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■ Age Proof Your CV: How to Compete in Today's Job Market

■ Non-Compete Agreements: What You Should Know

Career Guide

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October 2018

Oral and Maxillofacial Fellowship 2019-2020

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Specializing in the practice of Oral and Maxillofacial Surgery

Contents



4

Chicago: A list of things to do in the Windy City.

8

Find out how to **Age-Proof Your CV** and why it is a necessity.



12

What do you need to know about **Non-Compete Agreements**? Read on for answers.

Explore Chicago

There's so much to experience in The Windy City

Chicago, Illinois is located on the south west shores of Lake Michigan in the Great Lakes region, and is a popular vacation spot for locals and tourists. Not only is Chicago famous for its hot dogs, jazz music and sports arenas, it is also home to well-known museums, and stunning architecture such as the Sears Tower. Here is a list of a few things to explore during your visit to the Windy City.

Millennium Park

A favorite meeting place known for its free concerts, famous public art features and close proximity to the Loop, Millennium Park is 24.5 acres of centerpieces, architecture, gardens and festivals! The Jay Pritzker Pavilion, designed by Frank Gehry, hosts some of Chicago's biggest concerts and outdoor festivals. A particularly quintessential experience is to have a picnic on the lawns of the Pavilion and watch a free concert of jazz, rock or world music – no admission required. Sculptures are aplenty; the iconic Cloud Gate by Anish Kapoor is well known, but don't forget to visit Jaume Plensa's Crown Fountain or wander through the public art exhibitions on the Chase Promenades. After building up an appetite, al fresco dining at the Park Grill is a must, and you'll be sure to find serene peace in the Lurie Garden.

201 E Randolph Street | Chicago, IL 60602
cityofchicago.org/city/en/depts/dca/supp_info/millennium_park.html

Wrigley Field

This is one for the sports fans! No visit to Chicago is complete without taking a walk around Wrigleyville. Experience the Friendly Confines, also known as Wrigley Field, explore the

Park, and enjoy an abundance of food and drinks from the many stands available. Of course, the main attraction of Wrigley Field is baseball, especially after the Chicago Cubs have a World Series Championship under their belts after a 106-year drought! Wrigley Field isn't just a baseball field, it's also a major concert venue. Big music names – Billy Joel, Lady Gaga and the Zac Brown Band – have all graced this stage.

1060 W Addison Street | Chicago, IL 60613
mlb.com/cubs/ballpark

Garfield Park Conservatory

This glorious conservatory opened in 1908 and is described as “landscaped art under glass”. This conservatory is one of the largest in the world and is home to revolutionary architecture, with over 120,000 plants that represent approximately 600 species across its 1.6 acres. Shaped like a haystack with walls that are like stratified stonework, Jens Jensen, a landscape architect, said that the Fern Room was one of his greatest achievements and it's not hard to see why with its stunning stone and water “prairie waterfall” within a glass structure. The Desert House is full of cacti and other prickly succulents and the Aroid House is the perfect place to visit for ideas on houseplants. Explore the many exhibits, plant sales, beekeeping demonstrations, and workshops. If you want to try something completely different, they also offer yoga with goats!

300 N Central Park Avenue | Chicago, IL 60624 | 773-638-1766
garfieldconservatory.org

Lincoln Park Zoo

Lincoln Park Zoo is one of the last free zoos in the USA. Its



Chicago is a popular vacation spot famous for its jazz music, sports arenas and stunning architecture.

35 acres is home to around 1,200 animals from around the world and offers visitors the unique opportunity of taking part in a variety of special programs and seasonal events, such as Summer Wine Fest, Brews at the Zoo, outdoor yoga sessions and singalongs designed to get children involved and learn about the animals. From mammals, to birds, to reptiles, there is an animal for everyone. If you're lucky, you may even see gorgeous baby animals.

2001 N Clark Street | Chicago, IL 60614 | 312-742-2000

[lpzoo.org](http://pzoo.org)

The Chicago Riverwalk

Enjoy the beauty of Chicago's architecture as you stroll along the Riverwalk facing the Chicago River. Scattered along the walk are an abundance of restaurants, bars and attractions offering a variety of entertainment. Try a glass of wine at the City Winery paired with cheese plates and cured meats. After a long day, cool down with a cold, sweet treat from Frost Gelato. Cleverly-designed features along the Riverwalk provide plenty of opportunity to sit down and enjoy Chicago from a prime location. You can also jump onto a river boat and cruise the waters, or take a ride in a Chicago Water Taxi.

