

# AFGE Local 1263 Newsletter (#9)

Thursday, 30 January 2025



In this issue:

## Information on the OPM's "Deferred Resignation" program

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### Message from the AFGE-Nation office

**Please Note:** This publication is for informational purposes only and does not guarantee any particular result in a specific case. The information provided is not, nor is it intended to be, a substitute for individualized legal or professional advice.



**Our union has become aware that AFGE members were sent an email asking you to resign from federal service with a vague promise of reward for resigning by February 6.**

There is not yet any evidence the administration can or will uphold its end of the bargain, that Congress will go along with this unilateral massive restructuring, or that appropriated funds can be used this way, among other issues that have been raised. We are encouraging AFGE members NOT to resign or respond to this email until you have received further information and clarification.

In the meantime, we have developed some frequently asked questions to provide you with the best guidance we can -- given the current uncertainty.

## **Frequently Asked Questions (FAQs) on OPM's Deferred Resignation Program Email**

### **1. What is the Deferred Resignation Program?**

The Deferred Resignation Program (“Program”) was introduced by an email sent to federal employees on January 28, 2025. Preceded by threats to modify and downsize the federal workforce, the Program purports to allow federal employees to submit a resignation letter that will become effective on September 30, 2025. In exchange, the Program claims that employees will be exempt from “Return to Office” requirements and will maintain their current compensation and benefits until the effective date of their resignation.

Employees should not take the Program at face value. The Program documentation, including the introductory email, an associated guidance memorandum issued by the Office of Personnel Management (“OPM”) on January 28, 2025, and OPM-issued FAQs are riddled with inconsistencies and uncertainties. It is also unclear whether OPM has the legal authority to support the Program or its alleged benefits, and the eligibility criteria are vague.

### **2. Is the Program a buyout?**

No, the Program is not buyout nor is it a Voluntary Separation Incentive Payment (“VISIP”) program. Instead, it purports to offer employees the ability to submit a deferred resignation and claims employees that do so will continue to receive pay, while still possibly working, until September 30, 2025.

Notably, however, the Program contains no guarantee that an employee’s resignation will be accepted. Nor does the Program guarantee that an employee’s whose resignation is accepted will receive the benefits that the Program purports to offer.

### **3. If an employee chooses to accept the program, are they required to work during the deferred resignation period?**

They may be. OPM’s statements are conflicting on this point. According to the OPM email and letter, employees will not be required to work in person but may be assigned remote work duties. The OPM FAQ page also suggests that employees will not be required to work except in “rare cases,” without defining what constitutes

“rare cases.” At the same time, the FAQs describe the deferred resignation period as a “nice vacation” and the Program states that employees may be placed on “paid administrative leave.”

#### **4. Can an employee take another job during the deferred resignation period?**

The FAQ states that the resignation letter does not explicitly prohibit outside employment. However, other existing policies, such as agency-specific regulations requiring prior authorization for outside work, are likely to apply.

#### **5. Are all federal employees eligible for the program?**

No. Employees in positions related to immigration enforcement and national security, as well as those in any positions specifically excluded by their employing agency, are not eligible. USPS employees and military personnel are also excluded. There is no guidance on how employees can confirm their eligibility or if their agency has specific exclusions.

#### **6. Will employees who opt-in be protected from termination before their resignation date?**

Nothing in the Program documentation purports to prohibit the termination or separation of an employee who accepts deferred resignation. While the OPM email suggests that employees will maintain their compensation and benefits until the effective date of their resignation date, it does not explicitly state that employees are shielded from layoffs or other adverse actions before September 30, 2025. There is no guarantee that employees opting in to the Program will not be targeted for such actions.

The Program also does not indicate what may occur in the event of a lapse in congressional appropriations. At present, many agencies of the federal government are only funded through March 14, 2025.

#### **7. What happens if an agency requires an employee to continue working despite OPM’s FAQ stating that continued work should be rare?**

While OPM’s FAQ states that work will only be required in “rare cases,” the program’s details vary across the different OPM documents. If an agency insists on continued work, employees may not have a clear administrative remedy, as the enforceability of the promises and statements in OPM’s FAQ is uncertain.

## **8. What legal recourse do employees have if the government does not honor the terms of deferred resignation?**

It is unclear what recourse, if any, employees might have if the government fails to honor the terms of their deferred resignation. There is no certainty that the statements made in the OPM Program documents will be legally enforceable.

Even if the email and FAQ page are interpreted as an implied contract or offer, there is no guarantee that such a claim would be enforceable. For example, while each case will be fact-specific, resignation is generally considered to be a voluntary action. It is therefore unclear whether violations of the policy would be appealable to the Merit Systems Protection Board, through the grievance process, or any other forum.

