

# CES NEWSLETTER

## July 2023



LEAP Conference participants, Albuquerque, June 2023

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## Feature Article

### Strategies and Guidance for H-1B Workers Facing Layoffs or Job Eliminations

Since the beginning of 2023, many companies have announced waves of staff reductions that have cut significantly into their workforce.<sup>1</sup> Amazon has announced layoffs of 18,000 employees; Google 12,000; and Microsoft 10,000, to give but three examples.

These layoffs hit foreign nationals working for these companies especially hard. Many of these workers are in the United States on H-1B visas with their spouses and children in H-4 dependent status. Many foreign workers are surprised to discover that they may have to leave the US after they lose their job. Yet, laid-off foreign workers with H-1Bs have some options available to them.

H-1B visas are portable, meaning that the foreign national does not have to repeat the lottery process; they can take (port) their H-1B visas with them if they can find a new employer that will petition to assume sponsorship of the

visa.<sup>2</sup> Regulations permit a discretionary grace period that allows workers in H-1B classifications (and their dependents) to be considered as maintaining status following the cessation of employment for up to 60 consecutive calendar days or until the end of the authorized validity period, whichever is shorter (see 8 CFR 214.1(l)(2)).

Following this period, workers maintain their nonimmigrant H-1B status if a new employer timely files a change of employer petition on their behalf. Moreover, portability rules permit workers currently in H-1B status to begin working for a new employer as soon as the employer properly files a petition with USCIS, without waiting for the petition to be approved.<sup>3</sup>

Where layoffs are expected, workers on H-1B visas may want to be proactive in locating a new sponsoring employer. The sixty-day grace period is sometimes not enough to find a new employer, and to prepare and submit the required Form I-129 transfer application and an approved labor condition application (LCA) to the USCIS. In these cases, the foreign worker may need to depart the US.



In cases where the displaced worker is trying to stay in the US the foreign worker may need to be flexible on the salaries proffered by potential sponsoring employers in order to retain H-1B valid status. While any negative salary adjustment is a challenge, the H-1B visa, as stated above, allows the foreign national to search for new jobs while currently employed with the sponsoring employer. Therefore, it is best to prioritize visa validity over salary when conducting the job search.<sup>4</sup>

If a foreign worker cannot secure a new employer to sponsor their H-1B visas in a timely fashion, they may be able to remain in the United States if their application is filed to change to a new nonimmigrant status, such as F-1 or B-2 visitor nonimmigrant status, or their status becomes dependent on a spouse (e.g., H-4, L-2), if they apply for adjustment of status, if eligible. It is important to note, that the application to change status to a different non-immigrant category, just like the petition to transfer to a different employer, must be received by United States Immigration and Citizenship Services (USICS) within sixty (60) days from the termination of employment and before the I-94 record expiration, whichever is shorter.

If the foreign national can apply and be accepted into a degree-granting program at a higher education institution before their H-1B (or H-4) status expires, they can obtain F-1 student status which will enable the foreign worker to remain in the U.S. for the duration of their program. Eligible students can engage in up to 12 months of OPT employment authorization before completing their academic studies (pre-completion) and/or after completing their academic studies (post-completion). Students who earned a degree in certain science, technology, engineering and math (STEM) fields, may apply for a 24-month extension of post-completion OPT employment authorization (STEM OPT).<sup>5</sup>

It is also possible for an H-1B worker to apply to change of status to B-2 to allow for travel in the United States to engage in tourism before returning home. This option would allow the foreign national to extend their stay in the United States for up to six months.<sup>6</sup> As these visas are intended for tourism and short stays, the foreign national cannot engage in employment.

Workers who are unable to timely file a change of status application or find a new employer who timely files a change of employer petition for the worker, may be required to depart the United States at the end of this grace period.

Whatever path the laid-off foreign worker chooses, it is essential that she or he remain in valid H-1B status at all times when they are physically present in the United States and avoid any unauthorized stay, also known as "status overstay."

The foreign national will experience severe consequences if she or he overstays their visa validity period. If the overstay is between 180 days and one year, USCIS may impose a three-year bar before the foreign national can reenter the U.S. If the foreign national's overstay exceeds one year, they may be prevented from reentering the U.S. for ten years.

