

-APPENDIX-

EMPLOYEE AND LABOR RELATIONS GROUP
Washington, DC 20250

AUG 28 1979

ARTICLE	10
SECTION	
SUBJECT	
NLRB	
WITNESS	

Mr. William J. Kaczor
Executive Vice President, Maintenance Craft
American Postal Workers Union, AFL-CIO
817 - 14th Street, NW
Washington, DC 20005

Re: APWU - Local
Denver, CO
A8-W-0046/W8C5FC-2673
APWU - 0046

Dear Mr. Kaczor:

On July 25, 1979, we met on the above-captioned case at the fourth step of the contractual grievance procedure set forth in the 1978 National Agreement.


During our discussion, we concluded that at issue in this grievance is whether Postal Service employees are performing official duty when subpoenaed by the National Labor Relations Board to testify as witnesses in any compacity.


After reviewing the information available, it is our position that by virtue of P.L. 91-563 amended 5 U.S.C. 6322, and now addressed in the Employee and Relations Manual 516.41, such employees are performing official duty during the period with respect to which they are summoned to testify or produce official records on behalf of the United States. In this case the National Labor Relations Board is considered an agency of the United States, thus whether the testimony is favorable to the Postal Service, adverse to the Postal Service, or unrelated to the Postal Service, such testimony is considered as performing official duty.

By copy of this letter, the Postmaster is instructed to make the necessary pay adjustments.

Please sign the attached copy of this letter as your acknowledgment of the final disposition of this case.

Sincerely,


William A. Steff,
Labor Relations Department


William J. Kaczor
Executive Vice President
Maintenance Craft
American Postal Workers Union,
AFL-CIO