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Newsletter

Virginia Association of Broadcasters

February 2010

FCC Looks to Broadcasters to Free Up Wireless Spectrum

Federal Communications Commission Chairman Julius Genachowski has announced a forthcoming plan to free up 500 megahertz of spectrum to wireless carriers over 10 years, as part of the National Broadband Plan. Parts of the plan will be released to the commissioners at an open meeting on March 16 and the full plan will be released to Congress on March 17.

"We need to tackle the challenge of connecting 93 million Americans to our broadband future," said Genachowski. "In the 21st century, a digital divide is an opportunity divide. To bolster American competitiveness abroad and create the jobs of the future here at home, we need to make sure that all Americans have the skills and means to fully participate in the digital economy."

Genachowski hopes some of the airwaves would come from broadcasters, which would get a portion of spectrum auction proceeds. However, he did not say how much the broadcasters would be paid to give up their licenses to use the airwaves.

Genachowski also proposed allowing spectrum sharing and other measures to ensure that wireless airwaves are used more efficiently going forward. He said broadcasters typically use just 36 megahertz of the 300 megahertz of spectrum they are allocated in small markets with less than 1 million people. In larger markets, they use only about 100 megahertz.

"The highly valuable spectrum currently allocated for broadcast television is not being used efficiently -- indeed, much is not being used at all," Genachowski said at a broadband event hosted by the New America Foundation. "Even in our very largest cities, at most only about 150 megahertz out of 300 megahertz are used."

But the National Association of Broadcasters disagreed that they were using spectrum inefficiently.

"As a one-to-many transmission medium, broadcasters are ready to make the case that we are far and away the most efficient users of spectrum in today's communications marketplace," said NAB Spokesman Dennis



Wharton. "We look forward to working with policymakers to help expand the roll-out of broadband without threatening the future of free and local television, mindful of the

fact that local TV stations just returned more than a quarter of our spectrum following our transition to digital." ❖

NAB to Debut Destination Broadband

The 2010 NAB Show will debut Destination Broadband, a dynamic new exhibit area focusing on advances and applications for broadband technology, April 12 - 15 in Las Vegas. Destination Broadband, featuring more than 50 leading-edge companies and a presentation theater, will examine the entire online video experience within the broadband ecosystem from back end infrastructure to revolutionary technologies for the home.

A pavilion within Destination Broadband will feature three specialized areas - Broadband Innovations, Mobile Solutions and Broadband Lifestyles, a living room-like setting for consumer products and services. The pavilion will comprise more than 25 companies showcasing the latest in content delivery network solutions, online

video, IPTV, video streaming and advertising and monetization platforms enabled by broadband.

"The ability of broadband technology to increase audience reach across multiple platforms, expand monetization options and make anytime, anywhere content a reality will profoundly impact the future of media and entertainment," said NAB Executive Vice President of Conventions and Business Operations Chris Brown.

The NAB Show's renowned annual exhibition comprises more than 1,500 companies covering over 800,000 net square feet. Other technology focused pavilions include the Mobile DTV Pavilion, 3D Pavilion, Technologies for Worship and Content Central. ❖



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FEBRUARY COMPLIANCE TIP

How Large is Your Public File?

Public Inspection Files have a way of expanding and becoming larger than they really need to be. It is easy to acquire a mindset that having too much in your Public File is better or safer than not having enough. Consequently, items end up being “thrown in” and “left in” making it a repository for the wrong documents (the subject of another tip) or more documents than necessary.

On one level, this practice seems safe, but it is fraught with problems. Important documents land in the wrong place becoming hard to find or worst of all are lost or tossed. This month’s tip is simple; however, it will take a little discipline. The month after that the quarter ends (January, April, July and October), schedule a few minutes to remove those files not required to be in the Public File. Items like documents from political campaigns that are older than two (2) years and letters/emails from the public older than three (3) years. Please note that even though you can remove these documents, it is a good idea save them in a private file.

With the spring so close, now is the perfect time to do some cleaning of your Public Inspection File. The first time might take longer, but just fifteen (15) minutes each quarter will help keep it in great manageable shape. This is a good simple start. ♦

This compliance tip has been provided by Harrison Pittman of On-Time Online Broadcast Compliance, www.OnTimeOnlinebc.com, hpittman@ontimeonlinebc.com



Remember to update your station profiles on the VAB website! New information has been added to make it easier for VBS media buyers to market your station. To update your information, please go to www.vabonline.com/members/login.aspx, log in, then click on “Your Stations.” If you’ve forgotten your username or password, email christina.meyer@easterassociates.com.

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(from right) Jeffrey Marks, President & General Manager, WDBJ7 (CBS), Frank Rogan, President & CEO, United Way of Roanoke Valley, (the host agency for Smart Beginnings of Greater Roanoke), and James Baum, President & CEO of Blue Ridge PBS, show off Laurence E. Richardson award check presented during the live JobQuest broadcast on Tuesday, February 16.

