

Now & Next

Labor & Employment Alert

January 5, 2024

California employers must notify employees of voided non-competes by February 14, 2024

By Robert H. Pepple

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What's the impact?

- Employers must send notices to the last known mailing and email address of every current and former employee who worked under a non-compete after January 1, 2022
- The notice must state that any noncompete to which the employee was bound is now void.
- Failure to comply with the Valentine's Day deadline will trigger Unfair Competition Law penalties up to \$2500 per violation.

On January 1, 2024, [California voided almost all forms of employee non-compete agreements and clauses](#). January 1 also started a forty-four (44) day clock for California employers to send a mailer and email to every employee that was employed in the past two years with a non-compete, informing them that any (now unlawful) non-compete is void, or face penalties of up to \$2500 per violation. (See [California Labor Code Section 16600.1](#).)

Although enforcement is primarily delegated to the California Attorney General and other government attorneys (rather than through private lawsuits), California's history in prosecuting non-competes suggests that employers should be proactive in complying with this novel, and imminent, obligation.

If you need assistance in drafting the notice or a referral to a vendor that can assist you printing and/or emailing the notices to a (potentially) large number of employees before the upcoming deadline of February 14, 2024, please contact your Nixon Peabody attorney or:

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