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# Newsletter

Virginia Association of Broadcasters

March 2009

## House Judiciary Passes Federal Shield Law

The NAB is applauding House Judiciary Committee Chairman John Conyers (MI-14), Reps. Rick Boucher (VA-9), Bob Goodlatte (VA-6) and their Judiciary Committee colleagues for approving H.R. 985, the Free Flow of Information Act. The legislation, which would establish a federal law allowing journalists to protect the identity of confidential sources, passed on March 25 by a voice vote.

Strong bipartisan support in the last Congress reaffirms that hauling journalists to jail or bankrupting them to force them to reveal their confidential sources is not the American way.

Commenting on the Judiciary Committee action, NAB Executive Vice President Dennis Wharton issued the following statement:

"For years, broadcast journalists have demonstrated a commitment to keeping Americans informed with timely investigative reporting on issues of critical importance. Key to this effort is a reporter's ability to retain access to confidential sources without fear of prosecutorial reprisal. . . . We look



forward to passage by the full House and Senate."

"This bipartisan compromise strikes a careful balance to ensure that citizens stay informed," wrote NAB President David K. Rehr in a letter to Chairman Conyers."

Rehr also pointed out all but one of

the fifty states have common law or codified protections for confidential sources, and that a lack of federal standards could undermine state shield laws.

H.R. 985 will now go before the full House for approval, while S. 448, companion legislation in the Senate, awaits committee consideration. ♦

## Amendment Targets Talk Radio Diversity



Senate Majority Whip Richard Durbin (D-Ill.) says his amendment which would direct the Federal Communications Commission to promote "diversity" in the ownership of broadcast outlets is nothing new and merely restates longstanding FCC rules.

The amendment's language is viewed by many media experts as a means to regulate conservative talk radio, particularly popular programs such as the Rush Limbaugh Show and the Sean Hannity Show, among many others.

House Conference Chairman Mike

Pence (R-Ind.), a former radio broadcaster, argues the amendment is a masked attempt to restore the Fairness Doctrine, an FCC initiative that forced broadcasters to grant equal airtime to opposing political viewpoints until 1987.

Meanwhile Chairman Rick Boucher (D-VA) says the House Communications, Technology & Internet Subcommittee "has no plans to reinstate the fairness doctrine."

The original Fairness Doctrine said radio stations that discussed controversial issues must allow opposing views to

*(continued on page 2)*



## VAB Newsletter

Published monthly by the Virginia Association of Broadcasters  
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## Talk Radio Diversity

(continued from page 1)

be aired. It effectively stifled the discussion of politics and public policy on the radio, and shows like Rush Limbaugh's did not emerge until after the regulation was repealed.

The amendment was attached to a bill (S.160) that would grant Washington, D.C. a vote in the House of Representatives, was approved by the Senate last month in a 57-41 vote.

The amendment orders the FCC to take "affirmative actions" to ensure that radio station ownership is diverse and that broadcast licenses are issued strictly in the public interest. It also claims to ensure broadcast station licenses are used in the public interest."

Conservatives have criticized the

Durbin amendment as simply a back-door way to re-impose the Fairness Doctrine and diminish the presence of conservative and Christian talk shows on the radio by diminishing the number of radio station owners who would schedule conservative and Christian radio hosts in their lineups.

"It's clear to me that Democrats, having failed in their frontal assault on talk radio in America through the Fairness Doctrine, are now shifting strategy to a form of regulation that is essentially the Fairness Doctrine by stealth," says Pence.

House Minority Leader John Boehner (R-Ohio) says he thinks Republicans may be able to muster the votes to stop it. "I think as we get into the appropriations process you will see us continue our effort to make sure the Fairness Doctrine is not put back into place." ♦

Remember to update your station profiles on the VAB website! New information has been added to make it easier for VBS media buyers to market your station. To update your information, please go to <http://www.vabonline.com/members/login.aspx>, login with your un/pw, then click on "Your Stations." If you've forgotten your username or password, email [christina.meyer@easterassociates.com](mailto:christina.meyer@easterassociates.com).

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# NAB and MSTV File White Spaces Lawsuit



The National Association of Broadcasters and the Association for Maximum Service Television, Inc. (MSTV) have filed a petition with the D.C. Circuit Court of Appeals for review of the FCC's "white spaces" order adopted in November 2008. NAB and MSTV have asked the court to declare the FCC's "white spaces" rules unlawful and to vacate and set the rules aside.

The FCC's "white spaces" order allows fixed and personal/portable unlicensed devices to operate in the so-called "white spaces" that are adjacent to active DTV channels. The FCC's November 2008 decision to allow unlicensed devices in "whitespaces" was a

major disappointment for broadcasters because of the very real potential that unlicensed devices will cause harmful interference to over-the-air television reception and wireless microphones. Indeed, the FCC vote on the "white spaces" order occurred just two weeks after its own Office of Engineering and Technology released a 409-page technical report analyzing the tests of the devices—and without providing any opportunity for public comment on the report. Broadcasters had mounted an aggressive lobbying effort to postpone the vote and allow time for public comment, but the Commission ultimately opted to approve the use of these unlicensed devices under certain conditions. (Stations may wish to refer to our Legal Headlines distributed on November 15, 2008, for additional detail on the FCC's "white spaces" rules.)

In the lawsuit now pending before the D.C. Circuit, NAB and MSTV have challenged the "white spaces" rules based on interference concerns. MSTV officials have stated publicly that these interference concerns are justified based on data from the Commission's Office of Engineering and Technology report that

demonstrate that the FCC's "spectrum sensing" approach will not adequately protect over-the-air television reception. (The FCC's rules permit applications for certification of devices that rely on spectrum sensing, rather than geolocation and database access capabilities, to avoid causing harmful interference, subject to a more rigorous set of tests by the FCC Laboratory.)

ESPN, the Broadway League of New York (an association for the theater industry), and other entities that use wireless microphones also filed a lawsuit to challenge the "white spaces" rules in the Second Circuit Court of Appeals. The Second Circuit lawsuit has been consolidated with the D.C. Circuit lawsuit, and the consolidated action will be heard by a panel of the D.C. Circuit.

The lawsuits were filed just weeks after publication in the Federal Register that some of the "white spaces" rules were to go into effect on March 19, 2009. Whether the rules will be stayed pending outcome of the lawsuits is unclear at this time. We will continue to update you as additional information becomes available. ♦

## Recession May Affect Joint Ownership

FCC acting chairman Michael Copps says the commission needs to reexamine the rules that govern joint ownership of broadcast stations and newspapers. Bloomberg quotes Copps as saying the agency should "visit this whole problem again" before long, however their story does not offer specific problems the commissioner wants to address.

Copps, whose FCC term expires next year, says the FCC rule, which restricts owning a daily newspaper and broadcast station in the same market, doesn't meet "the needs of the industry, the economy or the public."

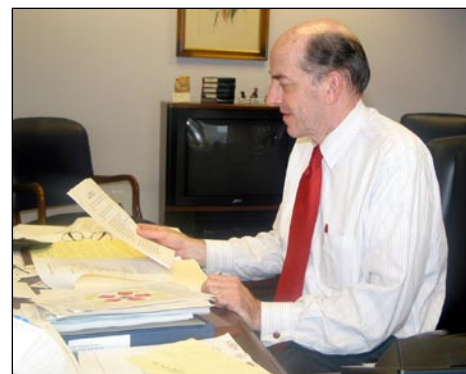
While citing the current state of the economy as motivation, Copps may also be feeling pressure from House Speaker Nancy Pelosi's (D-Calif.), who wrote a

two-page letter to Attorney General Eric Holder, asking for all pending anti-trust reviews of media mergers to "reflect current market realities." She added, "This is consistent with antitrust enforcement in recent years under both the Republican and Democratic Administrations. And the result will allow free-market forces to preserve at many news sources, and as many viewpoints and as many jobs, as possible."

