



# ORACLE LAYOFF RESOURCE GUIDE

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Practical guidance for Oracle workers navigating layoffs — severance, insurance, immigration, job search, and collective action.

**Quick start:** If you want the simplest path forward, skip to [Section 11: “Next Steps & Resource Directory.”](#) That section gives you a step-by-step timeline of what to do immediately, within the first week, and over the next 60 days.



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## SUPPLEMENTAL GUIDES

**Guide A: Severance Negotiation Tactical Guide**

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**Guide E: Immigration Survival Manual: Navigating Layoffs on H-1B & F-1 Visas**

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# 1. INTRODUCTION AND ORIENTATION

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If you're reading this, you're likely dealing with uncertainty—about your income, your health insurance, your visa status, or what you're supposed to do next. You may feel confused, frustrated, or even angry. All of that is normal. Layoffs often happen quickly, with limited clarity and little time to process what comes next.

This guide is designed to help you **move forward with clarity**. It pulls together the most common questions raised by Oracle workers and provides **clear, actionable steps**, grounded in legal guidance and real-world examples. It is not legal advice, but it is meant to help you understand your options and make informed decisions quickly.

You do not need to read this entire document right now.

**If you want the simplest path forward, skip to [Section 11: “Next Steps & Resource Directory.”](#)** That section gives you a step-by-step timeline of what to do immediately, within the first week, and over the next 60 days.

For everything else, use this guide as a reference. Different sections apply depending on your situation:

If you have a severance agreement - go to [Section 2](#)

If you're worried about health insurance - go to [Section 3](#)

If you're on a visa - go to [Section 6](#)

If you want to understand your options beyond individual decisions - go to [Section 9](#)

Where possible, sources are cited so you can verify information yourself.

You are not the only person navigating this. Many of the insights in this guide come directly from other workers asking the same questions you likely have right now.

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## 2. UNDERSTANDING YOUR SEVERANCE AND LEGAL RIGHTS

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### READING THE SEPARATION AGREEMENT

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A separation agreement typically outlines: (1) the amount and form of severance pay, (2) the schedule of health-insurance coverage, (3) a release of claims against the employer, (4) non-disparagement and confidentiality clauses, (5) return of company property, and (6) the deadline for signing. Severance is usually offered in exchange for waiving the right to sue for termination-related claims. There is no universal formula for severance pay. A common rule of thumb in private practice is **one to two weeks of pay per year of service**, but neither federal nor



most state laws require any severance. Executives often receive more generous packages. The agreement may specify whether severance is paid as a lump sum or salary continuation; this matters because some states treat salary continuation as wages when assessing unemployment benefits.

Employees **aged 40 and older** are protected by the Older Workers Benefit Protection Act. A valid waiver of age-discrimination claims must provide at least **21 days to consider the severance offer** and allow **7 days to revoke signature after signing**. Make sure the document contains this language and that you are given the required time to review it.

## NEGOTIATION POSSIBILITIES

Severance terms are not always take-it-or-leave-it. If you believe your package is below industry norms or if the separation agreement contains problematic clauses, consider negotiating. A negotiation might involve requesting:

**More weeks of pay** (especially if your tenure was long or if you were laid off while on leave). Unions and collective actions have secured higher severance; for example, Kickstarter United's agreement provided **four months of severance pay for all laid-off employees** and continued healthcare coverage for up to **six months**.

**Extended health-insurance coverage** (e.g., asking the company to cover COBRA premiums for several months). Companies sometimes concede this when pressed collectively.

**Accelerated vesting of unvested RSUs** or alternative compensation of equivalent value. Some workers have negotiated partial vesting or cash payments for unvested stock.

**Recognition of prior service** if you were rehired after a break. Several survey respondents reported that their severance was calculated only on the most recent tenure and asked Oracle to include earlier years of service.

**Training or upskilling support** (e.g., a stipend to pursue certificates during the job search).

When negotiating, it helps to **designate a small group of worker representatives** and present consistent demands. Workers who band together have more leverage and are less likely to be singled out than individuals acting alone. However, you may be asked to **trade silence (agreeing not to escalate or speak publicly)** in return for improved terms.

More information on this topic can be found in this tab: [Severance Negotiation Tactical Guide](#)

## WARN ACT AND REMOTE-WORKER CLASSIFICATION

The federal Worker Adjustment and Retraining Notification (WARN) Act requires employers with 100 or more full-time employees to provide **60 days' advance notice** of a mass layoff or plant closing affecting at least 50 full-time employees at a **single site of employment**. Remote work complicates



this requirement. Federal WARN regulations envision employees who travel or work at a client site but **do not explicitly address fully remote workers with a fixed at-home workspace**. Employers must decide whether a remote worker’s “single site of employment” is that person’s home, their assigned office or another location. Because the issue is unsettled in court, some companies err on the side of giving notice to remote workers, while others do not. Oracle has reportedly excluded many remote employees from WARN protections, prompting questions about misclassification. If you were classified as remote, review company communications to see whether you were regularly assigned to a specific office or reported to a particular manager; this may support an argument that your home was not your “single site of employment.”

## EXAMPLES OF COLLECTIVE BARGAINING AND CAUTIONARY TALES

Collective action can improve outcomes, but it comes with risks. In 2020 Kickstarter employees, who were unionized, negotiated an agreement that provided **four months of severance pay, recall rights for a year and continued healthcare coverage for up to six months**. On the other hand, activism can provoke retaliation. In 2025 the National Labor Relations Board accused Mozilla of **refusing to hire former Apple engineer Cher Scarlett because of her workplace activism**, leading to a \$300,000 settlement. The settlement was hailed as an important precedent, but the case illustrates the real career risks faced by high-profile organizers. When weighing public advocacy, consider both the potential gains (stronger severance, transparency) and the personal risks (blacklisting, future hiring hurdles).

*See for more detailed information on collective bargaining.*

## 3. HEALTH INSURANCE AND COBRA

Employer-sponsored coverage usually ends on your separation date or at the end of that month. The **Consolidated Omnibus Budget Reconciliation Act (COBRA)** allows you to continue the same health plan at your own expense. Key rules:

**60-day election window:** Once your employer-sponsored plan ends, you have **60 days to enroll in COBRA**. Even if you delay enrolling, coverage is retroactive to the day your previous coverage ended as long as you elect within the window.

**Duration:** COBRA coverage generally lasts **18 months**, but certain qualifying events (e.g., disability or divorce) can extend it to **36 months**.

**Cost:** You must pay the **entire group premium plus up to a 2% administrative fee**. Employers sometimes agree to subsidize this cost as part of a severance negotiation.

Alternatives include enrolling in a spouse’s plan, purchasing a Marketplace plan through healthcare.gov (which may offer subsidies based on income) or researching short-term insurance. If



you qualify for Medicaid due to reduced income, it may be cheaper than COBRA. Compare options before electing COBRA because you generally cannot switch until the next open enrollment period.

## ACTION STEPS

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**Determine when your current coverage ends.** The date may be listed in your separation agreement or HR portal.

**Watch for the COBRA notice.** Your employer must send a general notice and an election notice explaining your rights.

**Compare costs and coverage.** Use [healthcare.gov](https://www.healthcare.gov) to estimate premiums and subsidies. Consider whether you can join a spouse's or domestic partner's plan.

**Negotiate employer-paid coverage.** Ask whether the company will cover COBRA premiums for a period (e.g., three months) as part of your severance.

**Enroll within 60 days.** If you miss the deadline you lose the right to COBRA.

More information on this topic can be found at: [Health Ins Decision System for Laid-Off Workers](#)

## 4. UNEMPLOYMENT BENEFITS

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Unemployment insurance is a state program. Eligibility rules and benefit amounts vary, but typical requirements include earning a minimum amount in the past 12–24 months and actively seeking work. There is no federal unemployment system; instead, you file a claim with the **state where you worked**. If you worked remotely in a different state from where you live, contact your home state's unemployment office for assistance on where to file.

Because severance pay is sometimes treated as wages, it may **delay or reduce unemployment benefits**, especially when severance is paid as salary continuation. Check your state's rules and ask the unemployment agency whether your severance will affect your claim. Apply as soon as you are laid off; some states have waiting periods, and benefits are not retroactive.

## ACTION STEPS

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**Gather documents.** Have your separation agreement, Social Security number, and recent pay stubs ready.

**File with the state where you worked.** Use the state's online portal or phone number.



**Ask about severance impact.** If your severance is paid over time, unemployment benefits may not start until after the severance period ends.

**Maintain eligibility.** Keep records of job search activities and report any freelance income. Failure to meet job-search requirements can result in denial of benefits.

More information on this topic can be found at: [Unemployment Benefits & Financial Protection](#)

## 5. EQUIPMENT, DATA AND FINANCIAL DOCUMENTS

### RETURNING COMPANY PROPERTY

Once layoff notices go out, IT departments often lock accounts quickly. Prepare by:

**Backing up personal data:** Use your **personal** devices or accounts to copy personal contacts, tax documents and performance reviews. Avoid forwarding company emails to your personal email because communications may be monitored; instead, take screenshots or photos with your phone as recommended by layoff guides.

**Returning equipment:** Return laptops, badges, security tokens, credit cards and other property promptly. Retain proof of return (e.g., shipping receipt) to avoid being charged.

**Accessing W-2/1095-C forms:** If Oracle uses a vendor such as ADP, you may need to create a personal account to download these forms after your work credentials are disabled.

### 401(K), STOCK AND RSUS

You retain **100% ownership of your contributions** to your 401(k) plan, but employer matching contributions may vest over time. When leaving a job, you usually have four options:

**Keep the funds in your former employer's plan** (if your balance meets the minimum, typically \$5,000 or \$7,000). Pros: low administrative costs and access to institutional investment options; cons: you cannot make new contributions and are limited to the plan's investment menu.

**Roll the account into your new employer's 401(k)** if the new plan accepts rollovers. This consolidates retirement savings and delays taxes until distribution.

**Roll the account into an individual retirement account (IRA).** An IRA may offer more investment choices and lower fees.

**Cash out the account.** This option is typically discouraged because distributions may be subject to income tax and a 10 % early-withdrawal penalty if you are under 59½.



Decide quickly because delays can complicate a rollover and you may be forced to move small balances out of the plan. Separately, confirm how long you have to exercise any stock options and whether unvested RSUs will be forfeited or can be negotiated. If you believe the company misrepresented your 401(k) or stock rights, consult an employment lawyer.

## 6. IMMIGRATION AND VISA CONSIDERATIONS

Non-U.S. citizens may face additional pressure because loss of employment can jeopardize visa status. **Nonimmigrant workers in H-1B, E-1, E-2, E-3, L-1, H-1B1, O-1 and TN classifications** have a **60-day grace period** or until the end of the authorized validity period (whichever comes first) to either find a new employer, change status or depart the United States. USCIS clarified that **the grace period starts the day after termination** based on the last day for which a salary was paid. During this period you retain valid status but cannot work unless a new petition is filed. Severance payments do **not** extend the start of the grace-period clock. If you cannot secure sponsorship, you must depart the country before the grace period ends. Consult an immigration attorney as soon as possible; delays can have serious consequences.

For **F-1 students on STEM OPT** the rules differ. STEM OPT holders can accumulate up to **150 days of unemployment** across both the 12-month OPT period and the 24-month STEM extension. Exceeding 150 days violates status and **no additional 60-day grace period** is granted. If laid off while on OPT, contact your international student office to update your SEVIS record and discuss options such as transferring to another employer or enrolling in a new program.

