



NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees, Affiliated with the AFL-CIO

NATIONAL GRIEVANCE

NG-3/10/25

Date: March 10, 2025

To: Denise Biaggi-Ayer
Executive Director
Office of Labor Management Relations
U.S. Department of Veterans Affairs
Denise.Biaggi-Ayer@va.gov
Sent via electronic mail only

From: Sarah Hasan, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”),
American Federation of Government Employees, AFL-CIO (“AFGE”)

RE: National Grievance against the Department of Veterans Affairs for Conducting an Unlawful Reduction in Force (RIF) and Committing Violations of the Master Agreement, Applicable Regulations, and Federal Law

STATEMENT OF THE CHARGE

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2023) (“MCBA”), American Federation of Government Employees/National Veterans Affairs Council (“NVAC” or “the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the Department of Veterans Affairs (“Department” or “VA”) for conducting an unlawful reduction in force (“RIF”) affecting Bargaining Unit Employees (“BUEs”), including those serving a probationary period, beginning on February 13, 2025 and continuing on February 24, 2025 through mass termination notices. To date, the Department has failed to remedy these violations, and as such, continues to violate the Master Agreement, federal regulations, and federal law.

Specifically, the Department violated Articles 2, 3, 17, 28, 33, 47, and 49 of the MCBA; 5 U.S.C. §7116(a) (the “Statute”); 5 U.S.C. §3502 (Statutory Authority of RIFs); 5 C.F.R. Part 351 (OPM Regulations Regarding RIFs); 5 U.S.C. §2302(b) (“Prohibited Personnel Practices”); 5 U.S.C. §§ 551–559, 701–706 (Administrative Procedure Act or “APA”); 5 U.S.C. §552a (“Privacy Act”); 5 U.S.C. §5596 (the “Back Pay Act”), 5 C.F.R. Part 550 (Regulations Implementing the Back Pay Act); and any and all other relevant articles, laws, regulations, and past practices not herein specified. The Union specifically reserves the right to supplement this grievance based upon the discovery of new evidence or information of which it is not presently aware, or otherwise, as necessary.

STATEMENT OF THE CASE

Background

On January 20, 2025, President Donald J. Trump issued Executive Order 14158, “Establishing and Implementing the President’s ‘Department of Government Efficiency.’” Exhibit 1. Also on January 20, 2025, then-Acting Director of the U.S. Office of Personnel Management (“OPM”), Charles Ezell, directed Agencies to identify all employees on probationary periods, no later than January 24, 2025. Exhibit 2.

The OPM memorandum advised agencies that **probationary periods are “an essential tool** for agencies to assess employee performance and **manage staffing levels,”** and directed agencies to “**promptly determine whether these employees should be retained** at the agency.” *Id.* (emphasis added). The same memorandum identified Agency use of administrative leave as an “appropriate action where the **agency component in which the employee works is being eliminated or restructured,** or where the agency weighs **changes to the individual’s role at the agency as part of a workforce realignment.** It also may be appropriate when a new agency manager determines that **the absence of the employee from the office “is in the interest of the agency or of the Government as a whole.”** [See 5 C.F.R. § 630.1403(a)(1)]” *Id.* (emphasis added).

OPM and the U.S. Office of Management and Budget (“OMB”) also jointly issued a memorandum on January 20, 2025, providing Agencies guidance on the government-wide hiring freeze effecting President Trump’s January 20, 2025 Presidential Memorandum entitled “Hiring Freeze.” Exhibit 3. Together, these memoranda signaled the start of a government-wide effort long espoused by then-candidate Trump as part of his presidential campaign to significantly reduce the size of the federal workforce.

On January 21, 2025, the Department issued its own guidance on the hiring freeze, noting that several positions were categorically exempt as “mission critical.” Exhibit 4. Exempt positions included most Title 38 (“T38”) healthcare professionals performing direct patient care, several Hybrid Title 38 (“HT 38”) positions performing duties incident to direct patient care, and some Title 5 (“T5”) positions. *Id.*

On January 28, 2025, after unlawfully bypassing the exclusive representative and directly emailing federal employees a “Fork in the Road” offer of deferred resignation, OPM issued guidance to federal agencies relating to the government’s Deferred Resignation Program (“DRP”), noting in Appendix 1 that the DRP was being offered because the “**federal workforce is expected to undergo significant near-term changes.**” Exhibit 5 (emphasis added).

On February 6, 2025, the Department provided guidance on the DRP, adding that certain positions were ineligible to participate in the DRP, ostensibly because they performed mission-critical roles. Exhibit 6 (OCHCO Bulletin and List of positions excluded from DRP).

On February 11, 2025, President Trump issued Executive Order 14210, entitled “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization

Initiative.” Exhibit 7. Executive Order 14210 instructed that “Agency Heads shall promptly undertake preparations to initiate **large-scale reductions in force (RIFs)**” and to develop “[r]eorganization [p]lans.” *Id.* (emphasis added).

On February 13, 2025, VA Chief Human Capital Officer, Tracey Therit, sent a barrage of emails summarily terminating the employment of more than 1,000 employees deemed to be serving in a probationary period. Exhibit 8. The Department applauded these terminations as **saving the “department more than \$98 million per year, and [that] VA will redirect all of those resources** back toward health care, benefits and services for VA beneficiaries” Exhibit 9 (emphasis added). The Department purportedly excluded some probationary employees from this initial wave of terminations because they served in “mission-critical positions.” *Id.* The Department’s press release emphasized:

The dismissals announced today are part of a government-wide Trump Administration effort to make agencies more efficient, effective and responsive to the American People. To that end, VA is refocusing on its core mission: providing the best possible care and benefits to Veterans, their families, caregivers and survivors.

“At VA, **we are focused on saving money** so it can be better spent on Veteran care. We thank these employees for their service to VA. This was a tough decision, but ultimately it’s the right call to better support the Veterans, families, caregivers, and survivors the department exists to serve,” said VA Secretary Doug Collins.

Id. (emphasis added).

On February 24, 2025, VA terminated approximately 1,400 additional employees purportedly serving in a probationary period, citing to the “**\$83 million per year**” that the Department would save by terminating their employment and eliminating their positions. Exhibit 10 (emphasis added). The second wave of probationary terminations included bargaining-unit employees whose roles were not considered mission-critical, allegedly. VA reiterated its motive to shrink the workforce by summarily dismissing approximately 2,400 probationary employees:

Today’s actions follow other dismissals VA announced Feb. 13 and are part of a government-wide Trump Administration effort to make agencies more efficient, effective and responsive to the American people. To that end, VA is **refocusing on its core mission:** providing the best possible care and benefits to Veterans, their families, caregivers and survivors.

Id. (emphasis added).

The mass termination of probationary employees was not based on unsatisfactory performance or conduct. Instead, the Department’s public statements and the actions of its senior leaders unequivocally confirm that the probationary terminations were part of a larger government-wide effort to **reorganize** the workforce in a manner that addresses cost-saving measures (i.e. “**shortage of funds**”) to redirect resources (due to a **lack of work** or **erosion of duties** of employees’ positions) to accomplish a *de facto* RIF. These reasons hearken to the

regulatory basis for triggering a RIF. *See* 5 C.F.R. § 351.201(a)(2) (“because of **lack of work; shortage of funds**; insufficient personnel ceiling; **reorganization**; the exercise of reemployment rights or restoration rights; or reclassification of an employee’s position due to **erosion of duties** [.]”). In other words, the mass terminations were designed to allow the Department to reorganize its staff and services, and to reduce staffing expenses, without regard for applicable regulatory and contractual requirements governing RIFs.

To the extent there was any effort to spare certain employees from termination, these decisions did not include an individualized assessment of the performance or conduct of employees who were terminated. Further, the Department terminated numerous probationary employees who were considered “mission-critical” enough to be exempt from both the hiring freeze and DRP but were terminated *en masse* nevertheless. Therefore, the Department’s widescale probationary terminations were conducted in an arbitrary and capricious manner.

Since the second wave of terminations on February 24, 2025, the Department sought to rehire or retain employees who were terminated, confirming that the probationary terminations were neither based on unsatisfactory performance or conduct nor in furtherance of the Department’s mission. These chaotic, belated attempts to remedy the harm to employees and veterans alike are shameful. For example, an email from the Chief Operating Officer to Veterans Service Integrated Network (“VISN”) heads provides guidance on how the Department can retain the terminated probationary employees whose “loss to the organization will cause a critical mission failure.” Exhibit 11.

A similar email was disseminated by the Portland Regional Office (“Portland RO”) to review and rehire terminated probationary employees. *See* Exhibit 12 (2/28/25 RO Email). On February 28, 2025, the Portland RO informed terminated probationary employees that they would be permitted to file an “appeal or reconsideration” of their termination decisions while they remained in a leave without pay status. *Id.* The Portland RO, and potentially other facilities, outlined a “Termination Notice and Appeal/Reconsideration Process” (“Reconsideration Process”) that was unilaterally implemented without notice to the Union. The Union was not afforded an opportunity to bargain procedures and appropriate arrangements consistent with its rights under the Statute. When a change is announced in a perfunctory manner such as this, the Authority has consistently held that the change is unlawful. *U.S. Dep’t of the Navy, Naval Avionics Ctr., Indianapolis, Ind.*, 36 FLRA 567, 572 (1990); *U.S. Dep’t of Interior, Bureau of Reclamation*, 20 FLRA 587 (1985); *U.S. Dep’t of Homeland Sec., US Customs & Border Prot.*, 64 FLRA 916 (2010). Here, the Reconsideration Process makes clear that the Department had already developed and implemented a process by which terminated employees can “appeal” their decisions through an internal agency review process without notifying the Union nor inviting it to bargain in good faith over these changes in conditions of employment. This is just one of many examples of the Department’s unlawful conduct. The Department’s actions in conducting a constructive RIF is arbitrary and capricious, resulting in harm to employees and the Department’s ability to meet its mission.

The Trump Administration’s plans to reduce the federal workforce started with a government-wide hiring freeze on January 20, 2025; continued with an offer of DRP on January 28, 2025, which resulted in approximately 75,000 resignations according to an OPM

spokesperson (approximately 3% of the federal workforce)¹; followed by mass probationary terminations on February 13, 2025 and February 24, 2025; and concluded in OPM's direction to Agencies to develop and submit for review RIF and reorganization plans on February 26, 2025. Exhibit 13. Each of these strategies, individually and collectively, comprise a concerted and systematic effort to reduce the size, scope, and reach of the federal government through personnel reductions. Thus, the probationary terminations of February 13, 2025 and February 24, 2025 constitute a constructive RIF in violation of statutory, regulatory, and contractual obligations.

Aside from the unambiguous and oft-repeated motives of the current Administration and Department's leadership to reduce the size of the federal government, there are other characteristics of the probationary terminations that demonstrate the Department's nefarious motive to implement a constructive RIF:

1. The termination notices were all sent from a generic inbox titled "OCHCO Probationary BUE Communications." *See* Exhibit 8.
2. All termination notices were signed by and sent from Tracey Therit, the Chief Human Capital Officer, rather than the employees' direct supervisors or facility directors. *Id.*
3. All termination decisions are nearly identical to one another, clearly the result of a standardized template.
4. All termination decisions include conclusory, indefensible assertions that the employee's "performance has not met the burden to demonstrate that [] further employment at the Agency would be in the public interest" but do not provide any individualized reasons why the employees' performance warranted termination. *Id.*
5. Many employees who received the termination decisions previously received favorable performance reviews from their supervisors in the days and weeks immediately preceding their terminations, thereby demonstrating that the purported basis for termination was false. *See* Exhibit 14.
6. Many employees' supervisors later confirmed that the employee's performance was not the cause for termination², they were unaware of the impending termination, and/or were apologetic to the employees. *See* Exhibit 15.
7. The volume of termination notices, initially on February 13 and then again on February 24, demonstrate that the terminations were designed for execution *en masse*.
8. Upon information and belief, the Department terminated employees who were either exempt from the DRP or exempt from the hiring freeze, thus terminating employees who were ostensibly mission-critical and had to be retained.
9. The Department has since admitted it erroneously terminated employees who might be considered necessary and has sought to rehire them and rescind the termination notices. *See* Exhibit 11.

¹ OPM has not issued a press release or published this data, but an anonymous OPM spokesperson provided this figure to numerous media outlets, e.g.: <https://www.npr.org/2025/02/12/nx-s1-5293079/trump-musk-federal-employees-fork-resign-buyout> (last accessed March 10, 2025).

² The Washington Post reported that: "One well-rated Veterans Affairs staffer texted her boss to complain after she was fired. In text messages obtained by The Post, he replied, "It states it's due to your performance which is not true. ... Your performance has nothing to do with this.'" *See* <https://www.washingtonpost.com/nation/2025/02/17/trump-fires-federal-workers-performance/> (last accessed March 10, 2025).

Thus, these probationary terminations are not the result of any individualized assessment of an employee's performance or conduct as the law requires. Notably, as Ms. Therit testified to the House Veterans Affairs Committee on February 25, 2025, the Department carried out these mass terminations based on "direction from the Office of Personnel Management" and only after the termination notices were "prepared for [Ms. Therit's] signature." *Legislative Hearing on: H.R. 472, The Restore VA Accountability Act of 2025*, 119 Cong. 52:46-52:52; 54:20-54:27 (Feb. 25, 2025).³ In sum, the Department did not terminate 2,400 probationary employees because their performance was poor or because they engaged in misconduct. Many of these employees received outstanding or exceptional performance reviews from their supervisors, as well as performance awards. These employees were terminated for one reason, based on direction from the President *vis-à-vis* OPM: the Trump Administration wanted to quickly and cheaply cut its workforce without meeting its obligations to conduct a *bona fide* RIF. In doing so, the Department has committed numerous violations on a continuous and ongoing basis.

Violations

Congress enacted the Civil Service Reform Act of 1978 ("CSRA") to establish uniform standards for agencies and civil service employment across the federal government. The provisions of the CSRA include statutes governing, among other things, agency termination of employees for cause based on performance (5 U.S.C. § 4303(a); 5 U.S.C. § 7513(a)), and agency layoffs (RIFs) (5 U.S.C. § 3502). Congress also authorized, in agency-specific establishing statutes, each agency head to exercise powers of management over that agency and its employees, including the hiring and firing of employees, consistent with any generally applicable laws. For example, the VA Secretary is empowered to "control, direction, and management of the Department" and has the "authority to reorganize offices." *See* 38 U.S.C. §§ 303, 510, respectively.

In general, probationary employees in the competitive service are those who have been employed for less than one year. 5 U.S.C. § 7511(a)(1)(A)(ii); 5 C.F.R. § 315.801. Employees are appointed as "career" or "career-conditional employees" subject to completing the probationary period. 5 C.F.R. § 315.201(a). Most employees in the excepted service are also subject to a statutory trial period of two years, which, like the probationary period in the competitive service, is intended to permit the agency to evaluate the employee's performance and fitness for long-term employment. 5 U.S.C. § 7511(a)(1)(C)(ii). Special rules apply to those appointed to Hybrid Title 38 positions under 38 U.S.C. § 7401(3) and other authorities.

For probationary employees, the regulations promulgated by OPM state explicitly that agencies "shall utilize the probationary period as fully as possible to determine the fitness of the employee and shall terminate his or her services during this period if the employee fails to demonstrate fully his or her qualifications for continued employment." 5 C.F.R. § 315.803. Federal agencies may lawfully terminate probationary employees based on the agency's assessment of the employee's performance during the probationary period, pursuant to 5 C.F.R. § 315.804(a). Thus, to terminate a probationary employee, an agency "must honestly be dissatisfied with the probationer's conduct or performance after giving him a fair trial on the

³ Available at: <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=6650> (last accessed March 10, 2025).

job.” *McGuffin v. SSA*, 942 F.3d 1099, 1102 (Fed. Cir. 2019) (citing *Shaw v. United States*, 622 F.2d 520, 223 (Ct. Cl. 1980); see also *Perlongo v. United States*, 215 Ct. Cl. 982, 983 (1977). Where an employee’s “work performance or conduct during [his probationary or trial] period fails to demonstrate his fitness or his qualifications for continued employment,” an agency may terminate the employee by notifying him “in writing as to why he is being separated and the effective date of the action.” 5 C.F.R. § 315.804(a). This notice “shall, as a minimum, consist of the agency’s conclusions as to the inadequacies of his performance or conduct.” *Id.* Here, the Department abused its authority under 5 C.F.R. § 315.804(a) to falsely and conclusory claim that every probationary employee it terminated exhibited unsatisfactory performance, without providing any specific examples of inadequate performance.

Probationary employees can also be separated as part of an agency RIF. An agency may conduct a RIF “to reduce the size of its workforce.” *Tiltti v. Weise*, 155 F.3d 596, 601 (2d Cir. 1998). “RIFs are not aimed at removing particular individuals; rather, they are directed solely at positions.” *Grier v. Dep’t of Health & Hum. Servs.*, 750 F.2d 944, 945 (Fed. Cir. 1984). By targeting certain individuals, namely probationary employees, in lieu of conducting a lawful RIF, the Department violated law, regulation, and contract.