Members of Congress and Attorney General Eric Holder have said they're concerned with the newspaper industry after four bankruptcies in as many months, while major papers in New York, Atlanta, Washington, D.C. and Boston have announced staff or pay cuts. U.S. newspapers eliminated 5,000 newsroom

jobs in 2008 as industry advertising revenue fell 16 percent, and a Pew Project study suggests 2009 "may be the worst year yet."

Copps is to relinquish the chairmanship when the Senate confirms Julius Genachowski, President Barack Obama's selection for FCC chair. ♦



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## Senators Oppose Performance Tax

As approximately 500 local radio and television broadcasters gather in Washington, D.C. for the NAB State Leadership Conference, senators are introducing the Local Radio Freedom Act, S. Con. Res. 14. Senators Blanche Lincoln (AR) and John Barrasso (WY) introduced the resolution, which opposes the introduction of "any new performance fee, tax, royalty, or other charge" on local radio stations. The Local Radio Freedom Act mirrors a House Resolution supported by 158 lawmakers and comes as roughly 500 local broadcasters gather in Washington for the annual NAB State Leadership Conference. Senator Lisa Murkowski (AK) has also voiced her support for the Local Radio Freedom Act by signing on as an original co-sponsor.

"Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air, or on any business for such public performance of sound recordings," reads S. Con. Res. 14.

The Local Radio Freedom Act counters legislation supported by the Record-

ing Industry Association of America (RIAA), which would levy a new fee on local radio stations for music aired free to listeners. At least 50 percent of the proceeds from the new fee would go directly into the coffers of the record labels, three of four of which are based outside the U.S.

"Broadcasters appreciate the bipartisan leadership of Sens. Lincoln and Barrasso on an issue of critical importance to the survival of free, local radio," said NAB Executive Vice President Dennis Wharton. "A performance tax would threaten thousands of American jobs, reduce music diversity, and hamstring a new artist's ability to reach radio's 234 million weekly listeners. RIAA's attempted money-grab would decimate a radio business reeling from the worst advertising recession in decades."

The annual NAB State Leadership Conference brings local broadcasters to Washington to meet with elected officials and discuss issues impacting local radio and TV stations. Protecting local radio stations from the RIAA-sought fee has been identified as the number one priority of the NAB Radio Board of Directors. ❖

## Low Power FM Bill

Representative Michael Doyle (D-PA) recently introduced the Local Community Radio Act of 2009 (H.R. 1147). The act would require the FCC to eliminate third- adjacent minimum distance separation requirements between low power FM stations and full-service FM, FM translator, and FM booster stations. The elimination of third- adjacent channel protection raises the possibility of harmful interference to full-power FM stations.

The act is the latest step in ongoing efforts by Congress and the FCC to eliminate third-adjacent channel protection for low power FM broadcasters so that, in the words of H.R. 1147, "unrepresented communities" have an opportunity to operate stations and local communities have access to "a greater diversity of viewpoints and culture."

Local Community Radio Act of 2009 would require the FCC to remove third-adjacent minimum distance separation requirements between (1) low power FM stations and (2) full-service FM, FM translator, and FM booster stations. The FCC would also retain its rules that provide third-adjacent channel protection for full-power noncommercial FM stations that broadcast radio reading services from potential low power FM station interference.

When licensing FM translator stations, the FCC would need to ensure licenses are available to both FM translator stations and low power FM stations and that licensing decisions are made based on "the needs of the local community."

Certain provisions of a 2001 appropriations act would be repealed, including those that required the FCC to (1) modify rules authorizing the operation of low power FM radio stations to prescribe minimum distance separations for third-adjacent channels; (2) prohibit applicants that have engaged in the unlicensed operation of any station from obtaining a low power FM license; and (3) institute a program to test whether low power FM radio stations will result in harmful interference to existing FM radio stations if minimum distance separations for third-adjacent channels are not required.

H.R. 1147 was referred to the House Committee on Energy and Commerce on February 24, 2009. ❖



## FCC Conducts Random Equal Employment Opportunity Audits

Each year, the FCC randomly audits the Equal Employment Opportunity programs of approximately five percent of all licensees in the radio and television services, with both services proportionately represented in the audit pool. The FCC mailed its most recent EEO audit letters to certain randomly selected radio and television broadcasters on March 23, 2009. The list of stations selected for audit is available at the following website addresses: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-667A3.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-667A3.pdf) (radio stations) and

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-667A4.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-667A4.pdf) (television stations). A copy of the audit letter is also available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-667A2.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-667A2.pdf).

The March 2009 EEO audit letter requires each selected employment unit to respond by May 4, 2009, to questions about the unit's employment practices, generally, and the unit's compliance with specific EEO rules. In addition to questions related to recruitment and outreach, audited stations must respond

to questions concerning EEO program evaluation and self-assessment. The FCC also requires each audited station to provide copies of private-file documents demonstrating its compliance with the EEO rules.

The information requested in an EEO audit letter is extensive and requires significant effort in order to respond appropriately. Any station that appears on the FCC's list of randomly selected radio or television stations should immediately contact its communications counsel. ❖

## Network Affiliates Challenge Satellite Viewer Extension

Both NBC and CBS affiliate associations are telling legislators that the Satellite Home Viewer Extension and Reauthorization Act (SHVERA) would allow cable and satellite operators to import TV signals from competing local markets, which would "threaten the viability of local news, weather and sports."

Congress is also considering modifying the distant signal rules to allow satellite, and potentially cable, to import signals from adjacent markets in certain cases, including so-called "split markets" where the market crosses state lines and viewers in part of the market are getting stations from the neighboring state.

Broadcasters say cable operators can already negotiate for carriage of the local news and sports on adjacent-market stations to rectify that problem, but that changing the law to allow them to import network and syndicated programming duplicates programming already in the market.

Broadcasters argue that allowing those imports will alter the retrans landscape. "[T]hese proposals would erode the long-standing principle of localism by diminishing local stations' ability to negotiate for retransmission consent fees and earn advertising revenue, both of which support their television service - such as local news, weather, and sports - to their local communities," wrote NBC TV Affiliate Association President and Chairman Michael Fiorile to the heads of the relevant congressional committees. "These proposals would undermine the delicate balance that Congress intended for retransmission consent negotiations because cable and satellite carriers could



play the out-of-market affiliate against the in-market affiliate to frustrate the in-market station's ability to negotiate fair and reasonable retransmission consent fees."

With a weakened retrans hand and ad base, said CBS affiliates chair Scott Blumenthal, "the local affiliates would cut local programming and services, including the very substantial coverage and other services they provide to viewers throughout the local market," causing "widespread damage" to local broadcasting.

Blumenthal says that almost half the 210 TV markets in the country could be affected by the change in the law. House Communications, Technology & Internet Subcommittee Chairman Rick Boucher (D-VA) says reauthorizing SHVERA (which expires at the end of the year) is legislative priority number one. It was the subject of his first hearing as chairman of the subcommittee. Although the bill only deals with cable, Congress is expected to deal with cable's distant signal issues at the same time. ❖

## FCC Outlines Remaining DTV Transition Guidelines

The Federal Communications Commission today sets the rules of the road for the final stage of the digital television transition, adopting policies meant to protect and prepare consumers while ensuring broadcasters have the flexibility granted by Congress to switch to digital before the final June 12 deadline.

In this order adopted to implement a law signed by the President last month that extended the final transition deadline from February 17 to June 12, the Commission takes further steps to provide an analog lifeline of vital news, public affairs and emergency broadcasts to consumers who need more time for the switch. Prompted by lessons learned after February 17, when about one-third of the nation's full power broadcasters terminated analog programming, the Commission also requires broadcasters who have yet to make the transition to educate consumers about a range of digital television reception problems that have arisen.

These issues include:

**Signal loss:** Stations must provide on-air and other notifications of potential signal loss if 2 percent or more of their analog viewers are predicted to lose service, regardless of whether stations gain viewers in other areas.

**Antennas:** All stations must include information about the use of antennas as part of their consumer education campaigns, including additional information if they are changing from the VHF to UHF bands and viewers may need additional or different equipment to avoid loss of service.

