



# Newsletter

Virginia Association of Broadcasters

July 2011

## Debt Deal Spares Broadcasters, But Maybe Not for Long

In a significant victory for broadcasters over their rivals in the tech and wireless industries, spectrum proposals were not included in what may be the final version of the debt-ceiling deal.

Tech lobbyists and lawmakers on both the House and Senate commerce panels have been negotiating for weeks over whether airwave auctions should be folded into the debt package as a revenue raiser.

Senate Commerce Chairman Jay Rockefeller, D-W.Va., said he was disappointed those issues were not resolved in the debt package after the House and Senate could not agree on the right way forward.

"We had hoped that a version of our legislation would have been in the deficit package this week," Rockefeller, author of a wireless bill with a special focus on public safety needs, said in a statement. "Despite that setback, I will continue to fight to make sure that by the 10th anniversary of 9/11 we have this bill signed into law."

**"Our goal is to ensure that TV stations choosing not to go out of business will be held harmless, and that tens of millions of Americans who enjoy local news, entertainment, sports, and lifesaving weather warnings from broadcasters will not be penalized."**

**-GORDON SMITH, NAB PRESIDENT**

Spectrum auctions could raise almost \$12 billion dollars, according to a Congressional Budget Office analysis of a debt proposal released last week by Senate Majority Leader Harry Reid, before the spectrum measure was dropped from the deal.

Cell-service providers want Congress to authorize auctions in which TV stations can sell their airwaves and go out of business, allowing wireless companies to take over the freed-up airwaves and meet demand. Revenue would go to broadcasters and the government.

Broadcasters that remain in business may be moved to a different spot on the airwaves to make way for mobile companies, something that worries NAB.

Along with spectrum relinquished by TV stations, the government may recover additional airwaves from broadcasters by asking them to share channels with other users. They can do this because the switch from analog to digital broadcasting makes transmission more precise, so each frequency needs less spectrum.

"It was a missed opportunity, but not a wasted one," Jonathan Spalter, chairman of Mobile Future, an AT&T-backed wireless group, said in a phone interview. "Lawmakers are now more aware than ever of the incredible potential of spectrum auctions."

*continued on page 2*

### WWBT Hires New General Sales Manager

Mr. Brian Ahladas joins WWBT/NBC12 as General Sales Manager. He was most recently the GSM of the three station Newsplex operation in Charlottesville with responsibility for WCAV/CBS19, WVAW/ABC16, and WAHU/FOX27, where he successfully rebuilt their sales operations. Ahladas, a graduate of the University of Virginia, spent 6 years as an account executive at WTVR TV6 when it was owned by Raycom Media. Prior to joining the broadcast industry, Brian was a sales associate with Mercedes Benz of Richmond and spent 6 years as a financial specialist and financial advisor with Wachovia Securities.

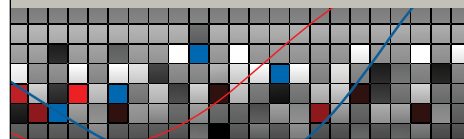


Mr. Ahladas fills the position formerly held by Mr. Kym Grinnage who was named VP and General Manager of WWBT/NBC12 earlier this year.

### What's Inside ...

WAVY-TV & FOX43 Help Shred Hunger . . . . .	2
100,000 New Broadband-Enabled Call Center Jobs Announced . . . . .	3
FM IBOC Single Frequency Network Tested . . . . .	3
Cable Companies Want Limited Role in Turning Down Volume . . . . .	3
How to Create an (Effective) Employee Handbook and Avoid Common Mistakes . . . . .	4
July Job Bank . . . . .	6
Legal Review: LUC Window for August Primary Elections Now Open . . . . .	8

Visit us online  
[www.VABOnline.com](http://www.VABOnline.com)





**VAB Newsletter**

Published monthly by the  
Virginia Association of Broadcasters  
250 West Main Street, Suite 100  
Charlottesville, VA 22902  
434.977.3716 (p); 434.979.2439 (f)  
[www.vabonline.com](http://www.vabonline.com)

