

# United States Senate

WASHINGTON, DC 20510

February 13, 2025.

Mr. Charles Ezell  
Acting Director  
U.S. Office of Personnel Management  
1900 E St., NW  
Washington, DC 20415

Dear Acting Director Ezell:

The State of Colorado's federal workforce is essential to ensure that the work we do, in Congress and in the Executive Branch, benefits our constituents. We are deeply concerned about the implications of the Office of Personnel Management's (OPM's) January 27<sup>th</sup> Memorandum on *Agency Return to Office Implementation Plans*<sup>1</sup> and the agency's subsequent "Fork in the Road" e-mail,<sup>2</sup> issued January 28. This offer was accepted by over 75,000 federal employees as of the February 12th deadline.<sup>3</sup> Given the decision by the U.S. District Court of Massachusetts uphold OPM's offer,<sup>4</sup> it is critical that this process is transparent and that OPM works in earnest to prevent delays or pauses in federal services.

Historically, under the *Chief Human Capital Officers Act of 2002*, OPM could not pay more than \$25,000 per person in a lump sum payment for resignations.<sup>5</sup> OPM currently includes this policy on its website.<sup>6</sup> Under OPM's deferred resignation plan, the federal government will be responsible for paying billions of dollars in salary and benefits to employees that would be doing important work, had they not been chased away by the administration's offer to resign.

Despite OPM's guidance about how agencies implement the new return-to-work and deferred resignation offer, we continue to hear from Coloradans who received confusing instructions or no guidance at all from their supervisors. Colorado's federal workforce consists of workers who provide unique services across the state. For many of our workers, remote work and telework policies have been in place long before COVID-19. Workers are also increasingly skeptical that this deferred resignation offer will not actually allow them to continue receiving their full salary and benefits or protect them from future federal employee layoffs.

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<sup>1</sup><https://www.opm.gov/policy-data-oversight/latest-memos/agency-return-to-office-implementation-plans.pdf>

<sup>2</sup> <https://www.opm.gov/fork>

<sup>3</sup> <https://www.opm.gov/fork>

<sup>4</sup> [https://fingfx.thomsonreuters.com/gfx/legaldocs/jnvwjqkzgpw/02122024buyout\\_ruling.pdf](https://fingfx.thomsonreuters.com/gfx/legaldocs/jnvwjqkzgpw/02122024buyout_ruling.pdf)

<sup>5</sup> See 5 U.S.C. § 3523(b)(3).

<sup>6</sup><https://www.opm.gov/policy-data-oversight/workforce-restructuring/voluntary-separation-incentive-payments>

In Colorado alone, there are more than 40,000 federal workers across agencies and areas of expertise. Such a sweeping reduction of the workforce could have a devastating impact on the programs that our constituents rely on. For example, the Department of Veterans Affairs (VA) Health Administration comprises more than 7,000 workers in Colorado.<sup>7</sup> While the VA has taken steps to minimize impacts related to veterans' direct care, mass resignations could delay administration of other VA services like veterans' disability or burial benefit payments.<sup>8</sup> Denver, Colorado also houses one of 12 regional Head Start offices that helps ensure that our more than 8,000 Head Start children in Colorado receive high-quality child care.<sup>9</sup> <sup>10</sup> Just as importantly, our four national parks, 11 national forests, eight wildlife refuges, and 65 national conservation lands all depend on the federal employees who keep these areas safe, well-maintained, and welcoming to Coloradans and visitors from around the world.

A highly skilled and stable workforce is key to making our government efficient and effective. However, under OPM's offer, roughly 3 percent of federal employees will exit the workforce in just a matter of days. Further, the Trump Administration set a goal to see an initial 10 percent reduction across the federal workforce.<sup>11</sup> While every administration has the right to review and make changes to the executive branch personnel, doing so without a strategic plan, without appropriated funds, and without adhering to workers' legal protections, is a misleading overreach. Further, these changes will likely lead to workforce shortages and talent gaps that delay timely and effective service to our constituents.

We question whether the Administration can achieve its goal of streamlined and efficient service to Colorado—and the nation—while making such sweeping changes to the federal workforce. To ensure transparency in this ongoing process, we ask that you answer the following questions:

- 1) How many federal workers nationally and based in Colorado accepted OPM's resignation offers and from which agencies? Which agencies had the highest concentrations of resignations?
- 2) Will OPM and relevant agencies ensure employees continue receiving their contractually obligated salaries, and benefits, including any previously negotiated Cost of Living Adjustments (COLA), through September 30, 2025? If not, why not?
- 3) Have senior agency staff since been consulted about the next steps to implement resignation processes? How soon should workers expect to receive specific information about their agency's expectations for workers who accept the resignation offer?
- 4) How does OPM plan to work with agencies to prevent delays to constituent services in the event of future workforce shortages these resignations may cause? Has OPM submitted guidance to each agency about preserving mission-critical staffing for services like health care and child care facilities, care for the elderly or veterans' affairs?

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<sup>7</sup> <https://www.fedscope.opm.gov/>

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<https://www.military.com/daily-news/2025/02/03/va-emails-employees-resignation-buyout-offer-senator-urges-caution-accepting.html>

<sup>9</sup> <https://datacenter.aecf.org/data/tables/11955-head-start-and-early-head-start#>

<sup>10</sup> <https://www.acf.hhs.gov/oro/regional-offices/region8>

<sup>11</sup>

<https://www.nbcnews.com/politics/white-house/trump-administration-offer-federal-workers-buyouts-resign-rcna189661>

- 5) Consistent with the *Civil Service Reform Act of 1978*, workers are protected against retaliation if they **a)** choose to exercise their right to appeal, file a complaint or grievance against their agency; **b)** testify in support of another worker’s appeal, complaint or grievance process, **c)** cooperate or disclose information to an Inspector General or other federal entity responsible for internal investigations; or **d)** refuse to obey an order that would require that they violate a law, rule or regulation. Will OPM adhere to these protections for workers? How will you continue to enforce these protections?
- 6) Many federal workers are protected by union–negotiated collective bargaining agreements, which are legally binding. Does OPM acknowledge and agree to adhere to these bargaining agreements and the agreed upon protections for workers?

Our federal workers keep Colorado, and America moving. We implore you to implement these resignations thoughtfully and to take every step to prevent unintended harm to our constituent services. We look forward to hearing from you by Monday, March 10, 2025.

Sincerely,



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John Hickenlooper  
United States Senate



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Michael F. Bennet  
United States Senate