



# Ohio Legislative Service Commission

## Bill Analysis

Nicholas A. Keller

### S.B. 228

131st General Assembly  
(As Introduced)

Sen. Williams

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## 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 to sue a broadcast industry employer that violates the prohibition for damages and attorney's fees and costs.

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## CONTENT AND OPERATION

### Noncompete agreements

Under the bill, no broadcasting industry employer may require 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.<sup>1</sup> A "broadcast employee" is any on-air or off-air employee employed by a broadcasting industry employer.<sup>2</sup>

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 employment, that during the term of the broadcast employee's contract with the

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<sup>1</sup> R.C. 4113.66(B) and (D).

<sup>2</sup> R.C. 4113.66(A).

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 behalf of the broadcasting industry employer to have a major role in personnel administration.<sup>3</sup>

## Remedies

If a broadcast employee believes that a broadcasting industry employer has violated the bill's prohibition, the employee may sue the broadcasting industry employer. A broadcasting industry employer that violates the bill's prohibition is liable to a broadcast employee for damages, attorney's fees, and costs.<sup>4</sup> The bill does not appear to allow a prospective broadcast employee to bring this suit.

## Broadcasting industry employer

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

- A television, radio, or television 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 television 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.<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	10-13-15

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<sup>3</sup> R.C. 4113.66(A) and (C).

<sup>4</sup> R.C. 4113.66(E).

<sup>5</sup> R.C. 4113.66(A)

