



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

**THE PUBLIC SERVICE ALLIANCE OF CANADA**

Bargaining Agent

and

**TREASURY BOARD**

Employer

**RE:** Designated Positions -  
Correctional Group (Non-Supervisory and Supervisory)  
Application under Section 21 of the Public Service Staff Relations Act  
Application for Extension of Time

**Before:** [Yvon Tarte, Chairperson](#)

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(Decided without an oral hearing)

## DECISION DESIGNATING POSITIONS

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A decision was issued by the Board on December 12, 1997, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act*, designating positions in the Correctional Group (Non-Supervisory and Supervisory) bargaining units. Diskette CX1.xls, CX3.xls (the "old diskette") contains the list of all of the positions which the parties agreed had safety or security duties as of that date.

By letter dated June 30, 1998, the employer advised the Board that the parties had agreed to add position 10142 to the list of positions referred to above. The employer provided the Board, on August 12, 1998, with a copy of the bargaining agent's consent in this regard

On consent of the parties, and pursuant to subsection 78.1(6) of the *Act*, the Board designates position 10142 referred to above.

Pursuant to section 78.5 of the *Act*, the Board hereby authorizes the employer to inform the employee occupying position 10142 designated above. For this purpose, the Board will provide the employer with a Form 13 for this position, 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.

Furthermore, the person who occupies this additional position is to be so informed within the time limit 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 incumbents of this position shall be notified within thirty days of the date on which they first occupy the position.

By letter dated February 9, 1999, the bargaining agent filed with the Board an application under sections 21 and 78.5 of the *Act*, regarding the employer's failure to inform, contrary to the Board's decision of December 18, 1997, employees occupying designated positions in the Correctional Group (Non-Supervisory and Supervisory) bargaining units: Board files 148-2-300 and 301.

By letter dated March 5, 1999, the employer advised the Board that the parties had met and had been unable to agree on proposed changes to the list of positions in the Correctional Group (Non-Supervisory and Supervisory) bargaining units having safety or security duties. The employer therefore requested that the Board convene a hearing on the issue: Board files 181-2-367 and 440.

By letter dated March 18, 1999, the employer filed with the Board an application for the extension of the time limit to inform employees occupying designated positions in the Correctional Group (Non-Supervisory and Supervisory) bargaining units: Board file 149-2-215.

By letter dated March 23, 1999, the employer transmitted to the Board the following agreement signed by both parties:

...

*Without prejudice to the position the parties may take in the future in the same or similar cases, they agree as follows:*

1. *The parties agree to request that the Board consolidate the following file numbers: 148-2-300; 148-2-301; 149-2-215; 181-2-367; and 181-2-440;*

2. *The Employer agrees to withdraw its application dated March 5, 1999 (Board file No: 181-2-367/181-2-440). It is understood and agreed that the 608 positions identified [by the parties] are not designated within the meaning of Section 78.3 of the Public Service Staff Relations Act (Act);*

3. *The parties further agree that the Employer will not seek any change to the non-designated status of the positions [identified by the parties] until subsequent to notice to bargain being served in the next round of bargaining involving the Correctional (CX) bargaining units (Supervisory and Non-Supervisory);*

4. *With respect to the Alliance's application dated February 9, 1999 (Board File No: 148-2-300, 148-2-301) and the Treasury Board application for an extension of time dated March 18, 1999 (Board File No: 149-2-215), the parties agree to the amendment of the Board's decision of December 12, 1997 by the deletion of the 120 positions identified [by the parties]. All Forms 13 Notices delivered to incumbents of positions identified [by the parties] shall be deemed to be withdrawn. The Form 13 Notices will be returned by incumbents of the subject positions to the*

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*Employer's representative and subsequently returned to the Board where they will be destroyed;*

5. *The parties agree to request the Board to delete the designation of the 120 positions [identified by the parties] as a review for purposes of Section 78.4 of the Act. There shall be no further review of the positions [identified by the parties] until one year from the date of the Board's order in respect of this settlement;*

6. *This Memorandum of Settlement shall be presented to the Board to be embodied in the Board order.*

...

By this agreement, the parties advised the Board that they agreed to amend the list of positions in the Correctional Group (Non-Supervisory and Supervisory) bargaining units having safety or security duties contained in the old diskette. As a result of this agreement, 119 positions were deleted from the list. The employer and the bargaining agent agreed to identify, at a later date, the 120<sup>th</sup> position to be deleted from the list. The employer provided the Board on March 26, 1999, with a new diskette bearing identification CX1-2.xls, CX3-1.XLS (the "new diskette"). This new diskette is accepted by the Board as an amendment to the old diskette and is contained in the Board file. Accordingly, this new diskette contains the list of all of the positions which the parties now agree have safety or security duties.

On the basis of the agreement of the parties, the Board revokes the designation of those positions referred to above, that appeared on the old diskette and that do not appear on the new diskette. The Board also revokes the Forms 13 issued for those positions and directs the employer to return forthwith the Forms 13 that have not been distributed to the employees in those positions. Furthermore, the employer is to make every reasonable effort to obtain any Forms 13 that have been so distributed. The bargaining agent is to cooperate in this regard. The Board will destroy the Forms 13 when returned by the employer.

Also, on the basis of the agreement of the parties, the Board closes its files relating to the bargaining agent's application of February 9, 1999 (Board files 148-2-300

and 301) and to the employer's request of March 5, 1999 (Board files 181-2-367 and 440) and application of March 18, 1999 (Board file 149-2-215).

OTTAWA, April 12, 1999.

**Yvon Tarte  
Chairperson**