



Trump administration adds fine print to 'Fork' resignation offer, deepening confusion

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Andrea Hsu



The headquarters of the U.S. Office of Personnel Management in Washington, D.C.
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It's been a week since nearly all 2.3 million civilian employees of the federal government were presented with an offer: Agree to resign from your job by Feb. 6 and keep your pay and benefits through the end of September.

Now, with the deadline to accept the offer nearing, federal agencies have sent out new terms and conditions in the form of a sample contract agreement that employees are told they can use to "memorialize" the deal. It's unclear who from the government would sign the agreements, or whether the contracts would be legally binding.

Adding to the confusion, some of the sample contract language diverges from [the first email](#), which came from the U.S. Office of Personnel Management (OPM) with the subject line "Fork in the Road," and other guidance presented to date.



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Employees who take the deal are expected to work through Feb. 28

For example, some of the sample contracts sent out state that employees who accept the "Fork" offer are agreeing to work through Feb. 28, to ensure a smooth transition of duties, and will be put on paid administrative leave no later than March 1.

It is the first mention of any such dates tied to the "Fork" offer.

The original email did not make clear that employees who resign would necessarily be put on administrative leave at all. [An FAQ subsequently posted to OPM's website](#) and shared by agencies poses the question: "Am I expected to work at my government job during the deferred resignation period?" The answer provided is simply "No."

Even memos sent out with the sample contract agreements summarize the deferred resignation offer as allowing eligible employees "to keep their government pay and benefits through September 30, 2025, without any expectation of performing work."

An acknowledgment that agencies don't have guaranteed funding past March

In a major departure from language shared earlier, the sample contract agreement that went out Monday to Environmental Protection Agency employees includes language that appears to acknowledge that federal agencies have no guaranteed funding past March 14, when the latest congressional budget agreement expires.

"Subject to the availability of appropriations, employee shall remain on paid administrative leave up through and including September 30, 2025, or such earlier date on which Employee may choose to resign or otherwise separate from federal service," the sample contract language reads.



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Attorneys, federal employee unions, members of Congress and others have warned federal employees that the promise of pay and benefits beyond March 14 is not guaranteed.

"It's important you know that, right now, the federal government is only funded through March 14, 2025," wrote Washington Sen. Patty Murray, the top Democrat on the Senate Appropriations Committee, in an email. "At this point, there is no funding allocated to agencies to pay staff for this offer."

Additional caveats added to the deal

Another caveat added in the sample contract agreements addresses the question of whether employees who accept deferred resignation can take another job before Sept. 30.

OPM's FAQ tells employees: "Absolutely! We encourage you to find a job in the private sector as soon as you would like to do so. The way to greater American prosperity is encouraging people to move from lower productivity jobs in the public sector to higher productivity jobs in the private sector."

New language makes clear that employees must comply with ethics rules, which at some agencies require prior approval for outside employment.



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In another section, employees are asked to acknowledge that "this agreement cannot be rescinded, except in the sole discretion of the [AGENCY HEAD], which shall not be subject to review at the Merit Systems Protection Board or otherwise." The language indicates that federal agencies would be able to rescind the agreement and that employees would not have the opportunity to appeal.

The Merit Systems Protection Board is an independent, quasi-judicial agency that hears appeals from federal workers over issues involving federal employment rules.

The sample contract agreement also asks employees to waive their right to "pursue through any judicial, administrative, or other process, any action against [AGENCY] that is based on, arising from, or related to Employee's employment at [AGENCY] or the deferred resignation offer" – and to similarly waive any claim that might be brought on their behalf by a labor union or other entity.

Attorneys general warn of "misleading" offer

On Monday, Democratic attorneys general from a dozen states, including New York, Michigan, Arizona and California, issued a statement calling the deferred resignation offer "misleading."

"President Trump's so-called buyout offers are nothing more than the latest attack on federal workers and the services they provide. These supposed offers are not guaranteed," wrote New York Attorney General Letitia James in a statement. "Federal employees should be cautious and follow the guidance of their unions to protect their rights."



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White House defends its 'Fork in the Road' offer to federal employees

The Trump administration pushed back against some of the criticism, arguing Monday that union leaders and their attorneys are doing their members a disservice.

"This is a rare, generous opportunity — one that was thoroughly vetted and intentionally designed to support employees through restructuring," said McLaurine Pinover, spokesperson for OPM. "Instead of spreading misinformation and using workers as political pawns, they should be making sure federal employees have the facts and freedom to make the best decision for themselves and their families."

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