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**Hayden Consulting, Inc.**

### Last Week:

- More on Health Care
- More on Health Care Tax Credit
- IRS Updates Change of Address Notice

### Important Links:

Internal Revenue Service  
Indiana Department of  
Revenue

## NON-COMPETE AGREEMENTS

Faced with employees who come and go at the drop of a hat, companies today are turning to non-compete agreements to protect interests against the risks of unfair competition or staff "poaching." What these agreements contain, how they are enforced, and to the extent an employer goes to enforce them are issues that will become more important with high turnover.

Laws governing non-compete agreements vary by state, so these comments must be construed only as a general framework. Check with your local law firm to make certain your current agreements comply with state requirements. Knowing state law is useful even if settled out of court.

The general rule to remember is that the less restrictive a non-compete, the greater its chance of it holding-up in court. The rest is fact-related given the many different circumstances under which violations of non-competes may occur. These include terminations, voluntary departures, or company versus employee cases.

If scrutinized by a judge, reasonableness will be key. An agreement appearing too broad would affect the employee's right to earn a livelihood is against the public's interest and probably doomed. Although employees have a right to expect reasonableness, a company also has certain rights. Protected is proprietary information from use by departing employees in the next job. Deeming what is "proprietary" will be a factual matter. A company also has the right to protect its customers and goodwill. Within justifiable boundaries, a company has the right to keep employees who have signed a non-compete from walking away with most of a customer base, at least for a period of time. Also, most likely well protected by a non-compete are trade secrets and proprietary information.

Courts will look to see if the company provided consideration (payment) in exchange for signing the non-compete agreement. Usually there is no problem enforcing a document signed at the start of employment, although some employers choose to add them later. It is advisable to limit a non-compete to one to three years, and a geographic area the employee covers while working for the company.

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## OVERCOMING COMPLEXITY IN FINANCIAL PRESENTATIONS

Financial information presented to a non-financial crowd presents several challenges. Here are several tips for a presentation to whatever size the group.

1. Use visuals. Help them out. Give them visuals to go along with the information. Don't just use the familiar charts and graphs, try photographs or artist's renderings of structures, products or even people, and don't forget copies of ads or other publications that can help put the numbers into context.

[Know someone who would benefit from this Newsletter? Send us an e-mail address.](#)

## **FOR SALE BUSINESSES AVAILABLE**

1. BRAND NAME garage door installation and repair company - Marion County and surrounding counties.
2. "C" store
3. Office Industrial complex-occupied with long-term tenants, 3 acres of land.
4. Operating Day Care Franchise
5. Beauty shop – Fishers
6. A septic system company in south of Indianapolis - covers 9 counties.

2. Make good use of handouts. This is especially true if you are presenting using slides or other presentation software. Too much information can be difficult to read on a computer or video screen unless the audience is very close
3. Make it easy on the eyes. Use legible fonts in a reasonable size, as well as high contrast backgrounds and colors. There is a reason black and blue inks are popular to use for signatures.
4. Sometimes, nothing is a good thing. Consider using a "blank" screen or one with just the title as the point of emphasis.
5. Get to the point quickly and leave time for questions. Chances are your audience is both intelligent and busy so keep this in mind.
6. Be sure to distinguish between facts and your opinions. An audience may want both, however, it is important that they can tell the difference between the two.

These tips may seem to apply to all types of presentations, not just financial ones, and they do. But, these are significantly more important when it comes to financial presentations due to the complex nature of the information being communicated.

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### **NEWS RELEASES**

The news release is a vehicle for notifying the media and the public of upcoming events, new products or services, surveys or dates, etc. Its purpose is to inform, not to entertain. The media rarely prints a news releases verbatim. Effective news releases present facts, not opinion, clearly, briefly and within an accepted format. When preparing a Professional News Release:

- Tell the most important part of the story in the first paragraph (the lead) by incorporating the "Five W's of Journalism." (Who, What, When, Where and Why) Ask what is the news? Why is it newsworthy? When is it scheduled? Where?
- Clarify the questions before you begin to write: What is the purpose of the release? What audience will be reached? What are the most interesting aspects of this story? Verify your facts and proofread.
- After the lead, elaborate on details. The release should not exceed one or two pages, double-spaced. Keep it short and simple.
- Stick to the essential facts. If reporters want more detail, they'll call.
- Be sure to include the contact's name and phone number.
- Address the news release to a specific person within a news organization. Look at the by-line (writer's name) on related stories in the paper or a reporter's name on TV or radio.
- Don't use scientific words, jargon, phrases, or clichés.
- After a draft is written read it aloud. Does it make sense? Have at least one other person check your release to make certain it is both clear and accurate.

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