1. The Probationary Terminations Violated 5 C.F.R. Part 351 and Repudiated Article 28 (Reduction in Force), Resulting in an Unfair Labor Practice under 5 U.S.C. §7116(a)

Based on the Trump Administration and VA’s stated objectives of the probationary terminations as discussed above, and the manner in which they were effectuated, the Department’s mass probationary terminations on February 13, 2025, and February 24, 2025 are a constructive RIF. By failing to follow the regulatory and contractual requirements for RIFs, found in 5 C.F.R. Part 351 and MCBA Article 28, respectively, the Agency violated the regulations and repudiated the contract, thereby committing an unfair labor practice under 5 U.S.C. §7116(a).

A. Violation of Regulations Under 5 C.F.R. Part 351

Agencies must follow specific statutory directives in conducting a RIF, including detailed requirements for retention preferences, considerations for veterans, and the consideration of tenure of employment and length of service. 5 U.S.C. § 3502(a). Congress delegated to OPM the authority to promulgate regulations that agencies must follow in implementing RIFs, 5 U.S.C. §3502(a), set forth in 5 C.F.R. Part 351.

These RIF regulations apply whenever an agency determines that it is necessary to release employees “because of lack of work; shortage of funds; insufficient personnel ceiling; reorganization; the exercise of reemployment rights or restoration rights; or reclassification of an employee’s position due to erosion of duties [.]” 5 C.F.R. § 351.201(a)(2). The regulations define a reorganization as “the planned elimination, addition, or redistribution of functions or duties in an organization.” 5 C.F.R. § 351.203. All agencies of the federal government are required to comply with the RIF regulations whenever an agency “determines that a reduction force is necessary.” 5 C.F.R. § 351.204. It is clear that mass probationary terminations were used so that

the Department could redirect funds and duties to other functional components of the Agency, thereby reorganizing the Department. As such, the Department was conducting a constructive RIF and the RIF regulations applied to its actions.

The RIF regulations provide for an orderly process of determining which employees are retained rather than separated and ensuring that those decisions are made according to merit-based factors. *See* 5 U.S.C. § 3502. Before conducting a RIF, a federal agency must establish “competitive areas in which employees compete for retention.” 5 C.F.R. § 351.402. Thus, RIFs are not conducted based on agency-wide seniority, and probationary status is not considered a merit-based factor upon which RIFs are executed. Therefore, **in utilizing probationary status as the only qualification for mass termination**, and *de facto* RIF, the Department violated both federal law and regulation.

RIF regulations apply to employees in the competitive and excepted services. 5 C.F.R. § 351.202(a), (b). Importantly, probationary employees are **not excluded** from RIF procedures. *See* 5 C.F.R. § 351.202. In fact, probationary employees are **expressly protected** by the RIF regulations. *See* 5 C.F.R. §§ 351.501(b)(2), 351.502(b)(2). Agencies do not have discretion to bypass RIF procedures when they are reorganizing or reducing the size of components based on lack of work or budgetary concerns. *See James v. Von Zemenszky*, 284 F.3d 1310, 1321 (Fed. Cir. 2002) (holding that the VA did not have the authority to implement a system for implementing RIFs contrary to the Title 5 RIF regulations). Here too, while the Department was entitled to determine whether a RIF was appropriate, it was not authorized to utilize mass probationary terminations as an alternative to the RIF regulations.

Federal law also requires that employees with better performance ratings and disabled veterans with veterans’ preference are retained over other competing employees in their retention groups. 5 U.S.C. § 3502. Many of the terminated probationary employees were veterans and would have been entitled to preference in the event of a RIF. Thus, terminated probationary employees may not have been separated in a RIF that was lawfully executed.

In addition to the substantive rights to be considered for retention or reassignment, the RIF regulations require agencies to provide employees with 60 days of notice and to keep employees in a paid status during that time, if possible. *See* 5 C.F.R. §§ 351.803; 351.806. The RIF notice must also provide employees with information about their right to reemployment and career transition assistance. *See* 5 C.F.R. § 351.803. The regulations also provide employees subject to RIF with notice and the right to appeal their termination, demotion, or more than 30-day furlough to the Merit Systems Protection Board (“MSPB”). *See* 5 C.F.R. § 351.901. The VA failed to comply with any of these requirements.

The VA’s failure to apply RIF regulations deprived probationary BUEs of substantive and procedural rights that could have allowed them to keep their jobs or be reassigned to new positions, remain employed during the RIF process, continue to accrue tenure, obtain career transition assistance information, and enjoy other benefits of employment pending the completion of the RIF.

B. Repudiation of Contractual Obligations Under Article 28

In addition to violating federal regulations, the Department failed to follow the negotiated requirements of a RIF as outlined in MCBA Article 28 (Reduction in Force), thereby repudiating the Parties' Agreement. Article 28 contains key negotiated provisions regarding RIFs:

- Section 4 requires the Department to notify the Union of a forthcoming RIF, and Sections 7 -9 require the Department to notify employees of the forthcoming RIF. The Department neither notified the Union nor employees before the constructive RIF of probationary employees on February 13 and 24, 2025.
- Section 5 defines key terms relating to competitive areas and competitive levels, however the Department failed to identify competitive areas or levels whatsoever, let alone do so consistent with the Parties' Agreement.
- Section 6 requires the Department to freeze vacancies. The Department failed to freeze vacancies 60 days prior to February 13 or February 24 and has failed to offer terminated probationary employees an opportunity to fill open positions that are exempt from the hiring freeze.
- Section 10 allows the Union to review any BUE's electronic Official Personnel File ("eOPF") if the employee disputes the information used to place them on the retention register. Section 12 requires the Department to keep a retention register. Here, the Department did not place any terminated probationary employee on a retention register, let alone allow employees to ask for Union review of the same.
- Section 13 requires the Department to provide employees subject to a RIF with a reasonable amount of duty time to conduct their re-employment efforts. The Department did not provide the 2,400 terminated probationary employees with any duty time to perform any of these activities.
- Section 14 requires the Department to freeze performance ratings for a period of 60 days preceding the effective date of a RIF. The Department not only failed to freeze performance ratings, but falsely claimed employees' performances were unsatisfactory when they were not.
- Sections 15-19 stipulate procedures for offers and reassignment of employees who are subject to a RIF. Sections 20-24 stipulate rights and privileges for demoted or terminated employees relating to details, transfers of function, repromotion and reemployment. The Department did not comply with any of these procedures.

The provisions the Parties negotiated in Article 28 have remained largely unchanged for decades. Further, the Duration of Agreement clause of the MCBA provides: **"Negotiations initiated by either party during the term to add to, amend, or modify this Agreement may be conducted only by mutual consent of the parties."** See Section 3 (emphasis added). The Union has not consented to the renegotiation of Article 28. There is no reasonable dispute that the MCBA is valid and in effect.

In this case, the Department's mass probationary terminations constitute a constructive RIF, and the Department was obliged to adhere to the negotiated agreement, namely Article 28. The Department's pretextual probationary terminations *in lieu* of compliance with Article 28 manifest a clear refusal to honor its obligations under the Parties' MCBA. Thus, the Department

repudiated Article 28, which results in an unfair labor practice, in violation of 5 U.S.C. §7116 (a)(1) and 5 U.S.C. §7116 (a)(5). *See, e.g., United States Department of Justice, Federal Bureau of Prisons and AFGE Local 3935*, 68 FLRA 125 (2015). The breach is clear and patent insofar as it goes to the heart of Article 28 on RIFs and includes a wholesale rejection of each and every section.

By categorically circumventing its contractual obligations in Article 28 and instead terminating probationary employees to implement a constructive RIF, the Department repudiated Article 28. Therefore, the Agency committed an unfair labor practice under 5 U.S.C. §§7116 (a)(1) and (a)(5).

2. The Probationary Terminations Repudiated Article 33, Section 2 (B) and Section 3(B), Resulting in an Unfair Labor Practice under 5 U.S.C. §7116(a)

MCBA Article 33 (Temporary, Part-Time, and Probationary Employees) Sections 2(B) and 3(B) contain certain negotiated procedures relating to probationary periods. In the case of T5 and HT38 probationary employees, if they had completed a probationary period in a position and subsequently move into another T5 or HT38 position, with its own probationary period, but are performing unsuccessfully, Article 33 requires the Department to offer the employee another position for which they were qualified. *See* MCBA Article 33, Section 2(B)(1). The Department failed to identify which of the terminated probationary employees had previously completed a probationary period of another position and failed to offer those employees a position for which these employees were qualified.

To the extent the Department alleged that probationary employees were terminated for performance-related deficiencies, which the Union does not concede, the Department violated Article 33, Section 2(B)(2)-(4) requiring the Department to clearly communicate with, assess, and assist employees in the performance of their job duties. The Department also violated Article 33, Section 2(B)(5) which required notification to terminated probationary employees of the “conclusions as to the inadequacies of the employee’s performance.” In the termination notices of February 13 and 24, 2025, there are no conclusions as to the inadequacies of an employee’s performance, only a specious and superficial decision that the employee’s “performance has not met the burden to demonstrate that [their] further employment at the Agency would be in the public interest.” Exhibit 8.

Similarly, the provisions governing probationary T38 employees in Article 33, Section 3 (B) were ignored. These include requirements to communicate with employees frequently regarding their performance to assist in resolving any problems (Section 3(B)(2)), to provide employees with suggestions for improvement or positive assessments of performance (Section 3(B)(3)), and to use the Summary Review Board when performance is found unsatisfactory (Sections 3(B)(4)-(5)). The Union is unaware of any probationary T38 employee whose employment and termination conformed with these contractual requirements.

In this case, the Department had agreed upon certain language relating to the assessment and assistance of probationary employees prior to termination for poor performance, as reflected by Article 33, Sections 2(B) and 3(B). However, the Department’s failure to comply with any of

these requirements manifests a clear and patent refusal to honor its obligations under the Parties' MCBA. Thus, the Department repudiated Article 33, Sections 2(B) and 3(B), which constitutes an unfair labor practice, in violation of 5 U.S.C. §7116 (a)(1) and 5 U.S.C. §7116 (a)(5).

3. The Probationary Terminations Violated Article 17

MCBA Article 17 (Employee Rights) includes general workplace rights such as the right to work in an environment free from hostility and discrimination, privacy rights, rights to union membership and representation, First Amendment rights, and others. As a result of the Department's unlawful probationary terminations, the Department also violated Article 17, which entitles employees to be treated fairly and equitably, protected against discipline for "ill-founded" bases, afforded assistance to enable them to perform their jobs, and entitled to dignity and self-respect in working conditions.

4. The Department Unilaterally Changed Terms and Conditions of Employment When it Conducted a Constructive RIF of Probationary Employees and Failed to Bargain In Good Faith, Which Resulted in an Unfair Labor Practice Under 5 U.S.C. §7116(a)

The Department unilaterally changed terms and conditions of employment for AFGE BUEs when it used mass probationary terminations in the form of a constructive RIF. The Department also implemented new procedures for requesting reconsideration of those termination decisions. *See* Exhibit 12. Article 47 of the MCBA sets forth the requirements of Mid-Term Bargaining and Article 49 requires that the Agency provide notice to the Union of any proposed changes to working conditions. The Department's unilateral modification of RIF procedures and requests for reconsideration of probationary termination notices both triggered separate notifications to the Union of a change in working conditions subject to pre-implementation bargaining. However, the Department failed to provide the Union notice of either of these changes or an opportunity to bargain these changes, thus violating Article 47 and 49, as well as the statutory obligation to bargain in good faith under 5 U.S.C. § 7116(a)(1), (a)(5) and (a)(8)⁴.

Further, to the extent the Department is relying on any presidential memoranda or executive order to implement these sweeping changes to existing agreements, it is an unfair labor practice, in violation of 5 U.S.C. § 7116(a)(7), to enforce an order, rule, or regulation that conflicts with the terms of a negotiated agreement in effect prior to the issuance of the order,

⁴ In alleging these violations, the Union does not concede or otherwise waive its right to assert that Article 28 already covers RIF procedures. Neither does it agree to bargain matters already covered by the MCBA nor reopen any Articles of the MCBA. The Department cannot unilaterally force the Union to reopen and renegotiate matters covered by existing agreements. *See Dep't of Health and Human Services, Social Security Admin. and AFGE National Council of SSA Field Office Locals*, 47 F.L.R.A. 96 (1993). The Department's prior attempts to do so during the first Trump Administration were deemed unlawful by arbitrators and the Federal Labor Relations Authority. *See, e.g., U.S. Dep't of Veterans Affairs and AFGE National VA Council*, 72 F.L.R.A. 781 (2022) (upholding an award which found that the Union lawfully declined to bargain over new procedures for requesting and tracking official time where such procedures were covered by the agreement); *DVA and AFGE, NVAC*, 72 F.L.R.A. 518 (2021) (denying a management rights exception and holding that the agency repudiated agreements when it unilaterally implemented a new Directive, which called for smoke-free campuses).

rule, or regulation. *See U. S. Dep't of Veterans Affairs and AFGE Local 17*, 72 F.L.R.A. 55 (2021).

5. The Constructive RIF's Standardized, but Inaccurate, Termination Notices and Related Personnel Records Violate 5 U.S.C. § 552a(e) (Privacy Act)

The Department used a standardized template to terminate 2,400 probationary employees. These letters were not individually tailored to each recipient and universally cite to poor performance as the reason for dismissal. *See* Exhibit 8. However, many of the BUEs who received these letters were highly rated in their earlier performance evaluations and their supervisors attest to the fact that their performance was not the reason for their termination. *See* Exhibit 14. Thus, the Department's termination notices, as well as related personnel records effecting termination such as Standard Form 50s, are inaccurate and false, in violation of the Privacy Act's requirement that Agencies maintain accurate, relevant, timely, and complete records. *See* 5 U.S.C. § 552a(e)(5) (Agencies must "maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination"). Individuals can request an amendment to the record and receive a prompt response. *Id.* Consistent with the Privacy Act, employees may be entitled to actual damages, including pain and suffering, future pecuniary losses, costs, and attorney's fees. *Id.*

The Department's failure to maintain accurate performance and personnel records further harms terminated BUEs by staining their federal career with not only a termination but one for allegedly unsatisfactory performance. These false charges can impede an employee's prospective employment opportunities and interfere with their ability to qualify for unemployment benefits and assistance. Failure to maintain accurate, relevant, timely, and complete records violates the Privacy Act.

6. The Department Failed to Respond to the Union's Request for Information Under 5 U.S.C. §7114(b)(4), Thereby Violating Article 49 and Committing an Unfair Labor Practice Under 5 U.S.C. §7116(a)

On February 13, 2025, the Union propounded a request for information ("RFI") under the authority of 5 U.S.C. §7114(b)(4) and MCBA Article 49, Section 5, which states

If the Union makes a request under 5 USC 7114(b)(4), the Department agrees to provide the Union, upon request, with information that is normally maintained, reasonably available, and necessary for the Union to effectively fulfill its representational functions and responsibilities. This information will be provided to the Union within a reasonable time and at no cost to the Union.

The RFI requested data relating to the employees who were terminated by the Department in its first wave of mass terminations on February 13, 2025. *See* Exhibit 17. To date, despite multiple follow-ups by the Union, the Department failed to reply to the Union's RFI, in violation of both the MCBA and 5 U.S.C. §7114(b)(4). In violating its obligations under the Statute to provide

responsive data to the Union for a properly executed RFI, the Department committed an unfair labor practice 5 U.S.C. § 7116(a)(8).

7. The Constructive RIF Constituted a Prohibited Personnel Practice (“PPP”) Under 5 U.S.C. § 2302(b)(12)

Under 5 U.S.C. § 2302(b)(12), it is a prohibited personnel practice for an agency to take or fail to take a personnel action where “the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in [5 U.S.C. § 2301].” The probationary terminations of February 13 and February 24 qualify as personnel actions as defined at 5 U.S.C. § 2302(a)(2)(A), that violate numerous statutes and regulations aimed at promoting certain merit system principles, namely: 5 U.S.C. § 3502 (Statutory Authority on RIFs), 5 C.F.R. Part 351 (RIF Regulations), and 5 C.F.R. § 315.801 et. seq. (Probationary Periods). The discussion of these violations can be found under Section 1, *supra*.⁵

The Department’s constructive RIF, guised as probationary terminations, violated numerous regulations and statutes regarding RIF and probationary periods, which were designed to promote and uphold numerous merit system principles. In violating these authorities, the Agency violated numerous merit system principles and committed a PPP under 5 U.S.C. § 2302(b)(12).

8. The Constructive RIF Violated the Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2)(A), (C), (D)

The Department’s violation of applicable statutes and regulations governing RIFs constituted an arbitrary, capricious, abuse of discretion and unlawful agency action under the APA. The fact that non-probationary employees were erroneously included in the terminations, and the Department has since sought to retain/rehire and reconsider termination notices demonstrates a fundamental arbitrariness and capriciousness with which it implemented a constructive RIF in violation of 5 C.F.R. Part 351 and MCBA Article 28. *See* 5 U.S.C. § 706(2)(A).