Music Professionals Address FCC on Wireless Band Protection

American Idol Music Director Ricky Minor and prominent music producer Phil Ramone are lobbying the FCC to protect them from interference as it relocates those devices to the DTV band and prepares to open up spectrum for unlicensed wireless devices.

"On American Idol...we would simply not be able to deliver the entertainment value millions have experienced without the use of wireless microphones," wrote Minor in a letter to FCC Chairman Julius Genachowski.

"If in the future obtaining a license to operate our wireless microphones could

mean the difference between a performance free from interference and one that is not, the professional music community will be the first in line to get licensed. Our livelihood, and the joy that American musical performances bring to this country and to the world, depends on it."

The FCC is considering expanding the type of microphones that are eligible for licenses. Ramone said that is a good thing. "As I understand it, the FCC license stands to take on heightened importance as new services attempt to share the radio spectrum wireless microphone operators have used responsibly for decades. Pioneered by the broadcaster,

wireless audio now touches almost every aspect of our lives. We certainly would not want the future to arrive at the expense of the present," he wrote.

Both letters were also filed as comments at the FCC in several dockets relating to wireless microphones. There have been a couple hundred filings by representatives of churches, concert venues, theaters, TV producers and others, all wanting to make sure that the FCC's desire to allow more wireless devices like laptops and smart radios to share spectrum with incumbent users like wireless microphones does not result in increased interference. ❖

Congressional Support Grows for Local Radio Freedom Act

Four additional House Democrats have voiced their opposition to performance tax legislation as the Recording Industry Association of America (RIAA) continues to lobby for requirement of local radio stations to pay an additional fee for every song aired.

Reps. Travis Childers (MS-1), Mike McMahon (NY-13), Bill Owens (NY-23), and Mark Schauer (MI-7) are the newest co-sponsors of the Local Radio Freedom Act, a bipartisan resolution supported by 256 House lawmakers and 27 U.S. Senators (as of February 22), which expressly opposes "any new performance fee, tax, royalty or other charge" on local radio stations for music aired free to listeners.

Just as Congressional opposition to the record label-led performance tax effort continues to grow, so too does the number of musical artists that recognize the promotional power of free radio airplay. In a recent appearance on "Oprah," Grammy-winning country band Lady Antebellum reflected on hearing their song played on local radio for the first time.

"It was Rochester, New York," band member Charles Kelly explained. "We had just had dinner with [the DJ] that night, and we called in and said: 'Can you please play this song? We've never heard it on the radio.' And he did, and the tears started coming."

"We had just released it a couple of weeks before, and it was definitely something we'll never forget," band member Hillary Scott continued.

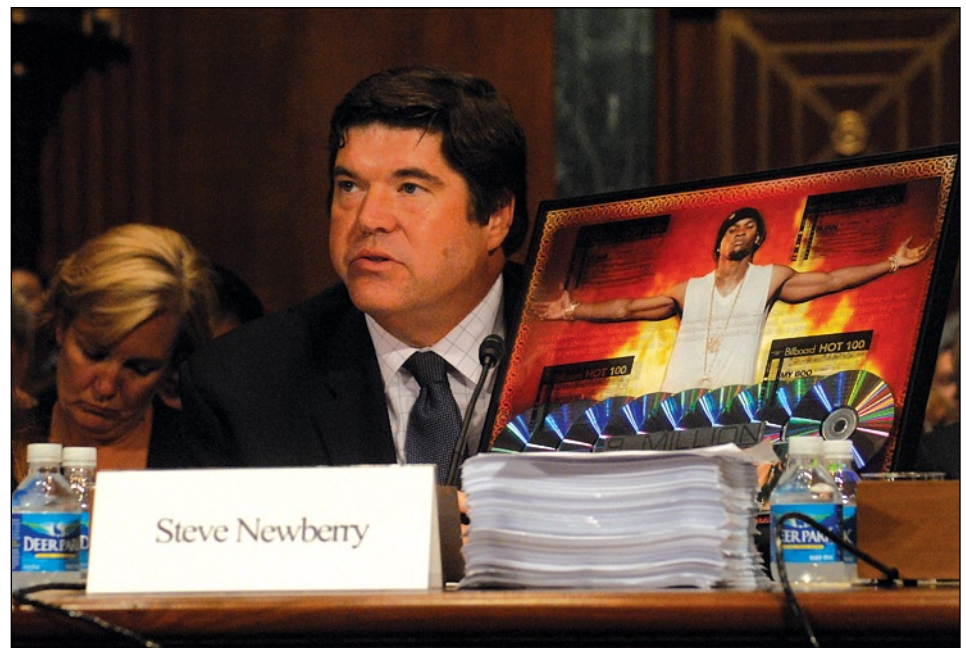
Lady Antebellum's recognition of the role local radio played in boosting their

career follows similar public praise from dozens of recording artists and record label executives, including U2's Bono, rapper Lil Wayne, country musician Taylor Swift, and legendary music mogul Clive Davis.

