

Date: 20091021

File: 525-34-21
(XR 572-34-1653, 572-34-P1)

Citation: 2009 PSLRB 135



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

CANADA REVENUE AGENCY

Employer

and

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining agent

Indexed as

Canada Revenue Agency 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

(Decided without a hearing)

REASONS FOR DECISION

Matter before the Board

[1] On July 28, 2009, the employer, the Canada Revenue Agency, applied for an order declaring that positions in the bargaining unit composed of all employees of the employer in the Program Delivery and Administrative Services Group, comprised of all employees classified in the Services and Programs Group occupational group and all employees classified as MG-SPS in the Management Group, are managerial or confidential positions pursuant to section 71 of the *Public Service Labour Relations Act*. Position 30221892 formed part of that application.

[2] On August 26, 2009, the Public Service Labour Relations Board ("the Board") made an order in PSLRB File No. 572-34-1653 declaring that the positions identified in the annex to that order are managerial or confidential positions. Position 30221892 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 30221892.

[4] As an objection had been filed within the regulatory time limit in respect of the exclusion of position 30221892, the Board, in its order of August 26, 2009, mistakenly declared that position to be a managerial or confidential position. Under these circumstances, the Board amends the annex to its order of August 26, 2009, to delete any reference to position 30221892.

[5] The objection in respect of the exclusion of position 30221892 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 August 26, 2009, order in PSLRB File No. 572-34-1653 is amended to delete any reference to position 30221892.

October 21, 2009.

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