reflect the change of name.

[8] In the circumstances, the Board considers it appropriate to grant APSFA's request and is replacing the latter's name with that of ACFO. Therefore, the Board's decisions dated October 25, 1989 (144-2-290), March 7, 1994 (141-2-3) and June 3, 1999 (142-2-336) are amended accordingly.

[9] A new certificate will be issued.

**Yvon Tarte,
Chairperson**

Ottawa, June 7, 2004.