



## NISAR LAW GROUP, P.C.

Employment Attorneys

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Honorable Chair Jessica Ramos, Honorable Chair Sean Ryan, and other distinguished public servants, Good Morning:

I used the word public servant deliberately because too many have become corporate servants. Passing the ban of non-compete agreements and clauses is essential to serve the public interest. My client Melanie Lee and millions of other New Yorkers strive to make a living by spending the majority of their time working for businesses. The power dynamic is clear: employers have the upper hand and an ill equipped employee is vulnerable to exploitation and abuse.

Too many employees are placed in a vulnerable position when being offered employment to have to agree to terms that limit their future employment. Often times these non-compete agreement are simply unenforceable, but it creates a burden for employee to seek a declaration by the Court that is illegal and places the employer in a position of asserted a contractual claim of subservience.

I have witnessed employers use non-compete clauses as means to harass, retaliate, and abuse employees by hiring corporate attorneys who will threaten lawsuits. For an employee who is now moving on to a potential new job, they are placed in a precarious situation- on one hand the new employer may not want to be involved in litigation, and the former employer is now attempting to limit the employee's employment. Most employees do not have the ability to afford the legal fees associated with defending threatening lawyer letters from employers which could run well into 10's of thousands of dollars.

Corporations have an interest in protecting confidentiality and trade secrets- they do not have the right to limit a human being's ability to gain lawful employment. Non competes cater to abuse and exploitation because they further limit the options and cater to a deterrent. Most employees who want to leave because of toxic or abusive workplace environment, or because of failure to promote or pay more, will be stuck just because they believe they do not have an option- and the option is also limited to what they can afford.

Today we have another unique scenario where an employer uses it's position of power to take advantage of a vulnerable employee by limiting their ability to leave. This employer not only failed to legally pay my client what she was legally owed, but also placed upon her the allegedly illegal obligation to pay the employer \$15,000 if she wanted to leave because they trained her. "They want to charge her for leaving because they trained her." That is wrong and any employer who thinks that they can exploit and abuse the great people of New York should be aware that



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the public servants of this great State will not sit idly. Passing this ban is about protecting the public interest and protecting employees against powerful employers.

I will now ask Melanie Lee to share her story and how the non-compete impacted her.

Thank you for your time and efforts in this matter.