



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

JULIE A. FRANCOEUR

Grievor

and

**TREASURY BOARD
(Royal Canadian Mounted Police)**

Employer

Before: Yvon Tarte, Deputy Chairperson

For the Grievor: Cécile La Bissonnière, Public Service Alliance of Canada

For the Employer: Roger Lafrenière, Counsel



Decided without hearing.



DECISION

This decision was rendered without hearing on the order of The Honourable Mr. Justice Richard of the Federal Court of Canada of February 16, 1996, in Court File T-382-95. This decision was brought to the Board's attention on February 28, 1996.

DECISION

On February 16, 1996, Mr. Justice Richard of the Federal Court of Canada quashed my decision of January 20, 1995, in this case. According to the decision of Mr. Justice Richard, I am ordered to render a new decision which takes into account the honourable judge's interpretation of clause M-27.07 of the master agreement. On page 10 of his decision, the judge adds that:

(Translation)

The adjudicator must therefore rule as to whether Mrs. Francoeur performed, on an acting basis, most of the duties of a senior position. If so, which one and for how long?

The adjudicator must also take into account the respondent's claim that the applicant was appointed on an acting basis to the position of GRS-A-3A, FI-1 and the soundness of this appointment.

The interpretation of Mr. Justice Richard (page 10 of his decision) is "that the acting employee may benefit from clause M-27.07 even when the duties the employee performs in a position, for the same employer, are not included in the same bargaining unit as that of the employee" (translation).

In view of the foregoing and my finding, following the hearing of the grievance in November 1994, that the grievor had very satisfactorily performed, on an acting basis, virtually all the duties of the position of assistant budget analyst from March 1, 1993, to March 31, 1994, and from May 2 to July 1, 1993, I allow the grievance of Mrs. Francoeur.

Yvon Tarte
Deputy Chairperson

OTTAWA, March 29, 1996.
Certified true translation

Serge Lareau