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Newsletter

Virginia Association of Broadcasters

July 2009

Local Radio Freedom Act Support Continues To Grow

Four additional House members and three more U.S. Senators have added their support to the Local Radio Freedom Act, a bipartisan resolution opposing the record label-led effort to levy a performance tax on local radio stations for music aired free to listeners. The Local Radio Freedom Act is now supported by a bipartisan group of 244 House members and 23 U.S. Senators.

"The growing support for local radio is a testament to both the merits of our argument as well as the strong grassroots engagement coordinated by individual station owners, broadcast state associations, and our talented NAB staff in Washington," said Charles Warfield, president and chief operating officer of ICBC Broadcast Holdings, and chairman of the NAB's Radio Board of Directors.

Reps. Bobby Rush (IL-1), John Adler (NJ-3), Dana Rohrabacher (CA-46), Steve

Scalise (LA-1) and Sens. Susan Collins (ME), Thad Cochran (MS), and Johnny Isakson (GA) are the latest lawmakers to join a growing chorus of bipartisan Congressional opposition to performance tax legislation supported by the Recording Industry Association of America (RIAA).

"Liberals, moderates and conservatives are uniting in opposition to RIAA's effort to line the coffers of foreign record labels at the expense of America's free and local radio stations," said NAB Executive Vice President Dennis Wharton. "We salute these members of Congress for recognizing the unique role played by radio broadcasters in communities across the country."

The congressional recess next month provides local radio stations with the perfect opportunity to make the case to their local representative against a performance fee proposed by the music industry and to

thank lawmakers who already are supporting radio.

Wharton said, "The NAB encourages all broadcasters to continue educating Congress on RIAA-backed legislation that would financially cripple radio stations providing free programming to 235 million listeners every week."

"Explain why a performance tax would have such a negative impact on your station's ability to serve listeners," said Warfield. "Educate them on the utter bankruptcy of an RIAA campaign based on the purported desire for 'fairness to artists,' and follow that up with a reminder of the well-documented abuse of artists by RIAA member companies. Explain to them that if this new tax is imposed, 50 percent of the proceeds will be funneled from local radio stations directly into the coffers of record labels headquartered in the U.K., France and Japan."

FCC To Launch Inquiry Into Children's Programming Policies



FCC Chairman Julius Genachowski has announced that the FCC will launch an inquiry into how the Commission can best promote the goals of the Children's Television Act of 1990 (the "Act") in the "digital age." The Chairman made the announcement to the Senate Commerce Committee during a hearing on July 22 to consider what, if any, changes Congress should make to the Act in light of the proliferation of digital media content across various programming platforms that has occurred in the nearly 20 years since Congress enacted the legislation.

The Children's Television Act and corresponding FCC rules primarily require television stations to air at least three hours of "core" children's programming per week on the station's main digital channel, air additional "core" children's programming for each additional digital multicast program stream, and limit the amount of commercial content in children's programming. The Act is primarily focused on regulating children's

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AP To Cut Local TV Station Rates

The board of directors of The Associated Press has approved a 10 percent cut in the rates that local TV stations will pay in 2010 for text stories.

"What we are building here is a way for good journalism to survive and thrive," said Dean Singleton, Chairman of the AP Board of Directors and Vice Chairman and CEO of MediaNews Group. "The AP news registry will allow our industry to protect its content online, and will assure that we can continue to provide original, independent and authoritative journalism at a time when the world needs it more than ever," he said.

The amount of the reduction will vary from station to station depending on the level of services received.

The not-for-profit news cooperative earlier said it will cut fees by \$35 million for U.S. newspapers in 2010 — on top of a \$30 million reduction that took effect this year.

The company did not say how much revenue it would lose from the latest cuts for broadcasters, although CEO Tom Curley

said last month that the AP will reduce fees by a total of \$45 million for newspapers and broadcasters next year.

The rate cuts come as newspapers and broadcasters grapple with the longest U.S. recession since World War II, as well as marketing trends that are shifting more ads to less-expensive alternatives on the Internet.

The AP said rates for radio stations were adjusted several years ago to increase discounts, among other things.

AP's revenue is expected to fall to about \$700 million this year from \$748 million in 2008, and another sharp decline is forecast for 2010.

To compensate for its sliding revenue, the AP, which employs about 4,100 people, plans to reduce its payroll by 10 percent before year's end. The company has said they will likely require layoffs; about 100 employees in news, technology and business units have already accepted a voluntary buyout.

FCC Online DIRS Program

NAB officials are encouraging broadcasters to participate in the FCC's Disaster Information Reporting System (DIRS) program. Launched by the FCC in 2007, DIRS is a voluntary, Web-based system that broadcasters can use to report their operational status and to obtain resources needed to stay on the air and serve their local communities during times of disaster. To date, DIRS has provided important benefits for participating broadcasters.

DIRS will only be activated for major disasters. When activated, it will collect information concerning:

- Switches
- Public Safety Answering Points
- Interoffice facilities
- Cell sites
- Broadcast stations
- Cable television systems

To find out more and register for the program, please visit www.fcc.gov/pshs/services/cip/dirs/dirs.html.

Children's Programming

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programming provided over the broadcast medium. This "broadcast-centric" focus is one of the issues animating the current debate—Commerce Committee Chairman Jay Rockefeller (D-W. Va.) and others expressed concern during the hearing that the Act did not contemplate the explosion of digital media content to which children now have access.