Immigration advice is highly specific; always consult a qualified attorney before making decisions about leaving or staying in the country.

More information on this topic can be found at: [Immigration Survival Manual: Navigating Layoffs](#)

## 7. MENTAL HEALTH AND PERSONAL SUPPORT

Layoffs often produce grief, anger, relief or shame. Acknowledge these feelings and remember they are common. Support resources include:

**Employee Assistance Programs (EAPs):** Many employers provide short-term counselling and referrals.

**Online therapy platforms and crisis hotlines:** Services like BetterHelp, Talkspace, or the National Alliance on Mental Illness (NAMI) can provide help.

**Community support groups:** Tech Workers Coalition and local unions host peer-support meetings where people share experiences and strategies. Slack conversations from Oracle's layoff community



revealed that workers built informal networks to swap advice, vent and plan their next moves.

**Confidential communication channels:** Use encrypted tools such as Signal for sensitive discussions and be mindful that company email and Slack may be monitored.

More information on this topic can be found at: [Mental Health & Stabilization Guide](#)

## 8. PREPARING FOR THE JOB SEARCH

A layoff can also be an opportunity to reevaluate career goals. Prepare by:

**Updating your résumé and LinkedIn profile.** Highlight quantifiable achievements and skills.

**Networking.** Reach out to former colleagues, attend industry events, and join professional groups. Some communities, such as the Tech Workers Coalition, host webinars and mentorship circles.

**Upskilling.** Take advantage of free or low-cost courses on platforms like Coursera, edX, and internal company resources if offered. Survey respondents requested funds for upskilling and placement support—don't hesitate to ask HR whether Oracle offers any training stipend.

**Interview preparation.** Practice with peers, research target companies and consider contract or short-term roles while searching for a long-term fit.

**Financial planning.** Create a budget based on your severance and unemployment benefits. Understand health-insurance costs and plan for the possibility of several months without income.

## 9. COLLECTIVE ACTION AND ORGANIZING

Without a union, workers who band together still retain the power to negotiate collectively. Informal collective negotiation involves designating a group of representatives, drafting a clear list of demands and communicating them to the employer. The process typically looks like this:

**Secure communication.** Use non-company tools (Signal, ProtonMail) to organize meetings and share sensitive information.

**Identify grievances.** Survey participants highlighted remote WARN exclusions, short severance periods, miscalculated years of service, confusing DocuSign workflows, visa issues and 401(k) concerns.

**Choose spokespeople.** A small delegation prevents the company from bargaining with individuals separately.



**Draft demands.** Examples include longer severance, health-insurance extensions, accelerated RSU vesting and inclusion of remote workers in WARN notices.

**Present demands and negotiate.** Keep messaging consistent. Decide in advance whether you will accept non-disclosure clauses or silence in exchange for better terms.

**Document everything.** Keep records of communications and meeting notes in case legal questions arise.

Collective organizing is protected activity under U.S. labor law, but there can be risks. The case of Cher Scarlett, where Mozilla allegedly refused to hire a candidate because of past activism (settled for \$300 k), shows that retaliation is still a reality. Participants in public campaigns may face blacklisting or negative repercussions. Consider your risk tolerance and seek legal advice if you are considering a high-profile role. Organizations such as the **Tech Workers Coalition** and the **Emergency Workplace Organizing Committee (EWOC)** provide training and support for workers interested in collective action.

More Information on this topic can found in this tab: [Collective Action and Organizing](#)

## 10. FREQUENTLY ASKED QUESTIONS

This section distills common questions from Oracle survey respondents and Slack threads. Each answer points to the section of this guide where more detail can be found.

Question	Short Answer
<b>Why is my severance only five weeks?</b>	Employers are not legally required to pay severance. Packages vary by state and company; a rough norm is one to two weeks of pay per year of service. Check whether your years of service were calculated correctly and consider negotiating for more.
<b>Can I negotiate my final termination date or unvested RSUs?</b>	Sometimes. Ask HR to push back your termination date to extend health coverage and vesting. Request accelerated vesting or cash payment for unvested RSUs. See Understanding your severance and legal rights.
<b>Why didn't I receive WARN protection as a remote worker?</b>	The federal WARN Act requires notice for mass layoffs at a single site of employment but does not explicitly address fully remote workers. Companies interpret this differently; misclassification is an open legal question.
<b>What if I was on parental, disability or medical leave?</b>	The Family and Medical Leave Act prohibits employers from penalizing employees for taking leave or considering leave use in termination decisions. If you suspect discrimination, consult an employment lawyer.
<b>Can I get my unvested RSUs or have prior service counted?</b>	There is no legal requirement for employers to accelerate vesting or recognize prior service unless a contract says so. However, some workers have negotiated these points; collective action often has more leverage.



Question	Short Answer
How do severance and unemployment interact?	Severance paid as salary continuation may delay unemployment benefits. Check with your state's unemployment agency and apply promptly.
What happens to my 401(k)?	You can usually keep the account with your former employer, roll it into an IRA or a new employer's plan, or cash it out. Each choice has pros and cons; consider taxes and fees.
What are my health-insurance options after layoff?	COBRA lets you continue your plan for 18–36 months if you elect within 60 days. You must pay the full premium plus up to 2%. Marketplace plans and Medicaid may be cheaper.
How do I handle immigration issues after layoff?	H-1B and similar visa holders have a 60-day grace period starting the day after termination. F-1 STEM OPT holders can accumulate up to 150 days of unemployment total. Consult an immigration attorney.
Will organizing hurt my career?	Labor activism is protected, but retaliation still occurs. The 2025 case against Mozilla, which settled for \$300k, shows that employers sometimes refuse to hire activists. Weigh the benefits of organizing against potential risks.

## 11. NEXT STEPS & RESOURCE DIRECTORY

### PRACTICAL TIMELINE

#### Immediately (day 0–3):

**Back up personal data** with your own devices.

**Save copies of pay stubs, W-2s and benefit summaries** from Oracle portals.

**Contact an employment lawyer** if you have complex questions about severance, WARN classification or discrimination.

**Join support networks** (e.g., Tech Workers Coalition, Oracle layoff Slack) to connect with peers.

#### Within the first week:

**Review your separation agreement** and note deadlines (e.g., 21-day consideration period).

**File for unemployment** in the state where you worked.

**Compare health-insurance options** and decide whether to elect COBRA.

**Assess your financial position** and create a budget.

#### Within 60 days:

**Enroll in COBRA** if you choose that option.

**Complete any rollover of your 401(k)** or choose to leave funds in the Oracle plan.



**Decide whether to sign the separation agreement** before the deadline and, if negotiating, secure written amendments.

**Update your resume and network.** Register for job-search sites and training courses.

Beyond 60 days:

**Continue job search and upskilling.**

**Monitor immigration deadlines** if on a visa.

**Stay connected with support networks** and consider forming or joining unions or worker councils.

## RESOURCE DIRECTORY

Topic	Resources
<b>Severance and legal rights</b>	U.S. Equal Employment Opportunity Commission – <i>Employee rights and severance agreements</i> ; Hamilton Law Firm article on FMLA and RIF terminations.
<b>WARN Act</b>	Employment Law Worldview article on remote workers and WARN Act; DOL WARN Act compliance assistance (dol.gov).
<b>COBRA and health insurance</b>	U.S. Department of Labor – <i>COBRA Continuation Coverage</i> ; Healthcare.gov for Marketplace plans.
<b>Unemployment benefits</b>	USA.gov – <i>Unemployment benefits</i> guide; state unemployment offices.
<b>401(k) and retirement</b>	Vanguard – <i>What happens to your 401(k) when you quit your job?</i> ; IRS guidelines on rollovers.
<b>Immigration</b>	Greenberg Traurig article summarising USCIS guidance on the 60-day grace period; your school's international office (for F-1 holders).
<b>Worker organizing</b>	Tech Workers Coalition (techworkerscoalition.org); Emergency Workplace Organizing Committee (workerorganizing.org); Kickstarter United agreement details; Reuters coverage of Cher Scarlett case.
<b>Mental health support</b>	National Alliance on Mental Illness (nami.org); Crisis Text Line (text <b>HOME</b> to 741741); Employee Assistance Programs; local community support groups.

*This document is intended for informational purposes and does not constitute legal advice. Laws may change, and individual circumstances vary. Consult a qualified attorney or financial advisor for advice regarding your specific situation.*

**What's a Normal Amount of Severance Pay? - Zeff Law**

<https://www.zefflawfirm.com/insights/whats-a-normal-amount-of-severance-pay/>

**Q&A-Understanding Waivers of Discrimination Claims in Employee Severance Agreements | U.S. Equal Employment Opportunity Commission**



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<https://www.eeoc.gov/laws/guidance/qa-understanding-waivers-discrimination-claims-employee-severance-agreements>

**Kickstarter union reaches agreement with management for laid-off workers | The Verge**

<https://www.theverge.com/2020/5/2/21245092/kickstarter-union-agreement-laid-off-workers>

**Who to WARN? Does the WARN Act Apply to Fully Remote Employees? (US) | Employment Law Worldview**

<https://www.employmentlawworldview.com/who-to-warn-does-the-warn-act-apply-to-fully-remote-employees-us/>

**Mozilla will pay \$300K for refusing to hire activist Apple engineer | Reuters**

<https://www.reuters.com/legal/government/mozilla-will-pay-300k-refusing-hire-activist-apple-engineer-2025-01-15/>

**COBRA Continuation Coverage | U.S. Department of Labor**

<https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra>

**Unemployment benefits | USAGov**

<https://www.usa.gov/unemployment-benefits>

**A Layoff Guide - Collective Action in Tech**

<https://collectiveaction.tech/2022/a-layoff-guide-for-tweeps/>

**What Happens to Your 401(k) When You Quit a Job? | Vanguard**

<https://investor.vanguard.com/investor-resources-education/article/what-happens-401k-when-you-quit>

**USCIS Clarifies Start Date for Maximum 60-Day Grace Period Following Termination of Employment | Inside Business Immigration**

<https://www.gtlaw-insidebusinessimmigration.com/featured/uscis-clarifies-start-date-for-maximum-60-day-grace-period-following-termination-of-employment/>

**Stage 4: Maintain your F-1 status while on STEM OPT | International Students & Scholars**

<https://iss.ucmerced.edu/node/1316>

**RIF Fired on Leave: Is It Wrongful? | Hamilton Law Firm**

<https://ayeshahamiltonlaw.com/blog/2026/01/rif-termination-wrongful-termination-leave/>



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# SEVERANCE NEGOTIATION TACTICAL GUIDE

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## PURPOSE AND CONTEXT

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Being laid off is disruptive, but the terms of your exit aren't fixed. Employers often start with a low offer designed to protect their interests, not yours. This guide explains how to negotiate for a better severance package—whether you're advocating alone or as part of a group—and clarifies which items are negotiable, how to frame your requests, and when to seek professional help. It is not legal advice; consult an employment attorney for specific situations.

## 1. INDIVIDUAL VS COLLECTIVE NEGOTIATION

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**Individual negotiation (informal).** When you are not covered by a union contract, severance terms are negotiated directly with your employer. You discuss the offer, request changes and secure any concessions in writing. Your leverage comes from factors such as tenure, performance and potential legal claims. Because these conversations occur privately, they may suit people who prefer discretion, but they require preparation and persistence.

