



United States Senate Committee on

Homeland Security & Governmental Affairs

U.S. Senator Gary Peters | Ranking Member

USPS Oversight Update

A HSGAC Minority Staff Report

USPS OVERSIGHT UPDATE

October 9, 2020

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Senator Gary Peters, Ranking Member

In July 2020, within one month of taking office as U.S. Postmaster General, Louis DeJoy directed operational changes that resulted in increased mail delays across the country. In August 2020, Senator Peters launched an investigation into these changes, and released two reports detailing the extent of the delays and their harmful impacts on seniors, small business owners, and others who depend on the Postal Service for critical deliveries.¹ In the face of mounting pressure from Congress and several federal lawsuits, the Postal Service has taken some steps to address delivery delays and to ensure election mail is prioritized and delivered promptly. However, continued fluctuations in on-time mail delivery represent a threat to critical mail delivery, including election mail, that USPS must ensure is immediately addressed.

I. In response to pressure from Congress and the public, and to comply with court orders, USPS has walked back harmful changes that delayed mail.

On August 18, 2020, Postmaster General DeJoy announced that certain types of changes would be halted until after the November election. He specified that no mail processing equipment or collection boxes would be removed, no processing facilities would be closed, post office hours would not be reduced, and overtime would continue to be approved as needed.² However, questions remained about operational changes that had significantly contributed to the delays, including limitations on late and extra trips and reported limitations on employee hours, including overtime.

From September 17–28, five preliminary injunctions were issued by federal courts barring the Postal Service from actions that could hinder on-time delivery.³ On September 21, 2020, the Postal Service issued instructions for its managers that clarified its policies and walked back certain prior changes ordered by Postmaster General DeJoy. The memo instructed that managers are authorized to approve late and extra trips needed to deliver mail on time; managers should approve employee requests for overtime; USPS will reconnect machines necessary to fulfill its service commitments; USPS will hire temporary employees needed to alleviate staffing shortages; and USPS will honor commitments made

¹ U.S. Senate Committee on Homeland Security & Governmental Affairs, Minority Staff Report, *Failure to Deliver: Harm Caused by U.S. Postmaster General DeJoy's Changes to Postal Service Mail Delivery* (Sept. 16, 2020); United States Senate Committee on Homeland Security & Governmental Affairs, Minority Staff Report, *Interim Report on the Threat of Postmaster General DeJoy's Postal Service Delays* (Aug. 21, 2020).

² U.S. Postal Service: Postmaster General Louis DeJoy Statement (Aug. 18, 2020) (<https://about.usps.com/newsroom/national-releases/2020/0818-postmaster-general-louis-dejoy-statement.htm>).

³ Decision and Order (Sept. 21, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 49; Order granting Plaintiff's Motion for Preliminary Injunction (Sept. 17, 2020), *State of Washington et al. v. Trump et al.*, E.D. Wash. (No. 1:20-cv-03127), ECF No. 81; Order Granting in Part Plaintiff's Motion for a Preliminary Injunction (Sept. 28, 2020), *Pennsylvania et al. v. DeJoy et al.*, E.D. Pa. (No. 2:20-cv-04096), ECF No. 63; Order granting Plaintiffs' Motion for Preliminary Injunction (Sept. 27, 2020), *New York et al. v. Trump et al.*, D.D.C. (No. 1:20-cv-02340), ECF No. 51.; Order granting Plaintiffs' Motion for Preliminary Injunction (Sept. 28, 2020), *Vote Forward et al. v. DeJoy et al.*, D.D.C. (No. 1:20-cv-02405), ECF No. 31.

by Postmaster General DeJoy in his August 18, 2020 announcement.⁴ Additionally, as described below, the Postal Service has taken steps to demonstrate initial compliance with the court orders.

II. USPS has taken steps to ensure the swift delivery of election mail and reassure the public, but additional work remains.

Following concerns about service delays and their potential impact on the November election, the Postal Service has repeatedly stated that its “number one priority is the proper handling and timely delivery of all Election Mail, especially ballots.”⁵ In recent weeks, in response to congressional oversight and court orders, the Postal Service has provided additional details about its plans and procedures for handling election mail. However, as described in the next section, ongoing fluctuation in on-time mail delivery is a significant concern for critical mail including election mail. USPS must ensure its election mail procedures are implemented as promised, to prevent any delays that could impact the upcoming election.

