

Constituent Support for the FTC's Noncompete Rule



Utah | Statewide Impact



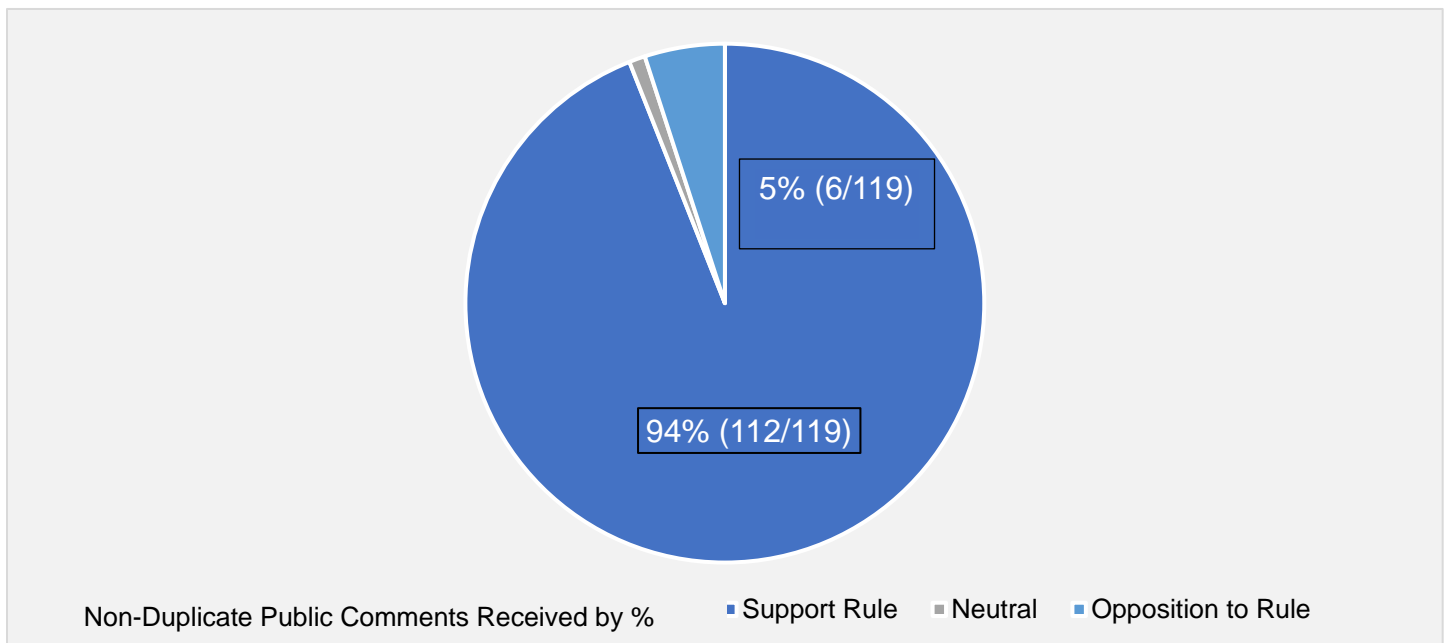
On April 23, 2024, the Federal Trade Commission issued a **final rule** to promote competition by **banning noncompetes** nationwide, protecting the fundamental **freedom of workers** to change jobs, **increasing innovation**, and fostering new **business formation**. The FTC estimates that the **final rule** will result in **8,500 more new businesses** each year, and **\$400-488 billion** in increased wages over the next decade, including for **Utah**:

