



April 1, 2025

The Honorable Rob McColley  
President, Ohio Senate  
1 Capitol Square  
Columbus, OH 43215

**Re: Business Community Opposition to Senate Bill 11**

Dear President McColley,

On behalf of the undersigned organizations, we write to express our collective opposition to Senate Bill 11. While we often work with the bill sponsors to advance a favorable business environment, Senate Bill 11 undermines Ohio's at-will employment doctrine and impedes freedom of contract rights in a manner that hinders our state's economic competitiveness.

At-will employment is a vital component of many employment relationships in Ohio. It empowers employees and businesses alike to offer, accept, and end employment for generally any reason provided it is not illegal. This includes the right of an employer to set the terms and conditions of employment, and the right of a prospective employee to accept or reject the offered terms. In some cases, the employment terms will request an applicant to enter into a non-compete agreement.

Like any other employment term, an applicant is free to enter into a non-compete agreement as a condition of their employment, or the person can refuse without creating any liability for themselves. By banning non-compete agreements, Senate Bill 11 upends freedom of contract rights and longstanding employment laws by singling out non-compete agreements and making them illegal contracts.

Senate Bill 11 also does not consider the individualized needs of an industry or a business and instead subjects every Ohio employer to a universal ban on non-compete agreements. This approach is unnecessary because these agreements are already subject to substantial scrutiny from our courts. **In fact, under existing case law, a non-compete agreement is only enforceable if it does not impose an undue hardship on the employee.**

Courts will also require non-compete agreements to have the least restrictive terms possible to protect the interests of employers, and they must not be injurious to the public. This means that courts often consider factors such as the amount of time the non-compete is in effect following the end of employment, geographical limitations, whether an employee has access to confidential information or trade secrets, and if the agreement stifles an employee's inherent skills.

Due to these longstanding considerations on the enforceability of non-compete agreements, the total prohibition of these agreements within Senate Bill 11 is unnecessary because Ohio's common law already accounts for the interest of employees. Additionally, the passage of Senate Bill 11 would put Ohio businesses at a competitive disadvantage compared to our neighboring states and key competitors like North Carolina, Tennessee, and Texas, making it harder to attract and retain new and expanding businesses.

In closing, we respectfully request the Ohio Senate to withhold from taking further action on Senate Bill 11, because employees are under no obligation to sign non-compete agreements and our courts already balance the interests of both employees and employers when enforcing non-compete agreements.

Sincerely,

Ohio Chamber of Commerce  
Ohio Council of Retail Merchants  
Ohio Society of CPAs  
Dayton Area Chamber of Commerce  
Ohio Association of Broadcasters  
Ohio Cable Telecommunications Association  
NFIB Ohio  
Ohio Manufacturers' Association  
Ohio Bankers League  
Ohio Business Roundtable  
Ohio Hospital Association  
Greater Akron Chamber  
Canton Regional Chamber of Commerce  
Youngstown/Warren Regional Chamber  
Ohio Wholesale Marketers Association

cc: All Members of Ohio Senate