**Scanning:** Stations must inform and remind viewers about the importance of

periodically using the rescan function of their digital televisions and digital converter boxes. During the time surrounding the conclusion of the transition, many stations will be changing the service areas and the broadcast frequencies of their digital transmissions. As a result, viewers will need to periodically rescan during this period in order to ensure that they are correctly receiving all the digital broadcast services available to them.

"The guiding principle here is simple -- consumers deserve to know the truth," said Acting FCC Chairman Michael Copps. "They will forgive a lot, but they won't forgive being lulled into a false sense that the transition will be less disruptive or less expensive than it turns out to be."

In addition to the new consumer education requirements, the order establishes procedures for stations that want to terminate analog service before June 12. To ensure an orderly transition, the Commission has already required stations that have not terminated analog service to file a binding notice of their proposed analog service termination date by March 17, 2009. Generally, stations may not terminate analog service before April 16, 2009, and must air viewer notifications for at least 30 days before they cease analog service. However, noncommercial stations experiencing significant financial hardship may terminate analog service beginning on March 27.

The Commission strengthens requirements, first adopted prior to the partial transition on February 17th, to help ensure that consumers who need more time to make the switch can con-

tinue to receive analog broadcasts of critical news, public affairs and emergency information until June 12. Affiliates of the major networks – ABC, CBS, Fox and NBC – that wish to terminate analog service prior to June 12 must ensure that at least 90% of their analog viewers will receive continuing analog service from another major network affiliate through June 12. This service may consist of continuing regular analog programming from one or more of the major network affiliates remaining on the air, or "enhanced nightlight" service, which consists of analog news, public affairs and emergency information from a major network affiliate.

If more than 10% of the analog viewers of a major network affiliate lose service from all major network affiliates, then that major network affiliate is responsible for other public interest conditions, including requirements for walk-in help centers, consumer referral telephone numbers, and DTV education and outreach. These public interest measures may be undertaken individually or collectively by the stations.

The Commission provides broadcasters with additional flexibility. First, broadcasters may terminate analog service at any time of day on their final day of analog service, although they must notify the Commission of the approximate time they will terminate. In addition, the Commission eliminates the requirement for most stations to continue broadcasting DTV transition educational information after they have terminated analog service. ♦

## Economic Stimulus Bill Extends DTV Converter Coupons

People who got digital TV converter box coupons but let them expire can now apply for new ones.

The recent stimulus package put more money into the coupon program, letting the National Telecommunications and Information Administration give households with expired coupons a second chance.

Each household can apply for two \$40 coupons that cover most of the cost of converter boxes. While 26 million

coupons have been redeemed, 17 million expired at the end of their three-month life span.

The government also has cleared the wait list that built up after funding for the coupons dried up in January. That problem led Congress to delay the shutdown of analog TV broadcasts by four months, to June 12.

After then, older TVs that aren't hooked up to cable or satellite feeds will need converter boxes. ♦





# SPECIAL SECTION 2009 Industry-Related Legislation

The following is a recap of the legislation monitored and acted upon by VAB lobbyists in the recently completed General Assembly session.

As happens each year, there were a raft of Freedom of Information exemption bills introduced. Lobbyists for the VA Press Association, the VA Coalition for Open Government, and the VAB work each year to minimize the negative impact on the media and the public. However, exemption bills pass each year, but most are minimized by the work of these three organizations.

Though you will see that a number of FOI exemption bills passed this year, none are very damaging to news organizations. All bills passed by the General Assembly still will need the Governor's approval or amendments.

Good news! Once again the General Assembly approved funding for the See VA 1st tourism advertising program. Details will follow.

## **HB 1634 Campaign finance; prohibited activities during regular sessions of General Assembly.**

Summary: This bill would have prohibited any General Assembly member, the Governor, Lieutenant Governor, or Attorney General from attending any fundraising event held during a regular session of the General Assembly if the event was sponsored by any political party committee, registered lobbyist, or any organization, group, or person from whom the member or statewide official received a campaign contribution prior to the session in the session year or during the preceding calendar year. The bill defined "fundraising event" as any event that generates any contribution, or utilizes any expenditure, that is reportable under Virginia or federal campaign finance disclosure laws. Patrons: Saxman and Landes  
02/17/09 Senate: Defeated in Privileges and Elections (15-Y 0-N)

## **HB 1730 Tax legislation; requires a sunset date of no more than four years on all.**

Summary: This bill would have required a sunset date of no more than four years on all bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly. However, after passage, such bills would not have expired on the sunset date if at that time the tax was dedicated to pay outstanding bonds. Rather, such bills would expire the date they were no longer dedicated to outstanding bonds. Patrons: Cole, Athey, Frederick and Peace; Senator: Vogel  
02/23/09 Senate: Defeated in Rules

## **HB 1786 Retail Sales and Use Tax; exemption for purchases of audiovisual works.**

Summary: This bill would have removed the sunset date (July 1, 2019) from the exemption for purchases made for use in the production of audiovisual

works. Patrons: Hull, Hall and Hamilton  
02/10/09 House: Defeated in Finance

## **HB 1843 Civil commitment of sexually violent predators; changes including access to sealed records, etc.**

Summary: This bill makes a number of changes, including requiring that the court records for certain sexual misdemeanors be retained for 50 years rather than 10 years; allowing access to juvenile court and records of the Department of Juvenile Justice; addressing challenges to filing defects, including defendants under the Commitment Review Committee; removing the requirement that victims of certain crimes must have suffered physical bodily injury in order for certain prisoners to be referred to Commitment Review Committee; allowing access to sealed records; extending from 60 to 90 days the time for a probable cause hearing and allowing the respondent to waive his right to such hearing; setting a standard for the court to find probable cause; allowing hearings to be conducted using two-way electronic video and audio communications systems and telephonic communication for witnesses; and extending from 90 to 120 the number of days after the probable cause hearing for conduct of the trial. Patrons: Griffith, Athey, Lingamfelter, Miller, J.H., Pollard and Sherwood  
02/28/09 House: Adopted (89-Y 0-N)  
02/28/09 Senate: Adopted (40-Y 0-N)

## **HB 1845 Remote access to land records; Prince William County may establish a pilot program assessing fee.**

Summary: This bill allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall

make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to SB 935. Patron: Lingamfelter  
02/25/09 Governor: Approved by Governor-Chapter 76 (effective 7/1/09)

## **HB 2043 Port Authority; records of allowance or reimbursement for expenses paid officer, etc., to be open.**

Summary: This bill would have provided that records of the allowances or reimbursements for expenses paid to any officer or employee of the Authority or any entity, including but not limited to any entity operating a terminal on behalf of the Authority, that are incurred for business development or marketing of the ports of the Commonwealth shall be open to public disclosure in accordance with the Freedom of Information Act. The bill would have exempted from public disclosure those portions of such records that would identify specific business development or marketing activities with existing or future parties with whom the Authority has formed, or forms, any arrangement for the shipment of goods and cargoes through the ports, if disclosure of such information would be harmful to the competitive position of the Authority. Patron: Gear  
02/10/09 House: Defeated in General Laws

## **HB 2144 Concealed handgun permit applications; access to personal information.**

Summary: This bill protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. Patron: Nutter  
02/10/09 House: Adopted (99-Y 0-N)  
02/25/09 Senate: Adopted (40-Y 0-N)

## **HB 2181 Freedom of Information Act; protection of internal controls of State's financial systems.**

Summary: This bill exempts from the mandatory disclosure requirements of FOIA documentation or other information as determined by the State Comptroller that describes the design, function,

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operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, summary reports relating to the soundness of any fiscal process shall be disclosed in a form that does not compromise the internal controls. The bill provides that nothing contained in its provisions shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit. Patron: Phillips  
01/30/09 House: Adopted (97-Y 0-N)  
02/23/09 Senate: Adopted (40-Y 0-N)

**HB 2266 Freedom of Information Act; exemption for name, address, etc., of complainants relating to zoning.**

Summary: This bill expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code. Patron: Ware, O.  
02/27/09 Senate: Adopted (39-Y 1-N)  
02/27/09 House: Adopted (96-Y 1-N)