## **9. How can employees ensure the administration will follow through on the Program?**

Given the inconsistencies between Program's various documents issued by OPM, as well as the ambiguous and conflicting language regarding work obligations and exclusions, there is no guarantee that the claims in the Program will be honored by the Government. The Program may also face legal challenges that could alter the terms of all or portions of the Program. Employees who opt-in to the Program will be at the mercy of the administrators of the Program, whose claims contain inconsistencies and lack stated legal underpinning.

## **10. Is there an assurance that the promised continued salary will be funded?**

**No. Nothing in the OPM documentation contains such an assurance. Moreover, because current appropriations for most civilian agencies are set to expire March 14, 2025, it is not guaranteed that agencies affected by the current appropriations bill will continue to have adequate funding for the promised salary beyond the bill's expiration.**

## **11. What actions can Locals and Councils take to protect bargaining unit employees from the Program?**

Locals and councils may:

- Consider filing requests for information under 5 U.S.C. § 7114(b)(4).
- Consider filing a demand to bargain over the Program.
- Consider grievances alleging the Program violates terms of their collective bargaining agreement or regulations (e.g. regulations concerning administrative leave).

- Locals and councils may also have a basis for a grievance or unfair labor practice charge alleging, among other things, a bypass of the Union with respect to communications about the Program directly to employees.

In Solidarity,

# AFGE

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## **[Links to Additional Sources of Information on “Deferred Resignation”](#)**

### **[Figuring out the ‘Fork in the Road’](#)**

Thu, 30 Jan 2025  
Government Executive

### **[Trump's incentive for federal workers to resign sows doubt](#)**

Thu, 30 Jan 2025  
Axios

### **[Union at Robins Air Force Base questions federal buyout as funding deadline looms](#)**

Wed, 29 Jan 2025  
WMAZ-TV

### **[Feds flabbergasted by Trump’s mass resignation scheme](#)**

Wed, 29 Jan 2025  
E&E News

### **[What federal workers should know about Trump administration's 'deferred resignation' offer](#)**

Wed, 29 Jan 2025  
The Washington Post

### **[Trump administration offering buyouts to government workers unwilling to return to office](#)**

Wed, 29 Jan 2025  
CBS News

### [OPM Resignation Push Features Telework Relief as Prominent Hook](#)

Wed, 29 Jan 2025

MeriTalk News

### [White House offers 2 million federal employees financial incentives to quit](#)

Wed, 29 Jan 2025

Reuters

### [Trump offers buyouts to federal workers. What to know and how many are affected in Florida](#)

Wed, 29 Jan 2025

Florida Today

### [Trump administration offers resignation program amid effort to shrink federal workforce](#)

Wed, 29 Jan 2025

Voice of America (VOA)

### [Trump administration offers buyouts to federal workers](#)

Wed, 29 Jan 2025

United Press International

### [Trump reportedly will offer buyouts to all 2 million federal workers](#)

Tue, 28 Jan 2025

Government Executive

### [President Trump to offer eight-month buyouts to all federal employees](#)

Tue, 28 Jan 2025

USA Today

### [Trump administration will offer all 2 million federal workers a buyout to resign](#)

Tue, 28 Jan 2025

NBC News

### [Trump offers all federal workers a buyout with 7 months' pay in effort to shrink size of government](#)

Tue, 28 Jan 2025

Associated Press



Local 1263

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO  
Defense Language Institute and Presidio of Monterey

Colleagues,

Local 1263 will continue to actively investigate OPM's (so-called) "Deferred Resignation" program, but in the meantime, we recommend prudent caution. The way we read it, there's no turning back once your resignation email has been sent - and yet, there's no guarantee it will even be accepted, or funded.

However, those FPS employees, who already know that they are leaving their jobs -- due to NTE -- might choose to view this as a possible "extension" to their term of employment - that is, if the program is administered, as planned.

In any event there are many uncertainties with this program, and each bargaining-unit member must determine his/her own willingness to accept the inherent risks.

As we discover more, we will share the information with you.

*"Together we are stronger"*

[AFGE1263@gmail.com](mailto:AFGE1263@gmail.com)

Union Cell: 831-601-7914

[AFGE1263.org](http://AFGE1263.org)



# The original OPM message (& FAQs):



## In this section

[Fork in the Road](#)

[FAQ](#)

# Fork in the Road

## [Frequently Asked Questions](#)

Below is the email that was sent to federal employees on January 28, 2025 presenting a deferred resignation offer. If you did not respond to that email and wish to accept the deferred resignation offer, you may do so by following these steps.

