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7 8	Attorneys for Defendant California Institute of Technology	
9	UNITED STATES DISTRICT COURT	
10	CENTRAL DISTRICT OF CALIFORNIA	
11		
12	Robert M. Nelson, William Bruce Banerdt, Julia Bell, Josette Bellan,) CASE NO. CV-07-05669 ODW (VBKX)
13	Banerdt, Julia Bell, Josette Bellan, Dennis V. Byrnes, George Carlisle, Kent) The Hon. Otis D. Wright II
14	Dennis V. Byrnes, George Carlisle, Kent Robert Crossin, Larry R. D'Addario, Riley M. Duren, Peter R. Eisenhardt,	DECLARATION OF COZETTE
15	Susan D.J. Foster, Matthew P. Golombek, Varoujan Gorjian, Zareh Gorjian, Robert J. Haw, James Kulleck,	HART IN SUPPORT OF CALIFORNIA INSTITUTE OF
16	Sharon L. Laubach, Christian A.	TECHNOLOGY'S OPPOSITION TO PLAINTIFFS' MOTION FOR
17	Lindensmith, Amanda Mainzer, Scott Maxwell, Timothy P. McElrath, Susan	PRELIMINARY INJUNCTION
18	Paradise, Konstantin Penanen, Celeste M. Satter, Peter M.B. Shames, Amy Snyder	Date: October 1, 2007 Time: 4:00 pm
19	Hale, William John Walker and Paul R. Weissman,	Courtroom: 11
20	Plaintiffs,	
21	vs.	
22	National Aeronautics and Space	
23	States; Michael Griffin, Director of	
24	Administration, an Agency of the United States; Michael Griffin, Director of NASA, in his official capacity only; Department of Commerce; Carlos M.)
25	Gutierrez, Secretary of Commerce, in his official capacity only; California Institute of Technology; and Does 1-100,	
26		
27	Defendants.	
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DECLARATION OF COZETTE HART

- I, Cozette Hart, hereby declare:
- 1. Except where otherwise stated, I have personal knowledge of the facts in this declaration and can testify competently about them if called upon to do so.
- 2. I am the Director for Human Resources at the Jet Propulsion Laboratory ("JPL"), reporting to the Director of JPL. JPL is an operating division of the California Institute of Technology ("Caltech"). I have served in this position since July 2004.
- 3. In my position as Director for Human Resources, I am responsible for overseeing all aspects of employment at JPL including benefits, compensation, diversity, employee relations, occupational health, professional development and staffing. Human resources is responsible for creating and delivering programs and services for JPL employees that attract, reward, retain and develop JPL's highly–skilled, diverse workforce and promote a safe and productive work environment.
- 4. As part of my duties, I am generally familiar with the implementation of HSPD-12 and the National Aeronautical and Space Administration's ("NASA") requirements to receive a federal identification badge.
- 5. There are approximately 5,000 Caltech employees at JPL. Caltech also has over 4,000 "affiliates" and contractors at JPL. Contractors and affiliates fulfill all types of roles at JPL, ranging from administrative support staff to engineers and scientists. Both employees and non-employees are subject to the government identification badge requirements so long as they have access to JPL.
- 6. Part of my department's job responsibilities include assisting NASA in designating the appropriate risk level associated with various positions at JPL for purposes of implementing the HSPD-12 badge identification requirements. The criteria we interpreted and applied for JPL personnel was developed by the government. We helped determine whether Caltech employees, affiliates and

- 7. Generally, anyone with a role requiring "root" access to a mission ground data system or involved with the design of mission information technology system security is designated "High Risk." Also, any mission control engineer, defined as someone having unsupervised ability to send commands to a spacecraft, is designated "Moderate Risk." The latter category does not apply to JPL Earth Science Mission Control Center because those employees only have access to planned command products. By default, anyone with JPL access not designated Moderate or High Risk is designated Low Risk.
- 8. The overwhelming majority of those employees and non-employees with access to JPL have been designated as "Low Risk" -- over 97%. One consequence is that these people will undergo a less comprehensive background investigation than the Moderate and High Risk positions.
- 9. JPL experiences turnover for a variety of reasons and is accustomed to various employees leaving their position and replacing them as necessary. For example, in 2006, about 178 employees were laid off, 61 retired, 155 voluntarily left, and 15 left JPL for other reasons. When an employee leaves JPL we typically have a number of qualified applicants available to replace them, entailing minimal disruption to any project that employee may have been working on. For example, in the period between September 2006 through August 2007, we had job postings for 598 exempt employee positions and we received over 10,250 applications for these positions. Of these, over 5,000 were moved to a follow-up "Interest List" for further consideration. The applicants on this "Interest List" included all candidates that met minimum qualifications for the position. Thus, while Caltech values its talented and exceptional employees and works hard to retain them, Caltech is capable of finding suitable

replacements for employees that leave JPL.

JPL employees who do not receive a federal identification badge, as required by the government, will be considered to have voluntarily resigned from their employment. Because JPL is a federal facility, it must comply with the federal identification badge requirements. JPL employees, affiliates and contractors cannot perform their jobs without unescorted access to JPL because that would result in an employee with a badge having to stay with the person every minute that the badge-less person is inside the federal facility. This result would not only be impractical and costly, but would also interfere with JPL's ability to accomplish its important work.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ica that the foregoing is true and correct.

Executed this 21 day of September 2007, at Pasadener, prints.

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