

Episode 71: **In The Dark: Spiritual and Ethical Implications of Ramsey Solutions' Updated Employee Agreement**

Amy Fritz: Here's a hypothetical situation for you. What would you do if your boss or ministry leader announced they were asking everyone to sign a new document by the end of the month, or you would lose your job or position? And let's say it contains some vague or complicated language regarding restrictions you were agreeing to? What if by signing this, you were agreeing to a restriction that had no expiration date? A restriction you're supposed to abide by forever, even if you're no longer associated with this ministry or company? You're not an attorney, and you don't know your rights, and it's all confusing.

But asking for clarification feels scary. What if it's not hypothetical? What if it's just another day at Ramsey Solutions? Melissa Hogan, attorney and fan favorite here at the Untangled Faith Podcast, joins me today to talk about our understanding of new requirements for employees of Ramsey Solutions. Stay tuned. We're doing a deep dive that I think we will all benefit from.

I'm Amy Fritz, and you're listening to the Untangled Faith Podcast, a podcast for anyone who has found themselves confused or disillusioned in their faith journey. If you want to hold on to your faith while untangling it from all that is not good or true, this is the place for you.

Hey, listeners. I am so glad you're here for this conversation. Over the last several weeks, I've heard from several sources that this month, leadership at Ramsey Solutions shared with their employees a document that they are requiring everyone to

sign in order to keep their jobs. Many of us who have become aware of this were immediately concerned and grieved for what this would mean for current employees. The more details we became aware of, the more alarmed we became. So I asked Melissa if she would be willing to put on her attorney hat and join me for a conversation about these new policies and what they mean for those who sign them. Before we get started, though, I want to state something that Melissa reiterates in this audio that this conversation does not create an attorney client relationship between the listeners and Melissa, and it shouldn't be taken as official legal advice. This is for educational purposes only. All right, with that, let's get started.

Welcome back to the podcast. Melissa Hogan, you are a fan favorite. I did a survey recently, and somebody put a suggestion that I have, like, a special podcast thing that I do. It's like legal opinions or analysis with Melissa.

Melissa Hogan: That would be fun.

Amy Fritz: Yeah, I think it would be fun. I wanted to have this conversation because we have heard from several sources that Ramsey Solutions has asked their employees to sign something, and I'm not sure what they're calling it, whether it's a contract, a policy, some sort of document that really governs certain things about their employment and some things that outlast their employment. I know you love to research things. This is going to be a helpful conversation.

Melissa Hogan: Well, and I think it's important to note, too, that the reason that we have a number of sources on this is that there are people who have seen this who have said something is not right here and not just something is not right, but there's a lot of things wrong. Our understanding is there are people

who have already resigned because of this new set of policies or contracts and more may. We don't know. But first I want to say as an attorney, everything I'm going to say here is not legal advice to anyone. This does not create an attorney client relationship.

We're going to be talking about some of the legal issues, but really in the context here, when we're talking about a company like Ramsey Solutions, that puts itself in the marketplace and holds itself out as a Christian company or followers of Jesus. We're going to talk about the legal implications, but really the practical, ethical and the spiritual issues surrounding some of these policies. And I'm going to be as frank as I can possibly be and maybe even more frank than I have ever been before because this issue has weighed on my heart. It has grieved me terribly for people that are there and for the choices being made.

Amy Fritz: I mean, this wasn't just like something we just decided to talk about today. We've been praying about it.

Melissa Hogan: And nobody is persecuting Ramsey Solutions or Dave Ramsey or his family, much less Christians, by looking at these issues. For me, and I know for you, this is about living out our testimony as Followers of Jesus for calling fellow brothers and sisters to account and also protecting other people, fellow believers who work there, people that use their products or admire some of their good efforts. It is about protecting people and shining a light in the darkness. In fact, this morning I was reading and I often have said and quoted before, Ephesians five eight through 14, and it says, for you were once darkness, but now you are light in the Lord. Live as children of light. For the fruit of the light consists of all goodness, righteousness, and truth testing what is pleasing the Lord. Don't participate in the

fruitless works of darkness, but instead expose them. And so what we're going to talk about are things that are keeping things in the dark, which is I don't know that you can look at a lot of these provisions and say Jesus would be happy because of this stuff.

Amy Fritz: Yeah. Ramsey's legal name, the Ramsey Organization is the Lampo Group, which Dave has said is the Greek word for light. At one point at least, and I don't know if this has changed, but the LLC that owned the property that they're on, their current property that the business is at their building, was named the Bible verse that comes from like, the light on a hill, matthew, whatever the verse is, that was the legal LLC name. And so it is ironic that it really looks like there is an attempt to not shine light and to keep the light out of this business and in a really broad and restrictive way.

Melissa Hogan: And not just light. They use the phrase freedom. Financial freedom, financial peace. And I was reading in Second Timothy today, they promised them freedom, but they themselves are slaves of corruption, since people are enslaved to whatever defeats them. And what these provisions do is put a cloak of darkness and they bind people. They restrict their freedom in ways that are, I believe, ethically questionable and spiritually wrong. And this is not about freedom for anyone. This is about constraining and binding people.

Amy Fritz: I just I want to ask this. Are you coming as somebody who just wants to like, you're angry at Dave, you can't stand him, you can't stand the organization, and you're bitter because you know all they've done to you?

