

In Memory of

Alison Parker & Adam Ward

Remembering WDBJ's Alison Parker and Adam Ward

The VAB wants our member stations help in recognizing two very special journalists, Alison Parker and Adam Ward, who were killed during a live broadcast on Wednesday, August 26th.

Alison Parker, a graduate of Martinsville High School, served as a television journalist for WDBJ7 News in Roanoke since 2014. Before starting at WDBJ7, Parker was the bureau chief for WCTI TV 12 and FOX 8/14 in Jacksonville, N.C. After graduating from PHCC, Parker attended James Madison University where she majored in Media Arts and Design. She graduated from JMU in December 2012 and began her career in journalism as an intern at WDBJ7.

Checks for the Alison Bailey Parker Memorial Scholarship can be made payable to PHCC Foundation and mailed to PO Box 5311, 645 Patriot Avenue, Martinsville, VA 24115.

Checks for the Alison Parker Memorial Scholarship can be made payable to the JMU Foundation. JMU Advancement Gifts and Records, MSC 3603, Harrisonburg, VA 22807

Adam Ward, a 2007 graduate of Salem High School who began as a sports department intern at WDBJ and later served as a reporter, videographer and production assistant.

The Salem Educational Foundation and Alumni Association announced that a scholarship has been established at the request of Adam's family, which will honor his memory by benefitting a graduate of Salem High School, who is headed to Virginia Tech to pursue a career in journalism or photojournalism. Checks can be made payable to SEF and mailed to PO Box 1461, Salem, VA 24153.

Those who wish to contribute by mail should make checks out to the Virginia Tech Foundation, Inc., and be sure to write "In memory of Adam Ward" in the memo section. Checks should be mailed to: Office of Gift Accounting (0336), University Gateway Center, Virginia Tech, 902 Prices Fork Road, Blacksburg, VA 24061

The Virginia Association of Broadcasters has approved the matching of station donations, up to \$10,000, (\$5,000 for each fund). Please just let us know the total of your station contributions.

The National Association of Broadcasters, the Radio Television Digital News Association and the National Academy of Television Arts & Sciences also announced that they will contribute to and accept donations from broadcasters on behalf of Alison Parker and Adam Ward. A portion of the contributions will be distributed to family members of Parker and Ward by the NAB. An additional contribution will go to Vicki Gardner, Executive Director, Smith Mountain Lake Regional Chamber of Commerce. Contributions to the Alison & Adam Memorial Fund can be made by sending checks made out to: NAB Alison and Adam Memorial Fund, % NAB, 1771 N Street, N.W., Washington, DC 20036.

Please continue to keep your thoughts with Vicki Gardner, the third victim in the shooting who is currently recovering, and with the friends and family of Alison and Adam and to all who work at WDBJ.

Like us on Facebook and Follow us on Twitter @VABTweets

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Upcoming Events:

October 8-9, 2015

VAB Board Retreat
Keswick Hall
Keswick, VA

October 14, 2015

VAB Richmond
Regional Meeting
The Westin Richmond
Richmond, VA

October 22-23, 2015

Best of the Best
Leadership Session
Omni, Charlottesville

November 3, 2015

VAB Roanoke Regional
Meeting, Hotel Roanoke
Roanoke, VA

June 23-25, 2016

VAB 79th Annual
Summer Convention
Hilton Oceanfront Hotel
Virginia Beach, VA

1. You can relate to Anchorman.



I'M KIND OF
A BIG DEAL

2. You over-under all of your cords.



3. You can spot a jump cut in a heartbeat.



4. You hate the production of first few seasons of The Office even though the show is hilarious.



5. Every time you watch a TV news segment you refer to it as the A, B, C, D, or E block.



6. You cannot watch the news with a family member. -You constantly focus on the camera techniques and the ability of the staff. You critique everything.



7. It kills you to see someone shooting a video vertically on his or her iPhone.



8. You judge a news station's ethics.-Would you let the Mobile Leprechaun air?

9. You wonder what is going on in the control room while watching a live news show.



10. Hot keys are your best friend.-Whether it is command X or control X, you love that you don't have to go through the menus. This saves time before deadlines.



