

Date: 20091021

File: 525-02-24
(XR 572-02-1670, 572-02-H1)

Citation: 2009 PSLRB 138



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

TREASURY BOARD

Employer

and

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Bargaining agent

Indexed as

Treasury Board v. Professional Institute of the Public Service 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

(Decided without a hearing)

REASONS FOR DECISION

Matter before the Board

[1] On August 7, 2009, the employer, Treasury Board, applied for an order declaring that positions in the Health Services Group bargaining unit are managerial or confidential positions pursuant to section 71 of the *Public Service Labour Relations Act*. Position 52300-11090 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. 572-02-1670 declaring that the positions identified in the annex to that order are managerial or confidential positions. Position 52300-11090 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 Professional Institute of the Public Service of Canada, had filed an objection to the exclusion of position 52300-11090.

[4] As an objection had been filed within the regulatory time limit in respect of the exclusion of position 52300-11090, 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 52300-11090.

[5] The objection in respect of the exclusion of position 52300-11090 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. 572-02-1670 is amended to delete any reference to position 52300-11090.

October 21, 2009.

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