"We're pleased that the bipartisan Congressional opposition to an RIAA tax on free radio continues to grow," said NAB Executive Vice President Dennis Wharton. "Local radio provides an unparalleled promotional platform for the record labels and performing artists, as validated by the comments of Lady Antebellum. We're hopeful that Congress will ultimately reject RIAA's reckless campaign against America's home-

town radio stations."

"Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air, or on any business for such public performance of sound recordings," reads The Local Radio Freedom Act, which was unveiled at a 2009 Capitol Hill event hosted by the Free Radio Alliance. The resolution was introduced by Reps. Gene Green (TX-29) and Mike Conaway (TX-11) in the House and by Sens. Blanche Lincoln (AR) and John Barrasso (WY) in the Senate. ❖



NAB Education Foundation Launches Competition

A new competition combining student initiatives and local broadcasters is open nationwide to college communications students, the NAB Education Foundation (NABEF) announced today. Sponsored by NABEF and the McCormick Foundation, the Call to Service Collegiate Competition will give students the opportunity to create a unique community service project that will be highlighted by a partnering local radio or television broadcaster. Winners will be honored during the 2010 NABEF Celebration of Service to America Awards, held at the Hyatt Regency Washington on Capitol Hill Monday, June 14.

The competition challenges communications students to develop and submit

a proposal designed to benefit their local communities. NABEF will select up to 20 submissions to compete for scholarships awards, and will also identify potential broadcast partners for the selected finalists. Additionally, students may choose to partner with their college broadcast stations. Broadcasters will assist with the student community service projects in a variety of ways, including highlighting the project during newscasts, participating in events planned by the student and running PSAs for the event.

Each entry will be judged based on creativity, community involvement and use of media and technology to chronicle the project. First and second place winners will receive free travel accommodations for

the 2010 NABEF Celebration of Service to America Awards, where they will be honored for their contributions to their local communities. Additionally, winning entries will receive the following scholarships and matched donations:

- 1st Place: \$10,000 Scholarship/
\$10,000 Donation
- 2nd Place: \$5,000 Scholarship/
\$5,000 Donation
- 3rd Place: \$2,000 Scholarship/
\$2,000 Donation

For additional competition information, visit <http://www.nabef.org/initiatives/callToService.asp>. ❖

NAB and Governor Commend Storm Media Coverage

National Association of Broadcasters President and CEO Gordon Smith praised local radio and television broadcasters across the Midwest, the Mid-Atlantic and the East Coast for their news and weather coverage of historic snow storms in recent days.

"NAB salutes coverage of the record-breaking snow storms across huge segments of America in the last week, which stands as a remarkable testament to the enduring value of free and local broadcasting," said NAB President and CEO Gordon Smith. "Broadcasters have always been a lifeline in times of crisis, but never more so than in recent days for millions of Americans living in the path of these historic storms.

"Put simply, there is no technology that matches the reliability and immediacy of a local broadcast signal delivering credible information to thousands of people simultaneously. NAB thanks the scores of dedicated personnel at local radio and television stations and the broadcast networks for their distinguished public service."

As noted by several consumer and trade news publications, many local stations across



the storm region pre-empted regularly-scheduled programming and limited commercials for continuous news coverage of the 2010 snow storms. The local broadcast efforts were recognized by The Baltimore Sun ("Baltimore TV goes all live, local for second storm"), The Philadelphia Inquirer ("Local TV news comes through in the storm"), the New York Daily News ("Winter storm blows in exceptional - and unusual - snow coverage by Ch. 4 WNBC"), The Washington Post ("Weather coverage lets local TV stations such as WUSA, WRC and WJLA stand out"),

Broadcasting & Cable ("As the Snowy World Turns"), and NTS MediaOnline ("Snowl-palooza! 2010," "Blizzard challenges Philly and NYC stations, too," and "Nothing like a team-building sleepover"), among others.

The snowstorms that struck the Commonwealth over the past month were unprecedented in many regions," said Virginia Governor Bob McDonnell. "Countless men and women went above and beyond to serve Virginia's citizens, communities and neighbors, putting others before themselves to help in a time of need." ❖

Save The Date

73rd Annual VAB Summer Convention

June 24-26, 2010

Hilton Virginia
Beach Oceanfront



SPECIAL SECTION: 2010 Industry-Related Legislation

VAB lobbyists are monitoring the following legislation currently before the 2010 Virginia General Assembly. Members are encouraged to provide feedback to legislators by calling the General Assembly's toll-free constituent viewpoint hotline at (800) 889-0229.