- PRESIDENT Francis Wood  
*WFLO-AM/FM, Farmville*
- PAST PRESIDENT Doug Davis  
*WAVY-TV/WVBT-TV, Portsmouth*
- PRESIDENT-ELECT Vacant
- SECRETARY/TREASURER Bob Willoughby  
*WKHK-FM/WMXB-FM/WKLR-FM/WDYL-FM, Richmond*
- EXECUTIVE DIRECTOR Douglas Easter
- ASSOCIATE ADVISORY Vacant
- BOARD MEMBERS  
Districts 1 & 2
- Charlie (Charles) Russell *WESR-AM/FM, Onley*
- Lisa Sinclair *WNIS-AM / WNOB-FM / WROX-FM*  
*WTAR-AM / WUSH-FM, Norfolk*
- Tod Smith *WVEC-TV, Norfolk*
- District 3
- Stephen Hayes *WTVR-TV, Richmond*
- Don Richards *WWBT-TV, Richmond*
- Vacant ----
- Districts 4 & 5
- Dennis Royer, Sr. *WBBC-FM/WKLV-AM, Blackstone*
- Districts 6 & 9
- Jack Dempsey *WJHL-TV, Johnson City, TN*
- Teresa Keller *WEHC-FM, Emory*
- Randy Smith *WSET-TV, Lynchburg*
- Leonard Wheeler *WFIR-AM/WSLC-FM/WSLQ-FM/*  
*WVBE-AM/FM/WXLK-FM, Roanoke*
- Districts 7, 8 & 10
- John Moen *WFLS-FM/WWUZ-FM/*  
*WVBX-AM/FM, Fredericksburg*
- Brad Ramsey *WAHU-TV/WCAV-TV/*  
*WVAW-TV, Charlottesville*
- Robert Scutari *WJLA-TV, Arlington*

**Debt Deal** *continued from page 1*

National Association of Broadcasters President Gordon Smith said that his lobby is “pleased that the negotiated debt-ceiling bill, to be considered by Congress, does not threaten free and local broadcasting. NAB will continue working with lawmakers on incentive auction legislation that is truly voluntary.”

“Our goal is to ensure that TV stations choosing not to go out of business will be held harmless, and that tens of millions of Americans who enjoy local news, entertainment, sports, and lifesaving weather warnings from broadcasters will not be penalized,” Smith said in a statement.

It may not be the end of the line for spectrum auctions in this Congress.

A Senate Commerce aide and telecom analysts said that spectrum proposals will likely reemerge in a package from the prospective bipartisan deficit-reduction panel created by this week’s debt agreement to recommend ways to bring down the deficit later this year.

“It seems like a no-brainer to include spectrum. It’s a way to raise revenue without raising taxes,” the aide said. ❖

*Article courtesy of Sara Jerome from the National Journal.*

**WAVY-TV & FOX43 Help Shred Hunger**



WAVY-TV 10 and FOX43 helped the WooHoo Sistahs and the Foodbank of Southeastern Virginia shred hunger. On Saturday, July 16th, Shred-It was on site to destroy old documents in exchange for food and monetary donations at the Kohl’s Pembroke Mall parking lot.

Members of the community came out in droves to donate canned goods or \$5 to shred unwanted documents for a good cause. All donations and proceeds immediately benefit the Foodbank of Southeastern Virginia. WAVY-TV 10 and FOX43 helped to collect nearly 5, 000 lbs of food and more than \$2,000 dollars in monetary contributions. According to the Foodbank of Southeastern Virginia, those donations equate to 9,750 meals for those in need in Hampton Roads. ❖

**CONSULTANTS**

**LABOR LAW EMPLOYMENT COUNSEL**  
**John G. Kruchko, Paul M. Lusky**  
Kruchko & Fries  
1750 Tysons Boulevard, Suite 560  
McLean, VA 22102  
(703) 734-0554

**FIRST AMENDMENT HOTLINE**  
**Craig T. Merritt**  
Christian, Barton, Epps,  
Brent & Chappell  
1200 Mutual Building  
Richmond, VA 23219  
(804) 697-4100