The Department is without statutory authority to disregard rules of retention in RIF actions under 5 U.S.C. § 3502, which require veterans to be given preference, among other things. In exceeding its statutory authority by determining its own criteria for RIF actions, namely based on probationary status, the Department exceeded statutory jurisdiction, authority and limitations. *See* 5 U.S.C. § 706(2)(C).

⁵ As of date of this Grievance, OSC requested, and MSPB granted, stays of six probationary terminations on similar grounds and ordered agencies to reinstate those terminated employees. *See e.g., Special Counsel ex rel. John Doe v. Department of Veterans Affairs*, 125 LRP 5891 (MSPB 02/25/25, *nonprecedential*) (MSPB granting OSC's request to stay the probationary termination of a VA employee for 45 days, finding there were reasonable grounds to believe that the agency terminated the employee during the employee's probationary period in violation of 5 USC 2302(b)(12)).

Finally, in failing to adhere to any of the lawful requirements of a RIF, including the obligation to refrain from committing a PPP under 5 U.S.C. §2302(b)(12), the Department's constructive RIF was without observance of procedure required by law. *See* 5 U.S.C. § 706(2)(D).

Remedies Requested

The Union requests the following remedies:

1. To return to *status quo ante* as it existed prior to the first wave of mass probationary terminations beginning on February 13, 2025;
2. To immediately rescind all the termination notices sent on February 13 and February 24, 2025 and reinstate affected employees;
3. To make whole any BUE affected by the Department's violations of the Union's institutional claims, including but not limited to, back pay, interest, restoration of leave, and attorney's fees under the Back Pay Act;
4. To further compensate any BUE who suffered actual damages under the Privacy Act, including pain and suffering, future pecuniary losses, and attorney's fees;
5. To fully comply with the MCBA, and federal laws and regulations identified herein;
6. To immediately and fully respond to the Union's February 13, 2025 RFI;
7. To issue an electronic notice posting signed by the Secretary to all AFGE BUEs concerning its unfair labor practices;
8. To agree to comply with any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.
9. To agree to any and all other appropriate remedies in this matter.

Time Frame and Contact

This is a National Grievance, and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions, please contact the undersigned at the AFGE Office of the General Counsel. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.

Submitted by,



Sarah Hasan
Staff Counsel, National VA Council
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
hasans@afge.org

cc: Kurt Martin, Deputy Director, OLMR
Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Thomas Dargon, Jr., Deputy General Counsel, AFGE/NVAC

Exhibit 1

Presidential Documents

Executive Order 14158 of January 20, 2025

Establishing and Implementing the President's "Department of Government Efficiency"

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.

Sec. 2. Definitions. As used in this order:

(a) "Agency" has the meaning given to it in section 551 of title 5, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

Sec. 3. DOGE Structure. (a) *Reorganization and Renaming of the United States Digital Service.* The United States Digital Service is hereby publicly renamed as the United States DOGE Service (USDS) and shall be established in the Executive Office of the President.

(b) *Establishment of a Temporary Organization.* There shall be a USDS Administrator established in the Executive Office of the President who shall report to the White House Chief of Staff. There is further established within USDS, in accordance with section 3161 of title 5, United States Code, a temporary organization known as "the U.S. DOGE Service Temporary Organization". The U.S. DOGE Service Temporary Organization shall be headed by the USDS Administrator and shall be dedicated to advancing the President's 18-month DOGE agenda. The U.S. DOGE Service Temporary Organization shall terminate on July 4, 2026. The termination of the U.S. DOGE Service Temporary Organization shall not be interpreted to imply the termination, attenuation, or amendment of any other authority or provision of this order.

(c) *DOGE Teams.* In consultation with USDS, each Agency Head shall establish within their respective Agencies a DOGE Team of at least four employees, which may include Special Government Employees, hired or assigned within thirty days of the date of this Order. Agency Heads shall select the DOGE Team members in consultation with the USDS Administrator. Each DOGE Team will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney. Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President's DOGE Agenda.

Sec. 4. Modernizing Federal Technology and Software to Maximize Efficiency and Productivity. (a) The USDS Administrator shall commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems. Among other things, the USDS Administrator shall work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.

(b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

(c) This Executive Order displaces all prior executive orders and regulations, insofar as they are subject to direct presidential amendment, that might serve as a barrier to providing USDS access to agency records and systems as described above.

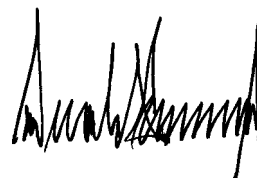
Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 20, 2025.

Exhibit 2



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

MEMORANDUM

TO: Heads and Acting Heads of Departments and Agencies
FROM: Charles Ezell, Acting Director, U.S. Office of Personnel Management
DATE: January 20, 2025
RE: Guidance on Probationary Periods, Administrative Leave and Details

The U.S. Office of Personnel Management (OPM) is providing the following guidance to agencies regarding critical potential personnel actions. Specifically, this memorandum deals with 1) probationary periods, and 2) administrative leave and details.

I. Probationary Periods

Probationary periods are an essential tool for agencies to assess employee performance and manage staffing levels.¹ Employees on probationary periods can be terminated during that period without triggering appeal rights to the Merit Systems Protection Board (MSPB).²

Generally, employees in the competitive service with less than one year of service, and in the excepted service with less than two years of service, can be terminated without triggering MSPB appeal rights.³ This applies to temporary employees on appointments “not to exceed” a date certain.⁴

No later than January 24, 2025, agencies should identify all employees on probationary periods, who have served less than a year in a competitive service appointment, or who have served less than two years in an excepted service appointment, and send a report to OPM listing all such employees to employeeaccountability@opm.gov, with a copy to Amanda Scales at amanda.scales@opm.gov. In addition, agencies should promptly determine whether those employees should be retained at the agency.

II. Administrative Leave and Details

¹ See U.S. Merit Systems Protection Board Report to the President and Congress, *The Probationary Period: A Critical Assessment Opportunity* (August 2005), https://www.mspb.gov/studies/studies/The_Probationary_Period_A_Critical_Assessment_Opportunity_224555.pdf.

² *Starkey v. Dep’t of Hous. and Urban Dev.*, 2024 MSPB 6, ¶ 16; *Marynowski v. Dep’t of the Navy*, 2012 MSPB 82, ¶ 4 (2012).

³ *Forest v. Merit Sys. Prot. Bd.*, 47 F.3d 409, 412 (Fed. Cir. 1995); *Holmes v. Merit Sys. Prot. Bd.*, 655 F. App’x 816, 818 (Fed. Cir. 2016); see also 5 U.S.C. §§ 7511(a)(1)(A), (C).

⁴ See *Forest*, 47 F.3d at 410; *Holmes*, 655 F. App’x at 816.

“Federal agencies have the discretion to grant paid administrative leave to employees to help manage their workforces when it is in their best interest to do so.”⁵ The flexibility given to agencies in using paid administrative leave reflects the fact that “heads of Executive agencies have broad authority to manage their organizations, including the authority to grant administrative leave, unless prohibited by law.”⁶

OPM regulations note four pertinent areas where paid administrative leave is appropriate: (1) “the absence is directly related to the agency’s mission,” (2) “the absence is officially sponsored or sanctioned by the agency,” or (3) “the absence will clearly enhance the professional development or skills of the employee in the employee’s current position,” or (4) “the absence is in the interest of the agency or of the Government as a whole.”⁷ “An agency must retain the discretion to grant or not grant administrative leave in any circumstance based on agency judgments regarding mission needs.”⁸

Placing an employee on paid administrative leave may be an appropriate action where the agency component in which the employee works is being eliminated or restructured, or where the agency weighs changes to the individual’s role at the agency as part of a workforce realignment. It also may be appropriate when a new agency manager determines that the absence of the employee from the office “is in the interest of the agency or of the Government as a whole.”⁹ Agencies are encouraged to use flexibilities associated with paid administrative leave as they implement agency restructuring initiatives or determine the best ways to manage agency components going forward.

In addition, agency heads have broad discretion to detail employees “among the bureaus and offices of [their] department[s]” for up to 120 days by written order.¹⁰ An agency may temporarily detail an employee to “unclassified duties.”¹¹ Such details may provide additional

⁵ *Administrative Leave, Investigative Leave, and Notice Leave*, 89 Fed. Reg. 10,2256-01 (Dec. 17, 2024).

⁶ U.S. Office of Personnel Management, *Fact Sheet: Administrative Leave*, <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/administrative-leave/>.

⁷ 5 C.F.R. § 630.1403(a)(1).

⁸ 5 C.F.R. § 630.1403(a)(4). OPM reiterates that while “[t]he effective date for these regulations addressing administrative leave (subpart N) and investigative and notice leave (subpart O) is 30 days after the date of publication,” nonetheless “the compliance date is set as 270 days after the date of publication.” 89 Fed. Reg. at 10,2257. That is, agencies must “revise and implement their internal policies consistent with the Act within 270 calendar days from the date OPM prescribes the regulations,” and “[a]gencies are responsible for compliance with time limits provided for in the Act, these OPM regulations, and any related guidance.” *Id.* OPM thus believes that agencies are not required to comply with the administrative leave rule and new regulations until September 13, 2025, the deadline for agencies to issue their own implementing regulations. **OPM requests that agencies not issue any agency-specific rules until such rules have been reviewed and approved by OPM.**

⁹ 5 C.F.R. § 630.1403(a)(1).

¹⁰ 5 U.S.C. § 3341.

¹¹ *Frankel v. Dep’t of Educ.*, 17 M.S.P.R. 453, 455–56 (1983).

flexibilities to agencies during the transition period and as agencies undertake reorganization efforts and close offices.

Please do not hesitate to contact OPM if you have any questions regarding these matters at employeeaccountability@opm.gov, with a copy to Amanda Scales at amanda.scales@opm.gov.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors

Exhibit 3



U.S Office of
Management and Budget

U.S Office of
Personnel Management



MEMORANDUM

TO: Heads of Executive Departments and Agencies

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget;
Charles Ezell, Acting Director, Office of Personnel Management

DATE: January 20, 2025

RE: Federal Civilian Hiring Freeze Guidance

1. Purpose. This memorandum provides additional guidance regarding the freeze on the hiring of federal civilian employees as directed by the President on January 20, 2025, via Presidential Memorandum (PM) entitled “Hiring Freeze.” This guidance clarifies immediate actions to be taken by Heads of executive departments and agencies to implement the PM and provides information on the types of exemptions authorized under this hiring freeze as well as instructions on how departments and agencies can request exemptions from the Office of Personnel Management (OPM) for critical situations where additional exemptions may be warranted.

2. Coverage. This memorandum applies to all Executive departments and agencies regardless of the sources of their operational and programmatic funding and to all types of Federal civilian appointments, regardless of the length of the appointment, except as provided for below or otherwise provided in law. No vacant positions existing at 11:59 A.M. on January 20, 2025, may be filled and no new positions may be created, except in limited circumstances. For the purposes of this memorandum, a position is not considered vacant if an individual has been given an offer of employment prior to noon on January 20, 2025, has signed an offer letter in acceptance of the position, and has a designated start date on or before February 8, 2025. All positions that are not exempt from the hiring freeze must be unlisted from USAJOBS.gov and any other applicable websites no later than January 21. Any recruiters seeking to fill positions on behalf of the government must cease correspondence with candidates no later than January 21.

Contracting outside the Government to circumvent the intent of the PM shall not be permitted. For example, agencies shall not acquire by contract with a commercial vendor services that are substantially similar to those that would have been provided by a Federal civilian in a vacancy covered by the PM.

3. Mandatory Exemptions. For the following exemptions, hiring of veterans shall be prioritized in accordance with veterans’ preference statutes. The following exemptions to the Federal civilian hiring freeze are required:

- a. Military personnel in the armed forces and all Federal uniformed personnel, including the U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration.
- b. Positions related to immigration enforcement, national security, or public safety.
- c. The nomination and appointment of officials to positions requiring Presidential appointment or Senate confirmation, the appointment of officials to non-career positions in the Senior Executive Service or to Schedule A or C positions in the Excepted Service, the appointment of officials through temporary organization hiring authority pursuant to 5 U.S.C. 3161, or the appointment of any other non-career employees or officials, if approved by agency leadership appointed by the President.

Agency heads shall consult with the OPM in determining the scope and extent of positions covered by these mandatory exemptions.

4. Other exemptions. For the following exemptions, hiring of veterans may be prioritized. In addition, the following exemptions to the Federal civilian hiring freeze are permitted:

- a. Filling of positions under programs where limiting the hiring of personnel would conflict with applicable law.
- b. Nomination and appointment of officials to positions requiring Presidential appointment, with or without Senate confirmation.
- c. Appointment of seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads, provided that the agency informs its OMB Resource Management Office in writing in advance of its hiring plans.
- d. Hiring by the U.S. Postal Service.
- e. Appointments made prior to January 20, 2025, under the Pathways Internship and Presidential Management Fellows programs (this does not include the Recent Graduates program): Agencies shall review such appointments on a case by case basis. Agencies should ensure that such hires understand the provisional nature of these appointments and that retention is not guaranteed.
- f. Conversions in the ordinary course to the competitive service of current agency employees serving in positions with conversion authority, such as the Veterans' Recruitment Act (VRA).
- g. Appointments made under 5 C.F.R. § 213.3102(r) (time limited positions in support of fellowship or professional/industry exchange programs) provided that the total number of individuals employed under this authority does not exceed the number of employees onboard (hired under this authority) on January 20, 2025.

- h. Placement of persons with restoration rights accorded by law, such as restoration after absence with injury compensation and restoration after military duty.
- i. Job offers made prior to noon on January 20, 2025, for which the individual has accepted the position and has a designated start date on or before February 8, 2025. Those individuals should report to work according to their respective designated start date.
- j. Job offers made and accepted prior to January 20, 2025, but for which the individual has a confirmed start date that is later than February 8, 2025 (or does not have a confirmed start date), are revoked. If an agency head would like to renew an offer, the agency head should consider essential mission priorities, current agency resources, and funding levels when making determinations about whether to reinstate job offers. If the agency head decides to reinstate the offer, the agency head must seek written approval from OPM before proceeding to hire the employee.
- k. Internal career ladder promotions.
- l. Reallocations (i.e., noncompetitive reassignments and details) of current Federal civilian employees within an agency to meet the highest priority needs (including preservation of national security and other essential services) are not affected. Details (reimbursable and non-reimbursable) between agencies are also not affected; however, agency leadership should ensure that any reimbursable details between agencies are not being used to circumvent the intent of the hiring freeze.
- m. Term and temporary appointments of existing Federal employees may be extended up to the maximum allowable time limit, consistent with the conditions/requirements of the legal authority originally used to appoint the employee.
- n. A limited number of voluntary transfers of current SES between agencies, as necessary to secure the leadership capacity of agencies, and where needs cannot be met by reallocation of resources within an agency's current workforce; however, filling of such vacancies is subject to OPM approval in accordance with section 5 below.
- o. The head of any agency may exempt any positions that it deems necessary to:
 - i. Meet national security (including foreign relations) responsibilities, that are not covered by Section 3, or
 - ii. Meet public safety responsibilities that are not covered by Section 3 (including essential activities to the extent that they protect life and property). Agencies may refer to longstanding guidance, which provides examples of such activities in OMB Memorandum. Agency Operations in the Absence of Appropriations dated 11/17/1981 [see examples 3(a) to 3(k)].

Agency heads should consult with appropriate personnel, including the agency Chief Human Capital Officer (CHCO) or equivalent and agency counsel when determining what positions to exempt from the hiring freeze. Agency heads are also required to obtain the approval of the OMB Resource Management Office before seeking the approval of OPM to exempt positions using their agency head authority before implementing these exemptions. This approval must be requested and received in writing before any exemption to the hiring freeze is permitted. Note that in the case of an Inspector General's (IG) office, the Inspector General is considered the agency head for the purposes of determining which positions in the IG office are exempt based on the definitions above, as well as for the purposes of the agency-head review of job offers in the IG office that either do not have a start date or have a designated start date beyond February 1, 2025.

5. Exemptions Granted by OPM. OPM may grant additional exemptions from the hiring freeze for critically important situations, such as ensuring the highest-quality possible provision of Social Security, Medicare, and veterans' benefits. Accordingly, if an agency head assesses that circumstances warrant additional exemptions to the hiring freeze other than those specified above, a request must be made in writing to OPM and signed by the agency head. OPM must approve the request in writing prior to moving forward. The request must:

- Explain the critical need and how it relates to essential services or critical mission requirements.
- Explain why reallocation (reassignment/detail) of existing staff within the agency is not possible to meet the needs outlined in the request.
- Explain the urgency of the need and the consequences of not filling the position within a 3 to 6 month timeline.

Agencies must also notify their respective OMB Resource Management Office of exemption requests to OPM under this provision. Agencies should submit exemption requests to OPM at employ@opm.gov for non-SES positions, with a copy to Amanda Scales at amanda.scales@opm.gov. For approval to transfer executives under Section 4(n), agencies should submit their request to SERS@opm.gov, with a copy to Amanda Scales at amanda.scales@opm.gov.