Layoffs and job eliminations are inevitably stressful, but foreign nationals on H-1B visas do have options worth pursuing if they wish to continue to live and work in the United States. The crucial point is they should start pursuing one or more of these options as soon as they are notified of a layoff or job elimination. Time is of the essence and the foreign worker needs to have a proactive approach in order to achieve a viable solution.

- by Anna Mikolajczak



## Sources

<sup>1</sup> Simon Hankinson, "Amid Big Tech Layoffs, Demand Still High for Foreign Workers with H-1B Visas. Something Doesn't Add Up." Heritage Foundation, March 6, 2023: <https://www.heritage.org/jobs-and-labor/commentary/amid-big-tech-layoffs-demand-still-high-foreign-workers-h-1b-visas>

<sup>2</sup> <https://www.dol.gov/agencies/whd/fact-sheets/62w-H1b-portability>

<sup>3</sup> American Competitiveness in the Twenty-First Century Act (AC21): [https://en.wikipedia.org/wiki/American\\_Competitiveness\\_in\\_the\\_21st\\_Century\\_Act](https://en.wikipedia.org/wiki/American_Competitiveness_in_the_21st_Century_Act)

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<https://documentedny.com/2023/02/08/h1b-visa-layoffs-lottery-twitter-facebook-amazon-meta/>

<sup>5</sup> <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-opt-for-f-1-students>

6

<https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visitor.html>

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

## David's Welcome to 23-24 School Year

Dear New Mexico Superintendents and Staff,

I hope this letter finds you well and excited for the new school year. As we begin to embark on another year of learning and growth, I wanted to take a moment to express my enthusiasm for the success that CES has experienced through our continued support and trusted source of services, resources, and support for staff, superintendents, and students in New Mexico school districts.

At CES, we take great pride in the partnerships we have formed with educators across the state. Our organization is committed to providing greater impact, agility, and relevance with the services we provide to students and staff. As we look ahead to the challenges of a changing educational landscape, we are dedicated to exploring creative and innovative ways to advance the educational experiences of students and staff across the state.

I want to take this opportunity to thank you for your continued support in our efforts. Your input and contributions have been invaluable in helping us to expand existing programs and develop new ones to meet the evolving needs of students and staff throughout the state.

We understand that the past year has been exceptionally challenging for all of us, and we are eager to build on the successes of the past year and address any challenges that may arise in the coming months. We are committed to maintaining our position as a trusted and reliable partner and will continue to provide the necessary support and resources to ensure our mutual success.

Once again, thank you for your continued support in our efforts. We are poised and eager to take on the new school year with enthusiasm and a commitment to excellence.

Sincerely,  
David Chavez, Executive Director



# Order Corner

What are the various purchasing options using CES Contracts?

1. **Direct Purchase** (Upload POs made out to Vendor in Digital Bluebook)

When you log into the CES Digital Bluebook, using your entity account, check to see if the vendor contract you are using has a "Turquoise" Button for their contract(s).

If it has a "Turquoise" Button, to the right of the contract you are using, the Purchase Order and quote are uploaded in the bluebook for CES Compliance Check. Please do NOT send PO's directly to the Vendor.

Submit PO via Direct Purchase

2. **Traditional Purchase** (Usually Construction-Related)

Construction work, through CES contracts, will still occur in the traditional manner of sending purchase orders to CES.

The Purchase Order is made out to CES and uploaded, using one of the following upload options. (with the quote documents) in the Digital Bluebook. These contracts will have orange buttons to the right.

Traditional Purchase

Traditional Purchase (Gordlan)

Traditional Purchase (RSMMeans)

3. **"Shop the Vendor" (Vendor Website specific to CES Pricing)**

The following CES Contract holders have their own websites that specify CES Contract Pricing, and you can order directly from them through their CES Pricing. Your PO is made out to the Vendor, and a copy may or may not be required by the vendor.

Contact the person(s) listed in the Digital Bluebook for these companies for ordering information and to ensure that they have you set up to receive CES Pricing.

