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**File:** 181-2-459

**Citation:** 2000 PSSRB 112



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

**PUBLIC SERVICE ALLIANCE OF CANADA**

Bargaining Agent

and

**TREASURY BOARD**

Employer

**RE:** Designated Positions -  
Operational Services Group

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

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(Decided without an oral hearing)

## DECISION

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[1] The decisions below were issued by the Board, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions or amending the list of designated positions in the following bargaining units:

<u>Bargaining Units:</u>	<u>Diskettes</u>	<u>Board Files</u>	<u>Date of Decisions</u>
Firefighters Group (Supervisory and Non-Supervisory)	FR1-6.XLS	181-2-382 181-2-426	December 16, 1998
General Labour and Trades Group (Supervisory and Non-Supervisory)	GL1-13.XLS, GL2-2.XLS, GL3-2.XLS	181-2-364 181-2-427	January 14, 1999
General Services Group (Supervisory and Non-Supervisory)	GS1-9.XLS, GS2-3.XLS, GS3-1.XLS	181-2-388 181-2-438	March 23, 1999
Heating, Power and Stationary Plant Operation Group (Supervisory and Non-Supervisory)	HP1-9.XLS, HP2-1.XLS, HP3.XLS	181-2-349 181-2-425	February 12, 1999
Hospital Services Group (Supervisory and Non-Supervisory)	HS1XLS~1.XLS, HS2XLS~1.XLS, HS3XLS~1.XLS	181-2-372 181-2-424	September 22, 1997
Lightkeepers Group (Supervisory and Non-Supervisory)	Appendix 2	181-2-371	July 7, 1997
Printing Operations Group (Supervisory)	PR(S)3.xls	181-2-443	July 31, 1998
Ships' Crews Group (Supervisory and Non-Supervisory)	SC1-1.XLS, SC2.XLS, SC3-1.XLS	181-2-418 181-2-428	September 8, 1998

The diskettes and the appendix above (the "old diskettes") contain the list of all of the positions in the bargaining units, which the parties agreed had safety or security duties as of those dates.

[2] On June 7, 1999, the Board amalgamated the bargaining units above into a new one, comprised of "All employees of the Employer in the Operational Services Group as defined in Part I of the *Canada Gazette* of March 27, 1999", and confirmed the Public Service Alliance of Canada as its bargaining agent: Board file 142-2-338.

[3] On October 3, 2000, the employer advised the Board that the parties agreed to amend the list in the old diskettes. As a result of this agreement, some positions

were deleted from the list and some positions were added to the list. Enclosed with the employer's letter was a Memorandum of Agreement, by which the parties agreed to amend the list in the old diskettes, together with three new diskettes bearing identification *Table 2 changes*, *Table 2 - CURRENT* and *Table 2 - New* (the "new diskettes"). The bargaining agent has been provided with a copy of these new diskettes. The new diskettes are accepted by the Board as an amendment to the old diskettes and are contained in the Board file. Accordingly, these new diskettes contain the list of all of the positions which the parties now agree have safety or security duties.

[4] On the basis of the agreement of the parties, the Board hereby revokes the designation of those positions referred to above, that appeared on the old diskettes and that do not appear on the new diskettes. The Board also revokes the Forms 13 issued for those positions and directs the employer to return forthwith those that have not been distributed to the employees in these positions. Furthermore, the employer is to make every reasonable effort to obtain any Forms 13 that have been so distributed. The bargaining agent is to cooperate in this regard. The Board will destroy the Forms 13 when returned by the employer.

[5] Also, on the agreement of the parties and pursuant to subsection 78.1(6) of the Act, the Board hereby designates the positions referred to above that appear on the new diskettes and that did not appear on the old diskettes.

[6] Pursuant to section 78.5 of the Act, the Board hereby authorizes the employer to inform the employees occupying the positions designated above. For this purpose, the Board will provide the employer with a Form 13 for each of these positions, 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.

[7] On July 3, 1997, the parties applied for an extension of the time limit set out in section 60 of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993*, to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the Act. Pursuant to section 6 of the Regulations, this request was granted by the Board, on July 10, 1997, "...until such time as one or both parties rescind the application...": Board file 181-2. Accordingly, the employees who occupy the positions designated above are to be so informed within such 30-day period. Thereafter, future occupants

of a designated position shall be notified within 30 days of the date on which they first occupy the position.

[8] Finally, 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 60(1) to the bargaining agent.

**Yvon Tarte**  
**Chairperson**

**OTTAWA, December 13, 2000**