(Remaining VAB Legislation As of February 18, 2010)

HB 79 Concealed handgun permit; prohibits clerk of court from providing public access to applications. (OPPOSE) Prohibits a clerk of court from providing public access to concealed handgun permit applications and information regarding identifiable permittees without the written consent of the applicant or permittee. The applications and information would be available to law-enforcement agencies, and the clerk of court would be authorized to release aggregate information that does not identify individual applicants or permittees. Patrons: Ware, R.L., Cole, LeMunyon and Pollard. 02/16/10 House: VOTE: --- PASSAGE (87-Y 10-N). 02/17/10 Senate: Referred to Committee for Courts of Justice

HB 211 Freedom of Information Act; definition of scholastic record. Includes in the definition of scholastic records, those records of an applicant for admission that are maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution. Patron: Bulova. 02/08/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N). 02/09/10 Senate: Referred to Committee on General Laws & Technology.

HB 431 Freedom of Information Act; proceedings for enforcement. Clarifies that a FOIA action may be brought in the name of a person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. The bill also clarifies that costs and reasonable fees for expert witnesses may be recovered by the petitioner in a FOIA action. Patron: Griffith. 02/08/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N). 02/09/10 Senate: Referred to Committee on General Laws & Technology.

HB 432 FOIA; exemption for working papers and correspondence of Clerks of House and Senate. Provides an exemption from the mandatory disclosure requirements of FOIA for the working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia. Patron: Griffith. 02/08/10 House: Passed 97-0. 02/09/10 Senate: Referred to Committee on General Laws & Technology.

HB 433 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Sets out the original date (January 1, 1975) when social security numbers were authorized to be collected/required by state and local agencies under federal law, which is a recommendation of the Freedom of Information Advisory Council. The bill also provides that nothing shall be construed to prohibit the collection of a social security number for the sole purpose of debt collection by state and local agencies. Patron: Griffith. 02/16/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N). 02/17/10 Senate: Referred to Committee on General Laws and Technology

HB 434 Freedom of Information Act; exemption for credit card and bank account data. Exempts from the mandatory disclosure provisions



sions of the Freedom of Information Act, those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. The bill provides, however, that access shall not be denied to the person who is the subject of the record. The bill defines "financial institution" and contains an emergency clause. The bill is a recommendation of the Freedom of Information Advisory Council. Patron: Griffith. 02/08/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N). 02/09/10 Senate: Referred to Committee on General Laws and Technology.

HB 518 Freedom of Information Act; public body shall remain responsible for retrieving public records, etc. (SUPPORT as amended) Provides that in the event a public body transferred possession of public records for storage, maintenance or archiving, the public body initiating the transfer shall remain the custodian of the records for the purpose of responding to FOIA requests. The bill also adds a definition of "criminal investigative file" and clarifies what records are exempt from FOIA as so defined. The bill provides that undercover operations and protective detail records as well as records of background and internal affairs investigations held by any state or local law-enforcement agencies are exempt from the mandatory disclosure provisions of FOIA. Patron: Rust. 02/12/10 House: Passed 96-0. 02/15/10 Senate: Referred to Committee on General Laws & Technology.

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Industry-Related Legislation

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HB 641 Freedom of Information Act; requests for records may be made by any citizen of United States. Provides that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth and extends the same privilege to representatives of newspapers and magazines. The bill provides that this privilege is limited to those states that give reciprocal rights to make FOIA requests to Virginia citizens. The bill also allows a public body to require prepayment before providing requested records when the amount for so producing is likely to exceed \$100. Patrons: Armstrong and Dance. 02/16/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N). 02/17/10 Senate: Referred to Committee on General Laws and Technology.

HB 903 Threat assessment teams; exempts records established at public institutions of higher education. (OPPOSE) Exempts all records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention. Patron: Bell, Robert B. 02/04/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N). 02/11/10 Senate: Rereferred to Committee on General Laws and Technology.

HB 976 FOIA; party whom writ is served must be served a copy of petition prior to filing. (AMEND) Clarifies that before a FOIA petition is filed, the party against whom the writ is brought must receive a copy of the petition within a reasonable time prior to the petitioner filing the petition with the court. The bill contains a technical amendment and incorporates HB 689. Patrons: Anderson and Lingamfelter. 02/08/10 House: Passed 97-0. 02/09/10 Senate: Referred to Committee on General Laws & Technology.

HB 1028 Freedom of Information Act; recording of public meetings. Prohibits any public body from conducting a meeting required to be open in any building or facility where any recording devices are

prohibited. The bill also clarifies that no public body may prohibit or prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. Patrons: Pollard; Senator: Stuart. 02/08/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N). 02/09/10 Senate: Referred to Committee on General Laws and Technology.

SB 207 Threat assessment teams; members established by higher educational institutions may obtain records. Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention. Patron: Edwards. 02/15/10 Senate: Passed Senate (40-Y 0-N). 02/17/10 House: Referred to Committee on Education.

