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File: 181-2-484

Citation: 2002 PSSRB 55



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

**NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND
GENERAL WORKERS UNION OF CANADA, LOCAL 2182**

Bargaining Agent

and

TREASURY BOARD

Employer

**RE: Designated Positions -
Radio Operations Group**

***Before:* Yvon Tarte, Chairperson**

(Decided without an oral hearing)

DECISION

[1] On December 18, 1984, in *Canadian Association of Professional Radio Operators v. Treasury Board* (Board file 143-2-225), the Board certified the Canadian Association of Professional Radio Operators (CAPRO) as the bargaining agent for the Radio Operation Group bargaining unit.

[2] On April 22, 1998, in *Canadian Association of Professional Radio Operators v. Treasury Board* (Board file 181-2-433), the Board designated positions in the Radio Operation Group bargaining unit pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act* (Act). Diskette *ROI.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.

[3] On May 19, 1999, in accordance with section 103 of the *Public Service Reform Act*, the Board amended the description of the bargaining unit so as to include “all employees of the employer in the Radio Operations Group as defined in Part I of the *Canada Gazette* of March 27, 1999” (Board file 142-2-328).

[4] In *Canadian Association of Professional Radio Operators v. Treasury Board*, 2000 PSSRB 113 (125-2-98 and 142-2-328) the Board acknowledged that the CAPRO’s name had changed to that of Marine Communications and Traffic Services Association (MCTSA) and amended accordingly the decisions referred to in § 1 and 3 above.

[5] In *Maritime Communications and Traffic Services Association v. Treasury Board*, 2001 PSSRB 10 (140-2-22 and 142-2-328), the Board acknowledged that the MCTSA had merged with the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW) and now constituted Local 2182 thereof. The Board certified the CAW, Local 2182 as the bargaining agent for the Radio Operations Group bargaining unit.

[6] On May 22, 2002, the employer advised the Board that the parties agreed to amend the list in the old diskette. Enclosed with the employer’s letter were four new diskettes bearing identification *CUR*, *CHG*, *NEW* and *DEL* (the “new diskettes”). The employer advised the Board that the bargaining agent has been provided with a true printout of the contents of the new diskettes. These new diskettes are accepted by the Board as containing the list of all of the positions which the parties now agree have safety or security duties.

[7] 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 diskettes. 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 may have been 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

[8] 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 diskettes and that did not appear on the old diskette.

[9] 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.

[10] On April 16, 1998, 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 20, 1998: 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.

[11] While the above extension of time has not been rescinded, the parties, by letter dated May 22, 2002, jointly requested for this particular round of bargaining that the Board allow the employer until July 5, 2002 to inform the employees occupying the positions designated above. The Board thereby authorizes the employer to do so by July 5, 2002. Thereafter, future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

[12] 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 29, 2002.