

1 Scott A. Kronland (SBN 171693)
2 Stacey M. Leyton (SBN 203827)
3 Eileen B. Goldsmith (SBN 218029)
4 Danielle E. Leonard (SBN 218201)
5 Robin S. Tholin (SBN 344845)
6 James Baltzer (SBN 332232)
7 ALTSHULER BERZON LLP
8 177 Post Street, Suite 300
9 San Francisco, CA 94108
10 Tel. (415) 421-7151
11 Fax (415) 362-8064
12 skronland@altber.com
13 sleyton@altber.com
14 egoldsmith@altber.com
15 dleonard@altber.com
16 rtholin@altber.com
17 jbaltzer@altber.com

Attorneys for Plaintiffs

[Additional Counsel not listed]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 AMERICAN FEDERATION OF
18 GOVERNMENT EMPLOYEES, AFL-CIO;
19 AMERICAN FEDERATION OF STATE
20 COUNTY AND MUNICIPAL EMPLOYEES,
21 AFL-CIO, et al.,

Plaintiffs,

v.

23 UNITED STATES OFFICE OF PERSONNEL
24 MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

DECLARATION OF RUTH COFFEY

DECLARATION OF RUTH COFFEY

I, Ruth Coffey, declare as follows:

1. I am an employee of the National Park Service currently on administrative leave. I make this statement based on personal knowledge, and if called as a witness could and would testify competently thereto.

2. I began working for the National Park Service on September 22, 2024 as a coastal geologist at Assateague Island National Seashore in Maryland. Prior to working for the National Park Service, I was a non-tenure track Assistant Professor at the University of San Diego.

3. As a coastal geologist, I coordinated with other agencies and with universities on shoreline and marsh restoration projects at Assateague Island National Seashore. My position also included geologic support at the Harriet Tubman Underground Railroad National Historic Park.

4. On February 14, 2025, I received a termination letter, attached as Exhibit A. The letter stated: "The Department determined that you have failed to demonstrate fitness or qualifications for continued employment because your subject matter knowledge, skills, and abilities do not meet the Department's current needs." This claim was a shock to me, because I never received any notice about performance issues in any form, verbal, written, or otherwise. I had received positive verbal feedback from supervisors, but I had not been in my position long enough to have received a formal performance evaluation. My termination was effective immediately.

5. On Tuesday, March 18, 2025, I reached out to my supervisor, the Chief of Resource Management at Assateague Island National Seashore, because I heard that a court in Maryland had directed my employer to reinstate terminated probationary employees in the Department of Interior, including me. At that point, I had not heard anything from National Park Service or from the Department of the Interior about my position, my termination, or reinstating me in my job. My supervisor had both my personal email address and cell phone number.

6. I heard back from my supervisor on Tuesday, March 18 that the Park and the regional HR office had not received any guidance about reinstatement.

1 7. At 4:03 p.m. on Wednesday, March 19, I received an email from my supervisor to my
2 personal email address. The email also copied the Park Superintendent. A redacted copy of that email
3 is attached hereto as Exhibit B. The email read:

4 To comply with the court orders related to the termination of probationary federal employees,
5 the NPS has cancelled your termination action. As a result, you will be placed on administrative
6 leave until further notice. **At this time, we are not asking you to return to the workplace.**
7 As a result of this cancellation, you will be made whole related to your salary and benefits
8 (including back pay). We will keep you posted when we receive additional information related
9 to the future of your position and any return to work options. **You will remain in an**
10 **administrative leave status until further guidance is provided.**

11 You may hear that other terminated probationary employees have been asked to return to the
12 workplace. **Only those employees that have been classified by NPS as “key to public safety,**
13 **national security, and critical park operations” are being asked to return at this time.**

14 Unfortunately, your position was not included in this designated group.

15 (emphasis added).

16
17 I declare under penalty of perjury that under the laws of the United States that the foregoing is
18 true and correct. Executed 19th day of March 2025 in Locust Valley, New York.

19
20
21 

22 Ruth Coffey
23
24
25
26
27
28

Exhibit A



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW Washington, DC 20240



Memorandum

To: Ruth Coffey
Geologist

//s//
From: Lena McDowall
Deputy Director, Management and Administration

Date: February 14, 2025

Subject: **Notice of Decision to Terminate Competitive Service Appointment During Probationary Period**

Consistent with applicable Federal laws, rules, and regulations, this Memorandum documents and provides written notice of my decision to terminate, during the probationary period, your competitive service appointment to the position of Geologist, with the National Park Service. My decision becomes effective immediately, on the date of this Memorandum, which you have received by hand delivery on the same date. You are instructed to coordinate immediately with your supervisor to satisfy all off-boarding administrative requirements (*e.g.*, surrender all keys to the Federal workplace, Federal access badge, government-owned materials, and government-owned electronic equipment, etc...) and to leave the workplace immediately after satisfying all administrative requirements. The Department will attend to all applicable timekeeping requirements on your behalf and will ensure that you receive full pay through the close of regular business (including any grant of administrative leave, if necessary and appropriate) on the date of this Memorandum.

