



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington, D.C. 20507**

**Office of the Chair**  
**Andrea R. Lucas, Acting Chair**

To: Heads and Acting Heads of Departments and Agencies

From: Andrea R. Lucas, Acting Chair

Date: May 15, 2025

Re: Guidance to Agencies for Applying Deferred Resignation Program Agreements to Pending EEO Complaints

The Equal Employment Opportunity Commission is the federal agency charged with coordinating the federal government's employment non-discrimination effort. The EEOC has administrative judges who conduct hearings on equal employment opportunity (EEO) complaints and the EEOC's Office of Federal Operations also adjudicates appeals from administrative decisions made by federal agencies on EEO complaints by those agency employers' employees.

Some federal government employees with pending EEO complaints may have elected to participate in the Deferred Resignation Program (DRP). The Office of Personnel Management provided agencies with model language for their ensuing DRP Agreements, including a general release for all claims accruing prior to the Agreement's execution.<sup>1</sup> It is the EEOC's position that the language in the OPM-provided model release applies to pending EEO complaints, whether pending before an agency employer or the EEOC. The EEOC is aware that not all agencies chose to use the model DRP Agreement. And we have observed that some agencies used the model DRP Agreement as a starting point, but may have modified or eliminated provisions, including the general claims release.

If an employee with a pending EEO complaint has signed a DRP Agreement, the agency employer should review the Agreement and determine whether it includes a release of pending EEO complaints. If the employing agency determines the Agreement does release EEO complaints, the agency should, consistent with the Agreement and applicable law, take the following actions:

- (1) For EEO complaints pending with the agency (for example, the agency is completing an investigation or writing a final agency decision (FAD)), the agency shall stop processing and issue a final order dismissing the complaint per 29 C.F.R. § 1614.110(b).

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<sup>1</sup> See OPM Memorandum, "Legality of Deferred Resignation Program" (Feb. 4, 2025), <https://www.opm.gov/media/xmxfp34k/opm-memo-legality-of-deferred-resignation-program-2-4-2025-final-1.pdf>.

- (2) For EEO complaints pending with an EEOC administrative judge, the agency employer shall submit a motion to dismiss with a copy of the signed Agreement to [fedsephearings@eeoc.gov](mailto:fedsephearings@eeoc.gov).
- (3) For EEO complaints with open appeals or compliance matters pending at the EEOC's Office of Federal Operations, the agency employer shall submit a motion to dismiss with a copy of the signed Agreement to [fedsepappeals@eeoc.gov](mailto:fedsepappeals@eeoc.gov).

The EEOC also is proactively reviewing cases to identify complainants who have participated in the DRP. When the EEOC finds a potential match, we will seek confirmation from the agency employer. By partnering with the EEOC to promptly identify EEO complaints waived through the DRP, you can assist your agency and the EEOC in ensuring resources are appropriately directed to complaints that remain active. The EEOC's team in the Office of Federal Operations is available to assist agencies that need further support in this matter or other EEO programmatic areas.