



“ The fact that you’re signing it is itself confidential. That is something you should explain to employees when you represent them. ”

K-NOTES

Ensuring Confidentiality with Separation Agreements



Drafting Confidential Separation Agreements

Protecting Companies & Employees with Confidential Separation Agreements

When an employee leaves a company, they usually take with them proprietary secrets and other insider knowledge. In order to protect the business, many employers have their soon-to-be former worker sign a confidential separation agreement. These allow both parties to move forward with a shared understanding of what constitutes privileged information. They also clarify other important parting business, such as what the company considers to be non-competition and what constitutes a fair severance package.



Key Takeaways

➔ Don't Bring up the NDA

If you're an employer and you have to let someone go, you'll come across a confidential separation agreement. Usually, it's someone who knows something that you don't want the rest of the public to know, or if you're one of the unfortunate people who is being let go.

➔ Everything is Negotiable

It's as though your severance payment is going to be however many years you worked here. While this may be company policy or what is stated in every severance agreement, everything is negotiable.

➔ Are Continuing Obligations Acceptable?

The non-solicitation clause in this contract does not allow taking any employees for the term of one year, which is the continuing obligation after separation. You are not permitted to hire any of the employees to work on a competing product for at least one year.

➔ Balancing Quality Control Activity

What this means is that you should take careful notes when you're putting it together in the first place. Using Google Docs is preferable to Word because you can comment and make notes on things that do not actually change the document, such as a track changes type format, as it is a little easier and more user-friendly.

Mathew Kerbis Attorney

“ When it comes to severance payments, always encourage employees to see if there is a reason they can negotiate a higher number.”