Melissa Hogan: I speak out of my love for people who work at Ramsey Solutions, some of whom I consider my friends, and yes, even love for Dave Ramsey and his wife Sharon and their kids who work at the company. When we see something that is rotten happening and we just walk on by and ignore it, that isn't love either. When I went into Ramsey Solutions in December of 2018 with the knowledge that I had of some things that were deeply, deeply wrong, that was out of a deep love for my husband's soul and respect for the company. I placed our entire family at risk. Our income stream, basically our house, my son's medical care. Because I had prayed and knew that was the right thing to do. But even after what Dave has done to me. He lied about me and violated my privacy to 1000 people. He sent a lawyer to lie in court, sent board members to lie about me and get me under a gag order. He has called me a world-class bitch in emails and then affirmed it in his deposition. Being under a gag order for seven months, partially due to their choices. I understand in some ways uniquely what it's going to feel like for some of these employees to be bound and silenced. And I would not be following where I believe Jesus calls me to walk, to not speak up and say on behalf of those people, but also to Dave that this is wrong. This is wrong, what you are doing. And this is not following Jesus to bind and silence people. Whether that's out of fear, whether that's out of anger, I don't know. But it is wrong. And I would not be a fellow believer to him to not call that out and say that it's heavy.

Amy Fritz: It feels really heavy. And so we're kind of balancing the idea that we feel this with this real personal heaviness over it, but also want to talk about real specifically about what you have seen by looking at different laws. You're not an employment lawyer, but there are resources out there that you

have spent some hours looking at. And so what assumptions are you working under as we get into this?

Melissa Hogan: What we believe we're working with is an agreement that deals with a number of different areas that we'll kind of walk through, and hopefully this can explain it better and explain rights in some ways to people who may not understand what this is about, or may not understand why it's important, or who may think, oh, well, that will never affect me. Or who think, oh, this is normal in the business marketplace. Some of this is typical, or that you might see in the business marketplace, some of this should never exist in the Christian sphere. Some of this is abnormal even for a typical business, and some of this is very abnormal to be applied across the board to many employees. So what we're looking at are provisions related to intellectual property, nondisparagement, the core values, the core values of the company, non solicitation of customers, non solicitation and non hiring of employees or former employees, and forced arbitration. It seems to be a situation where they've looked at, oh, goodness, here are the areas where we are getting burned by everything since 2018. The lawsuits that have happened, the discovery that's happening in those lawsuits, things that you and I and others have spoken out about. And they are saying, how can we bind and silence our employees so this never happens again? And that's why I say this is out of fear, because there's some here that are very particularly, and we'll get into those, responsive to things that have happened in the last couple of years. So generally, if we look at these provisions, you can look at them overarchingly, and then you can look at them individually and look at the challenges and problems and the spiritual and ethical problems with them. So generally, this

agreement is being proposed to these employees in an environment that already exists with fear. If people read glassdoor reviews, a lot of the people talk about the environment of fear that exists. There's not an environment where you feel free to give honest feedback for fear that that you will be ostracized, you will be fired. That it's not an open environment. You know, one of the things our understanding with this agreement is that there there wasn't a reasonable way to take it to a lawyer. Our understanding is that once you sign it, it disappears.

Amy Fritz: When my husband worked there. They signed policies using a program like DocuSign or something. So there was like a digital and you would digitally sign this, and then you could go back in and look at the policies and things that you would sign. Your documents were there. We are starting to hear that that may not be the case with this, that people sign it and it's no longer available to even be looked at. And that's problematic for a number of reasons.

Melissa Hogan: Well, and that's consistent though. We'll talk about this at the end, it says that you can't even tell anybody that this agreement exists.

Amy Fritz: Yeah, not just what's in the agreement, but you can't even say there is one.

Melissa Hogan: The hard part is when we look at some of these

provisions, you see other places that these are used. And so when you look at something like this and say actually something like this is generally used in situations where there's a cover-up of sexual assault. Or the idea that you can't tell someone that something exists and that you can't disparage anybody and you can't talk about these things. Those are like classic plays from Harvey Weinstein.

Yeah, I'll say that I saw that.

Melissa Hogan: I mean, that tells you something. There's other things here that are used in Scientology. It's when you look at it as a whole and you look at the environment in which it was brought into play, the circumstances of looking at it, not being able to take to a lawyer how you sign it, there is a potential issue that this is really an unconscionable contract or that it was signed under duress. And that when you do a contract, you're supposed to have something in exchange and theoretically have equal power to negotiate. It's a contract of adhesion. If you don't have equal power, clearly.

Amy Fritz: These employees have little to no power to negotiate these terms.

Melissa Hogan: So the only thing that they're saying, well, you get to continue to work here if you sign this. The job market is not incredibly strong right now. The idea that either I'm going to waive all of these rights, a massive amount of rights that continue after my employment,

Amy Fritz: the restrictions continue after you leave.

Melissa Hogan: Some of them for a year, but a lot of them for eternity. Yeah.

Amy Fritz: There's no end date listed for some of these things we are aware of.

Melissa Hogan: the set up of how these things are being explained. Our understanding is basically everything about your employment is confidential, which is not true.

Amy Fritz: I'm not sure if they are real specific on what is intellectual property or if they actually wanted to be super specific. I think that is an interesting thing about this policy. It could be they are assuming people will have a fear of doing things because they don't want to cross the line and they will remember that it was more restrictive than they actually said.

