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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

18 Plaintiffs,

19 v.

20 UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

21 Defendants.
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Case No. 3:25-cv-1780-WHA

**DECLARATION OF TIMOTHY D. DILL
IN SUPPORT OF DEFENDANTS'
MOTION FOR STAY OF MARCH 13,
2025, ORDER**

1 I, Timothy D. Dill, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am currently the official performing the duties of the Assistant Secretary of
3 Defense for Manpower and Reserve Affairs of the Department of Defense (“Department”),
4 headquartered in Washington, D.C. I have served in this position since January 22, 2025.

5 2. In my role at the Department, I am responsible for personnel management. I have
6 the responsibility for tracking and recording personnel actions, including terminations. I assist in
7 ensuring that all personnel actions comply with federal law, including those related to
8 probationary employees.

9 3. Probationary employees in the competitive service are employees who have been
10 employed for less than one year. In the excepted service, the probationary period is two years.

11 4. The probationary period is part of the hiring process, and probationary employees
12 have extremely limited protections against termination compared to employees with final
13 appointments.

14 5. The probationary period is essentially an extended trial period for a finalized
15 appointment. Supervisors evaluate probationary employees to determine whether the employees
16 would be a good fit for long-term employment. While on probation, an employee receives no
17 assurance of a final appointment.

18 6. On January 20, 2025, my office received a guidance memorandum from the
19 Office of Personnel Management (“OPM”), which requested that agencies review all
20 probationary employees and identify which employees should be retained and which should be
21 terminated.

22 7. Consistent with the OPM guidance, the Department reviewed all probationary
23 employees’ performance to determine which employees to keep and which to terminate.

24 8. Department records indicate that it fired 16 total probationary employees on or
25 about February 13 and 14, 2025.

26 9. The Court’s order, requiring the Department to reinstate all probationary
27 employees terminated on or about February 13 and 14, 2025, will impose substantial burdens on
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1 the Department, cause significant confusion, and potentially subject terminated employees to
2 extreme whiplash.

3 10. Offers of reinstatement will impose significant administrative burdens on the
4 Department. Among other things, all reinstated employees will require onboarding, including
5 certain training, filling out human resources paperwork, obtaining new security badges, and re-
6 enrolling in benefits programs.

7 11. Offers of reinstatement will also cause confusion for agency and employee alike.
8 Employees who were terminated just weeks ago will be offered reinstatement. Yet an appellate
9 ruling could reverse the district court's order before terminated employees accept their
10 reinstatement or before they reenter on the job. The Department could withdraw any offers of
11 reinstatement in that circumstance. And even if the employees are reinstated prior to any
12 reversal of the district court's order, the reinstated employees will remain on probation and could
13 again be terminated. In short, employees could be subjected to multiple changes in their
14 employment status in a matter of weeks.

15 12. The tremendous uncertainty associated with this state of affairs would preclude
16 supervisors from appropriately managing their workforce. Work schedules and assignments
17 would effectively be tied to hearing and briefing schedules set by the courts. It would be
18 extremely difficult to assign new work to reinstated employees in light of the uncertainty over
19 their future status.

20 13. Finally, offering reinstatement to terminated probationary employees will
21 interfere with the effective functioning of the Department. Reinstating such employees would
22 undermine the efficiency of the Department. In addition, it would interfere with the
23 Department's plans to implement the President's workforce optimization initiative. The
24 Department has engaged in a broader effort to determine civilian reductions based on a
25 comprehensive readiness impact analysis on the size and appropriate mix of the Total Force.

26 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
27 and correct.

1 Dated: March 14, 2025

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4 Timothy D. Dill
5 Performing the Duties of the
6 Assistant Secretary of Defense for
7 Manpower and Reserve Affairs
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