These contracts will have a "Brown" Button to the right of the contract line.

Shop Vendor Portal

4. **"Contact the Vendor"**

The five contract holders below work directly and individually with the members in their specialized areas. These vendors are to be contacted for ordering instructions, and you can request their services under the CES contract(s) they hold.

All interactions will be directly with the vendor.

- Aflac Group
- First Financial Group of America
- Trusted Capital Group
- Competitive Benefits Administrators
- LegalEASE

Contact the Vendor

HERE IS A HELPFUL VIDEO LINK TO PURCHASING OPTIONS IN THE DIGITAL BLUEBOOK:

<https://www.youtube.com/watch?v=gGmtHOdlrZc>



## Procurement News

- 1) Contract Expirations: None
- 2) Contract Extensions: None
- 3) Name Changes/Change of Ownership:  
Flaghouse → School Specialty  
MRWM Landscape Architects → Pland Collaborative
- 4) New Contract Awards:

RFP	Awardee	Contract Number
Sole Source	Physics in a Box	2023-23-C111-ALL
Sole Source	StarLink Satellites and Accessories	2023-24-C111-ALL
GSA	Honeywell	2023-22-S111-ALL
GSA	EagleView Technologies	2023-25-S111-ALL

### 5) Current & Upcoming Solicitations:

RFP #	RFP Description	Release	Due	Award
2023-19	Utility Vehicles, Grounds Maintenance Equipment	5/22/23	6/23/23	7/25/23
2023-20	Structured Cabling Services	5/22/23	6/23/23	8/01/23
2023-21	Manufactured Housing	5/22/23	6/23/23	7/25/23

### 6) News: CES/AT&T

*FirstNet School Safety Bundle* is now available in NM. Pricing is in the BlueBook.

\*CES is the only cooperative in the US where the *FirstNet School Safety Bundle* can be purchased.

## Special: Playground Research

### New doctoral thesis reveals unexpected findings on tween girls' physical activity in playgrounds



Globally, 85% of tween girls are inactive and don't get the recommended 60 minutes of daily physical activity.

150 girls were monitored on school playgrounds, and the data found there is convincing. When given the right, age-appropriate play designs, tween girls are, in fact, very physically active.

To view a video re this research, visit [this site](#).

## Calendar of Events

7/1 National Postal Workers Day  
7/3 – 8/11 Dog Days of Summer  
7/4 Independence Day  
7/13-15 NMSBA Leadership Retreat –  
Cloudcroft  
7/17-20 NMCEL Summer Conference  
7/27 National Korean War Veterans Armistice  
Day

JULY 2023						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



## Job Opportunities

CES Ancillary Positions will be re-listed in next month's newsletter.

Other CES Openings:

- Finance Manager
- Grant Management Director
- Professional Services Staff
- Purchasing Specialist

Watch for CES job postings on [www.indeed.com](http://www.indeed.com).

## NEW CES STAFF



Hello! My name is Rosyo Celeste Trejo Varela, and I am the new Receptionist at CES. I celebrate my birthday in July, my favorite color is pink, I love dogs and I love to travel. I was born in Denver and raised in both Albuquerque and in Chihuahua, Chihuahua, Mexico. I was a Job File coordinator at a restoration company prior to joining CES. I look forward to assisting CES members, vendors, visitors, etc.



# Bulletin Board

Join us for the New Mexico Coalition of Educational Leaders Connections Conference



July 17-20, 2023  
Embassy Suites by Hilton  
1000 Woodward PI NE,  
Albuquerque, NM

A large, stylized yellow star with circuit-like patterns is centered on a blue background. The star has four points and is composed of various geometric shapes and lines. In the center of the star, the text 'UT CO AZ NM' is written in a small, sans-serif font.

4 Corners Computer Science Convening

**FREE CS CONFERENCE**  
**FT. LEWIS COLLEGE**  
*Durango, CO*  
**JULY 2023**  
*Save The Dates*

**09** JULY 2023 - **11** JULY 2023

More Information  
<https://tinyurl.com/cbe9eja9>



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