

**Date:** 20091021

**File:** 525-02-23  
(XR 572-02-1669, 572-02-P2)

**Citation:** 2009 PSLRB 137



*Public Service  
Labour Relations Act*

Before the Public Service  
Labour Relations Board

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BETWEEN

**TREASURY BOARD**

Employer

and

**PUBLIC SERVICE ALLIANCE OF CANADA**

Bargaining agent

Indexed as  
*Treasury Board v. Public Service Alliance of Canada*

In the matter of a decision review under section 43 of the *Public Service Labour Relations Act*

**REASONS FOR DECISION**

***Before:*** Casper M. Bloom, Q.C., Ad. E., Chairperson

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(Decided without a hearing)

### **Matter before the Board**

[1] On August 7, 2009, the employer, the Treasury Board, applied for an order declaring that positions in the Program and Administrative Services Group bargaining unit are managerial or confidential positions pursuant to section 71 of the *Public Service Labour Relations Act*. Position 26030 formed part of that application.

[2] On September 4, 2009, the Public Service Labour Relations Board ("the Board") made an order in PSLRB File No. 572-02-1669 declaring that the positions identified in the annex to that order are managerial or confidential positions. Position 26030 was identified in that annex.

[3] It was later discovered that, within the time limit set out in subsection 34(1) of the *Public Service Labour Relations Board Regulations*, the bargaining agent, the Public Service Alliance of Canada, had filed an objection to the exclusion of position 26030.

[4] As an objection had been filed within the regulatory time limit in respect of the exclusion of position 26030, the Board, in its order of September 4, 2009, mistakenly declared that position to be a managerial or confidential position. Under these circumstances, the Board amends the annex to its order of September 4, 2009, to delete any reference to position 26030.

[5] The objection in respect of the exclusion of position 26030 will be dealt with at a later date in accordance with the Board's usual practice.

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

*(The Order appears on the next page)*

**Order**

[7] The annex to the September 4, 2009, order in PSLRB File No. 572-02-1669 is amended to delete any reference to position 26030.

October 21, 2009.

**Casper M. Bloom, Q.C., Ad. E.,  
Chairperson**