



POLITICS

## What happens after the 'Fork in the Road'? A lawyer for ex-Twitter employees weighs in

February 5, 2025 • 11:41 AM ET

By [Rachel Treisman](#)



Attorney Shannon Liss-Riordan walks toward an entrance to a federal courthouse in San Francisco in December 2022. She is representing thousands of former Twitter employees suing the company over severance and other issues. Jeff Chiu/AP

The Trump administration's deferred resignation offer for federal workers has thrown many — both inside government and out — for a loop.

But for Shannon Liss-Riordan, it also brings a sense of déjà vu.

Liss-Riordan is an employment lawyer representing 2,000 former Twitter employees in individual arbitration, as well as over a dozen class action lawsuits, related to the

company's treatment of workers after Elon Musk bought the company — which he has since renamed X — in 2022.

"The main claim related to the Twitter fiasco was that employees had been promised for many months prior to Musk's acquisition of the company that if they lost their jobs after he acquired the company, they would get this very generous severance package," she explains. "And then he came in and terminated 80% of the workforce and didn't pay that severance package."

The week after Musk took over, Liss-Riordan says, about half the company was notified they were being laid off. Individuals were only offered one month of pay instead of the severance package they were promised, sparking the first round of lawsuits.

The next wave of layoffs happened two weeks later with the now-infamous "Fork in the Road" email.

"Going forward, to build a breakthrough Twitter 2.0 and succeed in an increasingly competitive world, we will need to be extremely hardcore," Musk wrote to the remaining employees. "This will mean working long hours at high intensity ... If you are sure that you want to be part of the new Twitter, please click yes on the link below."

Musk gave them a next-day deadline and said anyone who declined would receive three months of severance. Ultimately, 2,492 employees — some 69% of the workforce — opted in, according to Walter Isaacson's biography of Musk.

More than 1,000 employees did not, and were laid off the following day, Liss-Riordan says. She is trying to get those clients severance pay, which she says Twitter doesn't want to do because it claims that they voluntarily resigned.

Musk has argued in court filings that there is "no such thing" as a Twitter severance plan. He won an early legal victory in July 2024, when a district judge in San Francisco dismissed a \$500 million severance lawsuit over her lack of jurisdiction (the case was not one of Liss-Riordan's). But other lawsuits regarding Musk's business practices at X, Tesla and SpaceX — over allegations from retaliatory firings to gender discrimination — are in progress.

Liss-Riordan sees many similarities between the Twitter memo and the identically-titled Fork in the Road email that went out to over 2 million federal employees in late January, inviting them to resign by Feb. 6 and receive full pay and benefits through September.

While the email was sent by the U.S. Office of Personnel Management (OPM), many see it as the work of Musk — a close advisor to President Trump who is spearheading the White House's Department of Government Efficiency (DOGE), shaking up large swaths of the federal government and raising myriad legal questions.

"It's been very eerie watching what's been happening over the last week where he rolls out the same Twitter playbook now with the federal government," Liss-Riordan says.

"And he couldn't even come up with a new subject line for the email."

### **The Fork in the Road looks slightly different this time around**

The "Fork in the Road" email sent to federal employees has raised numerous legal questions and concerns, including whether OPM has the authority to give paid leave to other agency employees and whether the government has the money to follow through, given that Congress has only funded it through March 14.

OPM has responded to some of those through additional communications, including a webpage answering frequently asked questions. That guidance generated even more questions, however, including about whether employees can legally take another job while still on the federal payroll.

Liss-Riordan says Twitter used a similar strategy to address its employees' concerns. "It's kind of funny, we've been drowning for the last two years in FAQs — we have all this evidence, what's in these various FAQs that Twitter put out," she says, referring to her work with former Twitter employees. "So when I saw they put out FAQs for the federal employees, I was like 'Oh my god, more FAQs.' "

But she says there are also a few key differences between the two Fork memos and how they're being carried out.

"I do think he changed some things around, which I take some credit for, maybe making a point of through our litigation, that maybe he tried to correct some of his errors this time around," she says.

