

Signing a non-compete agreement may be one of the most important decisions in an employment relationship. Scott Gibson of Gibson, Ferrin and Riggs, P.L.C. in Arizona has written an excellent [blog entry](#) on the subject at biziboom.com . For those who did not see it, here are two key points.

First, for employers that want their employees to sign a non-compete agreement, take care when explaining the importance of the agreement to the employee. The more carefully the employee is informed about the significance of the agreement, the more likely a court will be to enforce the agreement. I add that employees are much more likely to honor or at least remember that the agreement exists.

As Gibson points out, too often employers ask employees to sign overly restrictive agreements and do so without drawing attention to the document. Instead, the document is part of that orientation packet among a stack of other documents the employee is asked to sign. The non-compete agreement that may be the most important among those documents is then tantamount to fine print within the stack of documents. When the time comes to enforce the agreement, no employer wants to defend 'fine print'.

Second, when interviewing for a job, job applicants should ask to see a copy of any non-compete agreement the employer will want as a condition of employment. If the employer is the kind that wants to sneak a non-compete agreement by the employee, this should stop that tactic. Some jobs routinely include a non-compete agreement as part of the deal. Those jobs include sales, marketing, technology, research, medical practice, and high level executive positions. Of course, if the employer provides the agreement and offers the job, then by all means, have the agreement reviewed by an experienced employment lawyer before taking the job.