



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Kelly Bomba

S.B. 47

132nd General Assembly
(As Introduced)

Sens. Williams, Huffman, Tavares

BILL SUMMARY

- Prohibits a broadcasting industry employer from requiring a broadcast employee or prospective broadcast employee to enter into a post-employment noncompete agreement as a condition of employment with the employer.
 - Allows a broadcast employee or prospective broadcast employee to sue a broadcast industry employer that violates the prohibition for damages and attorney's fees and costs.
-

CONTENT AND OPERATION

Noncompete agreements

The bill prohibits any broadcasting industry employer from requiring a current or prospective broadcast employee to agree, as a condition of employment with the employer, that at the conclusion of the employee's employment, the employee will refrain from obtaining employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry. Any agreement by an employee to waive the bill's prohibition is void and unenforceable.¹ A "broadcast employee" is any on-air or off-air employee employed by a broadcasting industry employer.²

The bill does not apply to a broadcasting industry employer's management employees and does not affect the ability of a broadcasting industry employer to require a broadcast employee or prospective employee to agree, as a condition of

¹ R.C. 4113.66(B) and (D).

² R.C. 4113.66(A)(2).

employment, that during the term of the broadcast employee's contract with the broadcasting industry employer the employee will not obtain employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry. A "management employee" under the bill is an employee who formulates policy on behalf of a broadcasting industry employer, who responsibly directs the implementation of policy, or who may reasonably be required on the employer's behalf to have a major role in personnel administration.³

Remedies

If a broadcast employee or prospective broadcast employee believes that a broadcasting industry employer has violated the bill's prohibition, the employee or prospective employee may sue the broadcasting industry employer. A broadcasting industry employer that violates the bill's prohibition is liable to a broadcast employee or prospective broadcast employee for damages, attorney's fees, and costs.⁴

Broadcasting industry employer

Each of the following is a "broadcasting industry employer" subject to the bill:

- A television, radio, or cable station or network;
- An Internet or satellite-based service similar to a broadcast station or network;
- A broadcast entity affiliated with a television, radio, or cable station or network or an Internet or satellite-based service similar to a broadcast station or network;
- Any other entity that provides broadcasting services, such as news, weather, traffic, sports, or entertainment reports or programming.⁵

HISTORY

ACTION

DATE

Introduced

02-14-17

S0047-I-132.docx/ar

³ R.C. 4113.66(A) and (C).

⁴ R.C. 4113.66(E).

⁵ R.C. 4113.66(A)(1).

