

Highlighting Our Summer Convention Speakers

Fred Jacobs (Friday, June 24th, 11:15a.m.)



Fred has emerged over the past two decades as one of radio's leading visionaries. He founded Jacobs Media in 1983, when he had the notion that Album Rock could be fragmented by the creation of the Classic Rock format. Today, Classic Rock stands out as the most successful radio format in the last 20 years.

Prior to launching the company, Fred spent the majority of his time designing and managing research projects as the Director of Research for the Radio and Publishing divisions for Frank N. Magid Associates, a leading research and consulting firm. Later, Fred became Director of Radio Research for the ABC-FM Owned and Operated Radio Stations. From there, Fred gravitated to the station side, becoming program director for legendary WRIF-FM in Detroit, before forming Jacobs Media.

Along with providing the creative and intellectual direction for the company, Fred consults our major market Classic, Mainstream, and Active Rock clients, while having input in every client relationship.

Mr. Jacobs will bring the highlights of the DASH Conference to the VAB Convention by taking members "backstage" to meet automakers and their suppliers, talking about the impact of the "connected car."

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Upcoming Events:

May 26, 2016

Hampton Roads Regional Meeting
Virginia Beach, VA

June 23-25, 2016

79th Annual Summer Convention
Hilton, Virginia Beach

October 27-28, 2016

VAB Board Retreat
Keswick Hall
Charlottesville, VA

VAB Newsletter

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WUSQ-FM
Winchester

Hampton Roads Regional Meeting



The Virginia Association of Broadcasters would like to invite you to join us for a quick presentation and update regarding your Association and its activities as well as a social hour to get to know other broadcasters in your market.

Please join us on **Thursday, May 26th**

5:30 p.m. - 7:00 p.m.

Location TBD

Virginia Beach, VA

Open to all station employees, with specific content for all department heads, managers and account executives.

We look forward to seeing everyone!

Please RSVP to Christina Sandridge at (434) 326-9815 or christina.sandridge@easterassociates.com

REACHING MORE PEOPLE. TOUCHING MORE LIVES.

How to Submit to the VAB Job Bank

Jobs that are printed in the newsletter are pulled directly from the online Job Bank. To include your listing:

- ▶ Go to www.vabonline.com. Login with your user name and password.
- ▶ Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

| Position | Locations | Type | Department | Organization | |
|-----------------------------------|-----------------------------------|-----------|-------------|--------------------------|-----------|
| Local Sales Manager | Richmond, VA | Full Time | Sales | WUPV-TV | 5/4/2016 |
| Associate Producer | Richmond, VA | Full Time | Production | WWBT, Inc. | 5/4/2016 |
| News Photojournalist | WHSV | Full Time | News | WHSV-TV | 4/30/2016 |
| Reporter | WHSV | Full Time | News | WHSV-TV | 4/30/2016 |
| Account Executive | WHSV | Full Time | Sales | WHSV-TV | 4/28/2016 |
| News Specialist | Richmond, VA | Part Time | News | WWBT, Inc. | 4/26/2016 |
| Broadcast & IT Engineer | Richmond, VA | Full Time | Engineering | WWBT, Inc. | 4/26/2016 |
| Broadcast Engineer | Richmond, VA | Full Time | Engineering | WWBT, Inc. | 4/26/2016 |
| National Sales Manager | WDBJ Television | Full Time | Sales | WDBJ Television, Inc. | 4/22/2016 |
| TV News Photojournalist | Norfolk/Portsmouth/Virginia Beach | Full Time | News | WAVY-TV 10 Media General | 4/22/2016 |
| Account Executive | Norfolk/Portsmouth/Virginia Beach | Full Time | Sales | WAVY-TV 10 Media General | 4/22/2016 |
| Outside Account Executive | Harrisonburg, VA | Full Time | Sales | iHeartMedia | 4/20/2016 |
| News Director | Roanoke, VA | Full Time | News | WDBJ Television, Inc. | 4/19/2016 |
| Social Media Marketing Consultant | Arlington, VA | Full Time | Sales | Salem Media of Virginia | 4/15/2016 |
| News Talk Marketing Consultant | Arlington, VA | Full Time | Sales | Salem Media of Virginia | 4/15/2016 |
| Multimedia Marketing Consultant | Arlington, VA | Full Time | Sales | Salem Media of Virginia | 4/15/2016 |

To learn more about these jobs and to see new postings, please visit

www.vabonline.com/careers



VAB 79th Annual Summer Convention

Don't Forget to Register!

