

ARE YOUR EMPLOYMENT AGREEMENTS UP TO DATE?

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In the last few years, there have been changes in the law that may have impacted the employment agreements you use. If you are still reusing old agreements or have not kept up to date with the changes in the law, you may be exposing yourself to liability, and not getting the protection to which you are legally entitled.

Here are just a few common areas that should be updated in your employment agreements:

NON-COMPETITION PROVISIONS

Many employers use these provisions even though, in many cases, they are not enforceable against employees.

What employers may not know is that they may expose themselves to liability if they try to force an employee to comply with an unenforceable provision.

NON-SOLICITATION PROVISIONS

Many employers use these to protect against solicitation of one of their most important assets - their customers.

What employers may not know is that absolute bans against solicitation of customers by former employees



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may not be enforceable. If drafted properly, however, your agreement may still be able to protect your confidential customer lists.

CONFIDENTIALITY/TRADE SECRET PROVISIONS

Many employers have confidential or trade secret information that needs to be protected.

What employers may not know is that a provision in an agreement and a policy may not be enough. Employers must also put procedures in place to protect their confidential and trade secret information.

ARBITRATION PROVISIONS

Many employers use these to reduce the costs of employment litigation.

What employers may not know is that a series of recent cases require drastic changes to arbitration provisions in the employment context. For example, including certain claims in the arbitration provision or failing to attach applicable arbitration rules or an internet link to those rules to the employment agreement could render the entire provision invalid.

Contact your Procopio attorney or Wendy L. Tucker to have your employment agreements reviewed to ensure maximum protection for you and your business.

Wendy Tucker's practice focuses on employment counseling and litigation for all employers, large and small, with an emphasis on public agencies, charter school and health care entities. She provides a broad range of nuts and bolts counseling services, including assisting in the hiring process, training, reviewing employee handbooks, reviewing policies, assisting with employee discipline, conducting investigations and participating in the termination process. Reach her at 619.525.3845 or wendy.tucker@procopio.com.