- 1) Send an email to [hr@opm.gov](mailto:hr@opm.gov) from your government account. Only an email from your .gov or .mil account will be accepted.
- 2) Type the word "**Resign**" into the "Subject" line of the email. Hit "Send".

## Deferred Resignation Email to Federal Employees

January 28, 2025

During the first week of his administration, President Trump issued a number of directives concerning the federal workforce. Among those directives, the President required that employees return to in-person work, restored accountability for employees who have policy-making authority, restored accountability for senior career executives, and reformed the federal hiring process to focus on merit. As a result of the above orders, the reform of the federal workforce will be significant.

The reformed federal workforce will be built around **four pillars**:

- 1) **Return to Office:** The substantial majority of federal employees who have been working remotely since Covid will be required to return to their physical offices five days a week. Going forward, we also expect our physical offices to undergo meaningful consolidation and divestitures, potentially resulting in physical office relocations for a number of federal workers.



- 2) **Performance culture:** The federal workforce should be comprised of the best America has to offer. We will insist on excellence at every level — our performance standards will be updated to reward and promote those that exceed expectations and address in a fair and open way those who do not meet the high standards which the taxpayers of this country have a right to demand.
- 3) **More streamlined and flexible workforce:** While a few agencies and even branches of the military are likely to see increases in the size of their workforce, the majority of federal agencies are likely to be downsized through restructurings, realignments, and reductions in force. These actions are likely to include the use of furloughs and the reclassification to at-will status for a substantial number of federal employees.
- 4) **Enhanced standards of conduct:** The federal workforce should be comprised of employees who are reliable, loyal, trustworthy, and who strive for excellence in their daily work. Employees will be subject to enhanced standards of suitability and conduct as we move forward. Employees who engage in unlawful behavior or other misconduct will be prioritized for appropriate investigation and discipline, including termination.

Each of the pillars outlined above will be pursued in accordance with applicable law, consistent with your agency's policies, and to the extent permitted under relevant collective-bargaining agreements.

If you choose to remain in your current position, we thank you for your renewed focus on serving the American people to the best of your abilities and look forward to working together as part of an improved federal workforce. At this time, we cannot give you full assurance regarding the certainty of your position or agency but should your position be eliminated you will be treated with dignity and will be afforded the protections in place for such positions.

If you choose not to continue in your current role in the federal workforce, we thank you for your service to your country and you will be provided with a dignified, fair departure from the federal government utilizing a deferred resignation program. This program begins effective January 28 and is available to all federal employees until February 6. If you resign under this program, you will retain all pay and benefits regardless of your daily workload and will be exempted from all applicable in-person work requirements until September 30, 2025 (or earlier if you choose to accelerate your resignation for any reason). The details of this separation plan can be found below.

Whichever path you choose, we thank you for your service to The United States of America.

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Upon review of the below deferred resignation letter, if you wish to resign:

- 1) Select "Reply" to this email. You must reply from your government account. A reply from an account other than your .gov or .mil account will not be accepted.
- 2) Type the word "**Resign**" into the body of this reply email. Hit "Send".

**THE LAST DAY TO ACCEPT THE DEFERRED RESIGNATION PROGRAM IS FEBRUARY 6, 2025.**

Deferred resignation is available to all full-time federal employees except for military personnel of the armed forces, employees of the U.S. Postal Service, those in positions related to immigration enforcement and national security, and those in any other positions specifically excluded by your employing agency.

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DEFERRED RESIGNATION LETTER

January 28, 2025

Please accept this letter as my formal resignation from employment with my employing agency, effective September 30, 2025. I understand that I have the right to accelerate, but not extend, my resignation date if I wish to take advantage of the deferred resignation program. I also understand that if I am (or become) eligible for early or normal retirement before my resignation date, that I retain the right to elect early or normal retirement (once eligible) at any point prior to my resignation date.

Given my impending resignation, I understand I will be exempt from any "Return to Office" requirements pursuant to recent directives and that I will maintain my current compensation and retain all existing benefits (including but not limited to retirement accruals) until my final resignation date.

I am certain of my decision to resign and my choice to resign is fully voluntary. I understand my employing agency will likely make adjustments in response to my resignation including moving, eliminating, consolidating, reassigning my position and tasks, reducing my official duties, and/or placing me on paid administrative leave until my resignation date.

I am committed to ensuring a smooth transition during my remaining time at my employing agency. Accordingly, I will assist my employing agency with completing reasonable and customary tasks and processes to facilitate my departure.

