



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

**FEDERAL GOVERNMENT DOCKYARD CHARGEHANDS ASSOCIATION**

Bargaining Agent

and

**TREASURY BOARD  
(National Defence)**

Employer

**RE:** Designated Positions -  
Ship Repair Chargehands and  
Production Supervisors-East Group

**Before:** *P. Chodos*, Vice-Chairperson

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(Decided without an oral hearing)

## DECISION DESIGNATING POSITIONS

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A decision was issued by the Board on November 26, 1996, pursuant to subsection 78.1(6) of the *Public Service Staff Relations Act (PSSRA)*, designating positions in the Ship Repair Chargehands bargaining unit as agreed to by the parties (Board file 181-2-350). Diskette SR-MGT-1.dbf (the “old diskette”) contains the list of all of the positions which the parties agreed have safety or security duties as of that date.

On May 20, 1999, the Board, pursuant to the provisions of subsection 103(1) of the *Public Service Reform Act*, amended the description of the certification of the bargaining agent, as set out in the certificate issued by the Board to the Federal Government Dockyard Chargehands Association on February 1, 1988, by deleting the description of the bargaining unit contained therein and substituting therefor the following:

*All employees of the Employer in the Ship Repair Chargehands and Production Supervisors-East Group as defined in Part 1 of the Canada Gazette of March 27, 1999.*

By letter dated July 16, 1999, the employer advised the Board that the parties agreed to amend the list of designated positions. As a result of this agreement, certain positions were deleted from the list and three additional positions were added to the list. Enclosed with the employer’s letter was a Memorandum of Understanding dated July 15, 1999 signed by the parties, agreeing with the above changes, together with a diskette bearing identification SR Chargehands (the “new diskette”). The employer advised that a print out of the information contained on this diskette had been provided to the bargaining agent by facsimile. This new diskette is accepted by the Board as an amendment to the old diskette and is contained in the Board file. Accordingly, this new diskette is accepted as containing the list of all of the positions which the parties now agree have safety or security duties.

On the basis of the agreement of the parties, the Board hereby revokes the designation of those positions referred to above, 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 and directs the employer to return forthwith the Forms 13 that have not been distributed to the employees in those positions. Furthermore, the

employer is to make every reasonable effort to obtain any Forms 13 that have been so distributed. The bargaining agent is to cooperate in this regard. The Board will destroy the Forms 13 when returned by the employer.

Also, pursuant to subsection 78.1(6) of the *PSSRA*, the Board designates the three additional positions referred to above, that appear on the new diskette and that did not appear on the old diskette.

Pursuant to section 78.5 of the *Act*, the Board hereby authorizes the employer to inform the employees occupying the three additional positions designated above that they occupy a designated position. For this purpose, the Board will provide the employer with a Form 13 for each of the three designated 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.

By such authorization, the employer is required to inform the employees occupying the three additional positions within the time limit and pursuant to the procedure specified in subsection 60(1) of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993*. Thereafter future incumbents of these positions shall be notified within thirty days of the date on which they first occupy the positions.

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) of the Regulations to the bargaining agent.

**P. Chodos**  
**Vice-Chairperson**

OTTAWA, July 30, 1999.