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

AMERICAN FEDERATION OF
 GOVERNMENT EMPLOYEES, AFL-CIO,
 et al.,

Plaintiffs,

v.

UNITED STATES OFFICE OF
 MANAGEMENT AND BUDGET, et al.,

Defendants.

Case No. 3:25-cv-08302-SI

**DECLARATION OF JACQUELINE
 CLAY**

Hearing Date: October 28, 2025

Time: 10:30 a.m.

Judge: Hon. Susan Illston

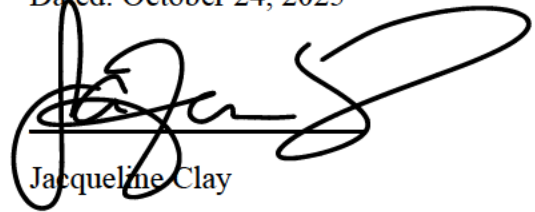
Place: San Francisco Courthouse
 Courtroom 01

Pursuant to 28 U.S.C. § 1746, I, Jacqueline Clay, declare as follows:

1. I am the Chief Human Capital Officer for the U.S. Department of Education (“ED” or “agency”), headquartered in Washington, D.C. I have served in this position since June 19, 2022.
2. In my role at ED, I am responsible for personnel management. I have the responsibility for tracking and recording personnel actions, including Reductions in Force (RIFs). I assist in ensuring that all personnel actions comply with court orders and federal law.
3. I make this declaration in opposition to Plaintiffs’ motion for preliminary injunction, based on my personal knowledge and on information provided to me in my official capacity by Department employees.
4. In anticipation of the federal government lapse in appropriations that began October 1, 2025, and in the first several days of the shutdown that resulted from that lapse in appropriations (the “shutdown”), ED senior officials considered the operational and programmatic necessity and feasibility of conducting a RIF. ED sent RIF notices to 465 employees on October 10, 2025 (the “October 10 RIF”).
5. I am aware that Plaintiffs in this case asserted that “employees who receive RIF notices because of political targeting suffer irreparable harm from political discrimination and its accompanying chilling effect.” ED’s October 10 RIF notices did not target employees based on their political viewpoints.
6. ED identified the branch-level programs included in the October 10 RIF by examining factors including shortage of funds, operational realities, supervisory lines, and current administrative control structures at the branch level.

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

Dated: October 24, 2025

A handwritten signature in black ink, appearing to read "Jacqueline Clay", written over a horizontal line. The signature is stylized and cursive.

Jacqueline Clay