Melissa Hogan: Works for hire. That is a pretty typical clause in

an employment contract. That's probably the most normal provision that I would expect to see is something related to works for hire. But even backing up, the set up for this is like we're depending on you to protect our business. What happened to this being God's business? Which is what Dave used to say. Or that we don't have fear. So later, it talks about following the core values might be like, well, one of those is fear not so if I was following the core values, I wouldn't fear the fact that these things are risking the business. If telling the truth is risking the business, you've got a truth problem, not a business problem. The question is, though, too, is that does this create an employment contract? So Dave is very fond of saying his employees are employees at will. So he can fire them if they have green eyes and he doesn't like green eyes. But he's putting some pretty particular employment terms in here. And does this create an employment contract? And these are across the board. This applies to the administrative assistant, when a lot of these provisions would only be for people creating intellectual property or executives. Some of these NDA provisions would be for executives. That really makes it questionable, too. And so what that suggests to me from all these issues related to the environment and the tactics they've used to get this signed is that this is about control. This is about control and image management, managing their image in the marketplace, using silencing and binding their employees and controlling them to manage that image. It is not about truth, and it is definitely not about Jesus. I think there's a wide open door for potential challenges for this under the National Labor Relations Act for the EEOC to come in on some of this stuff, because it's just problematic. The intellectual property provision is the least problematic, I would say. Going back to when we were talking about fear, when you said that even if it doesn't prohibit something specifically, people may remember it differently and operate out of fear, this type of agreement

and other practices at Ramsey Solutions create an environment of fear. So people will, even if legally they could do certain things, or even if this is legally not, enforceable that fear that exists in them. So this creates, I would say, three types of fear. A legal fear. You have a fear of being sued after you leave. The cost to defend yourself against a multimillionaire in your community. Lack of understanding of your legal rights because, you know, I'm an attorney and I can't sit here and say, well, this is definitely enforceable or not. So if you don't have a full understanding and fear of challenging Dave in a community where he has a large influence and where these provisions say everything must happen. So there's a legal fear. There's a reputational fear and fear related to your career. You're more likely to stay at Ramsey because you fear trying to get a job, because this restricts other jobs that you could get and who you could talk to about another job. So your options are limited. And then the non solicitation. It creates fear of even speaking to former employees. I mean, we already know that people who leave hardly ever are able to maintain relationships with people who stay there, which is a very prominent feature of cults and high control groups. So this, this creates additional fear related to your career and how you would continue working and limits your career options. And then it creates relational fear. You lose friends, you lose respect potentially in your community. Those friends are also networking. So all of these fear tactics are then used to keep people in and to separate people who are out and to keep people from doing anything that might impact the company. No matter what their legal rights are. That's just legal rights, no matter what Jesus would actually say is the right thing to do when dealing with your fellow believers.

Amy Fritz: I'm imagining these employees, like around 1000 of them. They were told they were going to have this policy they need to look over and they need to sign from what we understand, they have to sign it by the end of the month or they don't get to work there anymore. And so by the time this podcast comes out, there will only be a couple more days left in the month. And most of the people reading it aren't lawyers. They don't really understand what their rights are. And like you said, there is this great fear. Many of them will be afraid to ask questions about it because even trying to understand it, even if you're asking, not because you have suspicion, just because you don't understand, I would imagine it would be really hard to do. It would be really hard to be like, what does this mean exactly? I'm not asking because I want to break rules. I'm just wanting to know what the rules are. And they may be under of the assumption all this is just really typical. They told us this is what everybody does. They're not even really thinking about it. They're just hoping for the best. And so it is a lot. So part of what we want to do is just go a little deeper into some of the provisions, what you have seen and some of your concerns. And it's not always that these are illegal. There's lots of things that are legal that aren't necessarily things that as followers of Jesus running a Christian organization should be doing. Not everything that is the wrong thing to do is illegal.

Melissa Hogan: Let's move to one of the nondisparagement language.

Amy Fritz: People get confused about disparagement and they think that it's slander or libel. And there's a difference.

Melissa Hogan: Yes, slander and libel are forms of defamation and there is a cause of action for defamation. Those are false statements. So Dave Ramsey slandered me right from stage. He made false statements about my actions, false impressions about me as a person about things that happened. So that is defamation and there's already a cause of action for that.

Amy Fritz: Melissa uses the term cause of action here and I wanted to define that for those of you who aren't sure what that means. Cause of action, according to the online legal dictionary, is the fact or combination of facts that gives a person the right to seek judicial redress or relief against another. Also, the legal theory forming the basis of a lawsuit, in other words, cause of action means something happened that gives you the ability to file a lawsuit against someone else.

Melissa Hogan: Disparagement is different. It can be absolutely true. There's certain legal language, if it makes someone look bad, essentially. But it's very nebulous saying you can't disparage someone. So this expands what you can't do. So you can't say true things about.

Amy Fritz: If it might possibly reflect poorly on them.

Melissa Hogan: Right. And it also extends the statute of limitations. So the statute of limitations and one of the reasons I couldn't sue Dave Ramsey for slander was the statute of limitations for defamation in Tennessee is six months. So I was still in deep trauma and it took me a long time to find out what was actually said. And you only have six months, whereas creating a contract means there's six years. So they now have six years to try to go after someone who says something bad about them. So that's significant and it expands the parties. So it's not just you can't disparage the company.

