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# Newsletter

Virginia Association of Broadcasters

June 2010

## Private Sector Emergency Preparedness Program Adopted



The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS) has announced the adoption of three standards in a 9/11 Commission-recommended program intended to improve prepared-

ness for disasters and emergencies in the private sector.

The Voluntary Private Sector Preparedness Accreditation and Certification Program (PS-Prep) will assess whether a private sector entity complies with the following voluntary preparedness standards adopted by DHS:

- ASIS SPC.1-2009, Organizational Resilience: Security, Preparedness, and Continuity Management Systems - Requirements with Guidance for Use
- NFPA 1600, Standard for Disaster/Emergency Management and Business Continuity
- BS25999, Business Continuity Management

Two of the three adopted standards are American National Standards (ANS): ASIS SPC.1-2009, developed by ASIS International, and NFPA 1600, developed by the National Fire Protection Asso-

ciation (NFPA). Both ASIS and NFPA are members and accredited standards developers of the American National Standards Institute (ANSI).

DHS Secretary Janet Napolitano announced the adoption of these standards for the PS-Prep program on June 15, 2010, following a series of regional public meetings and the incorporation of public comments. DHS will continue to accept comments on PS-Prep, the three adopted standards, and proposals to adopt any other similar standard that satisfies the target criteria of the program, to [www.regulations.gov](http://www.regulations.gov) or [FEMA-POLICY@dhs.gov](mailto:FEMA-POLICY@dhs.gov), in Docket ID FEMA-2008-0017.

For more information on PS-Prep, please visit the FEMA website online at [www.fema.gov](http://www.fema.gov). ♦

### What's Inside ...

June Compliance Tip .....	2
HD Local News Debuts in the Tri-Cities .....	2
Broadcasters Call for Rejection of Cable-Backed Petition. ....	3
Cablevision's Review Request Denied .....	3
73rd Annual Summer Convention in Pictures ....	4
VAB Legal Review .....	6
New Changes May Affect Hiring Decisions .....	8
June Job Bank .....	10

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### A Big Loss for Small Market Radio

Robert "Bob" V. Doll, passed away on June 1 in San Antonio, Texas. Doll boasted a 59-year career in the radio business, working as disc jockey, manager, owner and consultant for radio stations throughout the Midwest. He launched the Small Market Radio Newsletter in 1983, and continued to contribute to the publication after selling it in 1993.

Commenting on Doll's death, NAB Executive Vice President Dennis Wharton issued the following statement:

"The entire radio community has lost a true friend and great ambassador for small market stations. Bob's encyclopedic knowledge of small-town radio was surpassed only by his friendly demeanor. His presence at this year's Radio Show will be sadly missed, but he won't soon be forgotten." ♦



Robert "Bob" Doll



## VAB Newsletter

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## June Compliance Tip

### Check and Check Again

About a month ago, the commission levied some hefty fines for commercial limit violations in children's programming ranging from \$25,000 to \$40,000. In some of the cases, problems occurred when a member of the Traffic Department did not understand the rules and the problem went on for a number of weeks.

When it comes to children's programming, it is important to:

- include Compliance and the Children's Programming rules as part of a new traffic employee's orientation;
- review Children's Programming rules regularly with the Traffic Department;
- have a second person who is versed in the rules, count the commercial matter scheduled to run in children's programming prior to its airing; and
- check the log the day after to make sure that no commercial matter was inadvertently inserted inside children's programming.

It takes a few more minutes each week, but it is well worth it to avoid the mistakes that can cascade into a major problem. ♦

This compliance tip has been provided by Harrison Pittman of On-Time Online Broadcast Compliance, [www.OnTimeOnlinebc.com](http://www.OnTimeOnlinebc.com), [hpittman@ontimeonlinebc.com](mailto:hpittman@ontimeonlinebc.com).

## HD Local News Debuts in Tri-Cities

Bonten Media Group's WCYB-TV (NBC) and Esteem Broadcasting's WEMT-TV (FOX) became the first television stations in the Tri-Cities VA/TN market to broadcast local news in high definition (HD) at 5PM Thursday, June 17, 2010.

"This new technology is a big step forward in the digital television evolution and means that we will now be airing a minimum of 104 hours of HD programming per week, including 28 hours of local news on WCYB-TV. FOX Tri-Cities News at 10 coupled with FOX Prime and FOX Sports form the backbone of that station's HD offerings. For the million plus people in our total viewing area, having local news broadcast in high definition will be a welcome enhancement to their viewing experience. Our stations have long led the way with innovation in Tri-Cities and we are pleased to be first once again," says Vice President and General Manager Jim McKernan.

For the upgrade to HD local news, the station chose Panasonic P2 HD cameras and the Bitcentral news editing system, which is widely used by television companies, such as NBC, FOX and CNN. Grass Valley provided the production switcher and studio cameras. Grass Valley's HD equipment was used extensively in the recent Winter Olympics on NBC. "Our equipment vendors met the requirements we established for the HD build out and have been strong partners in the process," according to Bonten's Vice President of Engineering Tom Cupp.

"Our substantial investment in being the first to bring local HD news to the Tri-Cities market is tangible evidence of Bonten's commitment to leadership and to meeting the needs of Tri-Cities viewers," says Bonten Media Group President and CEO Randy Bongarten. ♦

## Broadcasters Call for Rejection of Cable-Backed Petition

The National Association of Broadcasters, along with the affiliate associations for ABC, CBS, FOX and NBC, filed joint reply comments late yesterday with the Federal Communications Commission urging the agency to reject a recent cable-backed petition seeking to give pay-TV providers increased leverage during retransmission consent negotiations. Retransmission consent, established as part of the 1992 Cable Act, is the market-based negotiation process in which a pay-TV provider and a local television station reach a carriage agreement for the TV station signal.

