As Introduced

131st General Assembly Regular Session 2015-2016

S. B. No. 228

Senator Williams

A BILL

To enact section 4113.66 of the Revised	Code to 1		
prohibit the use of noncompete provis	sions in 2		
employment contracts in the broadcast	ing 3		
industry.	4		
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:			

Section 1. That section 4113.66 of the Revised Code be	5
enacted to read as follows:	6
Sec. 4113.66. (A) As used in this section:	7
(1) "Broadcasting industry employer" includes any of the	8
following:	9
(a) Television stations or networks, radio stations or	10
networks, cable stations or networks, and internet or satellite-	11
based services similar to a broadcast station or network;	12
(b) Any broadcast entities affiliated with any of the	13
entities listed in division (A)(1)(a) of this section;	14
(c) Any other entity that provides broadcasting services	15
such as news, weather, traffic, sports, or entertainment reports	16
or programming.	17

(2) "Broadcast employee" means any on-air employee or off-	18
air employee employed by a broadcasting industry employer.	19
"Broadcast employee" does not include a management employee	20
<pre>employed by a broadcasting industry employer.</pre>	21
(3) "Management employee" means an employee who formulates	22
policy on behalf of the broadcasting industry employer, who	23
responsibly directs the implementation of policy, or who may	24
reasonably be required on behalf of the broadcasting industry	25
employer to have a major role in personnel administration.	26
(B) No broadcasting industry employer shall require a	27
broadcast employee or a prospective broadcast employee to agree,	28
as a condition of employment with the broadcasting industry	29
employer, that at the conclusion of the employment with the	30
broadcasting industry employer, the employee will refrain from	31
obtaining employment in a specified geographic area, for a	32
specific period of time, with a particular employer, or in a	33
particular industry.	34
(C) This section does not prohibit a broadcasting industry	35
employer from requiring a broadcast employee or a prospective	36
broadcast employee to agree, as a condition of employment with	37
the broadcasting industry employer, that during the term of a	38
broadcast employee's employment contract with the broadcasting	39
industry employer the employee refrain from obtaining employment	40
in a specified geographic area, for a specific period of time,	41
with a particular employer, or in a particular industry.	42
(D) An agreement by a broadcast employee to waive the	43
broadcast employee's rights under division (B) of this section	44
shall be void and unenforceable.	45
(E) If a broadcast employee believes that a broadcasting	46

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industry employer has violated division (B) of this section, the	47
broadcast employee may bring a civil action against the	48
broadcasting industry employer in a court of competent	49
jurisdiction. A broadcasting industry employer who violates	50
division (B) of this section is liable to a broadcast employee	51
for damages and attorney's fees and costs.	52