**Collective negotiation (formal or semi-formal).** When coworkers organize together, they can present unified demands and designate spokespeople to negotiate on everyone's behalf. Collective action can increase leverage—employers often prefer a single settlement rather than dozens of individual negotiations—and reduces the risk that one person becomes a “pariah.” Unionized workers like those at Kickstarter United negotiated four months of severance pay, continuation of healthcare for four to six months and recall rights for a year. Even without formal recognition, employees at Meta and Amazon organized petitions and shared spreadsheets to highlight disparities and push for better severance (e.g., extended benefits for visa holders). Collective negotiation may expose participants to visibility risks (see Section 8), but it can deliver improvements unattainable individually.

## 2. PREPARATION AND LEVERAGE

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**Gather documents.** Obtain your employment contract, employee handbook, commission plans, RSU/stock option agreements, performance reviews and the severance agreement. These documents reveal existing entitlements and highlight gaps you can negotiate.

**Understand typical formulas.** Many companies calculate severance as **one to two weeks of pay per year of service**. This is a baseline, not a legal requirement; longer tenures, senior roles and potential legal claims (discrimination, retaliation or contract violations) often justify higher payouts.

**Know your rights.** Under federal law, employees aged 40 or older must be given at least **21 days** to consider a severance agreement (45 days in group layoffs) and **7 days** to revoke their signature. Use this time to review the offer and negotiate without pressure. Do not sign immediately; you typically have a week or more even if you're under 40.

**Assess leverage.** Your negotiation position depends on tenure, performance, whether your role is critical to the company, the risk of legal claims and the employer's desire to avoid negative publicity. Layoffs, forced resignations and contract breaches create openings for better terms. If other coworkers are being laid off, compare offers; employers may adjust packages to maintain parity.

**Consult professionals.** If the agreement contains a broad legal release, non-compete clause or complex stock/RSU terms, speak with an employment attorney or financial advisor. Attorneys can also identify potential claims that increase leverage. Many lawyers offer flat-fee severance reviews.

### 3. WHAT'S NEGOTIABLE (AND WHAT ISN'T)

The initial offer rarely reflects the maximum the employer can provide. Most items below are negotiable; some are obligations the employer already owes you.

Item	Why it matters	Negotiation considerations (with sources)
<b>Severance pay</b>	Provides income while you transition.	Use the rule of thumb (one to two weeks per year) as a starting point. Employees with potential legal claims may negotiate higher payments. Ask for payment as a lump sum or salary continuation depending on your tax situation.
<b>COBRA/health insurance premiums</b>	Continuation of benefits is expensive if you pay full cost yourself.	Negotiate for the employer to pay some or all of your COBRA premiums for 3–6 months. Alternatively, request an extension of employer-sponsored coverage.
<b>Pro-rated bonuses and commissions</b>	Bonuses and commissions may comprise a large part of your compensation.	Employers often try to withhold bonuses and commissions if you leave before payout. Demand pro-rata payment for work already performed—these are earned wages, not discretionary.
<b>Accelerated vesting of stock options/RSUs</b>	Unvested equity can be valuable.	Ask for additional months of vesting (e.g., 3–12 months); your leverage is strongest during layoffs. Even partial acceleration can be worth tens of thousands of dollars.



Item	Why it matters	Negotiation considerations (with sources)
<b>Non-compete and non-solicit clauses</b>	Restrictive covenants can limit future employment.	Negotiate to eliminate these clauses or narrow their duration and geographic scope. Clarify any non-solicitation language.
<b>References and non-disparagement</b>	A neutral or positive reference affects future job searches.	Insist on a mutual non-disparagement clause and specify who can speak on the company's behalf. Obtain a written reference or a standardized script.
<b>Unused vacation/PTO payout</b>	Accrued paid time off is money you already earned.	Argue that unused PTO should be paid separately from severance. In some states, payout is legally required.
<b>Retirement plan vesting and benefits</b>	Retirement contributions and other benefits may be partially vested.	Ask for accelerated vesting or additional contributions to retirement plans. Request continued access to employee benefits (e.g., gym membership, career counseling).
<b>Outplacement services and career support</b>	Services like resume coaching or job placement help speed your job search.	Ask the employer to provide or fund outplacement services. This is often an inexpensive concession for the company.
<b>Recommendation letters and public statements</b>	Positive public statements can counter rumors and support your job search.	Request a written recommendation or a commitment from a specific leader to provide references.

**Non-negotiable items.** Final pay for hours worked, reimbursement of expenses and earned commissions are legal obligations and should not be part of the severance negotiation. Do not waive these rights.

## 4. FRAMING AND NEGOTIATION SCRIPTS

**Tone and approach.** Keep discussions professional and collaborative. Thank the employer for the offer, then calmly explain why you deserve better terms. Emphasize fairness and flexibility. Avoid ultimatums; instead, frame your requests as beneficial to both parties, such as agreeing to assist with transition work or signing a non-disparagement clause.

**Sample phrases** (adapt to your situation):

"I'd like to discuss some adjustments to the severance terms to better reflect my contributions to the company."

"Given my tenure and performance, I believe an extension of benefits or an increased payout would be fair."

"To help with the transition, I'd be willing to [offer assistance, sign a non-disparagement clause, etc.] in exchange for additional severance."



“I appreciate the severance package offered, and I’d like to discuss a few adjustments to better reflect my contributions and tenure. Given my [number of years] years of service and [specific accomplishments], I’d like to explore increasing the severance pay and extending benefits coverage. Is there room to adjust these terms?”

**Responding to employer tactics.** If you’re told “This is our standard package,” acknowledge the point but explain why your circumstances warrant adjustments. If pressured to sign quickly, state that you need time to review. When told “We don’t negotiate severance,” ask whether there has been flexibility in similar cases and emphasize your desire for a mutually beneficial outcome.

## 5. TIMING STRATEGY AND PROCESS

**Pause before signing.** Take time to evaluate the offer; the law requires employers to provide older employees at least 21 days (45 days in group layoffs) to review. Even younger employees often have a week or more.

**Review and compare.** Carefully read every clause, including release of claims, non-compete, non-disparagement and confidentiality provisions. Compare your offer with those of coworkers (where permissible).

**Consult professionals and prepare a counteroffer.** Discuss the offer with an attorney or trusted advisor. Draft a list of desired changes and be prepared to justify each request with reasons (tenure, accomplishments, legal risks, etc.). Plan to send a written counterproposal summarizing your requests.

**Negotiate and document.** Conduct conversations via email or in meetings, maintaining a collaborative tone. After reaching agreement, ensure all terms are documented in writing. Do not rely on verbal promises.

## 6. INDIVIDUAL VS COLLECTIVE NEGOTIATION: COMPARISON

	Individual negotiation	Collective negotiation
<b>Structure</b>	One-on-one discussions with HR or management.	Group of affected employees (with or without a formal union) presents unified demands through designated representatives.
<b>Leverage</b>	Based on personal tenure, performance and potential legal claims.	Amplified by numbers and potential public scrutiny; employers may prefer a single settlement to avoid bad press.



	Individual negotiation	Collective negotiation
<b>Outcomes</b>	May yield incremental increases in pay, extended benefits or release of restrictive clauses depending on negotiation skills and leverage.	Can achieve broader improvements for all workers. For example, Kickstarter United secured four months' severance, extended healthcare coverage and recall rights for laid-off employees.
<b>Risk</b>	Lower visibility; you're less likely to be singled out, but outcomes are limited to your own package.	Greater visibility; potential for retaliation or blacklisting, especially if you are a public spokesperson. However, the group context offers solidarity and reduces individual exposure.
<b>Suitability</b>	Useful if you're negotiating a unique role or have distinct leverage.	Best when multiple workers face similar terms and want consistent improvements.

## 7. RED FLAGS AND PITFALLS TO AVOID

**Signing under pressure.** Don't let "this is our standard package" or "you must sign today" force you into a quick decision; you typically have time to review and negotiate. Employees over 40 must receive a 21-day review period and 7-day revocation window.

**Waiving rights unknowingly.** Severance agreements often require broad releases of claims. Ensure you understand what you're giving up, especially regarding discrimination, retaliation, unpaid wages or FMLA claims. Seek legal advice if necessary.

**Overlooking restrictive covenants.** Non-compete and non-solicitation clauses can severely limit future job opportunities. Negotiate to eliminate or narrow them.

**Failing to negotiate bonuses, commissions and equity.** Employers may try to forfeit bonuses and commissions; these are earned wages and should be requested separately. Don't ignore unvested stock; negotiating a few months of accelerated vesting can be extremely valuable.

**Relying on verbal agreements.** All negotiated terms must be documented in writing. If it's not in the contract, it may not be enforceable.

**Letting emotions dictate strategy.** Stay calm and professional. Expressing anger to HR may make negotiation harder. Vent outside the negotiation room if needed.

## 8. DECISION FRAMEWORK: SHOULD YOU NEGOTIATE AND AT WHAT LEVEL?

**Assess personal needs.** How long can you sustain yourself without pay? Do you need extended health coverage? Are you close to another vesting milestone? Understanding your priorities helps you decide what to negotiate.



**Evaluate leverage.** Consider tenure, performance reviews, any legal claims and the company's financial or reputational concerns. High performers or long-tenured employees often have more leverage.

**Decide on participation level.** If your goal is a modest change (e.g., extra weeks of pay or extended benefits), an individual negotiation may suffice. If you and colleagues want structural improvements (e.g., standardizing severance across teams or addressing visa issues), a collective approach may be more effective. Evaluate your comfort with visibility and potential career risks.

**Plan for professional support.** Complex negotiations involving non-compete clauses, stock vesting or discrimination claims warrant legal counsel. Lawyers can identify additional leverage and help you avoid hidden pitfalls.

## CONCLUSION

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Negotiating your severance package is about more than securing a few extra weeks of pay; it's about safeguarding your financial stability and future career. Employers' first offers are rarely final. By understanding your leverage, preparing thoroughly and framing your requests professionally, you can often improve the terms. When multiple employees are affected, organizing collectively can achieve even greater gains, as demonstrated by campaigns like Kickstarter United. Whether negotiating alone or with others, take the time to review, seek advice and document every agreement—your next chapter starts with the exit you secure today.

### **Severance Negotiations: 7 Key Items to Maximize Your Payout**

<https://macdonaldemploymentlaw.com/blog/hidden-money-severance-negotiation>

### **How to Negotiate a Severance Package (Examples Included!) – Custom Career Content | Toppel Career Center | University of Miami**

<https://customcareer.miami.edu/blog/2025/03/27/how-to-negotiate-a-severance-package-examples-included/>

### **May Day Severance Agreement – Kickstarter United**

<https://kickstarterunited.org/may-day-severance-agreement/>

### **How to Negotiate a Better Severance Payout - Synchrony Bank**

<https://www.synchrony.com/blog/banking/how-to-negotiate-severance-payout>

### **How to negotiate severance: 5 tips | Prudential Financial**

<https://www.prudential.com/financial-education/how-to-negotiate-severance>



# HEALTH INSURANCE DECISION SYSTEM FOR LAID-OFF WORKERS

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This deep-dive guide expands on the main layoff resource by providing a structured system to help workers choose a health-insurance option after losing employer coverage. Each section includes decision points, cost comparisons, timing traps and tips for maintaining care.

## 1. UNDERSTAND YOUR CURRENT COVERAGE

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Before evaluating options, confirm **when your employer-sponsored coverage ends**. Many companies terminate coverage at the end of the month in which you leave; others end it immediately on your last day. Knowing the exact end date is crucial, because missing the deadlines below can leave you uninsured.

### EMPLOYER NOTIFICATION

**Qualifying event notice** – Employers must notify their health plan of a layoff or reduction in hours within **30 days**.

