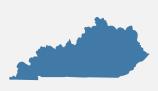
# Constituent Support for the FTC's Noncompete Rule



# **Kentucky | Statewide Impact**

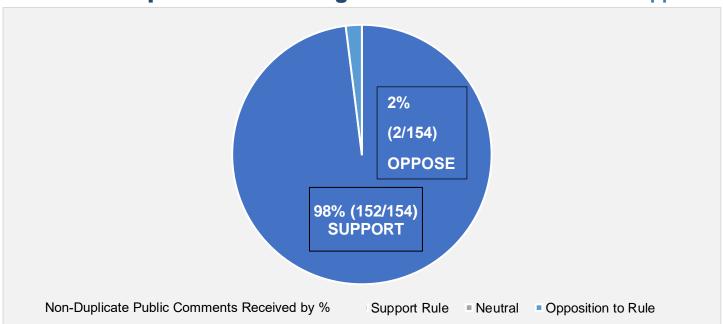


On April 23, 2024, the Federal Trade Commission issued a **final rule** to promote competition by **banning noncompetes** nationwide, protecting the fundamental **freedom of workers** to change jobs, **increasing innovation**, and fostering new **business formation**. The FTC estimates that the final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

Kentucky	Increase in Total Annual KY	Increase in Average Annual KY
Covered Workers	Worker Earnings	Worker Earnings
1,536,365	\$759,416,081	\$494

Estimated Increases in Total Annual and Average Worker Earnings by State (ftc.gov)

# Notice of Proposed Rulemaking: 152 of 154 KY Commenters Support



#### Support Across Sectors of the Kentucky Economy

\*Some comments condensed due to length.

### **Profession Comment** "In March 2018, I was fired from a job in local news for refusing to go into an unsafe situation. I'd recently received a letter from a man threatening to kidnap me. When my boss decided he would still send me out alone in the field, I fought him on it, lost, and was terminated. Three weeks later, I found out I was pregnant. Unable to work in my field because of a noncompete enforced even AFTER I was terminated, I had no choice but to apply for WIC and government assistance, and work at a retail job making half my previous salary. I wanted to work. I wanted money to support my child. I wanted money to move closer to home, to escape a domestic violence situation. My noncompete kept me in a horrible spot, and nearly cost me my life." "As a physician in a state hospital, I was required to sign a comprehensive nocompete clause that states: "Geographic Area" shall mean each and every location which is either (a) situated in any one of the Counties of Bourbon, Boyle, Clark, Fayette, Franklin, Jessamine, Laurel, Madison, Montgomery, Scott, Woodford and Rowan or (b) within a 50 mile radius from the intersection of Rose and Limestone Streets, Lexington, Kentucky, I am approaching retirement age and should I wish to provide occasional services to other local cancer practices, in theory I cannot. There is a shortage of cancer treatment physicians and I feel handcuffed by this agreement. Smaller centers that need help are having problem recruiting physicians which limits available resources for patients to receive high quality care. I strongly feel these non-compete covenants should be invalidated for the benefit of our cancer patients. Secondly, there are instances here where physicians have had their non-compete covenants not enforced for arbitrary reasons with one of our physicians moving down the street in return for his endorsement of the state hospital for NCI cancer center designation prior to his move. This arbitrary decision is not appropriate unless all physicians receive the same treatment." -Ronald "I have been personally effected by a Non Compete clause... I had a child and was forced to leave the job to care for my new born daughter. During the pandemic, I found an opportunity to not run full truck shipments but to coordinate Less than truckload shipments for a company and took the employment so I could get off of pandemic unemployment assistance. I was shortly after hit with a lawsuit claiming that I was now working for a competitor and in violation of my non compete agreement. This has been in the courts for multiple years now and I am facing financial ruin, and likely will have to file for bankruptcy if the court rules in 's favor. I currently do not work in the industry at all, and am working as a martial arts instructor. I do not plan on ever

entering back into the logistics field. But I will face financial repercussions for the foreseeable future should I have to pay out money. I am looking at having to pay out \$75,000 plus attorney's fees. I currently make around \$45,000 a year. I would have never signed the agreement had I of known that it would have this type of negative impact on my life. I really hope the FTC decides to do the American thing and prohibit these from existing. Not only for myself, but many others in my situation. [The company] has reported record profits each year since I have left, what are the damages? There are ZERO damages to them but it could potentially put me in financial ruin which is not just damaging, but catastrophic for those involved such as myself. America is the land of opportunity, a free economy, and non-compete agreements are fundamentally against everything that is America. Please do the right thing and rule against these clauses!"

-Ryan



"Non compete clause is not only immoral but it is a dark dot on a clean sheet of a vibrant economic democracy like we have in the USA. Why not to compete? Why would you not let me compete? Are you privileged? Are you better than me? Come on !! We are not a banana republic. Every sphere of life should be available for competition so that the last person in the line will have as much chance to succeed."

-Kamlesh



"I am a Certified Nurse midwife and Family Nurse Practitioner. I work in a rural health community. There are two health care employers in my town that I could work as a midwife at. Other options are at least 45-50 minutes away from home. The healthcare system that I currently am working for has a non-compete binding me to them. If I wanted to leave I would not be able to work within a 50 mile radius. This would mean that I would have to uproot my entire life and my family, sell our home that was my childhood home and move away from our aging parents/grandparents. There have recently come to light some issues within the system that have led us to believe we will not be given raises after gaining 3+ years of experience and some have even been made to take a pay cut since they "aren't productive enough". Because of this non-compete it is almost beginning to feel like a hostage situation. Passing this law would mean that we would have more freedom to choose jobs that area better fit without being sued or having to uproot our lives. 1100% believe this would be life changing for thousands of people

-Blakelee



"I strongly support banning non-competes. I work in the veterinary medicine industry where they are standard for veterinarians, and have been subject to them multiple times. I had to completely switch gears, since both non-competes were for horse-related work and had geographically large enough areas (the county the practice was located in and all counties that touched it), and in order to continue working as veterinarian I either had to work in companion animal practice or physically move elsewhere (>50 miles away) to a different equine practice in

order to avoid the non-compete area. My non-competes were also each for a length of 24 months. This hurt me financially each time, since moving out of the area was not an option either time. I strongly feel non- competes are unfair to workers and agree with the financial harm they can cause them. If I had moved out of the area, in my industry moving expenses are almost never covered by the new employer, and to stay I had to completely shift gears within my industry in order to not violate my non-compete. I now own my own mobile practice, and although I have no other employees, if I ever hire another vet or worker, I will never enforce or saddle them with a non- compete clause."

