



TO: The Honorable Members of the PA Senate Labor and Industry Committee

FROM: Alex Halper, Director, Government Affairs

DATE: September 28, 2021

RE: Oppose S.B. 320 – prohibiting noncompete agreements

I write on behalf of the PA Chamber urging opposition to S.B. 320, prohibiting noncompete agreements in the broadcasting industry, which the Committee is scheduled to consider today.

While we appreciate the intent behind this legislation, we are concerned with the prospect of legislative intervention in this area of contract law in which two private parties voluntarily agree to a noncompete agreement in a contract.

Employers from a range of industries include restrictive covenants in employment contracts for a variety of reasons, many of which may be particularly relevant for the broadcasting industry. Employers in this space often invest considerably to recruit employees and provide the operational support, marketing and base of public recognition usually necessary for broadcasting professionals to establish a presence and build their respective careers.

Employers, employees and potential hires should not be prohibited from pursuing an agreement in which the individual commits, for a relatively short period of time, to refrain from leaving and working for a competitor after the employer has made this investment to help facilitate the employee's success. It is worth noting that noncompete agreements do already have limits and may be deemed unenforceable if found to be unduly restrictive.

Please contact Alex Halper at [ahalper@pachamber.org](mailto:ahalper@pachamber.org) or 717-720-5471 with any questions or to discuss.