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InvestmentDue2548

Important: share with all federal employees, unions and attorneys. Be prepared.

Dear Fellow Federal Employee,

I write to you today as a colleague who shares your fears, frustrations, and exhaustion. As a husband, brother, and son, I understand the weight of uncertainty we all carry. As an American, I feel the growing fear of an administration that seems to have turned its power against us, the very public servants who uphold this country. As a veteran, I am disgusted by the attacks on us who've dedicated our lives to serve, who now are being labeled as lazy, undeserving, or even as traitors by people who have never been in the service of others a day of their lives.

Like you, I am scared. I am angry. I am hurt. And I am tired.

I fear for my livelihood. The questions "Will I have an income in the coming months? Am I safe?" replay in my mind like a song I can't escape. I fear the nightmare of having to choose between paying child support to avoid going to prison but may default on my mortgage that is the roof over my family's head. I'm angry because, even if I stay afloat, many others will not. Thousands of dedicated federal workers have been unfairly labeled as poor performers under false pretenses. I am hurt by the growing public resentment, stoked by leaders who pit Americans against one another. I am exhausted from sleepless nights and from consoling colleagues who look to me for answers, when I have none. **This must change.**

For too long, federal employees, whether unionized (BU) or non-unionized (NBU), have been divided by an adversarial culture that undermines our dignity. Now, an administration openly hostile to federal workers has successfully turned the public against us, painting us as undeserving of our jobs and paychecks.

One of the most egregious examples of this betrayal was the "Fork in the Road" debacle, where employees were left without guidance. Managers were told not to offer their opinions, while unions told its members not to accept it yet failed to fully address the implications of the offer, both leaving employees uninformed and vulnerable. This lack of communication was a failure we cannot allow to happen again.

As leaders, we must do better. We must lead with transparency and integrity. We must value and inform those under our charge, not treat them as statistics. It is time to correct such failures, to ensure we understand what is happening, and prepare our people for the difficult road ahead.

WHAT SHOULD HAVE BEEN SAID:

1. Validity of the Offer (Funding): Federal appropriations dictate agency budgets, with Congress assigning funds and the Executive administering them. When the "Fork in the Road" offer was made, its funding source was unclear. With the newly approved Continuing Resolution (CR), it appears that Congress has effectively surrendered its oversight, granting the Executive unchecked financial discretion with no transparency requirements. It is possible these funds will now be used for this purpose, but this uncertainty should have been disclosed from the outset.

2. Validity of the Contract: The "deferred resignation" contracts offered by OPM are legally dubious. Federal employees are hired and managed by their respective agencies, not OPM. Courts have consistently ruled that

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history of the universe to hire and fire employees at another agency."

This means that OPM had no legal authority to make these agreements binding. While the resignation waivers may be upheld, the contract itself is built on misrepresentation, coercion, and violations of public policy, all grounds for legal challenge that should result in invalidating the agreement in its entirety.

3. Credibility of the Parties Involved: This administration's key figures are notorious for breaching contracts and failing to honor commitments. Many agency leaders have been replaced with unqualified political appointees, including members of the Heritage Foundation and individuals with no prior federal service experience. Meanwhile, OPM, the very agency that violated existing telework agreements, expects employees to trust it with future commitments.

Further, probationary employees who accepted the offer were later informed they were ineligible, effectively leaving them with no job and no compensation. Employees were told they had 45 days for review, yet many were given only seven days.

Employees who accepted these agreements should immediately consult an attorney regarding:

- OPM's legal authority (or lack thereof) to enter into such contracts.
- Whether misrepresentation, coercion, or duress invalidates their agreements in its entirety.

WHAT NEEDS TO BE SAID:

1. Retirement & Benefits: If you are considering retirement due to fear of losing benefits, be aware that pensions and Social Security are already under threat. Federal pensions, historically secure, could face the same fate as state pensions that have been revoked for "just cause." The Pension Benefit Guaranty Corporation (PBGC) governs pension plans, and I strongly urge you to review their guidance.

To be clear, your contributions to TSP will be safe. The threat or possible benefits lost will come in the following forms:

- You would lose your defined benefit pension, which is based on years of service and salary history.
- Employers sponsored health insurance.
- Early retirement social security supplement (those who retire before 62, normally receive a supplement in lieu of SS. This will be eliminated).
- TSP contributions will no longer be matched, affecting overall end date projected balance.

The elimination of such benefits in conjunction with the current palpable possibility of also losing SS, could affect any possibility of retiring, particularly before age or without health insurance.

There are some proposed bills already in the House that affect in one way or another, all the above elements.

2. Weekly HR Reporting Emails: Recent directives requiring federal employees to submit weekly activity reports under threat of termination are legally questionable. Any official compelling such reporting beyond authorized channels could be personally liable under the Federal Tort Claims Act (FTCA).

