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New York Attorney General Issues Non-Compete Agreements FAQ

By Carly Baratt on September 20, 2018

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On September 19, 2018, the New York Attorney General (“NYAG”) released a **Frequently Asked Questions document** (“FAQ”) regarding non-compete agreements in New York. The FAQ posits and answers the following basic questions about non-competes:

- What is a non-compete agreement?

- Are non-competes legal?
- Do I have to sign a non-compete?
- How could a non-compete affect me?
- How do employers enforce non-competes?

In addition, the FAQ advises employees on specific steps to take before signing a non-compete, as well as actions employees can take if they signed a non-compete and are contemplating leaving their job. The FAQ concludes by emphasizing the NYAG's efforts to end overly broad non-competes for rank-and-file employees who do not have access to trade secrets or confidential information, noting several recent settlements in this space and legislation introduced by the NYAG that would prohibit non-competes for workers earning below \$75,000 per year (which is still pending).

The publication of the FAQ is not only a useful resource to employers and employees alike, but also another notable development in the close scrutiny that state attorneys general, nationwide, are applying to non-compete agreements.

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