**FCC/EOC MATTERS**  
**Wade Hargrove, Mark J. Prak,**  
**Marcus Trathen, Coe Ramsey**  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, L.L.P.  
P.O. Box 1800, Raleigh, NC 27602  
(919) 839-0300; Fax: (919) 839-0304

## 100,000 New Broadband-Enabled Call Center Jobs Announced

FCC Chairman Julius Genachowski today joined business leaders from Jobs4America – a coalition of call center companies -- in Jefferson, Indiana, to announce the creation of 100,000 new broadband-enabled, call center jobs over the next two years in the U.S., helping to revive some communities hardest hit by the economic downturn. Many of these call center jobs will be brought onshore from foreign countries and can be performed at a new cell center or through connectivity at home.

Broadband deployment and adoption has been a central focus of the Genachowski FCC. Working with the private and public sectors, millions of Americans are experiencing the benefits of broadband – more jobs, better education, enhanced public safety, and quality health care.

An average of 4,000 call center jobs are being created each month in the U.S. In the second quarter of 2011, over 18,000 new call center jobs were created in the U.S. Chairman Genachowski announced today that 175 new jobs will come to Jeffersonville, Indiana including jobs that can be performed at home to benefits

people with disabilities or working parents who need more flexibility. Call center employees will handle customer service calls for companies like BJ's Wholesale Club and Charbroil.

Chairman Genachowski said, "This initiative involves meaningful job creation that will have a meaningful impact across America. Bringing broadband to your town and home in the 21st century is like bringing in electricity in the 20th – connecting you and your community to the larger economy and opening up new worlds of commerce and opportunity."

"We are in the midst of a broadband evolution that is transforming the notion of the traditional contact center," said ACCENT CEO Tim Searcy. "Thanks to the advancements brought on by the FCC under Chairman Genachowski's leadership, ACCENT is creating 2,000 new jobs that will utilize broadband technology to enable multichannel customer service across phone, online and social media. Through the expansion of broadband, our engagement specialists now have the flexibility to perform these new jobs at our engagement centers or through connectivity at home." ❖

## Cable Companies Want Limited Role In Turning Down Volume



Cable companies are pushing back against suggestions that they are responsible for keeping broadcasters' commercials from blasting viewers' eardrums. August 1 was the deadline for comments on the new measure at the Federal Communications Commission. Under the 2010 Commercial Advertisement Loudness Mitigation Act, or CALM Act, the FCC is tasked with making sure that commercials don't suddenly become much louder than the content they interrupt.

In a letter sent to the commission on Friday, Rep. Anna Eshoo, D-Calif., who introduced the law, urged regulators to apply the bill to all video services, not just to broadcasters.

"It was always the legislation's intent that the standard apply not just to television broadcast stations, but cable, satellite and other multi-channel video distributors," she wrote.

But the American Cable Association says the law should only apply to commercials that cable companies insert, not to broadcast content that is retransmitted.

"ACA believes the law requires cable operators to exercise control over the volume level of commercials that they insert on their own or with the assistance of third parties. But the law does not impose as broad a mandate regarding commercials embedded in upstream cable and broadcast programming that is merely passed through to subscribers by local operators," ACA President Matthew Polka said in a statement. ❖

*Article courtesy of Josh Smith from the National Journal.*

## FM IBOC Single Frequency Network Tested

NAB FASTROAD has announced the release of a final report on field testing of digital single frequency network (SFN) technology for FM in-band/on-channel (IBOC) digital radio. This work has been undertaken by iBiquity Digital Corporation, developers of the HD Radio™ IBOC system used by U.S. broadcasters to transition to digital radio, and is being co-funded by iBiquity and NAB FASTROAD. Single frequency networks utilize on-channel digital boosters to improve FM IBOC digital radio coverage. These boosters, strategically located within the coverage area of a radio station, transmit only the digital portion of the hybrid IBOC signal. The approach to digital booster development being undertaken by iBiquity is aimed at a booster design that is interoperable among the various transmission equipment manufacturers. The technology is backwards-compatible with existing receivers and supportable by existing FM IBOC broadcast products, such as exciters, through upgrading. The technical report just released describes field testing of a single frequency network using Greater Media's Boston area station WKLB-FM and experimental booster station WKLB-FM1. Both digital-only and digital-plus-analog booster configurations were tested. Also included in the report are the results from experimental broadcast stations WD2XAB and WD2XAB-1, located near Baltimore, MD which were first reported on in November 2010. ❖

