

What Happens If We Go Over the Fiscal Cliff?

President Obama and lawmakers were expected to return to Washington this week in a last-ditch attempt to keep the country from plunging over the so-called fiscal cliff after last week's breakdown in negotiations. Some economists have said the toxic cocktail of spending cuts and tax increases, slated to begin taking effect in the New Year, has the potential to knock the country into another recession, but with a mere four days to go until the deadline, hopes are waning that the nation's leaders will be able to come to a palatable agreement.

Here's a refresher course on exactly what going over the cliff would mean over the next year and in the long term.

Taxes

- ▶ **Bye-bye Bush-era tax cuts.** The reductions known collectively as the Bush-era tax cuts—a major point of contention in cliff negotiations—will expire on Dec. 31, meaning that tax rates would rise for every income bracket in 2013, including low- and middle-income Americans.
- ▶ **AMT for about 30 million more people.** The alternative minimum tax cut, designed

to apply largely to only affluent taxpayers, would apply to 30 million more taxpayers next year because Congress will have failed to pass an inflation adjustment, as it usually does.

- ▶ **No more payroll-tax holiday.** The 2-percent reduction in payroll taxes—from 6.2 percent to 4.2 percent—will also end on Dec. 31. The holiday, championed by the Obama administration in 2010, increased the average worker's take-home pay by about \$1,000 a year—money that they'll have to live without in 2013.
- ▶ **Other miscellaneous changes.** A slew of tax cuts for individuals and businesses—like the Earned Income Tax Credit, a form of aid for low-income workers that was expanded under the provisions of the 2009 stimulus, and the Research and Experimentation Credit for businesses—are also set to time out on Dec. 31, as well as a number of corporate tax breaks that total \$109 billion.
- ▶ Taken together, about 90 percent of American households would see their tax

continued on page 2

12 Hours of Christmas Raises over \$28,000



Wishes for children with life-threatening illnesses were granted this month! Radio stations WHTI- The New Hot 100.9 and WURV- 103.7 The River raised over \$28,000 this Wednesday, December 12th during their inaugural "12 Hours of Christmas Radiothon" to benefit Make-A-Wish Greater Virginia.

Make-A-Wish will use these donations to grant the wishes of children with life-threatening medical conditions. Wishes can be anything from a vacation with the family to meeting a celebrity and are important for giving an ill child strength, hope and joy.

Radio personalities from HOT 100.9 and 103.7 The River were on the air broadcasting for 12 hours (plus a bonus 13th hour to bring in more donations!), along with local families who had been granted wishes by Make-A-Wish Greater Virginia.

"We were very excited about our first ever Make-A-Wish radiothon," said VP/GM Bob Willoughby. "It's a privilege to help Richmond area children who are dealing with these life threatening situations. Special thanks to our listeners and sponsors, T.G.I. Friday's, VA Cars and First Virginia whose support made this broadcast a reality." ■

Inside

- 2 FCC Eyes Loosened Ownership Rules
- 3 Media Entrepreneur Joe Allbritton Dies at 87
- 4 Common Sense Seeks Promo Hiatus Post-Newtown
- 4 FCC: Broadcasters Can File Anonymously on Spectrum Audits
- 6 Saying Goodbye: TV's 2012 Honor Roll
- 7 Social Media 'Comes of Age,' Nielson Says
- 8 HR: Sexual Harassment: A Continuing and Costly Issue in the Workplace
- 10 Job Bank
- 12 Legal Review: Television Station Online Public File Upload Deadline Approaching

VAB Newsletter

Published monthly by the
Virginia Association of Broadcasters
250 West Main Street, Suite 100
Charlottesville, VA 22902
434.977.3716 • 434.979.2439 (f)
www.vabonline.com

