Contd. from P2

In the era of telecommuting, too, be aware of the substantial risks posed by employees who take work home or work at home regularly. Employers should address this situation specifically in their confidentiality agreements and employee policies. As recent headlines revealed, even highly secure organizations like the CIA can be embarrassed by employees (even directors) who work on confidential matters on their home computers-with Internet connections offering potential access to hackers around the world.

When an employee leaves the company

If a Separation Agreement is executed at the time an employee leaves the company, confidentiality provisions can be included in that document. As a starting point, the agreement can repeat the confidentiality obligations included in the Proprietary Information and Inventions Agreement that the employee signed when first employed. The same areas can be covered: trade secrets, non-solicitation (of the company's customers and of the company's employees), and non-compete (to the extent enforceable in your particular jurisdiction). Confidentiality obligations can be modified to fit the particular circumstances of the employee's departure from the com-

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If a Separation Agreement is executed at the time an employee leaves the company, confidentiality provisions can be included in that document. As a starting point, the agreement can repeat the confidentiality obligations included in the Proprietary Information and Inventions Agreement that the employee signed when first employed.

the time an employee leaves, only the confidentiality provisions previously agreed upon will apply, together with any statutory protections such as the general trade

secrets protection and the specific patent and copyright laws. In these cases, TriNet recommends that you at least remind the employee of these confidentiality provisions and of company's intent to seek enforcement thereof

If no separation agreement is signed at

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part of doing business and staying ahead of the competition. Have employees with access to vital company information enter into written restrictive agreements with regards to confidentiality, non-solicitation, and non-competition.

Keep in mind that such restrictions must be reasonable enough so that the employee's ability to earn a living and use his or her expertise with another employer is not unduly hindered. Also, confidentiality agreements should specifically mention what information or activity is considered "off limits."

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