Your competitive service appointment, which became effective on 9/22/2024, was subject to a probationary period, as indicated on your appointment SF-50. During your probationary period, the Department has continued to evaluate your fitness for the position to determine whether you have fully demonstrated your qualifications for continued employment. Until the probationary period has ended, you, as a competitive service appointee, have the burden to demonstrate why the Department should finalize your appointment in the civil service. If, during the probationary period, a competitive service appointee's work performance, which includes any relevant knowledge, skill, or ability, does not satisfy the needs of the Department, and thus the appointee fails to demonstrate the competitive service appointee's fitness or qualifications for continued employment, the Department shall initiate action to separate the competitive service appointee during the probationary period. The probationary period is a highly significant step, and the final step, in the evaluation process, which is used to determine a competitive service appointee's fitness and qualifications for the position. The Department determined that you have failed to demonstrate fitness or qualifications for continued employment because your subject matter knowledge, skills, and

abilities do not meet the Department's current needs, and it is necessary and appropriate to terminate, during the probationary period, your appointment to the position of Geologist, at Berlin, Maryland, within the National Park Service. As written above, my decision becomes effective immediately on the date of this Memorandum.

Probationary Appointee Rights and Procedures

If you believe that you meet the definition of "employee" under 5 U.S.C. § 7511(a)(1), and accordingly, that the Department has erroneously determined that your appointment remains subject to a probationary period, please notify your first-level supervisor immediately.

As a career-conditional competitive service appointee with less than one year of current continuous service, you have no statutory right to file an appeal with the U.S. Merit Systems Protection Board (MSPB). However, pursuant to Federal regulations, you may appeal this decision to the MSPB only if you raise a non-frivolous allegation that partisan political reasons or marital status motivated this termination decision. An appeal to the MSPB must be filed no later than 30 days after the date of, and your corresponding receipt of, this Memorandum. If you do not submit an MSPB appeal within the time set forth by statute, regulation, or order of an MSPB Administrative Judge, the MSPB may dismiss your appeal as untimely filed, unless you show good reason for the delay. The assigned MSPB Administrative Judge may provide you the opportunity to show why your appeal should not be dismissed as untimely. If you choose to file an appeal, your appeal must be filed with the MSPB, must give reasons for contesting this termination decision, must include a copy of this decision being appealed, and if available, include a copy of the SF-50 or similar notice of personnel action.

To appeal this action, you must send your appeal to the appropriate MSPB Regional/Field Office. A list of MSPB Regional/Field Offices is enclosed below and can also be found on MSPB's website at <https://www.mspb.gov/about/contact.htm>. Your appeal may be filed with the MSPB by mail addressed to the MSPB Regional/Field Office with jurisdiction over your state, by personal delivery to that office during normal business hours, by facsimile, or by commercial overnight delivery. The mailing address and facsimile numbers for the MSPB Regional/Field Offices are listed below. Alternatively, you may submit an appeal online through the MSPB e-appeal system at <https://e-appeal.mspb.gov/>. More information about MSPB contacts and locations can be found on MSPB's website at <https://www.mspb.gov/about/contact.htm>.

MSPB Contacts and Locations

Headquarters, Washington, DC

1615 M Street, NW
Washington, DC 20419
(202) 653-7200 - telephone
(202) 653-7130 - fax
mspb@mspb.gov - email

Dallas Regional Office

1100 Commerce Street
Room 620
Dallas, TX 75242-9979
(214) 767-0555 - telephone
(214) 767-0102 - fax
dallas@mspb.gov

Washington DC Regional Office

Washington DC Regional Office
1901 S. Bell Street
Suite 950
Arlington, Virginia 22202 (703) 756-6250 - telephone
(703) 756-7112 - fax
washingtonregionaloffice@mspb.gov

Atlanta Regional Office

401 W. Peachtree Street, NW
10th Floor
Atlanta, GA 30308-3519
(404) 730-2751 - telephone

Denver Field Office

165 South Union Boulevard
Suite 318
Lakewood, CO 80228-2211
(303) 969-5101 - telephone

Western Regional Office

1301 Clay Street, Suite 1380N
Oakland, CA 94612-5217
(510) 273-7022 - telephone
(510) 273-7136 - fax
WesternRegionalOffice@mspb.gov

