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WHEN A NON-COMPETE AGREEMENT CAN STOP YOU FROM GETTING A NEW JOB?

You've landed your dream job. The offer letter is sitting in your inbox, the salary is right, and you're ready to give notice. But there's one problem: the non-compete agreement you signed at your current company.

Non-compete agreements are contractual clauses designed to protect an employer's business interests by restricting where and how you can work after leaving the company. While these agreements serve a legitimate purpose, they can also create significant roadblocks when you're ready to take the next step in your career.

Understanding how non-compete agreements work and when they might prevent you from accepting a new job is crucial for protecting your professional future. The executive compensation attorneys at Barrett & Farahany will explore the different types of restrictions you might face and what you can do about them.



What is a Non-Compete Agreement?

A non-compete agreement is a legal contract between you and your current or previous employer that limits your ability to work for competing businesses or start a competing venture after your employment is over. These agreements typically include specific restrictions based on time, geography, industry, and role.

Employers use non-competes to safeguard proprietary information, client relationships, and competitive advantages. However, the enforceability of these agreements varies significantly by state, with some jurisdictions imposing strict limitations on what employers can restrict.

Common Types of Non-Compete Restrictions

Non-compete agreements come in several forms, each targeting different aspects of your professional activities. Here are the most common restrictions you might encounter:

Industry and Role Restrictions

These clauses prevent you from working in similar positions or industries that directly compete with your former employer. For instance, a meteorologist might be barred from working at a rival television station in the same market to prevent viewer migration.

Similarly, a software developer could be restricted from taking a role that duplicates their previous responsibilities at a competing tech company, particularly if that work involves proprietary algorithms or intellectual property.

Geographic Restrictions

Geographic limitations confine where you can work after leaving your employer. An agreement might prohibit you from accepting employment within a specific radius — such as 50 or 100 miles — from your current office location. These restrictions are designed to protect the employer's market presence in a defined area.

Time-Based Restrictions

Every non-compete agreement includes a duration during which the restrictions apply. This period typically ranges from six months to two years after your last day of employment. For example, you might be forbidden from working for a competitor for one year following your departure...

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