# How to Create an (Effective) Employee Handbook and Avoid the Most Common Mistakes

By John G. Kruchko and Kevin B. McCoy

If you could boil down every company's perception of how to keep their respective organizations in compliance with the myriad of labor and employment laws floating around the federal and state realms, it would likely be the following: "treat everybody the same!" This wildly over-generalized theme nicely sums up the general view that if you are able to treat all your employees the same, then your company will not be accused (or at least, guilty) of treating an employee unfairly because they happen to reside in a recognized protected category (i.e., race, gender, nationality, etc.). Far and away, the most common tool that companies utilize to try to "standardize" their treatment of employees is the Employee Handbook. Today, the vast majority of companies large and small have implemented Employee Handbooks. Yet surprisingly, most companies have little idea of how to create an effective Employee Handbook, and continue to commit common mistakes that can undermine not only the utility of the handbook, but can actually lead to legal liability issues for the organization. Below are some tips on how to create effective Employee Handbooks and common mistakes your organization can easily avoid.



## Don't Copy a Handbook from the Internet or Use Another Company's Handbook

As the old saying goes: "why should we re-invent the wheel, if we don't have to?" However, when it comes to Employee Handbooks, re-inventing the wheel (or at least, close to it) is the best approach. Too often, companies pull Employee Handbooks from the internet or ask a friend at another company for their handbook, change the cover page, and then roll it out as their own company's Employee Handbook. That is a huge mistake. Employee Handbooks are only effective when they are narrowly crafted to reflect the nature, culture, and historical practices of your organization; and those usually differ wildly from company to company. Even the anti-discrimination policy (the most standardized of handbook policies) will often differ between organizations because not all organizations are subject to the same employment laws.....in many instances, not even the same federal laws. This leads me to my next point.....

## Know the Laws for the State and Local Jurisdictions in Which You Do Business

All too often, handbook EEO policies incorporate only the federal protected categories (i.e., race, sex, religion, national origin, age, disability, genetic characteristics). For reasons about which we are still unclear, many EEO policies completely ignore the fact that states and even local jurisdictions can (and have) enacted laws that prevent employment discrimination against a broader swath of

employees than their better-known federal law counterparts. For example, Fairfax County, Virginia has enacted a Human Rights Ordinance that prohibits discrimination on the basis of marital status. The city of Alexandria, Virginia has a similar Human Rights Ordinance that deems unlawful any employment discrimination based on one's ancestry or sexual orientation. The District of Columbia also has a human rights law that prohibits employment discrimination based on such categories as marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, matriculation, or political affiliation. And each jurisdiction has its own enforcement agency that can investigate, subpoena documents, and in some cases prosecute civil cases against companies that violate these laws. The takeaway here is: know the employment laws where you do business and tailor your handbook accordingly.

## Create an Anti-Harassment Policy that is Flexible

An anti-harassment policy (separate from your EEO policy) is an absolute "must have" nowadays for all Employee Handbooks. Sexual harassment gets all the "press," but the legal reality is that harassment based on such categories as a person's national origin or religious beliefs is a growing area of liability and is (and has always been) just as unlawful as sexual harassment. Thus, when creating an anti-harassment policy, make sure you include all possible unlawful bases of harassment, and not just sexual harassment.