**COBRA election notice** – Once the plan is notified, it has **14 days** to send you a COBRA election notice.

### COVERAGE END DATE

If the company ends coverage immediately, COBRA will retroactively cover you once you elect it, but you must pay premiums back to the date your plan ended.

If coverage extends through the month's end, you have more time to decide on COBRA versus Marketplace or Medicaid, but don't wait; special-enrollment windows close quickly.

## 2. OVERVIEW OF OPTIONS

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The main options after a layoff are:



**COBRA continuation coverage** – stay on your employer’s plan and pay the full premium (employer + employee share) plus up to a 2 % administration fee.

**Marketplace plan** – buy a policy through the ACA Marketplace. Special-enrollment rules apply, and subsidies may reduce the cost if your income qualifies.

**Medicaid** – a state program providing free or low-cost coverage to those with incomes below ~138 % of the federal poverty level (FPL) in states that expanded Medicaid.

**Spouse’s or domestic partner’s plan** – enroll in a partner’s employer plan. If this plan is considered “affordable” (employee premium for self-only coverage < 9.96 % of household income), you will not qualify for Marketplace subsidies.

**Short-term plans**– temporary plans that may fill a gap but often exclude pre-existing conditions and essential benefits.

## 3. DECISION TREE: CHOOSING THE RIGHT PATH

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Use the following questions to identify the best option. (For complex situations—such as ongoing medical treatments or visa issues—see the detailed considerations below.)

### STEP 1 – ARE YOU ELIGIBLE FOR MEDICAID?

**Calculate household income for the calendar year.** If your projected annual income is **below 138 % FPL** (approx. \$15,960 for an individual in 2026), you may qualify for Medicaid in states that have expanded it.

**If yes**, apply for Medicaid. It is often free or low cost and has no premiums. Once approved, it can retroactively cover medical bills back to the date of application.

**If no**, proceed to Step 2.

### STEP 2 – DO YOU NEED CONTINUOUS CARE (ONGOING TREATMENT OR UPCOMING SURGERY)?

**Yes, I need to keep my doctors and prescriptions** – COBRA may be the safest option because it preserves your existing network and drug coverage. Marketplace plans may have narrower networks, and switching could disrupt care. See Section 4 for cost considerations.

**No, I have minimal or routine healthcare needs** – A Marketplace plan may be cheaper and still provide adequate coverage. Keep reading.

### STEP 3 – ARE YOU LIKELY TO QUALIFY FOR MARKETPLACE SUBSIDIES?

If your projected income is between **100% and 400% FPL**, you qualify for premium tax credits on Marketplace plans. In 2026, a Silver plan costs an **average of \$752/month** before subsidies, Bronze plans about **\$573/month**, and Platinum around **\$1,012/month**. Subsidies can lower these costs significantly.



If your income is above 400% FPL or you are offered affordable spouse coverage, you may not qualify for subsidies. Compare Marketplace premiums at full price with COBRA premiums.

## STEP 4 – DO YOU HAVE ACCESS TO A SPOUSE’S OR DOMESTIC PARTNER’S EMPLOYER PLAN?

If yes, ask the spouse’s HR department for rates. Employer plans often cost around **\$120/month for the employee** (with the employer paying the rest). Compare this cost with COBRA and Marketplace options.

If the spouse’s plan is considered affordable by ACA standards (self-only premium < 9.96% of household income in 2026), you cannot receive Marketplace subsidies—even if you decline the spouse’s plan.

If the spouse’s plan is not affordable or not offered, go to Step 5.

## STEP 5 – DO YOU EXPECT TO START A NEW JOB SOON?

**Yes, new job starts in 1–2 months** – You might need coverage only for a short gap. You can:

Elect COBRA for one or two months and then drop it; coverage is retroactive if elected within 60 days.

Use a Marketplace plan with a start date on the first of the next month.

Consider a short-term plan if you are healthy and comfortable with limited coverage.

**No, uncertain job prospects** – Choose a plan that provides long-term stability (COBRA or Marketplace). See cost comparisons and detailed considerations.

# 4. COST COMPARISONS AND BUDGETING

The following data illustrate typical costs (without subsidies):

Coverage Type	Average Monthly Premium (Individual)	Notes
<b>COBRA</b>	\$400–\$700 per person; family coverage can exceed <b>\$1,500</b>	You pay the full employer and employee share plus up to 2% fee. Employers may cover part of the premium as part of severance (see negotiation).
<b>Marketplace Silver Plan (ACA)</b>	<b>\$752/month</b> on average	Bronze plans average \$573; Platinum plans about \$1,012. Subsidies may lower costs if income is 100–400 % FPL.
<b>Employer Coverage (when employed)</b>	<b>\$120/month</b> on average for the employee; employer pays about \$630	Provided for comparison.



Coverage Type	Average Monthly Premium (Individual)	Notes
<b>Medicaid</b>	\$0 or minimal premiums	For incomes <138% FPL in expansion states.
<b>Short-Term Plan</b>	Varies; often cheaper than Marketplace but with limited benefits	Excludes pre-existing conditions and essential benefits; use only as last resort.

## NEGOTIATING EMPLOYER-PAID COVERAGE

As part of severance negotiations, you can ask the employer to pay some or all of your COBRA premiums for several months. Attorneys note that employer-paid COBRA is valuable because the premiums are tax-free and can significantly reduce your expense. When negotiating, frame the request as mutually beneficial: offering to assist with transition or sign a non-disparagement agreement in exchange for extended coverage.

## 5. TIMING TRAPS AND HOW TO AVOID COVERAGE GAPS

**COBRA election window** – You have **60 days** from the later of your coverage end date or the COBRA election notice to decide. If you elect within this window, coverage is retroactive to the day your previous plan ended. Missing the deadline means you cannot re-enroll.

**Marketplace special-enrollment window**– You must apply for Marketplace coverage within **60 days** of losing job-based insurance. Coverage starts the **first day of the following month**. If you wait too long, you may need to pay for COBRA or a short-term plan until the next open enrollment period.

**Spouse’s plan enrollment** – Most employer plans allow mid-year enrollment when a spouse loses coverage. Act quickly and provide documentation of your layoff.

**New job waiting periods** – If your next employer has a 30–90 day waiting period, plan coverage accordingly. You might need COBRA or a Marketplace plan to bridge the gap.

**Don’t forget dependents** – If you have family members on your plan, each person must be listed on the COBRA election form to continue coverage.

## 6. DETAILED CONSIDERATIONS

### 6.1 COBRA: PROS AND CONS

**Pros:**



**Continuity:** You keep the same network of doctors and prescriptions. This is crucial for ongoing treatments and specialized care.

**Retroactive coverage:** If you have medical expenses during the decision period, electing COBRA within 60 days retroactively covers those bills.

**Cons:**

**Cost:** You must pay both employer and employee portions plus a 2% fee. Costs often range from \$400–\$700 per person per month.

**Limited duration:** Coverage typically lasts **18 months**, though it can extend to **36 months** in cases like divorce or death of the employee.

**Payment risk:** Missing a premium payment can cancel coverage and disqualify you from special-enrollment periods.

## 6.2 MARKETPLACE PLANS

**Advantages:**

**Potential subsidies:** If your income is between 100% and 400% FPL, you may qualify for premium tax credits.

**Plan choice:** Bronze, Silver and Gold levels offer trade-offs between premiums and out-of-pocket costs. Silver plans are mid-level and often required for additional cost-sharing reductions.

**New job bridging:** Marketplace plans can be used short term (one or two months) and canceled once new employer coverage begins.

**Disadvantages:**

**Coverage start date:** Plans start the first of the month after you enroll. If your employer coverage ends mid-month, you could face an uninsured gap unless you elect COBRA or a short-term plan.

**Network differences:** Providers may change; ensure your doctors are in-network before enrolling.

**Loss of subsidies:** If you accept a spouse's affordable employer plan or your income increases above subsidy thresholds, you may lose premium tax credits.

## 6.3 MEDICAID

**Eligibility:** States that expanded Medicaid cover adults with household incomes up to **138% FPL**. If you expect a significant drop in income, check your state's Medicaid rules.

**Benefits:** Minimal or no premiums and low cost-sharing. Includes essential health benefits.

**Considerations:** Coverage may take time to approve; apply as soon as possible. Some states have retroactive coverage, but not all.

## 6.4 SPOUSE'S PLAN



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If your spouse's plan is considered affordable (employee cost < 9.96% of household income in 2026), you cannot receive Marketplace subsidies.

Compare premiums and networks. Employer plans often have broad networks and lower out-of-pocket costs.

## 6.5 SHORT-TERM PLANS AND OTHER OPTIONS

**Short-term plans:** Provide temporary coverage but often exclude pre-existing conditions and may cap benefits. Use only when you cannot afford COBRA or Marketplace plans and are healthy.

**State or union benefit funds:** Some industries or unions offer temporary health benefits for laid-off workers. Check with professional associations or labor unions.

**Free or low-cost clinics:** Federally qualified health centers (FQHCs) offer sliding-scale services regardless of insurance status.

## 7. PRESCRIPTION CONTINUITY AND MEDICATION TIPS

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Running out of medication can be dangerous. Use these strategies to maintain continuity:

**Ask for a 90-day supply:** Doctors can switch eligible prescriptions from a 30-day to a 90-day supply to reduce refill frequency.

**Set up automatic refills and home delivery:** Pharmacies like Express Scripts allow automatic refills and home delivery to ensure you always have medication.

**Organize medications:** Use a pill organizer and fill it on the same day each week to avoid missing doses.

**Check formularies:** When considering Marketplace plans, compare formularies (the list of covered drugs). Some drugs may require prior authorization or may not be covered.

**Use discount programs:** Prescription discount cards (e.g., GoodRx or manufacturer programs) can provide lower cash prices if you are temporarily uninsured. You cannot combine them with insurance, but they may be cheaper than paying out of pocket.

**Request medical records:** Keep a copy of your prescription history in case you need to switch pharmacies or doctors.

## 8. SUMMARY AND NEXT STEPS

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**Gather information:** Find out when your current coverage ends and read your COBRA notice carefully.



**Estimate your annual household income:** Determine whether you qualify for Medicaid or Marketplace subsidies.

**Compare costs and networks:** Use the decision tree above to evaluate COBRA, Marketplace, Medicaid, spouse plans and short-term coverage.

**Avoid timing traps:** Mark the 60-day election window for both COBRA and Marketplace special-enrollment periods. Plan for waiting periods at a new job.

**Negotiate where possible:** Ask your employer to contribute to COBRA premiums during severance.

**Maintain medication supply:** Switch to 90-day prescriptions and set up automatic refills.

**Seek assistance:** Contact state Medicaid offices, Marketplace navigators or health insurance brokers for personalized help.

This decision system is intended to help you navigate post-layoff health-insurance choices with clarity. Review each option carefully and consult licensed professionals (insurance agents or attorneys) if you face complex situations.

