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File: 181-2-458

Citation: 2000 PSSRB 56



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

TREASURY BOARD

Employer

RE: Designated Positions -
Program and Administrative Services Group

Before: Yvon Tarte, Chairperson

(Decided without an oral hearing.)

DECISION

[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 in the General Services subgroup bargaining unit of the General Services Group:

<u>Part formerly known as:</u>	<u>Diskette</u>	<u>File number</u>	<u>Date of decision</u>
Secretarial, Stenographic and Typing	ST1-1.XLS, ST2.XLS and ST3.XLS	181-2-387	January 26, 1999
Administrative Services	AS1-18.xls, AS2.xls, AS3.1xls	181-2-373	January 26, 1999
Clerical and Regulatory	CR1-16.XLS.zip, CR2-4, CR3-3	181-2-369	January 26, 1999
Office Equipment	No diskette (no designated positions)	181-2-363	January 26, 1999
Information Services	IS1-2.XLS, IS2.XLS, IS3.XLS	181-2-379	February 18, 1999
Data Processing	DA1-4.XLS, DA3.XLS	181-2-393	January 26, 1999
Programme Administration	PM1-13.XLS, PM2-2.XLS, PM3-2.XLS	181-2-374	April 14, 1999
Welfare Programmes	WP1.XLS and WP2.XLS	181-2-409	September 16, 1998
Communications	CM1XLS~1.XLS; CM2XLS~1.XLS and CM3XLS~1.XLS	181-2-376	September 25, 1997

The diskettes above (the “old diskettes”) contain the list of all of the positions in the bargaining unit which the parties agreed had safety or security duties as of those dates.

[2] On June 7, 1999, the Board amended the description of the bargaining unit to refer to “All employees of the Employer in the Program and Administrative 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 142-2-337.

[3] On September 30, 1999, the Board further amended the description of the bargaining unit to refer to “All employees of the Employer in the Program and Administrative Services Group as defined in Part I of the *Canada Gazette* on March 27, 1999, other than those employees performing duties primarily involved with the provision of advice on the analysis, development and design of forms and forms systems and with the delivery of mediation and conciliation services dealing with disputes in collective bargaining and industrial relations within the jurisdiction of Part I of the *Canada Labour Code*”: Board file 142-2-337.

[4] On June 2, 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 3925 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 a new diskette bearing identification *Table = I Zip file* (the "new diskette"). This new diskette is accepted by the Board as an amendment to the old diskettes and is contained in the Board file. Accordingly, this new diskette contains the list of all of the positions which the parties now agree have safety or security duties.

[5] 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 diskette. 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.

[6] 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 diskette and that did not appear on the old diskettes.

[7] 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.

[8] 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 (Board file 181-2). 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..." 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.

[9] 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, June 21, 2000