

Library

Date: 20050615

File: 572-2-05

Citation: 2005 PSLRB 56



Public Service
Labour Relations Act

Before the Public Service
Labour Relations Board

BETWEEN

TREASURY BOARD

Applicant

and

PUBLIC SERVICE ALLIANCE OF CANADA

Respondent

Indexed as

Treasury Board v. Public Service Alliance of Canada

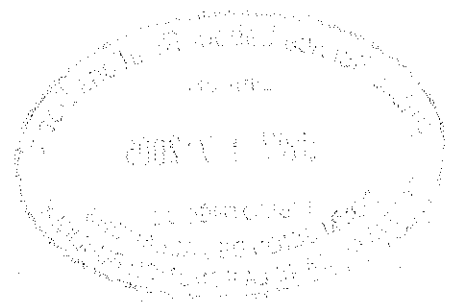
In the matter of an application, under subsection 71(1) the *Public Service Labour Relations Act*, for a declaration that positions are managerial or confidential positions

REASONS FOR DECISION

Before: Yvon Tarte, Chairperson

For the Applicant: Micheline Maisonneuve, Treasury Board

(Decided without an oral hearing)



REASONS FOR DECISION

Application before the Board

[1] This decision deals with an application by the Treasury Board (the "employer") for an order declaring that some positions are managerial or confidential pursuant to section 71 of *Public Service Labour Relations Act* (the "new Act").

[2] In *Public Service Alliance of Canada v. Treasury Board*, PSSRB File No. 142-2-337 (June 7, 1999), the Board confirmed the Public Service Alliance of Canada (the "bargaining agent") as the bargaining agent for the following bargaining unit (the "bargaining unit"):

All employees of the Employer in the Program and Administrative Services Group as defined in Part I of the Canada Gazette of March 27, 1999.

[3] On April 1, 2005, the new Act, enacted by section 2 of the *Public Service Modernization Act* (PSMA), S.C. 2003, c. 22, was proclaimed in force. Pursuant to subsection 48(1) of the PSMA, the bargaining agent continues to be certified as the bargaining agent for the bargaining unit.

[4] On April 21, 2005, the employer applied to the Board for an order declaring that some positions in the bargaining unit are managerial or confidential pursuant to section 71 of the new Act. Those positions are listed in the annex to this decision.

[5] On or about April 21, 2005, the employer provided the bargaining agent with a copy of the application, pursuant to section 72 of the new Act.

[6] Under subsection 34(1) of the *Public Service Labour Relations Board Regulations*, the bargaining agent had 20 days from the receipt of a copy of the application to file an objection with the Board. More than 20 days have elapsed, without the bargaining agent having filed any objection to the application.

[7] Since no objections to the employer's application have been filed, the Board must make, pursuant to section 75 of the new Act, an order declaring the positions listed in the annex to this decision to be managerial or confidential positions.

[8] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

Order

[9] The positions identified in the annex to this decision are declared to be managerial or confidential positions.

June 15, 2005.

**Yvon Tarte,
Chairperson**



Public Service Labour Relations Board
Managerial or Confidential Positions
Annex
File 572-2-05

PSLRB Reference No.	Department or Agency	Bargaining Unit	Position Number	Classification	Position Title and Description	Occupant	Geographic Location	Grounds for Exclusion
572-2-05	Treasury Board Secretariat	Program and Administrative Services	0806	AS-01	Coordinator, Collective Bargaining/ Admin. Assistant to Director	M. Fyke	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	5468	AS-01	Coordinator, Collective Bargaining	K. Alcom	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	0887	AS-01	Coordinator, Collective Bargaining	L. Monplaisir	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	0807	AS-01	Coordinator, Collective Bargaining	K. Holder	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	5062	AS-02	Grievance Administrator	G. Papineau	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	0829	AS-04	Exclusions, Designations and Certification Officer	M. Maisonneuve	National Capital Region	59(1)(c) and (h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	6494	AS-04	Executive Assistant to the Director	L. Poirier	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	5290	AS-01	Labour Relations Coordinator	L. Storey	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	6669	AS-04	Executive Assistant to the Assistant Secretary	M. Kluke-Beaugard	National Capital Region	59(1)(h)
572-2-05	Treasury Board Secretariat	Program and Administrative Services	5071	AS-02	Administrative Assistant to the Assistant Secretary	M. Réginbald	National Capital Region	59(1)(h)
572-2-05	Agriculture and Agri-Food Canada	Program and Administrative Services	35119	AS-04	Executive Assistant	L.-A. Russell	National Capital Region	59(g)
572-2-05	Citizenship and Immigration	Program and Administrative Services	504315	PM-05	Operations Manager	P. Snow	Vegreville	59(h)
572-2-05	Human Resources and Skills Development	Program and Administrative Services	79452	PM-06	Appeals Officer	R. Lafrance	National Capital Region	59(g)
572-2-05	Human Resources and Skills Development	Program and Administrative Services	67596	PM-05	Service Delivery Manager	J. Zuk	Edmonton	59(e)
572-2-05	Human Resources and Skills Development	Program and Administrative Services	66093	PM-04	Service Delivery Manager	L. Legge	Calgary	59(e)

