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**BEFORE YOU SIGN:
 KEY ISSUES IN
 EMPLOYMENT
 AGREEMENTS**

LEGAL PERSPECTIVES

By Christopher Rothenmel, Esq., Wolf, Baldwin, and Associates, P.C.



After submitting countless applications, sitting for multiple rounds of interviews, and successfully navigating the job-hunting process, you've landed a position with everything you were hoping for. After weeks of stress and uncertainty, it's tempting to sign whatever paperwork is put in front of you. But before you do, it's important to pause and review, as the employment agreement you're about to sign is more than a formality or routine paperwork.

The provisions in your employment agreement may have long-lasting legal and financial consequences, both during your employment and long after it ends. With that in mind, here are a few common provisions, and potential red flags, for which every employee should keep an eye out before signing.

The first, and most well-known red flag, is an overly broad non-compete provision. But what exactly does this look like? On one hand, Pennsylvania courts recognize and want to protect employers' legitimate business interests, such as manufacturing processes, techniques, pricing structures, confidential information, and customer relationships. At the same time, courts are careful not to enforce restrictions which prevent employees from continuing their livelihood or advancing their careers.

Three key factors to focus on are the scope of restricted activities, the geographic area of the restrictions, and their duration. In determining whether a non-compete is overly broad, the answer will depend on the specific circumstances of

the employee and the offered position. Clarity and specificity are especially important when defining "restricted activities." Vague language, such as prohibiting Employee from engaging in "services similar to those provided to the Employer during the term of this Agreement," should raise concern. A provision like this could, for example, effectively prevent a marketing professional from working in advertising altogether, even for a business in completely unrelated industries. Restrictions like this often go beyond what is necessary to protect legitimate business interests and, therefore, may become unenforceable.

It is also important to be aware of statutory protections, such as the *Fair Contracting for Health Care Practitioners Act*, which took effect on January 1, 2025. This recent law represents a significant shift in non-competition practices for health care professionals, limiting the non-compete term to one (1) year or less for medical doctors, physician assistants, nurse practitioners, and other health care professionals.

(Continued on page 42)

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