

Date: 20000410

File: 181-2-467

Citation: 2000 PSSRB 31



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

The Canadian Union of Professional and Technical Employees

Bargaining Agent

and

Treasury Board

Employer

RE: Designation of Positions -
Translation Group

Before: [Yvon Tarte, Chairperson](#)

(Decision rendered without a hearing.)

DECISION DESIGNATING POSITIONS

[1] On October 10, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, the Board rendered a decision designating positions in the Translation Group bargaining unit (Board file 181-2-351). The diskette identified as TR1XL.~1.XLS and TR3XLS. ~1.XLS (the old diskette) contains the list of all positions, which the parties agreed had safety or security duties as of that date.

[2] By letter dated February 2, 2000, the employer informed the Board that the parties had agreed to amend the list of positions in the old diskette. Under this agreement, some positions had been deleted from the list and one hundred and eight (108) other positions had been added. Enclosed with the employer's letter was a Memorandum of Agreement signed by the parties together with a new diskette bearing identification *Translation Group Designations - February 2, 2000* (the new diskette). The Board accepts this new diskette, which changes the old diskette and which is now part of the Board's file. The employer provided the bargaining agent with a certified copy of the list of positions contained in the new diskette. The bargaining agent confirmed that this list accurately reflects the positions on which the parties had agreed. Accordingly, the new diskette contains the list of positions, which the parties now agree have safety or security duties.

[3] In light of the agreement between the parties, the Board hereby revokes the designation of the above-mentioned positions that were included in the old diskette but that do not appear on the new diskette. The Board further revokes the Forms 13 issued for these positions and orders the employer to return to it immediately those forms not given to the employees in these positions. In addition, the employer must make every effort to obtain the Forms 13 that were distributed. The bargaining agent must provide its cooperation in this regard. The Board will destroy the Forms 13 returned by the employer.

[4] Pursuant to the agreement between the parties and subsection 78.1(6) of the Act, the Board hereby designates the one hundred and eight additional positions referred to above that are contained in the new diskette and that did not appear on the old diskette.

[5] Pursuant to section 78.5 of the Act, the Board hereby authorizes the employer to notify the employees in the 108 positions mentioned above of the designation of their position. To this end, the Board will provide the employer, for each of these positions, with a Form 13 containing all of the necessary information, with the

exception of the name of the employee in the designated position and the " Dated at..." portion of the Form, which is to be completed by the employer prior to notification.

[6] On September 16, 1997, pursuant to section 6 of the *PSSRB Regulations and Rules of Procedure (1993)*, the Board extended the time set out in subsection 60(1) of the Regulations to allow the employer to notify employees in a designated position of that designation within 30 days of a request for conciliation being made under the terms of section 76 of the Act (Board file 181-2). That extension is valid until such time as one or both parties rescind it. Accordingly, within such 30-day period, employees in the one hundred and eight positions designated above are to be so informed by the employer. Thereafter, the employer shall notify future occupants of a designated position within 30 days of the date on which they first occupy the position.

[7] 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, April 10, 2000

Certified true translation

Serge Lareau