**HB 2269 Expenditures; annual report thereof provided by school board to be made available to public.**

Summary: This bill requires the annual report of expenditures provided by the school board to the appropriate governing body to also be made available to the public on a template prescribed by the Board of Education. Patron: Poindexter  
02/25/09 Governor: Approved by Governor-Chapter 104 (effective 7/1/09)

**HB 2421 Freedom of Information Act; definition of public record.**

Summary: This bill would have clarified that the definition of public record does not include correspondence, messages or other records or portions thereof created or received by a public employee, appointee or officer that relate to personal matters and do not address public business; however such records may have been disclosed in the discretion of the custodian. Patron: May  
02/10/09 House: Defeated in General Laws

**HB 2426 Government Data Collection**

**and Dissemination Practices Act; extends implementation of prohibition.**

Summary: This bill extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010. Patrons: May, Albo and Merricks  
02/23/09 Senate: Adopted (40-Y 0-N)  
02/25/09 House: Adopted (98-Y 1-N)

**HB 2427 Protection of Social Security Numbers Act; first five digits to be confidential from disclosure.**

Summary: This bill provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation. Patrons: May, Albo, Hugo, Iaquinto, Merricks and Sickles  
02/23/09 Senate: Adopted (40-Y 0-N)  
02/25/09 House: Adopted (98-Y 1-N)

**HB 2471 Freedom of Information Act; disclosure of names of teachers not required in response to request.**

Summary: This bill would have provided that the disclosure of the names of individual teachers is not required under FOIA in response to a request for the official salary or rate of pay of employees of a local school board. Patrons: Hugo and Cole  
02/10/09 House: Defeated in General Laws

**HB 2549 College Savings Plan; exclusion of certain financial records from Freedom of Information Act, etc.**

Summary: This bill provides for: (i) the exclusion of certain financial records of the Virginia College Savings Plan from the Freedom of Information Act; (ii) the authorization for closed meetings of the Board of the Virginia College Savings Plan in certain circumstances; (iii) the expansion of the Virginia College Savings Plan Board from eight to 11 members; (iv) the creation of two advisory committees to the Board; and (v) the authority for the Virginia College Savings Plan Board to

establish scholarships or matching grant programs for qualified students. The bill also renames the individual hired by the Virginia College Savings Plan Board to direct, manage, and administer the Plan as the "chief executive officer," rather than the current designation of "executive director." Patron: Cox  
02/06/09 House: Adopted (96-Y 1-N)  
02/23/09 Senate: Adopted (40-Y 0-N)

**HB 2550 MEI Project Approval Commission; established.**

Summary: This bill authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority. Patrons: Cox, Athey, Byron, Carrico, Cline, Cole, Crockett-Stark, Hamilton, Howell, W.J., Hugo, Kilgore, Landes, Lingamfelter, Lohr, Marshall, D.W., Massie, Merricks, Miller, J.H., Morgan, Nixon, Nutter, O'Bannon, Oder, Peace, Pogge, Poindexter, Rust, Saxman, Tata, Ware, R.L. and Wright  
02/28/09 House: Adopted (92-Y 0-N)  
02/28/09 Senate: Adopted (38-Y 0-N)

**HB 2639 Freedom of Information Act; exempts certain records of Department of Veterans Services, etc.**

Summary: This bill exempts from the mandatory disclosure provisions of the Freedom of Information Act (i) personal information contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services care centers and (ii) records maintained in connection with fundraising activities by the Veterans Services Foundation to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. The bill provides,

*(continued on next page)*



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however, that it shall not be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor. Nor does the exclusion provided by the bill apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

Patrons: Jones, Bowling, Cox, Hall, Howell, A.T., Hull, Landes, Mathieson, McClellan, Miller, J.H., Miller, P.J., Oder, Scott, J.M., Sherwood, Sickles, Spruill and Tata; Senators: Edwards, Marsh, Quayle, Reynolds, Stosch, Ticer, Wagner and Whipple

02/06/09 House: Adopted (98-Y 0-N)

02/23/09 Senate: Adopted (40-Y 0-N)

**SB 880 Game and Inland Fisheries, Department of; disclosure of official records, exceptions.**

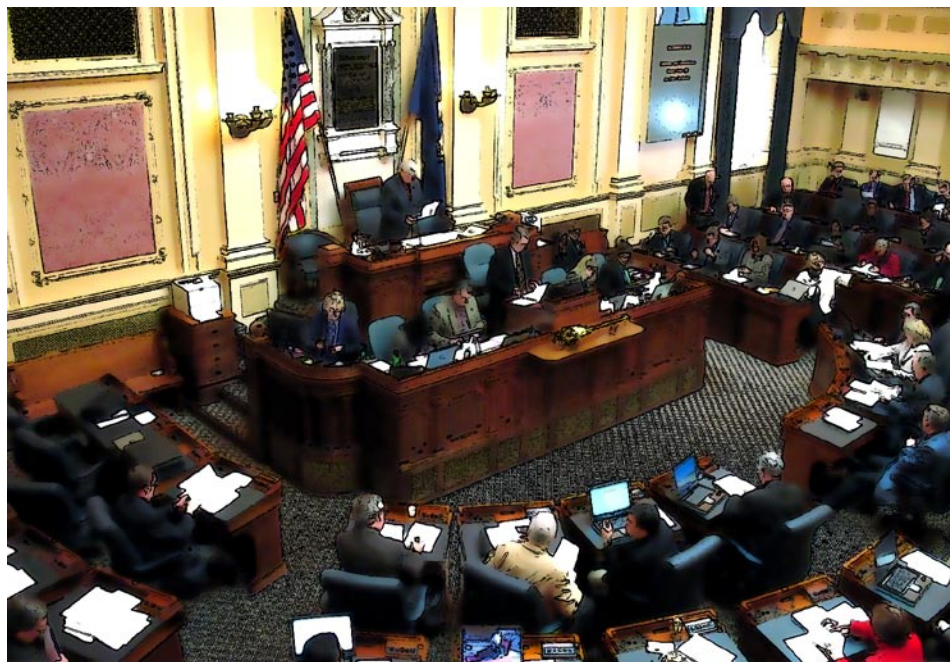
Summary: This bill provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that personal information, as defined in §2.2-3801, of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure, provided that such individuals have requested that the Department not disclose such information. However, statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify individual applicants or licensees shall be disclosed. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order, (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, or (iii) to any person who is the subject of the record. Patron: Stuart  
02/04/09 Senate: Referred to the FOI Advisory Council

**SB 895 Governor's revenue forecasts; submission to include alternative revenue estimates.**

Summary: This bill requires that when the Governor submits the general fund revenue estimate to the General Assembly each year, that he also submit any alternative general fund revenue forecasts considered by the Advisory Council on Revenue Estimates. Patrons: McDougale and Cuccinelli; Delegate: Pollard

01/30/09 Senate: Adopted (39-Y 0-N)

02/24/09 House: Adopted (99-Y 0-N)



**SB 936 Standard vendor accounting information; Division of Purchases & Supply, et al. develop and maintain.**

Summary: This bill requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technology Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases. Patrons: Cuccinelli, Petersen, Smith and Vogel; Delegates: Cline, Frederick and O'Bannon

02/25/09 House: Adopted (100-Y 0-N)  
02/26/09 Senate: Adopted (38-Y 0-N)

**SB 1014 Freedom of Information Act; exemption for name, address, etc., of complainants relating to zoning.**

Summary: This bill expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code.

Patron: Edwards

02/04/09 Senate: Incorporated by SB1478

**SB 1251 College Savings Plan; provide for exclusion of certain financial record from Freedom of Information.**

Summary: This bill provides for: (i) the exclusion of certain financial records of the Virginia College Savings Plan from the Freedom of Information Act; (ii) the authorization for closed meetings of the Board of the Virginia College Savings Plan in certain circumstances; (iii) the expansion of the Virginia College Savings Plan Board from eight to 11 members; (iv) the creation of two advisory committees to the Board; and (v) the authority for the Virginia College Savings Plan Board to establish scholarships or matching grant programs for qualified students. The bill also renames the individual hired by the Virginia College Savings Plan Board to direct, manage, and administer the Plan as the "chief executive officer," rather than the current designation of "executive director." This bill is identical to HB 2549 (Cox). Patron: Miller, Y.B.

