

## Highlighting Our Summer Convention Speakers

Reed Cowan (Thursday, June 23rd, 3:00 p.m.)



Reed Cowan went from being an Emmy Award Winning journalist featured on national and major market television to the creation of The LifePower Center. This inspiring new-thought leader fought his way back from grief, trauma, loss and intense pain to emerge as someone whose work has saved countless lives, and given hope to thousands. His music has been recorded in Nashville, Tennessee, his words and creations published in major newspapers and blogs and featured at film festivals all over the world, including the Sundance Film Festival in Park City, Utah. He's also a mindfulness & meditation coach and a certified Yoga teacher who will bend over backwards to make sure you leave this event solidly in touch with your own personal magic and LIFEPOWER.

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### Upcoming Events:

#### 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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## Virginia State Parks Partners with REI Co-Op to Promote Virginia State Parks to New Visitors

RICHMOND, Va. – Virginia State Parks kicks off a partnership with REI Co-Op sporting goods Friday, giving people the opportunity to visit a Virginia State Park for free.

REI customers will receive a coupon on their receipt good for one day of free parking in any state park. The coupons don't expire and the program is open-ended.

"This is a great opportunity for us to reach people who enjoy the outdoors but haven't necessarily considered visiting a state park," said State Parks Director Craig Seaver. "Virginia is rich in outdoor recreational opportunities, and we recognize visitors have a variety of venues where they can spend their time. This public-private partnership with REI allows us to reach prospective visitors when they are buying outdoor equipment. We want them to know that Virginia State Parks are a natural choice for camping, hiking, biking, boating and countless other outdoor activities."

Participating REI stores are in Virginia Beach, Richmond, Woodbridge, Fairfax, Bailey's Crossroads and Tyson's Corner.

"At REI we believe a life outdoors is a life well lived, and our partnership with Virginia State Parks gives folks an opportunity to enjoy some great parks. We look forward to a continued partnership and giving REI members access at a reduced cost," said Ray Dinterman, retail director, Mid-Atlantic District.

REI Co-Op members who join the Virginia State Parks Loyalty Program receive 10,000 points (good for a free night of camping) and 10 percent discounts on future campsite reservations.

The Customer Loyalty Program rewards visitors who stay in cabins, lodges, campsites, yurts, camping cabins and camping lodges. Points can be redeemed for free accommodations.

**For more about the program, visit <http://bit.ly/VSPloyalty>.**

**Virginia State Parks are managed by the Virginia Department of Conservation and Recreation. For more information about Virginia State Parks activities and amenities or to make a reservation for one of the more than 1,800 campsites or 300 climate-controlled cabins, call the Virginia State Parks Customer Care Center at 800-933-7275 or visit [www.virginiastateparks.gov](http://www.virginiastateparks.gov).**

## Just Say, "No"

Your biggest customer is outlining their latest list of "value added" demands. (That's code for free stuff) They eventually get to the bottom of a list that includes everything from free sponsorships, to two tickets to next year's production of "Frozen on Ice". Once complete, they look to you for your response. You look the client in the eyes, smile and calmly say... NO.

I know what you're thinking, "Are you crazy?"

OK, so let's modify our response from no... to "No, But, If." A four step process!

1. First say "no" nicely, remorsefully, respectfully and carefully.
2. Follow up "no", with, "But, I could..." You will now fill in this blank with the most important items from their list. (Like those "Frozen" tickets.)
3. Next add, "If, you would..." It's time to fill your needs. (Larger share, longer agreement, higher rate.)
4. Then ask them for the commitment, "Can we make this happen?" pause and wait for their response. Example: "No, I'm sorry, I can't add in the web streaming at no charge." But, I could add it in at a very low charge if you would be willing to extend your schedule from 13 to 26 weeks. Can we make that happen?" The process will work, but only if you try. Good selling and remember it's OK to just say, "No... but if"

To view the complete course "Just Say No", and for additional sales tips just login to your training account through P1 Learning and the VAB at [vabva.thinkzoom.com](http://vabva.thinkzoom.com) for hundreds of video courses.



## 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](http://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	
News Producer	Richmond, VA	Full Time	News	Young Broadcasting of Richmond Inc.	5/23/2016
Account Executive	Richmond, VA	Full Time	Sales	Young Broadcasting of Richmond Inc.	5/23/2016
News Anchor	Roanoke	Full Time	News	Nexstar Broadcasting	5/20/2016
Weekend Anchor/ Reporter/ Multi-media Journalist	Roanoke, VA	Full Time	News	WDBJ Television, Inc.	5/17/2016
Multi-Media Journalist	Roanoke, VA	Full Time	News	WDBJ Television, Inc.	5/17/2016
Technical Media Operator (Part-time)	Richmond, Virginia	Part Time	Production	Young Broadcasting of Richmond Inc.	5/17/2016
Account Executive	Winchester/ Leesburg	Full Time	Sales	Centennial Broadcasting II, LLC	5/16/2016
Traffic Coordinator	Lynchburg, Virginia	Full Time	Business / Admin	Morning Star Broadcasting, LLC	5/16/2016
On-Air Television Host / Digital Lifestyle Content Correspondent	Norfolk/Portsmouth/ Virginia Beach	Full Time	Production	WAVY-TV 10 Media General	5/13/2016
Multi-Media Journalist (avail 06/2016)	Norfolk/Portsmouth/ Virginia Beach	Full Time	News	WAVY-TV 10 Media General	5/12/2016
Digital Content Producer	Lynchburg	Full Time	News	Sinclair Television Stations, LLC	5/11/2016
Air Personality WSLQ	Roanoke, VA	Hourly	On Air	Mel Wheeler Inc.	5/11/2016

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

[www.vabonline.com/careers](http://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](http://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.

