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File(s): 585-18-02

Citation: 2006 PSLRB 88



*Public Service
Labour Relations Act*

Before the acting Chairperson
Public Service Labour Relations Board

IN THE MATTER OF
THE *PUBLIC SERVICE LABOUR RELATIONS ACT*
and a dispute affecting
the Public Service Alliance of Canada, as bargaining agent,
and the Staff of the Non-Public Funds, Canadian Forces, as employer,
in respect of the employees in the Administrative Support Category -
CFB Gaagetown, N.B.

Indexed as
Public Service Alliance of Canada v. Staff of the Non-Public Funds, Canadian Forces

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Joseph Potter, chairperson of the arbitration board;
Dale Clark and Lynn Harnden, arbitration board members

For the Bargaining Agent: Larry Gagnon, Public Service Alliance of Canada

For the Employer: Christopher Smith, Staff of the Non-Public Funds, Canadian Forces

(Issued without an oral hearing)

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] By letter of April 21, 2006, the Public Service Alliance of Canada requested the establishment of an arbitration board in respect of all the employees of the employer in the Administrative Support Category employed at the Canadian Forces Base, Gagetown, New Brunswick and referred to section 64 of the *Public Service Staff Relations Act* (the former *Act*) for so doing.

[2] On April 1, 2005, the *Public Service Labour Relations Act* (the *Act*), enacted by section 2 of the *Public Service Modernization Act*, S.C. 2003, c. 22, was proclaimed in force. The request for arbitration having been presented after that date, it is hereby dealt with as though it had been made under section 136 of the *Act*. Sections 136 to 159 of the *Act* apply where arbitration is the method of dispute resolution.

[3] With its letter of April 21, 2006, the Public Service Alliance of Canada provided a list of the terms and conditions of employment that it wished to have referred to the arbitration board. That letter, the terms and conditions of employment and supporting material are attached hereto as SCHEDULE I.

[4] By letter of May 1, 2006, the Staff of the Non-Public Funds, Canadian Forces considered no additional matters to be outstanding at this time. That letter is attached hereto as SCHEDULE II.

[5] Accordingly, pursuant to section 144 of the *Act*, the matters in dispute on which the arbitration board shall render an arbitral award in this dispute are those set out as outstanding in SCHEDULE I and SCHEDULE II inclusive attached hereto.

[6] Should any jurisdictional question arise during the course of the hearing as to the inclusion of a matter in these terms of reference, that question must be submitted forthwith to me because the Chairperson of the Public Service Labour Relations Board is, according to the provisions of subsection 144(1) of the *Act*, the only person authorized to make such a determination.

July 13, 2006.

**Sylvie Matteau,
Acting Chairperson**