SB 432 Freedom of Information Act; record exemption for the Statewide Agencies Radio System (STARS). Provides an exemption from FOIA for documentation or other information that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the Statewide Agencies Radio System (STARS) or any other similar local or regional communications system (similar communications system) (ii) relates to radio frequencies assigned to or utilized by STARS or similar communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or similar communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or similar communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of any person. Patron: Edwards. 02/15/10 Senate: Passed 40-0. 02/17/10 House: Referred to Committee on General Laws. ❖

For coverage in future issues, please send announcements/press releases and accompanying photographs to derek.breen@easterassociates.com or mail to:

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Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.





SEX DISCRIMINATION: New Case Law May Require You to Rethink Your Office Conduct and Employment Decisions

By John G. Kruchko and
Christin L. Eberst*

With the economy still rebuilding, employers need to be cautious in the way they monitor, interact with and/or terminate employees; the last thing an employer needs is a lawsuit to fund. The number of discrimination and harassment suits brought against employers continues to increase. In addition, recent court decisions reveal a trend towards a more protective, pro-employee position when evaluating whether a legitimate claim of discrimination exists. For some employers, this could mean more lawsuits and longer, more expensive battles in court.

Two recent cases illustrating this new trend by the courts are *Lewis v. Heartland Inns of America, L.L.C.* ("Lewis") and *Reeves v. C.H. Robinson Worldwide, Inc.* ("Reeves"). Both federal court cases analyze an employee's

discrimination claim for violations of Title VII of the Civil Rights Act of 1964. Among other protections, Title VII prohibits discrimination based upon sex, sexual harassment, and the creation of a hostile work environment due to sexual harassment. Employees who feel they have been harassed or discriminated against on the basis of sex in the workplace may bring a lawsuit against their employer. Under Title VII, an individual bringing suit must demonstrate that gender is a motivating factor for an adverse employment action. In the first federal case, *Lewis*, the court concluded that an adverse employment action based upon an employee's non-conforming gender-related behavior was sufficient to meet Title VII's standards. In other words, an employer's decision to terminate an employee who failed to fit a particular "look" may qualify as discrimination.

In *Lewis*, Brenna Lewis began working at the front desk as a night

auditor for Heartland Inns of America. After a year, Ms. Lewis did well enough to receive two merit-based pay raises and positive customer feedback. Ms. Lewis also worked various part-time front desk shifts at other Heartland Inns, where she received positive reviews from all her direct supervisors. Subsequently, Heartland's Director of Operations, Barbara Cullinan, granted Ms. Lewis's direct supervisor, Lori Stifel, permission via telephone to offer Lewis a day-time position.

Ms. Cullinan's approval of Ms. Lewis drastically changed after seeing her in person. Ms. Cullinan told Ms. Stifel that she was unsure whether Ms. Lewis was a "good fit" for the front desk and repeatedly questioned Ms. Lewis' more "masculine" appearance. Ms. Lewis admittedly described her appearance as more "masculine" due to her preference

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* John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Christin L. Eberst is an Associate with the Firm. For more information, please contact Mr. Kruchko or Ms. Eberst at (703) 734-0554 or JKuchko@KruchkoandFries.com, or CEberst@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

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to wear loose fitting clothing, limited use of makeup, and short hair style. Ms. Lewis also acknowledged having been mistaken for a male and referred to as "tomboyish." Ms. Cullinan told Ms. Stifel that Ms. Lewis lacked the "Midwestern girl look" that Heartland staff should portray. Subsequently, Ms. Cullinan ordered Ms. Stifel to move Ms. Lewis back to the night shift, which Ms. Stifel refused to do. Ms. Stifel was ultimately asked to resign. Ms. Cullinan then asked Ms. Lewis to re-interview for the position, who complied and was fired three days later.

Ms. Lewis filed a lawsuit against Heartland on the theory that Heartland engaged in sex discrimination by enforcing a de facto requirement that a female employee conform to gender stereotypes even though the company had no written policies. In order to successfully bring a claim under Title VII, Ms. Lewis had to show that there was sufficient evidence that a reasonable person could find that she was discriminated against because of her sex. The lower court held that Ms. Lewis failed to meet this standard. However, the Court of Appeals disagreed, reversed the lower court's decision and held that sexual stereotypes can violate Title VII when they influence employment decisions, such as in Ms. Lewis' situation. Thus, an employer must recognize that adverse actions based on an employee's failure to fit within a certain sexual stereotype is engaging in sex discrimination.

In a second case, a federal appellate court's decision reflects a potential shift in the law that may very well be persuasive in local jurisdictions or be upheld by the U.S. Supreme Court. Previously under Title VII, an employee was required to show that (1) he or she was discriminated against or harassed because of their sex; and (2) the harassment was directed specifically at that employee. Now, an employee may have a valid claim of hostile work environment based on sex discrimination even though the alleged harassment was not directed specifically towards that individual employee. Reeves illustrates this shift in the law.