PRESIDENT

Bob Willoughby
WKHK-FM / WKLR-FM /
WURV-FM / WHTI-FM, Richmond

PAST PRESIDENT

Francis Wood
WFLO-AM / FM, Farmville

PRESIDENT-ELECT

Brad Ramsey
WVEC-TV, Norfolk

SECRETARY/TREASURER

Jack Dempsey
WCYB-TV, Bristol

EXECUTIVE DIRECTOR

Douglas Easter

ASSOCIATE ADVISORY

Michael Guld
The Guld Resource Group, Richmond

BOARD MEMBERS

Districts 1 & 2
Charlie (Charles) Russell
WESR-AM / FM, Onley

Lisa Sinclair
WNIS-AM / WNOB-FM /
WROX-FM / WTAR-AM /
WUSH-FM, Norfolk

Vacant

District 3

Linda Forem
WCDX-FM / WKJM-FM /
WKJS-FM / WPZZ-FM /
WTPS-AM, Richmond

Stephen Hayes
WTVR-TV, Richmond

Don Richards
WWBT-TV, Richmond

Districts 4 & 5

Steve Gaines
WCYK-FM / WHITE-FM / WCHV-AM /
WZGN-FM / WKAV-AM,
Charlottesville

Districts 6 & 9

Susanne Myers
WTGD-FM / WHBG-AM / WJDV-FM /
WQPO-FM / WSVA-AM,
Harrisonburg

Leesa Wilcher
WSLS-TV, Roanoke

Teresa Keller
WEHC-FM, Emory

George Kayes
WSET-TV, Lynchburg

Districts 7, 8 & 10

John Moen
WFLS-FM / WWUZ-FM /
WVBX-AM / FM, Fredericksburg

Vacant

CONSULTANTS

Labor & Law Employment Council
John G. Kruchko, Paul M. Lusky
Kruchko & Fries, 703.734.0554

FCC/EEOC Matters

Wade Hargrove, Mark J. Prak,
Marcus Trathen, Coe Ramsey
Brooks, Pierce, McLendon,
Humphrey & Leonard, LLP,
919.839.0300

First Amendment Hotline

Craig T. Merritt
Christian, Barton, Epps, Brent &
Chappell, 804.697.4100

Fiscal Cliff *continued*

bills rise in 2013, by \$3,446 on average, according to the Tax Policy Center.

Spending Cuts

► **Big, bad sequestration.** \$1.2 trillion of automatic spending cuts, slated to go into effect over the course of nine years, will kick in beginning on Jan. 2 if lawmakers can't come up with an alternate budget deal, as mandated by the Budget Control Act of 2011. For 2013, that means \$109 billion in cuts, half from the national defense budget and half from nondefense spending. Certain social safety-net programs, like Social Security, veterans benefits, Medicaid, the Children's Health Insurance Program, and the Supplemental Nutrition Assistance Program (otherwise known as food stamps) are exempt from the cuts, but plenty of other federal programs will feel the pain. That includes everything from Pell Grants to Head Start to federal disaster relief to the salaries of federal workers.

► **Unemployment insurance runs out.** Eligibility for unemployment benefits was expanded in the midst of the Great Recession and has been extended regularly during the recovery, but come the new year,

many jobless Americans who have already exhausted state benefits will stop receiving federal payments as well.

► **No more 'doc fix.'** Medicare payments to doctors would be reduced by 27 percent, or about \$11 billion, because Congress will not have acted to keep the cuts from going into effect, as mandated by another mid-1990s deficit-reduction measure.

What happens next in Washington?

Some have termed the fiscal cliff more of a "slope," because many of the tax provisions will not take effect until Americans file their income taxes and because it will also take some time for the effects of the spending cuts to be felt. That gives lawmakers slightly more wiggle room—as in the country could fall off the cliff, and Congress would feel an added urgency to iron out a deal when it reconvenes in January, with Americans already beginning to feel its effects. Congress could also punt, voting to override the sequester and extend the Bush tax cuts and the payroll-tax holiday, while vowing to take up the big deficit-reduction and tax-reform debate at a later date—although we've all seen how that plan has played out in the past. ■

FCC Eyes Loosened Ownership Rules

The Federal Communications Commission has opened the door to easing media ownership rules that could help save the faltering news industry and even preserve traditional journalism, according to broadcasters pushing for the changes.