Amy Fritz: The six year thing is Ramsey. If Ramsey hears that they believe you have disparaged them and you did it five years ago, they can still go after you. Because it is less than six years.

Melissa Hogan: Yes. Because this is a contract. And this is significant for people who feel bound by this, there has to be damages. So that's another aspect. People can sue people for anything. And that's some of the fear environment that Dave has created because he's a millionaire and he wants to go after people. And some people are like, I can't defend myself.

Amy Fritz: We believe our understanding is this policy, if you sign it, says you are not allowed to disparage the company, the owners, the family members, employee owners, things that they create.

Melissa Hogan: What if five years after you leave, somebody says, hey, what financial software you use? You say? Well, I use YNAB. I didn't really like how every dollar worked. Yeah, technically, that might fall under the bonkers.

Amy Fritz: I want to clarify, though. Say you disparage even though you signed the thing. Ramsey is like, you said you liked YNAB and that you did not like every dollar. I'm going to sue you. What you're saying is, if they can't prove specific damages, they would have to prove damages. So it's not like, oh, yeah, the judge says, or whomever it is, we'll get to that later.

Melissa Hogan: You get in trouble because you discourage them. No, they have damages,

Amy Fritz: you're in trouble. Ramsey would have to prove that your statement cost them something. It's not just that they can sue you for whatever.

Melissa Hogan: So, like, what if you shared a media article that said something true, absolutely true, or one of the previous articles that we've been quoted in that reflected negatively on them? Or what if you shared Dave's letter that he wrote, he or the company wrote, in response to Bob Smietana, and.

Amy Fritz: It was their own words. Because I would say Dave reflects poorly on the company and on himself.

Melissa Hogan: So what's interesting is, if this provision talks about to the maximum extent permitted by the law, people don't know what that means because they don't know that they actually have protected rights to speak out about a multitude of issues. Specifically, Tennessee has laws related to sexual harassment or illegal activities. So if you worked there and you

were sexually harassed, this came out of, you know of course, Dave calls it me too hell, as if it was a bad thing that women spoke up about, like being, sexually assaulted. You are legally allowed. This cannot restrict your right to speak up about sexual harassment, about the illegal activities. So there's also provisions in the National Labor Relations Act related to wages, conditions of employment, benefits.

Amy Fritz: So you have a protected right to be able to talk with your coworkers about your wages and your employment conditions?

Melissa Hogan: Yes.

Amy Fritz: Dave would call that gossip if you were saying that was negative.

Melissa Hogan: It's not. And in fact, it's protected by the National Labor Relations Act. It tells you something by the fact that they said in one of the speeches, I think, that you've publicized, that when someone made a complaint to OSHA about them not following the guidelines related to COVID, that was protected speech, and they said he would fire somebody. He said, If I know who that person is, I would fire them. That would likely be a violation of different areas of law. Like if a union decided to come in to Ramsey, he would have a very eye opening world about the things that he can't do to people who are seeking to organize labor to deal with their conditions of employment. There are laws about these things that employers are expected to follow, but he seems to think it doesn't apply to him. But it does, and people have rights to speak about certain things.

Amy Fritz: Is there an expiration on the nondisparagement wording that we are aware of?

Melissa Hogan: Not that we know of. Which is, again, this is so far overreaching that every employee who works there, this is not executives, limited to executives or board members or people who are in positions of influence. This goes down to the janitor, the administrative assistant for the rest of their life. If Jesus were sitting right here, do we think he would be okay for a believer to tell these people that they have control and influence over you can never say anything bad about me for the rest of your life. I don't care if I murdered someone. I don't care if I sexually harass a bunch of female employees. I don't care if I covered for my buddy over here that's abusive. You can never say anything bad about me. That is not consistent with the Bible that I read.

Amy Fritz: No, it's not. And I just want to clarify for people, pretty much anybody I've ever talked to that has ended up signing something that restricted their ability to speak. Whatever they called that policy, whether they called it a non disparagement clause or a policy or a severance agreement, whatever it was called, pretty much everybody I have talked to regrets that they had to sign it. They felt like they did not have a choice. Many, if they could go back, they would not sign it. But I also want to clarify that signing it doesn't make you a criminal if you were to break it. This is not a criminal act. If you were to sign it and then you're like, you see something that

really alarms you and that you feel like needs to see the light going. And being a source to a journalist doesn't mean you're a criminal, right?

Melissa Hogan: Or the Holy Spirit prompts you to speak out. I mean, raise your hand if you know multiple people who have broken nondisparagement and nondisclosure agreements. The Holy Spirit may call you to speak about something. And the fact that your employer or former employer has decided to put into place something that I would argue is potentially not legal in many respects, and certainly not consistent with followers of Jesus.

Amy Fritz: You'd have to prove damages. People break NDAs all the time. Often they do it with their identity hidden. If they're working with a journalist. We've seen that even recently somebody had been under an NDA from Ramsey Solutions. They spoke to a journalist, and because the journalist was able to verify that it actually happened, they were able to run an article without using their name. So they protected that person, but they were able to confirm that this actually happened and this person isn't going to jail.

Melissa Hogan: You could throw the wrong and hit five experts who would tell you that the use of nondisclosure agreements and nondisparagement agreements in Christian spheres is wrong. Every expert who deals with abuse and high control groups in Christian spheres agree that this kind of provision is not right. There's a multitude of articles about it. I wrote an article on Medium, asking churches to stop using NDAs, including nondisclosure and non disparagement. And I cited article after article after podcast where experts in the Christian

world have said that this is not consistent with what God calls us to do as believers.