02/25/09 House: Adopted (100-Y 0-N)  
02/26/09 Senate: Adopted (38-Y 0-N)

**SB 1277 Land records; social security numbers not be contained therein on Internet.**

Summary: This bill requires that, beginning July 1, 2012, land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party. Patron: Newman

02/25/09 House: Adopted (100-Y 0-N)  
02/26/09 Senate: Adopted (38-Y 0-N)

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**SB 1316 Freedom of Information Act; strikes requirement to publish a database index, etc.**

Summary: This bill strikes the requirement to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. This bill is a recommendation of the Freedom of Information Advisory Council. Patrons: Houck; Delegate: Griffith

02/09/09 Senate: Adopted (40-Y 0-N)  
02/24/09 House: Adopted (99-Y 0-N)

**SB 1317 Electronic meetings by Air Pollution Control Board and State Water Control Board; in compliance.**

Summary: This bill requires that any electronic communication meetings (teleconference) shall be held in compliance with the provisions the Freedom of Information Act, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. The bill also requires that discussions of the Air Pollution Control Board or the State Water Control Board held via such electronic communication means shall be specifically limited to a (i) review of certain decisions of the Director, (ii) determination of the Air Pollution Control Board or the State Water Control Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Air Pollution Control Board or the State Water Control Board during any such meeting held via electronic communication. The bill also clarifies when certain public hearings may be held and who may preside over the public hearings. This bill is a recommendation of the Freedom of Information Advisory Council. Patrons: Houck; Delegate: Griffith

02/09/09 Senate: Adopted (40-Y 0-N)  
02/24/09 House: Adopted (99-Y 0-N)

**SB 1318 Government Data Collection and Dissemination Practices Act; extends implementation.**

Summary: This bill requires that any electronic communication meetings (teleconference) shall be held in compliance with the provisions the Freedom of Information Act, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. The bill also

requires that discussions of the Air Pollution Control Board or the State Water Control Board held via such electronic communication means shall be specifically limited to a (i) review of certain decisions of the Director, (ii) determination of the Air Pollution Control Board or the State Water Control Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Air Pollution Control Board or the State Water Control Board during any such meeting held via electronic communication. The bill also clarifies when certain public hearings may be held and who may preside over the public hearings. This bill is a recommendation of the Freedom of Information Advisory Council. Patrons: Houck; Delegate: Griffith

02/23/09 Senate: Adopted (39-Y 1-N)  
02/19/09 House: Adopted (99-Y 0-N)

**SB 1319 Freedom of Information Act; meeting minutes.**

Summary: This bill clarifies that minutes of public meetings must be in writing. The bill also contains a technical amendment. The terms "include" and "in writing" that appear in the bill are defined in Title 1 to mean, respectively, "include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." This bill is a recommendation of the Freedom of Information Advisory Council. Patrons: Houck; Delegate: Griffith

02/09/09 Senate: Adopted (40-Y 0-N)  
02/24/09 House: Adopted (99-Y 0-N)

**SB 1332 Private entities; operating, managing, or supervising any portion of state highway system.**

Summary: This bill provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system. Patron: Cuccinelli

02/05/09 Senate: Referred to the FOI Advisory Council

**SB 1344 Freedom of Information Act; amends an existing records exemption for economic development records.**

Summary: This bill amends an existing records exemption for economic development records to include records related to the retention of existing business, and to allow the exemption to be used by all public bodies subject to FOIA. The bill makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings. Patron: Reynolds

02/09/09 Senate: Adopted (40-Y 0-N)  
02/24/09 House: Adopted (99-Y 0-N)

**SB 1478 Freedom of Information Act; building and fire code complaints.**

Summary: This bill provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body. This bill incorporates SB 1014. Patron: Locke

02/23/09 House: Adopted (98-Y 2-N)  
02/25/09 Senate: Adopted (40-Y 0-N)

**SB 1505 Freedom of Information Act; proceedings for enforcement, relating to writs of mandamus, etc.**

Summary: This bill clarifies that enforcement actions under the Freedom of Information Act take precedent over other general provisions of law relating to writs of mandamus or injunction. Patron: Puller

02/09/09 Senate: Adopted (40-Y 0-N)  
02/24/09 House: Adopted (99-Y 0-N)

**SJ 347 Constitutional amendment; right to work (first reference).**

Summary: This bill would have provided that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy. Patrons: McDougale, Blevins, Cuccinelli, Hanger, Hurt, Martin, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel and Wampler

01/27/09 Senate: Defeated in Privileges and Elections (9-Y 6-N)



## FCC Inquiry On Child Safe Viewing Act

The Commission has released a Notice of Inquiry seeking comment on a broad range of topics to implement the Child Safe Viewing Act of 2007, which was enacted in December 2008. As required by the act, the notice initiates the FCC's investigation into the existence and availability of "advanced blocking technologies" that are compatible with various communications devices and distribution platforms, including broadcast and cable television, the Internet, and other video playback devices.

"Advanced blocking technologies" are defined in the act as "technologies that can improve or enhance the ability of a parent to protect his or her child from any indecent or objectionable video or audio programming, as determined by [the] parent."

The FCC seeks comment on a wide array of issues related to "advanced blocking technologies," including:

- "advanced blocking technologies" that may be appropriate across various distribution platforms, including wired, wireless, and Internet platforms and on the statutory definition of "advanced blocking technologies."

- whether Congress intended in the act for the Commission to focus on blocking technologies for television content (audio and video) and the variety of platforms over which television content can be transmitted. The FCC also invites comment on whether it should examine blocking technology designed for audio content alone.

- how to interpret the term "videoprogramming" for purposes of this proceeding. The Communications Act defines "videoprogramming" as "programming provided by, or generally considered comparable to programming provided by, a television broadcast station." The FCC invites comment on whether the term "videoprogramming" should include videos provided on Internet video hosting sites, such as YouTube, and "vodcasts" (downloadable on-demand videoclips) of nontraditional video content.

- "methods of encouraging the development, deployment, and use" of "advanced blocking technologies" and the role industry, trade organizations, consumer groups, government, and others should play in these efforts.

- efforts to improve or expand V-chip technology and to encourage increased use of the V-chip by parents.

- whether it should examine blocking technology for video game players and/or video games.

- the parental control options available for cable and satellite subscribers and for content on wireless devices and non-networked devices such as DVD players and VCRs. The FCC also invites comment on parental empowerment tools that will assist parents in controlling their children's access to audio and video programming on the Internet.