In Reeves, employee Ingrid Reeves began working for C.H. Robinson Worldwide in July 2001 as a transporta-

tion sales representative. Ms. Reeves was the only woman working on the sales floor, with six other male co-workers in a cubicle-style office. Ms. Reeves claimed she was constantly exposed to incessant, vulgar and generally offensive language. Additionally, the other employees would tune the office radio to a crude morning show that featured sexually derogatory conversations about the female anatomy. While Ms. Reeves claimed she was exposed to this generally offensive conduct on a daily basis, she admits that none of the employees directed such comments towards her. Regardless, Ms. Reeves complained to her co-workers, and her branch manager and supervisor about both the non-gender-specific offensive language, and the vulgar, gender-specific language used by her co-workers. Ms. Reeves later resigned from her position and brought suit against her employer after her complaints went unaddressed.

The U.S. Supreme Court has consistently held that Title VII is not a "general civility code" and it does not prohibit profanity in the workplace merely because the words used have sexual content or connotations. Rather, a court is required to consider whether a member of one sex is exposed to disadvantageous terms or conditions of employment to which members of the opposite sex are not exposed. While deferring to the Supreme Court's guidance, the appeals court hearing Ms. Reeves' case emphasized a distinction between general office vulgarity and conduct that a reasonable person in Ms. Reeves' situation would find severely hostile and abusive. Significantly, the court reiterated that a person may have a valid Title VII harassment claim even if the speech is not directed specifically at an individual if the words and conduct are sufficiently gender-specific and are severe or pervasive.

This case illustrates the need for employers to take every employee's concerns and complaints seriously. While Title VII does not require an employer to oversee its employees' every move, it does require it to take the appropriate action to prevent employees' use of profanity and gender-specific language from creating a hostile and abusive work environment. This is especially true after an employee expresses his or her concern that a work environment is offensive. Following the Reeves decision,

employers may now have a heightened duty to closer supervise its employees' conduct to ensure any gender-related language and discussions do not rise to the level of harassment, even if such conduct is not directed towards any specific individual.

Given the courts' increasing sensitivity towards Title VII sex discrimination and harassment, employers need to carefully assess their employment actions and their employee's conduct. Adverse employment actions motivated by gender stereotypes or vulgar language used by employees, even though not directed at a specific individual, may result in an unwanted Title VII discrimination lawsuit. Thus, if management is aware of such conduct, it should take the necessary steps to prevent and eliminate such conduct and protect itself from potential liability. ♦

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2010 VAB Station Awards

The Virginia Association of Broadcasters Station Awards Program is sponsored annually by the VAB to recognize outstanding achievement by Virginia radio and television broadcasters.

This competition was established to encourage the highest standards of reporting, community service and production creativity.

To find out more about the VAB Station Awards, please visit www.vabonline.com.

Entries must be postmarked no later than April 9, 2010.

FEBRUARY JOB BANK

SUBMIT JOBS

Submit to VAB Newsletter:

- Please email the listing directly to derek.breen@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

Photographer

WVEC-TV is looking for a creative and energetic photographer with an understanding of NPPA principles. Candidates should have at least one year experience shooting and editing news. One year working/operating a microwave truck necessary. Candidates should be flexible in work schedule to provide maximum news coverage and work a specific "on call" schedule. Live in a great region, right on the ocean and cover stories in a very competitive news market. Send resume and tape (DVD, Beta SP or SX) to Tony Church, Chief Photographer, WVEC-TV, 613 Woodis Avenue, Norfolk Virginia, 23510. tchurch@wvec.com. No phone calls. WVEC-TV is an Equal Opportunity Employer.

News/Web Producer

WTVR-TV has an immediate opening for a part time News/Web Producer. Applicant should have at least two years of experience line producing. Applicant must be a strong writer, have solid news judgment, produce energetic and compelling newscasts and adjust quickly and efficiently to breaking news situations. Monitoring and updating the news portion of our station web site is also required. Please send your resume and most recent newscast to: WTVR-CBS6, Attention Sheryl Barnhouse, Assistant News Director, 3301 W. Broad Street, Richmond, VA 23230. EOE.

General Manager

Tidewater Communications is seeking a General Manager. This is an attractive position in an attractive market, Norfolk, VA. Quality staff with historic years of strong positioning. The proper candidate should excel in sales, sales structure, and organization. This candidate should also be able to demonstrate that he/she understands the importance of programming and has successfully run profitable stations with healthy reputations in their markets. Large market management is preferred, but don't be intimidated if you know that it is now your time in the sun. We also look for career stability. Email resume to: Warren Lada, Sr. Vice President/Operations, Saga Communications, warren.lada@sagacom.com. Saga Communications, Inc. is an Equal Opportunity Employer.