Amy Fritz: I want to clarify some of that. So I think that is helpful because I think if somebody signs it, they're going to think, well, it's too late now.

Melissa Hogan: Sometimes it is the moral and ethical and spiritual thing to speak out, and I think the Bible is clear about that, not to have fear of man.

Amy Fritz: After we recorded this podcast, the National Labor Relations Board decided the McLaren McComb case that may impact employee rights under the provisions proposed by Ramsey, specifically the non-disparagement clause, the confidentiality clause, and possibly others. The Board ruled that these provisions may violate the National Labor Relations Act because they would reasonably tend to coerce employees from filing an unfair labor practice charge or assisting a Board investigation.

Specifically the case opinion stated, "Discussing terms and conditions of employment with coworkers lies at the heart of protected Section 7 [of the NLRA] activity. Section 7 rights are not limited to discussions with coworkers, as they do not depend on the existence of an employment relationship between the employee and the employer, and the Board has repeatedly affirmed that such rights extend to former employees. It is further long-established that Section 7 protections extend to employee efforts to improve terms and conditions of employment or otherwise improve their lot as employees through channels outside the immediate employer-employee relationship. These

channels include administrative, judicial, legislative, and political forums, newspapers, the media, social media, and communications to the public that are part of and related to an ongoing labor dispute."

What is an ongoing labor dispute? It is broad and includes "any controversy concerning terms, tenure, or conditions of employment..."

Although the case was in the context of a severance agreement (also a situation commonly done at Ramsey), the Board specifically noted that the provision purported to prohibit disparagement, require confidentiality of the agreement and its terms, applied to statements about more than just the company, and was unlimited in time — all factors similar to the Ramsey provisions.

The decision may also bode well for former employees of Ramsey Solutions who signed severance agreements that included non-disparagement and confidentiality clauses in order to receive severance payments.

The Board further noted, "The confidentiality provision would also prohibit the subject employee from discussing the terms of the severance agreement with his former coworkers who could find themselves in a similar predicament facing the decision whether to accept a severance agreement. In this manner, the confidentiality provision impairs the rights of the subject employee's former coworkers to call upon him for support in comparable circumstances.... A severance agreement is unlawful if it precludes an employee from assisting coworkers with workplace issues concerning their employer, and from

communicating with others, including a union, and the Board, about his employment."

(Ad break)

Amy Fritz: The next thing in this that we want to talk about is core values, right? According to our understanding, they mentioned something about the core values in this.

Melissa Hogan: Now, this is fascinating because if you've seen the print out of the core values that's been part of the discovery in some believable, all cases, they're not really that clear. Specifically, if we look at the righteous living core value, it talks about righteous living. It's talking about having integrity all the time. They seem to really pinpoint sex as the primary thing in the righteous living versus having integrity all the time as being the same person all the time. Which would seem to be you are the same person in private that you are in public. And that integrity would also say that you don't lie to people. I can count a bunch of righteous living violations that Dave Ramsey has committed that we have on tape and bullying and lying and slandering and different things. So it's really unclear. What exactly do you mean by that? Nobody is perfect what gets you fired and what doesn't. Is this really all just about sex and Ramsey wanting to

Amy Fritz: so in clarifying any of the core values, is that the only thing that we believe was clarified was about sex?

Melissa Hogan: Well, one of their core values, I think doesn't one relate to gossip? Oh, yes, Dave Ramsey gossiped about me. They consider gossip to be something that doesn't really

comport with what the Bible says. Gossip is generally considered either false information or information to make you feel self-important. So let's say you're trying to process something really unhealthy that happened at work and you want, in a normal, healthy company, you could talk to your coworker about it and that wouldn't be a problem. That's not actually gossip, but Ramsey would consider that gossip. So notice it's like things that Ramsey considers inconsistent with the core values. So not what a reasonable person would how would you know? In a lot of these, you don't know and shouldn't know other cases of discipline. So how would you know what they consider inconsistent?

Amy Fritz: And asking for clarification might put you on a naughty list.

Melissa Hogan: Yes, it almost certainly will put you on the naughty list. Let's go to non-solicitation of customers, which again, that is one of the more typical provisions that you might see in a company. It would tend to be the people who interact with customers. Like if you're in the sales role versus the administrative assistant, how do you know who the customers are? I think this potentially really limits people from having outside gigs,

Amy Fritz: like a side job if they're trying to be gazelle intense and paying off their debt, which is a really common thing. When my husband was working there, it was very common for people to have side jobs to help pay down their mortgage or whatever debts that they had.

Melissa Hogan: And if you have a side gig, it tends to be in an

area in which you have expertise. So if you can't really do that, this really gets into the nitty gritty of the language, which we don't have specifically, but to divert customers away. So again, can you not even say you use a different product? Because that might divert customers away. And this is one that is time limited for one year after employment because non compete and non solicitations and provisions like that, it's pretty established law that those need to be limited in time and generally geographic scope and things like that.

Amy Fritz: Is it our understanding that there's wording about a non-compete? I think that would be really confusing because of the different areas in which Ramsey works. Would their competition be anybody else in media or just in Christian media? Would it be would it be finance related specifically, or would it be career related? Because Ken Coleman talks about career. Would it be business related because they did the business boutique. What did they consider? Would it be if you left and created a podcast, would that be competing with them?