Relevant legal protections include:

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- **5 U.S.C. § 2302(b)** – Protects federal employees from intimidation and coercion.
- **18 U.S.C. § 371** – Criminalizes conspiracy to defraud the U.S. government.
- **18 U.S.C. § 1030** – Computer Fraud and Abuse Act (CFAA) protections.

In other words, you can stop complying with this illegal request if you so choose too. Any adverse action against you, should be, must be, and will be rectified by the court. You can also continue to send **generic information** to prevent dealing with them and just getting it over with. As long as you (as employee) are not sharing something prohibited by law, you commit no violations.

3. Telework Mandate: The forced return to office violates both contractual agreements and federal law. The **Telework Enhancement Act (Public Law 111–292)** guarantees telework eligibility unless performance or agency operations are negatively impacted. No evidence has been presented that telework has reduced productivity, in fact, Treasury's August 2023 report showed increased efficiency since 2018.

The NTEU has filed a grievance, but the issue should be pursued in court as a **breach of contract** directly against the administration, not just on behalf of members (i.e., a legal entity with rights to sue and be sued). Currently, the union has several potential remedies, including:

- **Filing a Lawsuit in the U.S. Court of Federal Claims:** The Tucker Act (28 U.S.C. § 1491) allows claims against the federal government for contract breaches.
- **Seeking Injunctive Relief in Federal District Court:** If the breach involves ongoing or future harm, NTEU can request an injunction to stop unlawful government actions. This is particularly relevant if the breach violates statutory rights under labor laws, which in this case, it does.
- **Filing an Unfair Labor Practice (ULP) Charge:** Under the Federal Service Labor-Management Relations Statute (5 U.S.C. Chapter 71), NTEU can file a ULP complaint with the Federal Labor Relations Authority (FLRA) if the breach involves unfair labor practices. The FLRA has the power to order remedies such as reinstating contract terms or compelling the government to bargain in good faith.
- **Arguing a Constitutional Violation:** If the breach involves taking away *vested* rights without due process, NTEU might argue a violation of the Fifth Amendment's Due Process Clause.

4. Reduction in Force (RIF)

Under OPM regulations, agencies may only conduct RIFs for legitimate reasons, such as budgetary constraints or reorganization. However, courts have invalidated RIFs proven to be pretextual (**Losure v. Interstate Commerce Commission**). Given that agency budgets were **increased**, any claim of "shortage of funds" is suspect. If a RIF occurs, it will likely be overturned months later, just as prior unlawful dismissals have been.

For those who in the meantime may be unlawfully terminated, agency officials that follow orders from DOGE or OPM mandating such dismissal, are violating the law and could, should and most likely will be personally liable for such violations. If you want to sue a federal official personally for imposing unlawful orders, here are the primary legal avenues:

- **Bivens Claims (Constitutional Violations):** Under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* (1971), you can sue federal officials personally for violating your constitutional rights. Common claims include violations of the **First Amendment (free speech/retaliation)**, **Fourth**

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Federal Torts Claim Act (FTCA) (Negligence & Misconduct): While the FTCA generally allows lawsuits against the government, **it does not allow personal lawsuits against individual officials.** However, if an official acts **outside the scope of their employment**, they **lose** FTCA protection and can be sued personally for torts like fraud, defamation, or assault.

- **Ultra Vires Doctrine (Acts Beyond Legal Authority):** If a federal official acts beyond their legal authority (ultra vires actions), they can sometimes be sued in their individual capacity under administrative or constitutional law.
- **Racketeer Influenced and Corrupt Organizations Act (RICO) (If Conspiracy Exists):** If federal officials **conspired** to violate your rights through fraud, coercion, or threats, a civil **RICO lawsuit** (18 U.S.C. § 1961 et seq.) may be an option.

It is without a doubt that most officials will claim to be acting within their official capacity and protected under Federal Torts Claim Act (FTCA). Particularly with the new executive order granting OPM powers to direct other agencies to unlawfully terminate employees. However, intentional, reckless, or made with actual malice actions (such as violating the law to comply with an unlawful mandate such as this one) will open the doors for suits outside the scope of FTCA.

- Intentional Infliction of Emotional Distress (IIED)
- Retaliation (if related to whistleblowing or protected activity)
- Equal Protection or Due Process Violations (if case of defamation that causes loss of employment rights, such as false performance allegations).

For the record, the new order granting powers to OPM is unconstitutional as the executive **cannot** grant powers to OPM, only congress can effect such mandate or change. Be prepared as many agency's executives/leaders will knowingly comply with this unlawful mandate; however, fear not as it will be subsequently corrected by the courts and employees affected will be revindicated once again.