6. Effective Dates. The guidance in this memorandum is effective immediately. Within 90 days of the publication of the PM issued on January 20, 2025, the Director of the Office of Management and Budget (OMB), in consultation with the Director of OPM and the Administrator of the United States DOGE Service (USDS), shall submit a plan to reduce the size of the Federal Government's workforce through efficiency improvements and attrition. The hiring freeze will expire upon implementation of the OMB plan, with the exception of the Internal Revenue Service (IRS). The freeze shall remain in effect for the IRS until the Secretary of the Treasury, in consultation with the Director of OMB and the Administrator of USDS, determines that it is in the national interest to lift the freeze.

7. Reports. On the last day of each month, the head of any agency subject to the hiring freeze shall send a report to OPM at employ@opm.gov with the following:

- Name, Job Title, Pay Plan, Series, Grade, Manager Name, Offered Date (date offer was extended), Intended Start Date, and Date of OPM Approval for all job candidates who were extended offers in that month
- Name, Job Title, Pay Plan, Series, Grade, Manager Name, Offered Date (date offer was extended), Intended Start Date, and Date of OPM Approval for all job candidates who accepted offers in that month
- Name, Job Title, Pay Plan, Series, Grade for all new employees who started that month
- Name, Job Title, Pay Plan, Series, and Grade for all employees who departed in that month
- Total employee headcount
- List of positions listed on USAJOBS and/or any other websites discoverable online

8. Inquiries. Questions from departments and agencies regarding the instructions and guidance in this memorandum should be addressed to agency OMB Resource Management Officers and the OPM Office of Workforce Policy and Innovation at employ@opm.gov, with a copy to Amanda Scales at amanda.scales@opm.gov.

Appendix: Summary of Required Actions by Agency Heads

Important: Please be advised that OPM will remove all postings on USAJOBS.gov that do not clearly meet exemption criteria as described in this memo. Agency head may request approval to reinstate any postings with Amanda Scales, Chief of Staff, OPM at amanda.scales@opm.gov.

ACTION: Agency head must send a summary email to the Chief of Staff, OPM confirming once all of the actions outlined below have been completed and no later than January 22, 2025. OMB shall be cc'd for awareness on this email.

- Offers signed prior to 12pm on January 20, 2025 with a start date ON OR BEFORE February 8, 2025
 - ACTION: Continue/proceed with hiring/onboarding process.
- Offers signed prior to 12pm on January 20, 2025 with (a) a start date AFTER February 8, 2025 OR (b) an unconfirmed start date
 - ACTION:
 - Agency head ensures all of these offers are revoked no later than 5:00 pm EST on January 21, 2025, unless the agency head specifically determines in writing that the offer should be reinstated.
 - If agency head determines that any of these offers should be reinstated, agency head must request and receive approval in writing (via email) from the Chief of Staff, OPM before moving forward with the offer(s). The request should cite the relevant exemption criteria and justifications as outlined in the memo before moving forward. OMB shall be cc'd for awareness on this request. The agency head shall perform this review in bulk and send one email request, with all offers and their justifications listed, for OPM review and approval.
- Vacant positions as of 12pm on January 20, 2025
 - ACTION:
 - Agency head ensures hiring managers, recruiters, and any other employees involved in the hiring process at any stage, instruct candidates that we are no longer hiring for the role and cease correspondence no later than 5:00 pm EST on Tuesday, January 21, 2025.
 - If agency head determines that any of these jobs are exempt from the hiring freeze per the criteria outlined in this memo, and therefore should continue to be posted, agency head must request and receive approval in writing (via email) from the Chief of Staff, OPM before implementing these exemptions. The request should cite the relevant exemption criteria and justifications outlined in the memo before moving forward. OMB shall be cc'd for awareness on this request.

- Jobs posted to USAJOBS.gov and/or any other external website used to market jobs with the federal government
 - ACTION:
 - Agency head ensures that all jobs currently posted to USAJOBS, and any other external website concurrently in use to market jobs (for example, Monster or LinkedIn) with the federal government, are removed no later than 5:00 pm EST on Tuesday, January 21, 2025.
 - If agency head determines that any of these jobs are exempt from the hiring freeze per the criteria outlined in this memo, and therefore should continue to be posted and actively recruited for, agency head must request and receive approval in writing (via email) from the Chief of Staff, OPM before implementing these exemptions. The request should cite the relevant exemption criteria and justifications outlined in the memo. OMB shall be cc'd for awareness on this request.

Notification of Updates to Systems & Processes:

To ensure the hiring freeze is observed, (1) OPM may communicate updates to job posting and offer approval procedures, and (2) agency heads are required to provide OPM with a monthly report (details outlined in the Reports section below).

Required Reports:

On the last day of each month, the head of any agency subject to the hiring freeze shall send a report to the Chief of Staff, OPM and to employ@opm.gov, with OMB cc'd for awareness, with the below:

- Job candidates who were extended offers in that month:
 - (1) Name, (2) Job Title, (3) Manager Name, (4) Offered Date (date offer was extended), (5) Intended Start Date, and (6) Date of OPM Approval
- Job candidates who signed offers in that month:
 - (1) Name, (2) Job Title, (3) Manager Name, (4) Offered Date (date offer was extended), (5) Intended Start Date, and (6) Date of OPM Approval
- Employees who departed in that month:
 - (1) Name, (2) Job Title
- Total employee headcount
- List of positions on USAJOBS and/or any other websites discoverable online

Exhibit 4

Date: January 21, 2025

From: Acting Secretary

Subj: Hiring Freeze Guidance (VIEWS 12678309)

To: Under Secretaries, Assistant Secretaries and Other Key Officials

1. This memorandum provides additional guidance regarding the freeze on the hiring of federal civilian employees as directed by President Trump on January 20, 2025, via Presidential Memorandum (PM) entitled "Hiring Freeze."
 - a. No vacant position existing at 11:59 a.m. on January 20, 2025, may be filled and no new positions may be created, except in limited circumstances as described in paragraph 3 below.
 - b. For the purposes of the memorandum, a position is not considered vacant if an individual has been given an offer of employment prior to Noon on January 20, 2025, has signed an offer letter in acceptance of the position, and has a designated start date on or before February 8, 2025. These positions may proceed with hiring and onboarding.
 - c. Offers signed prior to Noon on January 20, 2025, with a start date after February 8, 2025, or an unconfirmed start date must be revoked no later than 5 p.m. Eastern Standard Time (EST) on January 21, 2025.
 - d. For vacant positions as of Noon on January 20, 2025, Human Resources Specialists must instruct candidates that the agency is no longer hiring for the role and cease correspondence no later than 5 p.m. EST on January 21, 2025.
 - e. All positions that are not exempt from the hiring freeze must be unlisted from USAJOBS.gov and any other applicable websites no later than January 21, 2025, at 5 p.m. EST.
 - f. Any recruiters working to fill positions on behalf of the government must cease correspondence with candidates no later than January 21, 2025.
 - g. Agencies shall not acquire by contract with a commercial vendor, services that are substantially similar to those that would have been provided by a Federal civilian in a vacancy covered by the PM.

Subj: Hiring Freeze Guidance (VIEWS 12678309)

2. Agency Human Resources leaders received the guidance above earlier today from the Department of Veterans Affairs (VA) Chief Human Capital Officer and have been working to comply with the Office of Personnel Management's (OPM) direction.
3. I am providing additional guidance regarding exemptions, which will be supplemented in future communications.
 - a. Positions critical to delivering care to Veterans in the Veteran Health Administration, as reflected in Attachment A, are exempted under the category of public safety.
 - b. Positions critical to the provision of Veterans' benefits may be exempted by OPM. Requests must be made to OPM in writing and signed by the Secretary. The request must: (1) explain the critical need and how it relates to essential services or critical mission requirements, (2) explain why reallocation (reassignment/detail) of existing staff within the agency is not possible to meet the needs outlined in the request, and (3) explain the urgency of the need and the consequences of not filling the position within a 3-to-6-month timeline.
 - c. All other positions for which an exemption is requested must be submitted through to the Chief of Staff for Veterans Affairs (COSVA) for concurrence prior to the Secretary's approval. The attached VA Hiring Justification Form shall be used for these submissions and sent through the Office of Human Resources/Operations Security and Preparedness to the COSVA through VIEWS.
4. VA remains committed to being deliberative in the hiring actions taken to ensure we are postured for success as we implement overall modernization efforts and reform plans in accordance with the Office of Management and Budget. To this end, prior to authorizing recruitment for vacant positions, VA leaders must certify that actions are aligned with VA goals, priorities, and modernization plans and support the more efficient and effective delivery of services to Veterans.
5. Questions regarding this memorandum may be directed to: Carrie Johnson-Clark, Executive Director, Corporate Senior Executive Management Office (CSEMO) at carrie.johnson@va.gov for Senior Executive Service (SES) and SES-equivalent matters; or Tracey Therit, Chief Human Capital Officer, at tracey.therit@va.gov for all non-SES matters.



VA Hiring Freeze Exempted Occupations (as of January 21, 2025)

Hiring Authority	Occupation	Occ Series	Count of Entire Occ Series
T38 Hybrid	0101 Social Science/Licensed Prof Mental Health Counselor	0101	2,787
T38	0602 Medical Officer	0602	30,274
T38	0603 Physician's Assistant	0603	3,155
T38	0605 Nurse Anesthetist	0605	0
T38	0610 Nurse	0610	94,423
T38	0662 Optometrist	0662	1,292
T38	0668 Podiatrist	0668	856
T38	0680 Dental Officer	0680	1,653
T38	0601 General Health Science	0601	8,746
T38 Hybrid	0180 Psychology	0180	8,389
T38 Hybrid	0185 Social Work	0185	21,604
T38 Hybrid	0620 Practical Nurse	0620	15,059
T38 Hybrid	0621 Nursing Assistant	0621	14,210
T38 Hybrid	0630 Dietitian and Nutritionist	0630	3,002
T38 Hybrid	0631 Occupational Therapist	0631	1,958
T38 Hybrid	0633 Physical Therapist	0633	3,225
T38 Hybrid	0635 Corrective Therapist	0635	264
T38 Hybrid	0636 Rehabilitation Therapy Assistant/Occupational Therapy Assistant	0636	951
T38 Hybrid	0640 Health Aid and Technician/Certified Respiratory Therapist	0640	8,777
T38 Hybrid	0644 Medical Technologist	0644	4,812
T38 Hybrid	0647 Diagnostic Radiologic Technologist	0647	5,135
T38 Hybrid	0648 Therapeutic Radiologic Technologist	0648	322
T38 Hybrid	0649 Medical Instrument Technician	0649	3,851
T38 Hybrid	0660 Pharmacist	0660	12,622
T38 Hybrid	0661 Pharmacy Technician	0661	5,975
T38 Hybrid	0665 Speech Pathology and Audiology	0665	2,264
T38 Hybrid	0667 Orthotist and Prosthetist	0667	397
T38 Hybrid	0669 Medical Records Administration	0669	377
T38 Hybrid	0672 Prosthetic Representative	0672	719
T38 Hybrid	0675 Medical Records Technician	0675	3,319
T38 Hybrid	0679 Medical Support Assistance	0679	36,573
T38 Hybrid	0681 Dental Assistant	0681	1,917
T38 Hybrid	0682 Dental Hygiene	0682	558
T38 Hybrid	0858 Biomedical Engineering	0858	643
T5	0083 Police	0083	4,170
38 Hybrid	0182 Marriage/Family Therapist		

T38 Hybrid	0183 Licensed Professional Mental Health Counselor		
T5	0301 Veteran Outreach Program Specialist		
T5	0671 Health System Specialist		

Exhibit 5



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

MEMORANDUM

TO: Heads and Acting Heads of Departments and Agencies

FROM: Charles Ezell, Acting Director, U.S. Office of Personnel Management

DATE: January 28, 2025

RE: Guidance Regarding Deferred Resignation Program

Pursuant to its authority under 5 U.S.C. § 1103(a)(1) and (a)(5), the U.S. Office of Personnel Management (“*OPM*”) is providing guidance to agencies regarding OPM’s government-wide deferred resignation program. This program provides employees with an option to submit a deferred resignation letter with resignation effective on September 30, 2025. Deferred resignation exempts those employees who choose it from return-to-office requirements.

Employees who accept deferred resignation should promptly have their duties re-assigned or eliminated and be placed on paid administrative leave until the end of the deferred resignation period (generally, September 30, 2025, unless the employee has elected another earlier resignation date), unless the agency head determines that it is necessary for the employee to be actively engaged in transitioning job duties, in which case employees should be placed on administrative leave as soon as those duties are transitioned.

In addition, each week (no later than Friday at 5:00 PM) through September 30, 2025, agencies should email to tracking@opm.gov the following information:

- The number of employees who have offered their resignations as part of the deferred resignation program;
- The number of agency employees who are part of the deferred resignation program placed on administrative leave;
- The number of agency employees who have applied for early and normal retirement since January 27, 2025;
- The number of agency employees who have actually resigned (and whether or not such employee had previously submitted accepted Deferred Resignation) beginning January 27, 2025;
- The number of employees who have sought to rescind their resignations, and the status of each request;

- The number of applications to extend the deferred resignation deadline (beyond February 6);
- The number of applications from potential retirees to extend the deferred resignation end-date beyond September 30, 2025 (to accommodate impending retirement); and
- The roles and number of personnel excluded by your agency from the deferred resignation program.

Attached as Appendix 1 are FAQs that OPM is providing for Chief Human Capital Officers (CHCOs) regarding the deferred resignation program.

Please contact tracking@opm.gov if you have any questions regarding this memorandum.

cc: CHCOs, Deputy CHCOs, Human Resources Directors, and Chiefs of Staff

Appendix 1: Deferred Resignation FAQs for CHCOs

Q: Why is the federal government offering deferred resignation to the federal workforce?

A: The federal workforce is expected to undergo significant near-term changes. As a result of these changes and uncertainty, or for other reasons, some employees may wish to depart the federal government on terms that provide them with sufficient time and economic security to plan for their future.

Q: Who is eligible for deferred resignation?

A: Deferred resignation is available to all full-time federal employees except for military personnel of the armed forces the U.S. Postal Service, positions related to immigration enforcement and national security, and any other positions specifically excluded by your employing agency.

Q: What do we do if employees did not receive the deferred resignation email?

A: Either:

- 1) Send the email directly to the employee from your agency.
- 2) Direct the employee to visit the OPM website where they can review the email and all associated instructions.

Q: What happens if employees do not respond to the email or accept deferred resignation?

A: Nothing. Employees have no obligation to respond to the email. Accepting deferred resignation is in employees' sole discretion and is completely voluntary.

Q: For employees who become eligible for early/normal retirement during the deferred resignation period (i.e., before September 30, 2025), will they be able to accept deferred resignation and still accept early/normal retirement during the deferred resignation period?

A: Yes. Employees will continue to accrue retirement benefits during the deferred resignation period. Should employees elect to retire (either early or normal) before their final resignation date, the retirement election will override the deferred resignation.

Q: Will employees who become eligible for normal (or early) retirement shortly after September 30, 2025 be permitted to accept deferred resignation without compromising their impending retirement?

A: Agencies should review any such requests on a case-by-case basis and may extend a waiver to accommodate reasonable requests.

Q: How do we handle employees who were on approved leave during some or all of the period between January 28, 2025 and February 6, 2025 and who, as a result, did not get a sufficient opportunity to evaluate and/or accept the deferred resignation letter?

A: Employees who missed the February 6, 2025 deadline due to approved absence for some or all of the period from January 27, 2025 to February 6, 2025 are entitled to request an extension and employing agencies may grant reasonable extensions.

Q: If an employee decides after February 6, 2025 that they would like to resign under the terms offered in the January 28, 2025 deferred resignation letter, will they still be allowed to?

A: Deferred resignation will generally **not** be available to those who resign after February 6, 2025. Certain exceptions might be made for employees who were on approved absence for some or all of the period from January 28, 2025 to February 6, 2025.

Q: If an employee resigns and later changes their mind, will the employee be able to rescind their resignation?

A: Employees have the right to request a rescission of their resignation at any time and the employing agency will need to review such rescission requests. As noted in the deferred resignation letter, it is the objective of the program to move quickly to consolidate and/or reassign roles and in many cases place employees on administrative leave which would likely serve as a valid reason to deny rescission requests.

Q: May employees accelerate their resignation date to earlier than September 30, 2025?

A: Yes, employees may unilaterally accelerate their final resignation date for any reason.

Q: Can employees extend their final resignation date?

A: The terms of the deferred resignation letter do not allow for an extension of the final resignation date. As noted above, there is a narrow possible exception for employees with impending retirement dates.

Q: Can employees get another job outside of their current employing agency during the period between submission of their resignation and the final resignation date?

A: Nothing in the deferred resignation letter prevents agency employees from seeking outside employment during the period from submittal of their resignation to their final resignation date. Employing agencies should assess what restrictions, if any, exist for employees who have resigned but remain employed (including on administrative leave) by their employing agency.

Q: Can employees return to work in the federal government?

A: Deferred resignation does not affect employees' ability to apply to work for the federal government in the future.

Q: How will employees know their resignations have been received and accepted?

A: Employees will receive an email confirming receipt with additional information on next steps. Given the volume of emails, this confirmation email may take up to 48 hours. Employees should retain the record of their resignation email.

