

## BOOK REVIEWS

*Covenants Not to Compete: A State-by-State Survey, Second Edition*, by ABA Section of Labor and Employment Law, edited by B. Malsberger, Washington, D.C.: Bureau of National Affairs, 1996. 1237 pp.

In a service-driven economy, the ability of a business to protect its investment in human resources, customer relationships, and confidential business information is critical to ensuring continued economic viability. In this milieu, businesses increasingly rely on postemployment covenants not to compete to protect these investments. The growth in the use of these covenants also represents a sound response to increased levels of employee mobility, the globalization of product markets, and rapid advances in technology.

Employees often have access to the proprietary information, trade secrets, and other confidential data of the employer. Certain employees frequently have key relationships with customers and obtain specialized training or technical knowledge, expertise, or skills on the job, often at substantial expense—in terms of both money and time—to the employer.

Postemployment restrictions seek to protect the employer's interest in these assets and investments by preventing former employees from entering into competitive employment and otherwise eroding the former employer's market share. These restrictions safeguard interests not protected by trade secret, patent, and copyright statutes. They augment those protections by supplying contractual remedies to which an employer might not otherwise be entitled.

This book is designed to satisfy attorneys' needs in both the drafting and the counseling context. As a drafting tool, it provides detailed guidance on—and examples of—the statutory or common law limits of covenant enforceability, issues of consideration, and the methods courts follow to narrow an overly broad restriction in each of the fifty states. Because the cases are very individualized and fact-intensive, the case examples provided are invaluable in this context.

The book is designed to answer specific questions regarding covenant enforceability in each state. Employing a question-and-answer format, it provides a quick-look assessment of the law in each state for immediate answers to client questions in the counseling context.

The book is updated yearly and deserves serious consideration by anyone who regularly deals with these issues. It is well-written and researched. By using this book, both corporate counsel and private practitioners can answer clients' questions quickly and effectively.

*Kurt H. Decker*

*Job Rights & Survival Strategies: A Handbook for Terminated Employees*, by Paul H. Tobias and Susan Sauter, Cincinnati, OH: National Employee Rights Institute, 1997. 157 pp. (Softbound)

Massive layoffs may have declined but many employees with jobs still feel apprehensive. It is no surprise that a recent survey by International Survey Research Corporation found 46 percent of workers they interviewed fear being laid off.

Employees who are concerned about job loss or who have actually suffered a layoff need help. The National Employee Rights Institute (NERI) offers assistance in this book. The new handbook helps provide important legal information and practical advice to terminated employees.

The NERI is a nonprofit organization established to explain, enforce, and expand employee rights. The organization provides an information clearinghouse and presents educational seminars and programs. Another outgrowth of the organization's efforts to help terminated employees is an expense fund for public interest litigation.

The book tells how to negotiate a separation package, apply for unemployment compensation, and cope with the financial and emotional burdens of job loss. Several of the eighteen chapters focus on dealing with legal and practical considerations such as discrimination claims and wrongful termination. Included are detailed explanations of federal and state laws concerning termination. For example, the book's chapters cover:

Prologue:	Can This Job Be Saved?
Chapter One:	Ending the Employment Relationship
Chapter Two:	Separation Package Considerations
Chapter Three:	Negotiating Your Own Separation Package
Chapter Four:	Unemployment Compensation: You Are Entitled, or Are You?
Chapter Five:	Public Assistance
Chapter Six:	Health Insurance
Chapter Seven:	What Rules Protect You If . . .
Chapter Eight:	Contracts and Promises
Chapter Nine:	Federal Laws That Protect Workers
Chapter Ten:	State Law Protection

- Chapter Eleven:      **Were You Discriminated Against?**  
Chapter Twelve:     **Make Sure Time Doesn't Run Out—  
Statute of Limitations**
- Chapter Thirteen:   **Build Your Case**  
Chapter Fourteen:   **See an Attorney**  
Chapter Fifteen:     **Pursue and Exhaust All Administrative Remedies**  
Chapter Sixteen:     **Going to Court**  
Chapter Seventeen:   **Finding Another Job**  
Chapter Eighteen:    **Coping with Job Loss Appendices**  
                          **Official Citations to Federal Laws**  
                          **Federal Government Offices**  
                          **Non-Governmental Resources**  
                          **Sample Letters of Appeal**  
                          **Sample Reference Letters**  
                          **Sample EEOC Charge Form**

For employees who need assistance with the legal and practical aspects of termination, this book will help level the playing field in dealing with their employers, whether those employees are currently working, have been terminated, or just want to learn about employment law.

*Kurt H. Decker*