"Ownership restrictions, if they were loosened to a degree, would allow good journalism through the broadcast medium and also be helpful to the newspaper industry," said Gordon Smith, president of the National Association of Broadcasters.

The FCC last month began considering relaxing regulations that block a company from owning a TV broadcast station and a newspaper in the same market. The goal of those regulations was to preserve competition and a variety in news.

But Smith said "the ownership rules were designed in the days of 'I Love Lucy,'" and should be changed, especially as the media struggles financially.

He said in an interview on C-SPAN's "The Communicators" program that journalism is in jeopardy as media companies die off, and especially as newspapers cease publishing. There is a "concern over preserving legitimate journalism" that could be aided if richer media properties like TV were able to buy newspapers.

There are foes, however, including Washington Democratic Sen. Maria Cantwell who has promised to fight the rules change because she feels it will result in homogenized news in towns where one firm owns the major media outlets. ■

Article courtesy of washingtonexaminer.com.

Media Entrepreneur Joe Allbritton Dies at 87

Joe L. Allbritton, the founder of Allbritton Communications, the parent company of Washington-based ABC affiliate WJLA, News Channel 8 and Politico, died Wednesday, just 17 days shy of his 88th birthday.

A native of D'Ilo, Mississippi, Joe Lewis Allbritton was born Dec. 29, 1924 and raised in Houston. He served in the Navy during World War II and went on to receive both his undergraduate and law degrees from Baylor University in Waco, Texas, where he was celebrated as a national champion debater.

Making his mark first in the savings and loan and then banking industries both in the U.S. and abroad, Allbritton chaired the Houston International Bank, Houston Citizens Bank and University Bankshares. He moved to Washington in 1975, where he was the chairman and largest stockholder of the Riggs National Bank.

Allbritton's eye for businesses led him to own and operate varied businesses from insurance to real estate to funeral homes. He made his mark in the media business by purchasing the Washington Star newspaper and broadcast properties in 1974. He remained the newspaper publisher until 1978, when he sold the paper to Time Inc.

An owner of newspapers throughout the Northeast, Allbritton sought to expand the reach of his broadcast properties, which now include eight ABC Network affiliates in seven markets along with the local cable news channel in Washington. His media holdings served as the springboard for the print and Web publication Politico, founded by Allbritton's son, Robert.

Commenting on Allbritton's death, NAB President-CEO Gordon Smith said: "Joe Allbritton was a larger than life figure in



business, in media and in philanthropy. His contributions to local television are reflected every day in the programming excellence on display at WJLA-TV in Washington and seven other Allbritton-owned ABC affiliates across America. NAB salutes a visionary media entrepreneur for a life well lived."

Noted for his extensive philanthropy, Allbritton has given generously to hundreds of charitable causes through the Allbritton Foundation, including Baylor Medical School, the Allbritton Art Institute, the Oxford Scholars, and establishment of the International School of Law, which has become the George Mason Law School in Virginia.

Allbritton's other passions included fine art collecting and thoroughbred racing, which was highlighted by the successes of his horse, Hansel, winner of the 1991 Preakness and Belmont Stakes.

Allbritton is survived by his wife, Barbara, and son, Robert, along with grandchildren, Alex and Katherine. ■

Article courtesy of tvnewscheck.com.

The founder of Allbritton Communications, owner of eight ABC affiliates, Washington, D.C.'s local cable news channel and Politico, got his start in banking before turning his hand to the media business in 1974.

Common Sense Seeks Promo Hiatus Post-Newtown

“As you are aware, the sports and media industries have tremendous influence when it comes to the messages and images that fans -- many of whom are kids and families -- see during televised sporting events.”

Common Sense Media says it has asked the commissioners of the NBA and NFL -- whose seasons are currently in full swing -- as well as top TV sports programmers to temporarily pull promos for violent video games and movies from broadcasts.

The group has periodically asked programmers not to air such promos in sports broadcasts they argue are prime family viewing time, but the latest request for a temporary standstill comes in the wake of the Newtown shootings.

