



BEING A BUSINESS OWNER IS GREAT...

IF YOU ARE OLD ENOUGH TO KNOW WHAT YOU ARE DOING!

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Laura Fowler will present on the topic '[Boomers Beginning a Business](#)' at the Austinup. Aging...Everyone's Doing It 55+ in ATX Job & Volunteer Fair Wednesday, September 7th, 2016. This conference is **SOLD OUT** but to learn more about the conference and upcoming events see: <http://www.austinup.org/event/55-in-atx-job-volunteer-fair/> and <http://www.austinup.org/events/>

THE FOWLER LAW FIRM, P.C.

Dear Readers: Well... It's summertime. Let's have a little fun! Each week this summer, The Fowler Law Firm will send you an Electronic Alert like this one, designed to do two equally important things: (1) Inform you about a challenge many others like you regularly ask that costs them money or forfeits an opportunity; and (2) Showcase the skills and resources of The Fowler Law Firm PC in our award-winning Practice Sections.

Reply to this Electronic Alert to ask a question or make a comment in strictest confidence. Have a great Summer of 2016!

Multiple-Choice Quiz

You are 63 years old, newly retired from an Austin high tech company with which you spent most of your adult life. You just read three magazine articles that say Harvard Medical School has declared: "*120 is the NEW 60*" if ...you drink a lot of filtered water and eat your vegetables. Since this means you have another 57 years in which to be gainfully engaged, you decide to begin a search for something interesting to do.

Along the path to fulfillment, you face a few challenges:

- (a) The first employer you contact is headquartered in Austin and requires all applicants to fill out an application online. The application asks if you have ever been convicted of a crime. The long forgotten memory of your drinking days down at *The Broken Spoke* vividly returns. You ponder what to do. You never told your spouse *or your Mom* about that conviction for a fist fight in the parking lot. You wonder if you really want to tell anybody now.
- (b) The second employer is so excited by your potential, the HR Director hands you a sample employment contract and employee handbook to review and asks to please consider reporting to work late morning... *just as soon as you sign and return the documents*. At page 27 of the handbook you discover you will be required to sign both a *Non-Compete* clause and a *Work for Hire* contract supplement. You immediately remember the exciting work you and your twenty four (24) year old Coder Genius Niece- *doesn't everyone in Austin have one of these?* - are doing. For the past sixteen (16) months, your niece and you have been creating a system to transport data accompanied by an electronic manual about how to use the system. You wonder how signing the document will affect your rights....*and her's*.
- (c) The third entity is seeking responses from vendors with a business entity and a tax number to provide services as a 1099 contractor. You don't have either and don't understand the consequences or even the need to jump through all these hoops.

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What should you do?

1. Rejoice in the fact that *Harvard Medical* just told you that you have 57 years to sort all this out. Who's in a hurry with statistics like that?
2. Despair that you don't really like vegetables and vow to do something about it.
3. Consider forming a business with your twenty four (24) year old Coder Genius Niece and hope she is the loyal sort who treasures and respects her elder family members. Because meanwhile, Coder Genius Niece has found the answer to all your questions on the internet. And they are:

- (a) Most Austin employers cannot ask you if you were convicted of a crime until after they make you an offer. That memorable evening at *The Broken Spoke* can remain a secret in most employment settings. See Austin Fair Chance Hiring Ordinance enacted April 4, 2016 at <http://www.austintexas.gov/fairchancehiring>

However, before you get too excited, please note that exempt from this requirement are the following:

- *Private employers with less [fewer] than 15 employees.*
- *Employers headquartered outside of Austin that have more than 15 employees, but less [fewer] than 15 primarily working from an Austin location.*
- *Government employers on the federal, state, county and municipal levels.*
- *Public school districts.*
- *Private membership clubs exempt under Section 501 (c) of the Internal Revenue Code*

- (b) While *non-compete clauses* and *work for hire provisions* are not a favorite of the courts, if properly and narrowly worded, such clauses can be enforceable. Nevertheless, many employers are so desperate to hire qualified individuals with your skill set, they will waive or limit those clauses.

Most employers have no desire to seize control of your pre-existing data transfer system or half-finished text book. Most employers, who are offering you an opportunity to work full time, do not want your endeavors on their timeclock to be directed to your personal pursuits. Discussing what you are doing and what you want to exempt from your employment agreement is the better professional practice. Get it in writing and made a part of your employment contract *before* you sign an employment agreement. Get legal help if you are not sure about how to describe what you have created or what limited you want on your prospective employer's right to own whatever you work on while you are employed.

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(c) Your twenty four (24) year old Genius Coder Niece also has found an incredible conference where even you, a sixty three (63) year old dinosaur can learn everything you need to know about how to form a basic business entity so you can compete in the market place as a business owner. She urges you to let her sign you up immediately to attend **'Boomers Beginning a Business' at the Austinup 'Aging...Everyone's Doing It' 55+** in ATX Job & Volunteer Fair Wednesday September 7th.

Oops, your brainy niece notes the conference just sold out but to learn more about the conference and upcoming events see:

<http://www.austinup.org/event/55-in-atx-job-volunteer-fair/> and <http://www.austinup.org/events/>

In your every summertime adventure, we wish you the very best!

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*For a copy of Ms. Fowler's presentation **'Boomers Beginning a Business' at the Austinup 'Aging...Everyone's Doing It' 55+** in ATX Job & Volunteer Fair Wednesday September 7th, e mail lfowler@thefowlerlawfirm.com.*

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