

Navigating the New FTC Rule Against Non-Compete Provisions

by Kent J. Schmidt and Nicholas J. Pappas

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On April 23, 2024, the Federal Trade Commission (FTC) issued a Final Rule banning the use of non-compete provisions in employment contracts. While subject to legal challenges, the federal standards, combined with diverse state rules on such provisions (ranging from complete bans to general permissiveness) create new challenges for employers. Employers must tread carefully in understanding how to protect confidential information and trade secrets from walking out the door with departing employees. In this episode, Kent Schmidt interviews Nicholas Pappas on the substance, status, and exceptions to the FTC rule and how employers, these issues given, must navigate the evolving legal landscape.

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