11. You don't question, you know reality TV shows are scripted.-It just doesn't make sense when they wear the same outfit for their commentary throughout the whole show.



12. You can handle staying up late.



13. You spend a great deal of time trying to contact freelance contracting companies in hopes of working for ESPN or Fox Sports.-You pray you don't end on the backup list.



14. A day that involves editing needs at least two trips to the local coffee shop.



15. No one else around you understands the terms VO, VO-SOT, RDR.



16. You have an endless collection of jump drives and external hard drives for your footage.



17. You love a photographer who matches the words with images.



18. You have to contain yourself on the sidelines since you can't show your emotions or team spirit.



19. Also, you have to choose colors that do not represent the sports teams you are covering.-Pink is always a safe color.



20. You are good at looking at your surroundings while on the job.

21. A press pass is never thrown away.-It becomes a piece of evidence that you worked at a certain sporting event.



22. Your family calls you to help them with their TVs, phones, and other technical issues.



23. You feel like you wear the same outfit constantly.



24. You have five pairs of shoes with you on the job.



25. You always have a heating pad ready after shooting a long event.

26. You have had a story scrapped due to breaking news.



27. As a freelancer, you have had your fair share of fears and excitement for this channel.

28. You meet great people.



29. Now about your coworkers, they can make life better.



30. You try to write the story in your head while you are driving.



31. You plan ahead just in case something goes wrong.-Extra notebooks in the car, a stockpile of pens, 10 extra SD Cards, pony tail holders, and a Mophie phone case might be several items that you have. You never know what the day is going to hold.



32. Ten minutes before air time can be a war zone.-Last minute editing can be crazy.



32 Signs You Work In Broadcasting

**It's not always a glamorous job,
but it is always exciting.**

Source:

<http://www.buzzfeed.com/emmamhaves/32-signs-you-are-in-broadcasting-k6i7#.cnazKkdEW>

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New Study Shows AM/FM Radio Reaches Far More People Than Streaming Audio Services Despite Advertiser Perceptions

NEW YORK, August 18, 2015 – New studies by Nielsen, Edison Research and Advertiser Perceptions reveal the audience for AM/FM radio greatly exceeds listening to streaming services, in stark contrast to advertiser estimates.

The study was commissioned by leading radio broadcasters including Cumulus, Westwood One, iHeartMedia, Alpha Media, Beasley Media Group, CBS Radio, Cox Media Group, Emmis Communications, Entercom, Greater Media, Hubbard Radio, Radio Advertising Bureau, Radio One, Townsquare Media and Univision Radio, Inc., to compare advertisers' perceptions of American audio consumption versus actual usage.

Key findings include:

- *Advertisers estimate that 64% of Americans are reached by AM/FM but the actual Nielsen weekly reach is 93%.*
- *Advertisers and agencies perceive the audience share of Pandora and Spotify to be nearly the same as AM/FM. In reality, AM/FM's audience share is 9X Pandora and 17X that of Spotify.*
- *Nielsen data also shows that radio reaches 93% of Millennials – 22% more Millennials than TV. TV misses one in four Millennials.*

"Advertisers and agencies drastically underestimate the reach of AM/FM radio," said Lew Dickey, CEO of Cumulus and Westwood One. "This study is the first conclusive evidence of the major gap in actual and imagined performance of AM/FM and streaming outlets."

"The most recent Nielsen Total Audience Report showed that radio is now the number one reach medium, surpassing TV with total audience and Millennials by an even greater margin," said Bob Pittman, Chairman and CEO of iHeartMedia, Inc. "This research makes it clear that while TV and new forms of media may get more attention, they don't come near the reach of radio; radio is truly the mass reach mobile media."

"Radio's reach has remained consistent despite new forms of audio programming and an increasingly fragmented media landscape," said Andre Fernandez, President of CBS Radio. "Streaming has proven to be a popular platform, but not at the expense of radio's growing total audience."