(678) 804-4646 - fax

atlanta@mspb.gov

Central Regional Office

230 South Dearborn Street

31st Floor

Chicago, IL 60604-1669

(312)353-2923 - telephone

(312) 886-4231 - fax

chicago@mspb.gov

(303) 969-5109 - fax

denver@mspb.gov

Northeastern Regional Office

1601 Market Street

Suite 1700

Philadelphia, PA 19103

(215) 597-9960 - telephone

(215) 731-3962 - fax

philadelphia@mspb.gov

A copy of the MSPB's regulations concerning appeals is available at <http://www.mspb.gov>. If you would like a paper copy of the MSPB's regulations concerning appeals, you may contact the HR Division at hrd_people_group@nps.gov.

If you decide to file an appeal with the MSPB, you should notify the Board that the Department's contact for the purpose of your appeal is:

Division of Employment and Labor Law (DEL)

U.S. Department of the Interior

Office of the Solicitor

1849 C Street, N.W., Mailstop 6440

Washington, D.C. 20240

sol-inbox-del@sol.doi.gov

If you believe that this action constitutes a prohibited personnel practice under 5 U.S.C. § 2302(b), including but not limited to, claims that the Department took one or more covered personnel actions against you in retaliation for making protected whistleblowing disclosures or engaging in protected activity, you may seek corrective action before the U.S. Office of Special Counsel, which you may contact electronically at www.osc.gov, or by mail at U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036-4505. If your complaint concerns retaliation under 5 U.S.C. § 2302(b)(8) or (b)(9), and OSC dismisses your claim, you may have the right to file an Individual Right-of-Action (IRA) appeal with the MSPB within sixty-five (65) days of OSC's determination. However, in accordance with 5 U.S.C. § 7121(g)(2), if you elect to file a complaint with OSC prior to filing a complaint with the MSPB, you will be deemed to have elected to pursue corrective action under Subchapters II and III of 5 U.S.C. Chapter 12, and may be required to exhaust administrative procedures before OSC prior to filing an IRA appeal with the MSPB. For further information regarding your right to seek corrective action, please refer to 5 U.S.C. § 1221 and 5 C.F.R. §§ 1209.2 & 1209.5.

If you believe that discrimination based on race, color, sex, religion, national origin, age (40 and over), disability, genetic information, or protected activity, in violation of federal antidiscrimination laws, motivated this decision in whole or in part, you may contact an EEO counselor within forty-five (45) days of receiving this Memorandum to discuss your claim(s) and file a complaint. The contact information for an EEO counselor is:

Washington Support Office (WASO)

Office of Equal Opportunity Programs

1849 C Street, NW MS 2505

Washington, DC 20240

(202) 354-1852

EEO@NPS.GOV

You can also find contact information for the applicable servicing EEO office on the Department's website at <https://www.doi.gov/pmb/eo/EEO-COUNSELORS>.

Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and an MSPB appeal that involves allegations of discrimination on the same matter. Whichever action is filed first shall be considered your election to proceed in that forum.

Should you have any questions, please contact the Human Resources Division's People Group at hrd_people_group@nps.gov.

Acknowledgment of Receipt

Please acknowledge receipt of this written notice by signing and dating below. Your signature does not mean that you agree or disagree with the contents of this Memorandum, and by acknowledging receipt, you will not forfeit any of the rights described above. However, your failure to sign will not void the contents of this Memorandum.

Ruth Coffey

DATE

Exhibit B

----- Forwarded message -----

From: [REDACTED] <[REDACTED]@nps.gov>
Date: Wed, Mar 19, 2025 at 4:03 PM
Subject: NPS termination update
To: Ruth Coffey <[REDACTED]@gmail.com>
Cc: [REDACTED] <[REDACTED]@nps.gov>

Ruth,

To comply with the court orders related to the termination of probationary federal employees, the NPS has cancelled your termination action. As a result, you will be placed on administrative leave until further notice. At this time, we are not asking you to return to the workplace. As a result of this cancellation, you will be made whole related to your salary and benefits (including back pay). We will keep you posted when we receive additional information related to the future of your position and any return to work options. You will remain in an administrative leave status until further guidance is provided.

You may hear that other terminated probationary employees have been asked to return to the workplace. Only those employees that have been classified by NPS as "key to public safety, national security, and critical park operations" are being asked to return at this time. Unfortunately, your position was not included in this designated group.

Sincerely,

[REDACTED]

[REDACTED]
Chief of Resource Management
Assateague Island National Seashore
7206 National Seashore Lane
Berlin, MD 21811
[REDACTED]