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House of Representatives
Commonwealth of Pennsylvania
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MEMORANDUM

DATE: May 14, 2012
TO: All House Members
FROM: Representative John Evans *JRE*
5th Legislative District
SUBJECT: Introduction of Legislation – Broadcast Employment Free Market Act

In the near future, I plan to re-introduce former HB2118, legislation that would prohibit a broadcasting industry employer to require “non-compete” or “first refusal” provisions in any contract with a broadcast employee. First refusal provisions often act as de facto non-compete clauses when the period of first refusal extends beyond the term of an employment contract.

Broadcast employees do not possess trade secrets or other confidential information that requires protection. The only investment employers have is the business expense to market these television and radio personalities. Interestingly, the major network anchors and correspondents like Katie Couric, and Brian Williams do not have non-compete clauses in their contracts. Major networks protect their interests through other measures, such as signing talent to a long-term contract, and offering “exclusive negotiation” rights, which would prohibit employees from negotiation with another employer for a period of time before their contract expires.

California, Massachusetts, Maine, Illinois, Arizona and Washington D.C. have banned the use of non-compete clauses, and Connecticut has banned non-compete and first refusal periods. ABC/Disney, Viacom/CBS, GE/NBC, Clear Channel and other large companies operate very successfully and competitively in these jurisdictions. In short, there is no justifiable basis for the insertion of non-compete clauses in contracts within the broadcast industry.

If you are interested in cosponsoring this legislation, please contact Sara Peck at 772-9940 or via email at speck@pahousegop.com.

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