#### **How to Avoid Coverage Gaps Between Health Plans**

<https://www.ilhealthagents.com/insurance-news/how-to-avoid-coverage-gaps-between-health-plans/>

#### **An Employee's Guide to Health Benefits Under COBRA | U.S. Department of Labor**

<https://www.dol.gov/agencies/ebsa/about-ebsa/our-activities/resource-center/publications/an-employees-guide-to-health-benefits-under-cobra>

#### **See Your Options If You Lose Job-Based Health Insurance | HealthCare.gov**

<https://www.healthcare.gov/have-job-based-coverage/if-you-lose-job-based-coverage/>

#### **COBRA Continuation Coverage | U.S. Department of Labor**

<https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra>

#### **Federal Poverty Level (FPL) - Glossary | HealthCare.gov**

<https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>

#### **Average Health Insurance Cost in 2026 - ValuePenguin**

<https://www.valuepenguin.com/average-cost-of-health-insurance>

#### **COBRA Insurance Cost in 2026 | How Much Is COBRA?**

<https://www.cobrainsurance.com/kb/how-much-does-cobra-insurance-cost/>

#### **Severance Negotiations: 7 Key Items to Maximize Your Payout**

<https://macdonaldemploymentlaw.com/blog/hidden-money-severance-negotiation>

#### **How to Negotiate a Severance Package (Examples Included!) – Custom Career Content | Toppel Career Center | University of Miami**

<https://customcareer.miami.edu/blog/2025/03/27/how-to-negotiate-a-severance-package-examples-included/>

#### **Don't risk running out of medication | Express Scripts® Pharmacy**

<https://www.express-scripts.com/pharmacy/blog/dont-run-risk-running-out-medication>



# UNEMPLOYMENT BENEFITS & FINANCIAL PROTECTION: DEEP-DIVE GUIDE

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## 1. OVERVIEW OF UNEMPLOYMENT INSURANCE (UI)

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**State-run program:** UI is not a federal benefit; each state runs its own program and pays benefits. States set their own eligibility rules, benefit amounts, work-search requirements and appeal procedures.

**Where to file:** You usually file in the **state where you worked**. If you worked remotely or in a state different from where you live, contact your home state's unemployment office for help filing an interstate claim.

**Why state rules matter:** Because state law defines what counts as “wages” and “unemployment,” the way severance pay and other income affect benefits varies widely.

### STATE DIFFERENCES AND SEVERANCE INTERPLAY

Under the Social Security Act, states decide whether severance counts as “wages.” Three major approaches exist:

**Non-deductible states:** Severance is treated as deferred compensation and does **not** reduce UI benefits. Examples include **California, Washington, Kentucky and West Virginia**.

**Allocation/offset states:** Severance is prorated over a number of weeks. Benefits are reduced dollar-for-dollar above a threshold—e.g. **Pennsylvania's 40% rule** or **Ohio's 20% disregard**.

**Strict disqualification states:** Severance is treated as wage continuation, so you cannot receive UI during the period covered by severance. Examples include **Texas** and **Connecticut**.

## 2. FILING & ELIGIBILITY

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### WHEN AND WHERE TO FILE



**File in the state where you worked.** Even if you moved or worked remotely, contact your home state's unemployment office to get help filing.

**No federal application:** There is no federal unemployment program; each state has its own online portal or phone system.

## BASIC ELIGIBILITY REQUIREMENTS

To qualify in most states, you must:

**Lose your job through no fault of your own** (e.g., layoff, reduction in force).

**Earn sufficient wages** in the “base period” set by your state.

**Be able and available to work**—you must be ready to accept suitable employment.

**Actively look for a new job** and keep records of your search. North Carolina, for example, requires contacting at least three employers each week and keeping a job-search log.

## COMMON MISTAKES THAT DELAY OR DENY CLAIMS

**Not reporting earnings:** You must report all wages from part-time or temporary work each week. Failure to report income can result in overpayments, penalties or prosecution.

**Not looking for work:** Many states deny benefits if you don't actively seek work or keep records.

**Being unavailable:** You must be able and available for suitable work. Issues like lack of transportation, childcare conflicts or school schedules can affect eligibility and must be reported.

**Assuming automatic eligibility:** You must file a claim even if you paid into the system; only employees of covered employers may be eligible.

## 3. SEVERANCE & UNEMPLOYMENT BENEFITS

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### HOW SEVERANCE AFFECTS UNEMPLOYMENT

**Severance counts as remuneration:** Many states treat severance pay as “remuneration,” reducing benefits for the weeks to which the payment is allocated. If severance equals or exceeds **1.5 times** your weekly benefit amount, you may receive **no benefits** for that week.

**Lump-sum payments:** If a lump sum is allocated to future weeks, benefits are reduced in those weeks; if not allocated, the reduction applies only to the week of payment.

**Salary continuation:** Weekly or monthly severance payments can delay benefits until payments end.

### STATE CLASSIFICATIONS



**Non-deductible states:** Severance does not reduce benefits (California, Washington, Kentucky, West Virginia).

**Allocation/offset states:** Severance is prorated and reduces benefits above a threshold (Pennsylvania, Ohio).

**Strict disqualification states:** Severance fully delays benefits (Texas, Connecticut).

**WARN Act payments:** Wages in lieu of notice (PILON) under the WARN Act are typically disqualifying, whereas true severance (compensation for past service) may not delay benefits.

## FILING TIPS WHEN RECEIVING SEVERANCE

**Report severance to your state agency:** Notify your state UI agency of any severance and how it is allocated. Misreporting can lead to overpayment or fraud.

**Review your severance agreement:** Understand whether payments are lump sum or salary continuation. If possible, negotiate the allocation to minimize the impact on benefits.

**Consult an attorney if unsure:** Employment attorneys can advise on state-specific rules and help challenge wrongful denials.

## 4. MAXIMIZING YOUR UNEMPLOYMENT BENEFITS

**File promptly:** Apply as soon as you become unemployed. Delays can reduce the number of weeks you receive benefits.

**Gather documentation:** Collect separation notices, pay stubs and severance agreements to verify wages and separation date.

**Keep meticulous records:** Maintain a log of job searches (dates, employers contacted, outcomes). States like North Carolina require at least three contacts per week.

**Certify weekly:** Submit weekly (or biweekly) certifications on time, reporting any income and confirming your job-search efforts.

**Attend reemployment services:** Participate in any required job-search workshops or reemployment programs; failure to attend can result in benefit suspension.

**Explore training programs:** Some states waive work-search requirements for approved training programs. Check with your state agency.

## 5. APPEALS: DON'T BE AFRAID TO CHALLENGE A DENIAL



**Right to appeal:** If your claim is denied, you have a limited time (often 14–21 days) to file an appeal. Follow the instructions in your determination letter.

**Success rates:** U.S. Department of Labor data show that **28.7%** of claimants succeed at lower-authority appeals and **10.7%** succeed at higher-authority appeals. While not guaranteed, appealing can make a significant difference.

**Appeal process:** The typical process involves filing a written appeal, attending a hearing (in person, by phone or video), presenting evidence and witnesses, and waiting for a decision.

**Prepare thoroughly:** Bring documentation such as termination letters, severance agreements, pay stubs and job-search logs. Be honest and concise.

**Seek help:** Consider legal aid clinics or employment attorneys if your case is complex or the amount at stake is substantial.

## 6. RESOURCES & HOW TO APPLY

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**USA.gov Unemployment Benefits Guide:** A comprehensive starting point that explains eligibility and links to state agencies.

<https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/unemployment-benefits.aspx>

**CareerOneStop – Find Unemployment Benefits:** Sponsored by the U.S. Department of Labor, this resource allows you to choose your state and find application links and eligibility rules.

**State Unemployment Websites:** Each state has an official site where you file claims, check requirements and view appeal instructions. Examples include:

**California Employment Development Department (EDD)** – UI Online application site and step-by-step filing guide.

**Texas Workforce Commission** – Unemployment Benefit Services (apply online or by phone).

**New York State Department of Labor** – Unemployment Insurance portal.

**Washington Employment Security Department** – Apply for unemployment benefits.

**Florida Department of Economic Opportunity** – Reemployment Assistance claims.

**Job centers and hotlines:** Contact your local American Job Center or state workforce agency for in-person assistance. The national toll-free number is 1-877-US2-JOBS.

**Legal aid and worker centers:** Organizations such as the National Employment Law Project and local legal aid offices can provide free or low-cost guidance, especially if you face a denial or an appeal.

## 7. SUMMARY & NEXT STEPS



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**Check eligibility:** Review your state's requirements for wages, job-search activities and availability for work.

**File promptly:** File in the state where you worked, or consult your home state if you worked remotely.

**Disclose severance:** Tell your state agency about any severance pay and how it is allocated to avoid overpayment or fraud.

**Certify weekly and keep records:** Report earnings and job searches accurately; maintain documentation.

**Appeal if necessary:** Appeals can overturn denials; success rates show they are worthwhile.

**Seek support:** Use job centers, legal aid and training programs to improve your employment prospects and maintain eligibility.

This guide aims to demystify unemployment benefits, highlight state differences, and empower you to protect your financial stability during a layoff. For complex situations—such as severance allocation disputes, out-of-state work or contested eligibility—consult an attorney or a qualified unemployment advocate.

#### **Unemployment benefits | USAGov**

<https://www.usa.gov/unemployment-benefits>

#### **Severance and Unemployment Insurance - TimeTrex**

<https://www.timetrex.com/blog/severance-and-unemployment-insurance>

#### **open**

<https://www.des.nc.gov/common-ui-mistakes-english/open>

#### **LEO - Fact Sheet 125 - How Severance Pay Affects Unemployment Benefits**

<https://www.michigan.gov/leo/bureaus-agencies/uia/tools/fact-sheets/severance-pay>

#### **How Often Do Employees Win Unemployment Appeals? - Employer Services Insights**

<https://www.experian.com/blogs/employer-services/how-often-do-employees-win-unemployment-appeals/>

#### **Unemployment Benefits**

<https://edd.ca.gov/en/unemployment/>



# MENTAL HEALTH & STABILIZATION GUIDE

## INTRODUCTION

Job loss can bring a cascade of emotions. Even when layoffs are expected, they often trigger shock, anger, sadness, relief or a mix of all four. Physical reactions such as fatigue, headaches, changes in appetite and sleep problems are also common. You may feel irritable, anxious, frustrated or helpless. These responses are not a sign of weakness; they are normal reactions to a major life disruption. This guide is designed to help you take care of yourself in the immediate aftermath of a layoff, understand the stress you may experience, access appropriate support and plan for long-term well-being.

### WHEN TO USE THIS GUIDE

You do **not** need to read this document cover to cover. Use the "Immediate stabilization" section if you've been laid off in the past few days and are feeling overwhelmed. Use "Where to go for help" if you are looking for free, low-cost or professional mental health services. Use "Social vs professional support" and "How to ask for help" if you're unsure how to reach out to others. Use "When to seek professional help" if your emotional reactions persist or interfere with daily life.

## IMMEDIATE STABILIZATION (FIRST 72 HOURS)

The first few days after a layoff can feel like a free fall. Many people experience shock or denial followed by anger and sadness. These steps are designed to help you stabilize emotionally and physically during this period:

**Acknowledge your feelings.** Allow yourself to experience whatever comes up—anger, frustration, relief. Suppressing emotions can prolong distress. Talk to a trusted person or write in a journal to process your reactions. Journaling can help you name feelings and see patterns.

**Limit major decisions.** If possible, avoid making big financial or life decisions in the first few days. Give yourself time to absorb the news.

**Take care of your body.** Eat regular meals, stay hydrated and aim for consistent sleep. Gentle exercise (walking, stretching) can reduce anxiety and improve mood. Avoid excessive alcohol or drug



use; substances may temporarily numb feelings but can exacerbate depression and anxiety.

**Stay connected.** Reach out to family, friends or colleagues. Isolation can magnify stress. Consider sending a simple message like, *"I've just been laid off and feeling overwhelmed; could we talk later?"* Maintaining supportive relationships is a key coping strategy.

**Ground yourself in routine.** Even small daily tasks—making coffee, tidying up—can provide a sense of control when everything else feels chaotic.