-Stephanie

#### Additional Support from Kentucky \_

\*Some comments condensed due to length.

Constituent First Name	Comment Highlights
Ash	"Non compete agreements absolutely need banned. They stifle competition, suppress wages, and deny Americans the freedom to choose who they work for, and in many cases they prevent people from starting their own business. Non compete agreements are used increasingly on lower wage workers, like those in retail and food service. Why should a cashier or sandwich maker be restricted from working for a competitor for years? I was even forced to sign one as a package handler in a warehouse. Even doctors are being forced to sign them, and due to the fact that so many hospitals are owned by the same corporate entities, it has made the doctor shortage even worse. Non-compete agreements are anti-capitalistic, anti-democratic, anti-freedom, anti- American, and unconstitutional. They have no place in American society."
Adnan	"The non compete should have been banned a long time ago. It is harmful to die health of the general public, and only makes hospital systems richer but squashing healthy competition and monopolizing on entire communities"
Kellie	"I am firmly in favor of striking Non-compete clauses from employment contracts. It severely limits opportunities to move between one company and another. The rule has been used to create a power imbalance in favor of employers for years. Stagnation of employees restricts innovation and creative problem solving, when we would benefit as a society overall having more free flow of talent across companies."
Samuel	"Non- compete clauses are a scare tactic for organizations to keep <b>physicians</b> from making reasonable shifts in their own communities. As a hospitalist, I don't even have my own patient base, but the University of Kentucky has a non-compete in my contract. No patients would "follow" me to another hospital in town. But even if they did, they should have that option. If hospitals don't value their physicians and don't help them treat patients with the care deserved, both patients and physicians should be able to move their care to a new system without die consequence of having to

	leave their communities. Forcing physicians to leave towns s year of only hospitals hurts patients and communities that need them."
Adam	"I am a <b>physician assistant</b> in Kentucky employed by a non profit hospital. In order to be employed I must sign a 2 year contract agreement containing an evergreen clause automatically rolling over my contact every year if not renegotiated. Our administration has refused to renegotiate my contact for 4 years. They will not agree to mutual termination of the contract as it would null and void the non-compete clause. They do not want to renegotiate because my current reimbursement is below market value. My non-compete clause is 50 miles for one year. If I voluntarily resign it would be impossible for me to work anywhere else within driving distance and I would be forced to relocate my entire family. I highly agree with this proposal to make non compete clauses illegal."
Ashutosh	"Done. Non-Compete Clause Rulemaking, Matter No. P201200 - the ban against non-compete chaise should be applied uniformly to all employees - including physicians."
Ramya	"With the added complexities one has with immigration visas and GC process. Added to it is really unfair to have this non compete clause. Definitely Talent should not be confined to one place"
Shad	"I am 100% in favor of removing anti competitive practices under all circumstances. Trade secrets are already covered under other non disclosure agreements and this practice is harmful to both smaller businesses and to employees. It should be illegal to prevent someone from having the freedom to better their lives and to get a new job, regardless of whether they move to a position in a similar field. As an software engineer, I have seen employers attempt to lock people into jobs with very broad terms that cover far more than just direct competitors. I also support the idea of forcing companies to tell their employees that they no longer have to abide by the agreement and these non competes should absolutely not be allowed in the US any longer. The US has a long tradition of competition in both the employment market and in the goods and services markets, but in recent years some of that has been eroded by special interests and lobbyist. Let's get back to free and fair markets."
Cliff	"I have worked about 15 years as a <b>security professional</b> and have had to sign a non-compete with my current job. So now I can't just quit and get another job in security for a year. I have been approached by other companies as I am under paid for my position and I am stuck at this job it is not a fair practice at all I don't want to learn a new job as I love this field. But I want to make more money then I am."
Mary	"Non-Compete Clause Rulemaking, Matter No. P201200" I would like to support removal of the non-compete clause from employment within the US. As a health care provider, this type of non-compete law prevents a person from working at another local hospital, and requires you to move out of town or even out of state in order to take another job. This is part of the reason we have a health care shortage in this country."
Divyesh	"I am employed in healthcare and believe Non-compete clauses have adversely affected patient care and availability of provider services in my city. I believe employers use the burden of litigation to intimidate employees, seek revenge for the

employee's perceived disloyalty to the organization, and simply be vindictive. Noncompetes do not appear to protect any legitimate employer interest. I strongly support the proposed Non-Compete Clause Rule change as proposed in Matter No. P201200." "As a healthcare practitioner, non compete clauses have become burdensome and unethical for both provider and patient. How did America get to a place where institutions can contractually prevent a patient from seeing a provider that has moved to another location? It is an obstruction of patient care and their free will to select the provider of their choice. I have worked in an environment where the employer has gone years without providing raises to their employees because they had the employees locked up so tight with a non compete contract that the employer knew the employees could not leave for better pay. Who is that benefitting? The owner or employee? It benefits the owner because they continue to keep the employees at less than market value, but demand increased production to increase the owner's bank account. It is corporate greed. People's livelihood and careers have been destroyed by non compete clauses. While I agree with non disclosures on the level of not sharing an institution's trade secrets or finances, I will never understand why any form of government would agree that it is ok for employers to keep their employees Rachael from bettering themselves by seeking better employment that could include a better salary or promotion. Why do we not want to allow American citizens the opportunity to provide better for themselves or their family? Why would we allow an employer to write a contract stating that patients are not allowed to follow the healthcare practitioner? Do you want someone to tell you that you are not allowed to see your doctor anymore because they left the current practice? Please pause and give that some thought. Relationships are built with medical professionals on a personal level. As a consumer of healthcare, I am selective with my doctors and HCPs. Approximately 20 years ago one of my doctors left his practice. I was not "allowed" to have the information to the practice he was moving to and that I would be transferred to another provider within that office. I found my doctor and transferred my records. It is not ok, EVER, to prevent patients from seeing the I-ICP of their choice. I will repeat myself, it is: unethical practice, obstructing care, increasing corporate greed, destroying careers. If you want to grow the work force, drop all non-compete clauses." "Noncompete clauses are unfair to workers. As a pediatric specialist, I am still paying back my loans, I spent 10+ years obtaining medical training If I want to leave this employer, I can't stay in my home. I have to move to an entirely new city due to non-compete clauses. I can't switch employers or start my own practice within a Eileen certain mile radius, because my current employer has all the control. They pay me for my work, but gave me no great "investment" to start here—why do I have to sign away my freedom to get a job?" "I have been in the insurance business for 15 years and never been able to switch jobs or start my own Agency due to a non-compete. This would change our industry for the good by allowing veteran brokers to start their own firm or actively look at Bryan opportunities to better themselves and their families. Thank you for making this overdue change to the rules."