Comments are due April 16, and reply comments by May 18, 2009. ❖



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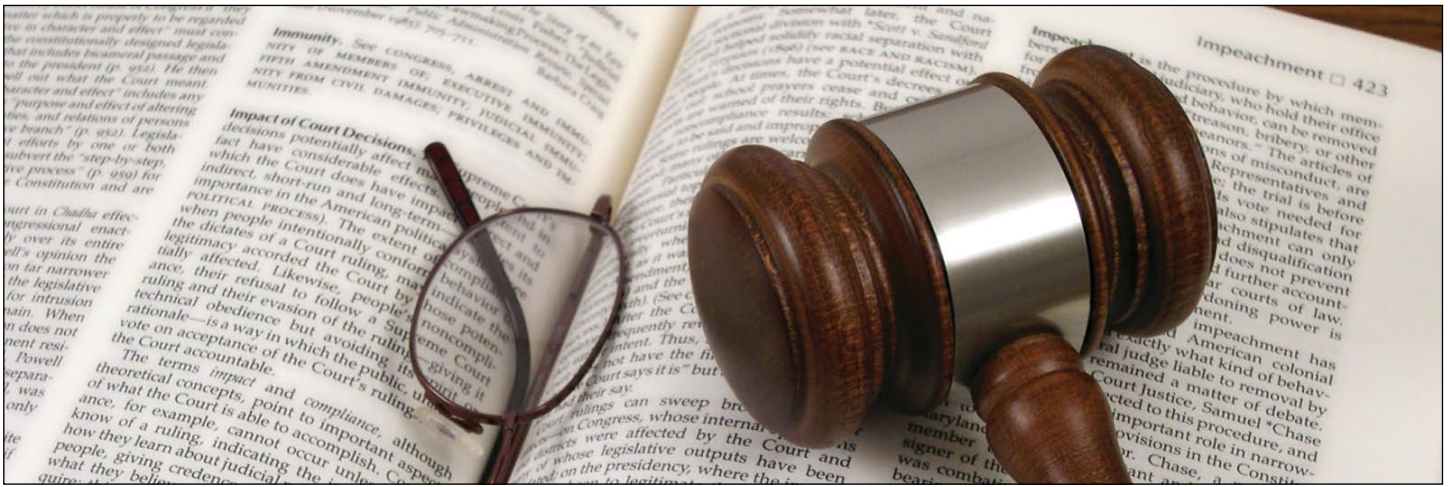
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# A Legal “Heads-Up” For Employers

## Doing Business with the Government Just Got More Complicated

By John G. Kruchko  
& Kevin B. McCoy\*

With the private sector economy in a perpetual tailspin, the federal government has stepped to the plate with a fistful of dollars to throw at various sectors in the hopes of rekindling basic economic activity. In addition, the federal government has decided that hiring new federal employees and authorizing agencies to commence new federally funded projects will help stimulate job growth. However, as with any action the feds take, this one comes with some significant strings attached.

There is no secret that President Obama favors revamping the country's labor laws, in particular the National Labor Relations Act (“NLRB”). In fact, the possibility of passage of the Employee Free Choice Act looms large over American businesses. The Bill was recently re-introduced in both houses of Congress. While legislative action takes time, Executive Orders issued by the President require little time and can be implemented quickly. President Obama recently availed himself of this opportunity by quietly signing four (4) different executive orders that significantly impact the workers of companies that do business with the federal government.

The first executive order prohibits federal government contractors from expending federal funds they receive under their contracts to influence their employees' choice to organize through a collective representative of their choos-

ing. The order prohibits contractors from influencing their employees' decision either way – contractors cannot try to persuade their employees to either accept or reject unionization. Examples of prohibited expenditures with federal funds include (1) preparing or distributing unionization materials; (2) holding meetings regarding unionization; (3) planning or conducting activities related to unionization by managers during work hours; and (4) hiring legal counsel or consultants to advise the contractor. Confusingly though, contractors may use federal money to “maintain satisfactory relations” between the contractor and its employees. Such expenditures, according to the order, can include costs associated with labor-management committees and employee publications (with no unionization information).

The order is technically effective immediately. However, the Federal Acquisition Regulator Council (FAR Council) must issue rules and regulations necessary to carry out the order within 150 days. The order only applies to contracts entered into on or after the date of the new FAR Council regulations.

The second executive order, in President Obama's words, is designed “so that qualified employees will be able to keep their jobs even when a contract changes hands. We shouldn't deprive the government of these workers who have so much experience in making government work.” As a result of this order, all employees of contractors who lose a federal contract that is subject to

the Service Contract Act will have the right of first refusal for employment with the successor contractor. Contractors who willfully violate this order can be debarred from federal contractors for up to three (3) years.

This order essentially helps guarantee continuity of employment for workers and for unions. It is harder to organize a workforce that is in flux every couple of years. This order will help stabilize contractors' workforces, which will allow union membership to take hold and remain consistent over a period of time.

Reversing a Bush era executive order, President Obama rescinded government contractors' obligation to post a “Beck notice” in the workplace – which essentially advised that certain classes of non-union employees' dues cannot be used for purposes other than collective bargaining or contract administration without the members' consent. President Obama went further than simply reversing this notice requirement; he went on to require that federal contractors post a different notice informing their employees of their rights under the NLRA to unionize (or to refrain from unionizing).

The text of the new notice is not yet known. The Secretary of the U.S. Department of Labor has 120 days to promulgate the text of the new notice. In the meantime, contractors are no longer required to post the current Beck notice; however, contractors may continue to

*(continued on next page)*



post the notice, if they prefer. The order does not prevent employers from posting Beck information; it just disposes of the requirement that they must do so.

On February 6th, President Obama issued his fourth executive order authorizing federal government executive agencies to require contractors or subcontractors on large-scale construction contracts (\$25 million or more) to become a party to a Project Labor Agreement (PLA). This order is effective immediately.

A PLA is a "pre-hire" collective bargaining agreement between a group of contractors and one or more unions that automatically establish the terms and conditions of work for employees working on a particular or group of government contracts. Becoming a member of a PLA can now be a prerequisite to a contractor being awarded and beginning work on a federal contract. A PLA typically binds all contractors and subcontractors on a given contract.

Also, the order requests the Director of OMB to consult with other officials and, within 180 days, recommend to the president whether a wider use of such agreements would help promote the work of the government. Thus, PLAs may become even more widespread by the end of the year.

If your company currently has contracts with or is considering doing business with the federal government in the future, you should take serious note of these Executive Orders and other actions that are likely to follow in the coming months. We would strongly advise any business undertaking a federal contract to contact their Labor and Employment counsel about their obligations under the changing federal contractual landscape, as it relates to their staffing of federal contracts and projects. ♦

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John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kevin McCoy is a Senior Associate with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or Ms. Talty at (410) 321-7310 or jkruchko@kruchkoandfries.com, or kmccoy@kruchkoandfries.com. This article is published for general information purposes, and does not constitute legal advice.

# JobQuest

## Blue Ridge PBS Highlights Local Jobs

"JobQuest" shared a dose of good news and optimism with Blue Ridge PBS viewers on March 17, as the popular employment advice and information program returned for its third monthly primetime episode.

Duncan Adams, a Roanoke Times reporter who covers economic development and manufacturing, helped start the show with news about area businesses like Vaughan-Bassett Furniture Co., which recently announced an expansion of its plant in Galax. Adams said Robatel, a French company, is establishing a U.S. subsidiary in Roanoke where it will create up to two dozen engineering and project management positions. Additionally, Adams said both Verizon and Wachovia have been hiring call center workers.

Sixty new jobs openings were also highlighted during the show including a church pianist in Roanoke, fork lift operator in Abingdon, chef in Lynchburg, cake decorator in Floyd, chiropractic assistant in the New River Valley, customer service coordinator in Covington, and a warehouse supervisor in Danville.

"We've made an extra effort to find open positions in communities across the Blue Ridge PBS region," said James Baum, station President and CEO. "It's amazing what a variety of jobs are available and we're encouraged to know that

'JobQuest' is helping connect job hunters with potential employers."

According to Tabatha Rosen, General Manager of Bright Services, the company has had a lot of applicants who heard about job openings while watching "JobQuest." Some have already been placed in full-time positions.

"As a professional, full service staffing company, we encourage our job seekers to take advantage of information available through programs like 'JobQuest,'" Rosen added. "When applicants are more informed and better prepared, it's much easier to place them in a new job. 'JobQuest' is a great resource for job hunters and employers in our region."

So far "JobQuest" has alerted viewers to 170 job vacancies in the Blue Ridge region and provided valuable suggestions to help shorten the job search.

Blue Ridge PBS, founded in 1967, is the sole public multimedia enterprise serving 4 million individuals in portions of five states. The station's 26,000 square-mile coverage area includes southwestern Virginia and bordering counties in Kentucky, Tennessee, West Virginia, and North Carolina. Blue Ridge PBS is comprised of WBRA-TV/DT in Roanoke, WBSN-TV/DT in Norton, and WMSY-TV/DT in Marion, VA. ♦

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 Virginia Association of Broadcasters  
*72nd Annual Convention*  
**Awards Banquet: June 26, 7 PM**  
 Hilton Virginia Beach Oceanfront Hotel

# MARCH JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please email the listing directly to [derek.breen@easterassociates.com](mailto: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](http://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](mailto: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!"

