

Here are the following action steps to take for CHCOs after closure of the Deferred Resignation Program.

I. Send an Email to the Employee Who Has Indicated Interest, As Follows

CHCOs should send an email to employees who have indicated interest in the program as follows:

Thank you for submitting your deferred resignation. On behalf of the American people, thank you for your service to our country. We understand the importance of your decision and commit to you that the terms of the deferred resignation letter will be honored in full.

As outlined in the deferred resignation letter, we are taking steps to both quickly re-align the workforce and give resigning and/or retiring employees the full benefit of the deferred resignation period to pursue other interests and plan for their future. To further those mutual objectives we will be placing you on administrative leave with full pay and benefits until September 30, 2025. The exact date will be specified in a written separation agreement with the agency. Once on administrative leave you will no longer have access to government IT systems (including email) and physical facilities.

To ensure that we can continue to communicate with you regarding your pay and benefits (including any final payouts for unused leave), and can finalize any necessary steps in connection with your written resignation agreement, please make sure your full, updated contact information is on file with us [human capital team at agency to provide specific instruction here]. In addition, within the week, we will work with you to complete any further required documentation (including any documentation required to place you on administrative leave) and arrange for the return of any government furnished equipment such as laptops, phones, and identification cards. If you are resigning and retiring before December 31, 2025, we will work with you on the plan to finalize your retirement documentation, including the dates of your final retirement and final deferred resignation. Any further questions should be directed to [agency contact information].

Thank you again for your service to America and we wish you nothing but success as you pursue the next phase of your career and life.

II. Have the Employee Sign a Separation Agreement

The Deferred Resignation Offer stated: “I will assist my employing agency with completing reasonable and customary tasks and processes to facilitate my departure.” It stated further, “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.”

Thus, as part of the off-boarding process, and pursuant to the terms of the Deferred Resignation Offer, CHCOs should have employees to sign a written Separation Agreement memorializing their agreement with the government. Our final template is **attached**. CHCOs should ensure this step is completed **as soon as possible**. CHCOs should seek to make the contractual date for placing the

employee on paid administrative leave no later than a week from today. CHCOs should be sure to gather contact information to communicate with the employee after they have been placed on administrative leave.

For employees 40 and over: The template Separation Agreement includes the following language waiving age discrimination claims, for employees over 40. This language does **not** mean that employees 40 and over have an extra 45 days to opt into the Deferred Resignation Program; the deadline for all employees, regardless of age, was February 12, 2025. This language just means that employees 40 and over who have opted into the Deferred Resignation Program have the opportunity (but not the obligation) to take 45 days to consider the Separation Agreement before executing it. Employees who wish to take the full 45 days will remain in their current positions and should continue performing their duties during that time (including, if applicable, return-to-office requirements).

If 40 years of age or older, Employee additionally waives any claims, complaints, charges, or civil actions the employee has or could have raised under the Age Discrimination in Employment Act against Agency as of the effective date of this agreement. Employee further acknowledges the following in connection with this waiver of rights under the ADEA:

- a. *The Employee has reviewed the entire agreement and understands its provisions;*
- b. *The Employee has not waived any rights or claims that may arise after the date this agreement is signed;*
- c. *The Employee is advised to consult with an attorney prior to signing this Agreement;*
- d. *The employee has received, by separate attachment, information concerning the job titles, ages, and DRP eligibility of all other employees in the same job classification or organizational unit as required by the Older Workers Benefit Protection Act.*
- e. *The Employee has 45 days to consider the terms of this Agreement but, at the Employee's sole discretion, waives such right;*
- f. *After returning a signed and dated copy of the agreement to [AGENCY], the employee retains the right to revoke the agreement for seven (7) days; and*
- g. *The agreement will not become effective or enforceable until the revocation period has expired.*

III. For Employees 40 and Older: Prepare the Narrative and Chart, and Send to the Employee

For workers over 40, the law additionally requires a supplemental disclosure to waive age discrimination claims. This is called the "OWBPA Disclosure"

An OWBPA Disclosure has two main components: (1) a required narrative section; and (2) a chart.

- A. **Narrative:** Create a narrative with a short summary that defines any DRP exclusions that your agency is using or is required to use, and other instructional information, in a manner that can be easily understood:
1. The narrative in your agency's OWBPA Disclosure must explain the group of employees eligible for the DRP in your agency and the specific exclusions from the DRP that apply in your agency.
 2. The narrative also must acknowledge the 45-day consideration period and the seven-day revocation period.
 3. Include the agency email address to which employees should send signed agreements (if the employee has not yet signed an agreement).
 4. Explain how an employee may revoke a previously signed agreement.
- B. **Chart:** Prepare a chart listing the job titles and ages of all agency employees in the "decisional unit" who are eligible for the DRP (all full-time federal employees in your agency, who were not subject to DRP program exclusions or additional agency-specific exclusions), and also include the job titles and ages of all individuals in the same decisional units who are not eligible for the DRP. Do **NOT** list names.

An example is below:

The Deferred Resignation Program was open from January 28, 2025 through February 12, 2025. You have been given 45 days to consider and accept the terms of the Deferred Resignation Program agreement (which you may waive at your option), and you were advised of your right to consult with an attorney about the agreement before signing it.

The class, unit, or group of individuals covered by the Deferred Resignation Program includes all full-time federal employees in [AGENCY NAME] except for [military personnel of the armed forces], [employees of the U.S. Postal Service], [employees in positions related to immigration enforcement and national security], and [employees in any of the following positions specifically excluded by [AGENCY: LIST ANY AGENCY-SPECIFIC EXCLUSIONS].

The following is a listing of the job titles and ages of employees who were and were not eligible for the Deferred Resignation Program and offered consideration for signing the waiver. No other employee is eligible or was offered consideration in exchange for signing the waiver.

<i>Position Title</i>	<i>Age</i>	<i>Number of Employees Eligible for DRP</i>	<i>Number of Employees not Eligible for DRP</i>
<i>Job Title 1</i>	<i>25</i>	<i>5</i>	<i>1</i>
	<i>32</i>	<i>6</i>	<i>2</i>

	45	2	3
<i>Job Title 2</i>	60	10	0
	40	9	2
	52	20	1
	29	4	8

Smaller agencies may have only one chart, comprised of their entire agency. Depending on how employee eligibility decisions are made in larger agencies (like cabinet departments), some agencies may have multiple charts, one for each separate “decisional unit.” You must separately list each job title / job classification in the applicable “decisional unit” of your agency. You must list individual ages and the number of individuals who are each age, broken out by individuals who are eligible and not eligible for the DRP. Do not list employees by name; do not use age bands broader than 1 year.