

Public Service Staff  
Relations Act



Before the Public Service  
Staff Relations Board

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BETWEEN

THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Bargaining Agent

and

CANADIAN FOOD INSPECTION AGENCY

Employer

RE: Designated Positions -  
Veterinary Medicine Group

**Before:** Yvon Tarte, Chairperson

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(Decided without an oral hearing)

## DETERMINATION DESIGNATING POSITIONS

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A decision was issued by the Board on August 10, 1998, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act (PSSRA)*, designating the positions in the Veterinary Medicine Group bargaining unit which have safety or security duties. Diskette CFIA-P~1.XLS identified in that decision contains a list of all of the positions which the parties had agreed have safety or security duties as of that date. Furthermore pursuant to an authorization given under section 78.5 of the PSSRA the employer was required to inform the employees occupying the positions in question (and all subsequent occupants of those positions) of the designation 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*.

By letters dated October 22, 1998, the employer applied for an extension of the limitation periods to implement the Board's decision of August 10, 1998 to allow the parties to agree on a process for informing the employees in designated positions.

The parties further requested that the Board exercise its power pursuant to section 27 of the *Public Service Staff Relations Act*, and section 6 of the *Regulations* to amend its decision of August 10, 1998 by granting an:

*... extension of the limitation periods identified in section 60 of the P.S.S.R.B. Regulations and Rules of Procedure, 1993 to allow for the delivery of the Form 13 Notice within 30 days of the receipt of an official request for conciliation by the Board.*

*As further grounds for this application, the parties rely on the Public Service Staff Relations Board decision in Public Service Alliance of Canada v. Treasury Board, File number 125-2-68 to 70 as rendered on February 11, 1997.*

The Board was surprised to learn that the employer had not complied with the August 10, 1997 decision ordering it to inform the employees within the time limits and pursuant to the procedure specified in subsection 60(1) of the *Regulations*. Moreover, the Board notes that the employer submitted its request for an extension of time more than one month after the expiry of the time limits provided for in subsection 60(1) of the *Regulations*.

In view of the fact that the employer and the bargaining agent have jointly requested the extension of time limits, the Board hereby grants the request of the parties and extends 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.

For this purpose the Board has previously provided 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.

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) to the bargaining agent.

Finally, the Board must remind the parties of the importance of respecting time limits imposed by legislation, regulation or order of the Board and that time limit extensions should be requested in a timely manner.

**Yvon Tarte**  
**Chairperson**

OTTAWA, December 14, 1998