- **The Postal Service has committed to treating all Election Mail as First-Class Mail.** Election mail can be sent as either Marketing Mail or First-Class Mail. While Marketing Mail is generally expected to be delivered in 3–10 days, the Postal Service has a longstanding practice of processing all election mail in accordance with the 2–5 day delivery standard that applies to First-Class Mail. On August 21, 2020, Postmaster General DeJoy committed to adhering to this practice in testimony before Congress.⁶ Since then, the Postal Service has reiterated and detailed that commitment in its September 21 memo and a September 24 Mandatory Stand-Up Talk delivered to all employees.⁷
- **The Postal Service has made additional resources available to facilitate Election Mail handling.** USPS has also taken steps to expand capacity for election mail processing, including explicit instructions to run machines longer, reconnect machines needed to handle the volume, and authorize overtime and additional staffing. USPS issued a directive to managers on September 25 to deploy these resources, along with a public fact sheet about the readiness measures USPS has implemented related to election mail.⁸
- **The Postal Service has taken steps to increase transparency and oversight of Election Mail procedures.** On August 21, the Postal Service established an Election Mail Committee, and has

⁴ U.S. Postal Service, Memo to Officers, PCEs, and Pay Band Managers: *Clarifying Operational Instructions* (Sept. 21, 2020).

⁵ U.S. Postal Service, Memo for USPS Officers, PCEs, and Pay Band Managers: *Additional Resources for Election Mail Beginning October 1* (Sept. 25, 2020).

⁶ Senate Committee on Homeland Security and Governmental Affairs, *Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections*, 116th Cong. (Aug. 21, 2020).

⁷ U.S. Postal Service, Memo to Officers, PCEs, and Pay Band Managers: *Clarifying Operational Instructions* (Sept. 21, 2020); U.S. Postal Service, Mandatory Stand-Up Talk “Ready to deliver Election Mail for the nation” (Sept. 24, 2020).

⁸ U.S. Postal Service, Memo for USPS Officers, PCEs, and Pay Band Managers: *Additional Resources for Election Mail Beginning October 1* (Sept. 25, 2020); U.S. Postal Service, Mandatory Stand-Up Talk “Ready to deliver Election Mail for the nation” (Sept. 24, 2020); U.S. Postal Service, “2020 U.S. Postal Service Election Mail Preparedness Efforts Fact Sheet” (Oct. 1, 2020) (<https://about.usps.com/newsroom/statements/100120-usps-election-mail-preparedness-efforts-fact-sheet.pdf>).

partnered with its unions to set up internal oversight mechanisms, intended to quickly identify and rectify any problems with processing election mail.⁹ Most recently, USPS launched an effort to set up localized task forces made up of union member employees who will serve as “ballot ambassadors” that monitor election mail procedures and facilitate communication about problems.¹⁰

Additional work remains to ensure USPS effectively implements procedures for election mail and ensures swift delivery of this mail, along with all other critical mail. Congress will continue to monitor USPS’s handling of election mail, in addition to all types of essential mail. The USPS Office of the Inspector General, an independent watchdog, is currently conducting a nationwide audit of election mail processing and performance at facilities across the country.¹¹ One significant concern is continued fluctuations in on-time mail delivery, or service performance. While election mail is a subset of First-Class Mail and Marketing Mail, reliable service performance data is not available for election mail as a separate group due to the lack of tracking technology on most election mail.¹² However, service performance data is an essential metric for the Postal Service’s ability to deliver on time.

III. Mail delivery delays once again increased in September and on-time delivery rates remain below levels prior to July 2020 changes directed by Postmaster General DeJoy.

The Postal Service’s on-time delivery metrics have fluctuated in recent weeks. Any significant dip in service performance is a concern for critical mail. While recent delays have extended delivery times by about 1–3 days on average for First-Class Mail, a delay of even one day can have a significant impact.

