

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mondaire Jones, Alessandra Biaggi, Chris Burdick, Stephanie Keegan, Seth Rosen, Shannon Spencer, Kathy Rothschild, Diana M. Woody, Perry Sainati, Robert Golub, Mary Winton Green, Marsie Wallach, Matthew Wallach, Mac Wallach, Carol Sussman, and Rebecca Rieckhoff,
individually, and on behalf of all others similarly situated,

Plaintiffs,

v.

United States Postal Service, Louis DeJoy, as Postmaster General of the United States Postal Service, and Donald J. Trump, as President of the United States,

Defendants.

No 20 Civ. 6516 (VM)

DECLARATION OF ANGELA CURTIS

I, Angela Curtis, under penalty of perjury and in lieu of affidavit as permitted by 28 U.S.C. § 1746, hereby state as follows:

1. I am currently employed by the United States Postal Service as Vice President, Retail and Post Office Operations, at Postal Service Headquarters in Washington, D.C.
2. In August 2020, I learned that Postmaster General Louis DeJoy, who took office June 15, 2020, planned a new organizational reporting structure designed to better align talent and resources, to instill greater accountability for performance, and to focus the Postal Service on service and growth. Thereafter, I was appointed to my current position, effective August 29, 2020, after having served as the Acting Vice President for the Eastern Area for one year.
3. I have worked for the Postal Service for over 27 years. I began as a city letter carrier, and then advanced through a series of supervisory and management positions in Operations, including District Manager for Baltimore, plant manager in Asheville, N.C., and Manager of Operations in the Eastern Area.
4. I am familiar with the complaint in this matter and plaintiffs' claims therein.
5. This declaration is based on my personal knowledge, as well as information conveyed to me by my staff and other knowledgeable Postal Service personnel in the course of my official duties and responsibilities.
6. In my role as Vice President, Retail and Postal Operations, I oversee all retail and customer-facing interaction as well as internal post office operations nationwide.
7. As Acting Vice President for the Eastern Area, I oversaw Postal Service operations in ten Districts encompassing postal facilities in all or part of twelve states, including Ohio, Pennsylvania, Ohio, West Virginia, Virginia, and New Jersey.

8. The chief executive officer of the Postal Service is the Postmaster General. Under the leadership of the Postmaster General, Headquarters establishes nationwide policies and has oversight of nationwide operations. Management of field operations is divided into areas, which oversee districts. As of the management restructure in August 2020, there are two regional processing operations areas and four retail and delivery operations areas; previously, there were seven. Whereas processing and distribution centers previously reported to districts and areas, now they report directly to the Area Vice Presidents.
9. Facilities throughout the nation, including retail facilities, and plants or processing and distribution centers, employ managers and supervisors. The Postal Service employs a workforce of over 600,000 employees, including craft (bargaining unit) employees, supervisors, facility managers and postmasters, and administrative staff.
10. The terms and conditions of employment of postal craft employees are governed by collective bargaining agreements with their authorized collective bargaining representatives. Craft employees include letter carriers, who deliver the mail; clerks, who perform mail processing or retail duties; and numerous other crafts. The vast majority of employees are clerks and other crafts, represented by the American Postal Workers Union, and letter carriers, represented by the National Association of Letter Carriers.
11. The collective bargaining agreements govern their work hours, pay (including overtime), benefits, and all other conditions of employment. Local union divisions also have local agreements with facilities within specific geographic areas. Pursuant to the national agreements, overtime is compensated at a “time and a half” rate, and penalty

overtime (*e.g.*, work performed on Sundays, or in excess of eight hours on a non-scheduled work day) is compensated at a double rate.