“We’ve surfaced this issue a couple of times in the past,” says Crista Sumanik, communications manager for the group. “Most recently [in 2009] we looked at the ads played in NFL games, re violence and sexual content. Our impetus this time relates to the conversation that is happening nationwide.”

That conversation is about what, if any, responsibility violent media has for the societal violence that erupts in tragedies like Newtown, Aurora, Virginia Tech and Columbine.

“As you are aware, the sports and media industries have tremendous influence when it comes to the messages and images that fans --

many of whom are kids and families -- see during televised sporting events. In the context of the recent tragedy in Newtown, Conn. -- and as policymakers in Washington, D.C., decide what action needs to be taken to reduce the culture of violence in the U.S. -- Common Sense Media has called on David Stern, Roger Goodell, and the executives of Turner Sports, Fox Sports, CBS Sports, NBC Sports, and ESPN to temporarily stop airing ads for violent video games and movies during programming watched by millions of kids and their families.”

An ESPN spokesperson said the company does not generally comment on advertising, but added that “we have worked with our advertisers to respond appropriately” to the events in Newtown. A CBS spokesperson had no comment. Others had not returned a request for comment at presstime.

A spokesperson for Common Sense said they had not gotten any response at presstime.

Article courtesy of John Eggerton from Broadcasting & Cable.

FCC: Broadcasters Can File Anonymously on Spectrum Auctions

The FCC wants broadcasters to know that they can file anonymous comments on the commission’s proposed framework for incentive spectrum auctions.

In a public notice, the FCC told broadcasters that its rules allow for anonymous comment so long as they have an attorney of record, and even without one they can seek a waiver of that requirement.

The legislation creating the auctions recognized that, for business reasons, broadcasters might not want to signal they were interested in selling some or all of their spectrum, and so required the FCC not to identify the bidders publicly. In that spirit, the FCC recognized that some commenters might not want to be associated with the issues or questions they raise.

“We want to encourage those broadcasters interested in auction participation to raise issues of specific concern to them regarding the incentive auction process so that we may develop a robust record to assist us in devising auction-related rule,” the FCC said in the notice for those providing comment. “At the same time, we recognize that broadcasters may have legitimate reasons for not wanting to disclose their potential interest in reverse auction participation.”

It was a reminder, rather than any change of policy. But the FCC also said it wants commenters to provide enough information so that the public can gauge where they are coming from policy-wise if not identity-wise.

“We request that any broadcaster filing anonymously provide sufficient basic information to enable to Commission and the public to understand and evaluate the positions it takes in its comments. Such information may include, for example, the market tier in which the station operates and whether it is network-affiliated or independent.”

Former Disney and News Corp. exec and lobbyist for independent stations Preston Padden is representing some 25 major market stations who he says have expressed interest in participating in the auction. ■

Article courtesy of John Eggerton from Broadcasting & Cable.



June 20-22, 2013

Hilton Virginia Beach Oceanfront
Virginia Beach, Virginia

Saying Goodbye: TV's 2012 Honor Roll

2012 saw the deaths of outstanding men and women who shaped television as actors, lawmakers, producers, business people, journalists and on-air personalities.

Joe L. Allbritton, 87, the founder of Allbritton Communications, owner of eight ABC affiliates (including WJLA Washington, whose call letters stand for his initials), Washington, D.C.'s local cable news channel News Channel 8 and the print and online Politico. He died on Dec. 12.

John Silva, 92, the longtime chief engineer of KTLA Los Angeles. He died Nov. 29.

Larry Hagman, 81, who played J.R. Ewing on CBS's *Dallas*. He died Nov. 23.

Jules Cohen, 93, a pioneering radio engineer whose career spanned six decades. He died on Nov. 13.

Lucille Bliss, 96, a voice actress whose career spanned 60 years in movies and television. Her TV roles ranged from the star of the first animated series produced for television, *Crusader Rabbit* in the 1950s to *Smurfette* in the 1980s. She died on Nov. 8.

Ann Arnold, 67, longtime president of the Texas Association of Broadcasters. During her 50-year professional career, she was also a UPI and newspaper reporter and the first female press secretary to a Texas governor. She died Sept. 1.