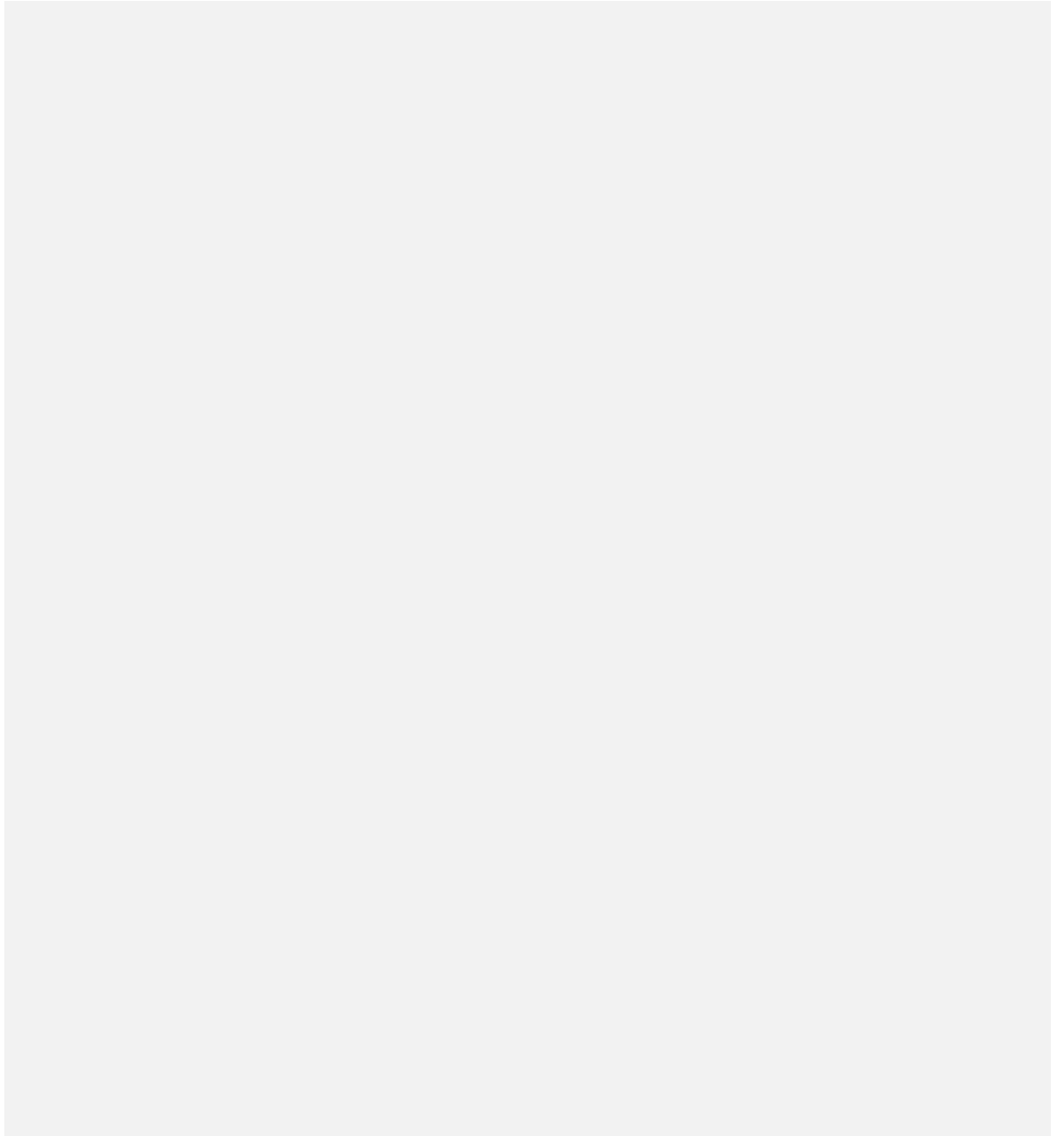
Utah Covered Workers	Increase in Total Annual UT Worker Earnings	Increase in Average Annual UT Worker Earnings
1,320,994	\$715,807,809	\$542

[Estimated Increases in Total Annual and Average Worker Earnings by State \(ftc.gov\)](https://www.ftc.gov)

