

Public Service Staff  
Relations Act



Before the Public Service  
Staff Relations Board

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BETWEEN

**THE RESEARCH COUNCIL EMPLOYEES' ASSOCIATION**

Bargaining Agent

and

**NATIONAL RESEARCH COUNCIL**

Employer

**RE:** Determination of Designated Positions -  
Operational Category

**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 Operational Category bargaining unit to determine whether any of them had safety or security duties as specified in subsection 78(1). By letter dated February 14, 1997, 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, have 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 National Research Council and the Research Council Employees' Association dated April 16, 1997, the parties indicated that:

*In the interests of maintaining harmonious relations the National Research Council (NRC) and the Research Council Employees' Association (RCEA) agree to the following with respect to the OP bargaining unit:*

- 1. The RCEA agrees that NRC will deliver the Public Service Staff Relations Board (PSSRB) Notices to Employees, thereby informing them that they occupy designated positions.*
- 2. Both parties recognize the mutual advantage of issuing the Notices to employees within 30 days of the time that the PSSRB decides to establish a Conciliation Board (section 83 of the Act), or decides not to establish a Conciliation Board (section 77 of the Act) for that Bargaining unit. With the concurrence of the Board, the parties agree that delivery of Notices, at that time, shall be considered as meeting the requirements of section 60.(1) of the PSSRB Rules and Regulations of Procedure.*

Pursuant to section 78.5 of the PSSRA the Board hereby authorizes the employer to inform the employees occupying the designated positions identified in Appendix 1. For this purpose the Board will 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 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, May 2, 1997.