

## WDBJ Names Kelly Zuber News Director

Kelly Zuber got her start in the news business by reading obituaries at an AM radio station in Wytheville. Now, she is the news director at the television station she grew up watching.

On Tuesday, Zuber was named news director at WDBJ-TV (Channel 7), where she has worked for 31 years as a reporter, producer, assignment editor and most recently as the director of digital media. She succeeds Dan Dennison, who had been news director for two years and will become a roving features reporter for the station, WDBJ president and general manager Jeff Marks said.

The move comes as the top-rated news station in the Roanoke-Lynchburg market merges its digital and news operations under one manager. Zuber, 54, will oversee a staff of about 50 news and online reporters.

"This is kind of a logical evolution," said Zuber, who was the sole member of the station's digital media department when it began in 2007.

She said she has long looked forward to the day when digital media would not be seen as a separate entity within the news department.

"There isn't a 'television department,'" she said. "Now is the time to be combining news and digital. Television is still very strong and is not going away, but digital is the way to serve the next generation of viewers and users."

Even though Marks calls her a "futurist," Zuber said that her news training is rooted in a more traditional technology — AM radio, the original wireless.

A native of Youngstown, Ohio, Zuber and her family moved to Wytheville in 1973 when she was in middle school. In high school, she read George Wythe High School's "Maroon Power" news segments at Wytheville's WYVE-AM.

She parlayed that prime broadcasting gig into a reporter's job for legendary station owner Art Gates and his news director Craig Allison. She covered car wrecks and read obituaries, once a programming staple of small-town AM radio.

"The local newspaper only came out twice a week, so it was a public service to read the obituaries," she said. "It was something that needed to be done."

She met her husband, Tim Zuber, at the station. WYVE was thick with Zubers. Tim's father, Ed, was a sales manager there and his brother, Nicky, was a sports broadcaster.



"I learned how to cover local news there," Kelly Zuber said of her radio days. "I learned more about community news there than anywhere else."

She interned at WDBJ while a student at James Madison University and went to work at the station in 1982.

"Kelly has strong journalism credentials," Marks said. "She steered the [station's] growth into mobile platforms and apps."

She replaces Dennison, who came to Roanoke from Hawaii in 2011 and has worked in television for nearly 40 years. She will be the third news director at the station since April 2011, when Amy Morris was let go and eventually replaced by Dennison.

Dennison became news director after having been out of the TV business for three years because his news director job was eliminated in Honolulu. Before that, he had worked at five stations as a reporter, bureau chief and news director.

During his time at WDBJ, Dennison, a hiker and outdoors enthusiast, has produced a series of features for the station called "Trail Stories," which highlight regional hiking and biking opportunities. Dennison was out of the office Tuesday and could not be reached for comment.

Marks said that Dennison will cover a 26-county region, equipped with all the tools of mobile reporting, from portable cameras to cellphones. Marks called Dennison the "reporter of the future."

"He will have all the tools in the front seat of his car and be able to feed stories from anywhere across all platforms," Marks said. "He is prolific. We will get good stuff out of him." ■

*Article courtesy of Ralph Berrier Jr. from the Roanoke Times.*

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Applications for the 2014 Best of the Best Leadership Program will be accepted until **September 15, 2013**. For more information, visit the website at [www.vabonline.com](http://www.vabonline.com).

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# Broadcasters Donate Airtime to End Stigma Around Mental Health

WASHINGTON, D.C. -- The National Association of Broadcasters (NAB) today announced that OK2TALK, NAB's public service announcement (PSA) campaign designed to end the stigma around mental health, has received \$6.9 million in donated broadcast airtime since its launch on July 23. The PSAs have aired on local television stations across America more than 48,000 times and more than 3,300 times on local radio stations. OK2TALK.org, the campaign's Tumblr page, which is featured in the spots, also has seen significant engagement, with over 200,000 page views, 100,000 total visits and 14,265 followers.

"I'm so proud of broadcasters across the country who have embraced this campaign and stand united in making a positive difference in the lives of millions of people," said NAB President and CEO Gordon Smith. "Local broadcasters and our network partners are committed to a national dialogue on mental health, ending the terrible stigma that surrounds this disease, and encouraging young people to get help for a health issue

that can be successfully treated."