30 North LaSalle Street | Chicago, IL 60602 | 312-742-7529

chicagoriverwalk.us

The Field Museum

One of Chicago's favorite tourist destinations is the natural history museum housing biological and anthropological collections, brought together for the World's Columbian Exposition of 1893. Over 350,000 square feet is home to permanent exhibitions waiting to be explored, but it could take more than one day! Immerse yourself in the thousands of artifacts such as the ancient Egyptian mummies. Marvel at the grand scale of a dinosaur skeleton including 'Sue', the largest and most complete Tyrannosaurus Rex skeleton ever uncovered. Appreciate the beauty of rare jewels in the Grainger Hall of Gems. Or watch a 3D movie, a rotating lineup of films which take the audience on a trip to the lands of the dinosaurs, the Galapagos and ancient Egypt with special effects that are so real, you'll feel like you're really there!

1400 S Lake Shore Drive | Chicago, IL 60605 | 312-922-9410
fieldmuseum.org

Shedd Aquarium

If you have a love for aquatics, a visit to the Shedd Aquarium is an absolute must! Discover a different world as you wander through the exhibits and animal presentations including the Stingray Touch and the Amphibians special exhibit. Get up close and personal with the Aquarium's family of fish and animals with an Extraordinary Experiences tour including feeding the

sharks and an encounter with a beluga whale or a penguin! The Aquarium is home to seven permanent exhibits, such as the Amazon Rising with colorful fish, anacondas and stingrays; the Abbott Oceanarium with beluga whales, sea lions, sea otters and dolphins; and the Wild Reef with sharks and live coral – truly a sight to see!

1200 S Lake Shore Drive | Chicago, IL 60605 | 312-939-2438
sheddaquarium.org

The Peggy Notebaert Nature Museum

If you're looking for something more interactive and hands-on that children will enjoy, then head on over to the Peggy Notebaert Nature Museum. From the biology of Ice Age mammals to prairie and river ecosystems - nature and its conservation are at the heart of this fascinating outdoor museum. Sitting alongside a lagoon, the myriad of interactive displays about the ecosystems of rivers and marshes will engage children, especially when they are not chasing the thousands of beautiful butterflies in the 2,700-square foot Judy Istock Butterfly Haven!

2430 N Cannon Street | Chicago, IL 60614 | 773-755-5100
naturemuseum.org

The Museum of Science and Industry

Interactivity is the priority for the Museum of Science and Industry. Enter a confounding mirror maze in the "Numbers in Nature" exhibit and try to find your way out; see what a tornado looks like from the inside in "Science Storms"; or walk around a U-505 German submarine. A guided tour will take you through the submarine's cramped interior as you experience the sound and lighting effects which will transport you back to World War II. Peer into Berghoff's restaurant, the Chicago Post Office and Walgreen's Drug Company. Or watch a silent movie at the Nickelodeon, and don't forget to have your vintage photo taken at the Old Time Photo Studio!

5700 S Lake Shore Drive | Chicago, IL 60637 | 773-684-1414
naturemuseum.org

Adler Planetarium

Delve into the magic of astronomy and astrophysics for a planetary experience of a lifetime at the Adler Planetarium. There are a number of permanent exhibitions that will keep you and the children enthralled. The "Mission Moon" documents USA's history of space exploration, whilst "The Universe: A Walk Through Time" looks at theories on how the galaxy was created. Peek through a telescope in the Doane Observatory or study the Chicago skyline on Northerly Island outside the museum. The Grainger Sky Theater uses multiple projectors covering a 70-foot diameter dome which transports you to the solar system, its planets, and stars - truly a mesmerizing film experience.

1300 S Lake Shore Drive | Chicago, IL 60605 | 312-922-7827
adlerplanetarium.org ■

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CURRICULUM VITAE

Age-Proof Your CV: How to Compete in Today's Job Market

Ageism is a major challenge in every industry, and medicine is no exception. Now more than ever, it's important that you do all you can to protect yourself. Today, having too much experience can be detrimental to your job prospects. According to a 2015 AARP Public Policy Institute study, a non-government organization for people aged 50 years and older, age discrimination has become the most prevalent discrimination in the workplace. Surveys on workplace age discrimination reveal that more than 60% of workers have experienced or at least witnessed age discrimination. "Most people won't even interview you at my age," says Joseph Heether, MD, a General Surgeon with over 28 years of experience. "I would talk to a hospital recruiter who says my CV and record look great, then never get a call from the hospital they were forwarded to. I never thought my age would be a problem in my profession."