Melissa Hogan: Well, and they used to be a financial company. The most recent things I've seen couches them as a media company.

Amy Fritz: Right.

Melissa Hogan: So, yeah, you look at someone leaving and doing basically anything, soliciting and providing services to

customers, it gets into the nitty gritty. I mean, that is an issue that brings up is like, how do you know what's competitive?

Amy Fritz: And that's where I would be like, am I going to be in trouble for saying I really prefer YNAB to every dollar? That's not disparagement, it's my opinion. But it also is in direct competition to every dollar.

Melissa Hogan; And given that there is a long-established history of people reporting back to the company including people that don't even work there, former employees, this whole environment of snitching on people is very high control group kind of atmosphere to go back and tell and send screenshots of people's social media posts and tell people and get them fired. So it's not just like I can't make a big post that says, hey, I use YNAB. What if you tell your neighbor and that person reports you? I mean, this whole environment is crazy town.

Amy Fritz: Yeah. Yeah. Because I mean, they could have been more specific about it, about what that actually means. But it feels like a real specific decision not to be real specific.

Melissa Hogan: And that works even better for them in an environment of fear. So if it's unclear, then your own fear keeps you from doing way more than you potentially legally would have the right to do and say to be.

Amy Fritz: Didn't Dave say, to be unclear as to be unkind? He quotes some famous person who said that and I've heard him say that on more than one occasion. This is very unclear

Melissa Hogan: And it's even moreso when you get into the non solicitation and non hire of employees. First of all, let me preface this with talk about a provision that is a provision related to fear and a provision that is not family friendly. This is not supportive of people's careers or needs or needs to earn money or support their family. The core thing operating here is fear and control.

Amy Fritz: I just want to say so it's our understanding that there's wording in this policy that is about solicitation as it relates to hiring current employees or former employees. Is that our understanding?

Melissa Hogan: Yes. So you can't solicit, we understand solicit, help anyone else solicit, current employees or former employees, fellow employees during your term when you work there.

Amy Fritz: If you sign this, you can't help somebody get a job somewhere else.

Melissa Hogan: Yeah.

Amy Fritz: What if they're just wanting to get a job for extra money? They still work at Ramsey and they want you to recommend them. They're like, hey, do you know of any places I could work to get extra money to pay off my debt?

Melissa Hogan: Well, we believe this is restricted, like you said, in any way competes with Ramsey Solutions. Okay, but again, we go back to that. How do we know what that is? Who competes? If you are, say, a developer and you go to work for another company where a developer might work, is that competitive? What if they're not a media company, but what if they make books like Ramsey makes books? It's so hard to know. I mean, you look at your situation. We know this appears to be related to we know a lot of people left and people have ended up going to some of the same places.

Amy Fritz: You got a bunch of people at this place and a bunch of people that used to be at Ramsay at another place because you go somewhere new.

Melissa: And you know that that person is a good worker and how smart they are. I mean, this is networking works. So the idea that they are now saying, we're going to prevent you from doing this for a year after employment, there are some not great drafting in here. In terms of anyone else who was an employee while you were an employee, is that still only within that year or what if five years down the road? There's some unclarity there. This is not friendly to employees at all. Yeah.

Amy Fritz: I want to ask a question to clarify. So say I signed this agreement, I left Ramsey, I'm working somewhere. I'm sure I'm really happy. Somebody who currently works at Ramsey reaches out to me and says, hey, is your business hiring? Because I'm looking at different options. I did not reach out to them. Now I'm going to be afraid to answer that question. Am I restricted from saying that there are openings?

Melissa: That is unclear. It is unclear. And one of the ways that this is effective is creating that fear and legal uncertainty. So then an entire sphere of people that you might otherwise network with, you have now lost, especially if you've worked there a long time. That's why I was saying that people are more likely to stay and they're going to retain these people who, because they're fearful and their options are now limited based on their entire networking capability. So what if you applied at a company that had other former Ramsey Solutions employees and you applied there, not even connecting with them and got hired? I think there is a fear then, again, you feel like you've got to be covert because you're going to get in trouble because look at what happened to you guys. These people ended up there, not even necessarily straight out of Ramsey Solutions and not even necessarily connecting with each other. And they got a call from the now CTO of Ramsey trying to basically get them fired.

Yeah.

Basically. We don't want to lose more employees. So this to me shows a fear that they're losing employees and this is how they're doing it. So now they're drafting a provision to try to prevent that.

Amy Fritz: if I work there still, if I signed it, I would feel like I couldn't even reach out looking for a job to anybody I knew. And it doesn't say you can't look for a job, but you might assume that you can't reach out to your friends that used to work there, but that's not in there. I would not recommend going and asking for clarification on that.

Melissa Hogan: I sit here and go, so what's the remedy there? I mean, it creates the fear. So one of the things I've learned to do related to fear cycles in my brain is, one, identifying, hey, I'm feeling fear. And two, what am I feeling fear about? And let's play this out. What if I went ahead and did the thing?

Amy Fritz: Yeah, what's the worst that could happen?

Melissa Hogan: And leaned into the fear? What happened? So the thing is, here, what happens? What if you do that? What if you hire that employee? What happens?

