

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 47

Senator Williams

Cosponsors: Senators Huffman, Tavares

A BILL

To enact section 4113.66 of the Revised Code to
prohibit the use of noncompete provisions in
employment contracts in the broadcasting
industry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4113.66 of the Revised Code be
enacted to read as follows:

Sec. 4113.66. (A) As used in this section:

(1) "Broadcasting industry employer" includes any of the
following:

(a) Television stations or networks, radio stations or
networks, cable stations or networks, and internet or satellite-
based services similar to a broadcast station or network;

(b) Any broadcast entities affiliated with any of the
entities listed in division (A)(1)(a) of this section;

(c) Any other entity that provides broadcasting services
such as news, weather, traffic, sports, or entertainment reports
or programming.

(2) "Broadcast employee" means any on-air employee or off-air employee employed by a broadcasting industry employer. 18
"Broadcast employee" does not include a management employee employed by a broadcasting industry employer. 19
20
21

(3) "Management employee" means an employee who formulates policy on behalf of the 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. 22
23
24
25
26

(B) No broadcasting industry employer shall require a broadcast employee or a prospective broadcast employee to agree, as a condition of employment with the broadcasting industry employer, that at the conclusion of the employment with the broadcasting industry employer, 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. 27
28
29
30
31
32
33
34

(C) This section does not prohibit a broadcasting industry employer from requiring a broadcast employee or a prospective broadcast employee to agree, as a condition of employment with the broadcasting industry employer, that during the term of a broadcast employee's employment contract with the broadcasting industry employer the employee refrain from obtaining employment in a specified geographic area, for a specific period of time, with a particular employer, or in a particular industry. 35
36
37
38
39
40
41
42

(D) An agreement by a broadcast employee to waive the broadcast employee's rights under division (B) of this section shall be void and unenforceable. 43
44
45

(E) If a broadcast employee or prospective broadcast 46

employee believes that a broadcasting industry employer has 47
violated division (B) of this section, the broadcast employee or 48
prospective broadcast employee may bring a civil action against 49
the broadcasting industry employer in a court of competent 50
jurisdiction. A broadcasting industry employer who violates 51
division (B) of this section is liable to a broadcast employee 52
or prospective broadcast employee for damages and attorney's 53
fees and costs. 54