



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

OFFICE OF THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS CANADA

Applicant

and

PUBLIC SERVICE ALLIANCE OF CANADA
THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

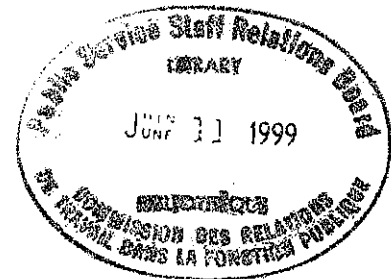
Respondents

RE: Requests for Review under Section 27
of the Public Service Staff Relations Act

Before: P. Chodos, Vice-Chairperson

For the Applicant: Russel W. Zinn, Counsel

For the Respondents: Andrew Raven, Counsel (Public Service Alliance of Canada)
Dougald Brown, Counsel (The Professional Institute of the
Public Service of Canada)



Heard at Ottawa, Ontario,
December 14, 1998 and
April 12, 1999.

DECISION

By letter dated May 4, 1998 from Rose Bussière, Director, Human Resources Management, the Office of the Superintendent of Financial Institutions (OSFI) sought to have the Board review the original certification decisions concerning the applicant, which it identified as Board files 145-23-279, 142-23-280, and 144-23-281. Subsequently, Ms. Bussière advised the Board that in its request for review under Section 27 the employer had inadvertently failed to include reference to the Board's certification decision respecting the Administrative and Foreign Service Category bargaining unit (Board file 144-23-284); the employer sought to amend its application to include this decision. With the consent of both bargaining agents, the Board acceded to this request. In effect, the applicant was requesting that the Board amend and alter its original certification decisions by consolidating all of the employees of the employer in a single bargaining unit.

By letter dated May 22, 1998 from Alain Piché, Coordinator, Organizing Section, Membership Services Branch, the Public Service Alliance of Canada (PSAC) advised that it opposed the application for review submitted by the employer. In essence, the PSAC submitted that the bargaining unit which it currently represents, consisting of employees of administrative support category, should remain a separate and distinct bargaining unit; that is, this bargaining unit should not be consolidated with the employer's three other bargaining units, which are currently represented by the Professional Institute of the Public Service of Canada (PIPSC).

The respondent (PIPSC) advised by letter dated May 22, 1998 that it:

... does not object to the amalgamation of its current three groups, Actuarial Science, Administration, and Commerce into one bargaining unit, nor do we object to the formation of one bargaining unit for all employees at the Office of the Superintendent of Financial Institutions (OSFI).

At the scheduled hearing of this matter on December 14, 1998, the parties advised that, subject to confirmation of certain details, they had reached a tentative agreement that would resolve the matters in dispute. The representatives of the parties requested an adjournment to provide them with a further opportunity to finalize an agreement. Accordingly, this matter was adjourned until January 29, 1999, which was subsequently extended at the request of the parties until April 12, 1999.

On that date the parties advised that they had reached the following agreement, which they requested be incorporated into the Board's decision on this matter:

*Bargaining Units Office of the Superintendent
of Financial Institutions*

Administrative Support Bargaining Unit

All employees primarily engaged in secretarial functions, clerical functions and/or other administrative support functions involving the routine application of rules and regulations.

Professional Bargaining Unit

All employees who are not in another bargaining unit.

UNDERLYING PRINCIPLES

1. *The bargaining unit descriptions are intended to reflect the status quo under the previous bargaining unit descriptions. That is to say that the Administrative Support Bargaining Unit is intended to encompass the positions in the Administrative Support Category as reflected in the Board's decision 145-23-279 and the Professional Bargaining Unit is intended to encompass those positions in groups other than the Administrative Support Category as reflected in the Board's decisions 144-23-280 and 142-23-281. It is intended that the number of members which PSAC or PIPS would have had in their bargaining unit under the existing description will be neither increased nor decreased under the new description.*

[As indicated above the parties subsequently agreed to the inclusion of the Administrative and Foreign Services group (Board decision 144-23-284) in the Professional Bargaining Unit.]

2. *The Administrative Support Bargaining Unit encompasses all RE1 and RE2 positions and the Professional Bargaining Units encompasses all RE3 positions and above, with the exception of 3 positions in dispute which PSAC asserts are in the Administrative Support Bargaining Unit and the Employer asserts to be in the Professional Bargaining Unit. PIPS does not oppose the inclusion of these positions in the Administrative Support bargaining unit.*
3. *The three positions in issue are*
 - *SUF-IT-274 -J. Kurt, Administrative Assistant, Toronto*

- *CB-IBO-101 -Vacant (former incumbent G. Cote) Head, General Services and Records*
 - *CB-IBO-265 - M.C. Black, Administrative Assistant, Information and business Services*
4. *The employer shall re-examine these 3 positions and, if a dispute remains, it shall be dealt with by the parties in the normal course.*

In light of this agreement, the Board is prepared to amend the certification decisions noted above. Accordingly, the description of the bargaining unit noted in Board decision 145-23-279 will be amended to read as follows:

All employees primarily engaged in secretarial functions, clerical functions and/or other administrative support functions involving the routine application of rules and regulations.

Also, in accordance with the above-noted agreement, the Board amalgamates the bargaining units described in Board decisions 142-23-280, 144-23-281, and 144-23-284 and amends the description of those units so that it reads as follows:

All employees who are not in another bargaining unit.

The Board will issue a new certificate reflecting this decision.

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

OTTAWA, June 7, 1999.