CONNECTICUT BROADCASTERS ASSOCIATION

The Connecticut General Assembly
Labor & Public Employees Committee
Room 3800
Legislative Office Building
Hartford, Connecticut 06106

March 15, 2022

Dear Members of the Labor & Public Employees Committee:

Thank you for the opportunity to testify on **H.B. 5249, An Act Concerning Noncompete Agreements**. The Connecticut Broadcasters Association represents the FCC-licensed television and radio stations of Connecticut. We are opposed to H.B. 5249 as drafted for the following reasons:

By virtue of Conn. Gen. Stat. § 31-50b, the Connecticut broadcasting industry is already subject to a prohibition of noncompete agreements for any employee, except those employees whose services primarily include sales or management functions. H.B. 5249 would prohibit noncompete and exclusive agreements for sales and management personnel, which would be problematic for Connecticut broadcasters.

Stations invest considerable resources in developing sales and management personnel. These people acquire knowledge and expertise and develop relationships that entail extremely sensitive knowledge. To lose such people to a competitor within the Connecticut market would be very damaging to the station that made the original investment in training. In fact, to address such a situation, many employers in the Connecticut broadcasting industry currently utilize noncompete and exclusivity agreements for sales and management personnel.

We have further concern about the exclusivity provisions of H.B. 5249. Station personnel are vital to performance in a highly competitive marketplace. To prohibit exclusivity provisions would allow employees, with or without their employer's knowledge, to work for competitors to their primary employer. In the case of management and particularly sales personnel, the opportunity to share pricing information for advertising with buyers could in effect cause the employers to compete against themselves, thereby being ruinous. Unfortunately, the minimum salary levels proposed in the bills to permit an exclusivity clause in an employment contract are unrealistically high for small stations with modest revenues, especially for entry-level positions.

We thank you for your consideration of our concerns and welcome the opportunity to discuss noncompete/exclusivity regulations further with you at your convenience.

Sincerely,

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