

Declaration of Vivian Bellinger

1. I, Vivian Bellinger, do so declare that I am currently employed by the United States Postal Inspection Service. My current position is Manager of Human Resource Performance. I have held this position for two years, and prior to this I have held managerial positions within the Postal Inspection Service, Human Resource Departments since 1987.

2. The base pay of postal inspectors is set forth in the Inspection Service Law Enforcement (I.S.L.E.) Pay Schedule. Attached hereto as Exhibit "1" is the I.S.L.E. Pay Schedule for Level 13 Postal Inspectors.

3. The base pay of postal inspectors mirrors the base pay received by criminal investigators employed by other federal agencies, including criminal investigators from the Federal Bureau of Investigations (FBI), the Drug Enforcement Agency (DEA), and other federal agencies that employ the general schedule (GS). The I.S.L.E. pay schedule is an exact mirror image of the GS pay schedule for law enforcement officers. Level 13 postal inspectors, paid under the I.S.L.E. Pay Schedule, receive the same pay as criminal investigators paid at the GS 13 level. Attached hereto as Exhibit "2" is the GS Pay Schedule for level 13 criminal investigators. The

I.S.L.E. pay schedule is adjusted every year to mirror the changes made in the GS pay schedule in order to maintain comparability.

4. Postal inspectors receive a locality pay component to their pay. Locality pay is paid in accordance with the federal government locality pay rates received by other federal law enforcement personnel. This component of pay is adjusted annually to remain equal to the locality rate for the rest of the federal government. Attached hereto as Exhibit "3" is a table setting forth locality pay for postal inspectors. Attached hereto as Exhibit "4" is a table setting forth locality pay for other federal criminal investigators.

5. Postal inspectors receive a 25% availability pay equal to the rate of availability pay received by other federal agencies. The availability pay of other federal agents is codified at 5 U.S.C. 5545a (Availability pay for criminal investigators). Attached hereto as Exhibit "5" is a copy of section 5545a. Attached hereto as Exhibit "6" is a copy of section 123.5 (Availability Pay) from the Inspection Service Manual. This section sets forth the procedures for the availability pay component of postal inspectors. Both postal inspectors and other federal criminal investigators receive availability pay for periods of annual leave and sick leave.

6. Postal inspectors and other federal criminal investigators receive the same retirement benefits and contribute equally to these benefits. Under the Civil Service Retirement System (CSRS), employees may retire at age 50 with 20 years service. Under the Federal Employees Retirement System (FERS), employees may retire at age 50 with 20 years service or at any age with 25 years service. Under both systems the mandatory retirement age is 57.

7. Both postal inspectors and other federal criminal investigators receive the same health and life insurance benefits and pay the same premiums. Locality pay and availability pay are both considered in computations of retirement deductions and benefits and life insurance premiums and benefits.

8. Although the U.S. Postal Inspectors are not paid under Title 5 of the U.S. Code, the U.S. Postal Service has mirrored the main components of pay in creating a system whereby postal inspectors' compensation and benefits are comparable to other federal agents. All three components of an inspector's pay (the base pay, the locality pay, and the availability pay) count toward an Inspector's retirement, and all three mirror the levels paid for comparable levels of work in the executive branch of Government outside of the Postal Service. All three components of inspectors' pay are adjusted

annually equal to the levels received outside of the Postal Service to ensure that comparability is maintained.

9. Typically, the type of overtime compensation sought by this lawsuit would not be calculable into a retirement system. If Inspectors were to be paid overtime rates for all hours in excess of 43 hours a week, the availability pay component would need to be dropped, which would make the compensation and benefits of a Postal Inspector not comparable to the compensation and benefits paid for comparable levels of work in the executive branch of the Government outside of the Postal Service.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at Rosslyn, VA on the 24<sup>th</sup> day of November, 2004



Vivian Bellinger,  
Manager, Human Resource Performance