

OCCPS ST #09-01

DURHAM REGIONAL POLICE SENIOR OFFICERS' ASSOCIATION
Applicant

AND

DURHAM REGIONAL POLICE SERVICES BOARD
Respondent

Presiding OCCPS Members:

Murray W. Chitra, Chair
Hyacinthe Miller, Member

Appearances:

Brian Fazackerley, for the Applicant
Kevin Inwood, for the Respondent

Heard:

February 17, 2009

Date of Decision:

February 26, 2009

PROCEDURAL ISSUES - Bifurcation of hearing - Application filed by Senior Officers' Association pursuant to s. 116 of *Police Services Act* - Applicant asserting that individual employed as Strategic Human Resources Officer is a senior officer - Board bringing motion requesting determination of a question of law - Question whether *PSA* permits exclusions from bargaining units on the basis of potential conflict of interest - Motion presented in a factual void without reference to position in dispute - Motion for determination of a question of law brought without any notice to affected or interested parties - Association entitled to proceed to hearing and obtain a ruling grounded in fact - Preliminary motion dismissed.

SENIOR OFFICERS' ASSOCIATION - Member status - Application filed by Senior Officers' Association pursuant to s. 116 of *Police Services Act* - Association contending that Strategic Human Resources Officer is a member of senior officers' bargaining unit - Board bringing preliminary motion for determination of a question of law - Issue whether *Police Services Act* permits exclusion of positions on the basis of conflict of interest - Not appropriate to determine exclusion issue in a factual void - Application relating to identified person, particular police service and specific bargaining unit - Association entitled to proceed to a hearing of its application - Preliminary motion dismissed.