## **Having your employment counsel perform regular reviews of your Employee Handbook is an easy, cost effective way to correct out-of-date or unlawful policies.**

In addition, many companies want to create a rigid, defined procedure for reporting harassing behavior. The legal reality is that no specific form of complaint is required and, further, an employer cannot through a handbook policy restrict the avenues by which an employee can lodge an internal complaint. Therefore, requiring written complaints to certain, limited individuals provides absolutely no legal defense for the company should a lawsuit ever develop. Instead, craft a policy that allows an aggrieved employee the flexibility to complain internally in a manner and to an individual with whom they feel comfortable. Employees are often reluctant to complain at all due to feelings of embarrassment, reprisal, or job security. Crafting a "one size fits all" procedure for harassment complaints simply ignores the reality that people are different and a complaint about unlawful harassment should be treated seriously by the company, regardless of the form in which it is brought to the company's attention.

### **You Must Have an Electronic Communications Policy**

Unless you are running a farmer's market, chances are excellent that you have one or more employees who use a computer as part of their daily activities. It is also likely that you have one or more employees who are using e-mail and accessing the internet – either as part of their job, or in spite of their job. Rest assured, if your company has employees who utilize computers with internet access at work, they are accessing the internet. Often overlooked are PDA's and cell phones, and their ability to now access growing segments of the internet, send e-mails and text messages, or perform video conferencing. As a result, it is now imperative that companies have an Electronic Communications policy.

However, it is not simply enough to have a policy that categorically restricts all "personal use" of the internet. Such policies are commonly being viewed by Courts and by the National Labor Relations Board ("NLRB") as wildly overbroad and unrealistic in today's world. In fact, the NLRB has found that such blanket internet restrictions might be a violation of all employees' Section 7 rights to collectively bargain or to discuss the terms and conditions of their workplace.

Moreover, many companies fail to realize that the company owns the computers (sometimes the cell phones) and the communications that come from that hardware. Thus, it is important that any policy appropriately advise the employees that they do not have any expectation of

privacy in the internet sites they access or the information they share with others whether over the internet, via e-mail, or using their PDA.

Suffice it to say, the law of electronic communications is rapidly changing, and your policy should reflect the realities of the world we live in, while still advising employees of their obligations to complete their jobs in an effective and timely manner without abusing the privilege of having access to new avenues of electronic communication.

### **Controlling Overtime Begins with Your Handbook**

Uncontrolled overtime can create financial hardship for any company. Yet, we are continually surprised at how many companies fail to address the issue in their Employee Handbooks.

Overtime compensation is driven (largely) by the federal Fair Labor Standards Act, which obligates companies to pay employees "time and ½" for all hours worked in excess of forty (40) hours per work week. First, you should create a handbook policy on overtime that defines the term "work week." If the company does not define it, the employee is free to define it to their advantage, which may potentially increase overtime liability. Second, the policy should caution employees that they may not work overtime without prior authorization from their supervisor. While an employer may not refuse to pay an employee for overtime hours actually worked, an employer is free to discipline an employee (even up to and including termination) who works overtime without the proper authorization, as set out in the Employee Handbook.

### **Revise Your Handbook Regularly**

An Employee Handbook is not something you may simply create once and forget about. It should change as your organization changes and as existing laws change that govern the employment relationship. Labor and Employment law is and will continue to be a volatile subject area and crafting policies that you never again review is a recipe for disaster. The best practice is to calendar a "handbook review" for once every two (2) years (unless there is a significant change in the law that requires action sooner). Having your employment counsel perform regular reviews of your Employee Handbook is an easy, cost effective way to correct out-of-date or unlawful policies, and it can help your company avoid potential defense costs down the road. ❖

Copyright 2011 Kruchko & Fries

# JULY JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please e-mail the listing directly to [marci.malinowski@easterassociates.com](mailto:marci.malinowski@easterassociates.com).
- Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

### Submit to the Online Job Bank:

- Go to [www.vabonline.com](http://www.vabonline.com)