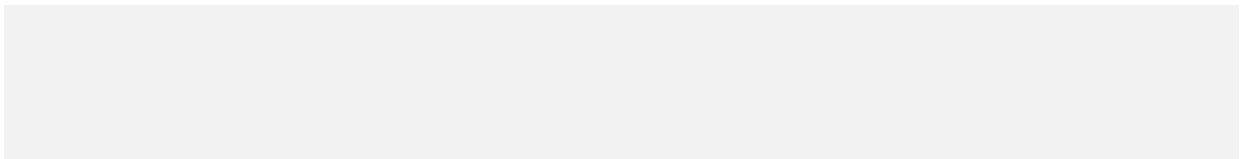
Notice of Proposed Rulemaking:

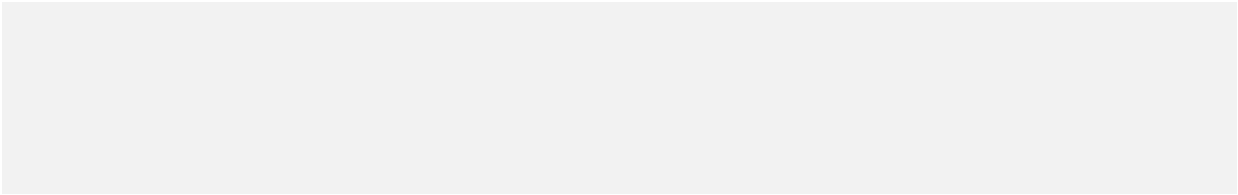
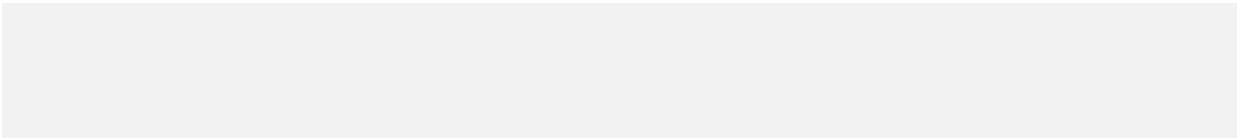
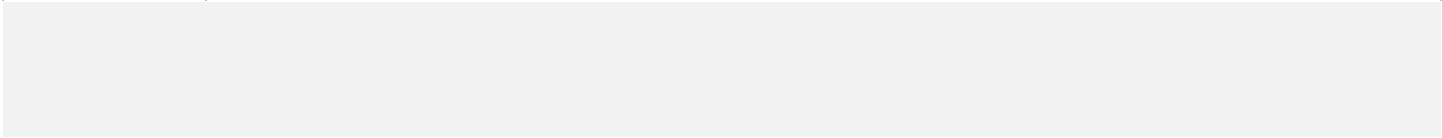
112 of 119 UT Commenters Support



