

Non-Compete Preparation Checklist

Action Checklist — ClearLegalTips.com (2026)

Make your non-compete narrow enough to survive court — and confirm it is even allowed in your state.

Step 1 — Confirm Enforceability

- ☐ Confirmed your state is NOT a ban state (CA, MN, ND, OK void worker non-competes)
- ☐ Checked your state's income threshold, if it has one, and confirmed the worker is above it
- ☐ Identified a real protectable interest (trade secrets, customer relationships — not generic skills or "we trained them")

Step 2 — Keep It Narrow

- ☐ Limited restricted activity to the specific role/function, not "any capacity"
- ☐ Chose a tight scope — a customer-based restriction or a small radius, not a 100-mile circle
- ☐ Set duration to 6–12 months (24 survives only with strong justification)
- ☐ Added carve-outs (passive ownership, unrelated roles, activity protected by law)

Step 3 — Consideration & Timing

- ☐ Provided real consideration (new job counts everywhere; existing employees may need a raise, bonus, or promotion)
- ☐ Papered the exchange in writing — recited exactly what was given
- ☐ Presented the covenant with the offer, not after the candidate resigned elsewhere

Step 4 — Consider a Lighter Tool

- ☐ Asked whether an NDA (for information) plus a non-solicit (for relationships) does the job instead

Step 5 — Execute

- ☐ Both parties read the final version
- ☐ Signed, dated, and each kept a copy

INSTRUCTIONS FOR USE

This checklist is provided for informational purposes only and does not constitute legal advice. Laws vary by state and change over time. Have an attorney review your completed document before relying on it. ClearLegalTips.com is not a law firm.