The radio and TV PSAs direct people to OK2TALK.org, a Tumblr-based community where teens and young adults struggling with mental health problems can share personal stories of recovery, tragedy, struggle or hope. By inviting young people, their families and friends to add their voice in a safe, moderated space, the campaign encourages an organic conversation about mental health challenges and recovery stories. The site also includes resources for those seeking help.

In addition to the thousands of broadcast stations that have committed air time and financial resources in support of OK2TALK, partners in the effort include: Active Minds, Bring Change 2 Mind, Each Mind Matters, Entertainment Industries Council (EIC), Mental Health America, the National Alliance on Mental Illness (NAMI), One Mind for Research and Tumblr.

For more information about OK2TALK, visit [nab.org/ok2talk](http://nab.org/ok2talk). ■

## Moody's Likes the Numbers on Townsquare Deal

Townsquare Media's plans to bulk up with stations from Cumulus and Peak will increase its footprint in its regions, and according to Moody's, it will do so without causing any significant damage to its debt profile.

At the end of the day, Townsquare will be reeling in 78 stations, five of which will be swapped to Cumulus and three of which will be placed in a divestiture trust.

Moody's observed, "The transactions are credit positive for Townsquare, although there is no immediate change in ratings, as they expand the company's scale and presence in regional markets without meaningfully increasing leverage. Proposed funding includes \$16 million of equity, allowing the company to remain in compliance with the 2.40x senior leverage test under its credit agreement as well as the 2.0x senior leverage and 6.0x total leverage incurrence tests under its indenture."

When everything closes, Townsquare will be the owner and operator of more than 300 stations, mostly in markets ranked 100 or smaller.

According to Moody's, Townsquare began its existence by taking stations from the old Regent group out of bankruptcy, and added via deals with GAP Radio Broadcasting, Millennium Radio Group and Double O Corporation. And oh yeah, an earlier deal with Cumulus. ■

Article courtesy of Dave Seyler from [rbr.com](http://rbr.com).

# It's Career Fair Time Again for the VAB!



**DID YOU KNOW?**  
Working the Career Fair earns your station an EEO Credit!

The Virginia Association of Broadcasters has secured dates this Fall for the career fairs. We are currently seeking one or two volunteers per school to assist us at the fairs. Working the Career Fair means an EEO Credit for your station AND assisting our staff in explaining the Summer Internship Program. This program is available to rising Juniors and Seniors at our stations throughout the state. Not to worry, you'll will be trained on what to say and it's a super easy task! As an added bonus for volunteering, you are invited to put out information about your station and any available positions that you might currently have available. Give-aways are always welcome as well. Students LOVE give-aways!

Our 2013 career fairs include:

- ▶ **Christopher Newport University**  
**Wednesday, September 25th**  
11:00 a.m. - 2:30 p.m.  
*David Student Union*
- ▶ **Virginia Commonwealth University**  
**Thursday, September 26th**  
10:00 a.m. - 3:00 p.m.  
*VCU School of Business, Snead Hall*

- ▶ **Norfolk State University**  
**Thursday, October 10th**  
10:00 a.m. until 2:30 p.m.  
*Student Center*
- ▶ **Virginia State University**  
**Thursday, October 24th**  
12 p.m. - 5:00 p.m.  
(volunteers will be needed from 9:30 a.m. until 12:30 p.m.)  
*Gateway Dining & Event Center*
- ▶ **University of Virginia**  
**Wednesday, November 6th**  
10:00 a.m. - 3:00 p.m.  
*Newcomb Hall 3rd Floor*

If you are interested in volunteering at one of these schools, please contact Barbara Dougherty at (434) 326-9811 or email [barbara.dougherty@easterassociates.com](mailto:barbara.dougherty@easterassociates.com).

To learn more about the VAB Summer Internship Program, please visit the website [www.vabonline.com](http://www.vabonline.com).