**“Virtually all of the retransmission consent ‘reforms’ proposed have previously been considered by the Commission and rejected.”**

“Virtually all of the retransmission consent ‘reforms’ proposed” by pay-TV representatives and their supporters “have previously been considered by the Commission and rejected,” the broadcast groups explained, noting that the agency lacks statutory authority to adopt such proposals. “The Commission should again reject these proposals.”

NAB and the affiliate groups noted that the Communications Act, established by Congress, clearly states that television station signals may not be retransmitted by a pay-TV provider (also known as a multichannel video programming distributor or MVPD) without the station’s consent. The Commission’s ‘ancillary’ regulatory authority “does not empower it to do that which Congress has expressly said the Commission cannot do,” the filing explained.

A compulsory arbitration requirement sought by some pay-TV providers would give MVPDs “a financial incentive to eschew meaningful negotiations and engage in a war of economic attrition with local stations,” broadcasters told the Commission.

The broadcast groups also noted comments from Massillon Cable asserting that arbitration of broadcast station retransmission consent disputes would be cost “prohibitive.” In previous comments, Massillon Cable noted a million dollars in expenses incurred in a single arbitration for carriage of a single cable programming network.

Yesterday’s filing also noted the double-standard sought by pay-TV providers, which have asked the Commission to regulate the rates they pay for some—but not all—of their program services. Pay-TV representatives are not seeking FCC regulation of the rates for non-broadcast programming, the filing notes, “presumably” because many of the pay-TV companies seeking retrans regulation “are under common ownership with those very program services.” ❖

### Cablevision’s Review Request Denied



On May 17, 2010, the United States Supreme Court issued an order denying Cablevision’s request to review the FCC’s must-carry rules. The denial of Cablevision’s request preserves the status quo for the mandatory carriage regulations and is a significant “win” for broadcasters.

As previously reported, in late January 2010, Cablevision filed a petition with the Supreme Court seeking a broad review of the FCC’s must-carry rules. Had it been successful, Cablevision’s challenge could have dramatically reshaped the regulatory landscape, potentially weakening the bargaining power of broadcasters in their negotiations with cable operators for signal carriage. The Supreme Court’s order today puts this must-carry challenge to rest, at least for now.

It should be noted that the Supreme Court’s decision to deny review of the Cablevision case does not mean, from a legal standpoint, that the Supreme Court today upheld the constitutionality of the must-carry rules. (The Supreme Court previously deemed the must-carry regime constitutional in the late 1990s.) ❖

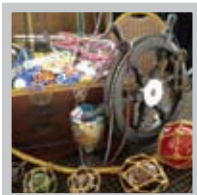
For coverage in future issues, please send announcements/press releases and accompanying photographs to [marci.malinowski@easterassociates.com](mailto:marci.malinowski@easterassociates.com) or mail to:

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



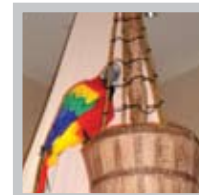




VIRGINIA ASSOCIATION OF BROADCASTERS

# 73rd Annual Summer Convention

June 24-26, 2010



Past Presidents of the VAB enjoy breakfast on Friday morning.



FCC Commissioner, Robert McDowell gives opening remarks.

## And the Winners Are...

### BEST COMMERCIAL

- Radio - Large Market, WNIS-AM, 1st Place
- Radio - Large Market, WROX-FM, 2nd Place
- Radio - Medium Market, WWWV-FM, 1st Place
- Radio - Medium Market, WBQB-FM, 2nd Place
- Radio - Small Market, WKWI-FM, 1st Place
- Radio - Small Market, WABN-AM, 2nd Place
- Television - Commercial, WWBT-TV, 1st Place
- Television - Commercial, WCAV-TV, 2nd Place

### BEST DOCUMENTARY OR PUBLIC AFFAIRS PROGRAM

- Radio - Large Market, WLNI-FM, 1st Place
- Radio - Large Market, WBTV-FM, 2nd Place
- Radio - Medium Market, WFLS-FM, 1st Place
- Radio - Medium Market, WUSQ-FM, 2nd Place
- Radio - Non-Commercial or Public, WMRA-FM, 1st Place
- Radio - Non-Commercial or Public, WHRV-FM, 2nd Place
- Radio - Small Market, WMBG-AM, 1st Place
- Radio - Small Market, WLQM-FM, 2nd Place
- Television - Commercial, WGNT-TV, 1st Place
- Television - Commercial, WVIR-TV, 1st Place
- Television - Commercial, WAVY-TV, 2nd Place
- Television - Non-Commercial or Public, WHRO-TV, 1st Place
- Television - Non-Commercial or Public, WCVE-TV, 2nd Place

### BEST HUMAN INTEREST SERIES

- Radio - Large Market, WLNI-FM, 1st Place
- Radio - Medium Market, WCNR-FM, 1st Place
- Radio - Medium Market, WFLS-FM, 2nd Place
- Radio - Non-Commercial or Public, WHRV-FM
- Television - Commercial, WWBT-TV, 1st Place
- Television - Commercial, WTVR-TV, 2nd Place
- Television - Non-Commercial or Public, WCVW-TV, 1st Place
- Television - Non-Commercial or Public, WCVE-TV, 2nd Place

### BEST MORNING SHOW

- Radio - Large Market, WLNI-FM, 1st Place
- Radio - Large Market, WRVA-AM, 2nd Place
- Radio - Medium Market, WBQB-FM, 1st Place
- Radio - Medium Market, WINC-FM, 2nd Place
- Radio - Small Market, WIGO-FM, 1st Place
- Television - Commercial, WWBT-TV, 1st Place
- Television - Commercial, WSET-TV, 2nd Place