Chairman Genachowski praised the Commerce Committee for revisiting the Act and testified that the Commission will be taking the following actions with respect to children's programming:

- **Agency Inquiry**—Mr. Genachowski has directed Commission staff to begin the process of launching a formal agency inquiry into children's programming. He identified the following topics for the FCC's (and Congress's) consideration: (1) the quantity and quality of educational programming currently available, (2) the ability of parents to find educational programming and other helpful content, (3) the capabilities of new digital technologies to better inform parental choices, (4) the current state of advertising in children's programming

and in other programming that children view, and (5) an assessment of the new concerns and opportunities presented by changing digital media. Mr. Genachowski indicated that the inquiry will encompass not only broadcast and cable but also satellite and other digital programming platforms. (A formal inquiry is often, but not always, the first step toward conducting a rulemaking, which may or may not result in new or amended regulations. Obviously, the potential exists for the Commission to ultimately adopt new, more burdensome children's television programming requirements.)

- **Interactive Advertising Ban**—In reference to the FCC's tentative conclusion reached in a prior proceeding to restrict interactive advertising that targets children, Mr. Genachowski said he thinks the FCC "should make its tentative conclusion final and say that interactive ads directed at children are off-limits."
- **Reconfigure FCC Website**—The Chairman has directed FCC staff to "revamp" the children's television section of the FCC's website so that children's programming information is easier for parents to find and use. Because quarterly Children's Television Programming Reports are available on the FCC's website, it will become

more important than ever for stations to ensure prompt, complete, and accurate quarterly filings.

Apart from this pending agency action regarding the Children's Television Act, the FCC is due in August to submit a report to Congress on parental blocking technologies (e.g., the V-chip and other tools). This report was mandated by Congress under the Child Safe Viewing Act of 2007. (For additional information on the Child Safe Viewing Act, please refer to our Legal Memorandum dated March 25, 2009.)

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Chairman Genachowski did not signal when the Commission will release a formal Notice of Inquiry into the Children's Television Act. Likewise, Senator Rockefeller did not indicate during the hearing what Congressional activity in this area may be on the horizon, although he did say that he will move forward on the issue.

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72nd Annual Virginia Broadcasting Station Awards

Virginia radio and television stations were recognized for excellence in broadcasting at the 72nd Annual Virginia Broadcasting Awards, held June 26th at the Hilton Virginia Beach Oceanfront in Virginia Beach, VA. Awards are based on projects first aired between January 1 and December 31, 2008, with the sole exception of the Outstanding Newscast Award. Commercial and non-commercial stations are judged separately, and the award categories are broken down by market size. The VAB is grateful for the assistance of the West Virginia Broadcasters Association for the judging of all entries. For a complete list of entry rules and descriptions of each category, please download the complete award packet at www.vabonline.com. Only VAB-member radio and television stations are eligible to participate.

Best Commercial

- Radio - Large Market, WNOR-FM, Radio - Large Market, Walgreens "Health Tour", 1st Place
- Radio - Large Market, WDYL-FM, Radio - Large Market, Capital Ale House - "Oktoberfest 2008", 2nd Place
- Radio - Medium Market, WBQB-FM, Radio - Medium Market, GW Regional Commission - Commute Fairy, 1st Place
- Radio - Medium Market, WWVB-FM, Radio - Medium Market, Wholesale Outlet "Norman," 2nd Place
- Radio - Small Market, WZBB-FM, Radio - Small Market, Doughton's Auto Service, 1st Place
- Radio - Small Market, WMBG-AM, Radio - Small Market, Hometown Bottled Water, 2nd Place
- Television - Commercial, WCAV-TV, Television - Commercial, Frontier Culture Museum, 1st Place
- Television - Commercial, WVIR-TV, Television - Commercial, Do Elliewood This Summer, 2nd Place

Best Documentary or Public Affairs Program

- Radio - Large Market, WAVA-FM, Radio - Large Market, A Tribute To Our Veterans, 1st Place
- Radio - Large Market, WNOR-FM, Radio - Large Market, ADD, 2nd Place
- Radio - Medium Market, WFLS-FM, Radio - Medium Market, Focus: Report From Kuwait, 1st Place
- Radio - Medium Market, WZRV-FM, Radio - Medium Market, The Valley Today, 2nd Place
- Radio - Small Market, WMBG-AM, Radio - Small Market, Ask the Expert-William & Mary Bone Marrow Drive, 1st Place
- Radio - Small Market, WABN-AM, Radio - Small Market, On the Wing-Abingdon High School, 2nd Place
- Television - Commercial, WDBJ-TV, Television - Commercial, Inspiration Rising-Portrait of a Museum, 1st Place
- Television - Commercial, WRIC-TV, Television - Commercial, Virginia Tech-One Year Later, 2nd Place
- Television - Non-Commercial or Public, WBRA-TV, Blue Ridge Adventures: White Water, 1st Place
- Television - Non-Commercial or Public, WHRO-TV, Civil War in Hampton Roads: Battle of the Ironclads, 2nd Place

Best Human Interest Series

- Radio - Medium Market, WBTM-AM, Radio - Medium Market, WBTM's Mystery Guest, 1st Place
- Radio - Medium Market, WCNR-FM, Radio - Medium Market, Brian Wilson Interview, 2nd Place
- Television - Commercial, WAVY-TV, Television - Commercial, Flashes of Hope, 1st Place
- Television - Commercial, WDBJ-TV, Television - Commercial, Officer Lawrence, 2nd Place
- Television - Non-Commercial or Public, WHRO-TV, Television - Non-Commercial or Public, Fil AM TV, 1st Place