### News Director Harrisonburg, VA

WHSV-TV in Harrisonburg, Virginia is looking a News Director to lead its brand new HD News operations. We're looking for a strong, take-charge candidate who is also a good leader and coach. Our ideal candidate will have a producer or reporter background and be able to lead our daily news coverage for TV, web, mobile and social media platforms. We want someone with a strong ethical compass and outstanding journalistic skills and someone who has good story telling ability to help train and inspire our great newsroom staff. The ideal candidate is an excellent team builder with strong people skills who also works well with other department managers. Also, experience with administrative duties including staff scheduling, timesheets, performance reviews and budgets is helpful. Prior management experience is preferred. Please send cover letter, resume, news philosophy, salary requirements and examples of your work to Tracey Jones, Regional VP / General Manager, WHSV-TV, 50 North Main Street, Harrisonburg, VA 22802 ATTN: WHSV News Director position. You may also email your information to [tjones@whsv.com](mailto:tjones@whsv.com). No phone calls please! WHSV is a drug-free workplace. EOE.

### Director FT Lynchburg, VA

Directing news programs, promotional announcements, commercials, public service announcements, public affairs programs, or other special projects as assigned. Operating other production equipment as needed. Assist in training and supervision of Production Assistants in the operation and maintenance of studio, graphics, and control room equipment. Assist with field productions as needed in any position necessary to complete the production properly. One year of Studio Directing/technical directing or training in directing/technical directing. Background in production crew functions. Familiarity with field production and equipment. Production experience in audio, character

generator, camera, graphics, and lighting – studio and field. Supervisory abilities and skills required. Available to work irregular hours, weekends, and holidays. Knowledge of carpentry and set construction is helpful. Please apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). No phone calls please! EEO/MF.

### On-Air Personality Fredericksburg, VA

99.3, The Vibe, Fredericksburg's #1 Hit Music Station is searching for its next morning superstar! In addition to hosting a Mon.-Fri. air shift, you'll also work a regularly scheduled weekend shift, assist in station imaging plus other duties as assigned. If you're currently doing afternoons or nights and are looking for a chance to bring your skills to mornings, you could be the right candidate. A minimum of 2 years of Top 40 or Rhythmic CHR experience is preferred as well as proper execution and usage of social media/online platforms. Please send samples of your best on-air work along with a current resume to be considered for this tremendous opportunity! If you're ready to work for a great, family-owned local company please send your programming package to: The Free Lance-Star Human Resources WFLS-WVBX-WWUZ-WNTX Radio 616 Amelia St. Fredericksburg, VA 22401 E-mail: [jobs@freelancestar.com](mailto:jobs@freelancestar.com) Deadline to apply is August 8, 2011. EOE.

### Media Assistant Harrisonburg, VA

WHSV-TV is looking for an individual who want to join the fast paced TV industry. This candidate must demonstrate excellent analytical, organizational, multi-tasking and communication skills. The individual must be detail-oriented and able to meet deadlines with accuracy. Regular and timely attendance is required. Send resume to WHSV-TV, ATTN:

Tina Wood, 50 North Main Street, Harrisonburg, VA 22802. No phone calls please! WHSV-TV is a drug free workplace. EOE.

### Photojournalist Harrisonburg, VA

WHSV-TV is looking for a photojournalist who has mastered basic video photography and has a creative flair. If you're motivated and dependable, this is a great place to grow while you perfect your craft. Non-linear editing and P-2 digital camera experience is a plus. We're also looking for a candidate who can gather facts and present those facts well for use on air and online. This position will be based out of our Staunton bureau. Please RUSH tape and resume to: Ed Reams, News Director, WHSV-TV, 50 North Main Street, Harrisonburg, VA 22802. You may also e-mail a resume to [ereams@whsv.com](mailto:ereams@whsv.com). No phone calls please! WHSV-TV is a drug-free workplace. EOE.

### News Producer FT Lynchburg, VA

The Producer with emphasis on Producing and Product Management will direct and supervise News Reporters, Photographers, and Editors, and be responsible for ensuring that high quality news programs are consistently aired and that standards of quality for all aspects of the show are maintained. The Producer will personally produce assigned newscasts and have complete control over how news shows are produced, and ensure that all Reporters, Photographers, and Editors handle their responsibilities for format, organization with other departments, news writing, and distribution of final scripts. Requires Advanced Education in the field of Broadcast Journalism which has given the applicant the ability to perform the required functions of the job or equivalent broadcasting work experience. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Valid Virginia Driver's license within 30 days of employment. Apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). Applicants for positions in the News Department should submit a non-returnable DVD resume tape with letter, resume, and references. EEO/MF.