Theresa	"Physicians should not be held to non-compete contracts. This should include non-profit as well as for profit health care systems. Physicians are often forced to leave an undeserved area when non-competes are enforced."
Harpreet	"There should be no non- compete for <b>physicians</b> like every other profession. This allows physicians too to change jobs without disrupting the lives of their loved ones by having to move cities, states because of non- compete. Thank you"
Kevin	"Non-compete agreements prevent healthy competition within the labor force. They do not allow workers to pursue better pay and benefits by leveraging their skills. This is an affront to the free market and all the principles of liberty we hold dear."
Jennifer	"Stop crippling the broken medical system with non-competes. I'm losing a great doctor and so is EVERYONE. Her practice was bought by Axia and she's making less than minimum wage. No one can live on that. She and her entire practice are quitting but can't work in Northern KY or most of Cincinnati because of a non-compete. Now all of the patients are scrambling to find a new practice who is taking patients."
Greg	"Several years ago the stylist that cut my hair decided she wanted to strike it out on her own and start her own small salon. Then she found out that she signed a rather obscure clause in sonic HR papers she signed when she was hired that told her she couldn't. A non-compete clause, designed to keep her from leaving, stifled her ability to start a new business, and at the same time made her unable to earn a living unless she moved 100 miles away. This is anticompetitive, and unnecessary in the services trade such as this."
Tina	"Non-Compete Clause Rulemaking, Matter No.P201200 - If I had been under a noncompete clause at my previous job I would not be employed at my current employer. I would not have been able to make the switch to a position closer to home that offers more opportunities for advancement and additional benefits not offered by my previous employer. However in order to make the switch my current employer requires you to sign a non-compete agreement. So should I arrive at a similar situation where I had an opportunity to obtain better benefits at another like company I would no longer be able to take that position."
Nabil	"Physicians should not be exempted"
Julie	"I work in <b>healthcare</b> and non-competes for doctors severely impact patient care. Recent enforcement of a non compete in my area will move my OBGYN 45 minutes away from me. This has effected hundreds of people and will have a lot of consequences for patient care by creating delays in patient care that cannot be adequately addressed."
Patricia	"Please ban non-competes. There are many people in my field (including myself) that have been negatively affected by them. It completely negatively impacts the employee."
Megan	"I am greatly against non compete causes. As a family <b>nurse practitioner</b> I has to sign one to obtain by job and it makes it very difficult to go anywhere else in the surrounding counties in my employer and I were not go work out."

Amber	"I am a physician who has practiced in 2 states and I support banning the non compete. I feel strongly that noncompetes are bad for healthcare. Unhappy/burned out physicians get stuck with either staying in a job they don't like or are forced to move their family because of these rules. Employers also have no incentive to improve working conditions because their employees can't leave. Employers should instead reward employees for retention and work to create an atmosphere where people want to work/stay by their free will. Noncompetes are an unfair practice in a country that is founded on freedom and competitive markets. Healthcare is horribly understaffed, much of which is due to the healthcare system policies like non competes Banning noncompetes would be a huge step towards showing healthcare workers we value their work. We cant provide care without the people. I believe this change will ultimately create a healthcare system where people want to work, though forcing employers to make change that results in retention."
Concerned	"noncompetes are antithetical to capitalism"
Chris	"I support this action to abolish noncompete clauses. A close friend of mine is a healthcare small business owner and struggles in growing his practice due to a noncompete clause. It hinders work stream and personnel expansion. Please move forward with this action and restore the uninhibited entrepreneur spirit and wage equity. Thank you"
Chris	"The government should 100% do away with non compete clauses!! Big companies continue to make profits while preventing people from being competitive and making an honest wage. Also, if the non compete is unfair, an individual could never compete with the deep pockets of big business in court! Time to do away with non competes!!!"
С	"If employers may fire at will, then employees should be able to make themselves immediately whole by pursuing any employment available, without being burdened by non-compete restrictions. It's an unfair hardship. Besides, it is restrictive of a person's rights to pursue prosperity. An employer who imposes these agreements is thwarting ability of another employer to hire an otherwise available human asset."
BONNIE	"Taking away an employee's right to compete only allows big businesses to monopolize the industry and the workers have to endure less pay and benefits It also makes it easier for them to unfairly treat employees because they know they are stuck. The American dream would be stamped out."
Jennifer	"Please put an end to this nonsense! Non-compete clauses only help big businesses and that's not what medicine should be about. Doctors work hard to educate themselves for many years and deserve the right to a fair working environment and wage."
Anna	"I support ending no-compete clauses. As <b>physicians</b> , we don't have proprietary information. We have information on anatomy, physiology, pathology, mental and physical aspects of health. That is gleaned from years of training We should be able to take that knowledge wherever we can have the most well-balanced life. We deserve choice and freedom to move around, just as the majority of other employees."