John Battison, 96, longtime broadcast engineer who founded the Society of Broadcast Engineers in 1964. He died on Aug. 28.

Phyllis Diller, 95, the comedian who got her start in the 1950s and paved the way for today's female comics. She died on Aug. 20.

Sherman Hemsley, 74, the actor best known for playing George Jefferson on CBS's *The Jeffersons*. He died July 24.

Bill Asher, 90, the director and producer behind the television classics *I Love Lucy* and *Bewitched*. He died July 16.

Ernest Borgnine, 95, the actor who endeared himself to a generation of baby boomers with the 1960s ABC comedy *McHale's Navy*. He died July 8.

Andy Griffith, 86, the actor whose 1960-68 *The Andy Griffith Show* on CBS is considered a television classic. He died July 3.



Julian Goodman, 90, the NBC president who produced the second Kennedy-Nixon debate and defended his network when it was pressured by the Nixon White House. He died July 2.

Lillian Gallo, 84, formed one of the first female producing teams in Hollywood in the 1970s. She died June 6.

Ray Bradbury, the writer who was a master of science fiction and fantasy. He died June 5.

Richard Dawson, 79, a British-born entertainer who made his mark in CBS's 1960s sitcom hit *Hogan's Heroes*. But it is as the kissing, wisecracking quizmaster of the syndicated *Family Feud* that he will be remembered. He died June 2.

Lee Rich, 85, a powerful TV mogul responsible for some of the medium's most popular programming including *The Waltons* and *Eight Is Enough*. He helped found and became chairman of Lorimar and later took over MGM-UA. He died May 24.

Howard Shapiro, 86, the chairman of Weigel Broadcasting Co. He died May 24.

Eugene Polley, 96, inventor of the "Flash-Matic" remote control, the world's first wireless TV remote, introduced in 1955. He died May 20.

Stephen Lord, 85, a prolific TV writer whose credits

ranged from *Bonanza* and *Daniel Boone* to *CHiPs* and *Fantasy Island*. He died May 5.

George Lindsey, 83, TV's Goober Pyle. He played the same jovial character on the syndicated *Hee Haw*. He died May 6.

Dick Clark, 82, the music industry maverick, longtime TV host and powerhouse producer. The former disc jockey changed how America listened to pop music with *American Bandstand*. Beginning in 1972 he also changed how the country issued in the new year with his trademark *Dick Clark's New Year's Rockin' Eve*. He died April 18.

Mike Wallace, 93, the tough-questioning interviewer on CBS's pioneering newsmagazine *60 Minutes*. His television career spanned six decades, much of it at CBS. He died April 7.

Don Cornelius, 75, the silken-voiced host of TV's syndicated *Soul Train* who helped break down racial barriers and

broaden the reach of black culture with funky music, groovy dance steps and cutting-edge style. He died Feb. 1.

John Rich, 86, a prolific television comedy director and a key figure in the history of the *Directors Guild of America*. He died Jan. 29.

David Dziedzic, 49, SVP of business development at the National Association of Broadcasters. He died Jan. 14.

Richard Threlkeld, 74, a former CBS and ABC news correspondent. He died Jan. 13.

James Fellows, 77, an advocate of high ideals, strategic planning and executive training for public television. He represented stations on the national scene for 40 years, serving as the last president of the National Association of Educational Broadcasters, a forerunner and parent of PBS and NPR. He died Jan. 6. ■

Article courtesy of Mark K. Miller from tvnewcheck.com.

Social Media 'Comes of Age,' Nielson Says

Americans spent 121 billion minutes on social media sites in July 2012 — a staggering figure that works out to about 230,060 years spent posting, liking and tweeting.

That's the latest number from the Social Media Report, an annual snapshot by Nielsen and NM Incite. The report says that Facebook is still the top social network, though its tally of unique visitors has fallen 4 percent from the same time last year. Blogger, the second-place network, also saw a slight decline (3 percent) while third-place Twitter saw a gain of 13 percent. Wordpress, likewise, saw a 10 percent jump.

