

Date: 20001122

File: 181-2-468

Citation: 2000 PSSRB 104



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

ASSOCIATION OF PUBLIC SERVICE FINANCIAL ADMINISTRATORS

Bargaining Agent

and

TREASURY BOARD

Employer

RE: Designated Positions -
Financial Management Group

Before: Yvon Tarte, Chairperson

(Decided without an oral hearing)

DECISION

[1] A decision was issued by the Board on December 2, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions in the Financial Management Subgroup of the General Services Group bargaining unit: Board file 181-2-430. Diskette *FI1.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 3, 1999, the Board amended the description of the bargaining unit to refer to “All employees of the Employer in the Financial Management Group as defined in Part I of the *Canada Gazette* of March 27, 1999” and confirmed the Association of Public Service Financial Administrators as its bargaining agent: Board file 142-2-336.

[3] On November 17, 2000, the employer advised the Board that the parties agreed to amend the list in the old diskette. 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 diskette, together with a new diskette bearing identification *FI-Designations* (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. 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.

[5] 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.

[6] 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.

[7] Furthermore, the persons who occupy the additional positions 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*. Thereafter, future incumbents of these positions shall be notified within thirty days of the date on which they first occupy the positions.

[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, November 22, 2000