Sean	"As an employee current under a very broad non-compete, I have first hand knowledge of how these one-sided, compulsory agreements negatively impact employment freedom and American innovation. It disallows new business creation in the industries employees are most familiar with and hampers wages by limiting the potential options employees have (often pushing them to industries where they have less expertise). I am in favor of these proposed changes."
Farzin	"I am delighted that this issue is being addressed. The Non-Compete Clauses are anticompetitive, increase costs (especially in healthcare limiting <b>doctors</b> and other professionals to move to another employer or start their practice) and affect mobility and access for many may people. Thank you for considering this rule change and along with multitude of friends and others who have commented, we urge you to please make them obsolete."
Chace	"I write you today in support of the proposed rule change regarding non-compete clauses. Iam a Nurse Practitioner in a rural town in Kentucky. The non-compete clause I have in my current contract prohibits me from gaining employment without moving my entire family. In rural healthcare, it is of utmost importance to have access to healthcare. With current non-compete laws I am hound to my current area regardless of salary or poor working environments. Additionally, non-competes allow employers to use threat of litigation to maintain dominance over their employees. Non-competes breed stagnation in all fields where they are used and enforced. This rule change would improve MANY aspects of medicine. This rule change would increase access to healthcare in rural areas. This rule change would breed competition in the field, thus improving salaries and work conditions. I respectfully ask the FTC my support this rule change and to ban non-competes. Thank you."
Jason	"Please ban all forms of non compete contracts. Please make all existing on compete contracts null and void. These contracts work unfairly to keep employee earnings suppressed, prevent people from working in their chosen carrier fields that they have stuthed and invested in over the course of their adult life. These contracts only hurt hard working people in order to protect the profits of companies."
Alexander	"I support the FTC's proposed rule providing that it is an unfair method of competition for an employer to enter into a non-compete agreement with a worker. These agreements are abused by employers which results in negative outcomes for workers (and ultimately the economy as a whole) since they stifle competition and increase transaction costs, among other outcomes. I have seen firsthand how employers include terms in these agreements they constructively know to be unenforceable so employers can leverage these terms, along with their superior ability to withstand the costs of litigation, against workers to extract outcomes they desire. While in a vacuum there are reasonable justifications for these agreements, they have become another tool the powerful wield against the powerless. Any benefit is vastly outweighed by the cost and therefore in is proper for the FTC to determine that these agreements are an unfair method of competition. Thank you."
Satya	"Completely agree with banning the non compete clause. It will free up unnecessary hold of corporates and strain the choices of employees"

Ray	"Dear Chair Lina Khan, I'm writing today in support of your effort to ban noncompete agreements. Your plan will boost the economy and directly help trillions 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. Further, the notion that you can be fired at any time, for any reason, and then kept from seeking further employment in that field is nonsensical on its face. Thank you for your work, and please issue a final rule that bans noncompete agreements. Sincerely, Ray Gentile Richmond, KY Original Comment Dear Chair Lina Khan, 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. Further, the notion that you can be fired at any time, for any reason, and then kept from seeking further employment in that field is nonsensical on its face. Thank you for your work, and please issue a final rule that bans noncompete agreements. Sincerely, Ray."
Kent	"Non compete clauses have become a tool for <b>punishing</b> workers who seek better employment, and should severely curtailed if not eliminated. If businesses are worried about retention, there are all manner of tools at their disposal including wage incentives, workplace amenities, benefits, etc. Making it impossible for an employee to make a living elsewhere smacks of a new take on the old company town of coal mining days. When the only means of support rests in the hands of the employer, workers have no more choice than did indentured servants. I urge the Commissioners to eliminate this practice. It is bad for business and harmful to working families."
Rupinder	"It is long overdueplease get it done this time."
Maria	"Please consider including <b>physicians</b> in abolishing non compete clauses. If a physician is unhappy they are not allowed to just leave. They are stuck. The only way out is to uproot their family and take their kids out of established schools and move sometimes to another state. This also puts patients at risk when losing their doctor. Finding a doctor is tough and finding one that you trust is even harder. Abolishing the noncompete would help patients, families and physicians"
Vinay	"Absolutely cancel . Hospitals are abusing <b>physicians</b> and blackmailing them into agreeing to suboptimal situations"
Campbell	"As a <b>physician</b> , I believe that this is an excellent rule. I know it will not be applied to all hospitals, but I wish it would be. I do not see how this will be bad for workers."

Rajiv	"These clauses infringes on employee rights and should be re evaluated."
Amitava	"I am a <b>physician</b> who has suffered as a result of this silly law. I left my practice in Louisville KY after 16 years of partnership. All I wanted was to be left alone. But my ex partners sued me for breach of non compete ( practicing a specific type of surgery with 200 miles for one year). I wasn't even performing the type of surgery specified. Anyway I had to spend over 100K in lawyer's fees just to protect myself. This is a regressive law and must go."
Nicholas	"I live in Louisville, Kentucky but work as a primary care physician in Jeffersonville, Indiana. I trained with Indiana University and have connections to the state despite living across the Ohio River in Louisville. I am strongly in favor of the proposed rule by the FTC to ban non-compete clauses. I currently have a non-compete clause in my contract with my employer as I work in a hospital-owned practice. I have the same general objections to non-compete clauses personally that I believe any individual subject to a non-compete would have including increased difficulty with job mobility within a reasonable distance from where I live as well as the difficulty with negotiating more competitive compensation, but I believe this my non-compete is detrimental to the patients who I serve. With the significant shortage of primary care providers across the US, I know it would be a significant burden to my patients if I left my current practice and could not join or start a practice in the same geographic area. Patients want their primary care provider to be located close to where they live. Pd estimate that at least 90% of my patients live within 10 miles of my office. There area multitude of items I am currently weighing leading up to my next contract in 2024 that may result in me deciding that it is better for me to make a change, but under my current non-compete provisions I would be forced to work in a different state or at least 50 miles from my current practice location for at least 3 years after the end of my contact. Although I could easily work across the border in Kentucky, I know that many of my patients would not follow me because of the increased distance and traffic concerns in a much larger city than the smaller communities I serve. My preference if I were to make a change, would be to work in the same area and have the opportunity to serve the same patients I am currently serving. A different practice may actually allow me to serve them better with better staffing support, electronic medical records inte
Greg	"I believe passage of this legislation will make employers treat all workers more fairly as it will keep long term employees from feeling trapped. I think it will open up new ideas in existing markets and may even create new markets not realized due to these agreements."
Tammy	"I work in a mailroom at a large utility company. I absolutely love my job. When the company I was contracted to lost the bid to renew their contract. The new company that came in hired some of us part of being hired was signing a non compete. I didn't want to sign but at the time I was scared and desperate. 54 and job hunting. So I signed. There is no proprietary knowledge in a mailroom. I make less than someone working fast food. Yet I am bound to these people who don't seem to care when it

counts. Non competes are wrong. Any other contract you sign usually asks if you are doing it under duress."