The break-out social media star of the past year has been Pinterest, the report said, which jumped 1,047 percent from the same time last year. And since its Sept. 2011 debut, Google+ has grown 80 percent.

The report also added further evidence that the mobile Web is becoming a much more important consideration for social networks. Mobile and app traffic was significantly up for all social networks — Facebook saw app visitors grow 88 percent, while mobile Web visitors were up 85 percent. Twitter saw visitors grow 134 percent and 140 percent, respectively. No social network saw mobile traffic fall.

Overall, mobile Web use climbed 82 percent, mobile app use was up 85 percent and PC use fell 4 percent.

Social networking is a very pervasive part of modern American life. For example, 51 percent of people ages 25-34 said that they use social networking in the office, while nearly a third of the 18- to 24-year-olds surveyed say they use those sites in the bathroom.

The survey found that people spend more time on social networks than on any other category of sites — nearly a fifth of their time on PCs and 30 percent of their time over mobile devices. ■

Article courtesy of Hayley Tsukayama from The Washington Post.

Have News for the VAB Newsletter?

Send your news and announcements along with any photos to Marci Malinowski at marci.malinowski@easterassociates.com.

HUMAN RESOURCES

Sexual Harassment: A Continuing and Costly Issue in the Workplace

John G. Kruchko is a Partner with the Management Labor and Employment Law Firm of Kruchko & Fries in Tysons Corner, Virginia.

Kathleen Talty is a Senior Counsel with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or JKruchko@KruchkoandFries.com, or Ms. Talty at (410) 321-7310 or KTalty@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

©2012 Kruchko & Fries.

The Equal Employment Opportunity Commission ("EEOC"), which is the federal agency that is responsible for the enforcement of a number of federal employment discrimination laws such as Title VII of the Civil Rights Act ("Title VII"), as amended, has in recent years taken a more aggressive stance in its enforcement efforts. In a recently released report entitled "Performance and Accountability Report under New Strategic Plan",

recovery. A review of some of the sexual harassment cases in which the EEOC has prevailed in establishing a violation of Title VII can be instructive to employers.

The EEOC settled one sexual harassment lawsuit against a restaurant chain for one (1) million dollars, as well as securing other relief through a consent decree. Therefore, in addition to the monetary payment, the employer/restaurant chain is now required to implement policies and practices that will provide employees with a work environment free of sex discrimination and retaliation, to provide anti-discrimination training and to post a notice of the settlement in the work place. In this case, a group of 22 women complained about the conduct of a male manager which included sexual comments, innuendo and unwanted touching. According to the EEOC, some women were forced to quit their jobs because of the continued harassment and the employer's failure to respond affirmatively to the women's complaints.

In another case that was based on the complaints of four (4) women who worked in a warehouse and were subjected to sexual harassment by their male manager, the EEOC obtained an award of \$150,000. In that case, the women alleged that the male manager made inappropriate comments, displayed pornographic pictures and inappropriately touched them. Additionally, he asked them out on dates or invited them to hotels. When the women refused the advances, the EEOC alleged that the manager disciplined and terminated the employees. Although the women complained to upper management, the EEOC alleged that no steps were taken to stop the harassment.

The sexual harassment cases in which the EEOC is obtaining significant monetary recovery are not restricted to the "traditional" sexual harassment cases in which the alleged harasser is the man and the victim of the harassment is a woman. According to the EEOC, the percentage of sexual ha-

the EEOC stated that in fiscal year 2012, which ended on September 30, 2012, the agency secured monetary recovery through its private sector administrative enforcement in the amount of \$365.4 million. According to the EEOC, the \$365.4 million was "historic" and represents the highest level of recovery ever received by the EEOC. In addition, the agency recovered \$44.2 million through its litigation efforts, which represents those cases in which the EEOC actually filed federal lawsuits against private sector employers.

Sexual harassment claims were the basis for some of the EEOC's significant monetary



harassment complaints filed by men who are alleging that they are the victims of harassment, has been steadily growing. Moreover, the EEOC stated that many of those charges include allegations of same-sex harassment. Under that theory of harassment, the alleged harasser and the victim are the same sex.