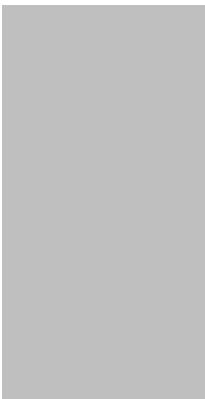


	<p>veterinarians, causes preventable death and suffering of fluffy loved ones due to lack of access to medical care."</p> <p style="text-align: right;">-Lauren</p>
	<p>"Dear Chair Lina Khan, I am writing as a Utah Republican precinct chair, biologist (1977 BS Biology, magna cum laude, Phi Beta Kappa, 15-year secondary teaching certificate), lawyer (1979 JD), and member of the Union of Concerned Scientists. I'm writing today in support of your effort to ban noncompete agreements. Your plan will boost the economy and directly help millions of workers, future new business owners, and people like me all across the country. As you know, noncompetes agreements stifle entrepreneurship and hurt working people. In fact, workers in states and industries with more noncompetes suffer from lower wages, less job mobility, and lower levels of job satisfaction, even when they themselves aren't bound by such agreements Thank you for your work. Please issue a final rule that bans noncompete agreements. Sincerely, Virginia."</p> <p style="text-align: right;">-Virginia</p>
	<p>"Dear Chair Lina Khan, As someone working as engineer in the semiconductor industry, it is important for me to be able move between employers within the industry. This is especially important now with the growing of the semiconductor industry and bringing semiconductor manufacturing back to the USA. As you know, noncompetes agreements stifle entrepreneurship and hurt working people. In fact, workers in states and industries with more noncompetes suffer from lower wages, less job mobility, and lower levels of job satisfaction, even when they themselves aren't bound by such agreements Thank you for your work, and please issue a final rule that bans noncompete agreements. Sincerely, Christopher"</p> <p style="text-align: right;">-Christopher</p>
	<p>"As an American worker, I have consciously weighed my employment options and prospects with the potential limitations imposed by noncompete clauses, and I absolutely agree that these clauses affect workers' mobility and employers' talent pools. I work in biotechnology and even then, while it may be appropriate to have a contract outlining intellectual property rights and restrictions for a set period of time, limiting my ability to work at another lab that does research in my area only harms the pace of scientific progress and my ability to use my knowledge and skills to the benefit of my employer _and_ society. Workers aren't idiots. We can keep our proprietary knowledge to ourselves for a year if we need to move to a new employer. We're not out looking to sneakily undermine our previous employers, we just want to better our lives. And lastly, for women and other marginalized persons in the workplace, the protection afforded by employment mobility and freedom is CRITICAL. I have been subject to either direct sexual harassment or toxic workplace misogyny at EVERY SINGLE job I've ever had. I need to know that I can freely seek a safer, healthier work environment without being excluded from my narrow biotech niche."</p> <p style="text-align: right;">-Emily</p>



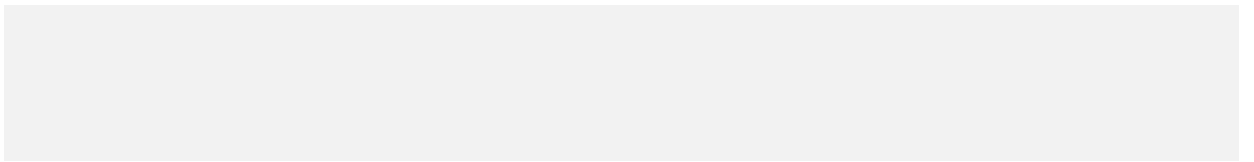
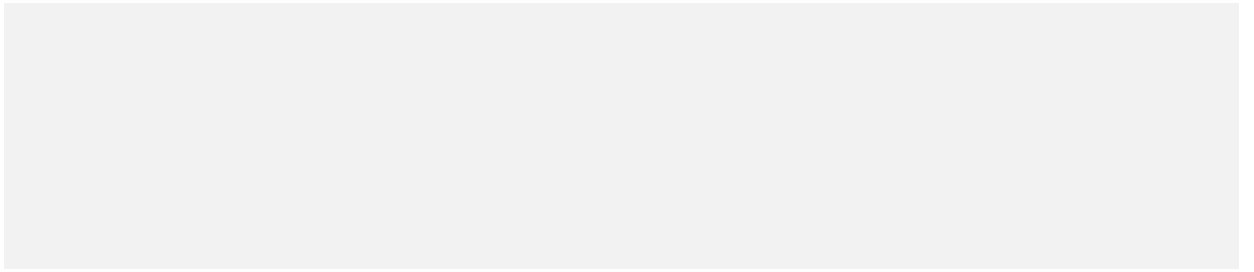


