



Dos and Don'ts of Associate Employment Contracts

Tips for Setting Yourself up for Success by Learning the Dos and Don'ts of Employment Contracts

Ever ask yourself, "How do I negotiate the right associate contract?" That first contract you sign can influence your future, and so much more. We've put together a few tips to help you along the way, including pitfalls to avoid and explanations for why all contracts are negotiable.

BELOW ARE THINGS TO CONSIDER BEFORE YOUR SIGN A CONTRACT:

- ▶ Always have contracts or other legally binding documents reviewed by an attorney—and for health care contracts, your attorney should have experience and familiarity with state and federal health care laws.
- ▶ Always obtain a fully executed copy of any contract you sign, and keep it in a secure setting.
- ▶ Do not succumb to pressure to sign a contract without sufficient time to review it, or work without a written contract.
- ▶ Do not sign an employment contract that contains a liquidated damages provision or includes a promissory note obligating payment to the employer—the dollars should flow from the employer to the employee.
- ▶ Do not sign a contract that fails to contain negotiated terms—if a term is not present in the contract, then it is not likely to be enforceable.
- ▶ Do not sign a contract that contains any term that is incorrect, or which you do not anticipate complying with. Assume that a restrictive covenant will be enforced against you if present in the contract.

QUICK LINK RESOURCES



NYSDA offers a **Legal Protection Plan** (The Plan) as a member benefit. The Plan provides legal coverage in exchange for a payment for potential claims, proceedings and/or investigations. It is designed to safeguard your practice and protect you from the financial and emotional devastation of unexpected encounters with federal and state regulatory agencies, insurance companies, managed care plans, and the Office of Professional Discipline. For more information on what the Plan covers and to sign up, view the Legal Protection Plan: nysdental.org/lpp

The New York State Dental Association offers **Legal Services Panel**—a panel of attorneys and law firms to whom NYSDA members can go for legal advice on dental matters, including: Office of Professional Discipline (OPD) cases; managed care plan and dental insurance contract analysis; Medicaid; dental practice formation and practice sales and employment matters; and commercial litigation and collections.

The attorneys listed have a minimum of five (5) years of experience handling the specific dental matters listed above and agree to: provide an initial consultation free of charge to NYSDA members; and give a 10 percent discount off their usual fees. Learn more at nysdental.org/legalresources.



HAVE A FOLLOW-UP QUESTION?

Please contact Matthew Feldman directly at mfeldman@fk.law or feldmankieffer.com