### BEST PUBLIC SERVICE/COMMUNITY EVENT

- Radio - Large Market, WKHK-FM, 1st Place
- Radio - Large Market, WHTI-FM, 2nd Place
- Radio - Medium Market, WBQB-FM, 1st Place
- Radio - Medium Market, WAKG-FM / WBTV-AM, 2nd Place
- Radio - Non-Commercial or Public, WHRV-FM, 1st Place
- Radio - Small Market, WMBG-AM, 1st Place
- Television - Commercial, WWBT-TV, 1st Place
- Television - Non-Commercial or Public, WBTV-AM, 2nd Place



**Above: Vic Bosiger, the 2010 recipient of the J. Jerry Freeman Engineering Award. At right: Randy Smith, this year's recipient of the C.T. Lucy Distinguished Service Award.**



**Our 2010 Distinguished Virginian, NASA Astronaut Leland Melvin mingles with attendees.**



#### **BEST STATION PROMOTION/CONTEST**

- Radio - Large Market, WROX-FM, 1st Place
- Radio - Large Market, WUSH-FM, 2nd Place
- Radio - Medium Market, WXBN-FM / WXNB-FM, 1st Place
- Radio - Medium Market, WAKG-FM, 2nd Place
- Radio - Non-Commercial or Public, WHRV-FM / WHRO-FM, 1st Place
- Radio - Non-Commercial or Public, WMLU-FM, 2nd Place
- Radio - Small Market, WLQM-FM, 1st Place
- Radio - Small Market, WKWI-FM, 2nd Place
- Television - Commercial, WGNT-TV, 1st Place
- Television - Commercial, WGNT-TV, 2nd Place

#### **OUTSTANDING FEATURE REPORTING**

- Radio - Large Market, WRVA-AM, 1st Place
- Radio - Medium Market, WBTM-AM, 1st Place
- Radio - Medium Market, WFLS-FM, 2nd Place
- Radio - Non-Commercial or Public, WHRV-FM, 1st Place
- Radio - Small Market, WJMA-FM, 1st Place
- Television - Commercial, WAVY-TV, 1st Place
- Television - Commercial, WWBT-TV, 2nd Place
- Television - Non-Commercial or Public, WCVW-TV, 1st Place
- Television - Non-Commercial or Public, WHRO-TV, 2nd Place

#### **OUTSTANDING NEWS SERIES**

- Radio - Large Market, WRVA-AM, 1st Place
- Radio - Medium Market, WBTM-AM, 1st Place
- Radio - Medium Market, WJMA-AM, 2nd Place
- Television - Commercial, WWBT-TV, 1st Place
- Television - Commercial, WAVY-TV, 2nd Place

#### **OUTSTANDING NEWSCAST**

- Radio - Large Market, WRVA-AM, 1st Place
- Radio - Large Market, WNOR-FM, 2nd Place
- Radio - Medium Market, WFLS-FM, 1st Place
- Radio - Medium Market, WJMA-AM, 2nd Place
- Radio - Small Market, WFTR-AM, 1st Place
- Radio - Small Market, WJMA-FM Culpeper, 2nd Place
- Television - Commercial, WTVR-TV, 1st Place
- Television - Commercial, WHSV-TV, 2nd Place

#### **OUTSTANDING SPORTS COVERAGE**

- Radio - Large Market, WNOR-FM, 1st Place
- Radio - Medium Market, WPWT-AM, 1st Place
- Radio - Medium Market, WBTM-AM, 2nd Place
- Radio - Non-Commercial or Public, WMLU-FM, 1st Place
- Radio - Small Market, WABN-AM, 1st Place
- Radio - Small Market, WFTR-AM, 2nd Place
- Television - Commercial, WCAV-TV, 1st Place
- Television - Commercial, WTVR-TV, 2nd Place

#### **OUTSTANDING WEBSITE**

- Radio - Large Market, WROX-FM, 1st Place
- Radio - Large Market, WCDX-FM, 2nd Place
- Radio - Medium Market, WBQB-FM, 1st Place
- Radio - Medium Market, WGRX-FM, 2nd Place
- Television - Commercial, WSET-TV, 1st Place
- Television - Commercial, WVIR-TV, 2nd Place
- Television - Non-Commercial or Public, WBRA/WBSN/WMSY-TV, 1st Place





## Virginia Association of Broadcasters Legal Review



### Hurricane Season is Here-Review Emergency Policies

Summer is here, and broadcasters know the warm weather months often bring volatile weather with them, including the Atlantic Hurricane Season, which officially began on June 1. On June 22, 2010, the FCC released a Public Notice reminding television stations of their obligations to make “emergency information” accessible to persons with hearing and visual disabilities. Thus, now is a good time for television broadcasters to re-acquaint themselves with the FCC’s emergency access rule. Failure to comply with the emergency access rule may result in FCC enforcement action—over the past several years, the FCC has not hesitated to subject stations to five-figure fines in connection with broadcasts about hurricanes, wildfires, and severe thunderstorms. All video programming distributors must comply with the emergency information rule—there are no exemptions. However, the rule applies only where a programmer is already providing emergency information to its viewers. In other words, the rule does not require a television station to provide emergency information in the first place.

#### Requirements Relating to Viewers with Hearing Disabilities

To assist hearing disabled viewers, the emergency access rule requires that “emergency information” provided in the audio portion of a broadcast must be visually accessible, regardless of whether an emergency broadcast occurs during a regularly scheduled newscast, an unscheduled break-in during regular programming, as part of continuing coverage of a situation, or at any other time. As further discussed below, the method of visual presentation required depends on whether a station is permitted to use, and in fact does use, the electronic newsroom technique (“ENT”) of closed captioning for live programming. Regardless of

the method of visual presentation used, emergency information must not block any closed captioning, and closed captioning should not block any emergency information.

