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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ADRIANNE CLAYTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LOUIS DEJOY, Postmaster General,
UNITED STATES POSTAL SERVICE,

Defendant.

CASE NO. 24-cv-759

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Adrienne Clayton (“Plaintiff”), on behalf of herself and all others similarly
situated, alleges as follows:

NATURE OF ACTION

1. This is a collective action brought on behalf of all current and former postal police
officers (“PPOs”) of the United States Postal Service (the “Postal Service”). Plaintiff alleges that
the Postal Service discriminated against her and other PPOs by failing to provide PPOs, who are

1 predominately Black and Hispanic, with access to the Self-Referral Counseling Program in
2 violation of Title VII of the Civil Rights Act of 1964.

3 2. Plaintiff seeks to represent: All current and former non-white PPOs employed by
4 the Postal Service between March 24, 2008 and the date of the resolution of this Complaint.
5

6 **PARTIES**

7 3. Plaintiff Adrienne Clayton is a PPO employed by the Postal Service.

8 4. Defendant Postal Service, owns, controls and provides postal and mail service
9 throughout the United States, including California.

10 **JURISDICTION AND VENUE**

11 5. Jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1367, 39 U.S.C. § 409(a),
12 and 29 U.S.C. § 216(b).
13

14 6. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of
15 defendant's activity occurred in this district and because defendant Postal Service resides within
16 this district.

17 7. Plaintiff Adrienne P. Clayton exhausted her administrative remedies at the Equal
18 Employment Opportunity Commission ("EEOC"). This Complaint is being filed within 90 days
19 of Ms. Clayton's receipt of the EEOC Notice of Right to sue.
20

21 **COLLECTIVE ACTION ALLEGATIONS**

22 8. This action is brought as a collective action under 42 U.S.C. §§ 2000e *et seq.*

23 9. Plaintiff Clayton asks the Court to authorize the sending of notice to all current and
24 former PPOs employed by the Postal Service between March 24, 2008 and the date of the
25

1 resolution of this Complaint, informing them of the pendency of this action and their ability to join
2 this lawsuit.

3 10. Plaintiff believes that the Postal Service employs approximately 1200 similarly
4 situated PPOs throughout the United States. With approximately 1200 PPOs geographically
5 dispersed, joinder of all PPOs is impracticable.
6

7 11. All current and former PPOs share a common legal grievance against the Postal
8 Service. As described in this Complaint, all PPOs have suffered damages arising out of the Postal
9 Service's failure to provide PPOs access to the Self-Referral Counseling Program (SRCP), which
10 is paid for by the Postal Service, while providing the SRCP to Postal Inspectors at the Postal
11 Service's expense.
12

13 12. Questions of law and fact are common to all PPOs making them all similarly
14 situated. Among the common questions of law and fact are the following:

15 13. Whether the Postal Service, based on race, is providing a benefit to Postal
16 Inspectors, who are predominately white, that is denied to PPOs, who are predominately black and
17 Hispanic.
18

19 **FACTS**

20 14. In 2007, Ms. Clayton was involved in a near-fatal traffic accident while on duty as
21 a Postal Police Officer. As a result of the accident, Ms. Clayton suffered significant physical
22 injuries and developed a severe case of post-traumatic stress disorder, or PTSD. Because of both
23 her physical and psychological injuries, Ms. Clayton has been unable to return to work. Ms.
24
25

1 Clayton received physical therapy for a number of years and she continues to receive psychological
2 counseling to this day.

3 15. The Postal Service provides a psychological counseling program to United States
4 Postal Inspectors (“PIs” or “Inspectors”) that it does not provide to PPOs. That program is called
5 the “Self-Referral Counseling Program,” or SRCP. The hallmark of the SRCP program is that
6 participation is anonymous: Inspectors are able to “self-refer” to the program and unless they tell
7 someone that they are receiving counselling, no one knows, not even their work colleagues.
8

9 16. The SRCP is not automatically available to PPOs. Instead, PPOs are required to
10 obtain approval from the Assistant Chief Inspector to participate in the SRCP. And such approval
11 is not guaranteed. Because PPOs must ask for permission to utilize the SRCP, their participation
12 in the program, even if authorized, is not anonymous.
13

14 17. The SRCP provides Inspectors with up to 20 free counseling sessions with licensed
15 psychologists, who have been vetted, and who have experience working with law enforcement
16 personnel and their families.

17 18. On the other hand, through the Employee Assistance Program (“EAP”), PPOs
18 basically have access to social workers. Given the kinds of problems affecting Inspectors and
19 PPOs, there can be no dispute that licensed psychologists with law enforcement experience are
20 more effective.
21

22 19. Consequently, if a PPO wants equivalent treatment, the PPO has to conduct his or
23 her own search for providers, vet those providers, and seek treatment through his or her own
24 insurance.
25

1 20. The limited self-referral benefit for PPOs is found in the Postal Inspection Service
2 Manual, which is not readily available to Postal Police, and the Postal Service does not inform
3 Postal Police that they can request authorization to participate in the program.

4 21. Although the Postal Inspection Service Manual states that the Assistant Chief
5 Inspector may authorize participation by PPOs, the Manual does not provide any guidance or
6 information explaining how PPOs are supposed to obtain such authorization.
7

8 **FIRST CLAIM FOR RELIEF**
9 **Disparate Impact Discrimination**
10 **(Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*)**
11 **(On Behalf of Plaintiff and the Class)**

12 22. Plaintiff incorporates the preceding paragraphs as alleged above.

13 23. This claim is brought by Plaintiff on behalf of herself and the Class she seeks to
14 represent.

15 24. Plaintiff has timely filed a charge with the EEOC and has thus exhausted her
16 administrative remedies.

17 25. The Postal Service's reliance on illegitimate and unvalidated systems and criteria
18 to evaluate employee performance, set compensation, and select individuals for promotion, and
19 determine other terms and conditions of employment, have an adverse impact on female technical
20 employees in violation of Title VII and are not, and cannot be, justified by business necessity.
21 Even if such system and/or policies could be justified by business necessity, less discriminatory
22 alternatives exist and would equally serve any alleged necessity.

23 26. The Postal Service has maintained this discriminatory policy, pattern, and/or
24 practice both within and outside the liability period in this case.
25

1 F. An order that the Postal Service institute and carry out policies, practices, and
2 programs that provide equal employment opportunities for all PPOs regardless of race, and that it
3 eradicate the effects of their past and present unlawful employment practices;

4 G. For compensatory damages in favor of the PPOs against Defendant;

5 H. For pre- and post-judgment interest;

6 I. For costs and disbursements incurred in connection with this action, including
7 reasonable attorneys' and experts' fees;

8 J. For an order awarding plaintiff Clayton an amount to be determined at trial, as a
9 result of her efforts in bringing this litigation; and
10

11 K. For such other and further relief as this Court deems just and proper.
12

13 **JURY DEMAND**

14 Plaintiff, on behalf of herself and all others similarly situated, demands a trial by jury on
15 all issues so triable.

16 Date: January 27, 2024
17

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19 **OSBORN LAW, P.C.**

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