Best Morning Show

- Radio - Large Market, WLNI-FM, Radio - Large Market, The Morningline, 1st Place
- Radio - Large Market, WRVA-AM, Radio - Large Market, Richmond's Morning News, 2nd Place
- Radio - Medium Market, WGRX-FM, Radio - Medium Market, More in the Morning-host: Denny More, 1st Place
- Radio - Medium Market, WINC-FM, Radio - Medium Market, Wink Wake-Up Show, 2nd Place
- Television - Commercial, WGNT-TV, Television - Commercial, The Daily Buzz, 1st Place
- Television - Commercial, WWBT-TV, Television - Commercial, 12 News Today, 2nd Place





Best Public Service/Community Event

- Radio - Large Market, WDYL-FM, Radio - Large Market, Y101 Conserves-"The Life of a Soda Can", 1st Place
- Radio - Large Market, WKHK-FM, Radio - Large Market, Virginia Automobile Dealers Assoc.-"Best Time to Buy", 2nd Place
- Radio - Medium Market, WINC-FM, Radio - Medium Market, Chain of Checks 2008, 1st Place
- Radio - Medium Market, WGRQ-FM, Radio - Medium Market, Bring us your Bra Breast Cancer Awareness Promotion, 2nd Place
- Radio - Small Market, WKWI-FM, Radio - Small Market, Toy Drive, 1st Place
- Radio - Small Market, WMBG-AM, Radio - Small Market, Vacation in Williamsburg, 2nd Place
- Television - Commercial, WVEC-TV, Television - Commercial, Cost of DUI, 1st Place
- Television - Commercial, WVIR-TV, Television - Commercial, Broadcasters for Blood "Brady Bunch", 2nd Place
- Television - Non-Commercial or Public, WVPT-TV, Television - Non-Commercial or Public, Kids Book Festival, 1st Place

Best Station Promotion/Contest

- Radio - Large Market, WKHK-FM, Radio - Large Market, Hands on Corollathan, 2nd Place
- Radio - Large Market, WMXB-FM, Radio - Large Market, MPG, 1st Place
- Radio - Medium Market, WFLS-FM, Radio - Medium Market, Egg Smash 2008, 1st Place
- Radio - Medium Market, WINC-FM, Radio - Medium Market, Critics' Corner, 2nd Place
- Television - Commercial, WVBT-TV, Television - Commercial, Fox 43 - Fast Talker Image x 3, 1st Place
- Television - Commercial, WGNT-TV, Television - Commercial, G.W. on the CW, 2nd Place

Outstanding Feature Reporting

- Radio - Large Market, WRVA-AM, Radio - Large Market, Americas Newest Citizens, 1st Place
- Radio - Large Market, WAVA-FM, Radio - Large Market, Religious Persecution in Iraq, 2nd Place
- Radio - Medium Market, WFLS-FM, Radio - Medium Market, Rudy (Niche Herman, reporter), 1st Place
- Radio - Medium Market, WINC-FM, Radio - Medium Market, Yuletide Young & Old, 2nd Place
- Radio - Non-Commercial or Public, WHRV-FM, Radio - Non-Commercial or Public, Hearsay with Cathy Lewis: Tattoos, 1st Place
- Radio - Small Market, WJMA-FM, Radio - Small Market, Dog Finds Purse, 1st Place
- Television - Commercial, WAVY-TV, Television - Commercial, Tricare Wheelchair, 2nd Place
- Television - Commercial, WVIR-TV, Television - Commercial, UVA Athletics, 1st Place

Outstanding News Series

- Radio - Large Market, WRVA-AM, Radio - Large Market, Back To School-2008, 1st Place
- Radio - Small Market, WFLO-AM/FM, Radio - Small Market, People Talk, 1st Place
- Television - Commercial, WTVR-TV, Television - Commercial, Virginia Vanishing, 1st Place
- Television - Commercial, WVBT-TV, Television - Commercial, Deportation Dilemma, 2nd Place
- Television - Non-Commercial or Public, WVPT-TV, Television - Non-Commercial or Public, Virginia Farming, 1st Place

Outstanding Newscast

- Radio - Large Market, WRVA-AM, Radio - Large Market, January 13, 2009 4:30 pm Newscast, 1st Place
- Radio - Medium Market, WBTM-AM, Radio - Medium Market, Chuck Vipperman, 1st Place
- Radio - Medium Market, WCHV-AM, Radio - Medium Market, Outstanding Newscast, 2nd Place
- Radio - Small Market, WJMA-FM, Radio - Small Market, Noon News 1/15/09, 1st Place
- Radio - Small Market, WFTR-AM, Radio - Small Market, News at Noon, January 13, 2nd Place
- Television - Commercial, WTVR-TV, Television - Commercial, January 15th 6pm Newscast, 1st Place
- Television - Commercial, WRIC-TV, Television - Commercial, 8 News at 6, 2nd Place