Q: What if somebody resigns for on behalf of another employee without that employee's authorization?

A: Deferred resignation can only be submitted from a secure government email. If someone has accessed an employee's email without authorization, you should immediately follow your agency's protocol for addressing such unauthorized use.

Q: Is there any additional paperwork needed to resign?

A: An employee's acceptance of the deferred resignation letter will serve as a formal acceptance of deferred resignation. If the employing agency requests additional documentation, the

deferred resignation letter obligates employees to cooperate with their employing agency to complete all reasonable and customary documentation.

Exhibit 6



U.S. Department of Veterans Affairs

Office of the Chief Human Capital Officer

VA Central Office
Washington, DC

February 6, 2025

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER (OCHCO) BULLETIN

SUBJECT: Office of Personnel Management Deferred Resignation Program

1. PURPOSE: This OCHCO Bulletin provides guidance regarding the Office of Personnel Management (OPM) Deferred Resignation Program (DRP) to ensure consistent implementation across servicing human resources (HR) offices.

2. BACKGROUND: On January 28, 2025, OPM sent an important Federal workforce announcement to all full-time Federal employees. Re-employed annuitants are not eligible for DRP. Probationary employees who are full-time are eligible for DRP. The information along with Frequently Asked Questions can be viewed at [Fork in the Road](#). OPM launched a government-wide deferred resignation program that is available to eligible employees through 11:59PM on February 10, 2025. Deferred resignation is available to all full-time Federal employees unless the position is excluded by the agency. The program provides employees with an option to submit a deferred resignation letter with an effective date of September 30, 2025. Deferred resignation exempts those employees who choose to resign from return-to-office requirements. OPM has developed a deferred resignation agreement. Department of Veterans Affairs (VA) employees will be required to sign the agreement to participate in DRP. A copy of the Agreement is attached.

In addition, OPM granted the VA Voluntary Early Retirement Authority (VERA). Eligible employees may receive VERA while on administrative leave only if they accept the deferred resignation offer. Those serving under an appointment that is time limited, such as Title 38 Senior Executive Service Equivalents appointed under 38 U.S.C. §7306, are not eligible for VERA. VA may extend this opportunity to employees who meet regular retirement eligibility provided/only if the employee's eligibility date falls within calendar year 2025. To be eligible for VERA, an employee must have been continuously employed by the agency for at least 31 days before the date that the agency initially requested OPM approval of VERA (February 4, 2025), hold a position that is not a time-limited appointment, and have not received a final removal decision based upon misconduct, or unacceptable performance.

Example: Employee opts-in to DRP. Employee is not on a time limited appointment and at least age 50 with at least 20 years creditable Federal service, or any age with at least 25 years creditable service. VA will obtain confirmation from the employee that their separation date will either be 1) retirement on September 30, 2025, or 2) the employee's regular retirement date if it falls between September 30 and December 31, 2025. The DRP will be extended to match the VERA retirement date.

3. REQUIRED ACTIONS: To comply with the requirements of DRP, servicing HR offices, supervisors, and any VA employee accepting the offer to resign/retire must fully comply with all guidance in this Bulletin:

- a. Starting February 6, 2025, OPM will provide data to VA of employees who have accepted the offer to resign/retire. No later than February 10, 2025, OCHCO will start to provide the information to the employee's servicing HR office.
- b. The servicing HR office will contact the employee and acknowledge receipt of the resignation/retirement request. If the employee no longer has access to their government email, the servicing HR office will contact the employee through personal contact information in the employee record. It is important for VA to maintain contact with the employee during the period they are on administrative leave either through government or personal contact information.
- c. The servicing HR office will confirm the employee is eligible to resign/retire (e.g., position is not excluded from eligibility, employee is in a full-time position, etc.). A list of excluded positions is enclosed.
- d. The servicing HR office will notify the employee of their eligibility status and coordinate with the employee's supervisor the date the employee will begin administrative leave and ensure the leave is coded in VAs Time and Attendance System (VATAS).
- e. The servicing HR office is responsible for processing the notification of personnel action in VA's HR system of records and working with the employee and the employee's supervisor to complete all customary offboarding actions to properly separate the employee from federal service. VA will follow all regulatory and contractual obligations related to resignations and retirements from Federal service to include any requirements in collective bargaining agreements. See OPM Guidance on Collective Bargaining Obligations in Connection with Deferred Resignation Offer dated February 4, 2025.
- f. Deferred Resignation Agreements when signed by the employee and the supervisor will be returned to the servicing HR office and retained in the employee's personnel record.

Attached is additional information on VERA provided by OPM.

Attached are Frequently Asked Questions provided by OPM.

Should you or any VA official know of an employee who wants to accept the DRP offer but has not received the information due to extended absence or not having access to their government email to reply during the election period, the employee should use their personal email to reply to tracking@opm.gov and carbon copy their servicing HR office and immediate supervisor. Extensions of time to the February 10, 2025, deadline may be considered for employees who did not receive notification of DRP on or around January 28, 2025. The first level senior executive can approve extensions that are submitted within 5 business days from the employees return from an approved leave status.

4. NEXT STEPS: HR Officers must share this information with their staff and first line supervisors and managers. OCHCO will keep you informed of any additional information received from OPM.

Issued by: VA/OCHCO

VA EXEMPTION REQUESTS

VETERANS HEALTH ADMINISTRATION

Hiring Authority	Series	Occupation*
T5	0080	Security Administration (Police Chief, Physical Security Specialist, Personnel Security, Compliance Officer in 0080)
T5	0081	Fire Protection and Prevention (Fire Fighter)
T5	0083	Police
T38 Hybrid	0101	Addiction Therapist
T38 Hybrid	0101	Rehabilitation Counselor
T38 Hybrid	0101	Social Science Specialist (Crisis Responder)
T5	0101	Supervisory Social Science Specialist (Veterans Crisis Line and Crisis Responder)
T5	0102	Peer Support Apprentice/Peer Specialist
T38 Hybrid	0180	Psychology
T38 Hybrid	0182	Marriage and Family Therapist
T38 Hybrid	0183	Licensed Professional Mental Health Counselor
T38 Hybrid	0185	Social Work
T5	0301	Correspondence Analyst (Triage - Veterans Crisis Line and IVC IEN Veteran and Family Member Programs)
T5	0301	Medical Administration Specialist (Administrator On Duty (AOD))
T5	0301	Veteran Outreach Program Specialist
T5	0340	Program Management Officer (IVC IEN Customer Service and Veteran and Family Member Programs)
T5	0340	Program Manager (IVC IEN Customer Service and Veteran and Family Member Programs)
T5	0344	Program Assistant (IVC IEN Customer Service)
T5	0382	Telephone Operating (Telephone Operators)
T5	0503	Medical Reimbursement Technician (Office of Community Care)
T38 Hybrid	0601	Acupuncturist
T38 Hybrid	0601	Blind Rehabilitation Specialist
T38 Hybrid	0601	Cytotechnologist
T38	0601	General Health Science (Chiropractors, Expanded Function Dental Auxiliary)
T5	0601	Health Science Specialist (Veterans Crisis Line)
T38 Hybrid	0601	Histopathology Technologist
T38 Hybrid	0601	Nuclear Medicine Technologist
T5	0601	Supervisory Health Science Specialist (Veterans Crisis Line)
T38	0602	Medical Officer (Physician)
T38	0603	Physician Assistant

T38	0610	Nurse (All Assignments)
T38 Hybrid	0620	Practical Nurse
T5	0620/0640	Telehealth Clinical Technician (TCT)/Health Technician (Telehealth Clinical)
T38 Hybrid	0621	Nursing Assistant
T38 Hybrid	0622	Medical Supply Technician (Sterile Processing)
T38 Hybrid	0630	Dietitian
T38 Hybrid	0631	Occupational Therapist
T38 Hybrid	0633	Physical Therapist
T38 Hybrid	0635	Corrective Therapist
T38 Hybrid	0636	Rehabilitation Therapy Assistant/Physical Therapy Assistant and Rehabilitation Therapy Assistant/Occupational Therapy Assistant
T5	0640	Health Aid and Technician
T38 Hybrid	0640	Health Aid and Technician/Registered Respiratory Therapist
T38 Hybrid	0640	Health Technician (Audiology), (Speech-Language Pathology), & (Audiology & Speech Language Pathology)
T5	0640	Health Technician (Dietetics)
T38 Hybrid	0640	Health Technician (Hearing Instrument Specialist)
T38 Hybrid	0640	Health Technician (Massage Therapy)
T38 Hybrid	0640	Health Technician (Ophthalmology)
T38 Hybrid	0640	Health Technician (Optometry)
T38 Hybrid	0640	Health Technician (Podiatrist)
T38 Hybrid	0640	Health Technician (Telehealth Clinical)
T38 Hybrid	0644	Clinical Laboratory Scientist
T38 Hybrid	0645	Medical Technician (Medical Laboratory Technician)
T5	0645	Medical Technician (Phlebotomy)
T38 Hybrid	0646	Histopathology Technician
T5	0646	Pathology Technician
T38 Hybrid	0647	Diagnostic Radiologic Technologist
T38 Hybrid	0648	Therapeutic Radiologic Technologist
T38 Hybrid	0649	Medical Instrument Technician
T38 Hybrid	0660	Pharmacist
T38 Hybrid	0661	Pharmacy Technician
T38	0662	Optometrist
T38 Hybrid	0665	Audiologist
T38 Hybrid	0665	Audiologist/Speech Language Pathologist
T38 Hybrid	0665	Speech Language Pathologist
T38 Hybrid	0665	Speech Pathology and Audiology
T38 Hybrid	0667	Orthotist and Prosthetist
T38	0668	Podiatrist
T38 Hybrid	0669	Medical Records Administration

T5	0671	Health System Specialist
T38 Hybrid	0672	Prosthetic Representative
T5	0673	Hospital Housekeeping Management
T38 Hybrid	0675	Medical Records Technician
T38 Hybrid	0679	Medical Support Assistance
T38	0680	Dental Officer (Dentist)
T38 Hybrid	0681	Dental Assistant
T38 Hybrid	0682	Dental Hygienist
T5	0683	Dental Laboratory Aid and Technician
T5	0690	Industrial Hygiene (Industrial Hygienist)
T38 Hybrid	0801	Healthcare Engineer
T5	0803	Safety Engineer
T5	0856	Electronics Technician
T38 Hybrid	0858	Biomedical Engineer
T5	0901	Legal Administrative Specialist (Member Services and IVC IEN Veteran and Family Member Programs)
T5	0962	Contact Representative (IVC IEN Veteran and Family Member Programs)
T5	0998	Claim Examiner
T5	1306	Health Physics (Health Physicist and Radiation Safety Officer)
T38 Hybrid	1601	Biomedical Equipment Support Specialist
T5	1712	Training Specialist (IVC IEN Customer Service)
T5	1715	Vocational Rehabilitation Specialist/Vocational Development Specialist
T5	2151	Dispatching
T5	2805	Electrician
T5	3566	Custodial Worker (Housekeeping Aids)
T5	4204	Pipefitting (Pipe Fitters)
T5	4206	Plumbing
T5	4701	Miscellaneous General Maintenance and Operations Work
T5	4742	Utility Systems Repairer-Operator
T5	4749	Maintenance Mechanic
T5	4805	Medical Equipment Repairer
T5	5026	Pest Controller
T5	5306	Air Conditioning Equipment Mechanic
T5	5309	Heating and Boiler Plant Equipment Mechanic
T5	5313	Elevator Mechanic
T5	5317	Laundry and Dry Cleaning Equipment Repairing
T5	5352	Industrial Equipment Mechanic
T5	5402	Boiler Plant Operating
T5	5406	Utility Systems Operating
T5	5408	Wastewater Treatment Plant Operating

T5	5409	Water Treatment Plant Operating
T5	5415	Air-Conditioning Equipment Operating
	5703	
T5		Motor Vehicle Operator (Limited to patient transportation)
T5	5716	Engineering Equipment Operating
T5	6907	Materials Handler
T5	7304	Laundry Worker
T5	7404	Cook (Cook and Cook Supervisor)
T5	7408	Food Service Worker (Food Service Worker and Food Service Worker Supervisor)
Any	Any	Canteen- Veterans Canteen Service
		VETERANS BENEFITS ADMINISTRATION
T5	0101	Rehabilitation Counselor
T5	0901	General Legal and Kindred
T5	0996	Veterans Claims Examiner
T5	1171	Appraisers (Specialty Adapted Housing Agents)
T5	1715	Vocational Rehabilitation Specialist
		BOARD OF VETERANS APPEALS
T5	VLJ	Veterans Law Judges
T5	0905	Decision-Drafting Attorneys and Supervisory Counsel
T5	0905	General Attorneys
		NATIONAL CEMETERY ADMINISTRATION
T5	0301	Program Specialist (Cemetery Manager)
T5	0301	Program Specialist (Scheduling Office & MPS Only)
	0303	Program Support Assistant (Scheduling Office & MPS Only)
T5		
T5	0303	Program Support Assistant (Cemeteries Only)
T5	0341	Administrative Officers (Cemeteries Only)
T5	1630	Cemetery Administration Specialists
T5	4701	Maintenance/Operations Supervisor
T5	4749	Maintenance Worker/Mechanic
T5	4754	Cemetery Caretaker
T5	5003	Gardener
T5	5703	Motor Vehicle Operator
T5	5705	Tractor Operator
T5	5716	Engineering Eqpt Operator
T5	5803	Heavy Mobile Equip Repairer/Mechanic
T5	5823	Automotive Worker/Mechanic

Exhibit 7

Presidential Documents

Title 3—

Executive Order 14210 of February 11, 2025

The President

Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. To restore accountability to the American public, this order commences a critical transformation of the Federal bureaucracy. By eliminating waste, bloat, and insularity, my Administration will empower American families, workers, taxpayers, and our system of Government itself.

Sec. 2. Definitions. (a) “Agency” has the meaning given to it in section 3502 of title 44, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) “Agency Head” means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

(c) “DOGE Team Lead” means the leader of the Department of Government Efficiency (DOGE) Team at each agency, as defined in Executive Order 14158 of January 20, 2025 (Establishing and Implementing the President’s “Department of Government Efficiency”).

(d) “Employee” has the meaning given to it by section 2105 of title 5, United States Code, and includes individuals who serve in the executive branch and who qualify as employees under that section for any purpose.

(e) “Immigration enforcement” means the investigation, enforcement, or assisting in the investigation or enforcement of Federal immigration law, including with respect to Federal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States, but does not include assisting individuals in applying for immigration benefits or efforts to prevent enforcement of immigration law or to prevent deportation or removal from the United States.

(f) “Law enforcement” means:

(i) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(ii) the protection of Federal, State, local, or foreign government officials against threats to personal safety.

(g) “Temporary employee” has the meaning given to it in 5 C.F.R. part 316.

(h) “Reemployed annuitant” has the meaning given to it in 5 C.F.R. part 837.

Sec. 3. Reforming the Federal Workforce to Maximize Efficiency and Productivity. (a) *Hiring Ratio.* Pursuant to the Presidential Memorandum of January 20, 2025 (Hiring Freeze), the Director of the Office of Management and Budget shall submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition (Plan). The Plan shall require that each agency hire no more than one employee for every four employees that depart, consistent with the plan and any applicable exemptions and details provided for in the Plan. This order does not affect the standing freeze on hiring as applied to the Internal Revenue Service. This ratio shall not apply to functions related to public safety, immigration

enforcement, or law enforcement. Agency Heads shall also adhere to the Federal Hiring Plan that will be promulgated pursuant to Executive Order 14170 of January 20, 2025 (Reforming the Federal Hiring Process and Restoring Merit to Government Service).

(b) *Hiring Approval.* Each Agency Head shall develop a data-driven plan, in consultation with its DOGE Team Lead, to ensure new career appointment hires are in highest-need areas.

(i) This hiring plan shall include that new career appointment hiring decisions shall be made in consultation with the agency's DOGE Team Lead, consistent with applicable law.

(ii) The agency shall not fill any vacancies for career appointments that the DOGE Team Lead assesses should not be filled, unless the Agency Head determines the positions should be filled.

(iii) Each DOGE Team Lead shall provide the United States DOGE Service (USDS) Administrator with a monthly hiring report for the agency.

(c) *Reductions in Force.* Agency Heads shall promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with applicable law, and to separate from Federal service temporary employees and reemployed annuitants working in areas that will likely be subject to the RIFs. All offices that perform functions not mandated by statute or other law shall be prioritized in the RIFs, including all agency diversity, equity, and inclusion initiatives; all agency initiatives, components, or operations that my Administration suspends or closes; and all components and employees performing functions not mandated by statute or other law who are not typically designated as essential during a lapse in appropriations as provided in the Agency Contingency Plans on the Office of Management and Budget website. This subsection shall not apply to functions related to public safety, immigration enforcement, or law enforcement.

(d) *Rulemaking.* Within 30 days of the date of this order, the Director of the Office of Personnel Management (OPM) shall initiate a rulemaking that proposes to revise 5 C.F.R. 731.202(b) to include additional suitability criteria, including:

(i) failure to comply with generally applicable legal obligations, including timely filing of tax returns;

(ii) failure to comply with any provision that would preclude regular Federal service, including citizenship requirements;

(iii) refusal to certify compliance with any applicable nondisclosure obligations, consistent with 5 U.S.C. 2302(b)(13), and failure to adhere to those compliance obligations in the course of Federal employment; and

(iv) theft or misuse of Government resources and equipment, or negligent loss of material Government resources and equipment.