#### Brandon

"I feel that the removal of non compete clauses would greatly improve people's wages and working environment. This would allow for people to move to a different company if they felt they were treated poorly and being taken advantage of. My wife is currently under a non-compete clause that lasts 2 years. tier license has to be renewed every 2 years, making it next to impossible, due to CE hours needed, to move to another company."

No

Personally

"My mother has worked in Property Management for almost a decade now and was never required to sip a non-compete through out all her years of work up until this last year. The business she was last working for in Property Management didn't require any of their employees to sip a non-compete. That is until one of the employees left due to unfulfilled promises. Since the day that employee left everyone was required to sign a non-competent and to make it legally binding everyone got a pay increase and a title change. My mother signed the agreement expecting maybe a little heavier workload to pickup the slack but was willing to continue her employment with the company. Instead what followed was months of public humiliation, ridicule, and borderline verbal abuse on a daily basis. A few of the examples that she was willing to tell me involved the company hiring someone with little or no work experience as her boss despite her many years with the company and numerous years in her career. When she went to confront the CEO about the hiring practice and the new hire's short comings for the position she was told that the new employee would be talked with. Instead of a private conversation the CEO gathered everyone for a meeting and took what she told the CEO in a private conversation and publicly told everyone including the new employee. There were multiple meetings throughout the weeks and after each meeting the CEO became increasingly antagonistic toward my mother. The meetings were initially about processes that were supposed to be done by the new employee that weren't getting done. Each time my mother soon became the center of discussion with her duties being called into question as if she was expected to do her job and the job of someone else. Often times the meetings would end with the CEO yelling at her or her breaking down into tears and with her having signed the non-compete she felt trapped in a job that was no longer a cooperative, safe working environment that it once was. It was recently that she decided enough was enough and quit working for the company that was once a friendly and caring business now turned hostile. Unfortunately, due to the non-compete that she signed she can not work in Property Management within 50 miles of her previous employer for one whole year or for any person, business, or entity that she may have come into contact with during her employment. Which is in my opinion outrageous considering she is a single mother with a family of 3 Asking her to uproot her life and move 50 miles away to be able to work in the same industry would be costly not to mention difficult for her children to adjust to the new location. To not work in the same industry for one year is not feasible due to the significant decrease in income would require her to work 2 or even 3 jobs to maintain in different industries to maintain the same amount of income. On top of that not working for any person, business, or entity that she may have come into contact with would eliminate 75 to 80% of her local job

	market thus limiting the amount of jobs she may be qualified for and forcing her into less desirable jobs or jobs she has little to no experience in."
Hassaan	"Non compete clauses lead to unfair work environment for physicians and also patients suffer as they are unable to follow up with the physician of their choice. For patient safety and choice I would advocate to do away with non competes for physicians"
Jordan	""WE SUCK SO BAD AS A BUSINESS YOU HAVE TO SIGN THIS PAPER STATING YOU WONT IMMEDIATELY LEAVE AND GO WORK FOR OUR MUCH NICER COMPETITION." -businesses that rely on Non-compete agreements to retain employees Seriously though, if your business fails because your employees jumped ship to work for your competition, YOU are the problem. Not the competition, not the employees that left to go work for them, YOU. A legally binding document that threatens workers for using their skills somewhere else is not the help you need."
A Thomas	"Pass the regulation and make illegal ALL non-compete clauses. All types."
Kayla	"I'm a physician and non-Competes are bad for medical care. It creates a monopoly on patient care, contributes to physician bum out, and is overall a cause for poor patient outcomes. I strongly agree with the ban on non-competes."
Kayla	"Jon-compete clauses hurt healthcare by contributing to <b>healthcare worker</b> burnout. By excluding them from this you're isolating an entire group and they will leave the field funding other higher paying jobs leaving us with a worsening healthcare crisis."
Stacey	"I am a resident of the state of Kentucky. Luckily for me, my state's Supreme Court has already looked unfavorably on non-compete clauses. Well run companies can design ways to limit any losses due to employees departures without making their former employees lives and their families lives unfairly proscribed. Intellectual property laws are firmly established and properly used to protect companies investments and products. In my case, as a veterinarian, some veterinary clinics have included non-compete clauses that encompass large parts of the state. I have luckily outlasted the final non- compete that has limited where I practice veterinary medicine and within a couple more months I could take any job in any town in Kentucky. Honestly, consumers want to make relationships with their providers of all kinds of services. Literally several of my clients have driven 45 minutes or more to see me as a veterinarian because they trust me with their pets' care but I cannot take a full time job closer in due to the non-compete clauses at my last employer's clinic. I have even had emergency clinics ask me to sign a non-compete which is ridiculous due to the fact that emergency veterinary clinics do not routinely see the same clients repeatedly because they are only there for emergencies. Thankfully I am an older veterinarian and very experienced. I worry about my young colleagues being forced to stay in a work environment that isn't suitable for their development due to the fear of having to add many hours and extra cost to work outside of a non-compete zone simply to enrich a former employer and keep their client base "safe". Non-competes generally help big business and harm individuals and limit their future horizons. Non-competes also affect consumers ability to choose the products and services they

