

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

RESEARCH COUNCIL EMPLOYEES' ASSOCIATION

Bargaining Agent

and

NATIONAL RESEARCH COUNCIL

Employer

RE: Designated Positions -
Technical Category

Before: [Yvon Tarte, Chairperson](#)

(Decided without an oral hearing)

DECISION DESIGNATING POSITIONS

Pursuant to subsection 78.1(4) of the *Public Service Staff Relations Act (PSSRA)*, the parties met to review the position of each employee in the Technical Category bargaining unit to determine whether any of them have safety or security duties as specified in subsection 78(1). By letter dated September 3, 1997, the employer pursuant to subsection 78.1(5), provided the Board with a statement of the positions the parties had determined do not have safety or security duties. The employer also notified the Board, pursuant to subsection 78.1(6), that the parties had determined that certain positions have safety or security duties. In addition the employer advised the Board, that there were no positions remaining in dispute. The employer enclosed with this letter a diskette bearing identification TO.xls containing those positions which the parties agreed have safety or security duties. This diskette is contained in the Board file. Accordingly, pursuant to subsection 78.1(6), the Board hereby designates the positions contained on the above-mentioned diskette as having safety or security duties.

On September 3, 1997 the National Research Council and the Research Council Employees' Association had submitted a joint request to the Board to the following effect:

The RCEA agrees that NRC will deliver the Public Service Staff Relations Board (PSSRB) Notices to Employees, thereby informing them that they occupy designated positions.

Both parties recognize the mutual advantage of issuing the Notices to employees within 30 days of the time that the PSSRB decides to establish a Conciliation Board (section 83 of the Act), or decides not to establish a Conciliation Board (section 77 of the Act) for that bargaining unit. With the concurrence of the Board, the parties agree that delivery of Notices, at that time, shall be considered as meeting the requirements of section 60(1) of the PSSRB Rules and Regulations of Procedure.

On September 12, 1997, pursuant to section 6 of the P.S.S.R.B. *Regulations and Rules of Procedure, 1993*, the Board granted the request of the parties and ordered that:

... the Board will extend the time specified in subsection 60(1) of the Regulations within which an employee is to be informed of the fact that he or she occupies a designated position to a period of thirty (30) days from the date of a request for conciliation pursuant to section 76 of the Act.
(Board file 181-2)

In accordance with this order, the employees who occupy designated positions in the Technical Category bargaining unit are to be so informed within the 30 day period specified in the above-cited order. Thereafter future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

Pursuant to section 78.5 of the PSSRA the Board hereby authorizes the employer to inform the employees occupying the designated positions identified herein. For this purpose the Board will provide the employer with a Form 13 for each designated position 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.

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 (1) to the bargaining agent.

**Yvon Tarte
Chairperson**

OTTAWA, September 19, 1997.