

Employee Non-Compete and Trade Secret Law Reform in Massachusetts

Evolution and Status of Key Provisions

	Current Law	Pending Bill	Modified Bill
Types of Agreements Covered	All	Non-Competes Only	Non-Competes Only
Notice Requirement	None	If feasible 5-10 business days	If feasible 5-10 business days
Consideration	None	"Fair and Reasonable"	"Fair and Reasonable"
Attorneys' Fees	By contract	<ul style="list-style-type: none"> ▶ Mandatory to Employee ▶ Discretionary to Employer 	Not addressed
Duration	No Cap 1-2 years generally upheld	<ul style="list-style-type: none"> ▶ One Year Cap ▶ 6 Month Presumptively Reasonable ▶ 2 Years for Garden Leave 	<ul style="list-style-type: none"> ▶ 6 Month Cap ▶ 2 Years for Separation Agreements
Geographic Scope	"Reasonable"	"Reasonable" & Presumptions	"Reasonable" & Presumptions
Scope of Proscribed Activities	"Reasonable"	"Reasonable" & Presumptions	"Reasonable" & Presumptions