PT Evening Production Assistant

Start your career in television as part of our evening news production team. The hours for this position are 3 p.m.-12a.m. and must be willing to work weekends. Responsibilities include video editing and camera operation. Experience preferred, but training is available. Pay rate starts

at \$8.00 an hour. Send resume to WHSV-TV, Attn: John Davis, Evening Production Assistant Part-Time, 50 North Main St., Harrisonburg, VA 22802. WHSV-TV is a drug free workplace. EOE

MCO

CBS19 is now hiring for full time TELEVISION MASTER CONTROL OPERATOR. Responsibilities include on-air operation of master control switcher and related equipment plus set-up and airing of program material. Requires strong attention to detail, and the ability to handle multiple simultaneous functions. Strong technical and computer operating skills, the ability to maintain accurate logs and calculate program timings are also required. Position is full time and must be available for all shifts, including overnights, weekends and holidays. Charlottesville Newsplex is an Equal Opportunity Employer and a Drug-Free Workplace

Engineer

CBS19 is currently seeking full time, experienced ENGINEER to assist in newscasts and perform electronic maintenance. This person will have excellent people skills, strong electronic maintenance skills and the ability to calmly adapt to the changing priorities of a busy news-oriented television stations. The ideal candidate will have a working knowledge of video, audio, LAN systems, TCP/IP, computer configuration & software installation. Candidate must be capable of lifting a minimum of fifty pounds, must possess a current driver's license with a great driving record and be available for all shifts, including overnights, weekends and holidays. Charlottesville Newsplex is an Equal Opportunity Employer and a Drug-Free Workplace

New Media Sales Director

WAVY-TV in the Norfolk, VA market is seeking a New Media Sales Manager to lead an experienced, high-performance sales team on selling the fastest growing websites in Hampton Roads. Successful candidates should have minimum three years of advertising/new media sales experience, management experience a plus. A focus on leadership, technology, customer service, presenting and positioning is key. You will be leading a great Local Sales team on the latest new media technology in a great market. Please mail cover letter and resume to Michelle Campbell, New Media Sales Development Director, LIN Media, 300 WAVY Street, Portsmouth, VA. 23704 or e-mail michelle.campbell@wavy.com No phone calls, please. EOE.

Production Assistant PT

WSET-TV is an Equal Opportunity Employer. No qualified person shall be discriminated against in employment because of race, color, creed, religion, sex, national origin, age, or any other reason prohibited by federal, state, or local law. We solicit your assistance on this opening and future possible openings. Primarily responsible for in-studio production assistance, including the operation of Camera, Audio, character generator, or etc. as assigned by shift supervisor. Also responsible for field technician assistance for Creative Services as needed. Knowledge of television production or willingness to learn. Knowledgeable in the operation of personal computers. Basic understanding of audio-visual components. Some knowledge of electronics preferred, but not necessary. Available to work irregular hours and holidays. Also available for long hours during special circumstances. Access to an automobile if needed for transportation. Please apply in writing to Director of Human Resources, WSET-TV,

P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F.

Videographer PT

WSET-TV is an Equal Opportunity Employer. No qualified person shall be discriminated against in employment because of race, color, creed, religion, sex, national origin, age, or any other reason prohibited by federal, state, or local law. We solicit your assistance on this opening and future possible openings. The Video-Journalist position, with emphasis on Photojournalism, is primarily responsible for gathering news by shooting and editing videotape of news, sports, and special features and responsible for setting up ENG vans for live remotes. This person must display high journalistic standards and be prepared to cover stories alone which will require using effective interviewing techniques. 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, which has prepared the applicant to perform the required functions of the job. 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. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references.

Producer FT

WSET-TV is an Equal Opportunity Employer. No qualified person shall be discriminated against in employment because of race, color, creed, religion, sex, national origin, age, or any other reason prohibited by federal, state, or local law. We solicit your assistance on this opening and future possible openings. 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. 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 which has prepared the applicant to perform the required functions of the job. 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, acceptable driving record maintained. Ability to act and react appropriately on camera. Ability to maintain professional personal appearance. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references.

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Job Bank Listings

(continued from previous page)

Weekend Anchor/Reporter FT

The Anchor/Reporter position will be primarily responsible for anchoring news programs, assisting with the production of the program as determined by the show's Producer(s), setting up, producing, and reporting segments for news programs, and participating in the community activities and promotion efforts of the station. This individual will also participate in the public affairs activities of the station and must be a good communicator, work well with others, and be able to take direction from management regarding job performance and on-air appearance. 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, which has prepared the applicant to perform the required functions of the job. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Ability to act and react appropriately on camera. Ability to maintain professional personal appearance. Ability to lift and transport standard camera equipment. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references.

News Photographer

WVEC-TV is looking for a creative and energetic photographer with an understanding of NPPA principles. Candidates should have at least one year experience shooting and editing news. One year working/operating a microwave truck necessary. Candidates should be flexible in work schedule to provide maximum news coverage and work a specific "on call" schedule. Live in a great region, right on the ocean and cover stories in a very competitive news market. Send resume and tape (DVD, Beta SP or SX) to Tony Church, Chief Photographer, WVEC-TV, 613 Woodis Avenue, Norfolk Virginia, 23510. No phone calls. WVEC-TV is an Equal Opportunity Employer.

