

Date: 20000627

File: 181-32-449

Citation: 2000 PSSRB 60



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

Public Service Alliance of Canada

Bargaining agent

and

Canadian Food Inspection Agency

Employer

RE: Designated Positions -

All employees of the employer other than those performing duties in positions which are or would be classified under the:

Veterinary Medicine (VM); Agriculture (AG); Biological Sciences (BI); Chemistry (CH); Commerce (CO); Engineering and Land Survey (ELS); Purchasing and Supply (PG); Scientific Research (SE); Economics, Sociology and Statistics (ES) and Informatics (IN) Groups

Before: [Yvon Tarte, Chairperson](#)

(Decided without an oral hearing)

DECISION

[1] A decision was issued by the Board on December 18, 1998, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions in the bargaining unit comprised of all the employees of the employer other than those performing duties in positions which are or would be classified under the Veterinary Medicine (VM), Scientific Regulation (SG), Agriculture (AG), Biological Sciences (BI), Chemistry (CH), Commerce (CO), Computer Systems Administration (CS), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific Research (SE) and Economics, Sociology and Statistics (ES) Groups in the classification system of the Treasury Board: Board File 181-32-411. Diskettes *CFIA/PSAC Designations 1998* (diskettes 1, 2 and 3) (the “old diskettes”) contain the list of all of the positions which the parties agreed had safety or security duties as of that date.

[2] The Board amended the description of the bargaining unit on April 20, 1999: Board File 125-32-90. The Board further amended the description of the bargaining unit on December 22, 1999: Board File 125-32-93. The bargaining unit is currently comprised of all the employees of the employer other than those performing duties in positions which are or would be classified under the Veterinary Medicine (VM), Agriculture (AG), Biological Sciences (BI) (which includes the former Scientific Regulation (SG) Group), Chemistry (CH), Commerce (CO), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific Research (SE) and Economics, Sociology and Statistics (ES) Groups in the classification system of the Treasury Board and other than those performing duties in positions which are or would be classified in the Informatics (IN) (formerly the Computer Systems Administration (CS)) Group.

[3] On June 19, 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 Understanding, by which the parties agreed to amend the list in the old diskettes, together with a new diskette bearing identification *CFIA Designations* (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.

[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 diskette. No Forms 13 have been issued in relation to these positions.

[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 diskette 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 November 12, 1998, 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). This request was granted by the Board on November 20, 1998, pursuant to section 6 of the Regulations. The parties agreed to the continued validity of this extension of time in their Memorandum of Understanding. 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, June 27, 2000