"This study shows that app downloads and user stats don't equal audience. While consumers may have these music apps on their devices, it doesn't mean they use them as part of their everyday radio listening habits," said Mark A. Kaline, former head of media at Ford Motor Company and Kimberly-Clark. "As a marketer, I've always found radio to be a medium that effectively and efficiently delivers reach over an extended period of time, while driving ROI within the total communications plan. But radio has been too low profile with brands, especially in light of other advancements in technology. Radio needs to be more aggressively marketing their story as the leading mass reach media."

Nielsen publishes their "Total Audience Report" each quarter on the state of media reach and time spent. Their most recent report was issued for Q1 2015.

Advertiser Perceptions, the leader in surveying the attitudes of advertisers and agencies, conducted an online study of 327 decision makers between May 11 and May 14, 2015.

Edison Research's "Share of Ear" is the only study that measures American consumption of all forms of audio. Their Q2 2015 report surveyed 2000 Americans on their audio use.

Jana Polsky | Director, Communications -Westwood One

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**. 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.

Position	Locations	Type		Organization	
Account Executive	Charlottesville, VA/CBS 19	Full Time	Sales	Gray Television	4/14/2015
Account Executive	Hampton, Virginia	Full Time	Sales	SKY4 / WSKY-TV	3/16/2015
Account Executive	Harrisonburg VA	Full Time	Sales	Clear Channel Communications (Harrisonburg)	6/16/2015
Account Executive	Roanoke, VA	Full Time	Sales	iHeartMedia (Roanoke)	6/1/2015
ACCOUNT EXECUTIVE	TRI CITIES TN/ VA	Full Time	Sales	Holston Valley Broadcasting Corp. (VA)	6/22/2015
Account Executive	WCAV/CBS 19	Full Time	Sales	Gray Television	7/23/2015
Account Executive	Winchester, VA	Full Time	Sales	Centennial Broadcasting II, LLC	8/4/2015
Account Executive - Entry Level	Roanoke, VA	Full Time	Sales	Nexstar Broadcasting	3/18/2015
Account Manager	Charlottesville	Full Time	Sales	Monticello Media	5/21/2015
AM Graphics Operator	Roanoke, VA	Full Time	News	Nexstar Broadcasting	6/26/2015
Anchor/Reporter	Richmond, VA	Full Time	News	WWBT, Inc.	7/31/2015
Assignment Desk Editor	Norfolk/ Portsmouth/ Virginia Beach	Full Time	News	WAVY-TV 10 Media General	8/11/2015
Assistant News Director	Norfolk/ Portsmouth/ Virginia Beach	Full Time	News	WAVY-TV 10 Media General	8/5/2015
Board Operator	Arlington, Virginia	Part Time	On Air	Salem Media of Virginia	4/21/2015
Business Administrator	Richmond, VA	Full Time	Business / Admin	Young Broadcasting of Richmond Inc.	6/29/2015
Commercial Producer	Roanoke, VA	Full Time	Production	Nexstar Broadcasting	3/31/2015
Corporate Support Executive	Roanoke, VA	Full Time	Sales	Blue Ridge PBS	7/29/2015

To learn more about these jobs and to see new postings, please visit

www.vabonline.com/careers

Important Deadlines for Broadcasters Are Approaching



All Class A television stations must terminate analog operations by 11:59 p.m. on September 1, 2015.

The LUC window for the November 3 General Election will open on September 4, 2015.

Biennial ownership reports for commercial broadcast stations are due December 2 (and they must contain information that is accurate as of October 1, 2015).



We are proud to announce a new PSA for the Virginia Association of Broadcasters community service campaign, "Feeding Virginia" that highlights the Breakfast Awareness program. We would ask all stations to play it, when your inventory allows you to do so, throughout the Fall until you receive a holiday spot from us.

As with all reporting, please make sure to include the campaign name, total number of spots and total value on all of your invoices.

Visit www.vabonline.com to download the Feeding Virginia Breakfast Awareness Campaign spots.