In one case that involved an upscale steak house, the employer agreed to pay \$600,000 and to provide other relief to settle a sexual harassment and retaliation lawsuit that was filed by the EEOC. The allegations in that case were based on the claims made by 22 male waiters who alleged that they were subjected to harassment based on their sex by one (1) male manager over an eight (8)-year period. The male waiters contended that they were subjected to groping, lewd comments and touching of their genitals. The waiters frequently complained over the years to upper-level managers and the owner of the operation, but the harassment did not stop.

In another case involving a claim of same sex harassment that was filed by the EEOC, a jury awarded over \$450,000 in damages to a former male employee. In this case, the former male employee contended that a male superintendent harassed and taunted him by engaging in verbal abuse, taunting gestures of a sexual nature and by exposing himself. During the trial, the EEOC also presented evidence the supervisor harassed the employee because the supervisor didn't think that the employee conformed to the supervisor's gender stereotypes of a typical "rough ironworker." Further, the evidence showed that after the male employee complained about the supervisor's harassment the employee was transferred to another location, paid a lower hourly rate and then laid off because there was supposedly less work at the new location. This evidence formed the basis for the EEOC's retaliation claim and, based on the jury's award, the jury was influenced by the evidence in reaching its decision.

The EEOC is also pursuing actions against a car dealership and a farm operation which involve male employees' claims of same sex harassment by either male co-workers or supervisors. In these cases, the allegations involve inappropriate or lewd comments,

touching and propositioning. The alleged harassment also existed for an extended period of time. In the car dealership case, the alleged same-sex harassment continued for a 10 year period. While in the farm operation case, the period of the harassment was for two (2) years. In both cases, the EEOC is contending that when the employees complained about the harassment that their complaints were unheeded by management and, in some instances, the employees were forced to quit their jobs because they felt that their physical safety was in jeopardy.

While the same sex harassment cases often contain graphic allegations, these cases reveal some common themes, the existence of which frequently resulted in substantial employer liability. In all of the cases considered in this article, when the employee complained to management about the harassment, management failed to take steps to prevent or to end the that conduct. The failure to respond to the employee's complaint and to investigate the matter combined to place the employer in a situation where its ability to raise affirmative defenses was greatly limited or simply non-existent.

In order to minimize liability for claims of sexual harassment, it is critical that employers have an effective harassment policy that clearly spells out the employer's prohibition on any form of workplace harassment and that includes a mechanism for employees to come forward with harassment complaints. A well-drafted harassment policy alone will not immunize an employer from liability if the employer fails to respond when employees complain of harassment, however. All complaints of harassment should be thoroughly investigated by management. The process that the employer uses when investigating a harassment complaint should also be documented and appropriate action should be taken at the conclusion of the investigation. The employers referenced in this article refused to act when employees complained of harassment, and as a result the employers incurred significant monetary consequences. ■

“In order to minimize liability for claims of sexual harassment, it is critical that employers have an effective harassment policy that clearly spells out the employer's prohibition on any form of workplace harassment and that includes a mechanism for employees to come forward with harassment complaints.”

Article courtesy of John G. Kruchko and Kathleen A. Talty, Kruchko & Fries.

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.

Freelance Writer, Television - Temporary

Norfolk / Virginia Beach / Portsmouth, VA

WAVY/WVBT (Lin Media-Norfolk, VA) is looking for a temporary Freelance Writer to oversee the stations' client commercial development. The main responsibility will be to generate creative and effective commercial scripts for our television advertisers. The ideal candidate will have experience in television production. Candidate should also possess excellent communications skills and be comfortable with client interaction. Assignment is slated to begin in mid January for 8 weeks. No telecommuting. Please send resume and hourly rate to jobs@wavy.com. No phone calls. EOE.