Age-proofing your CV is a necessity

In addition to age, older workers are also at a numbers disadvantage which further exacerbates the problem. There are 89 million millennials (born 1981 through 1996) and 49 million Generation Xers (born 1965 through 1980) compared to 75 million baby boomers (born 1946 through 1964). Yet labor participation rate for those aged 55 to 64 is only around 65% while the rate is over 81% for those aged 25 to 54. Add to that the cost analyses companies engage in when making hiring decisions. The greater experience and higher salary requirements of an older doctor makes them expensive to companies looking to retire older and hire younger. "(Companies) are hesitant to take a chance on you when you're older," notes Heether. "They're afraid you may not want to work

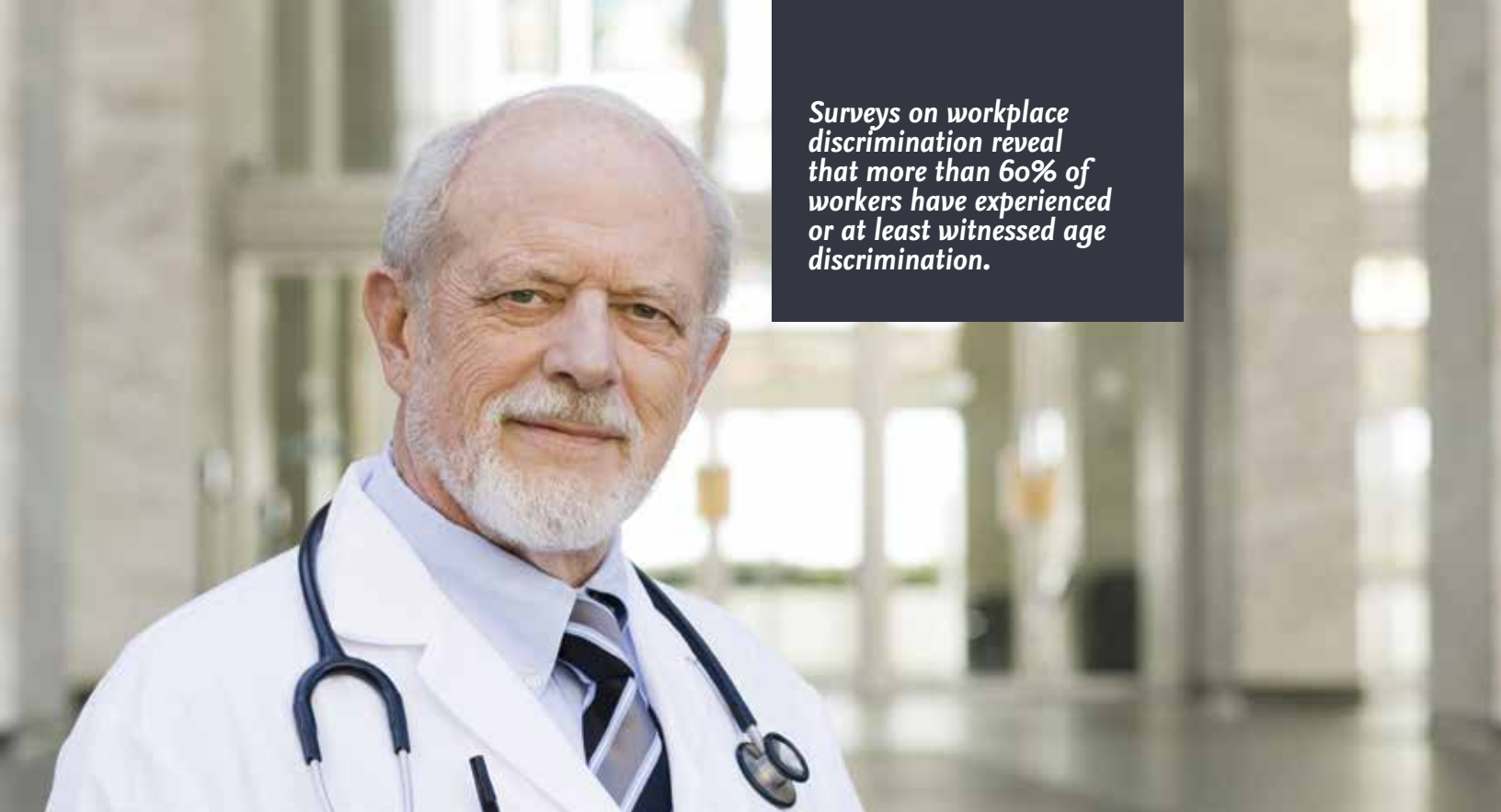
for the money they're offering. They figure also you may only be able to give them at most 10 years."