*(continued on next page)*

### **Video Editor PG Lynchburg, VA**

The Video-Journalist position, with emphasis on Editing, is primarily responsible for gathering news by recording satellite and other remote transmissions, editing videotape of news, sports, and special features. The individual should be familiar with effective camera shooting techniques so they can shoot news stories, when needed. Requires Advanced Education in the field of Broadcast Journalism which has given the applicant the ability to perform the required functions of the job or equivalent broadcasting work experience. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Valid Virginia Driver's license within 30 days of employment with acceptable driving record. Apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). Applicants for positions in the News Department should submit a non-returnable DVD resume tape with letter, resume, and references. EEO/M/F.

### **Reporter/Anchor Richmond, VA**

Richmond's No. 1 news organization seeks reporter/anchor with proven track record of successful reporting. Schedule could include dayside/nightside and weekend work. Send cover letter with salary requirements, resume and non-returnable demo tape to Nancy Kent Smith, News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/H/V. Drug Screen required.

### **General Sales Manager Charlottesville, VA**

The Charlottesville Newsplex (home of CBS19, ABC16, WAHU FOX27, and newsplex.com) in award-winning Charlottesville, VA (<http://bit.ly/86LJsA>) is looking for the leader who can take our sales team and revenue to the next level. Charlottesville market knowledge and/or previous media sales management experience is preferred, but NOT required ... the right leader will get the job! The successful candidate must be able to recruit, train, motivate, and teach by example, on the street, in sales calls... This is not a desk job. You'll lead our strong sales team, and also be responsible for pricing our unmatched array of prime, sports, and award-winning local news. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace. Excellent driving record is a MUST. If you think you have what it takes, send your cover letter, resume, and salary requirements to General Manager Brad Ramsey, [brad.ramsey@newsplex.com](mailto:brad.ramsey@newsplex.com), or to Brad Ramsey, Charlottesville Newsplex, 999 2nd Street SE, Charlottesville, VA 22902.

### **Morning Anchor/Producer Harrisonburg, VA**

Morning Anchor / Producer- WHSV – TV is looking for a dynamic personality who loves to use social media and viewer submitted content to help our viewers start their day! We're looking for an Anchor who will produce and co-anchor a two hour morning show with our established male anchor. Proficiency with I-News and non-linear editing is a plus. Creative use of new media and viewer submitted content is critical in this position. WHSV News 3 Daybreak was just

named the Best Morning Show in Virginia by the Virginia Association of Broadcasters. Take a look at our morning show online at [whsv.com](http://whsv.com) and let us know how you would contribute. Our morning show is our most important show we produce. If you can see yourself living and working in the beautiful Shenandoah Valley, we want to hear from you. Please RUSH your tape and resume to: Ed Reams, News Director, WHSV-TV, 50 North Main Street, Harrisonburg, VA 22802. You may also email your resume to [ereams@whsv.com](mailto:ereams@whsv.com). No phone calls please! WHSV-TV is a drug free workplace. EOE.

### **Board Operator for High School football Winchester, VA**

Centennial Broadcasting II, LLC (WINC FM, WINC AM, WXBN/WXNB) High School Sports Board Operator Part time Centennial Broadcasting II, LLC of Winchester has an immediate part time opening for a board operator/announcer. The successful candidate will be highly dependable with reliable transportation, and will be available to work Friday nights The successful candidate will also demonstrate basic proficiency operating a radio console and will have entry-level announcing skills. An interest in High School sports is desirable but not required Cover letter, resume and audio (if available) should be sent immediately to: Brian Beddow Director of Programming Centennial Broadcasting II, LLC P.O. Box 3300 Winchester, VA 22604 You may email packages if the audio attachment is less than 3 minutes to [bbeddow@centennialbroadcasting.com](mailto:bbeddow@centennialbroadcasting.com). EOE.

