

## Case 12

When New York Public Library administrators leave their jobs, they have an option to sign a “nondisparagement” agreement in exchanges for extra severance money. Those who sign the agreement pledge not to criticize the library after their employment ends. According to the May 24, 2012 *New York Times*, the clause specifically prohibits:

...Commenting to the news media or other entities with which the library does business in a way that could ‘adversely affect in any manner the conduct of the business of any of the library entities (including without limitation, any business plans or prospects)’ or the ‘business reputation of the library entities’ according to a copy of the separation agreement obtained by the *New York Times*.”

The library contends that the clause is not intended to censor. Employment lawyers and some library employees who have passed up the severance pay disagree.

The wisdom of a current redevelopment plan proposed by the library for its Fifth Avenue research center has stirred up controversy in New York. Many former employees contacted by the media for comment on the plan have declined, citing the nondisparagement agreement they signed. Others who did not sign the agreement have expressed their opinions.