What Can You Do?

The first order of business as a job-seeker – get the interview. Your CV should not be more than 2 pages long and it is important you limit your experience to the past 10 years. Going back any further will date you. It's also best if you exclude the years you graduated from college and medical school. The Age Discrimination in Employment Act (ADEA) prohibits age discrimination against people 40 and older, but it persists and is insidiously widespread.

Is It Your Age or Your Salary?

If you've made it through the initial screenings because you edited your CV, you could end up sitting across from a hiring manager who is not much older than your child with a mandate to hire based on an unofficial profile. At this point, being transparent is advisable. Remember, it is illegal to discriminate against an applicant 40 or older, so it may be difficult to tell whether any objection is to your age or to your higher salary requirement. Use the opportunity to overcome their prepared list of objections. Talk about the value your experience will bring and be one step ahead. Make it clear to the interviewer that your qualifications fit the profile and that you have no disqualifying health issues. You can suggest being brought on at the higher end of the salary range. You want to drive home the point that you're happy to come on board in a way that's comfortable for them. Getting your foot in the door is what matters most; it's much easier to discuss future opportunities



Surveys on workplace discrimination reveal that more than 60% of workers have experienced or at least witnessed age discrimination.

for review and compensation when you're already in and can demonstrate the value you bring to the job.

Be More Than a Commodity

Try to think like a hiring manager. Return on investment, cost savings, and how you can add value to the position should be the focus of how you sell yourself. It's not enough anymore to have been in one place for 20 years. In addition, thoroughly research a company, talk to people inside and outside the company and learn exactly what they are looking for to tailor your presentation. You may not be able to do anything about a few gray hairs, but there are other areas you can control and cut a job search from months down to weeks. ■

ABOUT THE AUTHOR

Tamara Thomas is a writer, graphic designer and published author.



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Interested candidates please email CV to:

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lboerner@mcw.edu

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Non-Compete Agreements: What You Should Know



Physicians in the midst of a job search should be aware that signing a non-compete employment contract with their prospective employer could become expected in contract negotiations.

A physician restrictive covenant, also referred to as a “non-compete agreement,” is a clause in a physician’s contract whereby the physician (employee) agrees to disengage in competition with the employer for a prescribed period of time after he or she leaves that company’s employ.

Although it may seem insignificant, those lines in a contract can change your future. Healthcare attorney and a member of the law firm McDonald Hopkins LLC in Chicago, Steven M. Harris, Esq. advises physicians to consult with a lawyer who is well-versed in the laws of your state before signing a contract containing a non-compete clause. In addition, he says that when considering your next career move, getting a lawyer may help to shed some light on an impenetrable clause.

“I strongly recommend that no employee sign a non-compete without consulting with an attorney first,” concurs David Schein, an attorney who consults with medical practices on employment issues and serves as Director of Graduate Programs at the University of St. Thomas in Texas. Schein adds that an attorney experienced in this area can negotiate items such as a smaller geographic area or a shorter time restriction. Occasionally, people sign agreements without fully understanding the implications. Specialists in certain areas of medicine are in demand, so it makes sense for them to use any leverage upfront.


Non-compete contracts are a way for employers to guard their protectable interests (an employer’s advantage that once the employee-employment relationship ends would make it unfair to allow the employee to compete with it). In this area

of employment law, certain states do enforce non-compete agreements, though there is no national standard. What makes the non-compete clause so confounding is that they vary greatly in what they view as a reasonable non-compete. For example, non-competes in Texas often have geographic restrictions of “50-100 miles of the city where the employee practiced” according to Schein.

Some states bar its use in certain industries, such as medicine and law. In other states such as Connecticut and Rhode Island, laws passed in 2016 prohibit non-competes between employers and physicians.