(e) *Developing Agency Reorganization Plans.* Within 30 days of the date of this order, Agency Heads shall submit to the Director of the Office of Management and Budget a report that identifies any statutes that establish the agency, or subcomponents of the agency, as statutorily required entities. The report shall discuss whether the agency or any of its subcomponents should be eliminated or consolidated.

(f) Within 240 days of the date of this order, the USDS Administrator shall submit a report to the President regarding implementation of this order, including a recommendation as to whether any of its provisions should be extended, modified, or terminated.

Sec. 4. Exclusions. (a) This order does not apply to military personnel.

(b) Agency Heads may exempt from this order any position they deem necessary to meet national security, homeland security, or public safety responsibilities.

(c) The Director of OPM may grant exemptions from this order where those exemptions are otherwise necessary and shall assist in promoting workforce reduction.

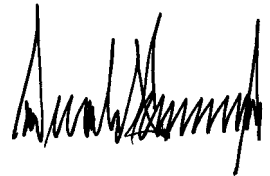
Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 11, 2025.

Exhibit 8

[REDACTED]

From: Therit, Tracey
Sent: Thursday, February 13, 2025 7:09 PM
To: [REDACTED]
Subject: Termination During Probation Notice

February 13, 2025

MEMORANDUM FOR [REDACTED]

FROM: Tracey Therit
Chief Human Capital Officer

SUBJECT: Notification of Termination During Probationary Period

REFERENCES: 5 U.S.C. § 7511
5 U.S.C. § 3321(a)
5 C.F.R. §§ 315.803 and 804

This is to provide notification that the Agency is removing you from federal service consistent with the above references.

On 4/21/2024, the Agency appointed you to your position. As documented on your appointment Standard Form 50 (SF-50), your appointment is subject to a probationary/trial period. The agency also informed you of this requirement in the job opportunity announcement for the position.

Guidance from the Office of Personnel Management (“OPM”) states, “An appointment is not final until the probationary period is over,” and the probationary period is part of “the hiring process for employees.”^[1] “A probationer is still an applicant for a finalized appointment to a particular position as well as to the Federal service.”^[2] “Until the probationary period has been completed,” a probationer has “the burden to demonstrate why it is in the public interest for the Government to finalize an appointment to the civil service for this particular individual.”^[3]

The Agency finds, based on your performance, that you have not demonstrated that your further employment at the Agency would be in the public interest. For this reason, the Agency informs you that the Agency is removing you from your position with the Agency and the federal civil service effective February 13, 2025.

You may seek review of this action. Such reviews include:

- a. appealing this action to the Merit Systems Protection Board (MSPB) if you allege you were discriminated against due to marital status or partisan political reasons or your removal was not effected in accordance with the procedural requirements of 5 C.F.R. 315.805; or
- b. requesting corrective action before the Office of Special Counsel (OSC) for prohibited personnel practices; or
- c. pursuing a discrimination complaint with the Office of Resolution Management (ORM).

Please see below for details on your ability to file some of these claims concurrently. If you are not a supervisor, you shall be deemed to have exercised your option to appeal this action at such time as you

timely initiate action to appeal to MSPB. If you believe this action constitutes a prohibited personnel practice, other than discrimination, under 5 U.S.C. § 2302(b), including retaliation for protected whistleblowing, you may elect to file either an appeal to MSPB, or request corrective action from OSC, and your election is based on which election you file first. If you are not a supervisor, your election of one of these options precludes the other. If you are a supervisor, the election of remedies does not apply to you, and you may pursue all three options. If you believe that this action was taken against you for discriminatory reasons, other than marital status or political affiliation, refer to the paragraph immediately below.

Equal Employment Opportunity Commission (EEOC): If you believe this action is based on discrimination on the basis of race, color, religion, sex, national origin, pregnancy, age or disability, you may file a complaint of discrimination. If you elect to file a complaint of discrimination, you may do so by contacting the Office of Resolution Management (ORM) at 1-888-566-3982. Such a complaint will be processed in accordance with EEOC regulations at 29 C.F.R., Part 1614. Your initial contact with the ORM office must be done within 45 calendar days of the effective date of this action.

If this action is also appealable to MSPB, such a discrimination complaint may be a “mixed case complaint,” or if you raise the issue of discrimination in any appeal to MSPB, it may be a “mixed case appeal.” You may not initially file both a mixed case complaint and a mixed case appeal on the same matter, unless you are a supervisor. If you are not a supervisor, whichever you file first, the MSPB appeal or the complaint of discrimination, will be considered an election to proceed in that forum and will determine the procedures that will be followed. If you are a supervisor, you may elect both MSPB and EEOC.

Merit Systems Protection Board (MSPB): If you appeal to the MSPB, your appeal may be submitted by mail, facsimile, by commercial overnight delivery, by electronic filing the MSPB Appeal Form (<https://e-appeal.mspb.gov>), or in person at any time after you receive this letter, but not later than 30 calendar days after the separation has been effected, or 30 calendar days after the date of your receipt of this decision, whichever is later. The address to mail your appeal can be found here: U.S. Merit Systems Protection Board | Contacts and Locations (<https://www.mspb.gov/about/contact.htm>). You must submit an original and one copy of both your appeal and all attachments. If you do not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide you an opportunity to show why the appeal should not be dismissed as untimely. A copy of the form is available by request if you are unable to access it at the MSPB website. Please refer to the MSPB website (www.mspb.gov) for information regarding the appeals process and procedures that must be followed. You may be represented by an attorney or other representative of your choice. If you believe this action was taken against you for discriminatory reasons, refer to the paragraph on EEOC. If you decide to file an appeal with MSPB, you should notify the Board that the agency’s point of contact for this appeal is Ochcofrontoffice@va.gov

Office of Special Counsel (OSC): If you elect to request corrective action by the OSC’s Complaints Examining Unit (OSC Appeal Form) (<https://osc.gov/>), your complaint will be limited to a determination as to whether the agency took one or more personnel actions against you in violation of 5 U.S.C. § 2302(b) (prohibited personnel practices). This can include, but is not limited to, claims of reprisal for whistleblowing and/or engaging in protected activity. If you are not a supervisor and you elect to request corrective action with OSC, you will have waived your right to file an appeal with MSPB (if eligible), regarding the same matter, except as follows. If you are making a covered claim of retaliation for engaging in certain protected activities, or for making protected disclosures and OSC terminates its investigation and/or has not timely notified you it will seek corrective action, you may have the right to file an individual right of action (IRA) appeal to the MSPB. Such an appeal will be limited to an adjudication of whether you proved that your protected activity or disclosure was a contributing factor in the effected action (5 U.S.C. § 1214; 5 U.S.C. § 1221). If you are a supervisor, you may pursue remedies from MSPB and OSC concurrently.

If you are not a supervisor, whichever option you may choose to pursue regarding this action (an appeal to the MSPB, a request for corrective action to OSC, or a discrimination complaint), shall be considered an election by you to proceed under that appeal process. However, if you are not a supervisor, you may still concurrently file a corrective action to OSC and a discrimination complaint. If you are a supervisor, you may elect all three remedies concurrently.

Separating VA employees are required to return their PIV card to their PIV issuing office and their government furnished IT equipment and peripherals to the Office of Information Technology (OIT) for redeployment or disposition.

GFE Equipment

You will immediately take your equipment to the closest VA medical center or 810 Vermont Avenue to turn in your IT equipment. The local OIT staff will collect all assigned government furnished equipment (GFE), including peripherals such as monitors, docking stations, printers, etc.

Regardless of the original issuing site, all local IT teams will accept returned GFE and will adhere to local procedures for equipment accountability.

A return receipt for the equipment will be issued to the employee by local IT staff to acknowledge receipt of the employee's GFE and peripherals.

OIT Facility Requirements

Return any non-IT equipment, office and/or card keys, and PIV card to local facility.

If there is lost equipment a report of survey needs to be completed before you separate.

We appreciate your service to the Agency and wish you the greatest of success in your future endeavors. If you have any questions concerning this matter or the rights described above, or if you need assistance or additional information, please contact Ochcofrontoffice@va.gov.

/s/

Tracey Therit

^[1] OPM, [*Practical Tips for Supervisors of Probationers*](#).

^[2] See U.S. Merit Systems Protection Board Report to the President and Congress, [*The Probationary Period: A Critical Assessment Opportunity*](#) (August 2005)

^[3] *Id.*

Exhibit 9

VA dismisses more than 1,000 employees

FOR IMMEDIATE RELEASE

February 13, 2025 9:06 pm

Mission-critical positions are exempt from the reductions, which will enable VA to redirect over \$98 million annually to health care, benefits and services for VA beneficiaries.

WASHINGTON – The Department of Veterans Affairs today announced the dismissal of more than 1,000 employees.

Those dismissed today include non-bargaining unit probationary employees who have served less than a year in a competitive

service appointment or who have served less than two years in an excepted service appointment.

The personnel moves will save the department more than \$98 million per year, and VA will redirect all of those resources back toward health care, benefits and services for VA beneficiaries.

There are currently more than 43,000 probationary employees across the department, the vast majority of whom are exempt from today's personnel actions because they serve in mission-critical positions – primarily those supporting benefits and services for VA beneficiaries – or are covered under a collective bargaining agreement. VA employees who elected to participate in the Office of Personnel Management's [deferred resignation program](#) are also exempt from today's personnel actions.

The dismissals are effective immediately and have been communicated directly to each employee. As an additional safeguard to ensure VA benefits and services are not impacted, the first Senior Executive Service (SES) or SES-equivalent leader in a dismissed employee's chain of command can request that the employee be exempted from removal.

The dismissals announced today are part of a government-wide Trump Administration effort to make agencies more efficient, effective and responsive to the American People. To that end, VA is refocusing on its core mission: providing the best possible care and benefits to Veterans, their families, caregivers and survivors.

“At VA, we are focused on saving money so it can be better spent on Veteran care. We thank these employees for their service to VA. This was a tough decision, but ultimately it's the right call to better support the Veterans, families, caregivers, and survivors the department exists to serve,” **said VA Secretary Doug Collins**. “To be perfectly clear: these moves will not negatively impact VA health care, benefits or beneficiaries. In the coming weeks and months, VA will be announcing plans to put these resources to work helping Veterans, their families, caregivers and survivors.”



Reporters and media outlets with questions or comments should contact the Office of Media Relations at vapublicaffairs@va.gov



Veterans with questions about their health care and benefits (including GI Bill). Questions, updates and documents can be submitted online.

[Contact us online through Ask VA](#)



Veterans can also use our chatbot to get information about VA benefits and services. The chatbot won't connect you with a person, but it can show you where to go on VA.gov to find answers to some common questions.

[Learn about our chatbot and ask a question](#)



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Exhibit 10

VA dismisses more than 1,400 probationary employees

FOR IMMEDIATE RELEASE

February 24, 2025 6:20 pm

Mission-critical positions are exempt from the reductions, which will enable VA to redirect over \$83 million annually to health care, benefits and services for VA beneficiaries

WASHINGTON – The Department of Veterans Affairs today announced the dismissal of more than 1,400 employees in non-mission critical positions.

In the meantime, VA continues to hire for more than [300,000 mission-critical positions](#) that are exempt from the federal hiring freeze.

VA positions considered mission critical include Veterans Crisis Line responders, among other roles. VA positions considered non-mission critical include DEI-related positions, among other roles.

Those dismissed today are bargaining-unit probationary employees who have served less than a year in a competitive service appointment or who have served less than two years in an excepted service appointment.

The personnel moves will save the department more than \$83 million per year, and VA will redirect all of those resources back toward health care, benefits and services for VA beneficiaries.

There are currently nearly 40,000 probationary employees across the department, the vast majority of whom were exempt from today's personnel actions because they serve in mission-critical positions – primarily those supporting benefits and services for VA beneficiaries. VA employees who elected to participate in the Office of Personnel Management's deferred resignation program are also exempt from today's personnel actions.

As an additional safeguard to ensure VA benefits and services are not impacted, the first Senior Executive Service (SES) or SES-equivalent leader in a dismissed employee's chain of command can request that the employee be exempted from removal.

Today's actions follow [other dismissals](#) VA announced Feb. 13 and are part of a government-wide Trump Administration effort to make agencies more efficient, effective and responsive to the American people. To that end, VA is refocusing on its core mission: providing the best possible care and benefits to Veterans, their families, caregivers and survivors.

“These and other recent personnel decisions are extraordinarily difficult, but VA is focused on allocating its resources to help as

many Veterans, families, caregivers, and survivors as possible,” **said VA Secretary Doug Collins.** “These moves will not hurt VA health care, benefits or beneficiaries. In fact, Veterans are going to notice a change for the better. In the coming weeks and months, VA will be announcing plans to put these resources to work helping the department fulfill its core mission: providing the best possible care and benefits to Veterans, their families, caregivers and survivors.”

###



Reporters and media outlets with questions or comments should contact the Office of Media Relations at vapublicaffairs@va.gov



Veterans with questions about their health care and benefits (including GI Bill). Questions, updates and documents can be submitted online.

[Contact us online through Ask VA](#)



Veterans can also use our chatbot to get information about VA benefits and services. The chatbot won't connect you with a person, but it can show you where to go on VA.gov to find answers to some common questions.

[Learn about our chatbot and ask a question](#)



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**LET OTHERS KNOW ABOUT
THIS**

Exhibit 11

MESSAGE FROM THE OFFICE OF THE CHIEF OPERATING OFFICER

Dear VISN Directors and Program Offices,

Background: On February 24, 2025, more than 1400 bargaining-unit probationary employees who have served less than a year in a competitive service appointment or who have served less than two years in an excepted service appointment, were dismissed from the Department of Veterans Affairs.

Action: VISNs and Program Offices are requested to submit requests to retain INDIVIDUAL terminated probationary employees whose loss to the organization will cause a critical mission failure. Please **include three lines max** for justification. This will not apply to all terminated probationary employees. Submit a separate form for each employee.

Justification To Retain: Address the mission criticality of retaining the employee and the negative impacts of their removal (e.g. shutting down a clinic, inability to issue PIV cards for an entire facility). Employee's superior qualifications, superior performance, occupies a hard to recruit or retain position, possesses unique skills or experience, or is critical for the delivery of patient care may also be included. Status as a Veteran, military spouse, or disabled employee may also be relevant. **Please be succinct** and impactful in your description.

NOTES:

- Do not cut and paste the same rationale for each probationary employee – an individualized justification must be provided for each employee.
- Do not cut and paste the entire position description or performance appraisal.
- Chief Human Resource Officers (CHROs) were provided lists from which they can work and can reach out to their respective VISN Support Team with any questions.
- VISNs do not need to enter in a program office. This question is unique to VACO program offices only.

Please submit response for each employee using the link: [Probationary Employee Termination Recession Justification](#).

Due Date: 2:00PM today, February 25, 2025 (No extensions granted)

For Questions: Please email VHA 15HOC Healthcare Ops Ctr Field Operations VHA15HOCHealthcareOpsCtrFieldOperations@va.gov.

Thank you,

Office of the Chief Operating Officer

Exhibit 12



[REDACTED]

From: [REDACTED]
Sent: Friday, February 28, 2025 3:51 PM
[REDACTED]
Subject: [EXTERNAL] Fwd: Termination Process Update

Good afternoon,

This was the guidance that was given me to the RO. I believe they received it today. I responded to my termination notice with an appeal and cc'd my supervisor per the instructions. The only thing I don't understand is how they can place me in a LEAVE WITHOUT PAY status while I wait for the appeal decision when I am the subject of an unlawful termination. Thank you for your time and efforts, [REDACTED]

All the best,

[REDACTED]
Portland, OR

----- Forwarded message -----
From: Ortega, Felix G. <Felix.Ortega@va.gov>
Date: Fri, Feb 28, 2025 at 2:12 PM
Subject: Termination Process UPdate
To: [REDACTED]

Hi [REDACTED]

The Director's office put out this guidance today for employees that received termination notices. Please reach out if you have any questions.

"Hi, everyone we wanted to share the process below for our employees who receive a termination notice from OPM, OCHO, or HR&A. We will do what we can to bring these employees back but there is a reality we may not be able to. Please let us know if you have any questions. "

Termination Notice and Appeal/Reconsideration Process

Notification of Termination

1. Employees who receive a termination notice from OPM, OCHO, or HR&A and appeal or request a reconsideration will have five business days to receive a response.
2. During this period, the employee will remain on the organization's roles under Leave Without Pay (LWOP) status.
3. This assumes that the employee responds to the termination notice and either appeals the decision or requests a reconsideration. If the employee doesn't request an appeal or reconsideration they will be immediately out-processed by HR.

Submitting an Appeal or Reconsideration

1. Employees must submit their appeal or request for reconsideration and CC their supervisor in the request.
2. The email requesting an appeal or reconsideration should be sent to HR for record keeping purposes.