Thank you in advance for your help! ■

## The Newly-Constituted NLRB- Just Like the Old NLRB?

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Last month, Senate Democrats and Republicans struck a deal to allow confirmation votes on President Obama's stalled nominations to the National Labor Relations Board, the federal agency charged with conducting union representation elections and investigating and remedying unfair labor practices by employers or unions. As part of the deal, the President agreed to withdraw his controversial re-nomination of recess appointees Richard F. Griffin Jr. and Sharon Block. Republicans in the Senate had strenuously objected to Griffin and Block because, as unconfirmed members of the Board, they continued to rule on cases even after several federal court of appeals decisions had found the President's purported recess appointments to be unlawful.

Almost immediately, the President nominated two additional pro-labor partisans, retired AFL-CIO lawyer Nancy Shiffer and Kent Hirozawa (an attorney whose resume includes 20 years working for a union-side law firm), to replace Griffin and Block on the Board. On Wednesday, July 24, 2013, the Senate Committee on Health, Education, Labor and Pensions ("HELP") approved the nominations of Shiffer and Hirozawa after they both pledged to remain impartial in deciding business-union disputes. The full Senate is expected to confirm all nominations to the Board by the end of August giving the NLRB a full complement of five confirmed members for the first time in several years.

Shiffer and Hirozawa will join with current Board Chairman Mark Gaston Pierce to form a Democratic majority on the Board. The Republican nominees, Philip A. Miscimarra and Harry I. Johnson, will be the minority members. Employers should expect that the newly-constituted Board majority will have a philosophical disposition similar to prior NLRB appointees during the Obama administration. Members Pierce, Shiffer and Hirozawa will undoubtedly follow the aggressive pro-labor course charted by previous Obama appointees to the NLRB.

The following discussion highlights just a few of the issues where the new Board is likely to be just like the old Board for the remainder of the Obama administration:

### **Union-Friendly Changes to Election Procedures**

It is expected that the Board may once again attempt to implement changes to its rules to shorten the timeframe for union representation elections and limit pre-election adjudication and appeal of legal issues impacting the election process. Although a decision by the District of Columbia Court of Appeals in May, 2012 invalidated the Board's original "quickie election" rule on procedural grounds, the newly-constituted Board will be able to remedy any procedural defects and re-implement changes to its election procedures without fear of insufficient quorum issues.

### **More Decisions Allowing Unions to Organize Smaller Groups of Employees**

In *Specialty Healthcare and Rehabilitation Center of Mobile* (August 26, 2011), the NLRB changed the test it uses to determine bargaining unit appropriateness for union elections, overturning years of precedent in the process. The case involved a petition for an election by the United Steelworkers in a bargaining unit consisting of 53 certified nursing assistants ("CNAs"). The Board held the bargaining unit of CNAs was appropriate even though the employer demonstrated that 33 other service and maintenance employees shared a community of interest with the CNAs. The Board explained that where an employer challenges the appropriateness of a petitioned-for unit that is readily identifiable as a group and shares a community of interest on the grounds that it excludes additional employees with similar interests, the employer has the burden of demonstrating an "overwhelming" community of interest between the included and excluded employees.

The practical effect of the *Specialty Healthcare* decision is that, even when a union is unable to gather widespread support in a

wall-to-wall unit of production and maintenance employees, the Board will permit the union to organize a smaller group of employees. As a result, organized labor will be able to establish footholds in businesses where the majority of the employees may not desire to be represented by a union. Further, even though the *Specialty Healthcare* decision arose in a health care setting, it will have application in other industries. As stated by Member Brian Hayes in his dissent in *Specialty Healthcare*: “Make no mistake. Today’s decision fundamentally changes the standard for determining whether a petitioned-for unit is appropriate in any industry subject to the Board’s jurisdiction.” Employers in all industries can expect that the newly-constituted Board will allow unions to organize discrete subsets of an employer’s workforce on a more frequent basis.

### **Continued Oversight of Social Media Policies and Other Restrictions on Employee Speech**

The National Labor Relations Act (“NLRA”) protects the rights of employees to speak and to act together to address workplace conditions. For several years now, employer policies restricting employee communications, either on-duty or off-duty, have faced increased scrutiny during NLRB unfair labor practice (“ULP”) investigations. The Board has used every opportunity presented to it to strike down social media policies, employee confidentiality requirements and even at-will disclaimers in employee handbooks as “overly broad” restrictions of employees’ right to engage in protected concerted activity under the NLRA. It is targeting unionized and non-unionized employers alike.