I understand that my acceptance of this offer will be sent to the Office of Personnel Management ("OPM") which will then share it with my agency employer. I hereby consent to OPM receiving, reviewing, and forwarding my acceptance.

Upon submission of your resignation, you will receive a confirmation email acknowledging receipt of your email. Any replies to this email shall be for the exclusive use of accepting the deferred resignation letter. Any other replies to this email will not be reviewed, forwarded, or retained other than as required by applicable federal records laws.

Once your resignation is validly sent and received, the human resources department of your employing agency will contact you to complete additional documentation, if any.

OPM is authorized to send this email under Executive Order 9830 and 5 U.S.C. §§ 301, 1103, 1104, 2951, 3301, 6504, 8347, and 8461. OPM intends to use your response to assist in federal workforce reorganization efforts in conjunction with employing agencies. See 88 Fed. Reg. 56058; 80 Fed. Reg. 72455 (listing routine uses). Response to this email is voluntary. Although you must respond to take advantage of the deferred resignation offer, there is no penalty for nonresponse.

[FOIA](#)

[No FEAR Act](#)

[Inspector General](#)

[Privacy policy](#)

[USA.gov](#)

[Accessibility](#)



**The Deferred Resignation program FAQs follow**

# Frequently Asked Questions

**Am I expected to work during the deferred resignation period?** —

No. Except in rare cases determined by your agency, you are not expected to work.

**If I am eligible for early/normal retirement during the deferred resignation period (i.e., before September 30, 2025), will I be able to accept deferred resignation and still accept retirement during the deferred resignation period?** —

Yes. You will continue to accrue retirement benefits during the deferred resignation period. Should you elect to retire (either early retirement or normal retirement) before your final resignation date, your retirement election will override the deferred resignation.

**If I become eligible for normal/early retirement shortly after September 30, 2025, will I be permitted to accept deferred resignation without harming my retirement benefits?** —

Your agency will review any such requests on a case-by-case basis and may extend a waiver to accommodate reasonable requests.

**Why am I being offered deferred resignation?** —

The federal workforce is expected to undergo significant near-term changes. As a result of these changes (or for other reasons), you may wish to depart the federal government on terms that provide you with sufficient time and economic security to plan for your future — and have a nice vacation.

### Who is eligible for deferred resignation? —

Deferred resignation is available to all full-time federal employees except for military personnel of the armed forces, employees of the U.S. Postal Service, those in positions related to immigration enforcement and national security, and those in other positions specifically excluded by your employing agency.

### What do I do if I did not receive the deferred resignation email? —

Visit the OPM website where you can review the email and find instructions for submitting your acceptance of the deferred resignation offer.

### What happens if I was on approved leave during some or all of the period between January 28, 2025 and February 6, 2025? —

If you missed the February 6, 2025 deadline due to approved absence for some or all of the period from January 27, 2025 to February 6, 2025, you are entitled to request an extension. Employing agencies may grant reasonable extensions.

### What if I decide after February 6, 2025 that I would like to accept the deferred resignation offer? —

Deferred resignation will generally **not** be available to those who resign after February 6, 2025. Certain exceptions might be made for employees who were on approved absence for some or all of the period from January 28, 2025 to February 6, 2025.

**What happens if I accept the deferred resignation offer and later change my mind about resigning?** —

Employees have the right to request a rescission of their resignation at any time and the employing agency will need to review such rescission requests. As noted in the deferred resignation letter, it is the objective of the program to move quickly to consolidate and/or reassign roles and in many cases place employees on administrative leave which would likely serve as a valid reason to deny rescission requests.

**Am I permitted to accelerate my resignation date to earlier than September 30, 2025?** —

Yes, you may unilaterally accelerate your final resignation date for any reason.

**Am I permitted to extend my final resignation date?** —

The terms of the deferred resignation letter do not allow for an extension of the final resignation date. There is a narrow possible exception for employees with impending retirement dates. Consult your agency's human resources team for more information.

**Can I accept another job after I submit my resignation but before my final resignation date?** —

Nothing in the resignation letter prevents you from seeking outside work during the deferred resignation period. You should ask your agency's human resources team about what restrictions, if any, exist for employees who have resigned but remain employed (including on administrative leave) by their employing agency.

### **Can I return to work in the federal government?**

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Deferred resignation does not affect your ability to apply to work for the federal government in the future.

### **How will I know my resignation has been received and accepted?**

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You will receive an email confirming receipt with additional information on next steps. Given the volume of emails, this confirmation email may take up to 72 hours. You should retain the record of your resignation email.