Thomas Wassel, a partner with Cullen and Dykman in New York, asserts that without federal laws, time restrictions can vary by state. “Connecticut passed legislation that limits non-competes for physicians to one year and limits the geographic scope to 15 miles from the primary practice area,” he says. Two years is common in other states. If the non-compete has to do with a buy-out or merger, it can result in additional restrictions. “Practice buy-out or merger restrictions are enforceable in Texas and often run up to 5 years,” Schein points out. According to Wassel, medical practices in New York want “...to recoup their training and any other costs, such as professional memberships associated with their employee.” Meanwhile, Illinois courts look at “... the investment they (medical practices) have made in forming near-permanent relationships with their patients,” so courts may need to examine whether the practice markets regionally and other efforts to recruit and retain patients.

Robert W. Horton, Esquire of Bass Berry & Sims states, “For a non-compete to be enforceable, it must be considered “reasonable” and “reasonable” non-competes address issues related to geography (i.e. where someone can practice), scope (the work an employee performs in his/her new position),



Physicians should consult with a lawyer who is well-versed in the laws of their state before signing a contract containing a non-compete clause.

NON-COMPETE AGREEMENT

and time restrictions. Limitations are necessary for the non-compete to be enforceable.”

Protectable interest differs from state to state. States try to balance an employer’s protectable interest without appearing to support a restraint of trade (any action that interferes with free competition in a market). The non-compete is a bonding part of a contract, and a physician should fully understand his contract before he enters into it. Signing an agreement without understanding all of the ramifications can cause a person to lose money or professional opportunities.

In New York and Texas, a non-compete needs to offer something called “consideration” in order to be valid; this is when something of value is offered that can be objectively measured, such as a signing bonus. Wassel says, “Employers have to offer value for it. Doctors can fight if there is a no consideration. The mere fact of hiring the doctor can be adequate consideration, if properly documented.” Physicians can also challenge if the non-compete contains anything beyond “reasonable restrictions” to geography, scope and time. Courts may narrow non-competes though it does not mean that a judge will throw it out. Even if a judge agrees to narrow the time frame from two years to one year, a physician is still hampered by a one-year restriction.

For example, in April 2018, 92 doctors of Mecklenburg Medical Group (MMG) sued Atrium Health seeking release from restrictive work covenants and the right to form a standalone practice. Filed in Mecklenburg County Superior Court, the complaint, alleges the health system engaged in anti-competitive practices including non-compete agreements and compelling doctors to refer patients to Atrium facilities if they needed additional care.

At the time of writing, Atrium has agreed to release the physicians from the non-compete agreement and had informed them that their last day would be Aug. 31st. MMG attorneys are reviewing the agreement and how it affects the pending lawsuit.

Even if a physician does prevail in court, there are often substantial costs. Lawsuits are “very expensive initially because (your former employer) can get an injunction,” says Adi Amit, a partner with the law firm Lubell Rosen in Florida. An injunction is a judicial order that restrains a person from beginning or continuing an action that threatens or invades the legal right of another (in this case, a physician working for a new employer). “Legal fees, even for a brief round of injunction hearings, can run at least \$10,000 for each side,” cautions Schein.

Attorneys from a variety of states agree that the judge that hears the case influences the outcome. Amit says that in Florida, some judges are “pro-employee and some are pro-employer.” As there are no bright line rules, these agreements are so dangerous to sign.” In Texas, for example, non-compete agreements for physicians must contain a buy-out provision. This means the physician can buy-out his/her non-compete agreement for an agreed upon price.

Non-compete agreements are enforceable in every state but California. Also, the Colorado legislature amended its law on non-compete clauses to allow doctors to continue treating patients with rare diseases after they part with an employer. The bill became law in April 2018.

A physician’s specialty is an important fact of the case in some states. Amit says, “There is the issue of public safety.” Specializing in Zika research and treatment may influence the perception of a contract’s “reasonableness” in South Florida.

The American Medical Association's (AMA) guidance states doctors "should not enter into covenants that: (a) Unreasonably restrict the right of a physician to practice medicine for a specified period of time or in a specified geographic area on termination of a contractual relationship; and, (b) Do not make reasonable accommodation for patients' choice of physician." In fact, the AMA Code of Medical Ethics recommends that physicians avoid restrictive covenants whenever possible. Among its concerns are that they can limit access to care and disrupt care continuity.

Without a clear agreement and strong legal counsel, doctors could suffer significant financial losses as the result of a successful lawsuit. ■

Sources

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ABOUT THE AUTHOR

Melanie Grano is a freelance business writer and 20-year Journalism veteran who regularly contributes to career-based publications, including *ThirdCertainty* and *Computer Times*.



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www.marshfieldclinic.org

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