## UNDERSTANDING LAYOFF-SPECIFIC STRESS

Losing a job is more than a financial blow. It can challenge your identity and sense of security. Experts note that people typically move through stages of grief—shock/denial, anger/resistance, sadness and eventual acceptance. You may notice physical symptoms (headaches, stomach upset, fatigue) or emotional ones (anxiety, irritability, confusion). These experiences are normal and often temporary.

### COMMON EMOTIONAL REACTIONS

**Shock/denial:** You may feel numb or find it hard to believe what happened. This is a protective response.

**Anger/irritability:** Anger towards your employer, co-workers or yourself can surface. It often masks fear or hurt.

**Sadness/grief:** Feelings of loss are natural; a job provides structure, social connection and identity.

**Anxiety/fear:** Worrying about finances, your career and the future is common. Anxiety can lead to physical symptoms like racing heart and sweating.

**Relief:** Some people experience relief—especially if the job was stressful. This can coexist with other emotions.

### COMMON PHYSICAL REACTIONS

**Fatigue/low energy**

**Sleep disturbances** (insomnia or oversleeping)

**Changes in appetite/weight**

**Headaches, stomach upset, muscle tension**

If symptoms persist for more than a couple of weeks or interfere with your ability to function, consider seeking professional support (see **When to seek professional help**).



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## COPING STRATEGIES

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### MAINTAIN SUPPORTIVE RELATIONSHIPS

Spending time with people who care about you is one of the most effective ways to cope. Share your feelings openly; if you feel ashamed or embarrassed, remind yourself that layoffs are often beyond your control. Support groups for job seekers can provide connection and validation.

### TAKE CARE OF YOUR BODY

Physical health and mental health are deeply connected. Regular exercise (even light activity) lowers stress and improves mood. Aim for balanced meals, limit caffeine and sugar, and maintain a consistent sleep schedule. Avoid using alcohol, drugs or excessive screen time to cope.

### PRACTICE MINDFULNESS AND RELAXATION

Mindfulness practices (deep breathing, meditation, yoga) reduce anxiety and bring attention to the present moment. Guided meditation apps or free videos can assist. Regular practice can help you stay grounded when anxiety spikes.

### WRITE OR JOURNAL

Writing down thoughts and feelings provides clarity and can reduce rumination. Consider listing what you can control (e.g., updating your resume, applying for unemployment benefits) and what is uncertain (e.g., company decisions). This can help you focus on actionable steps.

### ENGAGE IN MEANINGFUL ACTIVITIES

Pursue hobbies, volunteer work or creative projects that give you purpose and structure. These activities can build confidence and provide a sense of accomplishment.

### SET SMALL GOALS

During a stressful time, big goals (like finding a new job quickly) can feel overwhelming. Break tasks into smaller, manageable steps: updating your LinkedIn profile, identifying two positions to apply for each day, attending one networking event per week.

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## WHERE TO GO FOR HELP

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### URGENT OR CRISIS SUPPORT

If you or someone you know is in crisis or thinking about suicide, contact a crisis hotline immediately:

**988 Suicide & Crisis Lifeline:** Call or text 988 for free confidential support 24/7.



**Veterans Crisis Line:** Veterans can call 988 and press 1, text 838255 or chat online.

**Maternal Mental Health Hotline:** Pregnant and postpartum individuals can call or text 1-833-TLC-MAMA for free support.

**SAMHSA Disaster Distress Helpline:** Call or text 1-800-985-5990 for 24/7 crisis counseling related to trauma or disasters; services are available in multiple languages and for deaf/hard of hearing individuals via ASL.

## FREE AND LOW-COST THERAPY AND SUPPORT

**Employee Assistance Programs (EAPs):** Many employers offer EAPs, which provide free, confidential counseling and referrals to specialists. EAPs may also offer financial or legal advice and support for caregivers. Ask your HR department for contact details.

**Community mental health centers:** Local government or nonprofit clinics often offer sliding-scale counseling based on income.

**Nonprofit helplines and support groups:** Organizations such as the National Alliance on Mental Illness (NAMI), Mental Health America, and local job-search support groups provide peer support and educational resources.

**Online therapy platforms:** Teletherapy services may offer lower costs than in-person therapy and can be more flexible for scheduling.

## PROFESSIONAL SUPPORT AND DIRECTORIES

**FindSupport.gov:** Provides a directory of mental health providers and guidance on choosing a therapist.

**Psychology Today Therapist Directory:** Allows you to search for licensed therapists by location, specialty and insurance coverage.

**Behavioral health benefits:** Check your health insurance (or COBRA plan) for coverage of therapy sessions. Many plans cover a set number of sessions per year after a copay.

## SOCIAL VS PROFESSIONAL SUPPORT

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### SOCIAL SUPPORT

Connecting with friends, family and peers helps reduce isolation, provides validation and can lighten the emotional load. Social support might include:

**Talking openly with trusted people:** Share your experiences and allow them to listen without trying to "fix" you. This can reduce shame and strengthen relationships.

**Peer groups:** Join job-search support groups, mutual aid circles or online communities for laid-off workers. Secure communication tools like Signal can help you discuss sensitive topics without fear of



surveillance, as suggested by tech worker organizing guides.

**Reciprocity:** Offer help to others where possible; mutual support can foster a sense of purpose and connection.

## PROFESSIONAL SUPPORT

Professional mental health care is appropriate when:

**Symptoms persist or worsen:** If anxiety, depression, anger or grief interfere with daily life for more than a couple of weeks, professional intervention can help.

**You experience thoughts of self-harm or suicide:** Contact a crisis hotline immediately (see **Urgent or crisis support**) and seek professional help.

**You need a neutral perspective:** Therapists can provide coping strategies, challenge negative thought patterns and help you plan next steps.

**You prefer confidentiality:** Conversations with friends can be valuable, but a therapist provides an impartial space without worrying about burdening loved ones.

## HOW TO ASK FOR HELP

Asking for help can feel vulnerable, especially if you pride yourself on independence. Here are some suggestions:

**Identify who to ask.** Consider people who are empathetic, non-judgmental and trustworthy. This could be a close friend, family member, mentor, former colleague or support group.

**Be specific about your needs.** Are you looking for someone to listen, practical advice, a distraction or a referral? Example: *"I'm struggling with feeling anxious about this layoff and could use someone to talk to—do you have time later this week?"*

**Use clear language.** Stating "I need help" or "I'm having a hard time" allows others to understand that you're reaching out.

**Set boundaries.** If certain topics (like job leads) feel overwhelming, be honest: *"I appreciate your support; for now I don't want to talk about job applications."*

**Accept support.** Let people help without feeling guilty; most people want to be there for you.

## EMPLOYEE ASSISTANCE PROGRAMS (EAPS)

EAPs are employer-sponsored benefits that provide confidential counseling and a broad range of services. They may include:



**Mental health counseling and crisis support** available 24/7 via phone or video.

**Financial and legal services** to help with budgeting, debt management, landlord disputes or estate planning.

**Dependent care resources** to assist with childcare, eldercare or special needs caregiving.

**Substance use counseling** and treatment referrals.

**Workplace conflict resolution** and coaching.

Ask your former or current employer's HR department if you have access to an EAP and how to contact them. Using EAP services does **not** typically affect your employment record, and all conversations are confidential.

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## COMMUNITY CONNECTION & PEER SUPPORT

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Talking with peers who are experiencing similar challenges can reduce isolation and provide practical tips. Many labour and worker-support organizations host confidential group chats and calls to share experiences and advice. Secure messaging platforms like Signal allow for private communication. Tech worker groups and mutual aid networks often run online forums, weekly check-ins and workshops; consider joining if available in your area or industry.

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## WHEN TO SEEK PROFESSIONAL HELP

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While most people adjust to layoffs with time and support, professional help can be crucial if:

**Symptoms persist:** If sadness, anxiety, anger or hopelessness last more than two weeks or interfere with daily activities, see a mental health professional.

**You have a history of mental health conditions:** Pre-existing depression, anxiety or trauma may be exacerbated by job loss. Early intervention can prevent worsening symptoms.

**You experience thoughts of suicide or self-harm:** Contact a crisis hotline immediately and seek professional care.

**Physical symptoms worsen:** Chronic pain, gastrointestinal problems, high blood pressure or other stress-related conditions may require medical attention.

## FINDING PROFESSIONAL HELP

Use directories like **FindSupport.gov** or **Psychology Today** to locate licensed therapists and counselors. If cost is a concern, ask about sliding-scale fees or community clinics. Teletherapy may offer more flexibility and lower costs. Your insurance (or COBRA coverage) may cover mental health services; contact your insurer for details.



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## ADDITIONAL SELF-CARE SUGGESTIONS

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**Structure your day.** Create a daily schedule that balances job-search activities with self-care, social connection and relaxation. This can help you regain a sense of control.

**Limit news consumption.** Constantly checking news about layoffs can increase anxiety; choose specific times to stay informed and avoid doomscrolling.

**Practice gratitude.** Writing down three things you're grateful for each day can help reframe negative thoughts and boost resilience.

**Explore new skills.** Use free or low-cost online courses to learn something that interests you. Learning can restore confidence and provide a constructive focus.

This guide is not a substitute for professional mental health care. If you or someone you know is in crisis, contact emergency services or a crisis hotline immediately. Layoffs are challenging, but with support and self-care, it's possible to navigate this period and emerge stronger.

### **Coping with the Emotional Impact of a Layoff | Faculty Staff Help Center**

<https://helpcenter.stanford.edu/resources/work-related-resources/coping-emotional-impact-layoff>

### **coping\_with\_the\_stress\_of\_layoff\_and\_unemployment.pdf**

[https://uhs.berkeley.edu/sites/default/files/coping\\_with\\_the\\_stress\\_of\\_layoff\\_and\\_unemployment.pdf](https://uhs.berkeley.edu/sites/default/files/coping_with_the_stress_of_layoff_and_unemployment.pdf)

### **Mental Health Resources | Mental Health | CDC**

<https://www.cdc.gov/mental-health/caring/index.html>

### **Employee Assistance Programs**

<https://www.opm.gov/policy-data-oversight/worklife/employee-wellness-programs/employee-assistance-programs/>

### **A Layoff Guide - Collective Action in Tech**

<https://collectiveaction.tech/2022/a-layoff-guide-for-tweeps/>



## GUIDE E

# IMMIGRATION SURVIVAL MANUAL: NAVIGATING LAYOFFS ON H-1B & F-1 VISAS

This guide is designed for employees on non-immigrant visas who are laid off or fear a layoff. It explains timelines, legal options and practical strategies for maintaining legal status in the United States. **It is not legal advice**—consult a qualified immigration attorney for case-specific guidance.

## 1. IMMEDIATE TIMELINE OVERVIEW

**Last day of employment** - triggers the critical countdown. The following chart summarizes the grace periods for common visa categories:

Visa Category	Grace Period After Termination	Notes
<b>H-1B (specialty occupation)</b>	<b>Up to 60 days</b> from last day of work or until the current I-94 expiration date, whichever is <b>shorter</b> .	Discretionary; USCIS may shorten it. Leaving the U.S. ends the grace period immediately.
<b>E-1/E-2/E-3, L-1, O-1, H-1B1, TN, etc.</b>	<b>Up to 60 days</b> under the same regulation that applies to H-1B.	Always check your I-94; the grace period cannot extend beyond visa validity.
<b>F-1 OPT (12 months)</b>	<b>90 days</b> total unemployment permitted.	Unpaid internships and certain contract work count as employment if related to field.
<b>F-1 STEM OPT Extension (24 months)</b>	<b>Additional 60 days</b> , for a <b>total of 150 days</b> of unemployment across the entire 36-month OPT period.	Only paid employment with E-Verify employers counts; unpaid work is not allowed.
<b>Other student visas</b> (e.g., J-1 academic training)	Varies; consult program sponsor.	