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Outstanding Sports Coverage

- Radio - Medium Market, WINA-AM, Radio - Medium Market, WINA Sports, 1st Place
- Radio - Medium Market, WBTM-AM, Radio - Medium Market, George Washington High School Football, 2nd Place
- Radio - Non-Commercial or Public, WMLU-FM, Radio - Non-Commercial or Public, WMLU Sports Coverage, 1st Place
- Radio - Small Market, WABN-AM, Radio - Small Market, Abingdon High School Football Midget League Playoff, 2nd Place
- Radio - Small Market, WBBC-FM, Radio - Small Market, WBBC Local Sports Highlights, 1st Place
- Television - Commercial, WAVY-TV, Television - Commercial, WAVY Sports Team, 1st Place
- Television - Commercial, WCAV-TV, Television - Commercial, CBS19 Sports, 2nd Place

Outstanding Website

- Radio - Large Market, WDYL-FM, Radio - Large Market, www.y101rocks.com, 1st Place
- Radio - Large Market, WKLR-FM, Radio - Large Market, www.965KLR.com, 2nd Place
- Radio - Medium Market, WINA-AM, Radio - Medium Market, www.wina.com, 1st Place
- Radio - Medium Market, WGRQ-FM, Radio - Medium Market, www.959WGRQ.com, 2nd Place
- Television - Commercial, WSET-TV, Television - Commercial, www.wset.com, 1st Place
- Television - Commercial, WVIR-TV, Television - Commercial, www.nbc29.com, 2nd Place
- Television - Non-Commercial or Public, WVPT-TV, Television - Non-Commercial or Public, www.wvpt.net/index.html, 1st Place

You can download the above photos as well as browse a wider selection of images from the 72nd Annual VAB Summer Convention at www.vabonline.com/events/conventions/.

Survey Finds More Women Leading in Local News Journalists of Color in Local News Down from 2008

The percentage of women working in local television and radio news reached a new high, according to the RTNDA/Hofstra survey of Women and Minorities in local news. The survey also showed that the percentage of journalists of color working in local radio and television news fell, led by a 10 percent drop in the number of Hispanic staff working for Hispanic television stations.

The 2009 RTNDA/Hofstra University Annual Survey shows that minorities comprised 21.8 percent of local television news staff, a decrease from 23.6 percent in 2008. Asian American journalists in the broadcast news workforce increased, while the percentage of Native American journalists remained the same. African Americans working in local news decreased by half a percentage point. The percentage of Hispanics in local news fell from 10.3 last year to 8.8 this year. At non-Hispanic stations, the minority

workforce was down by half a percentage point to 19.6 percent. In local radio, news was mixed with Asian American and Native American numbers up and African American and Hispanic numbers down.

The percentage of minority television news directors dropped slightly in 2009 with the sharpest decline in Hispanic news directors. Measurement of minority news directors in radio fluctuates each year based on which stations complete the survey.

At 41.4 percent, women in the television news workforce reached an all-time high, as did women television news directors, 29.1 percent. The number of women working in radio also increased from 22.7 last year to 28.1 percent in 2009. Women make up 27.7 percent of radio news directors.

"While the increase in the number of women serving as news director is encouraging, the drop in the percentage of minorities

employed in newsrooms is not," said RTNDA Chairman Stacey Woelfel. "It is my hope the gains made in the last few years to make our newsrooms more diverse were not lost in the recent economic downturn. RTNDA is committed to working with our partners at the minority journalism associations to make sure all owners and managers know the value of putting more journalists of color in their newsrooms."

The RTNDA/Hofstra University Survey was conducted in the fourth quarter of 2008 among all 1,648 operating, non-satellite television stations and a random sample of 2,000 radio stations. Valid responses came from 1,211 television stations (73.5 percent) and 142 radio news directors and general managers representing 334 radio stations. Data for women TV news directors are from a complete census and are not projected from a smaller sample.

With Good Reason Episode Wins National Radio Award

A “With Good Reason” program created on the occasion of the first anniversary of the tragic events of April 16, 2007, at Virginia Tech has been named to receive a national award.

The program, “In the Wake of Violence,” will receive a 2009 Gabriel Award from the Catholic Academy for Communication Arts Professionals in the category of “Best News/Informational Radio Programming.”

The Virginia Foundation for the Humanities, based at the University of Virginia, produced the program, which aired in 2008. “With Good Reason” is broadcast weekly by 11 public radio stations around Virginia and KTOO in Juneau, Alaska.

The Gabriel award honors “works of excellence in broadcasting ...which serve viewers and listeners through the positive, creative treatment of concerns to humankind.” Among the other 2009 Gabriel winners are the Canadian Broadcasting Company, “The Bob Edwards Show,” WBUR in Boston and Southern California’s KCRW.

“With Good Reason” is produced and hosted for VFH by long-time Charlottesville and Virginia radio personality Sarah McConnell, with associate producers Nancy King, Elliot Majerczyk and Jesse Dukes. Lydia Wilson is the show’s publicity coordinator. Andrew Wyndham is executive producer.

Framed by music arranged by Virginia Tech music professor James Sochinski and performed by the school’s Marching Virginians, “In the Wake of Violence” features Roberta Culbertson, who directs the VFH Center on Violence and Community, discussing ways to mitigate the effects of violence after massacres.

Also interviewed is David Niyonzima, who has partnered with Culbertson at the center and, in conversation with McConnell, movingly explores trauma healing and reconciliation in his war-weary native country, Burundi.

As the program closes, “With Good Reason” correspondent Nancy King presents a report that centers on an arrangement of the hymn “Amazing Grace,” created by Sochinski, former director of the Marching Virginians – a touching musical tribute to the 32 Virginia Tech students and professors who died on April 16, 2007.