The new Board will undoubtedly continue this trend. Although the NLRB can only investigate an employer’s policies when it is presented with ULP charges, the Board’s proposed changes to its representation election procedures will encourage more union organizing and the likelihood that unions will file ULP charges when their organizing efforts are frustrated by employers trying to remain non-union. Of course, if the Board ever manages to convince the courts of appeal that it has the authority to require employers to post notices in the workplace explaining employee

rights under the NLRA, it will create another fertile ground for ULP charges and resulting investigations into employer policies.

### **Union Access to Employer Email Policies**

In its 2007 *Register Guard* decision, the Board held that an employer may lawfully prohibit its employees from using the employer’s email system for union organizing activities even though it allowed employee use for other personal, non-business purposes. This decision was not well-received by organized labor and it was thought to be one of the primary Bush Board decisions likely to be overturned by a more labor-friendly NLRB. Last year, the Board signaled a desire to revisit the *Register Guard* reasoning by inviting interested parties to file briefs on issues arising in another union access case, *Roundy’s, Inc.*, including the question of “what bearing, if any, does *Register Guard* have on the Board’s standard for finding unlawful discrimination in non-employee access cases.”

Although the Board has not issued its decision in *Roundy’s* as yet, the new Obama appointees to the Board would surely like an opportunity to reverse *Register Guard* and mandate that employers must permit unions to use a company’s email system to communicate on matters concerning employees’ terms and conditions of employment. The exact parameters of any access right for unions or their employee supporters to email systems operated by employers is yet to be determined. It may be that an employer will be forced to ban all non-business use of its email system by employees if it wants to deny union access to the email system.

### **Conclusion**

Many employers believe they will never have to face an investigation by the NLRB. As described above, however, there are many ways that a labor-friendly Board can alter the current employment law landscape and force employers, both union and non-union, to confront issues dealing with employee representation and protection under the NLRA. ■

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*Article courtesy of John G. Kruchko and Paul M. Lusky, Kruchko & Fries.*



## LEGAL REVIEW

This legal review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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# Want to Avoid “Easy” FCC Fines? Read This (and follow through)!

Broadcast stations are governed by innumerable rules and regulations, some of which are pretty straightforward (EAS), some of which are especially nuanced (political programming), and many of which are relatively easy for the FCC to enforce by imposing fines on stations. After conducting no scientific research, crunching no numbers, and cross-referencing no databases, I have decided to raise the following five issues to your attention because I believe they fall into the category of easily avoided yet often overlooked and easily subjected to fines:

- ▶ **Registered Tower Ownership Changes.** FCC rules require a notification to be filed (using the FCC’s ASR database) when ownership of a registered tower changes hands. Failure to do so commonly results in a \$3,000 fine. This type of violation often comes to the FCC’s attention when the FCC Staff becomes aware of a tower lighting outage or a tower is in need of repainting and the Staff attempts to contact the registered tower owner . . . only to find out that the registered owner is not the current owner.
- ▶ **Timely Filing of Children’s Television Programming Reports.** FCC rules require commercial full-power and Class A television stations to file, on a quarterly basis by the 10th of the month after the end of a calendar quarter, Children’s Television Programming Reports on FCC Form 398. Those reports are filed electronically via the FCC’s KidVid filing system, and are thereafter automatically imported into each station’s online public file. During the current license renewal cycle, the FCC has been paying close attention to the dates on which stations filed their 398s and whether they disclosed any late-filed reports in their renewal applications. Using the data available in its own KidVid filing system, it has been easy for the FCC Staff to identify stations with late-filed (or un-filed) reports and impose fines. Fines have been \$3000 and

higher, depending on the number of reports and their relative lateness.

