

Date: 20111129

File: 525-02-45
(XR : 572-02-2402, 572-02-P2)

Citation: 2011 PSLRB 136



*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 October 12, 2011, 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 21000-41027 formed part of that application.

[2] On November 16, 2011, the Public Service Labour Relations Board ("the Board") made an order in PSLRB File No. 572-02-2402 declaring that the position identified in the annex to that order is a managerial or confidential position. Position 21000-41027 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 Canada, had filed an objection to the exclusion of position 21000-41027.

[4] As an objection had been filed within the regulatory time limit in respect of the exclusion of position 21000-41027, the Board, in its order of November 16, 2011, mistakenly declared that position to be a managerial or confidential position. Under these circumstances, the Board amends the annex to its order of November 16, 2011 to delete any references to position 21000-41027.

[5] The objection in respect of the exclusion of position 21000-41027 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 order in PSLRB File No. 572-02-2402, issued November 16, 2011, is hereby revoked.

November 29, 2011.

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