NEGOTIATING THE CONTRACT YOU WANT

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Objectives

- Participant will be able to name 4 differences between an IC and Employee contract
- Participant will be able to name three points of contract to relinquish
- Participant will be able to name three points of a contract sh/e definitely wants in
Why do I need a contract?

- Prevents disputes between employer and employee
- Helps you determine what is most important to you in a job
- Alerts employer you are an astute business wo(man)
Independent contractor

- Operates under business name
- Has his/her own employees
- Maintains a separate business checking account
- Advertises his/her business services
- Invoices for work complete
- Has more than one client
- Has own tools and sets own hours
- Keeps business records
Aids in determining type of contract

- Written contracts describing the relationship
- Benefits
- Permanency of relationship
- Extent to which services performed by worker are a key aspect of regular business of company
Know what you are worth.

- Research in advance what the average salary or hourly rate is for your specialty area
- Remember that an independent contractor should have a higher hourly
Strategies for planning contract negotiations

- List rank your priorities along with alternatives
  - Know you will not be able to negotiate effective all areas
  - Discuss what is most important to you and agreed upon before you move to less important items
  - Refer to least important items if you have to give up some top items
Strategies for planning contract negotiations

- Know the difference between what you need and what you want
  - Ask hard question “Is this really a priority for the practice?”
  - “Is this a standard for this type of practice?”
Strategies for planning contract negotiations

- Know your bottom line so you know when to walk away
  - Is there a cost or hourly fee than cannot be exceeded?
  - Have you come to realize that one or two of top priorities are truly non-negotiable?
  - List these so they are not forgotten
Strategies for planning contract negotiations

- Case dismissed or goes to Attorney General
- Option to go to Hearing
- License can then be dismissed, suspended, revoked, revoked with stay, fine or public admonition
Strategies for planning contract negotiations

- What types of time constraints or benchmarks are being made?
  - Minimum 30 patients per day
  - No difference in time between new and sick visits
  - Bonus only if a certain criteria is met
  - Set up for failure
Strategies for planning contract negotiations

- Assess potential liabilities and risks
  - Malpractice and disciplinary insurance
  - Who is responsible if any government violation
  - Paid for education time
Strategies for planning contract negotiations

- Confidentiality, non-compete, dispute resolution, changes in requirements
  - Confidential information HIPAA
  - What happens if there is a breach?
  - What happens if there is a dispute?
Strategies for planning contract negotiations

- Do the same for your employer (walk a mile in their shoes)
- Repeat the same process through the eyes of your employer
- What areas are most important for them?
- What risks or liabilities will they want you to assume?
Strategies for planning contract negotiations

- You can negotiate with more than money
  - On call
  - Administrative duties
  - Hours worked in a day
  - Volunteer duties
Strategies for planning contract negotiations

- Be reasonable
  - Think of things from employer’s perspective
  - In protecting their interest, are you ignoring theirs?
Strategies for planning contract negotiations

- Listen to potential employer’s needs
  - Pay attention when the employer is talking and communicating
  - Pay attention to the employer when he/she is quiet
  - You may agree (or disagree) on more than you think
Strategies for planning contract negotiations

- Communicate with care and guard your emotions
  - Stay calm
  - Reinforce your desire to work together
  - Choose your words wisely
Strategies for planning contract negotiations

- It’s not about winning or losing
  - Finding middle ground both parties are happy with
  - Goal is to work together
  - Mutually trusted and trustworthy
  - If end result is you do not work together, it is not a losing situation, it’s a learning one
  - Take a day or two to catch your breath, and make notes of what you may do differently the next time.
Preparation

- Determine if you will need legal counsel
  - If you feel you don’t understand the contract or are not sure if it is fair, contact a lawyer who has knowledge of nurse practitioners
Strategies for planning contract negotiations

- Don’t be afraid to negotiate
  - Simply communicating expectations
  - If the contract does not suit your needs, speak up
  - A contract employer will not run the other direction when you politely state your terms
Strategies for planning contract negotiations

- Don’t rush it
  - Don’t sign without reading contract
  - Tell employer you will take time to consider the contract
  - Give yourself a night or two to digest contract or call an attorney
Preparation

- On-site or teleconference
  - Agree where the negotiation will take place
  - If you think you have the upper hand by traveling the distance to see the employer and it is cost effective, go to the employer.
  - If you decide on a conference, make sure it is video so you are able to see body language
Preparation

- Make sure the person representing the employer has the authority to negotiate
  - A waste of time if person cannot make decision
  - Some employers like to have several people within the practice interview you.
Preparation

- Research the practice
  - Reputation
  - People who work in the practice
  - Orientation
QUESTIONS?
Getting to Negotiating

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