



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Bargaining Agent

and

TREASURY BOARD

Employer

RE: Determination of Designated Positions -
Dentistry Group



Before: P. Chodos, Vice-Chairperson

(Decided without an oral hearing)

DETERMINATION OF DESIGNATED POSITIONS

Following the granting by the Board pursuant to subsection 78.1(3) of the *Public Service Staff Relations Act* (PSSRA), of extensions of the time specified in subsection 78.1(4), the parties met to review the position of each employee in the Dentistry Group bargaining unit to determine whether any of them have safety or security duties as specified in subsection 78(1).

By letter dated November 19, 1997, the employer pursuant to subsection 78.1(5) provided the Board with a statement of the positions the parties had determined do not have safety or security duties. The employer also notified the Board pursuant to subsection 78.1(6) that the parties had determined that certain positions have safety or security duties. In addition the employer advised the Board, pursuant to subsection 78.1(7) that the parties were unable to agree on whether a number of positions have safety or security duties and that it was referring those positions that remained in dispute to a designation review panel.

A designation review panel was duly established. However, the employer, by letter dated February 20, 1998 notified the Board that a tentative agreement had been reached by the parties as to which positions have safety or security duties. By letter dated March 20, 1998, the employer notified the Board that the agreement had been finalized. Enclosed was a Memorandum of Agreement signed by the parties and a diskette bearing identification DE 1 containing those positions which the parties agreed have safety or security duties. This diskette is contained in the Board file. In addition, the employer indicated that the parties have agreed that the remaining positions do not have safety or security duties. Accordingly, pursuant to subsection 78.1(6), the Board hereby designates the positions contained on the above-mentioned diskette as having safety or security duties.

On July 8, 1997 the Treasury Board and the Professional Institute of the Public Service of Canada had submitted a joint request to the Board to the following effect:

The parties are hereby requesting the Board to extend the time limit to issue Form 13 for all the bargaining units which the Professional Institute of the Public Service of Canada is the bargaining agent and the Treasury Board is the employer to 30 days following a request for a conciliation board, in accordance with the Board's decision in files 125-2-68 to 70.

On July 10, 1997, pursuant to section 6 of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993*, the Board granted the request of the parties and ordered that:

... in all such cases where a determination has not yet been issued, the Board will extend the time specified in subsection 60(1) of the Regulations within which an employee is to be informed of the fact that he or she occupies a designated position to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the Act. (Board file 181-2)

In accordance with this order, the employees who occupy designated positions in the Dentistry Group bargaining unit are to be so informed within the 30-day period specified in the above-cited order. Thereafter future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

Pursuant to section 78.5 of the PSSRA the Board hereby authorizes the employer to inform the employees occupying the designated positions identified herein. For this purpose the Board will provide the employer with a Form 13 for each designated 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.

Finally, 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 (1) to the bargaining agent.

P. Chodos
Vice Chairperson

OTTAWA, April 3, 1998.