The time has come to cordially invite you to the VAB's 79th Annual Summer Convention taking place **June 23-25, 2016** at the Hilton Virginia Beach Oceanfront Hotel! You can now download the agenda/registration form and register online at www.vabonline.com.

We have an outstanding line-up of sessions and speakers this year that will be both informative and inspirational. Our convention will kick off on Thursday afternoon with **Reed Cowan**, who will present "**A Broadcaster's Journey to Turn Loss Into Leverage**". Friday sessions include an **NAB Legislative Update** from **Chris Ornelas**; a legal panel featuring **Mark Prak** with Brooks Pierce and **Howard Weiss**; the VAB 2016 'Best of the Best' Class, who will present their case study ideas for a successful future in broadcasting; and an update from **Speed Marriott** with **P1 Learning**. Following those presentations, **Fred Jacobs, Jacobs Media** will present an energetic session titled "**The Connected Car**" where he will take us "backstage" to meet automakers and their suppliers, talking about the impact of the "connected car". The Annual Awards Reception and Banquet on Friday night is always a great time with networking over cocktails and hors d'oeuvres, followed by an evening of celebration and recognition!

A block of rooms has been reserved for the nights of Wednesday, June 22, Thursday, June 23, Friday, June 24 and Saturday, June 25. In order to receive the convention rate of \$224 for a city view room/night or \$229 for a oceanview room/night, please call the Hilton Virginia Beach Oceanfront directly today at (757) 213-3455.

****The VAB Room Block will be available until Monday, May 23, 2016 or until the group block is sold-out, whichever comes first.****

So don't be late!

Should you have any questions or concerns, please call Christina Sandridge at (434) 326-9815 or email, christina.sandridge@easterassociates.com.

We hope to see you all there!

The Department of Labor Department Publishes “Persuader Rule”

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.

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*John G. Kruchko

By John G. Kruchko and Jacquelyn L. Thompson*

Executive Summary: On March 23, 2016, the U.S. Department of Labor (DOL) issued the final version of its “persuader rule,” which requires employers, third-party lawyers, and other labor consultants to disclose to the DOL any arrangement to persuade employees directly or indirectly concerning the right to organize or bargain collectively. These reports must be filed electronically and, once filed, become publicly available records.

Background: Under the Labor Management Reporting and Disclosure Act (LMRDA), employers must disclose “persuader activity” made with labor relations “consultants” to persuade workers to oppose unionization or collective bargaining. This disclosure must be reported by labor relations “consultants” within 30 days of the engagement or agreement to provide persuader services and by an employer within 90 days after the end of the fiscal year in which the employer engaged persuader services. The definition of “consultants” includes lawyers, law firms, public relations firms and trade associations. Prior to the rule issued on March 23, 2016, consultants were exempted from reporting “advice” they gave to employers under Section 203 of the LMRDA. Thus, under the old interpretation of Section 203, persuader agreements did not trigger reporting requirements if the consultant had no direct contact with employees and limited its activity to providing the employer with materials that the employer had the right to accept or reject.

Revisions to the “Advice Exemption”: The new persuader rule significantly narrows the “advice exemption” and greatly expands what is reportable persuader activity. The persuader rule now explicitly states that both “direct” and “indirect” persuasion activities trigger the LMRDA’s reporting requirements. Examples of “indirect persuasion” now covered by the LMRDA include, but are not limited to: (a) planning, directing or coordinating activities undertaken by supervisors or other employer representatives, including meetings and interactions with employees; (b) providing material or communications to the employer in oral, written or electronic form, for dissemination or distribution to employees; (c) conducting a seminar for supervisors or other employer representatives; or (d) developing or implementing personnel policies, practices or actions for an employer. In practical terms, the rule will require attorneys and their clients to report to the Department of Labor, as a matter of public record, the time spent on a variety of labor and employment issues and all expenditures by employers and receipts by law firms related to persuader activities. Furthermore, according to the DOL, the “persuader



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rule” applies to labor relations governed by both the National Labor Relations Act and the Railway Labor Act.