The requirements differ depending on whether a station is a big four (i.e., ABC, CBS, Fox and NBC) affiliate and/or located in a top 25 market as follows:

- All stations (both big four and non-big four affiliates) located outside the top 25 DMAs and non-big four affiliates located within the top 25 DMAs are permitted to use the ENT captioning method for live programming. When providing emergency information aurally to viewers, stations that generally use the ENT method must either caption the emergency information or otherwise make the emergency information accessible by using some other form of visual presentation such as scrolls, crawls, or writing on a white board (if the ENT method does not automatically caption non-scripted news). Stations that are permitted to use ENT but which have elected to caption their live programming in real time must use real-time closed captioning during the presentation of emergency information—providing the emergency information in a format such as scrolls,



**“About 36% of the claims filed now contain a retaliation allegation.”**

crawls, or on a white board is insufficient for such stations.

- Big four (i.e., ABC, CBS, Fox and NBC) affiliates located in the top 25 DMAs must provide closed captioning in real time and may not rely on ENT captioning to meet their captioning obligations. Such stations are generally required to provide real-time closed captioning of all new non-exempt programming, including breaking news and emergency alerts. In other words, for these non-ENT stations, critical details of emergency information generally must be closed captioned, and the use of other methods of visual presentation of emergency information is insufficient for compliance.

When real-time emergency captioning is required, the FCC has acknowl-

edged that a rigid application of its 100% closed captioning requirement would not account for the difficulty stations may have in securing real-time closed captioning services on short notice in times of emergency. Accordingly, the FCC has clarified that during an emergency situation, for stations for which real-time captioning is required, the FCC will excuse any de minimis or reasonable failure to provide real-time captioning of emergency information so long as critical emergency information is provided by some other method of visual presentation (such as scrolls, crawls, or writing on a white board). However, stations should not interpret this clarification as a license to flout the closed captioning or emergency access rules. Rather, broadcasters should heed the Commission's admonitions that (1) stations "should assess whether they are able to obtain captioning resources on short notice, and if not, make good faith efforts to secure captioning resources and provide closed captioning within a reasonable period of time" and (2) "non-closed captioned emergency information must be made accessible by some other visual presentation method."

#### **Requirements Relating to Viewers with Vision Disabilities**

To assist persons who are blind or have diminished vision, the emergency access rule requires emergency information that is provided in the video portion of a regularly scheduled newscast or a newscast that interrupts regular programming to be made accessible. According to the FCC's Public Notice, the FCC envisions that stations will aurally describe the emergency information in the main audio as part of their ordinary operations; this is similar to providing "open" video description, in which the descriptions are included in the primary soundtrack used by all viewers.

Additionally, if the emergency information is being provided in the video portion of programming that is not a regularly scheduled newscast or a newscast that interrupts regular programming—i.e., if the station provides the emergency information through crawls or scrolls during regular programming—the information must be accompanied by an aural tone. According to the FCC, this tone is intended to

### **"About 36% of the claims filed now contain a retaliation allegation."**

alert persons with vision disabilities that the station is providing emergency information, and therefore such persons should tune to another source, such as a radio, for more information. According to the FCC, repeating the aural tone at frequent intervals, or at least as often as the content of the crawl or scroll changes, would be helpful to viewers reliant on these tones. Moreover, the FCC also observed that while its rules do not currently require stations to provide more than an aural tone in these instances, "to the extent that a station can provide additional emergency information in an accessible format after it sounds this tone, such as on the station's website or through a telephone recording, such information would be of great benefit to consumers with vision loss. Without such additional information, these consumers are left to speculate as to what the emergency entails and have little direction on where to obtain additional guidance for responding."

#### **Definition of Emergency Information**

The FCC defines "emergency information" as information about a current emergency that is intended to further the protection of life, health, safety, and property—i.e., the "critical details" about the emergency and how to respond to that emergency. Such "critical details" could include, among other things, specific details regarding the areas that may be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.

The rule applies to "emergency information" that is primarily intended for distribution to an audience in the geographic area where the emergency is occurring. Examples of the types of emergencies covered include:

- Immediate weather situations

such as tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, and warnings and watches of impending changes in weather;

- Community situations such as discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings, and changes in school bus schedules resulting from such conditions.

The FCC has noted that this list of specific examples is only intended to provide guidance as to what is covered by the rule and is not intended to be an exhaustive list—for example, according to the FCC, the 2002 sniper situation in the Washington, D.C., area was an emergency event during which stations may have been broadcasting "emergency information" covered by the rule.

In the recent Public Notice, the FCC emphasized that a station's obligation make the critical details of emergency information accessible is not always limited to the immediate geographic areas affected by the emergency because, for example, information about the relocation of individuals outside that immediate geographic area also falls within the rule's mandate. According to the Commission, compliance with the rule would include providing information to non-impacted areas sheltering individuals displaced by a large-scale disaster, such as that which occurred during Hurricane Katrina in 2005. In that case, the need to comply with the emergency access rule extended to areas throughout the country where evacuees were temporarily re-located. Moreover, according to the recent Public Notice, there are times when the airing of emergency information pertaining to a matter of national importance will also be of local concern, and therefore should be made accessible.

Because most captioners take at least 10 minutes to commence captioning in an emergency situation, stations must remain vigilant about ensuring compliance with the emergency access rule during the period before their captioner comes online. In any event, stations should regularly assess their emergency captioning policies to ensure that operational practices at the station are meeting the expectations of management and the FCC's requirements. ❖