<p>Kami</p>	<p>"I am an entrepreneur at heart. I have been in several network marketing businesses as well as started several of my own from scratch. In 2015 I started a thaand had great success. I was encouraged to join the company to help my friends and family members. I decided to do that and had so many people interested in it. I build a large business quickly. When I signed up for the company I did so quickly and without much thought. I thought at the time I was not starting a business but simply helping my husband, parents and a few friends. I did not read the contract. Every year we have to pay an additional S 100. Apparently this "renews" the contract with any new rules they add even though they don't tell us and to see the contract you have to search for it. Here I am almost 8 years later. The company has not created any new products, there is 10000xs the competition there used to be in that market, and my business is no longer flourishing. My income is half what it was in 2019. It is also something I have tried to use again without much success, so my personal belief in it is wavering. I thought about joining another network marketing company to have another stream of income. I consider my job a social media influencer. That is what I do for "work". I build relationships, I build followers and I post valuable content about all different things. I have now found out that according to the company, as an independent contractor for (Optavia). They 'Own" my social media. I am not allowed to use it for any other network marketing purposes. Even if I decided to resign they claim to "OWN" my social media for 12 months after that. This INCLUDES if it is not a competing product. They are a weight loss company . According to them I could not even use my social media to sell jewelry. I also can not even sign up fora company if it is competing, which I am learning is EVERYTHING in the health and wellness industry. I found a water filter I really enjoy and wanted to sign up to sell that. It is not competing, if anything it is complementary. You need to drink water when you are losing weight, so good water is important. Because it is considered a health and wellness industry product I would need to GIVE UP my multi-million dollar business I have built to sign up to sell water filters. This is totally limiting my potential, my income and my happiness. I had no idea this is what I was agreeing to (in 2015 it wasn't) I'm not sure when they added all this but it was not something that I even knew until I went to do it. It is not something they enforce until you are successful, so you see so many others doing it you never think it is something you can't do. My social media is mine. I created it. My hard work grew it. I work on it daily and I should he allowed to promote anything I want to promote on it. Them saying they own it is unjust and simply being used as a threat and punishment for !awing the company. Please pass this law. Please allow entrepreneurs to stay free, creative, excited and motivated. Take away the bondage that these companies are threatening against us to keep us promoting their product. My social media is my livelihood. It supports my family. If we let companies control that it is a very slippery slope to what they can control. Thank you,"</p>
<p>Randal</p>	<p>"Non-compete agreements as a technology worker have bound me. To be an employee, I was required to sign one. If I rejected the agreement, I would be denied the job. Having been unemployed, this feels like having to sign under duress. I worked with the firm for three years and eventually decided to move on to advance my own career. However, I could not start my own business doing the same work. The non-compete agreement stated that I was not to perform IT services for businesses and individuals for two years in any geographic area covered by the firm.</p>



Hunter	"I agree that there should be a nationwide ban on non competes due to their anti competitive nature. Too many hardworking Americans have their right to work and provide for their families infringed upon by corporate interests. So I support banning them."
Emily	"I strongly support a ban on noncompete agreements. Employers that want to ensure they retain employees they've trained (and thus their knowledge, skill, and expertise) should focus on offering competitive pay, benefits, growth opportunities, and a great

	<p>exceed the non-compete window, businesses have no reason to enforce a non-compete, since they would not be able to serve all of the clients on their waitlist regardless. There are other ways to protect business interests, such as non-solicitation and non-disclosure agreements. Non-competes are truly only being utilized as a form of entrapment, to keep employees stuck. Treat your employees well</p>



	<p>how they can make value for their patients. Employers that genuinely empower their clinicians will retain them for the long haul.</p>