### WHEN DOES THE H-1B 60-DAY CLOCK START?

It begins on **your last day of work, not** when severance or garden-leave pay ends.



The grace period cannot extend beyond the expiration date on your **Form I-94**. If your I-94 expires 25 days after job loss, your grace period is only 25 days.

**Leaving the U.S. ends the grace period.** If you exit the country, you cannot re-enter on the same H-1B to use the remainder.

## VISUAL TIMELINE EXAMPLE (H-1B)

**Day 0 – Last day of work:** Grace period starts.

**Day 0–30:** Begin job search; contact recruiters; gather documents.

**Day 30:** If no job prospect, file change-of-status or departure plan.

**Day 60 (or I-94 expiration):** Deadline to file a new petition, change status or leave the U.S.

## 2. STRATEGY OPTIONS

You have several pathways to maintain lawful status or minimize disruption. The suitability depends on your timeline, qualifications and long-term plans.

### 2.1 TRANSFER TO A NEW EMPLOYER (H-1B PORTABILITY)

**Deadline:** A new employer must file a **Form I-129** within the 60-day grace period. Once the petition is filed and receipt is issued, you may begin working for the new employer (H-1B portability).

**Avoid mistakes:** Employers often lose candidates by **waiting too long** or submitting incomplete petitions. Clarify the start date, ensure prevailing wage compliance and verify that the employer has experience with H-1B transfers.

**Do not work early:** Starting work before the petition is filed counts as unauthorized employment.

### 2.2 CHANGE OF STATUS

If new H-1B employment is not possible, you may apply to change to another non-immigrant status:

**Student (F-1) or dependent (H-4, L-2) visas:** File a change-of-status application before the grace period ends. You must stop working when your H-1B ends and cannot start the new activity until the change is approved.

**Visitor (B-1/B-2) visa:** A temporary bridge to prepare for departure or future plans. You cannot work on a visitor visa.

**Adjustment of status (green card):** Only possible if you have an approved immigrant petition (Form I-140) and a current priority date. Filing Form I-485 before the grace period ends allows you to remain in a period of authorized stay and apply for work authorization.

### 2.3 RETURN HOME AND PREPARE FOR REENTRY



Departing the U.S. within the grace period avoids unlawful presence. You may later return with a new petition from another employer—often without going through the H-1B lottery if you were previously counted. However, you may need consular processing and a valid visa stamp to re-enter.

## 2.4 CHANGE EMPLOYERS OUTSIDE THE U.S.

If you cannot find a U.S. sponsor, consider remote roles with global firms or returning to a branch abroad. This avoids accruing unlawful presence and keeps your career progressing.

# 3. EMPLOYER TACTICS VS WORKER OPTIONS

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### New Employers

**File quickly:** Employers should gather documents and file the **I-129** promptly. The grace period cannot be paused.

**Don't allow early work:** Work may begin only after filing; employers risk compliance penalties otherwise.

**Verify wage and role:** A Labor Condition Application (LCA) must be filed and approved before the H-1B petition.

### Workers

**Track your I-94:** Your authorized stay governs how long you can remain, not the 60 days alone.

**Document everything:** Keep copies of job offer letters, termination notices and I-129 receipts. You may need to prove lawful presence later.

**Beware of scams:** Do not pay employers to issue fake pay slips; USCIS treats this as immigration fraud.

# 4. F-1 STUDENT SURVIVAL: OPT AND STEM OPT

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F-1 students face different rules. Unemployment is tracked via **SEVIS**, and exceeding limits jeopardizes status.

## 4.1 UNEMPLOYMENT LIMITS AND COUNTING

**Standard OPT (12 months):** You may accrue up to **90 days** of unemployment. Unpaid internships and self-employment may count as employment if related to your major.

**STEM OPT Extension (24 months):** Adds **60 days** for a **total of 150 days** across both periods. Only **paid employment with an E-Verify employer** counts; self-employment or unpaid positions are not



permitted.

**Counting unemployment:** The clock runs from your last paid day until you start a qualifying job. Days spent outside the U.S. after termination count toward unemployment. Filing a STEM OPT application does **not** pause the unemployment clock.

## 4.2 OPTIONS FOR STUDENTS FACING UNEMPLOYMENT

**Secure new employment quickly:** Any qualifying job stops the unemployment clock. Even short-term gigs can help during standard OPT. On STEM OPT, only full-time paid roles with an E-Verify employer count.

**Transfer to another school or degree program:** You may transfer your SEVIS record to continue studying. This resets your unemployment and allows a new period of student status. Coordinate with your Designated School Official (DSO).

**Apply for another visa:** If eligible, consider H-1B or other work visas, but be mindful of timing; you cannot accumulate more than 150 days of unemployment.

**Depart the U.S.:** Leaving before exceeding unemployment limits avoids status violations. Students who exceed the limit risk SEVIS termination and unlawful presence.

## 5. WHAT NOT TO DO

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To protect future immigration options, avoid these common pitfalls:

**Don't overstay the grace period:** Remaining beyond 60 days (H-1B) or the I-94 date creates unlawful presence and can trigger three- or ten-year reentry bars.

**Don't work without authorization:** Working for a new employer before filing the petition is unauthorized employment.

**Don't rely solely on severance:** The grace period begins on the last work day, not the end of severance pay.

**Don't leave and attempt to re-enter on the same visa during the grace period:** Exiting the U.S. ends the H-1B grace period.

**Don't engage in fraudulent practices:** Paying an employer to create fake pay slips during unemployment is immigration fraud.

**Don't ignore dependents:** H-4 and F-2 dependents' status is tied to the principal visa holder; they must also depart or change status.

## 6. REAL SCENARIOS AND ACTION PLANS

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## SCENARIO A: “I HAVE 30 DAYS LEFT IN MY H-1B GRACE PERIOD.”

**Evaluate job prospects:** If interviews are progressing, ensure the new employer can file the I-129 within 30 days. Request expedited internal review.

**Prepare a change-of-status backup:** File a B-1/B-2 or F-1 change-of-status application. This must reach USCIS before the 60-day window closes.

**Gather documents:** Save your termination letter, pay stubs and I-94 record. You'll need them for any filing.

**Consult an attorney:** Each option carries risks; professional guidance can help you choose the best path.

## SCENARIO B: “I’M ON STEM OPT AND HAVE BEEN UNEMPLOYED FOR 140 DAYS.”

**Find paid employment immediately:** Only paid roles with an E-Verify employer stop the unemployment clock.

**Consider transferring programs:** If you can't secure a job, transfer to another degree program to regain student status.

**Depart before day 150:** Exceeding 150 days of unemployment results in loss of status and possible future visa issues.

## SCENARIO C: “MY VISA EXPIRES IN TWO WEEKS.”

The grace period cannot extend beyond the visa/I-94 expiration. You must file a new petition or change of status before that date or depart the U.S.

# 7. ACTION STEPS & RESOURCES

**Check your I-94 expiration and calendar deadlines immediately.** Use the CBP online portal to download your I-94 record.

**Contact an immigration attorney.** Timely, case-specific advice is essential. Many firms offer consultations for H-1B layoff situations.

**Notify your Designated School Official (DSO)** if you are on F-1 OPT or STEM OPT and experience any employment change. SEVIS reporting is mandatory.

**Prepare documents for new employers:** Resume, copies of prior H-1B approval notices, passport biographic page, visa stamp, I-94, and pay stubs. This speeds up petition filing.

**Monitor USCIS announcements.** Immigration policy evolves; stay current on grace period rules and employment authorization provisions.



**Join support communities.** Connect with other visa holders who have navigated layoffs for peer advice and emotional support.

## FINAL NOTE

Losing a job on an H-1B or F-1 visa can be frightening, but you have options. Act quickly, stay informed and seek legal counsel. This manual equips you with the timelines and strategies needed to make informed decisions and protect your immigration future.

### **H-1B Grace Period Rules and Risks Explained (2025)**

<https://manifestlaw.com/blog/h1b-grace-period/>

### **OPT Unemployment Limits: Essential Guide for International Students - Immigration Analytics**

<https://immigration-analytics.com/2025/06/17/opt-unemployment-limits-essential-guide-for-international-students/>

### **STEM OPT: Frequently Asked Questions | Harvard International Office**

<https://www.hio.harvard.edu/stem-opt-frequently-asked-questions>

### **H-1B Visa Layoffs: What Talent Teams Need to Know**

<https://www.ellis.com/resources/h1b-visa-layoffs>



# COLLECTIVE ACTION AND ORGANIZING PLAYBOOK

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This playbook is a deep-dive companion to the Oracle layoff guide. It is designed to help workers understand what collective organizing looks like, how to pursue it safely, and how to weigh the risks and benefits. The goal is to provide a roadmap for those who want more than individual survival: it shows how collective power can secure better severance, benefits and working conditions.

## 1. WHY ORGANIZE?

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Layoffs often leave workers feeling powerless. Acting together can change that. Under U.S. labor law, workers have the right to join together to improve wages and working conditions—this is called **concerted activity**. Even without a formally recognized union, employees can petition management, march on their boss or raise issues collectively. This playbook explains how to do that and what protections exist. It also shows where informal efforts end and formal union organizing begins.

## 2. WHAT IS COLLECTIVE ORGANIZING?

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### 2.1 CONCERTED ACTIVITY

Concerted activity refers to actions taken by workers together or by a single worker on behalf of a group to improve wages, hours or working conditions. Examples include signing a petition for better conditions or organizing a march on the boss. These activities are protected under section 7 of the National Labor Relations Act (NLRA) for most private-sector employees. Government employees, agricultural workers, independent contractors and supervisors are excluded from these protections.

### 2.2 INFORMAL VS. FORMAL ORGANIZING

**Informal organizing** – Without a union contract, workers rely on petitions, open letters, spreadsheets and public pressure to negotiate. Such campaigns can succeed—workers at Kickstarter secured generous severance after layoffs by leveraging their newly formed union (see §8.1)—but informal efforts typically have no legally binding process. Demands may be met voluntarily or ignored.



**Formal organizing** – Forming or joining a union brings the right to bargain collectively. This process involves signing authorization cards, filing with the National Labor Relations Board (NLRB), holding a secret-ballot election and negotiating a contract. A recognized union can compel management to negotiate and can enforce agreements through legal means.

## 3. STEP-BY-STEP ORGANIZING GUIDE

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The steps below outline how workers can move from individual frustration to collective power. Not every campaign follows the same order, and some actions will overlap, but the overall arc is consistent.

### 3.1 IDENTIFY SHARED GRIEVANCES

**Talk to co-workers** – Discuss wages, severance terms, working conditions and layoffs. Conversations about pay and conditions are protected concerted activity. Make sure you tie the issue to the group (e.g., “We deserve better severance,” not “I deserve”).

**Find common goals** – List what everyone wants: higher severance, extended health benefits, immigration accommodations or protection from retaliation. Knowing what you want helps keep the campaign focused.

### 3.2 BUILD A CORE GROUP

**Designate representatives** – Nominate 3–5 trusted colleagues to coordinate communication and liaise with supportive organizations. Having spokespeople prevents mixed messages when presenting demands.

**Decide on structure** – Determine whether to remain an informal committee or begin signing union authorization cards. Formal union campaigns require majority support.