# New Legislation and Department of Labor Changes May Affect Hiring Decisions

By John G. Kruchko  
and Christin L. Eberst\*

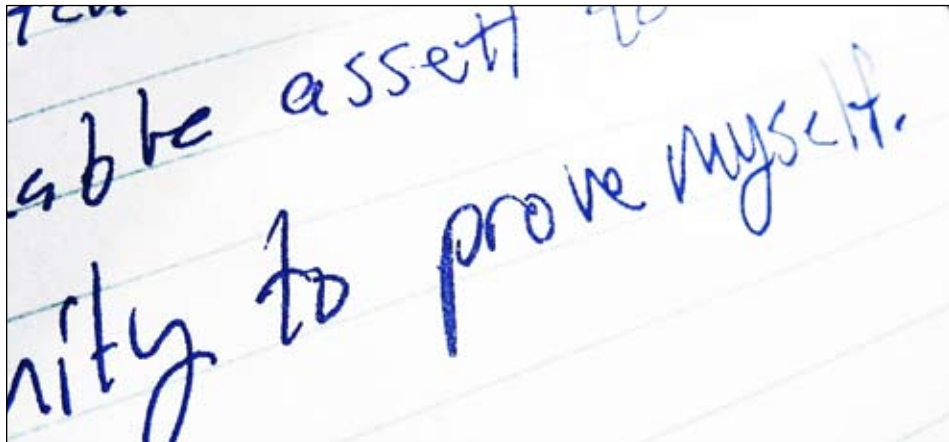
You want to hire a new employee, but are still unsure if that is a smart business decision in such a fragile economy. Debates and discussions continue between management and human resources: To hire a new employee or not? A full-time or part-time employee? How about hiring an unpaid intern for the summer? Recent changes and updates to the law may make these decisions even more difficult.

## Hiring an Unpaid Intern? Use Caution!

Unpaid internships may appear to be a good way to acquire additional hands in the workplace without spending large amounts of funds. In fact, many college interns are hired under the belief that if they receive college credit then no additional compensation is necessary. However, this belief is misguided and wrong.

The Department of Labor ("DOL") has recently renewed its efforts to take action against employers who offer unpaid internships. Historically, the DOL has been flexible when deciding whether unpaid internships are subject to the Fair Labor Standards Act ("FLSA"), which requires an intern to be paid in accordance with overtime and minimum compensation standards. Recently, the DOL has abandoned that flexible approach.

The FLSA requires an employer to follow all minimum wage and overtime compensation laws for those individuals who are "employ[ed]." Case law and the DOL's statutory interpretations have defined "employ" to include those individuals the employer "suffers or permits to work." This is a broad definition and only those internships that



satisfy a set of six factors established by the DOL may be exempt from the FLSA requirements.

All six of the following factors must be met:

1. The training an intern receives is similar to that given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. Regular employees are not displaced by the addition of the intern; rather the intern works closely under a supervisor;
4. The employer's business gains no immediate advantage from the intern's training, and actually may be impeded at times;
5. The intern is not guaranteed a job at the conclusion of the internship; and
6. Both the employer and the intern understand that the intern is not entitled to wages for the time spent during the internship.

If these six factors are met, the intern may be considered a "trainee" (and not subject to the FLSA), as opposed to an "employee" (who must be paid). In addition, interns are more likely to be con-

sidered "trainees" if they learn skills and traits that may later be used at multiple employers, as opposed to learning and performing work beneficial specifically to that employer (such as clerical work). In other words, if the employer would have hired an additional employee to perform the functions that the intern is conducting, as opposed to "job shadowing," then the intern will most likely be considered an "employee" subject to the FLSA.

Remember, when deciding whether to hire an intern, start an unpaid internship program, or conduct a training program at your company, be sure to carefully tailor those programs to ensure compliance with the DOL's new stance on unpaid internships.

## Tax Benefits for New Hires

While the DOL is making it harder to hire unpaid interns, a new law governing small businesses was created to provide hiring incentives. On March 18, 2010, President Obama signed the Hiring Incentives to Restore Employment ("HIRE") Act into law. This Act provides tax benefits to businesses which hire certain unemployed workers. Additionally, the sooner a company hires a qualified worker, the more benefits a



business may be entitled to.

The HIRE Act provides two main tax incentives. First, employers may receive a payroll tax incentive, which in effect exempts them from their share of Social Security taxes on wages paid to qualified workers hired after March 18, 2010 through December 31, 2010. This exemption does not affect the employee's future Social Security benefits and the employer is still required to withhold the employee's share of Social Security and income taxes. The second business tax incentive the Act provides is a credit of up to \$1,000 per qualified worker who is retained for at least a year.

New hires are considered "qualified workers" if the following criteria is met: (1) they were hired by the employer between February 3, 2010 and January 1, 2011; (2) they certify by signed affidavit that they were unemployed or worked less than forty (40) hours during the sixty (60) days prior to starting work; (3) they are not a family member or relative of the employer or anyone who owns more

### **Qualified employers are defined as "any employer other than the United States, any State or any political subdivision thereof..."**

than 50% of the outstanding stock or capital and profits interest of the company; and (4) the individual is filling a newly created position or an existing position that is vacant because the previous employee voluntarily resigned or was fired for cause. The Internal Revenue Service has created Form W-11, which may be used by the employer to certify that a new employee is a "qualified worker."

Also, only "qualified employers" may be eligible for the tax incentives. Fortunately, the Act was written fairly broadly to define "qualified employers" as "any employer other than the United States, any State, or any political subdivision thereof..." Thus, private

