

Date: 20000505

File: 181-2-474

Citation: 2000 PSSRB 41



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

FEDERAL GOVERNMENT DOCKYARD TRADES AND LABOUR COUNCIL EAST

Bargaining agent

and

Treasury Board

employer

RE : Designated positions -
Ship Repair-East Group

Before : [Yvon Tarte, Chairperson](#)

(Decided without an oral hearing.)

[1] A decision was issued by the Board on November 27, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions in the Ship Repair (East Coast) Group bargaining unit: Board file 181-2-432. Diskette SR1.xls (the “old diskette”) contains the list of all of the positions which the parties agreed had safety or security duties as of that date.

[2] On May 20, 1999, the Board amended the description of the bargaining unit to refer to “All employees of the employer in the Ship Repair-East Group as defined in Part I of the *Canada Gazette* of March 27, 1999” and confirmed the Federal Government Dockyard Trades and Labour Council East as its bargaining agent: Board file 142-2-330.

[3] On March 8, 2000, the employer advised the Board that the parties agreed to amend the list in the old diskette. As a result of this agreement, seven positions were deleted from the list and two 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 diskette, together with a new diskette bearing identification *SR (East) designations (February 21, 2000)* (the “new diskette”). The bargaining agent has been provided with a printout of the list contained in the new diskette and has confirmed that it contains the positions on which the parties have agreed. This new diskette is accepted by the Board as an amendment to the old diskette 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 diskette 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 two additional positions referred to above, that appear on the new diskette and that did not appear on the old diskette.

[6] Pursuant to section 78.5 of the Act, the Board hereby authorizes the employer to inform the employees occupying the two additional positions designated above. For this purpose, the Board will provide the employer with a Form 13 for each of these two additional 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 March 2, 2000, 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 April 20, 2000, pursuant to section 6 of the Regulations. Accordingly, the employees who occupy the two additional 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, May 5, 2000