want to purchase in their own communities from the provider of their choice. I firmly support any federal rules that will limit the use of outright eliminate no non-compete clauses." "I am a neonatal nurse practitioner (NNP), I have cared for acute and chronically ill newborns for over 30 years. I was required to sign a non compete with my company. The hospital where I provided care contracted the services of myself and my fellow NNPs and our collaborating physicians, neonatologists. When the hospital dismissed the contact with my company, I was no longer able to work at the hospital or in the metropolitan area due to the non compete. The hospital and the Childrens hospital wanted to hire myself and the NNP team. My company refused to let us out of the noncompete. I am unable to work in my specialty for 2 years and 20 miles. The biggest concern is the loss in quality and safety of care for the babies and their families. The NNP team was the continuity in the NICU, Labor and Delivery and well Caroline baby nursery. I was told by my company that they would "fight" for me. This did not occur. I was told I could continue to work for my company if I traveled over an hour or more away. I was not interested in commuting this long of a distance. I want to work in the community where I live. I am a respected part of the community and have made a lasting impact on the lives of many babies and their families. I am no longer working for this company because I am disgusted with the way they have handled this situation. They do not care about me as an individual. I am currently out of a job. My career that has been my passion for 35 years. I am frustrated and bitter by what has transpired." "Government officials, Noncompete clauses are not fair. These stipulations actively contribute to physician burnout and career dissatisfaction. These provisions are routinely added to the contracts of physicians where they serve no benefit. Many doctors such as Hospitalists, ER doctors, Anesthesiologists and others do not have a **Patrick** patient population that actively follows them. Noncompetes have now morphed into a tool by bad acting administrators to hamper an employees ability to seek alternative employment in an unfriendly work environment. Thank you for reading." "As a physician who has served a rural community in the state of Kentucky under the employment of a "non-profit health system", 1 fully support repealing the use of any such non-compete in America. Mu understanding is this is being considered for mostly for profit institutions. This ignores a very large segment of employers who have described themselves as " non-profit" such as the bulk of health systems in the US. This is merely a label and a poor disguise for institutions which operate with nothing but the bottom line as their primary goal. My practice has operated since the 1990s in Danville, Kentucky. We are the only cardiology practice that has been present and has worked tirelessly to serve this rural community. The practice was a Sharat private practice originally. Unfortunately, just as most cardiac practices throughout the country have had to, our practice had to come under the control of these hospital systems to maintain its viability. We have strived hard to provide top level cutting edge care in this part of Kentucky. We have endured multiple hospital administrations and CFAs and have had a reasonable working relationship with the hospital through this time. This all changed with the advent of a new administration and a new CEO. This new administration and new CEO have worked over the last 3 years to dismantle all the work that has been done by multiple physician groups in this hospital system. Our group has been the latest and probably most significant victim of

	this administration. Despite our best efforts to reconcile and make things work, the CEO ignored all level-headed advice from all those around him and basically destroyed our practice. We have been desperate to maintain our practice and continue to serve our patients in the small community despite the situation. We worked with other employers with the idea of maintaining our practice while coming out from our current hospital system umbrella. This would have allowed us to continue to serve the community and remove ourselves from this administration. The CEO and the administration, driven by what most consider petty ego, have squeezed us out and forced us to leave the area with the employment contract non-compete in place. To say that a practice which has been here for more than 30 years should be pushed out by a CEO who has been here 3 years is ridiculous. 1 have spent the last 6 months hugging patients medical staff nursing who are stricken by the fact that we are being pushed out. Patients desperately ask me how they can maintain care if they have to travel up to an hour to see their doctors with this change. They worry how they can pay for the steep gas prices to see their doctors. They are told by this current hospital administration that they will be hiring replacement physicians. They are not told that these replacements are not cardiologists but primary care APPs who have absolutely no experience in taking care of any kind of cardiac pathology. They are truly concerned for the health of their families. All the while all I can do is tell them that my non-compete does not allow me, their cardiologist for the past decade, to give them any advice on how to maintain their care. This is the situation that arises when these non-profit health systems operate with complete disregard for the very sacred relationship that develops between physicians and their patients. I know that the non-compete concept is described in terms of lost wages and reduced competition. But what many fail to understand is that in healthc
Andre	"It should not exists - bigger companies are taking advantages of employees and people to start their small businesses"
Sashi	"As an employed <b>physician</b> , I strongly support this rule which aims at eliminating the non compete clause in the contract. Most physicians have a non compete clause on their contracts which prevents them from working in a 25-50 mile radius from their last job for 1-2 years. This means, either they have to find a job away from their family or move the family to another town. This puts an enormous emotional burden on us and our families. Non compete clause has to go."
Manikya	"Yes it is absurd to have non compete clauses and this is preventing talent to move around and do advances. If big organizations are concerned they can always have non disclosure clauses but non compete in distance and time is bad."
К	"I support banning non-competes. Pm a qualified mental health professional working in a FQHC and my current contract includes a non-compete agreement. There is a shortage of QMHPs in my area. If I left my current job I would have to leave my rural area to provide services in the nearest town 30 minutes away."

	"As a physician, I fully support removal of non-compete clauses. These clauses limit
Arpita	fair pay for physicians by limiting ability to practice at the system of their choice. They do not add any value for workers, and just help hospital systems by forcing physicians to stay employed in their system. Thank you"
Adam	"This is a great step. Please move forward and end non-compete contracts."
Melissa	"Please consider doing away with non-compete clauses; it's better for patient care."
Mel	"I believe non-compete agreements cause very restrictive futures for key individuals at the companies they work for. Young workers jump jobs frequently to gain additional salaries, income experience and to find what work they love. Older workers over 50 that have many years of knowledge and innovation that get stuck because of these non-compete agreements is a crime. I think that a non-compete cannot cover a large scope of restriction, and that employers must pay a one year severance to keep a non-compete agreement in force. The non-compete agreement should never be more than one year and should really be banned. I have around 20 patents, and I have been stymied in my career with no pay increases in several years Eliminating non-compete agreements will stop this employer dominance and really improve innovation. I have several years of innovation to create."
Andy	"I never agreed with noncompetes. If a company is as wonderful as they present themselves to be, then why do they need this contract? I have worked my way up from the bottom being a warehouse assembler to the top of my industry for the past 24 years. Last year I was actually the #5 sales person in the nation for my national company that employs over 2500 people. About 3 years ago I was presented with a Non Compete, Non Solicitation Agreement, and a Non Disclosure. I even asked if I did not sign it what would happen? The answer was that I would not be allowed to work for the company. I have a wife, 2 kids and myself that I support on one income, so I could not risk losing my job in an industry that I spent over half of my life in. Things were nothing really to complain about until I signed that contract. The company's goals and my goals do not line up any longer, but I am chained to all the contracts I had to sign. I make a wonderful living, but I am customer driven and my companies goals seem to be profit and not the vision of the client any longer. I am unable to work with anyone that even in my industry (manufacturers, companies that compete, or anyone that might offer the same items we do). With me working my entire adulthood in one industry, it would be impossible for me to make the income I currently have. Matter of fact I have other companies constantly asking me to work for them at a much better wage and even offer to have lawyers look at my contract to see if there is a way to bypass it or at least find away to make it work for me until the expiration dates run out. However, I fear that if they find out I was talking to the other companies that they would consider firing me and I would lose my lively hood causing me not to work in my industry for at minimum. You would think being one of the best in the nation that your direct manager would give credit to this accomplishment, but constantly criticizes ever move me and my team do, because I focus on the clients' needs and he is only concerned about profit