<p>Mark</p>	<p>"I fully support the prompt implementation of this Non-Compete Clause Rule as proposed by the Federal Trade Commission. Non-compete clauses are an affront to the spirit of American free enterprise and contradictory to the intent of anti-trust regulations. They exaggerate and flagrantly abuse the lopsided power differential between employers and employees to, at the individual level and at their worst outcome, effectively incarcerate employees in professional servitude. Non-compete clauses codify an imbalance of power between employers and employees to the detriment of employees, and are tantamount to extortion. Locked out of geographical areas for prohibitive durations following departure, employees seeking alternative employment (including starting their own business) in their chosen profession may be so discouraged by the punitive obstacles a non-compete clause creates that they may feel trapped in their current arrangement. This prevents individual growth and advancement while rewarding employers who abuse, underpay, or otherwise take advantage of their employees. Employees are effectively forced to forfeit at-will terms and surrender power over their own career destiny to employers, administrators, and owners whose motives do not necessarily align with the individual employee's best interests. At the societal level, non-compete clauses primarily inhibit free-flowing competition and market forces. Secondly, but of more significant consequence and far greater concern, non-compete clauses hurt the American citizenry reliant on the professionals burdened by such contractual stipulations: for example, doctors, dentists, therapists, veterinarians, and the patients they care for; accountants, attorneys, financial advisors, and the clients they counsel; architects, engineers, designers, contractors, estimators, inspectors, and the individuals and communities they design and build for; artists, musicians, chefs, caterers, restaurateurs, beauticians, barbers, cosmetologists, stylists, and all the folks whose lives they enhance. Patients, clients, and communities establish deep, trusting, and even fiduciary relationships with individuals across myriad professions that transcend the specific employer. These relationships must be held in high regard and protected, as are other immutable core values upon which American society is built. Non-compete clauses undermine these hallowed relationships. With the specific exception of business owners in the sale of their business, as noted in the proposed rule language, non-compete clauses should be immediately, retroactively, and universally banned. Violators should be held liable for such devastatingly punitive damages that employers are effectively deterred from any further attempts to nefariously strongarm past, present, and future employees with non-compete clauses."</p>
<p>Mark</p>	<p>"Non complete clauses prevented me from practicing in a city that I love and that has a doctor shortage. I used to be an ilks</p>

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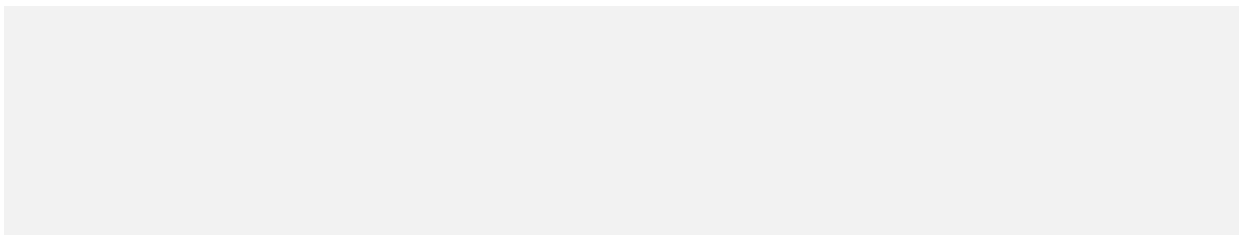
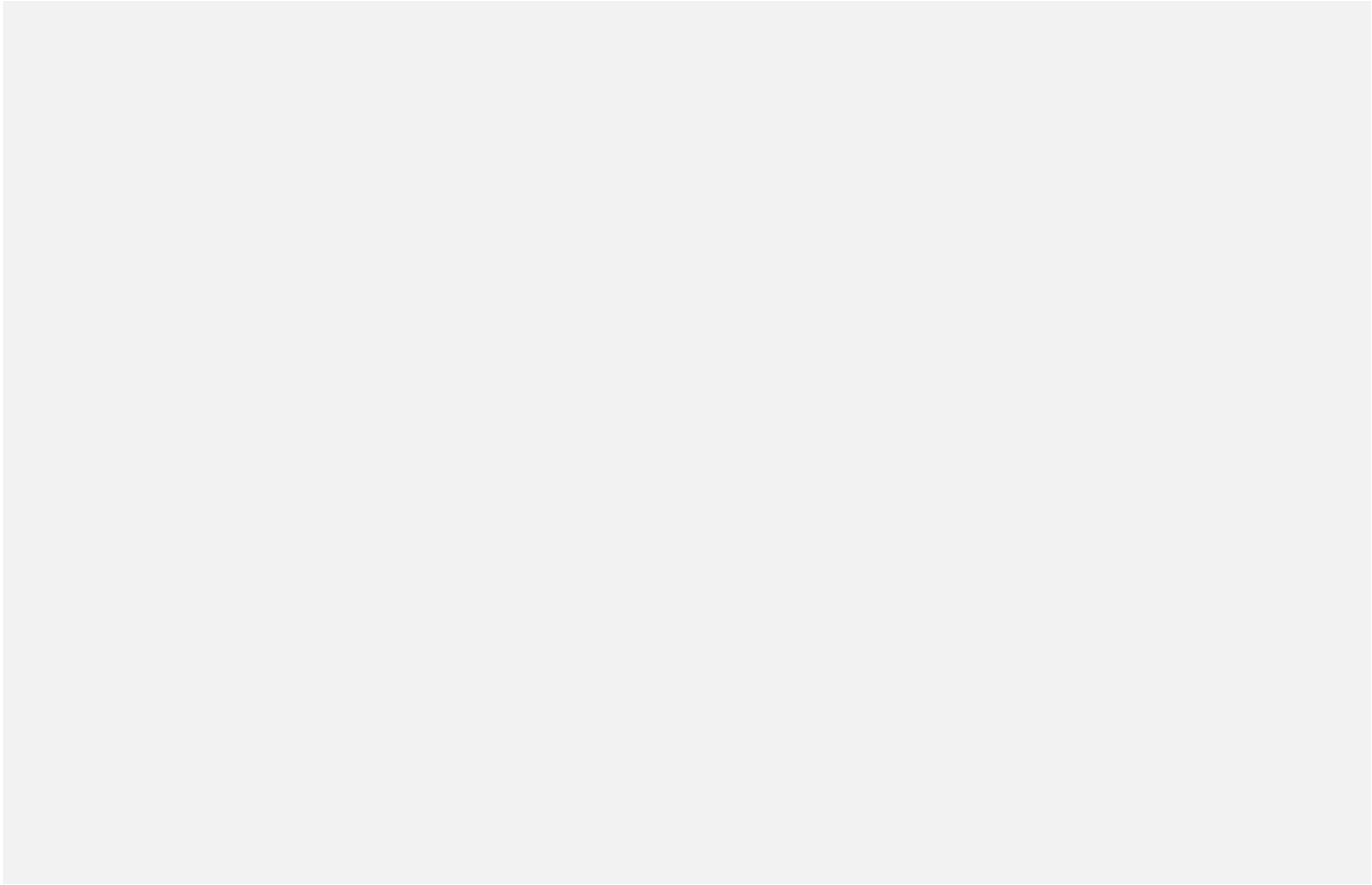
healthcare field are on the whole bad for both physicians and for patients. They discourage market forces that allow physicians to vote with their feet if they don't agree with decisions being made by hospital systems that are to the detriment of quality medical care or clinician career longevity. According to one report, 117,000 physicians left the workforce in 2021, wh

