

Proposal to ban noncompete agreements illegal



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On Jan. 5, the Federal Trade Commission (FTC) in Washington, D.C. submitted a proposal to ban all employer sponsored non-compete agreements and January 18th, this proposal was officially placed on the U.S. Federal Register.

This issue has exposed two major flaws in the perceived role of the FTC. 1) A ban on noncompete agreements by the FTC would stifle innovation, put intellectual property at risk and would be detrimental to business operations. 2) This action is illegal. The FTC does not have the authority to implement this rule.

This blanket proposal by the FTC is out of line and would have a devastating

impact on business operations in the Dayton area and the nation. The business community has used non-compete agreements for decades to protect intellectual property, trade secrets and operations strategies.

These agreements have been fairly used by employers and voluntarily agreed to by employees as one of many conditions of employment. Businesses should not be made to feel guilty or wrong for protecting their operations, investments and intellectual property. The business community makes significant investments into innovation and product creation; they must have confidence that their proprietary information will be kept confidential. If we lose this ability, the impact to fair market competition and business operations will be beyond imagination.

Dayton-area businesses have paved the way for innovation and creativity since the turn of the 20th century and this culture is still thriving. This innovative culture has been a result of a supportive local ecosystem and government policies that

encourage these risk-taking ventures. If this rule passes it will have an adverse impact on Dayton area companies that must have this freedom to be successful.

Moreover, the FTC overreach with this proposed rule is illegal. Proponents of this noncompete proposal would also like to see future rulemaking action by the FTC which could have an even greater impact on business operations. The FTC most certainly expects this rule to be challenged in the courts, and if the court agrees with them, then there will be future authority given for this absurd overreach to continue.

Bottom line: The FTC does not have this rulemaking authority and if the proponents want to legally have this issue considered, then that is why we have a bipartisan Congress with the authority and the process to review and debate the issue.

Business won't be the guinea pig for government overreach.

Chris Kershner is the Dayton Area Chamber of Commerce CEO and President.

DAYTON AREA CHAMBER OF COMMERCE'S LEGISLATIVE AND REGULATORY INITIATIVES

The Dayton Area Chamber of Commerce's legislative and regulatory priorities are set in collaboration with its chamber members and driven by legislative events held during the year, proactive lobbying from our three on-staff registered lobbyists and the Legislative and Regulatory Affairs Committee. Legislative and regulatory initiatives for the next year are:

■ Workforce and Talent Development
The chamber will work to reduce legislative and regulatory barriers to employment, ensuring our businesses have a broad and deep pool from which to recruit talent. We'll advocate to expand education and job training, with supports for reskilling and upskilling the current workforce as well as specific opportunities to connect our students to in-demand careers in Ohio.

■ Equity and Inclusion
The chamber will champion diversity, equity and inclusion and support our employer community in building and expanding inclusive workplaces. The chamber will provide continued advocacy and leadership in the growth of minority, women and veteran owned businesses.

■ Business Attractiveness

The chamber will be a leader in advocating for business friendly policies at the local, state and federal levels that ensure our economy is able to grow and thrive and that Ohio is able to attract and retain a vibrant business community. We will also work to cut red tape and barriers to entry for businesses and workers looking to open in or re-locate to Ohio.

■ Infrastructure and Transportation
The chamber will continue to promote a cost effective and efficient infrastructure utility system, including gas, electric, water, sewer, telecommunications and broadband that allows our community to operate efficiently and spurs economic development for our entire region. The chamber will ensure the Dayton region maximizes highway and roadway investments, supports investments in workforce transit.

■ Military and Veteran Attractiveness
The chamber will advocate for the continued growth and expansion of federal assets in the region and policies that make the Dayton region more attractive for our service members, veterans & their families. We are committed to ensuring that the Dayton region and the State of Ohio are friendly to military and veteran families.

Layoffs

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DeMorrow, a software engineer who was laid off twice in 18 months and was out of work for more than six months. "As concerning as the current downturn is, and as much as I empathize with the people impacted, there's no comparison."

