

SEP 20 1976

Mr. Alfred K. May
Assistant Secretary-Treasurer
National Association of
Letter Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001

Re: William Dennehy
Yonkers, NY
NC-N-2064 (NC-72)V76-5616

Dear Mr. May:

On September 8, 1976, we met with you to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The matters presented by you as well as the applicable contractual provisions have been reviewed and given careful consideration.

The issue raised in this grievance questions whether the Employer is required to compensate an employee for attendance at an arbitration hearing when no relevant testimony is given.

Article XV, Section 3 of the National Agreement requires that employee witnesses shall be on Employer time when appearing at the arbitration hearing, provided the time is during the employee's regular working hours. There is no distinction made in this section as to whether testimony is given or whether such testimony is relevant. The intent of the language in this part is that it be a "no loss-no gain" situation. It is implicit in this section that a person requested to appear at an arbitration hearing as a witness, is necessary to the orderly process of the hearing and is knowledgeable about the issues in the case being arbitrated. This section does not intend that a person is on official

time for appearing at an arbitration hearing as an "observer" who cannot furnish information which has a substantive or probative value in relation to the case being heard.

Available information involving the particulars presented in this case indicates that the grievant's appearance at the arbitration hearings in question was within the spirit and intent of Article XV, Section 3 of the National Agreement. It is indicated that he appeared for the purpose of attesting to the validity and accuracy of route data forms utilized during the count and inspection of routes, which were presented into the record in this case. Such testimony can reasonably be viewed as contributing to the orderly processing of the case in arbitration.

Accordingly, by copy of this letter, the Postmaster is instructed to take the necessary measures to assure that the time in question in this case is charged to official time and that the grievant is reimbursed accordingly.

Sincerely,

[(signed)]

William E. Henry, Jr.
Labor Relations Department