

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

October 20, 2020

Mr. Louis DeJoy
Postmaster General and Chief Executive Officer
United States Postal Service
475 L'Enfant Plaza, SW
Room 4012
Washington, DC 20260

Dear Mr. DeJoy:

I have yet to receive a response from my letter addressed to you on August 25, 2020, demanding that you immediately reverse harmful operational changes and directives that you instituted and which have resulted in delayed mail in Wisconsin and across the country. Court orders have since been issued by several federal courts blocking the Postal Service from continuing with operational changes – removal and disconnection of mail sorting machines, denials of overtime and bans on late or extra trips to deliver mail – that were put in place in July 2020. However, my office has received recent concerning reports from USPS employees that management continues to ignore orders from federal judges blocking these operational changes. Further, data from USPS and messages from my constituents show that delayed mail continues to be a problem in Wisconsin. USPS needs to comply with these court orders and reverse the operational changes that led to—and continue to cause—delays in the delivery of mail. I am requesting that you provide me with information on how USPS is complying with court orders in Wisconsin and your plans to ensure that mail is delivered on time to Wisconsinites.

In *Jones v USPS*, Judge Victor Marrero of the New York Southern District Court noted that “Substantial evidence indicates that the supposed rollback of the challenged practices is either unenforced and not yet fully implemented or possibly insincere.” Judge Marrero ruled that USPS will be required to treat all election mail as first-class mail or priority mail express and that USPS must “authorize, and instruct, overtime to be used for the time period beginning October 26, 2020 and continuing through November 6, 2020 to ensure the timely delivery of Election Mail.”¹

In response, your agency has noted in court filings and internal memoranda to employees that election mail is the Postal Service’s number one priority, that late and extra trips to deliver mail are not banned, that overtime should be used to deliver election mail and that disconnected machines will be reconnected.²

¹ <https://nysd.uscourts.gov/sites/default/files/2020-09/20cv6516.pdf>

² <https://www.forbes.com/sites/alisondurkee/2020/09/24/postal-service-reversing-dejoy-changes-but-cant-reinstall-all-sorting-machines/#3ada86b06eea>

However, my office has received concerning information from USPS employees indicating the Postal Service continues to engage in practices that delay mail, in violation of court orders. Employees of the Milwaukee Processing and Distribution Center report certain managers are pressuring employees to continue sending out trucks, even if it means leaving mail behind. These employees report that, following the Postmaster General's instructions this July, signage was placed at the facility instructing trucks not be held back for late or extra trips and that this signage has not been removed. Additionally, employees report that not all machines have been reconnected, including a digital barcode sorter that could be reassembled.

In Madison, a postal employee sent photographs (which I have attached) of signs on sorting machines directing that they should not be run or operated. The employee noted that the machines, including a digital bar code sorter, have been reconnected but are still not being used to process mail. The employee alleges this was done to demonstrate in USPS data that the machines have not been disconnected.

In *Pennsylvania v. DeJoy*, U.S. District Judge Gerald Austin McHugh wrote that delays “clearly pose a threat to the delivery of Election Mail to and from the voters.” With the November 3, 2020 general election approaching, I am gravely concerned that mail delivery delays continue. USPS has reported Service Performance Data for the two districts of which Wisconsin is a part – Lakeland and Northland – that demonstrates on-time delivery rates for first-class mail have failed to recover in the months of September and October.³ In fact, the Lakeland District's on-time delivery rate for the week of September 19 – 25 was 77.11%, the worst week for the entire year. For the most recent week that data is available, October 3 – October 9, for both Lakeland and Northland Districts, on-time delivery rate for first-class mail was around 84%. This number is significantly lower than on-time delivery rates prior to your July directives, which consistently stood around 90%.

In addition, I continue to hear from constituents concerned about delays in the delivery of items they receive through the mail. I have heard from Bob, a blind veteran from Gleason, Wisconsin who relies on USPS for receiving prescription medications from the Tomah, Wisconsin Veterans Affairs Medical Center. Bob noted that in September he tracked his medication and found that it left Tomah as expected but took 7 days to reach him instead of the usual 2 to 3 days. I have also heard recently that the delays are slowing the delivery of mail-in ballots, payments owed to a small business and payments a constituent needs to make on time in order to avoid facing a penalty for a late payment. These ongoing delays are unacceptable.

Millions of Wisconsinites – among them veterans, seniors, small business owners, rural communities, and voters – depend on USPS. You must provide detailed information on your plans to comply with court orders and your plans to ensure that mail, including election mail, is delivered on-time to Wisconsinites. I look forward to your prompt reply.

³ <https://about.usps.com/newsroom/national-releases/2020/1001-usps-issues-new-service-performance-report.htm>

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Tammy Baldwin
United States Senator

CC: Eddie Masangcay, USPS Lakeland District Manager
Anthony C. Williams, USPS Northland District Manager