

AFGE Council 222

From: AFGE Council 222
Sent: Monday, February 3, 2025 6:02 PM
Subject: DEFERRED RESIGNATION AGREEMENT - Urgent: Critical Analysis of "Fork in the Road" Resignation Proposal and February 6th Deadline

The union is aware of the draft agreement as it relates to the resignation process that was sent today. We are reviewing the language of the agreement, its enforceability and other legal considerations. We will provide more information and guidance as quickly as possible. Our recommendation to not resign stands, until further notice.



National Council of HUD Locals - Council 222

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFFILIATED WITH AFL-CIO
WE ARE COMPRISED OF HUD LOCALS THROUGHOUT THE U.S.

<https://afgecouncil222.com>

February 3, 2025

URGENT: Critical Analysis of "Fork in the Road" Resignation Proposal and February 6th Deadline

Dear Valued AFGE National Council 222 Members,

As we navigate these uncharted waters, we are approaching the February 6th deadline as detailed in the OPM "Fork in the road" email. The demonstrated hostility to federal workers continues. Since our January 29th guidance regarding OPM's "Fork in the Road" voluntary resignation initiative, we have received communication from Senate Appropriations Committee leadership that significantly reinforces many of our concerns. After thorough analysis and consultation with federal employment law experts, the union must emphasize the serious risks this proposal presents.

Timeline of Critical Events

- January 29, 2025: AFGE National Council 222 guidance issued
- January 30, 2025: HUD OCHCO Town Hall presentation
- February 2, 2025: Communication received from Top Senate leadership on the Senate Appropriations Committee
- February 6, 2025: Proposed deadline for resignation decisions
- March 14, 2025: Current federal funding expiration

Critical Legal and Financial Concerns

Senate leadership's assessment highlights several alarming issues:

- No funding has been allocated beyond March 14, 2025, which means there is no funding to agencies to pay for this proposed offer
- The proposal lacks binding contractual elements. This is not a contract, though one could be made, they have chosen **NOT** to propose an actual contract
- No guarantees exist for long-term benefit protection
- The 9-day decision window appears designed to force hasty decisions

Framework

This proposal is explicitly NOT a contract. For such commitments to become legally binding, the administration would need to:

- Engage Congress for proper authorization, which it has not
- Secure specific funding appropriations, which it does not have
- Establish formal contractual obligations, which they have not presented

The administration has taken none of these necessary steps to protect employee interests.

Individual Considerations

While we maintain our strong recommendation against accepting these offers, we recognize each member's situation is unique. Those nearing retirement may view this differently than mid-career employees. However, we cannot provide any assurance that the agency will honor these non-binding commitments. Quite frankly, there is more evidence they will not, than they will.

They could have gone to congress to authorize an actual payout (**which this is not**) and made an actual payout offer, **but they did not.**

Union Position

After reviewing all viable options, we must be clear:

- We strongly advise against accepting these voluntary resignation offers
- The lack of congressional involvement and funding guarantees creates unacceptable risks
- We have no mechanism to prevent the implementation of this policy, as the agency has refused to bargain over the impact of the implementation of this proposed offer.
- We will continue monitoring developments and provide immediate updates

Standing Together

Remember that you are part of an essential workforce that powers crucial government services. From ensuring safe housing to protecting communities across America, your work matters. While these are very challenging times, we have weathered many storms together. Continue to execute your duties with the same dedication and professionalism that has always defined federal service.

The pressure to make hasty decisions about your career is significant, but you are not alone. Your union stands with you, and we will continue to fight for your rights and protections. Stay strong. Stay united. Stay informed.

In solidarity,

Antonio F. Gaines
President
AFGE National Council 222

January 3rd AFGE Letter Titled "AFGE Cautions Feds Not to Be Tricked into Resigning. You Might Not Get Paid"

<https://www.afge.org/article/afge-cautions-feds-not-to-be-tricked-into-resigning-you-might-not-get-paid/>

AFGE "Frequently Asked Questions (FAQs) on OPM's Deferred Resignation Program"

https://www.afge.org/globalassets/documents/generalreports/2025/facts-opm-deferred-program-flyer_jan29.pdf

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