

**Date:** 20040218

**File:** 181-29-493

**Citation:** 2004 PSSRB 12



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

---

BETWEEN

**PUBLIC SERVICE ALLIANCE OF CANADA**

Bargaining Agent

and

**NATIONAL CAPITAL COMMISSION**

Employer

**RE:** Designated Positions -  
All Employees of the National Capital Commission

**Before:** Yvon Tarte, Chairperson

---

(Decided without an oral hearing)

[1] In *Public Service Alliance of Canada v. National Capital Commission*, 2000 PSSRB 70, the Board designated positions in the bargaining unit comprised of all employees of the National Capital Commission pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act* (Act). Diskette *DES-POS-2000* (the “old diskette”) contains the list of all of the positions which the parties agreed had safety or security duties as of that date.

[2] On July 17, 2003, the employer advised the Board that the parties agreed to amend the list in the old diskette. Enclosed with the employer’s letter was a new diskette bearing identification *DES-POS-2003* (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 containing the list of all of the positions which the parties now agree have safety or security duties.

[3] On the basis of the agreement of the parties, the Board hereby revokes the designation of any positions 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. 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 that appear on the new diskette and that did not appear on the old diskette.

[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] On July 17, 2003, 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 is granted by the Board. 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. It is understood that the extension granted by the Board will continue until such time as one or both parties rescind the application.

[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.

**Yvon Tarte**  
**Chairperson**

OTTAWA, February 18, 2004.