

Date: 20040414

File: 181-2-492

Citation: 2004 PSSRB 27



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

Professional Association of Foreign Service Officers

Bargaining Agent

and

Treasury Board

Employer

RE: Designated Positions
Foreign Service Group

Before: Yvon Tarte, Chairperson

(Decided without an oral hearing)

DECISION

[1] In *Professional Association of Foreign Service Officers v. Treasury Board*, 2002 PSSRB 67, the Board designated positions in the Foreign Service Group bargaining unit pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act* (the *Act*). Diskette *FS DESIGNATIONS* (the “old diskette”) contains the list of all of the positions that, the parties agreed, had safety or security duties as of that date.

[2] On March 24, 2004, the employer advised the Board that the parties agreed to amend the list on the old diskette. Enclosed with the employer’s letter was the Memorandum of Agreement, by which the parties agreed to amend the list on the old diskette, together with four new diskettes described in the employer’s letter to the Board as follows:

- (i) 493 positions identified on the diskette called “DEL”
- (ii) 23 positions identified on the diskette called “NEW”
- (iii) 92 positions identified on the diskette called “CHG”
- (iv) 134 positions identified on the diskette called “CUR”

[3] On the basis of the agreement of the parties, the Board hereby revokes the designation of any positions that are listed on the diskette labelled “DEL”. 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] On the agreement of the parties and pursuant to subsection 78.1(6) of the *Act*, the Board hereby designates any positions listed on the diskette labelled “NEW”.

[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 and the “Dated at...” portion of the Form, which is to be completed by the employer prior to notification.

[6] The positions listed on the diskettes labelled “CHG” and “CUR” remain designated.

[7] On May 17, 2000, 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 (Regulations)*, to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the *Act*. Pursuant to section 6 of the *Regulations*, this request was granted by the Board on May 18, 2000: Board file 181-2. On March 24, 2004, the parties again applied for an extension of the time limit set out in section 60 of the *Regulations*, to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the *Act*. The extension granted by the Board on May 18, 2000, will continue until such time as one or both parties rescind the application.

[8] 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.

**Yvon Tarte
Chairperson**

OTTAWA, April 14, 2004.