Thank you for all of your help in raising awareness for those less fortunate throughout the Commonwealth of Virginia.

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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On July 15, 2015, the Wage and Hour Division of the U.S. Department of Labor (DOL) issued an interpretation in furtherance of its Misclassification Initiative, which concluded that “most workers are employees under the FLSA’s broad definitions.” See Administrator’s Interpretation 2015-1: The Application of the Fair Labor Standards Act’s “Suffer or Permit” Standard in the Identification of Employees Who Are Misclassified as Independent Contractors. The Interpretation does not change the “economic realities” test courts currently apply in determining whether a worker is an independent contractor. It does, however, emphasize that each factor of the economic realities test must be applied consistently with the broad definition of “employ” found in the Fair Labor Standards Act (FLSA); that is, whether the worker is economically dependent on the employer and is, therefore, “suffered or permitted to work” by the employer.

Depending on the court, the economic realities test generally includes the following factors:

1. the extent to which the work performed is an integral part of the employer’s business;
2. the worker’s opportunity for profit or loss depending on his or her managerial skill;
3. the extent of the relative investments of the employer and the worker;
4. whether the work performed requires special skills and initiative;
5. the permanency of the relationship;
6. the degree of control exercised or retained by the employer.

The Fourth Circuit has adopted the economic realities test in analyzing whether a worker is an employee or independent contractor. Additionally, Virginia courts have emphasized that the degree of the hiring party’s right to control the manner and means by which the product is accomplished as being critical to the analysis.

DOL Interpretation States “Most Workers Are Employees” Under FLSA’s Broad Definitions



While the Interpretation did not change the factors most courts consider in determining the economic realities of a work relationship, the Interpretation did provide some important takeaways regarding each factor:

- The DOL specifically noted that work performed away from the employer’s premises, whether in the worker’s home or at the employer’s customer, can still be integral to the employer’s business.
- If a worker is truly in business for him or herself, and, therefore, an independent contractor, the worker should be at some risk of loss due to the managerial decisions he or she makes. Merely being able to work more hours is not a managerial skill that affects the worker’s opportunity for profit or loss.
- In evaluating the relative investments of the employer and worker, courts should consider whether the worker has made investments in his or her business to further its ability to expand, reduce its cost structure or extend its business plan. Courts should also consider how that investment compares to the employer’s investment, not just to the work performed by the worker but to the employer’s overall investment in the project.
- Merely having specialized skills does not mean that the worker is an independent contractor. There is a difference between providing skilled labor and demonstrating the skill and initiative of an independent contractor. The Interpretation states, in

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probably its most telling sentence: “Only carpenters, construction workers, electricians, and other workers who operate as independent businesses, as opposed to being economically dependent on their employer, are independent contractors.”

- Courts should also consider whether the lack of permanence or indefiniteness in the worker’s relationship with the employer is the result of operational characteristics of the business (i.e., whether the work is typically transient or seasonal) or the result of the

worker’s own independent business initiative.

- Control exerted due to the nature of the business, regulatory requirements and/or customer satisfaction are indicative of an employee/employer relationship. The issue is how much control is exercised by the employer, not why the employer is exerting it.

While no single factor is determinative, the DOL emphasized that the “control factor” should not be given undue weight. Ultimately, according to the DOL, the “factors should be considered in totality to determine whether a worker is economically dependent on the employer, and thus an employee.” If the worker is in business for him or herself, and not economically dependent on the employer, then he or she is an independent contractor.

Employers’ Bottom Line

Employers, particularly those who regularly use independent contractors, should re-evaluate the status of their workers in light of this Interpretation. Employers must look at their independent contractors and ask whether, considering the economic realities test, these workers are truly in business for themselves or are they economically dependent on the employer’s business? Given the DOL’s sweeping statement that “most workers are employees under the FLSA’s broad definition,” the economic reality for many employers may be that their independent contractors will now be considered their employees.

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Article courtesy of John G. Kruchko, and B. Patrice Clair of FordHarrison LLP.

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