Unique Application of New Persuader Rule to Trade Associations:

Another addition to the persuader rule is how the LMRDA applies to Trade Associations. As stated above, one of the new “indirect persuasion” activities includes conducting a seminar for supervisors of other employer representatives. Such seminar agreements must be reported if the consultant develops or assists the attending employers in developing anti-union tactics and strategies for use by the employer, the employers’ supervisors or other representatives. However, this applies differently to Trade Associations. According to the final rule, Trade Associations, in general, will only trigger the reporting requirements in two scenarios:

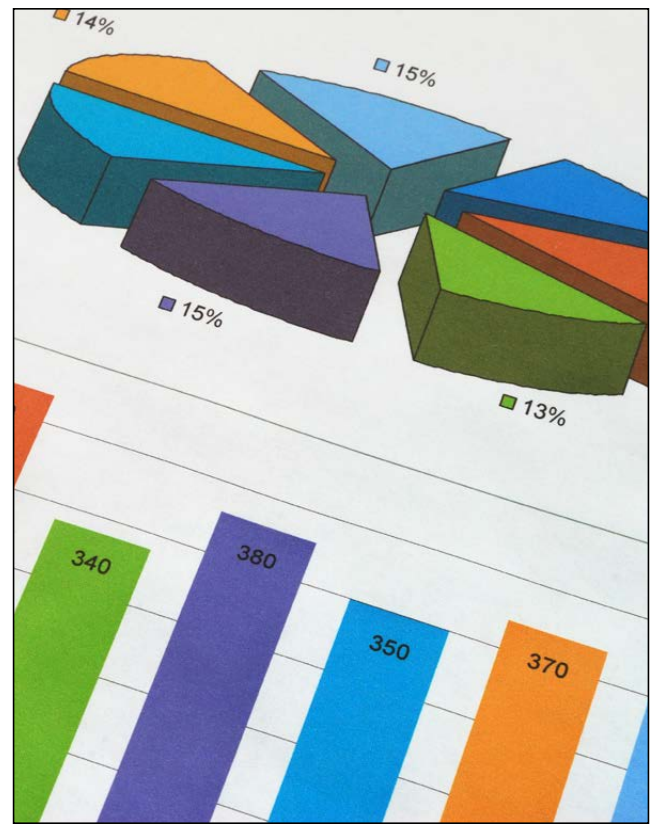
1. Where the Trade Association’s employees serve as presenters in union avoidance seminars; or
2. Where the trade association undertakes persuader activities for a particular employer or employers other than by providing off-the-shelf materials to employer-members.

In other words, Trade Associations cannot actually create or present such seminars or presentations without being subject to the reporting requirements. Trade Associations

may, however, sponsor and host union avoidance seminars and give “off-the-shelf” persuader materials to member-employers without having to report under § 203(c) of the LMRDA. According to the final rule, “off-the-shelf materials” refer to “pre-existing material not created for the particular employer who is party to the agreement.” Thus, Trade Associations may be subject to the reporting requirements should they create new materials on union avoidance for an employer. It appears general manuals will not trigger the reporting requirements as long as the manual in question was not created for a specific employer-member of the Trade Association. Additionally, the new persuader rule eliminates the obligation for employers to report a Trade Association’s mere attendance at a seminar.

Pending Lawsuits Opposing the Rule: Currently, there are lawsuits filed in the U.S. District Court for the Eastern District of Arkansas, the U.S. District Court for the District of Minnesota, and the U.S. District Court for the Northern District of Texas challenging the rule. Among the claims of the filing parties are that the persuader rule violates the First Amendment and infringes on the attorney-client privilege.

Employers’ Bottom Line: For now, the “persuader rule” is scheduled to take effect on April 25, 2016, and apply “to arrangements and agreements as well as payments (including reimbursed expenses) made on or after July 1, 2016.” While there is pending litigation before multiple federal district courts challenging the rule, employers and “consultants” must begin now to take the necessary steps to understand their obligations under the new rule and ensure they are prepared to comply with its disclosure requirements.



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