- ▶ **Functional EAS Equipment.** Each broadcast station is required to maintain and test EAS equipment, and this is a principal item on the list of an FCC Field Agent who makes a station visit. It is surprisingly common for Field Agents to find non-functional EAS gear, unplugged (but functional) EAS gear, or no EAS gear at all. Unless a station has logged its gear out—for technical reasons—for a period of 60 days or less or has obtained special authority from the FCC to function for a limited period of time without EAS gear, it is a near certainty that non-functioning EAS equipment will result in an \$8,000 (or higher) fine.
- ▶ **Tower Lighting and Marking.** I hate to harp on towers, but the simple fact is that most of the FCC’s tower rules are black-and-white and easy to enforce. If a tower is not properly lit and the station does not have a current NOTAM for the extinguished light(s), it is pretty easy for the FCC to levy a \$10,000 fine. The same goes for the painting requirements, which require structures to be repainted as often as necessary to maintain good visibility, and the requirement to post a weather-durable sign in a conspicuous location so that the tower’s ASR number is visible near the base of the structure.
- ▶ **Unauthorized Operations Due to Expired Licenses.** By now—actually, in 2011 and 2012—all Virginia broadcast stations should have filed license renewal applications for their main station licenses (e.g., AM and FM stations, FM translators, full-power TV, Class A TV, LPTV, TV Translators, LPFM stations), which also included associated BAS licenses such as STLs, TSLs, wireless microphones, TV Pickups, and Remote Pickups. However, there are some FCC licenses that are not “tied” to

the main station license even though they are held by the station's licensee. For example, earth station licenses (satellite trucks and vans), weather radar licenses, some two-way radio licenses, and some microwave licenses are not BAS licenses and, as such, they have different expiration and renewal dates than the main station. The expiration dates for these sorts of licenses are sometimes overlooked and a renewal application is not timely filed. When that happens, it is not uncommon for a facility to continue in operation—but at that point, the operation becomes unauthorized because the license has expired. These situations often come to the FCC's attention when a broadcaster discovers an expired license weeks, months, or even years after the expiration and tries to file a late renewal application. The "base" forfei-

ture for unauthorized operation is \$10,000.

Stations would be well-served to immediately check their tower registrations and lighting and marking to ensure current compliance. Check to ensure that EAS gear is installed, fully functional, CAP capable, and tested as required by FCC rules. Check to ensure that Children's Television Reports are timely filed. Check to ensure that all of your non-BAS licenses are current and have not expired, and make a calendar or set up a tickler system so that those expiration dates will not be missed. Finally, it is crucial that stations adopt and enforce protocols to ensure that none of these requirements can "slip through the cracks." ■

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*Article by Stephen Hartzell, Attorney, Brooks, Pierce, McLendon, Humphrey & Leonard LLP.*

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## **Broadcasters Score Court Victory Against FilmOn**

Broadcasters scored a major victory against FilmOn X, an Aereo-like pay service that streams TV stations over the Internet.

The U.S. District Court for the District of Columbia granted a preliminary injunction against the service, handing broadcasters including Fox, NBC Universal, Telemundo, ABC, CBS, Allbritton Communications and Gannett Co. the second court win out of three court decisions in their ongoing copyright fight.

The order bars FilmOn X from continuing to distribute local TV signals over the Internet without permission from broadcasters in Washington, D.C., and other markets.

"This Court concludes that the Copyright Act forbids FilmOn X from retransmitting plaintiffs' copyrighted programs over the Internet," wrote U.S. District Judge Rosemary Collyer.

The decision, issued Thursday, runs counter to a New York court's refusal to grant broadcasters an injunction against Aereo, a similar service, setting up the possibility that the cases will progress to the Supreme Court.

Judge Collyer addressed the Aereo case in her ruling, but disagreed with that decision. "The Court respectfully disagrees with Aereo's conclusion to the contrary," she wrote. "It agrees with [U.S. Court of Appeals] Judge [Denny] Chin that 'the legislative history makes clear that Congress intended to reach new technologies ... that are designed solely to exploit someone else's work.'"

Alki David, CEO of FilmOn, is expected to appeal the decision.

Meanwhile, broadcasters are breathing a sigh of relief.

