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File: 181-2-490

Citation: 2004 PSSRB 99



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

Public Service Alliance of Canada

Bargaining Agent

and

Treasury Board

Employer

RE: Designated Positions
Technical Services Group

Before: Guy Giguère, Deputy Chairperson

(Decided without an oral hearing)

DECISION

[1] In *Public Service Alliance of Canada v. Treasury Board*, 2004 PSSRB 70, the Board designated positions in the Technical Services Group bargaining unit pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act* (the *Act*). Diskettes *STATUS = "CURRENT"*, *STATUS = "CHG"*, *STATUS = "NEW"* and *STATUS = "DEL"* (the "old diskettes") contain the list of all of the positions, which the parties agreed had safety or security duties as of that date.

[2] On July 26, 2004, the employer advised the Board that the parties agreed to amend the list in the old diskette. Enclosed with the employer's letter were Memoranda of Agreement, by which the parties agreed to amend the list in the old diskette, together with a new diskette bearing identification *Designations TABLE 3* (the "new diskette"). The employer advised the Board that the bargaining agent had been provided with a true printout of the contents of the new diskette. The new diskette is accepted by the Board as including the list of all of the positions, which the parties now agree have safety or security duties.

[3] Consequently, on the basis of the agreement of the parties, the Board hereby revokes the designation of any positions that the parties now agree no longer have safety or security duties, as the case may be. The Board also revokes the Forms 13 issued for those positions. The Board directs the employer to return forthwith any Forms 13 still in its possession and that have not been distributed to employees in those positions. Furthermore, the employer is to make every reasonable effort to obtain any Forms 13 that may have been so distributed to employees in those positions. The bargaining agent is to cooperate in this regard. The Board will destroy the Forms 13 when returned by the employer.

[4] Further, on the agreement of the parties and pursuant to subsection 78.1(6) of the *Act*, the Board hereby designates any positions that the parties now agree have safety or security duties that were not previously designated, as the case may be.

[5] Pursuant to section 78.5 of the *Act*, the Board hereby authorizes the employer to inform the employees occupying the positions designated above. For this purpose, the Board will provide the employer with a Form 13 for each of those positions, containing all the information required, with the exception of the name of the employee occupying the designated position, the "Dated at..." portion of the Form, and in some

cases the department or bargaining agent, which is to be completed by the employer prior to notification.

[6] On June 16, 2004, the parties applied for an extension of the time limit set out in section 60 of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993* (the *Regulations*), to August 9, 2004. Pursuant to section 6 of the *Regulations*, this request was granted by the Board on June 23, 2004, 2004 PSSRB 70. Thereafter, future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

[7] 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 60(1) to the bargaining agent.

Guy Giguère
Deputy Chairperson

OTTAWA, July 28, 2004.