Employment Contracts: Best Practices & Common Mistakes

Learning Objectives

The world of employment contracts is ample, allowing for parties to develop mechanisms to create and protect the type of business relationship which may best suit their needs. This presentation will focus on the preparation, development and best practices associated with various types of employment agreements, including, executive compensation and independent contractor relationships in at-will and for-cause jurisdictions. Also, as restrictive covenants are common in employment contracts today, the presentation will also focus on the legal requirements to draft valid restrictive covenants and common mistakes to avoid when developing such covenants.

Reference Material

I. Legislation

2. Act No. 28 of January 21, 2018, Special Leave for Catastrophic Illnesses
5. Act No. 4 of January 26, 2017, also known as the Labor Transformation and Flexibility Act.

II. Case Law

1. At-will Employment
2. Independent contractor vs. Employee
   b. SLG Ortiz Jiménez v. Rivera Núñez, 194 D.P.R. 936 (2016)


3. Just cause


4. Class action waivers


5. Arbitration


c. *Britto v. Prospect Chartercare SJHSRI, LLC*, 909 F.3d 506, 508 (1st Cir. 2018)

d. *Conduragis v. Prospect Chartercare, LLC*, 909 F.3d 516 (1st Cir. 2018)

6. Employment agreement considerations


7. Non-Compete


h. *EMC Corp. v. Arturi*, 655 F.3d 75 (1st Cir. 2011)

8. No-Poach Agreements among competitors

III. **Secondary Sources**