Tech's generational divide is representative of a broader phenomenon. The year someone is born has a big influence on views about work and money. Early personal experiences strongly determine a person's appetite for financial risk, according to a 2011 study by economists Ulrike Malmendier of the University of California, Berkeley and Stefan Nagel of the University of Chicago.

The study, which analyzed the Federal Reserve's Survey of Consumer Finances from 1960 to 2007, found that people who came of age in the 1970s when the stock market stagnated were reluctant to invest in the early 1980s when it roared. That trend reversed in the 1990s.

"Once you experience your first crash, things change," Nagel said. "You realize bad stuff happens and maybe you should be a bit more cautious."

For Gen X, the dot-com collapse hit early in their careers. From 2001-05, the tech sector shed one-quarter of its workers, according to an analysis of Bureau of Labor Statistics data by CompTIA, a technology education and research organization.

The layoffs that swept the industry were worse than the recession of the early 1990s, when total jobs in the tech sector fell by 5%, and the global financial crisis in

2008, when the workforce contracted by 6%.

In 2011, the tech sector began a hiring boom that would last a decade. It added an average of more than 100,000 jobs annually, and by 2021, it had recouped all the jobs it lost when the dot-com bubble burst.

The job figures account for software, hardware, tech services and telecommunications companies, including Apple, Meta, Nvidia and Salesforce. But they may exclude some tech-related companies such as Airbnb, Lyft and Uber because of ambiguity in government labor market reporting that classifies some businesses as consumer services, said Tim Herbert, chief research officer at CompTIA.

The biggest job increases in tech came after the pandemic started, as companies rushed to fulfill surging demand. In 2022, the sector added nearly 260,000 jobs, according to CompTIA, the most it had added in a single year since 2000.

Tech's job increases continued last year even as big layoffs started, though it is unclear if that trend has stretched into this year. New job opportunities were a factor as nearly 80% of laid-off tech workers said they had found a new job within three months, according to a survey by ZipRecruiter.

"We're seeing the hiring mania of the pandemic being corrected for – not the popping of a bubble," said Andy Challenger, senior vice president of career transition firm Challenger, Gray & Christmas.

Last fall, David Hayden, a program manager with a doctorate in physics, learned from his manager that he would be let go from nLight,



Kelly Chang was among the 700 who lost their jobs in recent layoffs at Lyft.

THE NEW YORK TIMES

a semiconductor company. Worried about how he would pay his eldest daughter's college tuition, he immediately reached out to recruiters to line up interviews. In December, a month after being let go, he started a position at Lattice Semiconductor.

In each interview, Hayden, 56, volunteered that he had been laid off, he said. His experience during the dot-com crash, when he avoided layoffs even as talented colleagues were let go, taught him that cuts aren't always rational.

"The shame of being laid off is gone," said Hayden. "Companies know that a lot of good people are being let go right now."

Erin Sumner, a software recruiter at Facebook's parent company Meta, used to brag to potential hires that the company had been the fastest ever to be valued at \$1 trillion. She said she would promote the company's strengths, even last year as its stock price tumbled and its core business, digital advertising, struggled.

When rumors of layoffs began to circulate last year, she assured colleagues that their jobs were safe, pointing to the more than \$40 billion

in cash the company had in the bank. But in November, she was among 11,000 workers laid off.

"It was gut-wrenching," said Sumner, 32. She has found a new job as the head recruiter for DeleteMe, a startup that aims to remove a customer's information from search results. But she said she cringed each time she read about more tech layoffs.

"I fear it's going to get worse before it gets better," Sumner said. "There's no guarantee. I got laid off by the most secure company in the world."

A similar reversal of fortune has challenged businesses selling software services. Shares of Salesforce, an industry leader, fell nearly 50% last year as its sales growth slowed. The company had splurged during the pandemic, spending \$28 billion to buy Slack Technologies. It swelled to 80,000 employees from 49,000 in two years.

During an all-hands meeting this month to discuss the company's decision to lay off 10% of its workers, Marc Benioff, the company's CEO, tried to sympathize with his unhappy staff by putting the cuts in context.

