

Date: 20010503

File: 181-2-462

Citation: 2001 PSSRB 42



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

TREASURY BOARD

Employer

RE: Designated Positions -
Education and Library Science Group

Before: *Yvon Tarte, Chairperson*

(Decided without an oral hearing)

[1] On June 7, 1999, the Board amalgamated the Education, Educational Support and Library Science Groups bargaining units into a new bargaining unit, comprised of "All employees of the Employer in the Education and Library Science Group as defined in Part I of the *Canada Gazette* of March 27, 1999", and confirmed the Public Service Alliance of Canada as its bargaining agent: Board file 142-2-340.

[[2] On April 18, 2001, the employer advised the Board that the parties agreed to amend the list of designated positions previously agreed to for the above bargaining unit. 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 Agreement, by which the parties agreed to amend the list in the old diskettes, together with three new diskettes bearing identification *CHG.XLS*, *CUR.XLS*, *NEW.XLS* (the "new diskettes"). The bargaining agent has been provided with a copy of these new diskettes. The new diskettes are accepted by the Board as an amendment to the old diskettes and are contained in the Board file. Accordingly, these new diskettes contain 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 diskettes and that do not appear on the new diskettes. The Board also revokes the Forms 13 issued for those positions and directs the employer to return forthwith those that have not been distributed to the employees in these positions. Furthermore, the employer is to make every reasonable effort to obtain any Forms 13 that have been so distributed. The bargaining agent is to cooperate in this regard. The Board will destroy the 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 the positions referred to above that appear on the new diskettes and that did not appear on the old diskettes.

[5] Pursuant to section 78.5 of the Act, the Board hereby authorizes the employer to inform the employees occupying the positions designated in the above bargaining unit. 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 July 3, 1997, 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. Pursuant to section 6 of the Regulations, this request was granted by the Board, on July 10, 1997, "...until such time as one or both parties rescind the application...": Board file 181-2.

[7] On April 12, 2001, the parties for the purpose of this particular round of bargaining applied for a further extension of the time limit set out in section 60 of the Act. More specifically, the parties requested that the required notification of employees who occupy designated positions take place on or before June 15, 2001. On the basis of the above, the Board grants the request of the parties. Accordingly, the employees who occupy the positions designated above are to be so informed on or before June 15, 2001. 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 3, 2001.