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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 85
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Williams

Kelly Bomba, Attorney

SUMMARY

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

DETAILED ANALYSIS

Noncompete agreements

The bill prohibits any broadcasting industry employer from requiring a current or prospective employee to enter into certain post-employment noncompete agreements as a condition of employment. Agreements prohibited by the bill are those in which a current or prospective employee agrees to refrain from obtaining employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry, at the conclusion of the employee's employment. Any agreement by an employee to waive the bill's prohibition is void and unenforceable.

The bill does not affect the ability of a broadcasting industry employer to require a current or prospective employee to enter into a noncompete agreement covering the term of the employee's contract with the employer.¹

The bill does not apply to a broadcasting industry employer's management employees. A "management employee" is an employee who formulates policy on the employer's behalf,

¹ R.C. 4113.66(B), (C), and (D).

who responsibly directs the implementation of policy, or who may reasonably be required to have a major role in personnel administration.²

Remedies

If a current or prospective employee believes that a broadcasting industry employer has violated the bill, the employee or prospective employee may sue the employer. An employer that violates the bill is liable to a current or prospective employee for damages, attorney’s fees, and costs.³

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.⁴

HISTORY

Action	Date
Introduced	02-23-21

S0085-I-134/ks

² R.C. 4113.66(A).

³ R.C. 4113.66(E).

⁴ R.C. 4113.66(A)(1).