The only statewide public radio program in Virginia, “With Good Reason” features teachers and scholars from Virginia’s public colleges and universities, focusing on a broad range of practical, informative and reflective topics. The program and related news-style features reach a general audience estimated at 5.5 million annually.



Boucher Introduces Radio Spectrum Inventory Act



U.S. Representative Rick Boucher, Chairman of the Communications, Technology and the Internet Subcommittee, along with Energy and Commerce Committee Chairman Henry Waxman (D-CA), Ranking Member Joe Barton (R-TX), and Subcommittee Ranking Member Cliff Stearns (R-FL) have introduced the Radio Spectrum Inventory Act. The measure would direct

the National Telecommunications and Information Administration (NTIA) and the Federal Communication Commission (FCC) to undertake a comprehensive survey of the nation’s spectrum.

“The Radio Spectrum Inventory Act represents a significant step in making available more spectrum for commercial and wireless services. The more efficient use of our nation’s airwaves will increase innovation for wireless products and services and improve the connectivity of the American people. As more people use wireless devices and as advanced applications require higher data rates over time, additional spectrum will be needed to accommodate growth. Wireless technologies can also play a critical role in bringing broadband to more consumers, particularly in rural areas,” Boucher said.

The Radio Spectrum Inventory Act would allow policymakers, consumers and industry to know what spectrum is being used and how. By identifying gaps in spectrum

use and inefficient spectrum allocations, the Act would help meet the growing demand for additional spectrum. Within 180 days of the date of enactment of this measure, the NTIA and the FCC would be required to post the spectrum inventory on the Internet, so it would be universally available. With this important information, we can have an informed debate about how to most efficiently use and allocate our limited spectrum resources.

The Act would also require the NTIA and the FCC to report annually to Congress regarding the results of the spectrum inventory, including an identification of the least utilized blocks of spectrum and a recommendation of which, if any, of such least utilized spectrum blocks should be reallocated.

“Our legislation would enable better use of spectrum frequencies, including through sharing and reallocation. It is forward looking legislation that would encourage innovation and competitiveness,” Boucher concluded.



The Legal Consequences of Four Letter Words

By: John G. Kruchko
and Paul M. Lusky*

A recent survey of small business owners found that three-out-of-four-business owners regard workplace swearing or profanity as offensive and unprofessional. Worse yet, allowing workplace profanity to go unchecked can have legal consequences. But what is the best way to deal with it? Should it be addressed in a workplace conduct policy? Should employees be disciplined or discharged because of repeated violations of such a policy? Or should an employer have a zero tolerance policy for any kind of profanity in the workplace?

Before we address what profanity really is and explore ways to deal with it, let us first clear up a bit of confusion that is often prevalent when dealing with workplace profanity. Swearing is not, in and of itself, insubordination. "Insubordination" is the deliberate refusal by an employee to follow the reasonable directions of a supervisor. Employers must be able to distinguish insubordination from grumbling or griping by employees, even if it is accompanied by swearing or other inappropriate language. That is not to say that an employee cannot be terminated for using inappropriate language – just don't call it insubordination if the employee did what the supervisor asked him to do.

Identifying Inappropriate Language in the Workplace

If you decide to implement a "language code" for your workplace, it is probably best to define what you mean by "profanity" or "swearing." The dictionary defines profanity as "abusive, vulgar or irreverent language." Swearing is defined as using "profane oaths" or "cursing." A "swearword" is defined as an "obscene or blasphemous word." Somehow, these definitions don't help much. They don't really give employees notice of the specific words that, when used in the workplace, will violate the policy. To paraphrase Supreme Court Justice Stewart's famous "non-definition" of obscenity, it is almost as if you will be forced to admit to your employees, "We can't define profane or obscene language, but we know it when we hear it."

Perhaps the answer is to have a very broad definition of "inappropriate language" and then let the punishment fit the seriousness of the offense. For example, you could have zero tolerance for any kind of crude, vulgar or offensive language in the workplace but let the severity of the punishment depend on whether the words were used deliberately or were intended to abuse, insult or embarrass another employee. Thus, you may want to adopt the following definition of inappropriate workplace language:

Inappropriate workplace language under

this policy includes profanity, swearing, cursing or the use of any other crude, vulgar, obscene, insulting or abusive language regardless of whether the language is used deliberately or inadvertently. All such language may result in discipline under this policy, up to and including termination, depending on the severity of the language and the context in which it is used.

As will be discussed below, some language deserves a more severe penalty because of its tendency to create a hostile environment for certain categories of employees that are protected by law. For example, if an employee is using racial or sexual epithets, you must apply a punishment that guarantees the offending language will cease. The context qualification for punishment is important because some swearing can be abusive (as when an employee is deliberately trying to offend or insult another employee) as opposed to cathartic swearing (as when something bad happens to an individual; e.g., an employee spills coffee on himself).

In some industries, coarse language may be commonplace and regularly used for emphasis. This may also be a cultural phenomenon. Thus, you may have to use language training and progressive discipline before you impose the most severe penalty

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for this kind of swearing.

Words That Have Legal Consequences

There is little doubt that the continued use of profanity or swearing by a manager can create a hostile environment for employees under his or her supervision. The significant issue, however, at least for purposes of liability under discrimination law, is whether the profanity has a connection with a category protected by state or federal law. It is possible for a supervisor to be equally disrespectful and hostile toward all employees without regard to their particular protected characteristics. In such a case, although the supervisor's conduct is entirely unprofessional, the employer might still be able to defend against a Title VII hostile environment harassment claim because the supervisor made life equally unpleasant for all employees.