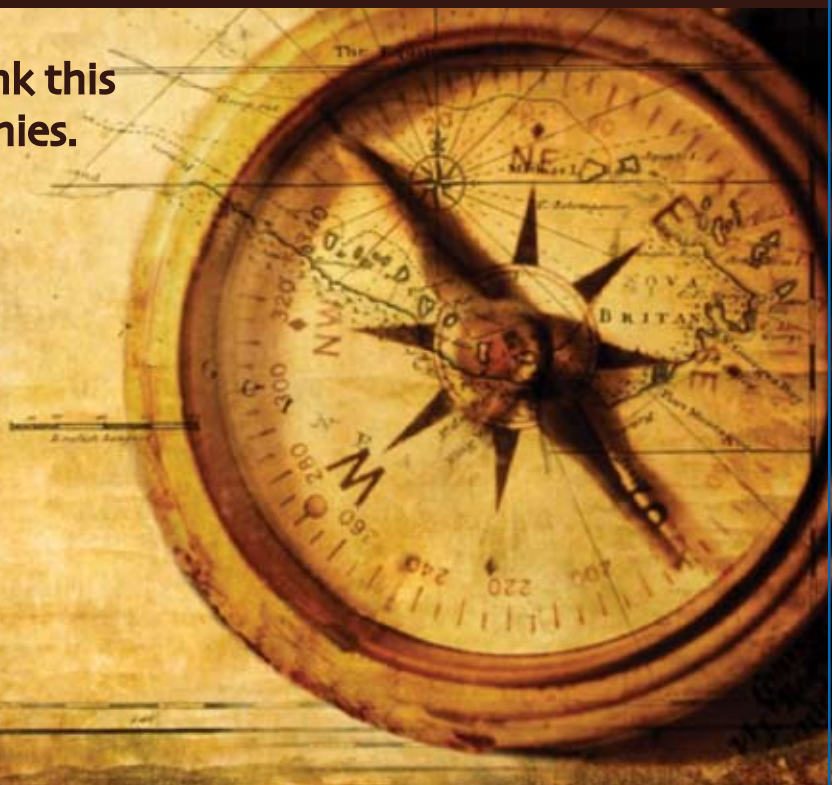
businesses, agricultural employers, tax-exempt organizations, and public colleges and universities are all probably "qualified employers" that may receive tax benefits.

In short, there is no right answer to what approach an employer should take when making hiring decisions. However, it is clear that the DOL is taking a closer look at those employees hired as "trainees" and receiving no compensation. On the other hand, employers planning to hire new employees before December 31, 2010 may be entitled to tax incentives. Either way, the nature of the new employee's job duties and employment history should be evaluated to ensure compliance with the FLSA and to recover tax benefits where due. As these are new changes in the law, we strongly recommend you consult with your Labor and Employment counsel to assist in determining what laws apply to any new personnel you bring into your business. ♦

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## **73rd Annual Summer Convention**

The VAB would like to thank this year's sponsoring companies.



# JUNE JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

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

### Submit to the Online Job Bank:

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

### Director of Digital Sales Richmond, VA

Primary responsibility is to grow digital ad revenue on [wric.com](http://wric.com) and related sub domain sites. Work with GM/GSM/LSM to establish goals and strategy to grow digital revenue. Develop new initiatives based on client needs and new technology. Create and present digital marketing campaigns to generate results for local clients. Send resume to: [WRIC-TV8 Personnel Department](mailto: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](mailto:personnel@wric.com). mailto: [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE.

### Video Journalist Richmond, VA

NBC12, Richmond's No. 1 news operation seeks a Video Journalist with on air experience and proven initiative in news gathering. Successful candidate will be accomplished in reporting and news videography. Proven track record in live remote reporting and web and social media competency required. Send cover letter, resume and non-returnable demo tape to Nancy Kent Smith, News Director, NBC12, P. O. Box 12, Richmond, VA 23218. Drug/MVR Screening. EOE M/F/H/V.

### Master Control Operator Roanoke, VA

Immediate full-time opportunity for 24-hr operation, must be able to work any shift to start. Perform all on-air operations in a very busy TV control room. Record programming from outside sources, prepare program material for air. Applicant must be reliable, a self-starter, able to manage time and perform detailed work with extreme accuracy with legible handwriting, knowledge of electronics, computers, previous broadcast experience or building maintenance engineer experience a huge plus. Will train. Minimum of high school diploma required. We offer an exciting TV broadcast environment with an excellent benefits package. If you are interested in joining our professional team, please send resume with cover letter and wage requirements to: Fox 21/27 and CW5, Attn: Chief Engineer, 2618 Colonial Ave., Roanoke, VA 24015, no phone calls please. EEO.

### Producer Charlottesville, VA

One of America's fastest-growing small market stations offers a special and immediate opportunity to a producer. You will produce our fast-paced, creative and thoughtful early morning newscast. You must be organized, a quick and skilled writer, news savvy, and able to use all of our on-air and online platforms to reach our audiences. You will live in a vibrant, sophisticated small city close to mountains, beaches and metro areas. You will replace a producer moving up to a top fifty market job. If this is the place you want to learn, live and grow, rush your resume and any other materials that tell your story to: News Director The Charlottesville Newsplex 999 2nd Street S.E. Charlottesville, VA 22902 Or by e-mail to [HR@newsplex.com](mailto:HR@newsplex.com).

### Unique Senior AE Position Available Roanoke, VA

Seasoned Account Executive needed in Roanoke immediately to grow mature account list. This is a unique opportunity. Sell 5 top rates radio stations/websites: WYYD, WROV, WJJS, Steve-FM and Sunny-FM. Previous outside sales experience, understanding of new media technology and digital selling a must. Have fun and put your professional selling skills to work where you can earn a great income! Send your resume to [Roanokecareers@clearchannel.com](mailto:Roanokecareers@clearchannel.com). Benefits include: medical, dental, vision, life, 401k, EAP, Paid Vacation and Sick Leave. EOE.

### Local Sales Manager Charlottesville, VA

Local Sales Manager position being created for small sales team within the Monticello Media Charlottesville Virginia operation. Manager will sell and oversee efforts to sell advertising for News-Talk & Sports. Media sales experience required; news-talk and/or sports media sales experience preferred. Send resume and cover letter to: [kcote@cvillestations.com](mailto:kcote@cvillestations.com) EOE.

### Sunday Morning Gospel Music Program Host Altavista, VA

Sunday morning program host to produce a gospel music show, air live and recorded church services and perform other programming tasks. Experience preferred. Must have excellent computer skills and ability to multi-task. Send your resume to Dave Hoehne, WKDE AM-FM, P O Box 390, Altavista, VA 24517.

