

Date: 20111110

File: 525-02-44
(XR : 572-02-2321, 572-02-P2)

Citation: 2011 PSLRB 128



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

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

(Decided without a hearing)

REASONS FOR DECISION

Matter before the Board

[1] On June 30, 2011, the employer, the Treasury Board, applied for an order declaring that six positions (JUS-00379, 00010609, 00015163, 2300095, 11800-38147 and 509376) 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 2300095 was proposed for exclusion under paragraphs 59(1)(e), (g) and (h).

[2] On July 26, 2011, the Public Service Labour Relations Board ("the Board") made an order in PSLRB File No. 572-02-2321 declaring that the positions identified in the annex to that order are managerial or confidential positions. Position 2300095 was identified in that annex and excluded under paragraphs 59(1)(g) and (h).

[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 2300095, not only under paragraph 59(1)(e), but also under paragraph 59(1)(g).

[4] As an objection had been filed within the regulatory time limit in respect of the exclusion of position 2300095, the Board, in its order of July 26, 2011, mistakenly declared that position to be a managerial or confidential position under paragraphs 59(1)(g) and (h). Under these circumstances, the Board amends the annex to its order of July 26, 2011, to declare that position 2300095 is a managerial or confidential position under paragraph 59(1)(h).

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

(The Order appears on the next page)

Order

[6] The annex to the July 26, 2011, order in PSLRB File No. 572-02-2321 is amended to declare that position 2300095 is a managerial or confidential position under paragraph 59(1)(h).

November 10, 2011.

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