Profanity and Hostile Environment Harassment Liability

Harassment law protects employees from workplace speech that is offensive to one or more employees based on an individual's race, religion, sex, national origin, age, disability or other protected characteristic. Employment lawyers know that sexual harassment claims are often accompanied by coarse and sexually graphic language. In addition, the offending language need not be directed at a particular employee. A supervisor who makes degrading remarks toward a particular race, religion or national origin is creating a hostile environment that can give rise to discrimination liability for his employer. For example, after the events of September 11, 2001, employment law saw an increase in harassment claims based, in part, on speech offensive to Muslim em-

ployees in general or employees of Middle Eastern descent.

Another key element, however, of a Title VII harassment claim is the requirement that the offensive conduct be "severe or pervasive." Thus, it may seem legitimate to ask whether it is necessary to prohibit every potentially offending comment, even so-called "political" speech. The reason for prohibiting even isolated remarks that might offend a particular sex, race, religion or national origin is that each comment potentially contributes to the hostile environment. You cannot begin to limit the aggregation of offending comments necessary to the creation of a hostile environment without having a zero tolerance for individual insulting remarks. Thus, in order to avoid hostile environment harassment claims, it would seem prudent, if not absolutely essential, to suppress every comment based on, or related to, a protected category in state or federal discrimination statutes.

Four Letter Words and Workplace Violence

Many employers have workplace violence policies that prohibit hostile or abusive speech, so-called "fighting words." Often, the degree of intimidation imposed on one employee through abusive language by another employee is not immediately known. When a fight breaks out in the workplace, an employer's normal response may be to discharge both employees involved in the fight. This can lead to litigation with a discharged employee who claims he or she was provoked by a constant barrage of abusive and insulting remarks from the other employee, all of which may have been out of earshot of supervisors or other employees.

Even assuming the employer can avoid liability in employment-at-will contexts, the litigation will have cost the employer valu-

able time and money. At the very least, the discharged employee claiming provocation from another employee will probably be able to collect unemployment benefits.

Thus, although it is wise for an employer to prohibit "fighting words" in its policy, an employer may be better off suspending employees involved in a fight while it investigates whether one employee was justified in striking out at another employee because of abusive and insulting language.

Four Letter Words and Common Law Tort Actions

The use of profanity and abusive language directed at a particular employee can give rise to common law tort claims, usually a claim for intentional infliction of emotional distress. Although most states require the abusive conduct to be outrageous and offensive to a reasonable person, there are a number of cases that have allowed an emotional distress claim to go to a jury where the offensive speech involved racial epithets. The tort of intentional infliction of emotional distress allows compensatory and punitive damages as remedies so an employer is well-advised to address abusive and insulting language in a policy prohibiting inappropriate workplace language.

Conclusion

There are ample reasons for an employer to consider adopting a workplace language code for eliminating inappropriate language in the workplace. For private employers, language control policies do not implicate the free speech rights in the First Amendment which normally only apply when the government attempts to control expression. Employees have no right to use profanity or other crude and vulgar language in your workplace.

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Facebook Announces Procedures For Trademark Protection

Facebook has begun accepting personalized or "vanity" names for its users' web pages. Previously, pages were identified by randomly assigned numbers, but the new policy will allow user web pages to be identified as www.facebook.com/username.

The new Facebook web page naming convention presents a potential risk for intellectual property owners because users may attempt to incorporate an owner's protected trademark in the user's personalized web page name (i.e., www.facebook.com/trademark). Facebook has established certain procedures to address the possibility of trade-

mark infringement. Trademark owners may report through an online form that a Facebook user name infringes on the owner's intellectual property rights—the form to report infringement is available at www.facebook.com/copyright.php?noncopyright_notice=1. Facebook reserves the right to recall a user name for any reason, so disputes over the rights to a particular user name may be resolved through Facebook or, if that fails, through other legal remedies.

Facebook has also established a policy that prevents user names from being transferred, which may limit the likelihood of

"cyber squatting" (i.e., registering an Internet domain name with the intent to profit from a trademark belonging to another party).

A station that maintains a Facebook presence may wish to register its brand as its Facebook user name. Even if your station does not actively participate in Facebook, you may also wish to periodically search Facebook to ensure that your station's trademarks are not being infringed upon by other Facebook users; if an infringing use is discovered, you may wish to file with Facebook an online notice of infringement.

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JULY 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.
- Only jobs emailed to the VAB will be included in the newsletter.

Submit to the Online Job Bank:

- Go to www.vabonline.com
- Click on "Member Area" (top right menu)
- Log in. (If you do not know your login or password, please email christina.meyer@easterassociates.com)
- Upon login, you will see a menu at left. Select "Your Jobs." From here you can enter new jobs, edit jobs or delete job postings that have been filled.
- Don't forget, members can also view resumes by clicking on the "Resume Bank!"

Account Executive

Mid-level Account Executive position in Sales Department. Must have a minimum of 3 years television advertising experience in broadcast TV in order to handle existing accounts. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. NO phone calls please. EOE It is our policy to encourage the application of minorities and women as WRIC TV is an Equal Opportunity Employer and does not discriminate in the hiring, training or promotion of employees by reason of race, color, religion, sex, or national origin. Excellent benefits available. Due to the urgency of filling these positions, an immediate response is recommended. Please notify us immediately if you will not be disseminating information about this job opening to potential candidates.