For one, Twitter employees were given only 24 hours to make their decision, while federal employees get nine days. It's longer, but still not a lot of time to make a huge career decision, especially with so many unknowns, Liss-Riordan says.

Another difference is that government employees are being offered much more in severance — eight months compared to Twitter's one month. That could be harder for people to pass up.

"Eight months severance is a little out of the ballpark for just an across-the-board severance offer," Liss-Riordan says. "On the other hand, there is widespread concern

that neither Elon nor the president have the power to actually make this offer and promise to these employees."



*Protestors gather outside of the Office of Personal Management headquarters in Washington, D.C., to protest Elon Musk's actions. Michael Nigro/Pacific Press/LightRocket via Getty Images*

## **Lessons federal employees can learn from Twitter**

A number of labor attorneys and federal employee unions have [strongly urged workers](#) not to accept the offer, given the lack of clarity.

Based on her experience with Twitter, Liss-Riordan is encouraging federal employees to take certain practical steps, like printing out any important documents or personal information stored on their work computers, sending questions to the proper authority in writing and using phone calls or Zoom for other sensitive conversations.

"Twitter is very aggressively pursuing discovery to get all kinds of text messages, communications, social media, direct messages that employees sent out around the

time of the layoffs and the Fork in the Road so that they can try to pick them apart and find any evidence they might use in defense of their clients," she adds. "You don't need to put every thought in writing somewhere. It might be evidence in a case one day."

Liss-Riordan says the Fork in the Road is concerning not just for employees but for anyone who cares about the state of the federal government.

"This is just such a helter-skelter way of reducing a workforce, which, again, is another similarity to what Elon did at Twitter," she says, adding that Musk's leadership team had very little understanding of peoples' jobs when they laid them off and even tried to rehire some of them later.

At the same time, she acknowledges that many federal employees fear being targeted, citing the "veiled or not-so-veiled threats" that DOGE will put entire contingents of the federal workforce on the chopping block anyway.

"Employees are being warned, essentially, that if they don't take this resignation, they may just be terminated tomorrow and then get nothing — which was also a concern for a lot of the Twitter employees who were faced with this Fork in the Road," she adds.

At Twitter, a number of employees opted in to the Fork in the Road, only to get fired shortly afterwards (some on the night before Thanksgiving), she says.

Today, many rank-and-file federal employees are worried about getting fired because of their political affiliation, whether real or perceived. This week, for example, the FBI gave the Justice Department a [list of employees](#) who worked on the Jan. 6

investigation. FBI agents have filed two lawsuits in federal court seeking to block their personal information from becoming public.

## **Like with Twitter, the fork may lead to court**

Liss-Riordan says she is already talking to federal workers about political discrimination claims, which she believes can be brought in court under the First Amendment.

"So we're looking into that and making plans to help employees who find themselves in this situation," she adds.

She says her experience suing Twitter has taught her that Musk — the world's richest man — is willing to put a lot of money into court fights, between the two major law firms representing the company and the costs of the thousands of individual arbitrations that Twitter has to cover.

Trying to defend all these claims individually, she says, is not very cost-efficient — an irony for the man running DOGE.

"One thing is for sure, that as much as Elon professes to be all about cost cutting, one place that he doesn't cut costs is in hiring lawyers," Liss-Riordan says.

This time around, she worries that any legal claims that result from OPM's Fork in the Road process could leave the federal government — and, therefore, taxpayers — on the hook for legal fees and damages.

On Tuesday, [a coalition of unions](#) including the American Federation of Government Employees and National Association of Government Employees, filed [a legal challenge](#) in a federal court in Massachusetts seeking to block the voluntary

resignation offer until the OPM can "provide adequate legal justification for the Fork Directive and adequate legal assurance of its terms."

Liss-Riordan says it's outrageous that Musk — who was not appointed or elected to the government — could "just run roughshod over our institutions and get the government potentially in a whole lot of legal hot water."

But while the rule of law is being tested at the moment, she says, she still believes in it: "I have faith in our legal system that this cannot continue."