During the week of September 26 – October 2, 2020 (the most recent for which data is available), the Postal Service delivered 86.0% of First-Class mail within the one-to-five-day timeframes specified in the USPS service standards.¹³ While on-time delivery improved by 1.7 percentage points compared to the previous week (September 19 -25), it remains 5.1 percentage points below the on-time delivery rates prior to Postmaster General DeJoy’s July directives. *See Figure 1.*

⁹ See National Association of Letter Carriers, *Election Mail Task Force Update for Letter Carriers* (Oct. 1, 2020) (<https://www.nalc.org/news/nalc-updates/election-mail-task-force-update-for-letter-carriers>).

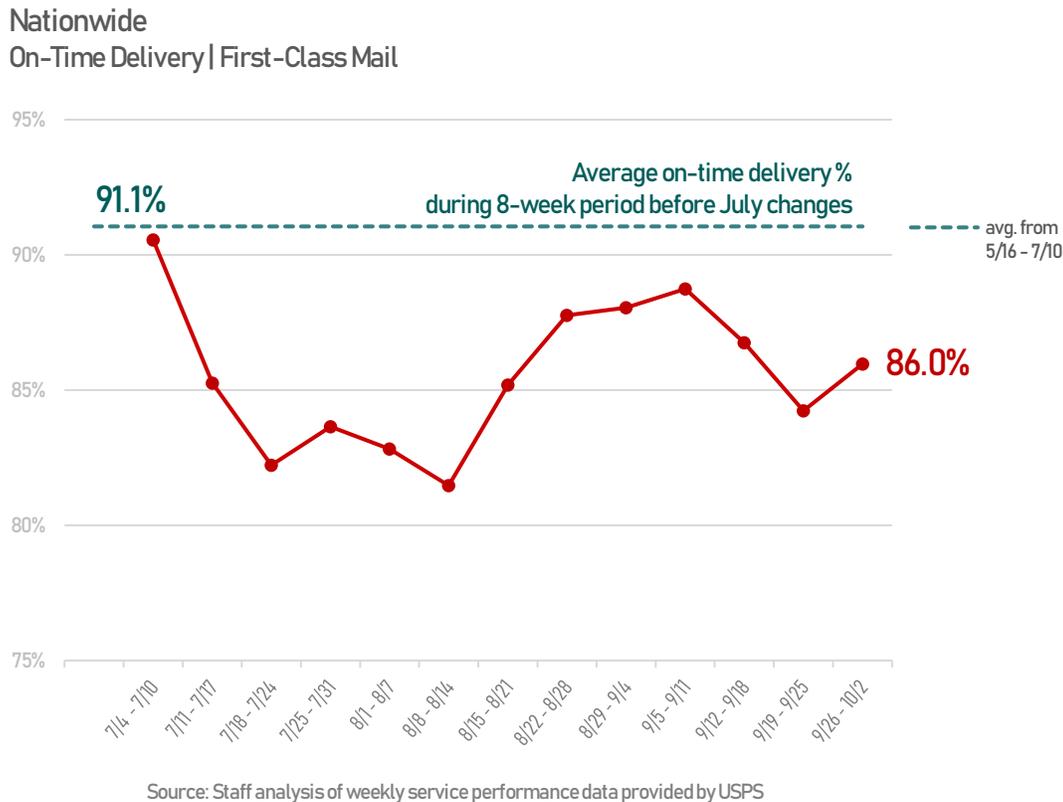
¹⁰ See Letter to Hon. Victor Marrero, United States District Judge from, Counsel for Defendant U.S. Postal Service (Oct. 2, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 68; and “2020 U.S. Postal Service Election Mail Preparedness Efforts Fact Sheet”.

¹¹ See U.S. Postal Service Office of Inspector General, *Election and Political Mail* (<https://www.uspsoig.gov/election-and-political-mail>).

¹² See U.S. Postal Service Office of Inspector General, “Processing Readiness of Election and Political Mail During the 2020 General Elections” (Aug. 31, 2020) (<https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-225-R20.pdf>).

¹³ Service standards for First-Class mail specify a delivery timeframe of one to five days, depending on the distance between the sender and the addressee. *See also* U.S. Postal Regulatory Commission, *Analysis of the Postal Service’s FY 2019 Annual Performance Report and FY 2020 Performance Plan* (June 1, 2020). (<https://www.prc.gov/sites/default/files/reports/USPS%20Perf%20Rpt%20and%20Plan.pdf>).