### Marketing Consultant

The Charlottesville Radio Group is looking to expand their creative marketing team. By offering the best training and support in the business, we'll prepare you for a long, successful career in broadcast sales. If you have good communication and organizational skills with a creative streak...then you could be the perfect candidate. To take advantage of this opportunity fax or mail your resume/ cover letter to: General Sales Manager 1140 Rose Hill Drive, Charlottesville, VA 22903 fax # 434-220-2304. The Charlottesville Radio Group is an equal opportunity employer.

### Board Operator

Applicant must have current knowledge of digital broadcast studio operations and be computer proficient. Good verbal and written communications skills required. Experience in similar format preferred. Fax resume to 703.807.2248 or mail resume to WAVA, Attn: Bob Jones, 1901 North Moore Street, Suite 200, Arlington, VA 22209. Women and minorities encouraged to apply. WAVA is an equal opportunity employer. EOE

### Account Executive

Sell Radio Advertising in the Washington, DC Metropolitan Area. Previous business to business sales experience preferred. Marketing and advertising experience a plus. Compensation includes Salary, Bonuses and Incentives plus Health/Life/401(k). Women and Minorities encouraged to apply. WAVA Radio is an Equal Opportunity Employer. Fax Resume to 703.807.2249 or mail resume to Tom Moyer, Station Manager, WAVA, 1901 North Moore Street, Suite 200, Arlington, VA 22209. EOE

### WCAV Producer

Producer WCAV in Charlottesville is looking for a creative thinker and an excellent writer to be our next producer. Ideal candidate will have existing newsroom experience, preferably in writing and/or editing. If you think you have what it takes to take our newscasts to the next level, send or email a resume and recent show to: Griff Benner Assistant News Director WCAV/WVAW/WAHU 999 2nd Street, SE Charlottesville, VA 22902. EOE

### Morning Anchor/Producer

Anchor/Producer- TV3 Harrisonburg is looking for a talented, organized, and motivated Anchor/Producer to help take our station to the next level. We're looking for a natural storyteller. You should 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. This is a great opportunity to work in a growing market just an hour from Washington, DC. Check us out on the web at [www.whsv.com](http://www.whsv.com) to see our product. If you think you can take us to the next level, please rush your resume, tape, and news philosophy to Ed Reams, News Director, WHSV, 50 North Main St., Harrisonburg, VA 22601. You may email your resume to [ereams@whsv.com](mailto:ereams@whsv.com). WHSV is a drug-free workplace. EOE

### Radio Sales

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### Regional Credit Manager

WWBT, Richmond, VA seeks Regional Credit Manager (RCM). Successful applicant will handle credit and collection functions for 5 Raycom Media TV stations including credit checking, order approval/disapproval, collections, month end reporting, and other related functions. RCM must provide excellent customer service internally with sales and finance and externally with agencies and advertisers. Strong communication skills, ability to resolve complex credit/collection issues, and skills using server based accounting system and Microsoft Office. Minimum 3-5 years experience in credit and collections required preferably in Media/Advertising. College degree in Business Admin or Accounting a big plus. Send cover letter with salary requirements and resume to Credit Manager, WWBT, 5710 Midlothian Turnpike, Richmond, VA 23225 or email [ththurman@raycommedia.com](mailto:ththurman@raycommedia.com). Drug and background/credit check required. EOE M/F/D/V.

### Assistant Controller

WWBT, NBC12 seeks Assistant Controller. Successful applicant will handle accounting and finance duties for two Raycom Media television stations. Duties include budgeting, forecasting, month end closing with related financial reporting and recons, daily general ledger activity, and other related functions. Candidate must possess strong communication skills, work well with all departments and be skilled using server based accounting system and Microsoft office. Minimum 3-5 years accounting experience and accounting degree required. CPA preferred. Drug screen, background and credit check required. Send cover letter including salary requirements and resume to: Assistant Controller, WWBT, 5710 Midlothian Turnpike, Richmond, VA 23225 or email [ththurman@raycommedia.com](mailto:ththurman@raycommedia.com). No phone calls please. EOE M/F/D/V.

### News Producer

WAVY-TV, the #1 station in the Norfolk, Virginia market is looking for a News 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. You'll conceive and execute daily newscast with an emphasis on relevance, live reports and breaking news. Creativity with graphics and strong tease-writing skills are necessary. Send your latest newscast and resume to: Kathy Hostetter, News Director, WAVY-TV, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

### MID-DAY TALENT!

VerStandig Broadcasting WQPO-FM (Q101) is looking for a new Mid-Day Talent in Harrisonburg, VA a GREAT COLLEGE TOWN! Do you like people? Do you live the lifestyle of an 18 to 34 year old? You will be responsible for promotions and a daily air-shift. Strong interest in pop culture and willing to do live appearances! Rush your resume and demo to [Ryan@valleyradio.com](mailto:Ryan@valleyradio.com). Or mail to Attention: Ryan O'Bryan (Program Director) (include position applying for), 130 Media Lane Harrisonburg, VA 22801. VerStandig Broadcasting is an Equal Opportunity Employer.

### Interactive Account Executive

WVEC.com has an immediate opportunity for an Interactive Account Executive. The candidate will be responsible for generating revenue by prospecting and selling interactive advertising campaigns in collaboration with off-line partners. Responsible for client calls, proposal preparation and presentations, successful closing negotiations, and meeting revenue goals. Please submit resume to [jschulte@wvec.com](mailto:jschulte@wvec.com) or mail to WVEC-TV, Attention: Interactive Sales Manager, 613 Woodis Avenue, Norfolk, VA 23510 or fax to 757-628-6296. WVEC/EOE.

### Production Director

Full-Time Production Director If you have a good attitude and are willing to learn, TV3 Winchester is looking for you. Previous production experience is preferred. This full time position requires varied hours, early mornings, nights, weekends and holidays. Applicants should have a proven ability to perform in a high-volume, time sensitive environment, work well with others, have strong organizational skills and a commitment to deliver a quality product. Send your cover letter and resume to [openings@tv3winchester.com](mailto:openings@tv3winchester.com). Please put Production in

To view the latest listings visit [www.vabonline.com](http://www.vabonline.com) and click "Careers."



the title. If using mail, TV3 Winchester, Attn: Production 633 Millwood Ave., Winchester, VA 22601 EOE, good DMV, drug-free workplace.

#### Production Assistant

Part-Time Production Assistant No experience necessary, just a strong desire to learn. This position requires varied hours, early mornings, nights, weekends and holidays. Applicants must enjoy a high-volume, multi-task environment. Starting rate is \$7.25 per hour. Send your cover letter and resume to [openings@tv3winchester.com](mailto:openings@tv3winchester.com). Please put Production in the title. If using mail, TV3 Winchester, Attn: Production 633 Millwood Ave., Winchester, VA 22601 EOE, good DMV, drug-free workplace.

#### News Producer

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. Minimum 2 to 3 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](mailto:personnel@wric.com). NO phone calls please. EOE.

#### Local Sales Manager

WRIC-TV - the ABC affiliate in Richmond, Virginia is seeking an experienced leader for a team of media sales professionals. The successful candidate will manage all aspects of local sales, including creative implementation of revenue generating sales projects. To succeed in this position you must excel in recruiting, training and motivating staff. The major focus will be on developing and increasing alternative streams of revenue. The ideal candidate will be a great leader with a lot of enthusiasm and energy. Strong presentation skills are essential. Job responsibilities include: Managing and leading staff in all facets of sales; creation and implementation of NTR projects; forecasting and budgeting of all revenue streams and backing up of General Sales Manager. 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](mailto:personnel@wric.com). NO phone calls please. EOE.

#### Television Production Specialist

(Part-time 26 hours/week) 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, video tape operation, 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](mailto:personnel@wric.com). NO phone calls please. EOE.