### Outside Sales Person Altavista/Lynchburg/Roanoke, VA

Advertising sales rep for AM-FM station. Call on local businesses, upgrade, prospect and service accounts. Be able to create winning presentations, consistently achieve monthly goals, excel in competitive environment. We need a team player who possesses good verbal and computer skills. Some college preferred. Salary plus commission, paid vacation. Send resume and cover letter to Dave Hoehne, P O Box 390, Altavista, VA 24517.

### Weekend Sports Anchor/Reporter Bristol, VA

Produce and anchor 6:00, 10:00 and 11:00 sportcasts weekends and for sports programs as needed. Write and edit stories, shoot and report for News and Sports, backup anchor for Sports. Ability to shoot and edit videotape, report and produce live shots, stack show, work as part of a team under deadline pressure, and handle stress of newscast production and changing hours. Previous television news experience. Ability to write and edit stories, shoot and edit videotape, report and produce live shots. College degree in broadcast journalism preferred. Contact Conie McCully, Human Resources, Bonten Media Group, LLC.

### Satellite Truck Operator FT Lynchburg, VA

Maintains satellite truck, DOT logs, documentation. Performs satellite transmissions. Video-Journalist experience a plus. Formal education equivalent of a high school diploma. Experience with television broadcast maintenance and television microwave or

satellite RF equipment maintenance. Valid Virginia Driver's license within 30 days of employment and Commercial Driver's License required. Good driving record. Ability to operate standard-geared truck. Basic knowledge of video, audio, and RF television systems. Must physically qualify to drive a commercial motor vehicle or receive a waiver from the FMCSA. Ability to travel and work flexible hours to meet the needs of news coverage. Good communication and organizational skills. Must be able to read and speak English well enough to carry on conversation, understand highway traffic signs and signals, and fill in information on reports and records. 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.

### Morning & Noon Anchor/Producer/Reporter Harrisonburg, VA

WHSV - TV is looking for a dynamic anchor/producer/reporter to take our morning show to the next level. We need a natural story-teller who we can pair with our established female co-anchor to help produce and co-anchor a two hour show. This candidate would also produce and anchor our Noon show three days a week. Must be able to creatively showcase the "Big Story" and understand the importance of teasers. Knowledge and experience with internet news presentation is desired. Experience with I-News and non-linear show editing and production is a plus. Please RUSH your tape and resume to: Ed Reams, News Director, WHSV - TV, 50 North Main Street, Harrisonburg, VA 22802. You may also email your resume to [reams@whsv.com](mailto:reams@whsv.com). WHSV - TV is a drug free workplace. EOE

### Assistant to Creative Services Director Roanoke, VA

WFXX FOX 21/27 and the CW 5 are looking for a full time assistant to the Corporate Director of Creative Services. Duties of this position include writing of press releases, various clerical duties such as filing, word processing, and network and syndicated submissions and reconciliation reports as well as keeping promotional inventory up to date and filling broadcast logs. In addition, helping with websites, creative endeavors and promotional events and other duties as assigned. Experience with Microsoft Word, Excel, Power Point and Photoshop required and prior broadcast experience preferred, but not required. Please apply by sending your resume, cover letter and references to: Debbie Reardon, Creative Services Director, 2618 Colonial Ave., SW Roanoke, VA 24015. No phone calls please or e-mails. EOE M/F/D/V Pre-employment background check

### Full Time Accountant Roanoke, VA

Your local Fox and CW television station is looking for a highly motivated individual that can work in a fast pace environment and can handle a wide range of tasks, which may include but are not limited to A/R, A/P, Payroll, GL and financial analysis. The ideal candidate would have a 4yr degree in accounting or related field, 1-3 yrs work experience with Excel and Peachtree a plus. We offer an exciting TV broadcast environment with an excellent benefits package. If you are interested in joining our professional team, please send resume with cover letter and salary requirements to Fox 21/27 and CW5, Attn: Business Manager, 2618 Colonial Ave. SW, Roanoke, VA 24015 by July 9, 2010. No phone calls please or e-mails. EOE M/F/D/V Pre-employment background check.

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#### **FT or PT News Anchor/Reporter Richmond, VA**

CBS 6 WTVR is seeking a full-time or part-time energetic and confident 5 PM news Anchor/Reporter to join one of the market's fastest growing newscasts. Our newsroom is dedicated to owning breaking news and dominating enterprise coverage of local news that has a real impact on our viewers. Responsibilities include presenting the news in a clear, authoritative and compelling manner, demonstrating strong storytelling and live field anchoring skills. Additional duties include checking news scripts daily for accuracy and impact, contributing content to our Web site and working cooperatively with others to create a sense of teamwork in our overall presentation. The successful candidate will maintain a professional personal appearance as defined by CBS 6 News Management and will make public appearances on behalf of the station. Applicants must have a degree in communications, mass media, journalism or other related studies and 5-10 years experience anchoring and reporting television news. To apply: Send cover letter, resume and a sample of your work (DVD preferred) to: Bill Anderson, News Director, CBS 6 WTVR, 3301 W. Broad Street, Richmond, VA 23230. EOE.

#### **News Photographer/Editor Richmond, VA**

Experienced in shooting and editing. Panasonic P2 format and Edius computer editing. Resume tape must display creativity and attention to detail. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464 or email your resume to personnel@wric.com. NO phone calls please. EOE.

#### **Television Production Specialist (Part-time) Richmond, VA**

Immediate opening for someone with strong working knowledge of television broadcast facility. Audio operation and character generator operation experience preferred. Other duties include studio set-up and maintenance, studio camera operation and floor direction and other assigned duties. Early morning, late night and weekend work required. 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.

#### **Video Journalist Richmond, VA**

WRIC-TV8 is looking for a Video Journalist who can shoot, edit, and write. The ideal candidate must be able to work independently, generate story ideas, and produce innovative content for all newscasts. Some sports shooting and fill-in sports anchoring required. One year shooting and reporting experience preferred. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464 or email your resume to personnel@wric.com. NO phone calls please. EOE.

