

Date: 20020415

File: 181-33-486

Citation: 2002 PSSRB 41



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

PARKS CANADA AGENCY

Employer

RE: Designated Positions -
All Employees of Parks Canada Agency

Before: Joseph W. Potter, Vice-Chairperson

(Decided without an oral hearing)

DECISION

[1] The Parks Canada Agency was created pursuant to the *Parks Canada Agency Act*, that came into effect on December 21, 1998. In *Parks Canada Agency v. Professional Institute of the Public Service of Canada and Public Service Alliance of Canada*, 2001 PSSRB 39 (140-33-15 and 16), the Board certified the Public Service Alliance of Canada as the bargaining agent for the following bargaining unit:

All employees of Parks Canada Agency.

[2] Pursuant to subsection 78.1(4) of the *Public Service Staff Relations Act* (Act), the parties met to review the position of each employee in the bargaining unit, to determine whether any of them have safety or security duties as specified in subsection 78.1. By letter dated February 7, 2002, the employer, pursuant to subsection 78.1(7), provided the Board with a statement of the positions on which the parties were unable to agree as to whether they have safety or security duties and referred those positions to a designation review panel.

[3] A designation review panel was duly established. By letter dated April 9, 2002, the employer advised the Board that an agreement had been reached by the parties as to which positions have safety or security duties. Enclosed was a diskette bearing identification *PCA designations 2002*. The employer advised the Board that the bargaining agent has been provided with a true copy of this diskette. This diskette is accepted by the Board as containing the list of all of the positions which the parties agree have safety or security duties.

[4] On the agreement of the parties and pursuant to subsection 78.1(6) of the Act, the Board hereby designates the positions that appear on this 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] On April 11, 2002, 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* (Regulations), 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 April 15, 2002: Board file 181-2. It is understood that the extension granted by the Board will continue until such time as one or both parties rescind the application.

[7] On April 8, 2002, the bargaining agent requested conciliation pursuant to section 76 of the Act in relation to the bargaining unit. The parties have informed the Board that they wish the extension of time to apply in this case, as granted. Therefore, the persons who occupy the positions designated above are to be so informed within 30 days from April 8, 2002. 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.

Joseph W. Potter
Vice-Chairperson

OTTAWA, April 15, 2002.