

Date: 20010912

File: 181-32-482

Citation: 2001 PSSRB 93



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Bargaining Agent

and

CANADIAN FOOD INSPECTION AGENCY

Employer

RE: Designated Positions -
Agriculture (AG), Biological Sciences (BI), Chemistry (CH), Commerce (CO),
Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific
Research (SE) and Economics, Sociology and Statistics (ES) Groups

Before: Yvon Tarte, Chairperson

(Decided without an oral hearing)

DECISION

[1] *In Canadian Food Inspection Agency v. Professional Institute of the Public Service of Canada*, 2000 PSSRB 13 (181-32-448 and 475), the Board designated positions in the Agriculture (AG), Biological Sciences (BI) (which includes the former Scientific Regulation Group), Chemistry (CH), Commerce (CO), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific Research (SE) and Economics, Sociology and Statistics (ES) Groups bargaining unit pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act* (Act). Diskette *CFIA - PIPSC S&A Designations 99-09-30* (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 August 22 and 28, 2001, the employer advised the Board that the parties agreed to amend the list in the old diskette. Enclosed with the employer's letters was a diskette bearing identification *S&A Designations August 28, 2001* (the "new diskette"). The employer advised the Board that the bargaining agent has been provided with a copy of this new diskette. This new diskette is accepted by the Board as containing 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 any positions that appeared on the old diskette and that do not appear on the new diskette. The Board also revokes the Forms 13 issued for those positions. The Board directs the employer to return forthwith any Forms 13 still in its possession and that have not been distributed to employees in those positions. Furthermore, the employer is to make every reasonable effort to obtain any Forms 13 that have been so distributed to employees in those positions. The bargaining agent is to cooperate in this regard. The Board will destroy those Forms 13 when returned by the employer.

[4] Also, on the agreement of the parties and pursuant to subsection 78.1(6) of the Act, the Board hereby designates any positions 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 those 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] Furthermore, the persons who occupy the positions designated above are to be so informed within the time limit and pursuant to the procedure specified in subsection 60(1) of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993* (Regulations). 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, September 12, 2001.