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

We hope to see you all there!

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

# DOL's Final Rule Expands Overtime Eligibility for Millions of Workers

By John G. Kruchko and

**Executive Summary:** On May 18, 2016, the U.S. Department of Labor (DOL) published its long-awaited Final Rule amending the “white collar” exemption tests for executive, administrative, and professional employees under the Fair Labor Standards Act (FLSA). These new regulations increase the threshold minimum salary to \$913 per week (\$47,476 annually), doubling the annual salary previously required for an employee to be considered exempt from overtime under the FLSA’s white collar exemptions. The regulations also increase the minimum salary threshold under the “highly-compensated” exemption to \$134,004 annually. Although the Final Rule does not change the



current duties test, it contains a mechanism to automatically adjust the minimum salary thresholds every three years. The regulations are to become effective by December 1, 2016.

## What Changes Did the Regulation Make?

**Salary Basis Test.** Since 2004, for employees to fall within the white-collar exemptions, they must have been paid a salary of at least \$455 per week (\$23,660 annually), and must have performed delineated exempt duties. The new regulations increase this salary threshold to \$913 per week (\$47,476 annually), by tying the required salary level to the 40th percentile of earnings for full-time salaried workers in the lowest-wage census region, which currently is the South region. Although the Final Rule does not set the threshold as high as the DOL had proposed in June 2015, this is still a significant increase that will affect millions of workers nationwide.

**Inclusion of Non-discretionary Bonuses and Incentive Payments.** For the first time, employers will be able to use non-discretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the salary basis requirement. Such payments may include non-discretionary incentive bonuses tied to productivity and profitability. However, such payments must be paid on a quarterly or more frequent basis in order to be applied to satisfy up to 10 percent of the now required \$913 per week (\$47,476 annually) threshold.

**Highly Compensated Exemption.** The DOL’s regulations contain a special rule for “highly compensated” workers, which previously provided that such employees are exempt if they earn a salary of at least \$455 per week, are compensated more than \$100,000 annually (which can include commissions and non-discretionary bonuses earned during the year), primarily perform office or non-manual work, and customarily and regularly perform at least one of the exempt duties of an exempt executive, administrative, or professional employee. The Final Rule increases the salary threshold to \$134,004

*Continued on page 6*



annually, based upon the 90th percentile of full-time salaried workers nationally. Highly compensated employees must still receive at least the minimum salary per pay period (now \$913 per week), exclusive of non-discretionary bonuses and incentive payments. However, as under prior regulations, non-discretionary bonuses and incentive payments may be used to count towards the total annual compensation requirement.

**Effective Date.** The Final Rule will become effective December 1, 2016.

**Automatic Updating Every Three**

**Years.** Although in June 2015 the DOL proposed annual updates to the salary basis test, the Final Rule provides automatic updates every three

years, beginning on January 1, 2020. This is still unprecedented and a huge administrative burden for employers. The updated salary basis threshold will be based upon the 40th percentile of weekly earnings for full-time salaried workers in the lowest-wage census region. The DOL will publish the updated rates in the Federal Register at least 150 days before their effective date. Based on current estimates and wage growth projections, the minimum salary threshold could rise to \$51,000 by 2020.

**Duties Test.** The Final Rule has made no changes to the existing duties test.

**Impact on Employers.** The immediate impact will be that employers in every state will be required to review the exempt status of their employees. For some employers, the new regulations could mean that many, if not most, of their employees will immediately become non-exempt upon the effective date of the regulation. For obvious reasons the regulations may have a disproportionate impact on certain regions and industries. In addition, employers should anticipate that states will increase their state law salary basis thresholds in the future. The DOL's new regulations have increased the FLSA's salary basis test to an amount greater than even California, which is currently the nation's highest at \$41,600 annually. It is possible that certain states, including California, may attempt to provide even broader and greater protections than those afforded by the DOL's new regulations.

**What Should Employers Do?** Employers should conduct an immediate audit of their workforce, including all those employees affected by the increase in the salary basis test. Employers will have to make tough decisions including: whether to reclassify employees as non-exempt and how to calculate and determine the appropriate hourly pay for such workers; whether to increase salaries in order to maintain the exemption; how to expand or modify their timekeeping and other procedures to appropriately track time worked; and/or consider other compensation methods and alternatives to ensure compliance while keeping costs in check. Employers should consult an attorney so that they can effectively audit their workforce, discuss confidentiality and privilege issues, and come into compliance with the new regulations prior to their effective date, and do so in a manner that reduces the negative effects upon the company's business and budget.

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