RESTRICTIVE COVENANT NOTICE REQUIREMENTS CHECKLIST* – STATE BY STATE

State / District	Covenants Subject to Requirements	Substance of Notice	Timing of Notice
Colorado	Noncompetes Nonsolicits No-service (uncertain) No-recruit (unlikely) No-hire (maybe)	Employer must provide notice in a separate document (accompanied by the noncompete) with "clear and conspicuous terms" (in the language used to communicate with the worker) identifying the noncompete by name, "[d]irect[ing] the worker to the specific sections or paragraphs of the agreement that contain the covenant not to compete," and "stat[ing] that the agreement contains a covenant not to compete that could restrict the workers' options for subsequent employment following their separation from the employer . . . ." It must also be signed by the worker.	For new employees, before they accept the offer of employment. For existing employees, "at least fourteen days before the earlier of . . . the effective date of the covenant" or "the effective date of any additional compensation or change in the terms or conditions of employment that provides consideration for the covenant."
D.C.	Noncompetes (that does not provide a long-term incentive) Anti-moonlighting provisions and policies (unless work will work will result in use or disclosure of confidential or proprietary information; create a conflict of interest; or other identified interests)	If a workplace policy includes certain permitted restrictions (e.g., confidentiality policies and permitted anti-moonlighted policies), the employer "shall provide a written copy of such provisions . . . ."	The language must be provided in three timeframes: • By October 31, 2022 (*no longer applicable*); • within 30 days of an employee's acceptance of employment; and • any time the policy changes.
		Highly compensated employees must be provided a copy of the noncompete and the following notice: The District of Columbia Ban on Non-Compete Agreements Amendment Act of 2020 limits the use of non-compete agreements. It allows employers to request non-compete agreements from "highly compensated employees" under certain conditions. [Name of employer] has determined that you are a highly compensated employee. For more information about the Ban on Non-Compete Agreements Amendment Act of 2020, contact the District of Columbia Department of Employment Services (DOES).	The notice must be provided whenever the noncompete is proposed to the employee. For new employees, the noncompete must be provided at least 14 calendar days before commencement of employment. For existing employees, the noncompete must be provided at least 14 calendar days before the agreement must be signed (*i.e.*, so employee has 14 days to review).
Illinois	Noncompetes Nonsolicits No-recruits	Employer must advise the employee in writing to consult with an attorney.	Before entering into the agreement.
		Employer must provide a copy of the noncompete.	For new employees, at least 14 calendar days before commencement of employment. For existing employees, at least 14 calendar days to review.
		Timing of notice is expressly waivable.	
Maine	Noncompetes	Employer must provide notice of the noncompete.	Prior to the offer.
		Employer must provide the agreement.	Three business days before the deadline to sign.
Massachusetts	Noncompetes	Employer must provide the noncompete, including that the employee has the right to consult with counsel, to the employee.	For new employees, the earlier of 10 business days before commencement of work or prior to a formal offer. For existing employees, at least 10 business days before the agreement becomes effective.
New Hampshire	Noncompetes Nonsolicits (maybe)	Employer must provide the noncompete.	Prior to acceptance of the offer of employment.
Oregon	Noncompetes Nonsolicits (if broad)	The employer must provide a copy of the noncompete with an offer letter that states that employment will be conditioned on the employee's signing the noncompete.	At least two weeks before the associate's first day of employment.
		Signed copy of the noncompete.	Within 30 days after termination.
Virginia	Noncompetes No-service (w/o solicitation)	Employer must post a copy of Virginia code § 40.1-28.7:8 (Covenants not to compete prohibited as to low-wage employees; civil penalty) or a summary approved by the Department in the location it posts other required notices.	At all times.
Washington	Noncompetes Nonsolicits (if broad) No-service	Employer must disclose the terms of the covenant in writing to the prospective employee. If the agreement will become enforceable only at a later date as a consequence of changes in the employee's compensation, the employer must specifically disclose that the agreement may be enforceable against the employee in the future.	Before oral or written acceptance of the offer.

* Nonsolicits limit the solicitation of customers; no-service agreements prohibit the servicing of customers; no-recruits limit the solicitation of employees; no-hire agreements prohibit the hiring of employees. If notice requirements apply to nonsolicits or no-recruit agreements, they likely also apply to no-service agreements and no-hire agreements, respectively, even if not noted. (*Only those covenants mentioned or likely implied by statutory language are included above*.) Other criteria apply, *see*, *e.g.*, Beck Reed Riden LLP's ***Employee Noncompetes, A State-by-State Survey*** and ***Restrictive Covenant Wage Thresholds and Similar Criteria*** chart.

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Not legal advice