Amy Fritz: The CTO might go to your company and say, and try to get you fired, and try to, if they have any sort of relationship, leverage that to intimidate you,

Melissa Hogan: and that operating that fear that exists, especially in Williamson county, with Dave Ramsey, hopefully that's being dispelled now that things are being brought into light. And that's one of the reasons why we're doing this, so other people can also see what is happening there and what people are operating under. And so, again, I'm outside of the fear zone with this anymore.

Amy Fritz: I like that. Outside of the fear zone. I think one of the last and most confusing things most people have never had any experiences with is wording about arbitration and rights. If you

decide you have some sort of legal issue, some cause to bring it up to a lawsuit or something, this is changing what you are agreeing to be restricted to do and how you can respond to that. Forced arbitration, right?

Melissa Hogan: And this changes the landscape. And it's really clear in these provisions that this is designed to prevent a situation like the O'Connor case that's happening now. It's very clear. It gets very detailed, and it's basically like somebody sat down and said, okay, what is happening in the O'Connor case that is not good for us, and how do we prevent anybody else from ever doing that again? And let's craft all these provisions. Now, that's probably a lawyer. I certainly hope it's not a lawyer that I ever practiced with, but I have a sneaking suspicion that is. It grieves me a lot that, again, this is another area where we're binding and silencing people. And that is not something that's done in the name of ,They're doing it with a cloak of Jesus. And sometimes I said, if they would just take Jesus off their brand, I wouldn't be nearly as upset. Some of the things they've done, they're still egregiously wrong. Like trying to call in somebody's employer, trying to get them fired, lying about somebody from stage, intimidating and bullying people, still very wrong. But when you put Jesus' name on that, that's where I can no longer stay silent, because that's the Jesus I love too. And these are people that I care about, too. And so when you go into this and say, well, now, here's the ways we're going to control you about any claim you have, which I'd argue there's some legally problematic things.

Amy Fritz: So what are the restrictions that are in there? So what is there regarding arbitration, and what are your concerns? So what are they asking of the person who signs, if you sign it, what are you agreeing to?

Melissa Hogan: First is talking about you should take any dispute to your leader. But the reality is we don't have to do that, especially when we know how some of these departments are operating and what is happening there. And it says, if your problems with your leader, you can go to HR. Well, as we saw from the emails in the O'Connor case, there is no separation. There's not the traditional functions that happen at traditional companies in terms of like, this is the lane that this operates in. If you're going to then go to HR, these emails were HR and Dave and this committee and other board members. And who feels safe to do that. If you're being sexually harassed by your boss or let's say you've been raped at the company based on the company. Yeah, and based on what happened to me alone and how I was treated. And I had people there, people that were respected, that people there knew that confirmed everything. I had a mountain of evidence at home. I had just based on that, I would never come forward to leadership about. Not only was it not safe, it was incredibly traumatic. And so the idea that they're expecting people to do this and we've heard that from other people who have left there, and then it says you resolve it internally or you go to arbitration in Williamson County. So everything is very centralized to Williamson County, which is the area in which Dave Ramsey has the most influence and the most network. I mean, you'll see him at everybody's book party, politicking and all of these things. His attorneys have influence and connections here. You're also waiving your rights to participate in any class action, which is important. Then it gets even more detailed. And this is how we know it is directed towards things that have happened in the O'Connor case. But it gets into how discovery is conducted. And the things that they fought in these cases are the amount of discovery and what came out and Dave being deposed. And so

this specifically talks about there will only be a certain number of discovery requests and only a designated person. So it seeks to prevent any of that from ever happening again. This is a cloak of darkness. It is so thick and heavy. I read it and I don't even know what to say. I have to be honest, I read this and just I wanted to cry for anybody who ever finds themselves in a situation where something wrong has happened to them. And I've heard it said before, oh, this is a Christian environment. Wrong things don't happen. And we know that better than anyone. You can't say that if you believe in the Bible because everyone is a sinner. And it specifically talks in different places, that our job, God will deal with the outsiders. Our job is to deal with people in the Christian community who are doing these things, or wolves and sheep's clothing, this happens and closing our eyes to it and making sure that people can't enforce their rights, can't speak out, can't deal with claims for problematic behavior or illegal behavior in a way that is appropriate.

Amy Fritz: Yes. And this very much restricts the way somebody could do that. I think Ramsey might argue. We're not saying you can't. We're saying these are the parameters under which it can happen. And if people don't know what arbitration is, what's the difference in arbitration? And me just like, suing somebody through a regular legal process? Tell me about who is in charge

Melissa Hogan: So an arbitrator is an individual generally. I mean, there can be like, arbitration panels that generally is an individual. And here they say Ramsey Solutions gets to pick or suggest, and you get to pick, which that's not uncommon. But generally, a lot of times, arbitration agreements are with people of equal power or businesses. This is not a situation where people have equal power, right. This is a take it or leave it

contract. These are people who are already sitting in an environment of fear and being manipulated based on their faith that somehow Jesus would want them to do this kind of stuff. So this person then decides. Traditionally, you would expect an arbitrator to be less friendly to employees or less sympathetic to employees. And it is a pro employer, pro business, which is why generally it's in business contracts, not for the administrative assistant who is fired because she was pregnant and refused to have an abortion so she wouldn't be found out. And this says, too, that even if it ends up in some kind of court, that has to be in Williamson County, which again, we talked about sphere of influence, and that you also waive the right to a trial by jury. So that is a foundational principle in the United States, to have a jury of your peers, a jury of your peers. And so what it means to waive a right to trial by jury is that it's a trial by the judge only. And so the judge decides those claims. And again, when you only have one person, you only have to convince one person. You only have to bribe one person. There's only one person, whereas a jury that's supposed to be your peers who look at your case and this waves that right to trial. And then, as we talked about this, purports to say, this is all confidential. You can't even tell anybody about this agreement.