### 3.3 SECURE YOUR COMMUNICATIONS

**Use private channels** – Do not organize via company email, Slack or internal chat. As the Twitter layoff guide notes, employers monitor these tools and may cut off access; workers should use encrypted apps like Signal, ProtonMail or personal phones.

**Gather personal contact info** – Collect phone numbers and non-work emails so you can stay in touch if accounts are disabled.

**Avoid company devices** – Back up personal files and conversations on your own devices. Assume that any company laptop or phone is monitored.

### 3.4 DEVELOP CLEAR DEMANDS

**Be specific** – Demands should be concrete (e.g., “12 weeks severance per year of service,” “extended COBRA for 6 months,” “recall rights for laid-off staff”). Vague wish lists are easier to dismiss.



**Tie demands to leverage** – For informal campaigns, trade-offs might include agreeing not to sue or speak publicly in exchange for better terms. For union campaigns, demands become bargaining proposals.

### 3.5 DOCUMENT EVERYTHING

**Record meetings and requests** – Keep notes on who said what, when and where. Under the NLRA, it helps to show that you raised issues collectively.

**Collect evidence of retaliation** – If performance reviews suddenly change after you organize, document dates, comments and who delivered them. Evidence of retaliation will support an unfair labor practice charge.

### 3.6 CHOOSE YOUR ACTION

Actions range from low-risk to high-risk. Choose based on your group's capacity and appetite for escalation.

**Petitions and open letters** – Gather signatures and present your demands to management. Open letters can be signed anonymously or collectively (see §8.2 for a Google example). They are protected as concerted activity when they address workplace conditions.

**Public spreadsheets** – Sharing information about severance terms, wages or layoffs helps build solidarity. However, be mindful of confidentiality agreements.

**Work-to-rule or sick-outs** Groups may decide to strictly follow job descriptions or take coordinated time off. These tactics increase pressure without a full strike.

**Walk-outs and strikes**– Temporarily withholding labor is among the strongest tactics but carries higher risk. Strikes for better severance may be protected, but employer responses vary.

**Union election and bargaining** – If the group wants a binding agreement, sign cards, file with the NLRB and hold an election. Once recognized, bargain a contract.

### 3.7 EVALUATE AND ADJUST

**Assess management's response** – Did they offer concessions? Did retaliation increase? Adjust your tactics accordingly.

**Decide whether to formalize** – If informal efforts stall, consider unionization or legal action. You must file unfair labor practice charges within six months of an adverse action.

## 4. COMMUNICATION AND SAFETY

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Organizing is most effective when workers protect themselves and each other.



**Assume surveillance** – Employers often monitor email, Slack and Zoom. The Twitter layoff guide recommends moving conversations to private channels and collecting personal contact details.

**Avoid company property** – Do not store organizing documents on company devices. Back up personal data on your own computer or cloud service.

**Maintain anonymity when needed** – Use pseudonyms on public forums or spreadsheets if you fear retaliation. Anonymous signatures still show solidarity.

**Keep consent clear** – Before sharing someone's story or contact info, ask their permission. The Twitter guide stresses the importance of clear consent and secure sharing.

## 5. RIGHTS AND PROTECTIONS UNDER U.S. LAW

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Section 7 of the NLRA protects employees' right to engage in "concerted activities for the purpose of collective bargaining or other mutual aid or protection". This protection applies to most private-sector workers, even if there is no union. Key points:

**Protected acts** – Petitions, group discussions about pay or severance, open letters, marches on the boss and strikes are typically protected when tied to working conditions. Actions by a single worker on behalf of a group can also be protected.

**Excluded categories** – Government employees, agricultural workers, independent contractors and supervisors are generally excluded.

**Conduct that loses protection** – Using racial slurs, making knowingly false statements or disparaging the employer's products without linking the complaint to working conditions can void protections.

**Documenting retaliation** – Keep records of adverse actions like firing, demotion or reduced hours. These can form the basis of an unfair labor practice charge.

**Filing a charge** – You can file a charge with the NLRB without a lawyer within six months of the retaliation. The regional director will investigate and may seek settlement or a hearing.

### 5.1 RETALIATION AND BLACKLISTING

Retaliation is illegal, but it happens. Mapbox workers reported that after a failed union election, organizers were fired or given poor performance reviews; the union planned to file an unfair labor practice charge. In another case, Mozilla agreed to pay \$300,000 to settle allegations that it refused to hire Cher Scarlett because of her labor activism; her lawyer said the settlement should warn employers not to retaliate against applicants for protected activity. Apple is facing related complaints for allegedly pushing Scarlett out after she created an anonymous pay-sharing survey. These cases highlight that while legal remedies exist, activism can impact career prospects.



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## 6. CASE STUDIES

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### 6.1 KICKSTARTER UNITED – A UNION SUCCESS STORY

Kickstarter staff formed **Kickstarter United**, a union affiliated with the Office and Professional Employees International Union (OPEIU). Within two months of forming, they negotiated a severance agreement that won four months of salary for laid-off employees, four to six months of continued health insurance (longer for those with lower salaries), recall rights for a year and release from non-compete clauses. This case shows the power of formal collective bargaining: management agreed to generous terms in exchange for employees signing the agreement.

### 6.2 GOOGLE EMPLOYEES' OPEN LETTER

In March 2023, more than 1,300 Google (Alphabet) employees signed an open letter to CEO Sundar Pichai demanding a humane layoff process. The letter called for freezing new hiring before layoffs, offering voluntary redundancies, giving laid-off workers priority for open roles and allowing them to complete paid leaves. Signers also urged Alphabet to avoid terminating employees in countries experiencing conflicts and to support visa-dependent workers. This campaign was organized via a Discord channel and supported by the Alphabet Workers Union and other unions. While there is no public record of management granting all demands, the open letter demonstrates how workers can coordinate and publicize their expectations without a formal union.

### 6.3 MAPBOX WORKERS UNION – RISKS OF ORGANIZING

Mapbox workers attempted to form a union in 2021. During the election, 81 workers voted in favor while 123 voted against. After the union lost, organizers alleged that management retaliated by firing or intimidating union supporters, leading them to file an unfair labor practice charge. This case shows that union campaigns can face aggressive anti-union tactics and may fail if the employer persuades or pressures employees. Workers considering organizing should be prepared for resistance and should document any retaliation.

### 6.4 MAKE AMAZON PAY – GLOBAL PROTEST

On **Black Friday 2022**, thousands of Amazon warehouse workers across more than 30 countries walked out or protested as part of the “Make Amazon Pay” campaign. Campaigners demanded better pay and safer working conditions, and the strikes were coordinated by unions and advocacy groups such as UNI Global Union, Progressive International, Oxfam and Greenpeace. In Germany, the Verdi union used the protest to pressure Amazon to recognize collective bargaining agreements and improve workers' wellbeing. Although these protests did not immediately change corporate policies, they illustrate how coordinated action across multiple locations can draw public attention and build momentum for longer campaigns.

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## 7. RISK ANALYSIS

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Organizing can lead to significant gains, but it is not without risk. When deciding whether to participate and at what level, consider the following:

**Retaliation** – Employers may respond with firings, demotions, poor performance reviews or threats. Mapbox organizers reported being fired and intimidated. Public activism can make you a target.

**Blacklisting** – Prospective employers may avoid hiring known activists. Cher Scarlett’s case shows that companies sometimes refuse to hire activists and that legal remedies can be protracted.

**Visibility trade-offs** – Highly visible roles (e.g., media spokespeople) carry more risk. Support roles (e.g., research, outreach, anonymous petition signatures) contribute to the campaign with less exposure.

**Immigration status** – Workers on visas may have limited time to find new employment; activism might jeopardize a job search. Consider speaking with an immigration attorney before taking public action.

**Financial cushion** – Assess whether you can withstand a period without income if retaliation occurs. Building a personal emergency fund can mitigate this risk.

## 8. DECISION FRAMEWORK: SHOULD YOU PARTICIPATE?

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Use the questions below to decide how and whether to engage:

**What is your priority?** If securing immediate severance is your only goal, an open letter or petition may suffice. If you seek long-term bargaining power, unionization might be necessary.

**How public do you want to be?** There are many ways to contribute: sign petitions anonymously, collect research, mobilize co-workers or serve as a spokesperson. Choose a role that matches your risk tolerance.

**Are you prepared for potential retaliation?** Review the risks and decide whether you can handle setbacks. If you cannot afford to lose your job or visa status, consider low-visibility support roles.

**Do you have support?** Connect with external organizations (see §9) that can provide training, legal guidance and community. Collective support reduces individual risk.

**What is your time horizon?** Informal campaigns can yield quick wins but may not protect you long-term. Formal unionization is a longer process but can create enforceable contracts.

## 9. EXTERNAL ORGANIZATIONS AND RESOURCES

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**Tech Workers Coalition (TWC)** – An international network of tech workers supporting solidarity and organizing. They offer resources, webinars and peer support.



**Emergency Workplace Organizing Committee (EWOC)** – A joint project of the Democratic Socialists of America and the United Electrical workers. EWOC provides mentoring and tools for workers starting organizing campaigns and has published guidance on concerted activity.

**Kickstarter United / Office and Professional Employees International Union (OPEIU)** – The union representing Kickstarter workers; they share insights from their successful severance negotiation.

**Alphabet Workers Union** – A minority union of Google employees supporting campaigns such as the open letter to Sundar Pichai.

**Mapbox Workers Union** – Although their unionization effort failed, they share lessons about anti-union tactics and retaliation.

**Amazon Employees for Climate Justice / Make Amazon Pay** – Groups organizing Amazon workers and allies for better pay, safety and environmental responsibility.

**Traditional unions (e.g., CWA, OPEIU, SEIU, Unite Here)** – Many national unions have tech worker locals or campaigns. They can provide organizers and legal expertise.

## 10. SUMMARY

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Collective action is a powerful tool for workers facing layoffs. By organizing with co-workers, you can negotiate better severance, influence company policies and build long-term worker power. Successful campaigns like Kickstarter United show that formal unionization can win significant gains, while informal efforts like the Google open letter demonstrate the potential of petitions and open letters. However, organizing carries risks—retaliation, blacklisting and legal battles are real. Use this playbook to navigate those challenges, evaluate your options and connect with organizations that can help you and your co-workers build solidarity.

**Fact Sheet: What is Concerted Activity? - National Institute for Workers' Rights**

<https://niwr.org/2025/08/07/fact-sheet-what-is-concerted-activity/>

**A Layoff Guide - Collective Action in Tech**

<https://collectiveaction.tech/2022/a-layoff-guide-for-tweeps/>

**Following a vote against unionizing, Mapbox workers say they're experiencing harassment. Here's everything we know**

<https://technical.ly/company-culture/mapbox-union-challenge/>

**Mozilla will pay \$300K for refusing to hire activist Apple engineer | Reuters**

<https://www.reuters.com/legal/government/mozilla-will-pay-300k-refusing-hire-activist-apple-engineer-2025-01-15/>

**May Day Severance Agreement – Kickstarter United**

<https://kickstarterunited.org/may-day-severance-agreement/>

**Kickstarter provides protections for laid-off workers | Game World Observer**

<https://gameworldobserver.com/2020/05/04/kickstarter-provides-protections-laid-off-workers>

**Google workers hits back at CEO over layoffs | Fortune**

<https://fortune.com/2023/03/17/google-employees-petition-sundar-pichai-ceo-job-cuts/>

**Amazon workers stage walkouts, protests on Black Friday | News | Al Jazeera**

<https://www.aljazeera.com/news/2022/11/26/amazon-workers-stage-walkouts-protests-on-black-friday>