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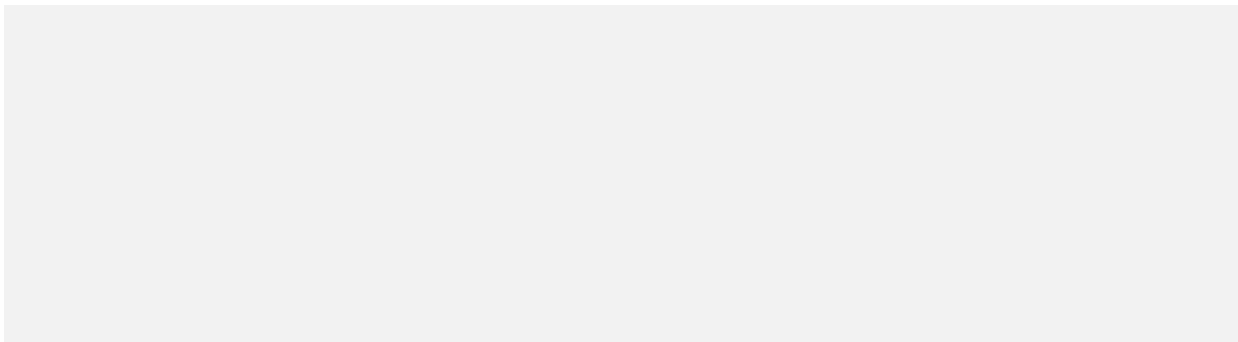
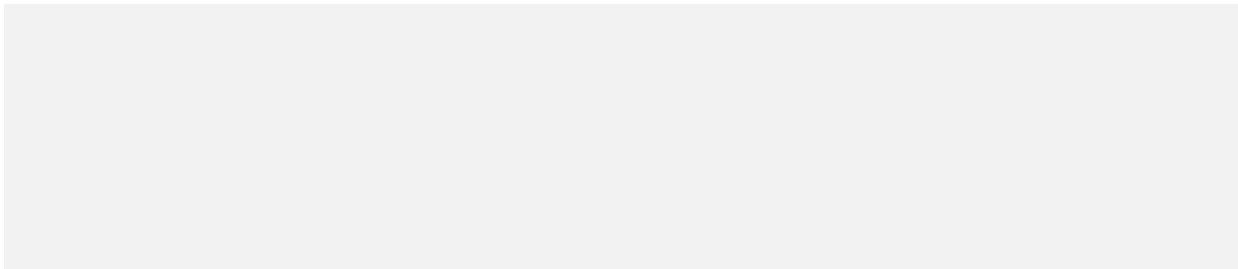
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<p>Denia</p>	<p>"Excellent proposed legislation! For too many decades, workers have had to take inferior positions, outside their field, at significantly reduced wages, as non-competes play through. In my opinion, "just compensation" should include the amount of wages that would be lost, during the non-compete timeframe, if employers will still be allowed to use them."</p>
<p>Miles</p>	<p>"I am in agreement with getting rid of the practice of Non-Compete Clauses within practs andave had in</p>

