

Congress of the United States
House of Representatives
Washington, DC 20515-0506

August 7, 2025

The Honorable Scott Kuper
Director
U.S. Office of Personnel Management (OPM)
1900 E Street NW
Washington, DC 20415

Subject: Request for Clarifications Regarding OPM’s Guidance on “Reasonable Accommodations for Religious Purposes” and Memorandum on “Protecting Religious Expression in the Federal Workplace”

Dear Director Kuper,

We are writing to express our strong objections to the Office of Personnel Management’s (OPM’s) latest assaults on the First Amendment. OPM’s recent guidance on “Reasonable Accommodations for Religious Purposes”¹ and its memorandum “Protecting Religious Expression in the Federal Workplace”² are affronts to the U.S. Constitution’s Establishment Clause, the core principle of separation of church and state, and the religious freedom of federal workers across the country.

The July 16, 2025 OPM guidance strongly encourages agencies and supervisors to grant federal employees the use of telework and flexible scheduling but only for religious accommodations. OPM’s subsequent July 28, 2025 memo goes further by explicitly reinforcing the right of federal employees—regardless of what position of power they hold—to proselytize others in the workplace.

Although OPM’s July 28 memo suggests that President Trump will “vigorously enforce the historic and robust protections for religious liberty enshrined in Federal law,” the memo lays the foundation for the opposite effect. It ignores the very existence of the Establishment Clause, which prohibits officials from imposing their religious beliefs on their colleagues or members of the public seeking government services. It will give religious zealots free rein to proselytize up to the point of infringement on the rights and beliefs of their colleagues and members of the public who may hold different beliefs. In contrast to prior guidelines on religious expression in the federal workplace that carefully accounted for power dynamics between employees and their

¹ U.S. Office of Personnel Management. (2025, July 16). *Reasonable accommodations for religious purposes* [Memorandum]. <https://www.opm.gov/policy-data-oversight/latest-memos/reasonable-accommodations-for-religious-purposes/>

² [Protecting Religious Expression in the Federal Workplace | CHCOC](#)

supervisors, the July 28 memo specifically states that the “constitutional rights of supervisors to engage in such conversations should not be distinguished from non-supervisory employees by the nature of their supervisory roles.” Employees seeking professional advancement or members of the public seeking essential services could feel compelled to feign agreement with a proselytizer due to fear of retaliation or adverse treatment.

The Establishment Clause requires that the government be neutral when it comes to religion, neither favoring nor disfavoring any particular religion or religion in general. But OPM’s July 28 memo promotes the primacy of Judeo-Christian sects with numerous references to the Bible, churches, crosses, crucifixes, the Star of David and mezuzahs—but not a single reference to the symbols or relevant texts of other prominent religions practiced in the United States, including Islam, Buddhism, and Hinduism.

Additionally, while religious accommodations are a longstanding feature of federal employment law, the language and policy implications of the July 16 guidance raise troubling constitutional questions that suggest religious favoritism and preferred treatment are now the baseline policy of the Administration. The most troubling language in the Reasonable Accommodations guidance states that “it is in the interest of the Federal Government to recruit and retain highly qualified employees of faith.” This appears to suggest a preference for religious employees over non-religious ones, which marks a serious and dubious departure from longstanding constitutional and merit-based principles in federal employment.

The July 16 guidance also appears to partially reverse course on prior directives to curtail remote and hybrid work. On his first day in office, President Trump issued a memo ordering agencies to “take all necessary steps” to terminate remote-work agreements.³ Yet, OPM’s latest guidance allows federal employees to work remotely, and encourages agencies to “adopt a generous approach,” but only for those whose personal religious beliefs require it. While reintegrating workplace flexibility for all federal workers would be a welcome policy shift, tailoring this flexibility exclusively for religious employees suggests a preferential framework that excludes or disadvantages non-religious employees and appears to privilege religious employees over their non-religious colleagues seeking accommodations for other reasons. For example, the Administration has signaled plans to restrict telework and other reasonable accommodations for employees with disabilities at the Veterans Affairs Department as part of an effort to “maximize” in-person work.⁴

We respectfully request a written response to the following questions no later than September 5, 2025.

1. In 2017, Attorney General Jeff Sessions endorsed the Clinton Administration’s 1997 Guidelines on Religious Exercise and Religious Expression in the Federal Workplace,⁵ providing useful examples of permissible religious accommodations in a Department of

³ <https://www.whitehouse.gov/presidential-actions/2025/01/return-to-in-person-work/>

⁴ U.S. Department of Veterans Affairs. (2025, June 5). Reasonable accommodation guidance for supervisors. Office of Resolution Management.

⁵ <https://clintonwhitehouse4.archives.gov/WH/New/html/19970819-3275.html>

Justice memo.⁶ To what extent do OPM's July 16 and July 28 memos align with and reflect the 1997 Guidelines and AG Sessions 2017 memo?

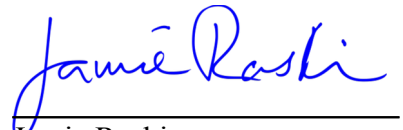
2. Has OPM implemented or does it plan to implement a policy to prioritize or favor religious applicants and employees in hiring and retention over non-religious applicants and employees?
3. How does OPM intend to protect non-religious applicants and employees from being disadvantaged in hiring and promotion?
4. The memorandum on 'Protecting Religious Expression in the Federal Workplace' states that supervisors may engage in religious conversation, proselytization, and invite employees to religious services. How does OPM intend to safeguard employees who do not share their supervisor's faith—or who are not religious at all—from feeling pressured, isolated, or disadvantaged in their workplace relationships or career opportunities as a result of such proselytizing?
5. How do these new policies comply with the First Amendment's Establishment Clause?

A clear understanding of these points is crucial to address mounting concerns about the harmful ramifications for federal workers and to ensure adherence to fundamental constitutional principles. Thank you for your prompt attention to this matter.

Sincerely,



Jared Huffman
Member of Congress



Jamie Raskin
Member of Congress

⁶ <https://www.justice.gov/archives/opa/press-release/file/1001891/dl?inline=>