

**Date:** 20000728

**File:** 181-29-478

**Citation:** 2000 PSSRB 70



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

---

BETWEEN

**Public Service Alliance of Canada**

Bargaining agent

and

**National Capital Commission**

Employer

**RE:** Designated Positions -  
All employees of the National Capital Commission

**Before:** [Yvon Tarte, Chairperson](#)

---

(Decided without an oral hearing)

## DECISION

---

[1] A decision was issued by the Board on October 22, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions in the bargaining unit comprised of all employees of the National Capital Commission: Board file 181-29-420. Diskette *DES-POS.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 June 26, 2000, the employer advised the Board that the parties agreed to amend the list in the old diskette. As a result of this agreement, 29 positions were deleted from the list and 19 positions were added to the list. Enclosed with the employer's letter was an Agreement dated June 13, 2000, by which the parties agreed to amend the list in the old diskette. On July 13, 2000, the employer provided the Board with a new diskette bearing identification *DES-POS-2000* (the "new diskette"). The bargaining agent has been provided with a copy of the new diskette and has informed the Board 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.

[3] 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. The Board also revokes the Forms 13 issued for these positions. The employer has returned these Forms 13 to the Board and they will be destroyed.

[4] 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 diskette.

[5] 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.

[6] On June 28, 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. This request was granted by the Board on July 12, 2000, pursuant to section 6 of the Regulations: 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.

[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, July 28, 2000**