Figure 1



For several weeks prior to Postmaster General DeJoy’s July operational directives, the Postal Service consistently delivered about 91% of First-Class Mail within the applicable timeframes.¹⁴ On-time delivery plummeted starting the week of July 11–17, and fell to 81.5% during the week of August 8–14, the lowest level seen all year. Service performance began to improve during the week of August 15–21, the same week that Postmaster General DeJoy announced several changes would be halted. During the following three weeks (August 22–September 11), service continued moving in the right direction, but failed to match previous on-time delivery levels.

Despite assurances from Postmaster General DeJoy and other Postal Service officials that the steep drop in July would be temporary and that service performance would be rapidly restored, delays increased overall during the month of September and on-time delivery performance remains worse than it was in June and early-July.¹⁵

¹⁴ During the 8-week period from May 16 – July 10, nationwide on-time delivery rates for First-Class Mail ranged from a low of 90.4% to a high of 92.3%. The average on-time delivery score during this 8-week period was 91.1%.

¹⁵ See, e.g. Message from Postmaster General DeJoy to All USPS Employees (Aug. 13, 2020) (<https://link.usps.com/2020/08/13/path-forward-2/>); Declaration of Robert Cintron, USPS Vice President Logistics (Sept. 8, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 33.

- In each of the seven geographic Areas across the U.S., on-time delivery rates for the week of September 26 – October 2 remained below the levels prior to the July changes. Additionally, the Capital Metro Area and Great Lakes Area both saw their lowest weekly performance all year during the month of September.¹⁶
- In **59** of the **67** Postal Districts, on-time delivery performance remains below the average levels during the 4-week period prior to Postmaster General DeJoy’s July directives.
- During the week of September 26 – October 2, **53** of the **67** Postal Districts had on-time delivery rates below 90%. In six of those Districts, on-time performance was below 80%. *See Figure 2.*

Figure 2

Districts with on-time delivery rates below 80%
week of 9/26 – 10/2

District Name	First-Class Mail On-Time Delivery%
Richmond	79.1%
Capital	74.1%
Central Illinois	73.9%
Baltimore	73.7%
Detroit	72.2%
Chicago	69.9%

The recent fluctuations in service performance is cause for concern, and nearly all of the delays extended delivery times by about 1–3 days.¹⁷ During the week of September 19–25, over 97% of First-Class Mail was delivered within three days of the target delivery timeframes. The extent to which election mail has specifically been impacted is not clear from currently available data.

Michigan Snapshot

On-time delivery rates in Michigan have also fallen since the beginning of September, and performance remains below the levels during June and early-July. *See Figures 3 and 4.* During the week of September 26 – October 2, only 72.2% of First-Class mail was delivered on time in the Detroit District – a 7.1 percentage point drop from the previous week. In the Greater Michigan District, service performance improved slightly from the previous week, increasing by 0.4 percentage points to 86.6% on-time delivery.

¹⁶ During the week of Sept. 19 – 25, on-time delivery of First-Class Mail fell to 78.7% in the Capital Metro Area and 78.2% in the Great Lakes Area – the lowest weekly numbers all year.

¹⁷ U.S. Postal Service, Service Variance Report through week of Sept. 19.