Master Control Operator

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. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace.

New Media Account Executive

The Charlottesville Newsplex (CBS19/ABC16/ WAHU FOX27/MyCvilleTV/WeatherNow) is seeking a driven individual to serve as our New Media Account Executive. Our company has the new media tools you want to sell! You will be responsible for multiple face-to-face sales calls on a daily basis, to sell our many new media products, including newsplex.com banner

advertising and streaming video, mobile news products, texting and desktop alert sponsorships, local search, and more. Must be a results-driven individual accustomed to meeting goals; salary-seekers need not apply. Internet and/or new media sales experience is a plus, but not a requirement. Rush your cover letter and resume to deborah.kaplan@newsplex.com, or to Charlottesville Newsplex, Attn: New Media AE Position, 999 2nd Street SE, Charlottesville, VA 22902. Great driving record required. Gray Television is an Equal Opportunity Employer and a Drug-Free Workplace.

Advertising Sales

We're looking for a superior seller with a track record of superior performance. Monticello Media is bucking the trends with consistent revenue increases and we're looking for top performers who see the opportunity and are willing to work for the payoff. The potential is unlimited for those who hit the streets and provide local clients with the highest level of service. We're in Charlottesville, Virginia with six great radio stations and interactive opportunities for you to make money with. If you're committed to outworking the rest of the market and focused on winning let's talk soon. Send a cover letter and resume to jobs@cvillestations.com or to Sales, Monticello Media, 1150 Pepsi Place #300, Charlottesville, VA 22901. Monticello is an equal opportunity employer and a small private company that's a great place to work.

Cause Marketing Account Executive

WTVR-TV is hiring a Cause-Marketing Account Executive. The ideal candidate for this position will have strong sales skills, solid community relationships, and the ability to connect companies with causes. We are searching for an individual that is hard working, detail oriented, and able to provide outstanding customer service. Please send a cover letter and resume to Local Sales Manager, WTVR-TV, 3301 W. Broad Street, Richmond, VA 23230 or e-mail to syoung@wtvr.com. EOE M/F.

Sales Assistant

Monticello Media is looking for sales support for a team of 10+ account executives at our radio stations in Charlottesville, Virginia. The right candidate will be a supreme multi-tasker with a positive attitude and team-first approach. Job requires candidate to have excellent relationship skills, to be resourceful and positive and to have great organizational skills. Candidate must have strong computer skills that include Word, Excel and PowerPoint as well as the ability to use other in house systems for reporting and presentation purposes. Send resume and cover letter to jobs@cvillestations.com or mail to Sales Assistant, Monticello Media, 1150 Pepsi Place, #300, Charlottesville, VA 22901. Monticello Media is a locally based company and an equal opportunity employer.

Program Director

The Free Lance-Star Radio Group in Fredericksburg, VA has an immediate opening for a Programming team leader for 2 diverse formats. Our Classic Rock and Rhythmic CHR stations have solid foundations and staffs waiting for a top-notch coach and strategic thinker. Compete with local signals, and strong presence from DC and Richmond. The Free Lance-Star is a strong, locally owned company that believes in product development. If you believe in the continued vitality of radio, and understand how to be relevant to listeners regardless of format,

rush examples of your successes and samples of your current or most recent station to: WFLS/WWUZ/WWVB Radio Attention: Human Resources 616 Amelia Street Fredericksburg, VA 22401 Email: jobs@freelancestar.com An Equal Opportunity Employer.

Weekend Meteorologist

The Meteorologist position will be primarily responsible for anchoring weather news programs, producing, and reporting weather segments for news programs, and participating in the community activities and promotion efforts of the station. This position requires an AMS Seal. Demonstration of skills by performance in audition or air-check supported by references and pre-employment interviews. Valid Virginia Driver's license within 30 days of employment. Knowledge of journalistic standards as they relate to on-air presentation of news/weather stories. Accurate and comprehensive writing skills. Ability to lift and transport standard camera equipment. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. 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. No phone calls please! EEO/M/F. 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.

Videotape Editor

Primarily responsible for gathering news by recording satellite and other remote transmissions, editing videotape of news, sports, and special features. Should be familiar with effective camera shooting techniques to shoot news stories, when needed. Must display high journalistic standards and understand that the video credibility of the news operation is his/her responsibility. 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 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. Ability to lift and transport standard camera equipment. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. 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. No phone calls please! EEO/M/F. 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.

Reporter

Primarily responsible for gathering news and preparing for on-air presentation. Will write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. Must be a good communicator, exhibit strong traits of creativity, initiative, judgement, and

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

JULY JOB BANK

ability, work well with others, and take direction from management regarding job performance and on-air appearance. Advanced Education in the field of Broadcast Journalism 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. Ability to lift and transport standard camera equipment. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. 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. No phone calls please! EEO/M/F. 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.

Reporter/Weekend Anchor

Richmond's No. 1 news organization seeks reporter/weekend anchor with proven track record of successful reporting. Schedule includes both dayside and nightside 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/D/V. Drug Screen required.