	these contracts that really feels like torture and no way out of the situation, unless we were to sell all of our assets, homes and vehicles that we worked so hard for the past 20+ years. If this rule passes, my company will have no choice but not only be more caring for their employees that they feel they have in slaved with these contracts, but I believe it will also give the employees like me to have more authority to fight for our clients to get the best possible outcomes or we will go to a company that will value that. Please do not change a single thing to the rule and pass this as soon as possible! I would be happy to speak to a congressman, senator or whoever I can to help this become [permanent]. I hope you fight to change the other contracts such as non disclosure, non solicitation, etcc as well. These are just as bad with the verbage they use."
Julie	"Non-compete agreements should be against the law. They're used by companies as a means to "punish" former employees by suppressing their ability to make a living. It's a fear tactic and it doesn't create a fair playing ground."
Jackie	"I am in complete support the FTC's proposed ban on non-compete agreements as our family has suffered through two back to back clauses since the COVID-19 pandemic stripped my husband of his high paying sales job with a very large company, who fired him for lack of sales during the pandemic and enforced their non-compete, causing him to withdraw from an industry he very much loved, due to no fault of his own. Our family lost more than 550k/yearly in wages as he had to take a much lesser paying job until the non-compete expired after one year. This occurred again when he returned to the industry for a short time, and once again lost his job due to the ownership changing, and still the non-compete clause not rescinded so he could explore other companies within the industry who very much wanted to hire him. This clause only directly impacts the employees who many times are unjustly let go to increase profits for large corporations who do not care about their employees. A company should never have this much control over a person and their financial wellbeing when they are allowed to unjustly fire employees at will to line their pockets and they enforce a ban on employment in a like industry. These employees are forced to sign these non-compete clauses in order to gain employment which causes long term financial damage for the employee who has no control over whether they can keep their job."
Kylee	"Please move forward with this to protect the American working class."
Michael	"I am an Independent Board Certified Family Medicine Physician and I am writing in support of banning all non-compete agreements. In the medical field most MD, DO, NP, APRN, PA (healthcare providers) are required to sign perpetual non-compete agreements as a part of their employment contracts. With large Medical Groups buying up hospitals and private practices, applicants often have limited employment options. Thus, with less competition almost every Medical Group requires the employee to sign a non-compete agreement. For example, in Louisville, KY and the surrounding 50 mile radius, the majority of Hospitals are owned by one of three large Medical Groups (Norton I Icalthcare, I3aptist I ImIth, and The University of Louisville). With the exception of the VA hospital, there are no options tier a hospital based healthcare worker to work without a required non-compete agreement. Hospital groups brag about their high retention rate, but fail to mention that their employees

are essentially trapped. A typical non-complete agreement prohibits an employee from working for a competitor within a 30 miles radius from their clinic, for at least 1 year. Thus, for a healthcare worker to leave a Medical Group they will have to find a job 30+ miles away and commute to work for at least 1 year before they can return to the community they were serving. This creates stress on individuals, their spouses, and their children. If the employee changes jobs they will have less time to spend with their family because of the forced commuting time. There is also a logistical impact on trying to drop children off at school or daycare and picking them up at the end of the day. The childcare burden is especially difficult on single parents. Alternatively, if the employee wants to change jobs, they may have to uproot their family and move to a new community. As a result many healthcare workers cannot take jobs that offer a promotion, better pay, or a better fit with their family dynamics. Again, these punishments are due solely to the existence of the perpetual noncompete clauses required by virtually every Medical Group. With perpetual noncompete clauses Medical Groups have less incentive to improve work conditions because the employee bears the burden of penalties trying to work for a competitor. It is widely known that burnout is a significant problem for healthcare workers. (Ironically burnt out (or "morally injured") healthcare workers are leaving healthcare or moving away from direct patient clinical care into Administration \*\*. The lack of control over their own careers contributes to the burnout affecting healthcare workers. In addition to offering meditation classes, employers should compete in a free market to provide the best work environment to attract and retain the best employees. The noncompete clause guts the motivation for the employer to improve because "where are they gonna go"? In regards to intellectual property; that issue can be handled as a separate legal agreement if an employee wants to create IP in partnership with an employer. The majority of healthcare providers will spend all of their time caring for patients and not creating intellectual property. The ability/knowledge to treat a patient is paid for by the individual and taught by schools and training programs. In summary, the non-compete clause indirectly harms patients by harming healthcare workers. First, the patient loses their provider-patient relationship when the provider is forced to take a job 30 miles away instead of across the street. Second, when a healthcare provider leaves medicine or direct patient care that harms the patient by reducing their healthcare accessibility. Removing the non-compete clause will not solve all of medicine's problems. But it will create a free market environment where medical groups compete to attract and more importantly retain quality healthcare workers. \*\* hops://vvvvw.mcpiqojournal.org/article/S2542-4548(2 I )00126-0/fulltext"

Karen

"I am in favor of this change. I've seen countless people get stuck at my **corporation** because they have non-compete clauses. Once you've amassed expertise in an industry, it's difficult to find a new job outside of that industry. When a non-compete is in play, this means you either have to stay at your current job forever (not good for wages or mental health), must walk away from significant compensation (stocks, etc), or must get a job for a year or two outside of your area of expertise (likely at a lower wage or position). It's a terrible situation for an employee to be in. Especially when adding in the stress of maintaining healthcare benefits for a family. If a company can fire an employee at will, why can't an employee move jobs to any employer they choose at will?"

