

Employment Contracts Checklist

1. Date of agreement and hiring
2. Parties
 - (i) Names/address
3. Reason for hiring
 - (i) Description of employee's special skills, knowledge, training, ability, experience, etc.
4. Relationship to be established
 - (i) Employee
 - (ii) Independent contractor
 - (iii) Agent
5. Statement of hiring and employing
6. Time employee is to devote to employer's business
 - (i) Overtime
 - (ii) Length of contract
 - (iii) Hours per day/week
7. Duties, responsibilities and obligations of employee
 - (i) Critical skills employee brings to position; specific duties; reporting relationship
 - (ii) Employer's right to change duties/reporting relationships/add duties from time to time; is notice of changes necessary/appropriate?
 - (iii) Employee agrees to be bound by employer's rules and policies
8. Location of employment
 - (i) Options to change
9. Duration of contract
 - (i) Fixed term/indefinite duration (with termination provisions)
 - (ii) Renewal
10. Compensation (including benefits)
 - (i) Wages/salary
 - (ii) When paid
 - (iii) Increases in compensation
 - (iv) Commission/bonuses
 - (v) Overtime
 - (vi) Vacations (statutory and other)
 - (vii) Meal/car allowances
11. Expense accounts
 - (i) Employee/employer to pay
 - (ii) Permission required before incurring expense
 - (iii) Receipts to be filed
12. Review periods/process
13. Restrictive covenants
 - (i) Non-competition (geography, time, definition of "competition")
 - (ii) Non-solicitation
 - (iii) Confidentiality
 - (iv) Exclusive service to employer
 - (v) Return of company property

14. Property rights of employer
 - (i) Patents, copyright, trade-marks
 - (ii) Waive moral rights
15. Termination of contract
 - (i) Cause/no cause
 - (ii) Probation
 - (iii) By employee
 - (iv) Rights arising on termination – return of property (credit card, equipment)
16. Authority of employee to bind employer
17. Modification of contract
 - (i) By employee/employer
 - (ii) Effect of modification of one term on rest of contract
18. Employer protection
 - (i) Indemnification
 - (ii) Liability insurance
 - (iii) bonded
19. Accounting (both ways)
20. Breach of contract
 - (i) What constitutes breach by either side (non-exclusive examples)
 - (ii) Damages, legal fees, injunctive relief (restrictions)
21. Dispute management
22. Assignability (employer only)
23. Severability
24. Entire agreement
25. Notice
26. Governing law
27. Signature (witness)