WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3118

BY DELEGATES BARACH, BROWN, DOYLE, REYNOLDS,

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.


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.