

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

THE PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

COMMUNICATIONS SECURITY ESTABLISHMENT,
DEPARTMENT OF NATIONAL DEFENCE

Employer

RE: Determination of Designated Positions -
Operational Category

Before: [Yvon Tarte, Chairperson](#)

(Decided without an oral hearing)

DETERMINATION AND NOTICE OF DESIGNATION OF POSITION

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 January 29, 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 certain positions had safety or security duties.

Subsequently, on May 7, 1997, the Board received a diskette from the employer bearing identification: "Communication Support and Reproduction Services CSS, RT", containing those positions which the parties agreed had safety or security duties. The diskette has been placed in the Board's file.

Accordingly, pursuant to subsection 78.1(6), the Board hereby designates the positions contained on the diskette sent to the Board by the employer on May 7, 1997 as having safety or security duties.

The employer also submitted a joint request between the parties, dated July 30, 1997, to the following effect:

The parties are hereby requesting the Board to extend the time limit to issue Form 13 for all bargaining units which the Public Service Alliance of Canada is the bargaining agent and the Communications Security Establishment is the employer to 30 days following a request for conciliation board, in accordance with the Board's decision in files 125-2-68 to 70.

On August 11, 1997, pursuant to section 6 of the *P.S.S.R.B. Regulations and Rules of Procedure* the Board granted to the parties an extension of time specified in subsection 60(1) of the *Regulations* within which an employee is to be informed that he or she occupies a designated position. The Board ordered that such an employee must be so notified within a period of 30 days from the date of a request for conciliation pursuant to section 76 of the PSSRA

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 the extension of time granted by the Board on August 11, 1997 such employees are to be informed of the fact that they occupy designated positions within a period of 30 days from the date of a request for conciliation pursuant to section 76 of the PSSRA. 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*, on notification of an employee who occupies a designated position, to provide forthwith a copy of the notice referred to in subsection 60(1) to the bargaining agent.

Yvon Tarte
Chairperson

OTTAWA, August 18, 1997.