HR Follow-up and Out-Processing

1. If the employee does not receive a response or feedback within five business days, the HR team will reach out to the employee for follow-up.
2. If no resolution is provided, HR will proceed with the official out-processing of the employee.
3. HR will communicate with the supervisor about the out-processing date so the supervisor to issue a close out evaluation and CSEM.

V/R

Felix G. Ortega

Finance Supervisor, SSD

Portland (348) & Anchorage (463) Regional Offices

Veterans Benefits Administration

Email: felix.ortega@va.gov

Exhibit 13



U.S. Office of
Management and Budget

U.S. Office of
Personnel Management



MEMORANDUM

TO: Heads of Executive Departments and Agencies

FROM: Russell T. Vought, Director, Office of Management and Budget;
Charles Ezell, Acting Director, Office of Personnel Management.

DATE: February 26, 2025

RE: Guidance on Agency RIF and Reorganization Plans Requested by
*Implementing The President's "Department of Government
Efficiency" Workforce Optimization Initiative*

I. Background

The federal government is costly, inefficient, and deeply in debt. At the same time, it is not producing results for the American public. Instead, tax dollars are being siphoned off to fund unproductive and unnecessary programs that benefit radical interest groups while hurting hard-working American citizens.

The American people registered their verdict on the bloated, corrupt federal bureaucracy on November 5, 2024 by voting for President Trump and his promises to sweepingly reform the federal government.

On February 11, 2025, President Trump's Executive Order *Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative (Workforce Optimization)* "commence[d] a critical transformation of the Federal bureaucracy." It directed agencies to "eliminat[e] waste, bloat, and insularity" in order to "empower American families, workers, taxpayers, and our system of Government itself."

President Trump required that "Agency Heads shall promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with applicable law." President Trump also directed that, **no later than March 13, 2025**, agencies develop Agency Reorganization Plans.

The U.S. Office of Management and Budget ("OMB") and the U.S. Office of Personnel Management ("OPM") now submit guidance on these Agency RIF and Reorganization Plans ("ARRP"), along with the instruction that such plans be submitted to OMB and OPM.

II. Principles to Inform ARRs

ARRPs should seek to achieve the following:

1. Better service for the American people;

2. Increased productivity;
3. A significant reduction in the number of full-time equivalent (FTE) positions by eliminating positions that are not required;
4. A reduced real property footprint; and
5. Reduced budget topline.

Pursuant to the President's direction, agencies should focus on the maximum elimination of functions that are not statutorily mandated while driving the highest-quality, most efficient delivery of their statutorily-required functions.

Agencies should also seek to consolidate areas of the agency organization chart that are duplicative; consolidate management layers where unnecessary layers exist; seek reductions in components and positions that are non-critical; implement technological solutions that automate routine tasks while enabling staff to focus on higher-value activities; close and/or consolidate regional field offices to the extent consistent with efficient service delivery; and maximally reduce the use of outside consultants and contractors. When taking these actions, agencies should align closures and/or relocation of bureaus and offices with agency return-to-office actions to avoid multiple relocation benefit costs for individual employees.

Agencies should review their statutory authority and ensure that their plans and actions are consistent with such authority.

Agency heads should collaborate with their Department of Government Efficiency ("DOGE") team leads within the agency in developing competitive areas for ARRP. In addition, the agency should specifically identify competitive areas that include positions not typically designated as essential during a lapse in appropriations. When making this determination, agencies should refer to the functions that are excepted from the Antideficiency Act (ADA) in the Agency Contingency Plans submitted to OMB in 2019 as the starting point for making this determination.

III. Available Tools

In their ARRP, agencies should employ all available tools to effectuate the President's directive for a more effective and efficient government and describe how they will use each. Such tools include:

1. Continuing to comply with the hiring freeze outlined in the January 20, 2025 Presidential Memorandum *Hiring Freeze* or (with approval of OPM and OMB) implementing the general principle that, subject to appropriate exemptions, no more than one employee should be hired for every four employees that depart;
2. Establishing internal processes that ensure agency leadership has visibility and/or direct sign-off on all potential job offers and candidates prior to extending offers;

3. Eliminating non-statutorily mandated functions through RIFs (Appendix 1 contains a sample timeline);
4. Removing underperforming employees or employees engaged in misconduct, and continuing to evaluate probationary employees;
5. Reducing headcount through attrition and allowing term or temporary positions to expire without renewal;
6. Separating reemployed annuitants in areas likely subject to RIFs; and
7. Renegotiating provisions of collective bargaining agreements (CBAs) that would inhibit enhanced government efficiency and employee accountability.

ARRPs should also list the competitive areas for large-scale reductions in force, the RIF effective dates (which may be a date prior to when the plan is submitted), the expected conclusion of the RIFs, the number of FTEs reduced, and additional impact of RIFs such as cancellation of related contracts, leases or overhead.

Agencies should also closely consider changes to regulations and agency policies, including changes that must be pursued through notice-and-comment rulemaking, that would lead to the reduction or elimination of agency subcomponents or speed up the implementation of ARRs.

IV. Phase 1 ARRs

Each agency will submit a Phase 1 ARRs to OMB and OPM for review and approval **no later than March 13, 2025**. Phase 1 ARRs shall focus on initial agency cuts and reductions. Each Phase 1 ARR should identify:

1. A list of agency subcomponents or offices that provide direct services to citizens. Such subcomponents or offices should be included in ARRs to improve services to citizens while eliminating costs and reducing the size of the federal government. But for service delivery subcomponents or offices, implementation shall not begin until certified by OMB and OPM as resulting in a positive effect on the delivery of such services.
2. Any statutes that establish the agency, or subcomponents of the agency, as statutorily required entities. Agency leadership must confirm statutes have not been interpreted in a way that expands requirements beyond what the statute actually requires. Instead, statutes should be interpreted to cover only what functions they explicitly require.
3. All agency components and employees performing functions not mandated by statute or regulation who are not typically designated as essential during a lapse in appropriations (because the functions performed by such employees do not fall under an exception to the ADA) using the Agency Contingency Plans submitted to OMB in 2019 referenced above.

4. Whether the agency or any of its subcomponents should be eliminated or consolidated; and which specific subcomponents or functions, if any, should be expanded to deliver on the President's priorities.
5. The specific tools the agency intends to use to achieve efficiencies, including, as to each, the number of FTEs reduced and any potential savings or costs associated with such actions in Fiscal Years 2025, 2026 and 2027:
 - a. Continuation of the current hiring freeze;
 - b. Regular attrition (e.g., retirement, movement between agencies and the private sector);
 - c. Attrition through enhanced policies governing employee performance and conduct;
 - d. Attrition through the termination or non-renewal of term or limited positions or reemployed annuitants;
 - e. Attrition achieved by RIFs. Please refer to Appendix 1 for specific steps and timing. For purposes of the Phase 1 ARRP, the agency should include the following information:
 - i. The competitive areas and organizational components that the agency has targeted or will target for initial RIFs, and
 - ii. The agency's target for reductions in FTE positions via RIFs.
6. A list by job position of all positions categorized as essential for purposes of exclusion from large-scale RIFs, including the number per each job position and total by agency and subcomponent.
7. The agency's suggested plan for congressional engagement to gather input and agreement on major restructuring efforts and the movement of fundings between accounts, as applicable, including compliance with any congressional notification requirements.
8. The agency's timetable and plan for implementing each part of its Phase 1 ARRP.

V. Phase 2 ARRPs

Agencies should then submit a Phase 2 ARRP to OMB and OPM for review and approval **no later than April 14, 2025**. Phase 2 plans shall outline a positive vision for more productive, efficient agency operations going forward. Phase 2 plans should be planned for implementation by September 30, 2025. The Phase 2 plan should include the following additional information:

1. The agency's proposed future-state organizational chart with its functional areas, consolidated management hierarchy, and position titles and counts clearly depicted.
2. Confirmation that the agency has reviewed all personnel data, including each employee's official position description, four most recent performance ratings of record, retention service computation date, and veterans' preference status.

3. The agency's plan to ensure that employees are grouped, to the greatest extent possible, based on like duties and job functions to promote effective collaboration and management, and that the agency's real estate footprint is aligned with cross-agency efforts coordinated by GSA to establish regional federal office hubs.
4. Any proposed relocations of agency bureaus and offices from Washington, D.C. and the National Capital Region to less-costly parts of the country.
5. The competitive areas for subsequent large-scale RIFs.
6. All reductions, including FTE positions, term and temporary positions, reemployed annuitants, real estate footprint, and contracts that will occur in relation to the RIFs.
7. Any components absorbing functions, including how this will be achieved in terms of FTE positions, funding, and space.
8. The agency's internal processes that ensure agency leadership has visibility and/or direct sign-off on all potential job offers and candidates prior to extending offers.
9. The agency's data-driven plan to ensure new career appointment hires are in highest-need areas and adhere to the general principle that, subject to appropriate exemptions, no more than one employee should be hired for every four employees that depart. Until the agency has finalized its post-hiring-freeze plan, agencies should continue to adhere to the current hiring freeze.
10. Any provisions of collective bargaining agreements that would inhibit government efficiency and cost-savings, and agency plans to renegotiate such provisions.
11. An explanation of how the ARRP's will improve services for Americans and advance the President's policy priorities.
12. The framework and criteria the agency has used to define and determine efficient use of existing personnel and funds to improve services and the delivery of these services.
13. For agencies that provide direct services to citizens (such as Social Security, Medicare, and veterans' health care), the agency's certification that implementation of the ARRP's will have a positive effect on the delivery of such services. The certification should include a written explanation from the Agency Head and, where appropriate, the agency's CIO and any relevant program manager.
14. The programs and agency components not impacted by the ARRP, and the justification for any exclusion.

15. Plans to reduce costs and promote efficiencies through improved technology, including through the adoption of new software or systems, and elimination of duplicative systems.
16. Any changes to regulations and agency policies, including changes that must be pursued through notice-and-comment rulemaking, that would lead to the reduction or elimination of agency subcomponents, or speed up implementation of ARRP.
17. The agency's timetable and plan for implementing each part of its Phase 2 ARRP, and its plan for monitoring and accountability in implementing its ARRP.

Agencies should continue sending monthly progress reports each month on May 14, 2025, June 16, 2025, and July 16, 2025. All plans and reports requested by this memorandum should be submitted to OPM at tracking@opm.gov and OMB at workforce@omb.eop.gov; when submitting plans and reports, please ensure both OPM and OMB addresses are included on the message.

VI. Exclusions

Nothing in this memorandum shall have any application to:

1. Positions that are necessary to meet law enforcement, border security, national security, immigration enforcement, or public safety responsibilities;
2. Military personnel in the armed forces and all Federal uniformed personnel, including the U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration;
3. Officials nominated and appointed to positions requiring Presidential appointment or Senate confirmation, non-career positions in the Senior Executive Service or Schedule C positions in the excepted service, officials appointed through temporary organization hiring authority pursuant to 5 U.S.C. § 3161, or the appointment of any other non-career employees or officials, if approved by agency leadership appointed by the President;
4. The Executive Office of the President; or
5. The U.S. Postal Service.

Finally, agencies or components that provide direct services to citizens (such as Social Security, Medicare, and veterans' health care) shall not implement any proposed ARRP until OMB and OPM certify that the plans will have a positive effect on the delivery of such services.

cc: Chief Human Capital Officers ("**CHCOs**"), Deputy CHCOs, Human Resources Directors, Chiefs of Staff, and DOGE team leads.

Appendix 1- Sample RIF Timeline

This sample timeline is prepared in accordance with the U.S. Office of Personnel Management [Workforce Reshaping Operations Handbook](#). RIF timing may vary based on agency-specific requirements, collective bargaining agreements, and workforce considerations. Agencies can accelerate these timelines through parallel processing, securing OPM waivers to policy, expediting process steps, and streamlining stakeholder coordination.

Step 1: Identification of Competitive Areas and Levels (by March 13, 2025 for Phase 1 ARRs)

1. Identify competitive areas and levels and determine which positions may be affected. If applicable, seek OPM waiver approval to adjust competitive areas within 90 days of the RIF effective date.
2. For Phase 1 ARRs, this step should be completed no later than March 13, 2025.

Step 2: Planning, Preparation & Analysis (up to 30 days)

1. Explore use of VSIP/VERA.
2. Conduct an impact assessment.
3. Review position descriptions for accuracy, validate competitive levels, and verify employee retention data (e.g., veteran preference, service computation dates).
4. Develop retention register.
5. Draft RIF notices and seek OPM waiver approval for a 30-day notification period.
6. Develop transition materials.
7. Notify unions (if required).
8. Prepare congressional notification (if required).

Step 3: Formal RIF Notice Period (60 days, shortened to 30 days with an OPM waiver)

1. Issue official RIF notices.
2. Provide employees with appeal rights, career transition assistance, and priority placement options.
3. Execute any required congressional notification and notice to the Department of Labor, state, and local officials, if applicable.

Step 4: RIF Implementation & Separation (Final Step)

1. Officially implement separations, reassignments, or downgrades.
2. Provide final benefits counseling, exit processing, and documentation.
3. Update HR systems and notify OPM of personnel actions.

Exhibit 14

INDIVIDUAL MONTHLY REVIEW, LEAVE, AND TRAINING REPORT
FISCAL YEAR 2025

Employee Name Grade/Step

Next Promotion/WIGI Date:

Leave Group

GS-5/10

N/A

3

Month	Monthly Quality	Monthly Production	Monthly Timeliness	Cumulative Quality	Cumulative Production	Cumulative Timeliness	Training Hours Completed Out of 40	Annual Leave Balance	Sick Leave Balance	Availability
Oct	100.00%	106.08%	100.00%	100.00%	106.08%	100.00%	5.00	31.00	16.00	92%
Nov	100.00%	100.87%	100.00%	100.00%	103.51%	100.00%	0.00	31.30	24.00	93%
Dec	100.00%	109.61%	100.00%	100.00%	105.45%	100.00%	6.00	30.30	28.30	88%
Jan	100.00%	120.36%	100.00%	100.00%	109.08%	100.00%	1.90	41.00	35.45	97%
Feb										
Mar										
Apr										
May										
Jun										
Jul										
Aug										
Sep										
TOTAL				100.00%	106.03%	100.00%	12.90	41.00	35.45	93%

You should be aware that failure to maintain acceptable performance at a successful level may lead to loss of telework privileges and overtime eligibility, and withholding of personnel related actions such as within grade increases, promotions, and awards. It may also result in placement on a Performance Improvement Plan (PIP) and/or adverse action, up to and including removal from Federal service.



Your performance from **DATE** to **DATE**, as measured against your performance standards for critical element(s) **X** is unacceptable. While I am hopeful that you will be able to improve your performance to the fully-successful level, your performance indicates to me that a Performance Improvement Plan (PIP) is warranted. Consequently, I will be reaching out to the Union to set up a pre-PIP consultation meeting with the goal of establishing a PIP and providing you with an opportunity period to improve.

WIGI and CLP Your within grade increase (WIGI) is due xx xxx xx. Should you fail to maintain an acceptable level of competence during the appraisal cycle, your WIGI may be withheld until you demonstrate sustained performance at an acceptable level. For the purposes of determining your WIGI eligibility, your performance will be reviewed before your WIGI is due to determine if you are performing at a fully-successful level. If you fail to demonstrate an acceptable level of competence, your WIGI will be withheld.

Your earliest date for career ladder promotion (CLP) is xx xxx xx. Should you fail to demonstrate the ability to perform at the higher grade level during the appraisal cycle, your CLP may be withheld until you demonstrate sustained fully-successful performance at your current grade. If your performance warrants withholding of your CLP, we will meet to develop a plan tailored to assist you in improving your performance to meet the promotion criteria.

Resources

Reasonable Accommodation: If you are experiencing any issues related to a medical condition which you believe may be impinging your ability to perform successfully, a Reasonable Accommodation (RA) may be something to consider. For additional information, please contact our District Reasonable Accommodation Coordinator (DRAC) at VBA_PAC_RACP.VBACO@va.gov.

Please check the appropriate box below.



I am interested in the Reasonable Accommodation program.



I am not interested in the Reasonable Accommodation program.

Employee Assistance Program: The VA offers an Employee Assistance Program (EAP) that assists employees with a wide variety of personal problems ranging from family, marital, or financial issues to stress, mental health, or substance abuse. The EAP is a voluntary and confidential service. For more information, contact EAP 24/7 at 1-800-222-0364 (1-888-262-7848 for the hearing-impaired) or visit their website at <https://www.FOH4You.com>.

If you have any problems of a personal or medical nature which you believe are impeding your ability to perform successfully, I encourage you to bring them to my attention so that appropriate assistance may be considered.

Supervisor Comments:

██████ you exceeded your element standards for the month and continue to be an outstanding team member in NTC. Keep up the great work. Please work on doing your 4 hours of TMS training every month, so you don't fall behind.

Employee Comments:

Supervisor Signature

Employee Signature

By signing this IMR you are indicating that all excluded time has been entered in for the month.