News Reporter

WTVR-CBS6 is seeking a full-time aggressive and confident television journalist to join our seasoned news team. The ideal candidate must be a strong newsroom leader, report clear, concise and accurate stories and have strong editorial skills. The experienced candidate should have the desire and ability to dig for stories, write and present polished packages daily for newscasts and our web site and deliver interactive and creative live shots. Must be a self-motivator, good team player and someone who works well under tight deadlines. Minimum of 3 years experience working as a television reporter or anchor preferred. Please send resume and non-returnable DVD to: Bill Anderson, WTVR-CBS6 News Director, 3301 W. Broad Street, Richmond VA 23230. WTVR-CBS6 is an equal opportunity employer.

News Producer

WTVR-TV has an immediate opening for a full time Newscast/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.

Account Executive

Responsibilities include preparing promotional plans, prospecting new clients, developing and maintaining relationships with existing clients, scripting commercials, and collecting payments. Must be self-motivated with excellent verbal and written skills. Candidate must be able to write reports and business correspondence. Candidate must be able to effectively present informa-

tion and respond to questions from groups of managers and clients. Candidate must be able to read, analyze, and interpret general business periodicals. This position requires ability to calculate figures (discounts, percentages & commissions). Candidate must have their own vehicle with a valid driver's license and insurance. Computer skills are necessary and experience with Microsoft Word, Excel and Publisher are preferred. High school diploma, college degree preferred. LTD, STD, 401K, medical, dental, vision, vacation/sick pay Contact: Mike Chiumento, Director of Sales, Clear Channel Radio, 207 University Blvd., Harrisonburg, VA 22801, (540) 434-1777, MichaelChiumento@ClearChannel.com. It is the policy of Clear Channel Radio to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin, sex, age, disability, or any other characteristic protected by law, in all personnel actions.

Morning/Noon Anchor

WVVA-TV is searching for a dynamic talent to Anchor our market leading Morning and Noon newscasts. This position also includes producer duties for the Noon newscast. Applicant must be a strong writer with great on-air delivery and personality. Producing skills are a must. No Beginners Please. If you have the skills to front a 90 minute Morning newscast and the drive to sustain that momentum for our Mid-day newscast, we want to hear from you. No beginners! Please send your resume and video to: Morning/Noon Anchor, PO Box 1930, Bluefield, WV 24701. WVVA is an Equal Opportunity Employer. EOE/MF.

Executive News Producer

Direct and oversee producers, 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. Personally supervise and/or 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 or equivalent broadcasting work experience. Ability to lift and transport standard camera equipment. Send nonreturnable VHS or DVD resume tape with letter, resume, and references to Director of Human Resources, WSET-TV, P.O. Box 11588, Lynchburg, VA 24506-1588. No phone calls. Equal Opportunity Employer.

Account Executive

Mid-level Account Executive position in Sales Department. Must have a minimum of 3 years television advertising experience in broadcast TV in order to handle existing accounts. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. NO phone calls please. EOE

Account Executives

WWDE-FM, WPTE, WNVZ-FM AND WVKL-FM have full-time positions available for account executives. The qualified candidates will be responsible for selling and servicing direct clients, agencies, developing new business accounts, coordinate production of commercial spots with production manager and client, and create and

present ideas to clients to achieve their advertising goals. The candidates will also be responsible for collection of invoices from accounts. Must be organized, idea-oriented and possess strong communication and presentation skills. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to cmorelli@entercom.com. EOE

On Air Personalities

Entercom Norfolk is looking for future air personalities both full and part time. 3 to 5 years experience is necessary for full time positions and some experience is necessary for part time positions. Full time air personalities will also be expected to be proficient in public appearances, voice work and commercial production. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Send demo tapes or CD's, thoughtful cover letters and resumes to: Entercom Norfolk, Don London, Operations Manager, 236 Clearfield Ave., #206, Virginia Beach, VA 23462. EOE

Part Time Promotions Assistant

WWDE-FM, WPTE-FM, WVKL-FM and WNVZ-FM have part time positions available for promotions. The qualified candidates will be responsible for setting up remote broadcasts, driving station vehicles, interacting with account executives, listeners and clients, handling heavy equipment, and maintaining promotional equipment. The qualified candidates MUST BE 21 YEARS OR OLDER, have a flawless driving record, be outgoing, organized, possess strong communication skills, available nights and weekends and able to handle heavy equipment without problems. Email resume to cwilson@entercom.com. EOE

Digital Sales Account Executive

Entercom Norfolk is looking for a Digital Sales pro to sell our portfolio of digital assets and help oversee the executive of these transactions. The ideal candidate has experience in the media/internet industry and can step in and drive the company's revenue generation with online assets. They will have the ability to pitch and close business. Will be comfortable in communication about the latest online technology including streaming audio and video/viral/search/rich media/mobile and SMS marketing technologies, methods and best practices. Prior experience with an online ad network is a plus, and having an entrepreneurial personality is a must. You should be able to express yourself well in email, Power point, Excel and in person. Equal Opportunity Employer offering a competitive compensation package. Email resume to hclevenger@entercom.com. EOE

Programming/Promotions

Entercom Norfolk has a full time opening for a hybrid Programming/Promotions position. This position requires 5 plus years of combined experience in radio programming, on air work and promotions. Strong organization skills are necessary as well as the knowledge of several music formats. Competency in public appearances, endorsements and on-camera video work are also needed. Send or email demos and resumes to Don London, VP/Programming, Entercom Norfolk 236 Clearfield Ave., Suite 206, Virginia Beach, VA 23462 or email dlondon@entercom.com. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. EOE.

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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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13	13	52		13	13	52
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16	16	52		16	16	52



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

