

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

THE PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

NATIONAL ENERGY BOARD

Employer

RE: Designated Positions -
All Employees Other than the Professional Bargaining Unit

Before: Yvon Tarte, Chairperson

(Decided without an oral hearing)

DECISION DESIGNATING POSITIONS

A decision was issued by the Board on July 7, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating the positions in the bargaining unit comprised of all employees other than the Professional Bargaining Units which the parties agreed have safety or security duties.

By letter dated October 15, 1998, the employer advised the Board that the parties agreed to amend the list of designated positions identified in the aforementioned decision. As a result of this agreement certain positions were deleted from the list and two additional positions were added to the list. The Board received a letter dated October 27, 1998 signed by the parties in which they agreed with the changes proposed by the employer and a diskette bearing identification "NEB Designations - diskette 2 [desdisc] Replacement diskette" (the new diskette) which replaces the list of designated positions identified in the July 7, 1997 decision. Accordingly, the new diskette is contained in the Board file and contains all of the positions which the parties now agree have safety or security duties in these bargaining units.

On the basis of the agreement of the parties, the Board hereby revokes the designation of those positions designated by its decision of July 7, 1997, which do not appear on the new diskette. The Board also revokes the Forms 13 issued for those positions. These Forms 13 were received from the employer with its letter of October 15, 1998 and will be destroyed.

On the basis of the agreement of the parties, the Board designates the two additional positions listed in the new diskette that were not designated by its decision of July 7, 1997.

Furthermore, the persons who occupy those two positions are to be so informed within the time limits and pursuant to the procedure specified in subsection 60(1) of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993*. Thereafter future occupants of these positions shall be notified within thirty days of the date on which they first occupy the positions.

Pursuant to section 78.5 of the *PSSRA* the Board hereby authorizes the employer to inform the employees occupying the two additional positions designated above. For this purpose the Board will provide the employer with a Form 13 for each of the two designated positions containing all the information required, with the exception of the name of the employee occupying the designated position and the "Dated at ..." portion of the Form, which is to be completed by the employer prior to notification.

The Board draws the employer's attention to its responsibility under subsection 60(2) of the *Regulations* that, on the notification of an employee who occupies a designated position, it is to provide forthwith a copy of the notice referred to in subsection 60(1) of the *Regulations* to the bargaining agent.

Yvon Tarte
Chairperson

OTTAWA, November 30, 1998.