	<p>to bully those with them into signing into the new company using the noncompete they signed with the first. The new company has an even worse (longer and farther distance) than the one before. These do not help the economy either because a lot of the people are just choosing not to work for the 6 to 18 (18!!!! Unreasonably long.) months and they are just not going to be able to buy anything extra or vacation or anything. Some moved in with family til it is done. These need to go!"</p>
<p>Robert</p>	<p>"I am a physician and work for a large, multistate Health Care System, Intermountain Health. They hold us all hostage with our noncompete clauses that they force us to sign. I was able to negotiate mine to 15 miles, normally they require 30. But it still would significantly impact my work location, and it does hold me h9!" T2 468.42 6 normaleh 6</p>

	<p>spanning any product type that I had sold during my career. I.e. - it would limit my ability to work PERIOD for 18 months within the area that my expertise and relationships have fostered essentially my whole working career. There was also no explicit difference called out between me electing to leave the company myself and being let go, so I scheduled a call with our head of HR (who also happens to be the head of our Legal department). I raised my concern to this individual that this document raised alarm bells for me, as there is nothing in there that protects me in the event that the company decides to let me go. The Non Compete would still be in force, and I would not be able to work in my area of specialty for almost a year and a half, which was alarming. I was told that</p>



	otherwise, I would be screwed. Please put a stop to non-competes especially for low wage workers."
Mahika	"Non-competes stifle growth. Companies only need to safeguard their Intellectual property. Ban non-compete agreements that serve no purpose."
Michael	"Non-Compete clauses serve only employers, not employees. They're used as a means of control over employees, effectively chaining them to overbearing employers. Please do away with these ridiculous clauses!"
Scott	"Dear FTC Commissioners, I'm writing with regards to Non-Compete Clause Rulemaking, Matter No.P201200. I strongly encourage you to adopt the rule, with minor modifications as necessary to address any narrow and specific requirements to address the protection of major proprietary information. This rule will protect and enhance the earning potential of American workers, stimulate the economy, incentivize innovation, and level the playing field between employers and employees. Thank you for your service to our country."
JJ	"I am a career technology/software sales rep who continues to get taken advantage of by my employers who force me to sign a non-compete and then continue to lower my earnings year after year because they know I can't progress in the same industry outside our company cause the non compete. Please look out for workers and end non- competes. This is only helping the rich and hurting workers"
Milton	"This rule change would affect so many people working in a positive way. Anyone that has had to sign one of these "non compete" contracts knows how limiting it can be after working for a potentially harmful company. This will protect people working quickly and effective!