Amy Fritz: Yeah, not just the arbitration part, but here, now that you've read this, just so you know, you can't even tell anybody this agreement exists, let alone what's inside of it,

Melissa Hogan: which is, again, that's straight out of Harvey Weinstein's playbook. When someone is attempting so hard to keep something in the dark, you need to ask yourself why,

Amy Fritz: if they are proud of this and what they're doing is on the up and up, why can't they even tell people that they have signed this thing, that this thing exists?

Melissa Hogan: Yeah. There was a time during all of this. Again, I don't purport to be a perfect person, but one of the things I've said is if you had to walk around with a video camera following you, let's live in such a way. Again, to me, that's a life of integrity. Live in such a way where a video camera could follow you around. And not that you would be perfect, but you would be willing to answer for whatever you've said and whatever you've done. And that camera would show the same person in private as you are in public. And that accountability factor. So apply that here. This needs to be in the light. And I'm thankful there are people that see how problematic this is. I pray for the people still there who have signed it because it just grieves me. I have to believe it grieves the heart of Jesus too, for this to be purportedly done in his name.

Amy Fritz: It sure does. What would you say to somebody who is trying to figure out if they should sign it?

Melissa Hogan: I don't want to give legal advice. Yeah, the first thing I would say is pray like the Holy Spirit will give you

guidance. And like I said, I prayed a lot this morning just about things to say. If people are listening, then I'm glad they've listened. Educate themselves. A good idea would be to take it to a lawyer. And if you're not able to do that, ask yourself why. Ask yourself why. Ask questions. You know what Jesus did? He asked lots of questions. People accused him of things and said different things, and he would often respond with the question. So that is a great place to start, is to ask questions and ask yourself questions and ask yourself why.

Amy Fritz: If somebody is brave enough to talk with a lawyer, say they're able to somehow have a way to share with an attorney the wording that is in this policy. Is this going to be like an overwhelmingly expensive conversation to have? What's your understanding of how that might work?

Melissa Hogan: A lot of lawyers will give a free consultation for a short period of time. I know that there are people that I've seen on Twitter and other places would help fund somebody to speak to a lawyer. I think it is important. I believe in the public nature of the courts. I believe in the openness of us as believers, and things should not be in the dark. So I'm sure that there are people that would support and help someone who wants to live in the light and talk with a lawyer and understand their rights.

Amy Fritz: Yeah. And I think the most important thing here is that you really understand what you're getting into by signing and understand that there are some inferences that you might be making that Ramsey is hoping you make that they haven't said in that agreement that you end up policing yourself more

than they legally would have been able to or that they put in there because for some reason or other, it's possible that they hoped people would assume it was more restrictive than it was. I'm not saying it's not restrictive. It is ridiculously restrictive in some ways. Yeah. It's just really sad. And I know it's a really scary thing for people.

Melissa Hogan: And even if you've already signed it, there is a benefit in understanding your legal rights. Exactly. And it's not the end of the world, because I have serious reservations about the enforceability of the thing as a whole and specific provisions in particular, and I certainly have spiritual reservations about the entire thing. I can say that affirmatively. I don't think this anyway, comports with how a supposed Christian company should operate. And again, there's numerous sources that talk about these kinds of provisions. If you want to educate yourself more and then educate yourself also on the faith aspect of why these are problematic.

Amy Fritz: I asked my own lawyer his thoughts, and he said that it's gross. It's gross.

Melissa Hogan: It is. It's problematic. It's grievous. One of the only things that I see as the benefit here are two things, really, are that you show who you are. You show who you are when you do certain actions, much less try to keep those actions in the dark. So the fact that this is being done provides more

evidence of what's actually happening there in the kind of environment that exists for these employees and the fact that they're trying to keep it in the dark. And the only other thing is this may prompt some people to get out who already see how problematic and inconsistent with a faith walk that this is.

Amy Fritz: I still have that heavy feeling weighing on me as I wrap up the edits on this podcast. I'm holding a lot of concern and empathy for those struggling with what to do in this situation, and I'll echo what Melissa said. Pray for clarity, talk to an attorney if you can, and then make the best decision you can make given your own circumstances. Only you know what that is. There's no shame in signing this or not signing this, and there is certainly no shame in reaching out to someone to help you get clarity. If you know of anyone that you think would benefit from listening to this conversation, it would mean so much if you would share this with them. You can find the show notes in the app where you play this podcast or by going to untangledfaithpodcast.com and clicking on Episodes. That's also where you can find a transcript of this podcast. I don't always have transcripts, but for this one I do. If you're on social media, I would love to keep this conversation going over on Twitter or Instagram or through the Facebook page. I'm untangled faith on Instagram and Facebook. And I'm faith untangled on Twitter. The Untangled Faith podcast is hosted and edited by me, Amy Fritz. This podcast is made possible by the support of my Patreon community. A special thanks to producers Michelle Pianik, Phil and Susan Purdue, Pam Forsythe and Chelle Taylor. Thanks so much for listening. I'll see you next week. Bye.

