



Negotiation / Executive Contracts / Noncompete Agreements / Severance

Executive-level and uniquely skilled employees who are highly sought after in the market place may be able to negotiate individual employment contracts which set the terms of their compensation, bonus entitlements, stock and other benefits, and additionally provide for protections against changes in duties or termination for reasons other than “just cause” or due to a “change in control.” Although you may believe that you have a mutual understanding of your rights and responsibilities, an oral agreement may not be enforceable in the event of a later employment dispute. Our employment law lawyers at Willig, Williams & Davidson have the experience and skills you need to help you draft a written agreement at the outset of your employment that will help avoid unnecessary litigation later. Another area of negotiation often involves a company’s effort to prevent employees from working for a competitor by way of “noncompete agreements,” which can be part of an employee contract, a separate document issued at or after the time of hire with or without additional payment or benefit, or a clause in something like a stock issuance or option. These “noncompete” clauses, depending on how they are drafted, can make it difficult or impossible for an employee to find work in his or her field in the area in which he or she currently lives and works. Frequently, when challenged at the outset, employers will redraft these agreements so that they are more fair to employees.

To avoid disappointments and unnecessary litigation later, it is important at the outset to be sure that the agreement you negotiated with a prospective employer is detailed in a written agreement to which both parties are bound. Willig, Williams & Davidson employment attorneys can provide you with the counseling, negotiation and drafting expertise that you need to protect your right to work and your future career options.

Employees who are terminated may receive a severance package from their former employers. These packages may include lump-sum payments, salary continuation, vacation or sick pay, stock options, and/or job-search assistance. Each company has a different policy and these packages are not typically required by law. Consequently, your company may require you to waive any legal claims you may have against it in exchange for severance.

Be sure you have the legal advice you need to protect your rights at every state of your career. If you are considering a written employment agreement, or your employer has asked you to sign a noncompete or severance agreement, please call the employment lawyers at Willig, Williams & Davidson. We have the experience and skills you need to make intelligent and informed decisions about your future.

