

Public Service Staff  
Relations Act



Before the Public Service  
Staff Relations Board

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BETWEEN

**THE PUBLIC SERVICE ALLIANCE OF CANADA**

Bargaining Agent

and

**NATIONAL ENERGY BOARD**

Employer

**RE: Determination of Designated Positions -  
All Employees Other than the Professional Bargaining Unit**

***Before:* Yvon Tarte, Chairperson**

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(Decided without an oral hearing)

## DETERMINATION AND NOTICE OF DESIGNATION OF POSITION

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Pursuant to subsection 78.1(4) of the *Public Service Staff Relations Act (PSSRA)*, the parties met to review the position of each employee in the bargaining unit comprised of all employees other than the Professional Bargaining Unit to determine whether any of them had safety or security duties as specified in subsection 78(1). By letter dated December 16, 1996, the employer pursuant to subsection 78.1(5), provided the Board with a statement of the positions the parties had determined do not have safety or security duties. The employer also notified the Board, pursuant to subsection 78.1(6) that the parties had determined that the positions identified in Appendix 1, attached hereto, had safety or security duties.

Accordingly, pursuant to subsection 78.1(6), the Board hereby designates the positions identified in Appendix 1 as having safety or security duties.

In a Memorandum of Understanding between the employer and the bargaining agent dated April 22, 1997, the parties agreed that:

*8. The Employer shall, forthwith, provide the Public Service Staff Relations Board (PSSRB) with a copy of this agreement and ask the PSSRB to provide the Employer with a Form 13 for each position designated containing all the information required, with the exception of the name of the employee occupying the position and the "Dated at ..." portion of the Form, which would be added by the Employer prior to notification. The Employer will also ask that the PSSRB, pursuant to s.6 of the PSSRB Regulations and Rules of Procedure (1993), extend the time specified in subsection 60(1) of the Regulations within which the employees are to be informed of the fact that they occupy a designated position to a period of 30 days from the date of a request for conciliation pursuant to s.76 of the PSSRA and, that thereafter, future occupants of a designated position be notified within 30 days of the date on which they first occupy the position.*

Pursuant to section 78.5 of the PSSRA the Board hereby authorizes the employer to inform the employees occupying the designated positions identified herein. For this purpose the Board will provide the employer with a Form 13 for each designated position containing all the information required, with the exception of the name of the employee occupying the designated position and the "Dated at..." portion of the Form, which is to be completed by the employer prior to notification. Also, pursuant to section 6 of the *P.S.S.R.B. Regulations and Rules of Procedure* the Board hereby extends the time specified in subsection 60(1) of the *Regulations* within which an employee is to

be informed of the fact that he or she occupies a designated position to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the Act. Thereafter future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

In addition, the Board draws the employer's attention to its responsibility under subsection 60(2) of the *Regulations* that, on the notification of an employee who occupies a designated position, it is to provide forthwith a copy of the notice referred to in subsection (1) to the bargaining agent.

**Yvon Tarte**  
**Chairperson**

OTTAWA, July 7, 1997.