



**Senator Sandra Williams**  
**21<sup>st</sup> Ohio Senate District**

**Committees:**

- Energy and Public Utilities –Ranking Member
- Ways and Means – Ranking Member
- Higher Education – Ranking Member
- Insurance and Financial Institutions
- Rules and Reference

**Senate Bill 75 Sponsor Testimony**  
**Transportation, Commerce and Workforce**  
**February 5, 2020**

Chairman McColley, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to present sponsor testimony on Senate Bill 75.

Senate Bill 75 would prohibit the use of non-compete agreements for broadcast industry employees. It is common practice to include non-compete agreements in contracts for media personalities, radio hosts and news reporters. Agreements such as these fail to protect broadcast industry workers from securing new career opportunities. Individuals working in the broadcast industry are subject to these agreements, which are offered when contracts are not renewed or workers are fired. This legislation ensures that individuals working in the broadcasting industry can secure new opportunities within a certain geographic area.

New York, California, Maine, Illinois and 6 other states have already enacted legislation to ban non-compete agreements entirely or specifically for the broadcast industry. Currently, Ohio has 3 of the top 40 media markets in the nation, making it one of the major media markets without a ban on non-compete agreements. Non-compete agreements place limitations on an employee's mobility thus hindering the free market.

Since the 1940s, Ohio has acknowledged the validity of agreements that limit competition by an ex-employee if the restrictions are reasonable<sup>i</sup>. The Ohio Supreme Court has held that such an agreement does not breach public policy if it is necessary for the protection of the employer's business, and not unreasonably restrictive upon the rights of the employee.

The impact of these contractual clauses was classically illustrated in the case of Kurt Ludlow, a Columbus news anchor whose contract was not renewed in 2014. Due to a non-compete clause he was blocked from pursuing a new role for a year.

Mr. Ludlow worked temporarily at a funeral home until his non-compete clause expired; he was later hired by WSYX-TV, Channel 6 in 2015.

The purpose of the bill is to prohibit a broadcasting industry employer from requiring a current or potential employee to enter into a post-employment non-compete agreement as a condition of employment. The legislation will also allow current and potential employees to sue a broadcast industry employee who violates the prohibition for damages and attorney's fees and costs.

Chairman McColley, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to present sponsor testimony on Senate Bill 75. I will be happy to answer any questions the committee may have.

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<sup>1</sup> <https://www.reminger.com/insights-720.html>