#### Account Executive

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](mailto:personnel@wric.com). NO phone calls please. EOE.

#### Video Journalist

WRIC-TV 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. 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. NO phone calls please. EOE.

#### Receptionist/Accounts Payable Clerk

WWBT NBC12 seeks sharp, energetic individual for fast-paced reception area. Reception duties include answering multi-line phone system, greeting clients, interacting with the public, processing mail and courier services and managing vendors. Accounts Payable duties include scanning all invoices into new paperless system and coding invoices. Ideal candidate will have 1-3 years experience as receptionist and general knowledge of accounts payable. Knowledge of Excel, Word and ability to multi-task a must. Send cover letter with salary requirements and resume to Judy Gibson, Human Resources Director, WWBT, P. O. Box 12, Richmond, VA 23218. EOE M/F/D.

#### Sales Assistant

VERSTANDIG BROADCASTING IS A GROUP OF FIVE RADIO STATIONS BASED IN HARRISONBURG, VA. WE ARE HIRING A SALES ASSISTANT - A FAST PACED POSITION WITH RESPONSIBILITIES THAT INCLUDE MARKETING RESEARCH FOR SALES PRESENTATIONS, LOGISTICAL SUPPORT FOR STATION PROMOTIONS, CUSTOMER SERVICE AND MORE. IF YOU'RE ABLE TO HANDLE MULTIPLE TASKS, MEET DEADLINES AND PLAY A SUPPORTIVE ROLE IN OUR SALES TEAM, THIS MAY BE THE PERFECT JOB FOR YOU. KNOWLEDGE OF MICROSOFT OFFICE SUITE REQUIRED WITH ABILITY AND DESIRE TO LEARN NEW SOFTWARE PROGRAMS AS NEEDED. DAYTIME HOURS/COMPANY BENEFITS. MAIL YOUR RESUME TO P.O. BOX 752, HARRISONBURG VA 22803 OR E-MAIL [JOBS@VALLEYRADIO.COM](mailto:JOBS@VALLEYRADIO.COM). VERSTANDIG BROADCASTING IS AN EQUAL OPPORTUNITY EMPLOYER.

#### Executive Producer - New Media

Richmond's number one rated news operation seeks Executive Producer-New Media to supervise editorial direction and management of NBC12's new media operations. Responsibilities include working with News Director, Internet Sales Director and Marketing Director to develop and implement marketing strategies for clients. Successful candidate will have college degree and proven professional track record with significant editorial and internet marketing strategy experience. Send resume to Nancy Kent Smith, News Director, NBC12, 5710 Midlothian Turnpike, Richmond, VA 23225. No phone calls. Drug Screen required. EOE M/F/D/V.

#### Maintenance Engineer

WHSV-TV3 has an opportunity in its engineering department for a full-time maintenance engineer. Job requirements and preferred skills include the following: 1) Strong IT knowledge and skills required 2) General engineering knowledge and skills preferred, including education/ experience in the following areas: - Electronics theory, troubleshooting and repair, including rf systems - Mechanical theory, troubleshooting and repair - Electrical theory, troubleshooting and repair 3) Ability to read/interpret schematics/plans helpful 4)

Experience with audio/video systems/equipment, especially broadcast systems, a plus 5) Must be able to work occasional odd hours, including overnight hours and weekends 6) Must be able to lift 100lbs, and work in various positions (standing, sitting, bending, squatting) for extended periods of time 7) Must be able to multi-task, and continuously re-prioritize work, based upon changing and emerging needs and conditions in a fast-paced environment. This is a full-time, hourly position with full benefits and 401K. Reply with cover letter and resume with salary requirement to: WHSV-TV3 Attn: Mike Dunlap, Chief Engineer 50 North Main Street Harrisonburg, VA 22802.

#### Roanoke Reporter/Video-Journalist FT

Primarily 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 which will require using effective interviewing techniques. The individual must be a good communicator, work well with others, and take direction from management regarding job performance and shooting/editing style and technique. ESSENTIAL JOB QUALIFICATIONS: Advanced Education in the field of Broadcast Journalism which has given the applicant the ability to perform the required functions of the job or equivalent broadcasting work experience, which has prepared the applicant to perform the required functions of the job. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. available 24 hours per day, seven days per week, and for extended periods of overtime, if needed. Valid Virginia Driver's license within 30 days of employment. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501. No phone calls please! EEO/M/F.

#### Account Executive

Centennial Broadcasting II, LLC is expanding our sales department. We are currently seeking an experienced outside sales person to represent WBQB 101.5 FM and WFVA 1230 AM. If you possess at least two years of outside sales experience (does not have to be media related) with a successful track record, a desire for a positive career change and unlimited earnings potential, please e-mail your resume to David Smith, Mid-Atlantic Regional Manager at [dsmith@wbqb.com](mailto:dsmith@wbqb.com). We also provide a powerful training program. Centennial Broadcasting II, LLC is an Equal Opportunity Employer

#### Chief Engineer

WRLH TV in Richmond, VA is seeking a Chief Engineer to lead and manage our engineering department. You must have an in depth knowledge of digital and analog technologies as used in a broadcast environment, as well as a complete understanding of IT networks, high power UHF transmitters, broadcast equipment, and microwave RF technology. Responsibilities: manage the day to day technical operations of the station, oversee equipment maintenance, management of engineering and on-air staff and prepare and manage expense and capital budgets. Requires a minimum of five years experience in television technical leadership roles. College degree, SBE certification and A+ certification are highly desired. Candidates must apply online to be considered at [www.sbgnet.net](http://www.sbgnet.net). Sinclair Broadcast Group/WRLH-TV is proud to be BEA drug free and an Equal Employment Opportunity workplace!



VIRGINIA ASSOCIATION OF BROADCASTERS

# Call For Nominations

**The VAB is seeking nominations for the following awards, which will be presented at the 72nd Annual Summer Convention on Friday night, June 26 in Virginia Beach at the Hilton Virginia Beach Oceanfront Hotel.**

## **C. T. Lucy Distinguished Service Award**

Named for the founder of the VAB, this award honors a broadcaster who spent a significant part of his or her career at one or more Virginia broadcast properties. Candidate should be an individual who has a reputation as an experienced broadcaster and has been a leader in the broadcast industry in Virginia, an active participant in the VAB, and involved in community and/or political service.



Nominations for the C.T. Lucy Award should include a description of why your nominee deserves the award. For example, how has he or she been a leader in the broadcast industry in Virginia? How many years has this person been involved in the VAB? Has he or she been a Director or a member of the Executive Committee? How is the person involved in the community or political service? What has this person contributed back? Your nominee could have not been an active member of the VAB, but through his or her station and efforts, contributed millions of dollars to a local charity in the local community.

## **George A. Bowles Jr. Award for Distinguished Performance in Broadcast News**

Presented to a broadcast reporter or news director who is distinguished in the field of broadcast news. Candidate must have longevity in Virginia broadcasting and be respected by his or her peers and the local community. This broadcast reporter or news director should exhibit enthusiasm for his or her work, have a commitment to his or her community and have a depth of knowledge & insight apparent in his or her work.

Nominations for the George A. Bowles Jr. Award should include a description of why your nominee deserves the award. For example, is this person well known on-air in the local market? Does your community connect with this person because of his or her longevity and presence in the market? Why? Is your nominee committed to his or her community and how?

## **J. J. Freeman Engineering Achievement Award**

Candidate must be or have been an owner, officer, or employee of any company, subsidiary, or division of a VAB member radio or television station or have been directly in support of broadcasting, including employees of the federal government directly engaged in broadcast engineering work and contract engineers serving VAB member stations. Criteria: technical knowledge, dedication, dependability, minimum 10 years experience in broadcasting, leadership in broadcast engineering affairs and outstanding contribution to broadcasting.

**Entries Due April 10, 2009!**  
**Please send all your nominations and supporting material to Amy Shaw via email, [amy.shaw@easterassociates.com](mailto:amy.shaw@easterassociates.com) or fax it to 434-979-2439.**