

Non-Compete Agreements

You may receive a Non-Compete agreement at various times of your employment: as part of an offer of employment, shortly after you commence employment, during your employment or even upon the termination of your employment. Non-Compete agreements may also be hidden in items such as an employee handbook or a stock award.

If you have received a Non-Compete agreement it is important that it be reviewed prior to your signing and returning it to your employer. While it may seem like a simple document, non-competes may have a tremendous effect on your future and your future employability. Do not believe that a Non-Compete agreement cannot be enforced as that is a misconception that may cause harm to you, your family and your finances.

Many employees are concerned about not immediately signing and returning a Non-Compete agreement. Especially when receiving pressure from their employer. While it is understandable that you may be concerned about the impact of not signing the document, what you should be concerned about is what effect signing the document may have on you and your family. A Non-Compete agreement is a legal document that you will be required to adhere to in your future. Because of this you should have the document reviewed so that you fully comprehend the weight of what you are agreeing to.

In reviewing a Non-Compete agreement there are various factors to be considered. Below are a few examples:

- (i) Is the Non-Compete agreement limited to your industry and in particular, the job you are currently performing? Or is it so broad that you will not be able to perform any job at all in that specific industry?
- (ii) Are you prevented from working within a

certain number of miles from your current job or does the Non-Compete agreement prevent you from working in the same industry globally?

(iii) Is the time period that you will be prevented from working in your industry reasonable?

There are other items to be measured when faced with a Non-Compete agreement like what it means for your future and your finances. If you are leaving a job should you sign a Non-Compete agreement as part of a severance or separation package? What, if anything, should you tell a prospective employer? Have you disclosed the document to the prospective employer? If you are commencing employment and have been given a Non-Compete agreement to sign, have you had it reviewed? Did you try and negotiate the terms of the agreement?

Our firm can assist you in reviewing a Non-Compete agreement presented to you at any point in your employment relation. We can explain the obligations that the company wants you to accept. We can help you negotiate the terms with your employer, by explaining to you the concerns that we see and the items that would help resolve these issues. We can explain to you the best way to move forward with the Non-Compete agreement presented to you. Our firm can also assist directly in negotiating the Non-Compete agreement to help you restrict the scope and duration of the document.

Our firm is also there to defend you should you be accused of violating a Non-Compete agreement. We are prepared to litigate on your behalf if resolution can't be reached.

In today's society, it is not unusual to receive a Non-Compete agreement. They are extremely common, but should not be taken as commonplace and just accepted. You may be able to push back if you are presented with one of these documents.

Contact our office and we will discuss your options and together with you determine how to proceed forward.

If you are interested in these services, please contact our office to schedule a time to speak.