Morning Personality

Morning Personality needed at Charlottesville Virginia's Country Powerhouse WCYK. We're looking for someone who loves to entertain, understands the country life group and wants to be a part of the community. Good phone skills, production and imaging. Selector is helpful. You would be joining an excellent staff and working for a private broadcasting company focused on serving the people of Central Virginia. Charlottesville is consistently ranked among the top places to live. Please rush your package to jobs@cvillestations.com. Monticello Media is an equal opportunity employer.

Meteorologist

Meteorologist- NBC12 Richmond's No. 1 news organization has an immediate opening for a dynamic Meteorologist to join its weather team. Successful candidate must be solid forecaster and concise communicator who can tell a compelling weather story. Experience required. AMS Seal preferred. Schedule includes 2 weekend days and three week days. Send cover letter with salary requirements, resume and non-returnable

demo tape to Frank Jones, Assistant News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/D/V.

Anchor/Reporter

Anchor/Reporter - Richmond's No. 1 news organization seeks anchor/reporter with proven track record of successful reporting for its morning newscast. Successful candidate must be dynamic performer and excellent communicator who excels in a breaking news environment. 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/D/V. Drug Screen required.

Production Assistant

Television Production - TV3 Winchester is seeking an energetic Production Associate. This position is part time primarily for the evening shift 5PM - 12AM. Candidates should have a good attitude and willingness to learn. Previous experience is a plus. Starting rate is \$7.25/hour. This position requires the ability to perform effectively in a high-volume, multi-task, deadline oriented environment; work well under pressure and have proven organizational skills. You must have a strong commitment to delivering a quality product. Send your cover letter and resume to jobs@tv3winchester.com Subject: PA., or mail to TV3 Winchester, Attn: Production Associate Position, 633 Millwood Ave., Winchester, VA 22601. EOE and drug-free workplace.

Announcer/Producer

CENTENNIAL BROADCASTING II, LLC 104.9/105.5 The Bone in Winchester VA is hiring a full time Announcer/Producer. Duties include: - Producing the Free Beer and Hot Wings show - News and Sports reading and gathering - Voice tracking a daily shift - Commercial production - Promotions assistance - Assisting the news department. The ideal candidate will: - have prior commercial radio experience, preferably in a digital environment - be comfortable working with automation and editing software - understand how to contribute to and thrive in a team oriented environment - have excellent organizational skills This is the perfect opportunity for someone looking for his or her first full time radio job. 104.9/105.5 We offer a competitive salary and an outstanding benefits package. Please send audio, cover letter, resume, references and salary requirements to: Brian Beddow WXBW/WXNB Program Director 520 N. Pleasant Valley Rd Winchester, VA 22601 Email packages to brian@rockthebone.com Please call me to introduce yourself once you have sent a complete package: 540-667-2224 Centennial Broadcasting II, LLC is an equal opportunity employer.

New Business Sales Representative FT

The sale of television time to assigned accounts, the supervision and follow-through of all sales, and the solicitation of new clients. Advanced education in the field of Marketing and Advertising which has given the applicant the ability to perform the required functions of the job, or equivalent sales background which has prepared the applicant to perform the required functions of the job. Sales aptitude with one year previous television or media sales experience preferred. Disciplined, self-motivated individual. Automobile and valid Virginia driver's license. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F.

Producer FT

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. The Producer will also perform other related duties as assigned by the Director of News. 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 which has prepared the applicant to perform the required functions of the job. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Ability to act and react appropriately on camera. Ability to maintain professional personal appearance. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F. ATTENTION Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references.

Editor FT

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. This person must display high journalistic standards and understand that the video credibility of the news operation is his/her responsibility with regard to stories that he or she may edit. The individual must be a good communicator, work well with others, and take direction from management regarding job performance and shooting/editing style and technique. 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, which has prepared the applicant to perform the required functions of the job. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday through Friday. No phone calls please! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references. ❖

**To view the latest listings
visit www.vabonline.com
and click "Careers."**

Performance Tax HOT 100

Radio is where listeners discover new music and new artists. It's where the artists you love got their big breaks. But the record labels are pushing a bill that would levy a fee, or "performance tax," on the music local radio plays. That means radio stations will inevitably play less music and stop taking chances on unknown artists. The performance tax – bad for radio, bad for music.

THIS WEEK	LAST WEEK	WEEKS ON	TITLE PRODUCER, RECORD LABEL	THIS WEEK	LAST WEEK	WEEKS ON
1	1	52		1	1	52
2	2	52		2	2	52
3	3	52		3	3	52
4	4	52		4	4	52
5	5	52		5	5	52
6	6	52		6	6	52
7	7	52		7	7	52
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11	11	52		11	11	52
12	12	52		12	12	52
13	13	52		13	13	52
14	14	52		14	14	52
15	15	52		15	15	52
16	16	52		16	16	52

WHAT THE WEEKLY HOT 100 LIST MIGHT LOOK LIKE IF THERE WAS A PERFORMANCE TAX ON RADIO.

