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

~~[PROPOSED]~~ ORDER CLARIFYING TEMPORARY RESTRAINING ORDER AND GRANTING PLAINTIFFS' MOTION TO MODIFY

Plaintiffs' Motion to Modify the October 15, 2025 Temporary Restraining Order ("TRO") (ECF 56), which seeks to extend the relief granted in that TRO to National Federation of Federal Employees ("NFFE"), Service Employees International Union ("SEIU"), and National Association of Government Employees ("NAGE") came before this Court and upon consideration, and for good cause shown, IT IS HEREBY ORDERED that the Motion is GRANTED. In addition, based on today's submissions by the parties and the arguments of counsel, the Court hereby clarifies certain provisions of the TRO about which Defendants expressed confusion or disagreement and hereby orders Defendants to make additional disclosures of information.

Because Defendants expressed an inaccurate interpretation of the TRO provisions, the Court further clarifies the following language in the October 15, 2025 TRO:

1) The phrase "federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff" includes (a) "federal employees in any PPA" in which Plaintiffs have any members, regardless of whether those members are employed in a bargaining unit that is represented by a Plaintiff; and (b) "federal employees in any PPA" in which any Plaintiff is or was a recognized collective bargaining representative of a bargaining unit prior to or after the issuance of Executive Orders 14251 and 14343, the effect of which is the subject of legal dispute.
2) The reference to issuance of RIF notices "during or because of the federal government shutdown" or "during a shutdown" applies to any RIF notices issued on or after October 1, 2025 and before the end of the federal government shutdown, regardless of whether that RIF was planned to occur independent of or before the shutdown.

The October 15, 2025 TRO is also modified to read as follows:

TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDERED that, pending an order by this Court as to whether further injunctive relief should issue,

OMB, OPM, and Federal Defendant Agencies[1] their officers, agents, servants, employees, and attorneys; and all persons acting by, through, under, or in concert with these Defendants are hereby enjoined and/or stayed, until further order of the Court, from:

1) taking any action to issue any Reduction in Force ("RIF") notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff[2] during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), the related OPM "Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025" (dated September 28, 2025), or any other decision or directive that purports to authorize or require issuance of RIF notices during a shutdown;

2) taking any further action to administer or implement any RIF notices already issued beginning on October 10, 2025 to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff, including but not limited to by requiring federal employees to perform work to further administer or implement RIF notices and by enforcing or counting any days towards any period of notice with respect to those notices (i.e., the

[1] The "federal defendant agencies" are the departments of Agriculture ("USDA"), Commerce, Defense ("DoD"), Education, Energy, Health and Human Services ("HHS"), Homeland Security ("DHS"), Housing and Urban Development ("HUD"), Justice ("DOJ"), the Interior, Labor ("DOL"), State, Treasury, Transportation ("DOT"), Veterans Affairs ("the VA"), as well as the Consumer Product Safety Commission ("CPSC"), Environmental Protection Agency ("EPA"), Equal Employment Opportunity Commission ("EEOC"), Federal Trade Commission ("FTC"), General Services Administration ("GSA"), Institute of Museum and Library Services ("IMLS"), National Aeronautics and Space Administration ("NASA"), National Archives and Records Administration ("NARA"), National Endowment for the Arts ("NEA"), National Endowment for the Humanities ("NEH"), National Gallery of Art ("NGA"), National Science Foundation ("NSF"), National Transportation Safety Board ("NTSB"), Nuclear Regulatory Commission ("NRC"), Small Business Administration ("SBA"), Smithsonian Institute ("Smithsonian"), Social Security Administration ("SSA"), and the International Development Finance Corporation ("DFC").

[2] For purposes of this order, Plaintiffs include Plaintiffs American Federation of Government Employees, AFL-CIO ("AFGE"); American Federation of State County and Municipal Employees, AFL-CIO ("AFSCME"); AFGE Local 1236; and AFGE Local 3172, and proposed Plaintiffs NFFE; SEIU; and NAGE.

effective date of the RIF shall be stayed and Defendants shall therefore toll the running of all RIF notice periods).

Finally, it is also hereby ORDERED that, by 9:00 a.m. Pacific time on Monday, October 20, 2025, Defendants shall file the "accounting of all RIFs actual or imminent, that are enjoined by this TRO," consistent with the clarifications and modification herein, including by providing agency declarations that identify any RIFs that have been or are being planned or prepared to be issued during the federal government shutdown, and including the information required to be included by the provisions of the October 15, 2025 TRO ("a description of the agency … , the number of employees included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF").

The remaining provisions of the TRO issued October 15, 2025 shall remain in effect.

IT IS SO ORDERED.

Dated: October 17, 2025

The Honorable Susan Illston
United States District Court Judge