Ongoing Monitoring of Overtime

12. Numerous circumstances arise that may require overtime, and the Postal Service's consistent practice in the past and currently is to utilize overtime hours where needed to deliver the mail on time. Throughout my years of service and to date, Postal Service management has also consistently monitored overtime usage, in order to assess whether it may be managed more effectively. That practice has not changed since Postmaster General DeJoy took office.
13. Historically, overtime work is evaluated and approved by field managers, not managers at postal Headquarters. Individuals at higher supervisory levels (*e.g.*, area or district managers or postmasters) monitor reported overtime data and provide oversight by discussing overtime usage with field-level managers to identify possible improvements or adjustments.
14. Front-line supervisors in the field generally schedule employees' work hours and oversee employee overtime, including planning for any needed prescheduled overtime, directing unscheduled overtime, and approving or denying employee requests for overtime work. Supervisors report to higher-level managers within the facility or in an overseeing office. Facilities' installation heads report to district managers, who report to area managers. Headquarters has general oversight over overtime usage throughout the nation. At all levels of oversight of overtime usage, the Postal Service considers the volume of mail flow and the efficiency of employee hourly work performance.

15. Postal Service supervisors endeavor to set schedules that ensure that employees are efficiently performing their required duties during each hour they are on the clock, and management exercises oversight to ensure that supervisors efficiently manage employee work hours. The Postal Service refers to hours of work at the expected level of efficient productivity as “earned hours,” whereas time spent during the work day that is not productive is referred to as “unearned hours.” Earned work hours are the amount of time required to complete necessary work efficiently. For example, for carriers, earned work hours relate to the time to complete tasks such as casing mail (sorting mail into boxes with multiple compartments corresponding to five-digit ZIP Codes) and time to deliver assigned routes. City letter carriers are contractually entitled to be paid for eight hours per work day, and they carry mail on routes that vary according to the number of hours of work required to complete it. Carrier work time that is completed according to expected standards is considered earned work hours, whereas time that exceeds the general expectation is assessed as unearned work hours.
16. Supervisors set schedules with the goal of matching the expected earned work hours with appropriate staffing. Where mail volume exceeds the maximum number of expected earned work hours, overtime hours are necessary. Where overtime hours are used on a frequent basis in a facility that has excess unearned work hours (hours that could have been, but were not, used to fulfill expectations before having to use overtime), however, the facility may not be functioning as efficiently as expected, and the Postal Service may be incurring additional costs that could potentially be avoided. Therefore, management monitors the use of work hours and overtime so that it can identify and address problems that may be the cause of work not being performed or

managed inefficiently. In addition, if data showed that a particular facility's employees were working efficiently (and thereby "earning" the maximum amount of earned work hours) but were still forced to incur significant overtime, postal management might conclude that those work issues would be better addressed by hiring additional staff, rather than using excessive overtime.

Pandemic-Related Mail Volume Decline and Staffing Shortages

17. In March of 2020, at the beginning of the COVID-19 pandemic, the Postal Service began to see a steep decline in the volume of letter mail and flats (*e.g.*, periodicals and flat advertising mail larger than letter mail), which exacerbated the continuing increasing decline in mail volume of recent years due to advances in electronic communications technology. In some facilities, the Postal Service saw declines of 25 to 50 percent in letter and flat mail volume. That decline led to a decrease in the amount of earned work hours and presented the opportunity for management to maximize efficiency by taking appropriate management measures, such as assigning additional tasks to employees that otherwise may not have enough work to fill their maximum earned work hours.
18. However, in many areas the pandemic also led to significant staffing shortages due to illness and quarantine. With a decrease in supervisor availability, many facilities faced inadequate managerial oversight, as a greater number of supervisors or employees with less experience attempted to manage operations. During the normal course of operations, craft employees (*e.g.*, letter carriers and clerks) frequently fill a temporary supervisory position, which the Postal Service refers to as "204b." In addition to the absence of the normal level of oversight, during the pandemic a greater number of

204bs than usual worked in mail processing operations, and many had little to no experience in managing operations and work schedules.