We are living in unprecedented times, facing an administration that has targeted us for elimination. But we do not have to accept this passively. Know your rights, challenge unlawful directives and support one another. **We are not just numbers on a spreadsheet. We are the backbone of this nation's public service**, and we shall not, AND WE WILL NOT go down without a fight.

To my fellow attorneys and officers of the court: Thank you. I will continue to contribute by conducting research, crafting legal arguments, and drafting motions, along with gathering any relevant evidence I can. As many of these cases inevitably reach the Supreme Court, I ask only that we challenge claims of absolute immunity and presidential powers with the following legal arguments and questions of law; trusting that their own sense of self-preservation will guide them to the right decision. Simply state the following:

- 1) Does such immunity mean the executive can use Seal Team 6 to assassinate a **judge** because of a ruling against the administration, they claim interferes with the president's prerogatives?
- 2) Can the executive create and interpret laws; or interpret and/or modify unilaterally laws created by congress, effectively creating a futile judicial branch, under the presidential powers?

To all that oppose the lawlessness showed by this administration: Stay informed. Stay prepared. Stay strong.

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HackNookBro · 4d ago

Thank you for your service.

46 upvotes, Reply, Share, ...



InvestmentDue2548 OP · 4d ago

I am trying, but we need to spread the word. Unions need to send a blast email to all their members and we need to share to everyone. Attorneys need to raise the questions I am framing in order to put pressure on SCOTUS.

43 upvotes, Reply, Share, ...

6 more replies



JackPriestley · 4d ago

I appreciate your confidence in the courts. I hope the judicial branch holds

24 upvotes, Reply, Share, ...

1 more reply



ToeJam_SloeJam · 4d ago

I see you. Thank you for posting all of this, and thank you for your career so far.

For what it's worth, I don't think the public has turned on federal employees— certainly not a majority of people. This administration is outright hostile towards fed because the bureaucratic/service state is the last guardrail against tyranny and corporatization of the country.

I fear we're gonna have to go through hell before things get better. Know that we're going to need you and all of the others with indispensable institutional knowledge when it's time to rebuild. In the meantime, keep calling out. I hear you, and I care.

23 upvotes, Reply, Share, ...

1 more reply



volrjr4 · 4d ago

Just fire me already

12 upvotes, Reply, Share, ...

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Let's hope the Judicial Branch holds. If it fails, it is the death of our Republic. The NYT published an article today detailing the personal threats Judges ruling against the Trump/Musk/Oligarchic regime have been receiving. We will be the refugees seeking asylum in foreign countries if the Judiciary doesn't hold.

18 Reply Share ...

InvestmentDue2548 OP · 3d ago

I hate to say... you may be right. it is also scary to think that veterans, if they start feeling pressured, might fight back along with others who believe their second amendment is precisely for this reason... how far our society could fall, like it has in other countries precisely for these same reasons, is scary. Part of me wants it as I want to fight back. But reason needs to prevail, and I hope it does.

6 Reply Share ...

1 more reply

bmcarr21 · 4d ago

Any guidance on the schedule F policy/career classification and what that means in the context of severance pay if included in RIF

4 Reply Share ...

InvestmentDue2548 OP · 3d ago

Interesting question. Here is what I know: There was an executive order already that all but states that employees who affect policy, will be considered what is known as schedule F employees that can be fired at will. Among discussions with several executives, the definition of "affecting policy" is being extended to the degree that includes anyone who provides feedback as to any change that needs to be made. it feels like everyday, a new group of employees are added. In some agencies, it has been extended all the way down to front line managers. This is dangerous and is being done by the agencies themselves who are identifying who should be schedule F. That being said, some positions are statutory, thus an executive order cannot change the classification, but they are trying anyway. This will be another legal battle. Similarly, even those positions not statutory, are sometimes protected by union agreements or procedures, so expect legal battles on that front too. As I try to explain all this for the benefit of others who might not get what is going on, I'm thinking on how to answer your other related questions, and the scary fact is... these people are not playing by the rules. It would not surprise me if no severance is given whatsoever. I do believe the RIF will be illegal, particularly in the rush manner they are wanting to do it. Make no mistake, the battle will come as to 1) can they reclassify us, 2) rights or entitlements to severance and 3) RIF validity and/or order in which many will be displaced.

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9 more replies

2 more replies

Eastern-Ad-1652 · 4d ago

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First GSA All Hands not off to a great start

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This administration is moving too fascht to proofread.

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That's it guys - it's over - writing is on the wall for 1102's with new EO.

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This was all written in project 2025

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"Random" Drug Screening

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Can't wait for every Friday

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AI and proprietary information

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Are you all required to send RFPs through to the Acq Exec at your Agency?

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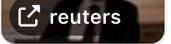
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