Monthly Evaluation

January FY 25

Social Service Representative Name: _____

Department: _____

Critical Elements

1. Interpersonal Relations

A complaint may be found to be valid either through direct observation by the rater, or through valid information received by the rater. An unacceptable incident is defined as any written, electronic, or oral communication that is validated to be a deficiency when considering the Member Services mission, vision, and values. Management will complete an independent, third-party review of disputed incidents

		Exceptional			Fully Successful			Less Than Fully Successful				
		No validated occurrences of unacceptable interpersonal relations may occur during the course of the rating cycle.			No more than two (2) validated occurrences of unacceptable interpersonal relations may occur during the course of			3 or more validated occurrences of unacceptable interpersonal relations may occur during the course of rating cycle.				
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Average
N/A	N/A	Exceptional	Exceptional									

2. Teamwork

Adherence to schedule is the degree to which a Social Service Representative (SSR) conforms to their assigned schedule. It is measured as a percentage of time spent working as a proportion of the SSRs total time scheduled to work. It consists of all logged on time spent serving callers via various multi-channels such as phone, webchat, assigned emails, etc., including time spent waiting for calls to arrive, after-call work (wrap up), and placing any necessary outbound calls compared to the number of workhours available.

		Exceptional			Fully Successful			Less Than Fully Successful				
		≥90%			85% - 89%			<85%				

Adherence to Schedule

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Average
N/A	N/A	92.44%	94.90%									

	Oct	N/A
	Nov	(Agent cleared on 11/29)
	Dec	Total of 205 calls, 19:24 (AHT), 11:59 (ATT), 7:18 (ACWT), Virtual Tech time 30 mins, Short calls (A) 0 , (C) 18 RTA 92.44%
	Jan	Total of 235 calls, (AHT) 19:41, (ATT)13.23, (ACWT) 6:12 , Virtual Tech time 30 mins, Short calls (A) 0 (C) 5 RTA 94.90 %
	Feb	
	Mar	
	Apr	
	May	

Comments	Jun												
	Jul												
	Aug												
	Sept												
		Monthly Perf Level				YTD Perf Level							
		Exceptional											
3. Customer Service													
promptly and demonstrating a customer- centered focus in daily work.													
		Exceptional			Fully Successful			Less Than Fully Successful					
		0 valid unsatisfactory customer service incidents per annual appraisal period			1-2 valid unsatisfactory customer service incidents per annual appraisal period			3 or more valid unsatisfactory customer service incidents per annual appraisal period					
Valid Customer Service Incidents													
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Average	
N/A	N/A	Exceptional	Exceptional										
Comments	Oct	N/A											
	Nov	N/A											
	Dec	Exceptional											
	Jan	Exceptional											
	Feb												
	Mar												
	Apr												
	May												
	Jun												
	Jul												
	Aug												
	Sept												
		Monthly Perf Level				YTD Perf Level							
		Exceptional											
4. Quality													

<p>The Quality element uses Quality Monitoring Reviews and Case Management to measure quality services provided to our internal and external customers. These measures must meet the fully successful criteria as outlined. The measures for this element will be</p>

Exceptional	Fully Successful	Less Than Fully Successful
0-3 unsuccessful elements per month	4-5 unsuccessful elements per month	6 or more unsuccessful elements per month

QM's	
------	--

[illegible]

Element 3.4		0	0	0	0	0	0	0	0	0	0	0	0
Element 3.3		0	0	0	0	0	0	0	0	0	0	0	0
Element 3.5		0	0	0	0	0	0	0	0	0	0	0	0
Element 4.1		0	0	0	0	0	0	0	0	0	0	0	0
Element 4.2		0	0	0	0	0	0	0	0	0	0	0	0
TOTAL		0	0	2	0	0	0	0	0	0	0	0	0
Comments	Oct	N/A											
	Nov	N/A (no graded calls for November)											
	Dec	25-HRC-NCCHV-45-32173342 (1.3) , 25-HRC-NCCHV-94-32201137 (2.1)											
	Jan	Agent recieved a score of 100% for all her performance calls for the month of January											
	Feb												
	Mar												
	Apr												
	May												
	Jun												
	Jul												
	Aug												
	Sept												
				Monthly Perf Level				YTD Perf Level					
				Exceptional									

5. Learning and Development

The Social Service Representative participates in mandatory training, is on time, actively participates during sessions, and passes all training requirements.

Exceptional	Fully Successful	Less Than Fully Successful
Complete 2 or more hours of development training per year, requested by SSR and pre-approved by supervisor; Meet mandatory training requirements by due date.	Meet mandatory training requirements by due date.	Does not meet mandatory training requirements by due date.

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Develmt Training Hours	2.7 hours	N/A	N/A	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mandated Training Hours	62 hours	N/A	2.25	0.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Comments	Oct	N/A
	Nov	Agent completed 2.7 hours towards development training for the 2024-2025 FY.
	Dec	Agent completed 2.25 hours towards her mandated training hours for the month of December
	Jan	Agent is all up to date with her Mandadted Trainings for the month of January.
	Feb	
	Mar	
	Apr	
	May	
	Jun	
	Jul	
	Aug	
	Sept	

Monthly Perf Level	YTD Perf Level
Exceptional	

6. Employee Engagement

Measure 1: Coaching & Innovation

A fully successful Social Service Representative attends coaching sessions, participates in call reviews through active listening and discussions, and actively participates in the coaching process established to continuously improve Social Service Representative knowledge, skills and abilities. Measurement Criteria: Coaching session attendance, Coaches input to Supervisors, and Supervisor observation. This measure will be monitored on a monthly and cumulative basis.

Exceptional						Fully Successful				Less Than Fully Successful		
On a monthly basis, Social Service Representative attends and participates in call reviews through active* listening and discussions and actively participates in the coaching process. Social Service Representative also works with their Supervisor to create a detailed coaching plan** that is specific to their needs; or shares best practices and lessons learned with their Supervisor; or identifies and provides solutions and ideas to current HRC issues that may or may not have been						On a monthly basis, Social Service Representative attends and participates in call reviews through active* listening and discussions and actively participates in the coaching process.				Social Service Representative does not attend and/or does not participate in monthly coaching sessions.		

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Monthly Rating: E/F/LT	N/A	Exceptional	Exceptional	Exceptional								

Comments	Oct	N/A										
	Nov	Supervisor discussed the performance standards for 2024-2025 with SSR - standards were signed on 11/1										
	Dec	Supervisor discussed with Agent (questions regarding to leave, call disputes, HMIS/VRRS calls and RTA)										
	Jan	Supervisor dicussed consult review and the three attempts POCs are required to do. Agent attended the monthly team meeting for the month of January										
	Feb											
	Mar											
	Apr											
	May											
	Jun											
	Jul											
	Aug											
	Sept											

				Monthly Perf Level	YTD Perf Level	
				Exceptional		

Monthly Supervisors Side by Side

Month	Interaction Number	Comments
Oct	N/A	
Nov	N/A	(Agent cleared on 11/29)
Dec	25-HRC-NCCHV-21-32251314	caller seeking to provided housing for homeless veterans. SSR did a wonderful job explaining in detail how to go about filling out/ checking out the site. SSR was very friendly through out. excellent interaction.
Jan	25-HRC-NCCHV-50-32826943	veteran is currently living in his car. caller agree to a consult. Agent did a great job asking the right probing questions and all the required information from this caller. caller declined resources at this present time.
Feb		
Mar		
Apr		
May		
Jun		
Jul		
Aug		
Sept		

Overall Supervisor Comments

██████████ has a positive impact on each and every Veteran she interacts with. A true professional. I pleased to see that you received a score of 100 on all your performance calls for the month of january ! Keep up the great work !

Signature	Date
Social Service Representative: ██████████	2/11/2025
Supervisor:	

Exhibit 15

From: [REDACTED]
To: [REDACTED]
Subject: FW: probationary employees
Date: Tuesday, March 4, 2025 11:39:00 AM

--

[REDACTED]
Office of the General Counsel
American Federation of Government Employees, AFL-CIO

-
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From: [REDACTED]
Sent: Wednesday, February 26, 2025 9:50 AM
To: [REDACTED]
Subject: FW: probationary employees

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From: Miley, Terri SAMVAMC <Terri.Miley@va.gov>
Sent: Wednesday, February 26, 2025 9:49 AM
To: [REDACTED]
Cc: Miley, Terri SAMVAMC <Terri.Miley@va.gov>
Subject: RE: probationary employees

Good Morning [REDACTED]

That is correct.

Terri Miley

Deputy Chief Financial Officer
Mid-Atlantic Health Care Network, VISN 6
Phone: (540) 982-2463 ext. 5803
Mobile: (540) 855-0523
Email: terri.miley@va.gov

Sent: Tuesday, February 25, 2025 7:58 AM
To: Miley, Terri SAMVAMC <Terri.Miley@va.gov>
Subject: probationary employees

Per our conversation about the probationary employees let go yesterday you said none of them had any performance issues ?and that they were removed in error?
Is this correct?

From: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]
Date: Tuesday, March 4, 2025 11:40:00 AM

Response from Salem Executive Director

--

[REDACTED]
Office of the General Counsel
American Federation of Government Employees, AFL-CIO

-
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[REDACTED]
Sent: Wednesday, February 26, 2025 11:51 AM

[REDACTED]
Subject: [REDACTED]

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[REDACTED] please see email below that [REDACTED] and [REDACTED] were discussing

[REDACTED]
Sent: Wednesday, February 26, 2025 11:24 AM

[REDACTED]
Subject: Fw: [EXTERNAL] Wrongful and Unjust Termination Appeal

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From: Stackhouse, Rebecca J SAMVAMC <Rebecca.Stackhouse2@va.gov>

Sent: Tuesday, February 25, 2025 5:33 PM

To: [REDACTED]

Subject: Re: [EXTERNAL] Wrongful and Unjust Termination Appeal

Hello [REDACTED]. I am so very sorry that this happened to you. I cannot even begin to imagine the stress and anxiety this is causing for you and your family. Please know that this was not a local decision and action and I am therefore unable to cancel the action. I can only encourage you to follow the appeal filing process outlined in the letter you received. I am truly sorry I cannot do more.

Get [Outlook for iOS](#)

[REDACTED]
Sent: Tuesday, February 25, 2025 5:04:18 PM

To: Stackhouse, Rebecca J SAMVAMC <Rebecca.Stackhouse2@va.gov>

[REDACTED]
Subject: [EXTERNAL] Wrongful and Unjust Termination Appeal

Dear Executive Director Rebecca Stackhouse:

My name is [REDACTED] and I am a disabled veteran who started employment at the Salem VA Medical center on 3/24/2024. I was hired as a Materials Handler in the warehouse but due to staffing shortages was immediately asked to work in the mailroom until more staff could be hired. I stepped up and put my all into learning the duties of the mailroom in order to ensure Veteran's appointment letters, medical supplies, prosthetics, and other correspondence reached them without delay. I took the lead on a VISN-6 wide letter mail-out project consisting of 29,744 letters that were sent to veterans around all seven VISN 6 stations. I was recognized and presented with a certificate of appreciation from the VA Mid-Atlantic Health Care Network Chief Logistics Officer. After some months, our section was able to onboard two new employees and asked me to train them on our mailroom processes. Leadership then presented me with the opportunity to move to the warehouse

because they were impressed and recognized my effort and hard work. I once again stepped up and learned an entire new list of duties and responsibilities as quickly as I could to ensure that I could continue to support our nation's veterans. I went above and beyond to make our hospital and facility the best working environment possible. I participated in morale events and volunteered to work the multiple unscheduled federal holidays to ensure others could spend time with their families. I started the process of buying back my military years with plans to serve the VA for the long term. When a recent promotion opportunity to a new position within our same service became available, I was encouraged to apply by my leadership. They believed I could add a ton of value to our supply chain section in the new position with increased responsibilities. I was fortunate enough to be selected for the position and started 1/27/2025. I again started fresh learning a new set of duties and responsibilities with a goal to be the most valuable asset I could be for the Salem VA. Yesterday, I received a blanket termination letter from OPM stating: *"the Agency finds that your performance has not met the burden to demonstrate that your further employment at the Agency would be in the public interest"*. I believe a termination based on my performance is a gross error and an unjust termination. I received an excellent performance appraisal rating from my supervisor and he commended me on my ability to learn and contribute so quickly. I have been praised and recognized by my Supervisor, Leads, Assistant Chief, and Section Chief. Termination due to poor performance is a fabrication and flat out lie. I was wrongfully terminated without cause and without any notice. This has put my wife and I in a terrible place mentally and financially. We just closed on a house a few days ago and are trying to start a family. Our lives have been completely blindsided and upended without any chance to prepare. I am being told by HR that I have basically lost everything including the money I paid to buy back my military service. I feel as though the government and the VA specifically is punishing someone who has served their country and then continued to serve by working as hard as possible at the VA. It feels even more unjust because had I not tried to better myself and take on more responsibilities with my new position, I would have been exempt from this blanket termination by staying in the warehouse as a Materials Handler. I ask that you please reconsider my termination and recognize that I am not just a number. I ask that you recognize that the other outstanding employees that have been terminated alongside me are not just a number. I truly hope I can continue to serve and demonstrate my commitment to the VA's mission. Thank you for your time and assistance.

Very Respectfully,

[Redacted Signature]



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Exhibit 16

From: Thomas Dargon
Sent: Thursday, February 20, 2025 5:19 PM
To: Biaggi-Ayer, Denise; Therit, Tracey
Cc: Thomas Dargon
Subject: RE: Probationary Employees: Initial AFGE Questions

Following up again. Continuing to hear reports of more probationary terminations coming at VA. Are we going to learn about those personnel actions from distraught employees or can we expect some engagement from VA here? Also, when will VA produce data on last week's terminations?

--

Thomas Dargon, Jr.
Deputy General Counsel, NVAC
AFGE, AFL-CIO

From: Thomas Dargon <Thomas.Dargon@afge.org>
Sent: Tuesday, February 18, 2025 12:31 PM
To: Biaggi-Ayer, Denise <Denise.Biaggi-Ayer@va.gov>; Therit, Tracey <Tracey.Therit@va.gov>
Cc: Thomas Dargon <Thomas.Dargon@afge.org>
Subject: Re: Probationary Employees: Initial AFGE Questions

Good morning — I have not received anything yet in response to this information request. Time is really of the essence.

Is there any initial data you can provide us on the scope of the roughly 1,000 terminations that happened last week? VA clearly has the data since the personnel actions were already effected.

Also, I'm hearing another 4,000 terminations are coming tomorrow and will impact bargaining unit employees. Learning about this after it happened significantly reduces our ability to support employees.

Thomas

—

Thomas Dargon, Jr.
Deputy General Counsel, NVAC
AFGE, AFL-CIO

From: Thomas Dargon <Thomas.Dargon@afge.org>
Sent: Friday, February 14, 2025 8:03:27 AM
To: Biaggi-Ayer, Denise <Denise.Biaggi-Ayer@va.gov>; Therit, Tracey <Tracey.Therit@va.gov>
Subject: Re: Probationary Employees: Initial AFGE Questions

Okay, thanks for letting me know.

—

Thomas Dargon, Jr.
Deputy General Counsel, NVAC
AFGE, AFL-CIO

From: Biaggi-Ayer, Denise <Denise.Biaggi-Ayer@va.gov>
Sent: Friday, February 14, 2025 7:40:15 AM
To: Thomas Dargon <Thomas.Dargon@afge.org>; Therit, Tracey <Tracey.Therit@va.gov>
Cc: Thomas Dargon <Thomas.Dargon@afge.org>
Subject: Re: Probationary Employees: Initial AFGE Questions

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Thomas I am forwarding to Michael. I am still out today with very little access to e-mail.

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From: Thomas Dargon <Thomas.Dargon@afge.org>
Sent: Thursday, February 13, 2025 11:57:58 PM
To: Therit, Tracey <Tracey.Therit@va.gov>; Biaggi-Ayer, Denise <Denise.Biaggi-Ayer@va.gov>
Cc: Thomas Dargon <Thomas.Dargon@afge.org>
Subject: [EXTERNAL] Probationary Employees: Initial AFGE Questions

Tracey and Denise – I’m reaching out to you both to try and gather more information about today’s news so that we can try to assist impacted employees in the short term. As you can imagine, we’ve been on the phone all evening with affected employees and AFGE reps. While VA claims the terminations only impacted non-bargaining unit staff, I cannot be sure of that without seeing the list of impacted employees and cross-referencing the BUS codes and our internal data. Even if many were non-BUE, I still want to try and help people as best we can.

For now, I’ll cut to the chase and ask that you please provide the following ASAP:

1. **Spreadsheet:** List of impacted VA employees with name, VA position, competitive/excepted service, appointment date, VA facility, city/state, BUS code.
2. **IT/email access:** Will affected employees continue to have access to their VA email and other IT systems to permit communication with supervisors over returning equipment etc?
3. **eOPF:** How can employees access their eOPF to retain SF-50s and other personnel records?
4. **Personal effects:** How can employees make arrangements to collect personal effects at the worksite? Some people may be on leave today, so how long will they have to do pick up these items?

Thank you both, talk soon.

Thomas

--

Thomas Dargon, Jr.
Deputy General Counsel, National VA Council
Office of the General Counsel

American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001
tel: 202-639-6424
efax: 202-379-2928
thomas.dargon@afge.org

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