Have you properly excluded your individual inventions prior to accepting your job offer?

An employer may require an employee to sign an agreement stating that patent rights for inventions made in the course of employment is the property of the employer. These types of agreements will often include a place to identify any prior inventions that are to be excluded from the agreement, and that the employee agrees to not incorporate his or her prior inventions in the work the employee does for the employer.

Does your job offer require that you sign a forced arbitration agreement?

It is very common for employers to require that their employees sign agreements for arbitration, mediation, or other forms of alternative dispute resolution as a condition or pre-condition of employment. Generally, such arbitration agreements will be permitted. However, these agreements are subject to general contract defenses such as unconscionability, duress, and fraud. Employees have certain protections under Kentucky law regarding their rights related to arbitration agreements including: reasonable location for arbitration; fairness to the parties to the agreement (can include provisions about an impartial arbitrator); provisions that provide the parties have at least one channel for legal claim pursuit; and empowering the arbitrator to award all types of relief for the particular type of claim that would be available in court, such as punitive damages. Some employers’ agreements include “opt out” provisions which allow you to opt-out of the arbitration process.

Authors: Cat McCloskey (The Zoppoth Law Firm), Briana Bonham (2L at University of Louisville), Kristin Smith (MIT Equal Pay Working Group)

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