"I've been through a lot of difficult times in this company. Every loss reawakens another loss for me," he said, according to a recording of the call heard by The New York Times. "Obviously, we're talking about a lay-off. I think about employees who have died. I think about people we've lost that we never wanted to lose."

Asked what advice he had for employees who were anxious about the state of the company and further layoffs, Benioff suggested "gratitude."



Executive Chef Becky Clark of Little Fish Brewing Co. is among the James Beard Foundation's 2023 Restaurant and Chef Awards semifinalists for the Greater Lakes Region.

SARAH BLANKEMEYER / CONTRIBUTED

Chef

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"I was just very rooted in agriculture and community around food," Clark said.

After working in Pittsburgh, she moved back to Athens and started her own business called Pork & Pickles. Clark described it as a butcher shop without a storefront.

"I really missed putting food on plates, so I started doing a bunch of farm dinners, pop-up dinners, charity dinners and making a name for myself in the Athens area."

When she decided to create a fine-dining food truck, she met Jimmy Stockwell and Sean White, co-owners of Little Fish Brewing Co. Clark explained their mission of brewing world class beer while sustainably supporting local economies aligned with her values.

Little Fish Brewing Co.'s farm-to-table restaurant concept sources directly from area farmers.

"I think the foundation of it is you can't start with a menu concept and then look for the ingredients," Clark said. "You have to start with the ingredients and then create the menu concept out of it."

Little Fish's Dayton location sources buns from

DOUGH, a bakery by Ghostlight and bread from the Good Hands Bread Co., Clark said.

Guests can expect a small, rotating menu of elevated foods. Clark described it as a scratch kitchen, containing items outside the realm of standard brewery food. For example, they offer french fries served with a garlic aioli and chimichurri sauce.

"I consider my kitchen a teaching kitchen," Clark said. "It's about cultivating community through food."

She also noted she works side by side with her chefs to help them grow in their careers. With the help of Stockwell and White, she makes sure they are working in a safe environment that prioritizes making a good living and work/life balance.

"It's those kinds of moves that I think makes us eligible for something like a James Beard," Clark said.

If you haven't had the chance to try Little Fish Brewing Co., the Dayton taproom is hosting a beer pairing dinner Tuesday at 8 p.m. Tickets are still available.

Little Fish Brewing Co. is located at 116 Webster St., Dayton.

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FOOD & DRINK

Italian restaurant in Kettering now serving alcohol

By Natalie Jones
Staff Writer

Demnika's Italiano, an Italian restaurant that opened last November at 2667 S. Dixie Drive in Kettering, is now serving beer, liquor and wine.

The restaurant received its D-5 liquor permit Jan. 20, the owners confirmed.

The son and mother duo, Ali and Advije Demnika, teamed up to bring their family's recipes to the Kettering area once again. The Demnika family previously owned Palermo's Restaurant when Mefail, Ali's father, opened and operated it from 2007 to 2017. He currently



Demnika's Italiano, an Italian restaurant that opened last November at 2667 S. Dixie Drive in Kettering, is now serving wine, beer and liquor. CONTRIBUTED

owns Tuscan's Grill & Market at 881 E. Franklin St. in Centerville.

Palermo's was ordered to close by Public Health-Dayton & Montgomery County in April because the most recent owner failed to pay for their food service license. Randy Fontana, a U.S. Army

veteran, bought the restaurant in July 2019.

"We were just waiting for it to pop up on the market," Ali previously said. "Owning it for 10 years, we knew the ins and outs of it."

Demnika's Italiano, a casual, family-friendly restaurant, offers a vari-

ety of Italian dishes including meat lasagna, Bolognese with your choice of pasta, chicken or eggplant parmigiana, chicken marsala, pizza, calzones, salads and much more.

In addition to some new offerings, Ali said customers can expect the same recipes his father has used since 2001 at his other restaurants.

For more information about Demnika's Italiano, visit the restaurant's Facebook page.

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