WEST virginia legislature

2021 regular session

Introduced

House Bill 3118

By Delegates Barach, Brown, Doyle, Griffith, Bates, Pushkin, Thompson, Worrell, Hansen and Skaff

[Introduced March 12, 2021; Referred to the Committee on Workforce Development then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-19, relating to prohibiting certain noncompete or conflict of interest provisions in employment contracts.

Be it enacted by the Legislature of West Virginia:

Article 5. wage payment and collection.

§21-5-19. Noncompete conflict of interest employments against public policy.

A noncompete or conflict of interest provision in an employment contract or a similar document or agreement that restricts the ability of an employee to enter into employment with a new employer or to become self-employed in the same or similar business or trade shall be null and void as being against the public policy of the state.

NOTE: The purpose of this bill is to prohibit noncompete or conflict of interest provisions in employment contracts that prohibits a person getting rehired or self-employed in the same or similar business is prohibited as being against public policy.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.