



ARTICLE	19
SECTION	EL-7
SUBJECT	MSPA
	Henry

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

March 4, 1983

Mr. Kenneth D. Wilson
Assistant Director
Clerk Division
American Postal Workers
Union, AFL-CIO
817 - 14th Street, N.W.
Washington, D.C. 20005

int. 19, 10

Re: B. Kennedy
Fort Worth, TX 76101
H1C-3A-C 12570

Dear Mr. Wilson:

On January 26, 1983, we met 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 in this case is whether the grievant is entitled to Administrative Leave for time spent as a witness in a Merit Systems Protection Board hearing.

It is the position of the USPS that the grievant is not entitled to receive the requested leave. Section 519 of the Employee and Labor Relations Manual (ELM) provides the circumstances under which Administrative Leave is granted. The circumstances in this case do not comply with any of the permissible reasons for granting this leave. In addition, the grievant is the local APWU President, and he is on extended Leave Without Pay for Union Business. LWOP is a nonpay-nonduty status. The grievant's entitlement to pay for time as a witness is contingent upon his otherwise being in a pay status. Under these circumstances, it is our position that the grievant is not entitled to such payment.

Based upon the foregoing considerations, this grievance is denied.