MEG	"I enthusiastically support the end of non-complete clauses—! I am a veterinary specialist and was not allowed to work in my city until I BOUGHT THE NON-COMPETE OUT, this, despite the fact that there was no one to replace me at my former employers. Veterinarians, clients, pets and communities are adversely affected by this antiquated law. Thank you for proposing its end."
Eric	"I FULLY SUPPORT getting rid of non competes. Companies should train their employees well enough that they can go anywhere but treat them so well that they don't WANT to go anywhere instead of having this fallback for employee retention. It will help keep them honest."
Brennan	"I am in strong favor of the proposed rule change. My noncompete agreement restrict me from changing jobs within my industry for one year. This severely limits my ability to negotiate fair market value for my services. I am forced to choose between taking whatever is offered by my employer or being unemployed for a year."
MARTHA	"The non-compete rule seems unjust, is unjust. Justice demands that the rule be banned or done away with. Justice is what matters whether I personally like the outcome or not."
Craig	"I am a Professor at a public University College of <b>Dentistry</b> . I strongly support banning employers from imposing noncompetes on their workers. This is a practice done at our College since 2010. I agree that noncompete agreements are widespread and an exploitative practice that suppress wages, harm morale, hamper innovation, and block entrepreneurs (e.g., healthcare providers) from starting new businesses. I encourage you to establish this rule, which would be consistent with recognizing noncompetes are an unfair method of competition and therefore violate Section 5 of the Federal Trade Commission Act."
Shelley	"As someone who is currently bound by a non-compete, I am in FULL support of this rule. I am a specialized healthcare provider with a doctoral degree. My current non-compete would require me to commute over an hour from my home each way, or completely relocate my family, to continue working in my field. It is my opinion that non-competes of this scope are egregious, and simply meant to force employees to stay in a less than desirable work situation. It removes any responsibility for the employer to provide competitive compensation, opportunities for advancement, and a quality workplace culture. It stifles competition, creativity, and improvement in the quality of care and service delivery - and puts the focus of healthcare entities on dollar signs instead of where the focus should be, which is on the patients we serve. I look forward to the adoption of this rule, as I believe it will lead to better outcomes for patients by requiring employees to truly support their providers."
Michael	"As a physician at the University of Kentucky our hours are often expanded while our salaries remain fixed. The non compete clause includes any UK affiliate in the state with a 60 mile radius. This effectively makes it to where you must move out of the state to work anywhere else in the state of Kentucky. This not only keeps salaries fixed it reduces access to healthcare in a state that is suffering from a significant physician shortage by forcing us to move out of state to change jobs. The non compete is in place for the sole purpose of forcing providers to continue to work in a hostile underpaid work environment as inpatient physicians do not have a patient panel that can follow them when they leave. Please make this change and keep physicians in their home states to practice and provide care."

# Cindy

"I support the proposed rule to ban non-compete clauses in the United States. Non-competes keeps talented people who want to work out of the workforce and often unemployed. My physician is unable to continue to serve our community because she did not renew her contract with a large, uncaring business that owns physician practices."

#### Genevieve

"I recently left a company with a non-compete contract. There are several reasons why this is unethical. First I have not received a raise in over 3 years because I am told I make too much. Secondly, I am employed as a family nurse practitioner with this company. I went back to school and obtained my degree and certification as a psychiatric nurse practitioner. This company did not pay for any of my education, but I am unable to leave to work as a psych NP without abiding by my non-compete. The last 6 months I have been harassed and had to get Human Resources involved. They were also not following my contract that I am being held by their powerful lawyers to abide by. The last 6 months has taken a toll on my physical and mental health while I tried to figure how to get another job without having to move. I have had to go on anxiety medication for the first time in my life, see a therapist, and was told by my cardiologist that due to the toll it has taken on my heart I must find a new job if I want to live. This has also affected my family. I beg you to make non- competes illegal! I hope no one ever has to endure the harassment and pain that I have over the last six months. I have had to take a part time job which does not pay near what I was making as the bread winner for survive. This is so unethical."

**Ferenc** 

"My name is Ferenc Nagy MD, and I am a board-certified vascular surgeon. I have been in full time clinical practice since 2010. I am writing in a personal capacity and not on behalf of my employer or any society. In the strongest terms possible I support the proposed Non -Compete Clause rule in its current form. The current employment environment of clinical medicine is undergoing two fundamental shifts which show no sign of abating: 74% of physicians in the United States are now employed directly by health systems and large portions of traditional physician work is being replaced with non-physician practitioners (typically nurses and physician assistants). Taken together, these trends are placing enormous market power in the hands of large organizations regarding physician salary, work conditions, and practice patterns. The restrictive covenant of a non-compete clause, which by one study has impacted 90% of responding physicians, is the coup de grace; physicians now commonly find themselves tied to an organization, competing internally with nurses and PA's, and without the leverage of local mobility. Non-compete clauses in physician contracts are typically boilerplate inclusions, and no doubt comport with the local understanding of reasonableness in terms of duration and geography. However, the unique nature of medicine, as well as the enormous geographic footprint of increasingly consolidated health systems, make even "reasonable" restrictions effective eviction notices. As with all issues in medicine, this also ultimately is about the care of the patients we have dedicated our lives to. An employed physician, facing pressures that force him or her to consider leaving a group, routinely must consider a geographic upheaval as opposed to moving within a community to a new employer. This is an unacceptable disruption to the lives and care of the patients we treat. It is worth noting that the attorneys for the organizations that create these non-compete clauses have no such issue; non-compete clauses are barred by the American Bar Association"

Barbara	"I am reading the letter from American Hospital Association about non compete ban. They act like representatives for 270,00 physicians, 2 million nurses and other caregivers. I am not sure any one of the 5000 member hospital/health care systems asked opinions of their employees about their opinion (other than people in C-Suite). More over most of the health care workers are still not aware of this federal ban and how it will change their life for better. ABA is not a representative of employees other than health care systems. People who suffer from these rules doesn't even know some good like this happening. More over they are scared of health care systems retaliations if they publicly participate in this platform. This ban will help lots of health care workers and employees of other business to have better life. It would improve the quality of life of people. thank you"
Casey	"Great companies are only great because of the extraordinary people who make them up - non competes are used by companies who were once great and no longer can sustain that greatness without suppressing others - you keep great people through empowerment- not suppression."
Ray	"Approve the rule and get rid of non-compete clauses they are the modem equivalent to Indentured servitude. Companies should have to prove financial loss not just bar employees from working in their given field for X number of months or years in a arbitrary geographical area."
Sarah	"As a <b>physician</b> , currently limited by a non-compete clause (in an academic institution), my ability to find work is limited. Every academic institution I interviewed with had a non-compete, which restricts free trade. I am in favor of abolishing non-compete clauses for all."