"We are pleased but not surprised that the court recognized that the commercial retransmission of our broadcast signal without permission or compensation is a clear violation of the law," Fox said in a statement. "This decision should finally put the matter to rest, and will hopefully discourage other illegal services from attempting to steal our content." ■

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*Article courtesy of adweek.com.*

## How to Submit to the VAB Job Bank

Jobs that are printed in the newsletter are pulled directly from the online Job Bank. To include your listing:

- ▶ Go to [www.vabonline.com](http://www.vabonline.com). Login with your user name and password.
- ▶ Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

### **Traffic Assistant Roanoke, VA**

WDBJ7, is accepting applications for a full time traffic assistant. This position is responsible for inputting copy instructions and maintaining the accuracy of the station's master logs. Complete affidavits and assist the sales people as needed. We're seeking someone with 6 months of experience in media traffic experience. Data entry experience required. Interested candidates please visit the following web site: <http://www.schurz.com/careers/career-opportunities/?fuseaction=mExternal.showJob&RID=1551>. EOE.

### **Part-Time Promotions Assistant/ Board Operator Harrisonburg, VA**

Clear Channel Communications, Inc. is seeking a candidate to fill a dual part-time position that will handle both Promotions Assistant and Board Op duties. The ideal individual will assist the Promotions department in effectively and efficiently executing events with a large visible street presence, as well as executing promotional elements and initiatives on-air and online. To apply for this job, please go to <https://careerchannel.silkroad.com>. EOE.

### **Associate Producer Roanoke, VA**

WDBJ7, is accepting applications for a part time Associate Producer to join our award-winning newsroom. Located in beautiful Southwest Virginia, WDBJ7 is the most watched television station in Southwest and Central Virginia. In addition to shooting and editing your own video, you will have the opportunity to work with an experienced and talented photography staff. The associate producer is responsible for helping in producing content for newscasts and web by researching and writing stories

and filling in as producer of a show or fill in for other positions such assignment editor. We are seeking someone with a Bachelor's degree and at least 6 months of experience in the field. Interested candidates please visit the following web site: <http://www.schurz.com/careers/career-opportunities/?fuseaction=mExternal.showJob&RID=1550>. EOE.

### **Production Assistant Richmond, VA**

WDBJ7, is accepting applications for a part time Production Assistant to join our award-winning newsroom. Located in beautiful Southwest Virginia, WDBJ7 is the most watched television station in Southwest and Central Virginia. In addition to shooting and editing your own video, you will have the opportunity to work with an experienced and talented photography staff. The production assistant is responsible for operating broadcast production equipment for producing newscasts and other special programming. Responsible for camera shots, audio, and technical direction of the newscasts. Some college is preferred with 6 months of experience in previous news operation. Interested candidates please visit the following web site: <http://www.schurz.com/careers/career-opportunities/?fuseaction=mExternal.showJob&RID=1536>. EOE.

### **Master Control Operator Richmond, VA**

Master Control Operator - WWBT-TV, the NBC affiliate in Richmond, VA seeks full time Master Control Operator responsible for the operation of all systems within a multi station master control. Duties include, but are not limited to, operation of station broadcast automation systems, editing on-air playlists, setup and record satellite and other electronic delivery feeds, ingest and prepare video content onto servers,

live on-air switching, and quality control of all programming and transmission systems. Must be able to understand and adhere to basic FCC rules including EAS systems and logs, and be able to work varied shifts including holidays and weekends. Successful candidate will be able to work well in a high pressure, fast paced, live news environment and will possess superior level computer skills in Windows XP and applications. Good communication/people skills required. Previous master control experience desired. Send cover letter and resume with salary requirements to: WWBT-TV, Attn: Bruce Tinoco, Director of Engineering, 5710 Midlothian Turnpike., Richmond, VA 23225 or email [btinoco@nbc12.com](mailto:btinoco@nbc12.com). No phone calls please.

### **Production Assistant PT Richmond, VA**

WSET is hiring a PT Production Assistant. Primarily responsible for in-studio production assistance, including the operation of Camera, Audio, character generator, or etc. Also responsible for field technician assistance for Creative Services as needed. Knowledge of television production or willingness to learn. Knowledgeable in the operation of personal computers. Basic understanding of audio-visual components. Available to work irregular hours and holidays. Also available for long hours during special circumstances. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. EEO/M/F.

**For a complete list of career opportunities, please visit [www.vabonline.com/careers](http://www.vabonline.com/careers).**