#### **News Producer Richmond, VA**

WRIC-TV8 is looking for a producer who is a strategic thinker that can execute a plan. The successful candidate will be excellent handling breaking news situations, possess strong writing and people skills and exhibit solid editorial judgment. One to two years newscast producing preferred. 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 Executive Richmond, VA**

Account Executive position in Sales Department. Advertising sales background helpful. 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.

#### **FT Reporter/Video Journalist Danville, VA**

WSET-TV seeks a Reporter/Video-Journalist, responsible for gathering news, as well as shooting and editing videotape of news, sports, and special features. This person must display high journalistic standards and be prepared to cover stories alone. The individual will participate in the public affairs of the station and must be a good communicator, work well with others, and take direction from management regarding job performance and reporting/shooting/editing style, content, and technique. Advanced Education in the field of Broadcast Journalism or combination of education and work experience. Valid Virginia Driver's license within 30 days of employment. Knowledge of journalistic standards, accurate writing skills, ability to act and react on camera and maintain personal appearance. 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 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.

#### **Engineering Manager Roanoke, VA**

Blue Ridge PBS, (WBRA, WBSN, WMSY) serving Western Virginia and portions of four other states with three regional transmitter sites headquartered in Roanoke, VA has an immediate opening for an Engineering Manager. Reporting to the Director of Engineering, the ideal candidate will have a minimum of 5 years digital television broadcast experience, strong technical skills and possess SBE certification. Proficient IT abilities required. Applicants must be self motivated with good organizational and communication skills. Salary DOE. Good benefits. Job description at [www.blueridgepbs.org](http://www.blueridgepbs.org). E-mail resume to: [jobs@blueridgepbs.org](mailto:jobs@blueridgepbs.org). Blue Ridge PBS is an EOE. Smoke-free campus. Women and minorities are encouraged to apply.

#### **Local Sales Manager Charleston, WV**

Bristol Broadcasting Company is seeking an experienced Local Sales Manager to lead our team of sales professionals at our top-rated, five-station Charleston, West Virginia, cluster. The preferred candidate will have several years of experience in broadcast sales management and a proven track record. We are looking for the person who can train and inspire our salespersons and can collaborate efficiently with our programmers. A pleasant, professional demeanor and a go get 'em attitude are essential. Bristol Broadcasting Company, a stable company with the same family ownership for more than 50 years, will offer a salary/commission plan plus benefits. If you believe you are the one for the job, apply with resume and references to: [salesmanagerwanted@bristolbroadcasting.com](mailto:salesmanagerwanted@bristolbroadcasting.com). No phone calls please. Bristol Broadcasting Company, Inc., is an equal opportunity employer.

#### **Experienced Account Executive Norfolk, VA**

Sinclair Communications is on the lookout for an EXPERIENCED radio account executive for 5 great radio stations in Hampton Roads: 100,000 watt adult hits powerhouse WNOB (93.7 BOB FM), alternative rock WROX-FM (96X), country station WUSH (US 106), NewsRadio station WNIS (am790 WNIS) and TalkRadio WTAR (am850 WTAR). Minimum two years sales experience required, preferably in broadcast media. Email resumes to [jrobinson@sinclairstations.com](mailto:jrobinson@sinclairstations.com) or fax attn: J. Robinson at (757) 640-8552.

#### **New Media Developer Portsmouth, VA**

WAVY TV 10/WVBT Fox 43 is looking for a New Media Developer. Think you can manage the daily tactical operations of our web sites? Can you prioritize key projects and initiatives? Do you know UI, UX, social media, mobile web, coding and scripting languages? The New Media Developer must be able to produce and implement a flow of creative solutions for daily operations, including training, tools, efficiencies and processes. The ideal candidate will be well-versed in website architecture, user experience design, digital marketing, and development – specifically, data management and optimization, programming and scripting languages, and system administration. Please send resumes and inquiries to Tim Moreau, New Media Director, [tim.moreau@wavy.com](mailto:tim.moreau@wavy.com) For more information on the Responsibilities and Skills required please visit our website [www.wavy.com](http://www.wavy.com), click on "About Us" in the upper left hand corner of the page. EOE. No Phone Calls

#### **Production Director Arlington, VA**

Salem Media of Virginia, Inc (WAVA, 105.1FM & 780AM and WRC, 1260AM) is looking for a creative person with copy writing and production experience to serve as Production Director. The successful candidate must have the ability to work in a state of the art computerized digital studio must have a working knowledge of digital audio programs such as Sound Forge, Vegas and Adobe Audition. The position also requires the ability to interface with sales and program staff as well as clients and external talent and the ability to work with a tight deadline. Females and minorities are encouraged to apply. To apply, mail cover letter, resume and air check (CD) to: Salem Media of Virginia Attn: Tom Moyer or David Ruleman 1901 North Moore Street, Suite 200 Arlington, VA 22209 or E-mail cover letter, resume and air check (MP3) to: [tomm@wava.com](mailto:tomm@wava.com) Salem Media of Virginia is an Equal Opportunity Employer.

#### **News Producer Portsmouth, VA**

WAVY-TV, the #1 station in the Norfolk, Virginia market is looking for an experienced multi-platform newscast producer. Candidate must function well in a fast-paced, content-driven environment with an ability to direct a team of reporters, writers, and production staff to be the best on the air and online. You'll conceive and execute daily newscasts, webcasts & web postings/integration. Creativity with graphics and strong tease-writing skills are necessary. (Minimum 2 years newscast producing experience required) Send your latest newscast and resume to: Tiaira Shultz, Executive Producer, WAVY-TV, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

**View the latest listings at  
[www.vabonline.com/careers](http://www.vabonline.com/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
8	8	52		8	8	52
9	9	52		9	9	52
10	10	52		10	10	52
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.