19. In the Eastern Area, we identified the decline in availability of experienced supervisors as a contributing factor to unnecessary overtime at some facilities, because temporary supervisors were often less able to provide adequate or effective oversight. I led efforts to begin to remedy the situation by devising a decision-tree guide for temporary supervisors, which set forth multiple factors to be considered in ensuring that the workload is efficiently managed and appropriate schedules are set. Attached as Exhibit 1 to this Declaration is a copy of the decision-tree.
20. Staffing shortages during the pandemic led to significant temporary difficulties in the Postal Service's ability to process and deliver mail on time in certain areas. Our data analyses showed that these staffing shortages were often especially severe in localities where carriers are heavily dependent on public transportation to get to work and to deliver mail (*i.e.*, major cities). For example, on one occasion a plant in Cleveland, Ohio, needed 64 employees to run automation machines, but only 12 employees were available to work. All available staff, including the plant manager, worked the machines, but nonetheless they were temporarily unable to get all of the mail timely processed.
21. The pandemic's challenges have required that local offices at times make difficult day-to-day decisions regarding how best to manage transportation, processing, and delivery schedules. When Philadelphia was hard hit by the pandemic, there were occasions that insufficient staff was available to deliver mail every day. Management took steps to ensure that routes would not go over two days without delivery, as it was not possible

for available staff to accomplish delivery all routes on time every day. In order to address staffing shortages in Philadelphia, the Postal Service hired approximately 1,141 new employees during the period from March 1, 2020, to August 18, 2020.

Continuing Excessive Overtime Usage

22. Despite the fact that many localities suffered staffing shortages due to the COVID-19 pandemic, the Postal Service continues to monitor, as usual, overtime usage and its associated costs, which the reported data have shown are still a concern. During the pandemic many locations with little or no COVID-19 impacts on staffing have had a high level of overtime usage despite an excess of unearned hours. However, Headquarters never issued an instruction to the field that no overtime would be authorized or that overtime would be capped at certain levels, either before or after Postmaster General DeJoy's arrival.
23. Prior to June 15, 2020, the Postal Service was incurring overtime at a rate of approximately 13 percent of total work hours nationwide, and since that time the rate has remained approximately 13 percent.

No New Directives on Delivery Limitations or Hiring

24. There have been no new directives issued by Postal Service Headquarters or area management stating that field operations should leave mail behind in a facility rather than getting it delivered on time. Moreover, neither Headquarters nor area management informed the field that doing so was permitted or acceptable, whether before or after Postmaster General DeJoy took office on June 15, 2020.¹

¹ I have seen copies of a July 10, 2020 memo called "Mandatory Stand-Up Talk: All Employees," and a July 14, 2020 PowerPoint presentation entitled "PMGs expectations and plan." These documents purport to discuss issues relating to late and extra truck trips, overtime,

25. In addition, neither Postmaster General DeJoy nor Postal Service Headquarters has informed field operations that the Postal Service will be curtailing any measures to ameliorate staffing shortages. Headquarters did not state that the Postal Service would implement a total hiring freeze. For a period of time beginning in August 2020, there has been a management hiring freeze for all non-bargaining unit employees. However, that hiring freeze has had no impact on craft employees. Indeed, the Postal Service has hired thousands of new employees to help address staff shortages caused by the pandemic. Nor did the Postmaster General and/or Headquarters direct that carriers had to return from mail routes on time even if they had not fully completed their deliveries for the day.
26. Finally, either before or since Postmaster General DeJoy took office, Headquarters has not issued directives forbidding carriers from continuing their usual practices with respect to park points, *i.e.*, the locations where carriers park and leave their vehicles to deliver their mail on foot. Instead, the Postal Service has continued to follow its usual practices of managing park points as efficiently as possible to minimize the extra time required to locate spots, park, and secure vehicles, and to maximize the safety of carriers and the mail. As explained above, the Postal Service took steps to alleviate

park points, and other topics. These documents were prepared by local managers and were not reviewed or approved by Headquarters. They were distributed locally, not nationally. They do not represent official Postal Service guidance or direction. For example, contrary to some information in these documents, Headquarters did not ban all overtime or all extra or late trips and did not instruct local facilities to leave at the facility mail that was scheduled for delivery that day. When the district manager became aware of the PowerPoint, she immediately contacted her direct reports to clarify that the presentation was not an official Postal Service presentation and that the data contained therein was not representative of facts. This message was then cascaded to the field in her district.

staff shortages and to manage all operations as efficiently as possible using all available resources.