*To view the most current listings, please visit [www.vaboline.com/careers](http://www.vaboline.com/careers)*

## **It's CAREER FAIR Time Again for the VAB!**

The VAB is looking for volunteers to man this Fall's Career Fairs. Working the fair means an EEO credit for your station. Each fair has two available shifts to work: 10 a.m. to 1 p.m. or 12 noon to 3 p.m. One or two volunteers per shift per school are needed, so first come-first serve gets the shifts! Volunteers are welcome to put out information about their station and any available positions that are being offered.

Hampton University: **Friday, September 29th**

VCU: **Wednesday, October 5th**

Virginia State: **Thursday, October 6th**

Norfolk State: **Thursday, October 13th**

Howard University: **Thursday, October 27th**

University of Virginia: **Wednesday, November 2nd**

For more information on the events or to volunteer, please contact Amy Shaw at 434/326-9811 or email [amy.shaw@easterassociates.com](mailto:amy.shaw@easterassociates.com).



## Virginia Association of Broadcasters **LEGAL REVIEW**

### LUC Window for August Primary Elections Now Open



by Stephen Hartzell

As you may know, the June 14, 2011, date for primary elections in Virginia was changed to August 23, 2011, in order to accommodate redistricting that occurred following the results of the 2010 U.S. Census. In 2011, all 140 seats in the Virginia General Assembly are up for election as are a number of city and county posts, including school boards, boards of supervisors, and others. Because the primary election date was moved to August 23, the “lowest unit charge” (“LUC”) window for primary elections opened on July 9. The general election is scheduled for November 8, which means that the general election’s LUC window will open on September 9.

Under the LUC requirement, during the 45-day period preceding the date of a primary or primary run-off election and during the 60-day period preceding the date of a general or special election, the charges made for the “use” of a broadcast station by a “legally qualified” candidate may not exceed the LUC of the station for the same class and amount of time for the same time period.

When determining the LUC, stations must remember that, generally, all spots, including bonus spots, must be allocated some value in a package arrangement. To minimize any adverse impact on your station’s LUC during the political windows, stations should have allocated, in good faith, some value to bonus spots included in package arrangements through a separate writing at the time the contract was signed.

Candidates may complain if they suspect a station has not provided them with the LUC. Such a complaint may be informal (a phone call to the station or FCC, written demand, etc.) or it may involve a formal written complaint to the FCC. In order to invoke the FCC’s enforcement procedure, the candidate must do more than merely accuse the station of overcharging—but not much more. In order to avoid the waste of time, money, and energy that accompanies responding to a formal FCC complaint, stations may wish to follow these guidelines:

- If a station receives a candidate’s letter demanding the rebate of alleged overcharges, the station should immediately consult with its own communications counsel and consider how best to respond. (Failure to respond promptly to such a letter may provoke the candidate into filing a formal complaint with the FCC.)
- In order to respond to a written inquiry or complaint concerning overcharges, stations should evaluate the specific allegations made by the candidate. Determine if the station actually did overcharge the candidate—if so, refund the overage immediately with an explanation of how the mistake occurred.
- An ongoing review of rates charged political advertisers should be conducted by stations throughout the election period. The FCC has suggested that a weekly review would be sufficient. Such ongoing reviews will enable the station to determine if an overcharge has occurred and refund all overcharges in a timely fashion.
- In other circumstances, usually in response to a formal complaint, a station may opt to conduct an internal audit. This should not be done without advance consultation with the station’s own communications counsel. Full internal audits can be time consuming and expensive. They involve a review of all advertising sold to the particular candidate and other advertisers in the time periods, and an evaluation of whether the price charged the candidate was the “lowest unit charge.”

If your station has not already done so, now is a good time to review your political disclosure statement and ensure that it is up-to-date—for example, you will want to be certain that you have added a non-discrimination provision to your disclosure statement. For detailed information on the LUC and other political broadcasting requirements, please visit [www.vabonline.com](http://www.vabonline.com) for the latest version of the publication *Nuts ‘n Bolts of Political Broadcasting*, which was distributed in 2010. ❖

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

© 2011 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.