Figure 3

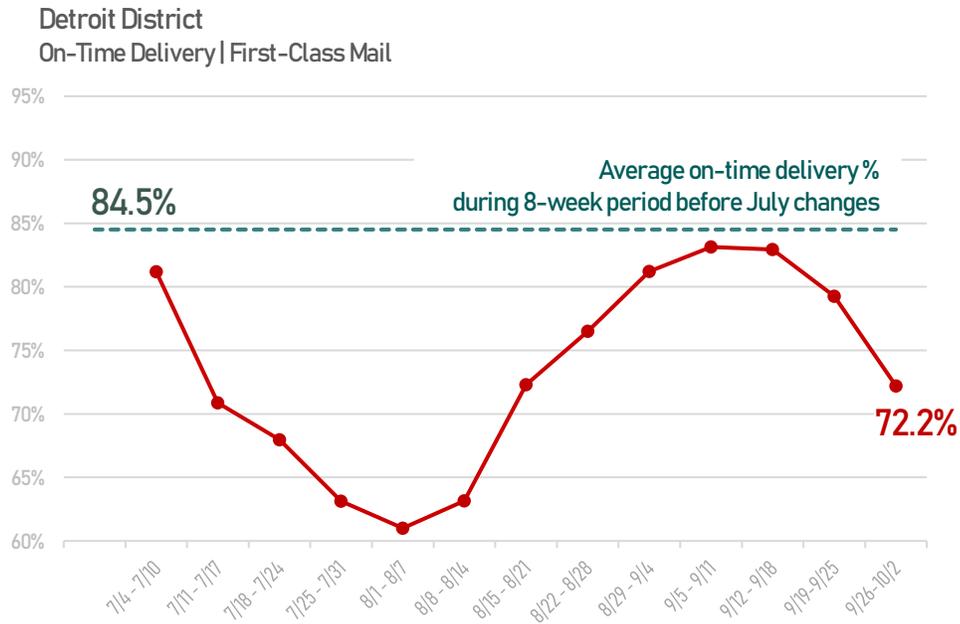
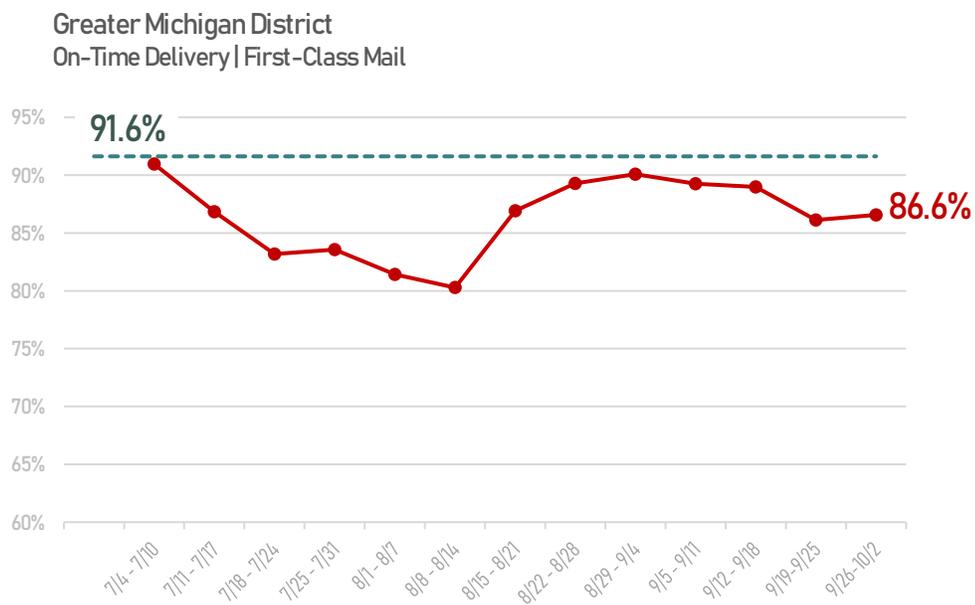


Figure 4



Source: Staff analysis of weekly service performance data provided by USPS

While this downward trend in service is concerning – especially in the Detroit District – on-time delivery levels in Michigan have improved overall since the height of the delays. Following Postmaster General DeJoy’s July directives, on-time delivery in the Detroit District fell dramatically, reaching a low-point of only 61.0% in early-August. In the Greater Michigan District, the decline was less severe, with on-time delivery falling to 80.3%. While on-time delivery rates in Michigan remain improved from the extreme delays in early-August, service has still not returned to the levels prior to the July changes. During the week of September 26 – October 2, on-time delivery in the Detroit District was 12.3 percentage points below average levels prior the changes (84.5%), and in the Greater Michigan District on-time performance remained 5.1 percentage points below prior on-time delivery levels (91.6%).

IV. CONCLUSION

Recent steps taken by the Postal Service to ensure Americans can count on the Postal Service to deliver mail securely and promptly are necessary and welcome, including specific improvements for election mail. However, continued oversight will be critical to ensure the Postal Service adheres to the commitments it has made. USPS must also answer for the September decline and continuing fluctuations in First-Class Mail on-time delivery performance and take all actions necessary to restore service to target levels.