July 2020 Monitoring of Transportation Schedules

27. In July 2020, I became aware that the Postal Service was renewing its emphasis on compliance with long-established schedules governing our mail processing, including transportation schedules that have been in place for many years but that were not being complied with on a regular basis.
28. As the Eastern Area Vice President, I took responsibility to help ensure that the Eastern Area contributed to the renewed emphasis on adherence to established schedules, with the ultimate goal of improving our service standards (on-time delivery to customers) and increasing efficiency (by, *e.g.*, mitigating extra trips and unneeded overtime). In July 2020, I monitored my area's daily performance during the first week that Headquarters renewed its focus on compliance with transportation schedules.
29. During that week, compliance with transportation schedules improved. There was, however, a temporary decline in compliance with service standards, *i.e.*, a greater volume of mail was delivered a day or more later than would be expected to achieve 100 percent compliance with established guidelines (expected number of days for delivery per type of mail, *e.g.*, First-Class, standard, etc.). I became aware of local management occasionally exercising poor judgment regarding the dispatch of mail. For example, if all of the mail scheduled for delivery that day was not ready to be loaded onto trucks, local managers let trucks leave at the scheduled time and held the mail for delivery on the next truck available. When we became aware of such cases, facility managers were advised to contact high-level managers to discuss options for

ensuring timely delivery of mail in a cost-efficient manner, rather than leaving mail behind. In addition, area management worked together with local management to ensure that mail was processed on time so that all mail scheduled for dispatch that day would be loaded onto trucks.

30. My analysis of the first week's data also allowed me to identify problems related to noncompliance with transportation schedules, such as delivery contractor failures, workforce performance, errors using scanning devices that track mail, and, as mentioned above, inadequate local management of mail processing schedules. I worked closely with field offices to identify the specific problems affecting performance and advised them on solutions to the problems. As offices implemented solutions, the performance decline of the initial week began to improve significantly, and adherence to schedules improved as well.
31. Postal Service management's monitoring of field performance involves ongoing practices that have not changed on a nationwide level for years. Specific practices vary from manager to manager, but all management efforts have long been directed at achieving maximal steady improvement in our operations to more efficiently and timely deliver mail to all customers throughout the nation.

Retail Window Hours

32. The Postal Service routinely reviews retail window hours in post offices, examining retail units' volume of transactions, customer visits, and revenue to assess whether locations are operating efficiently and providing adequate service to customers, generally on an annual basis in preparation for plans for the next fiscal year. The Postal Service Operations Manual (POM), section 126.4, sets forth policy and procedures

regarding retail hours. U.S. Postal Serv. *Postal Operations Manual*, §§ 126.4 (Issue 9, updated with changes through July 31, 2020) (attached to this Declaration as Exhibit 2). Postal Service Handbook PO-209, Section 5-3 provides additional guidance on office hours. *Handbook PO-209*, Retail Operations, § 5-3 (attached as Exhibit 3). Per POM § 126.42, local managers are not permitted to close or consolidate facilities or significantly reduce hours without review and approval by the areas and Headquarters.

33. During the pandemic, there has been a significant decline in customer traffic and business in our retail units.
34. After Postmaster General DeJoy's arrival, I participated, along with other leadership, in a session during which we discussed a broad range of operational matters, one of which was retail operating hours. The Postmaster General did not issue any specific instructions at that time, and since June 15, 2020, neither the Postmaster General nor Headquarters directed or authorized a reduction in retail window hours.
35. On August 18, 2020, the Postmaster General issued a statement in which he announced to the public that he was suspending certain ongoing initiatives and that retail hours at post offices will not change until after the November election.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Washington, D.C. on this _____ day of September, 2020

ANGELA CURTIS