Radio Marketing Consultant Fredericksburg, VA

The Free Lance-Star Radio Group, WFLS, WVBX, WWUZ and WNTX, a family owned and operated company, has a unique opportunity for the right candidate. We are seeking an energetic person to partner with businesses to develop successful marketing campaigns. The successful candidate must possess strong communication and customer service skills, have solid organizational and multitasking skills plus the ability to work in a competitive, diverse market. Bachelor's degree and a minimum of two years sales experience, preferred. The Free Lance-Star Radio Group offers professional challenges and opportunities, competitive salaries with excellent benefits in a rewarding environment. Qualified candidates may apply online at Fredericksburg.com Application Deadline is January 7, 2013. EOE.

Photojournalist Richmond, VA

NBC12, Richmond's No. 1 news operation seeks Photojournalist with 2 years experience and proven initiative in news gathering. Send cover letter with salary requirements, resume and non-returnable demo tape to Nancy Kent Smith, News Director, NBC12, P. O. Box 12, Richmond, VA 23218. Drug/MVR Screening. EOE M/F/H/V.

Account Executive Harrisonburg / Staunton, VA

Vox of VA has an immediate opening for an Account Executive. If you're positive, creative, and like helping local business succeed by helping them develop and implement effective advertising campaigns, send your resume and cover letter to voxvajobs@gmail.com. You must be self-disciplined, familiar with computer programs such as Word, PowerPoint and Outlook, organized and goal focused. A degree in marketing and/or prior outside sales experience is preferred but not required. EOE.

Director-Production Operator Norfolk / Virginia Beach / Portsmouth, VA

WAVY-TV10/WVBT FOX 43 has an immediate full-time opening for a Director/ Production Operator. This position is a multi purposed job directing weekend newscasts, TD weeknight newscasts and studio control room operations. Experience: Strong candidates will have one year directing/TD. Requirements: Must have strong operational skills with robotic cameras, DEKO CG, and audio operation for newscasts. A college degree in Communication desired. Candidate must be willing and able to work any/all shifts, including nights and weekends. Send

DVD, resume and salary requirements to: Dave Whitener, Production Manager, WAVY-TV, 300 Wavy Street, Portsmouth, VA 23704. Or dave.whitener@wavy.com. No phone calls please. EOE.

Producer FT Lynchburg, VA

The Producer will direct and supervise News Reporters, Photographers, and Editors, and be responsible for ensuring that high quality news programs are consistently aired and that standards of quality for all aspects of the show are maintained. Advanced education in the field of Broadcast Journalism or equivalent broadcasting work experience is required. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Flexible schedule as needed. Valid Virginia Driver's license. Accurate and comprehensive writing skills. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at www.wset.com. No phone calls please! EEO/M/F.

Experienced Regional/National Account Rep Wanted Charleston, WV

Bristol Broadcasting Company is seeking an experienced Radio Account Executive to grow our regional/national accounts. The ideal candidate will possess a minimum of 5 years radio sales experience. A background of working with regional/

national accounts and agencies is a requirement. This is a challenging and rewarding opportunity for someone who is very organized, has a positive outlook, and is goal oriented. The person should be outgoing, enjoy meeting people and solving problems. Compensation will be a base salary plus commission. Send resumes to: General Manager, Bristol Broadcasting Company, P. O. Box 871, Charleston, West Virginia 25323 or email to chasgm@bristolbroadcasting.com. No phone calls please. EOE.

**WAZR Program Director
Harrisonburg, VA**

A fantastic opportunity for growth now available that brings with it the chance to live and experience a great east coast mountain four season community just a couple of hours from both Richmond and the nation's capital. Clear Channel Harrisonburg, VA is looking for the next great CHR program director for 93-7 Hit Music Now and someone to lead our cluster's digital efforts. We are looking for an experienced, passionate and hard-working team player willing to relocate to one of America's great small cities. You'll be responsible for growing ratings and being on air on our fastest growing station, WAZR. You'll also apply your web and digital skills to our station's websites and social media pages in pursuit of our digital goals. Flexible schedule, programming, on air and internet and social media skills needed. A drive to win is a must! If this sounds like you, then we might have a spot for you on our team. Benefits: Medical, dental, vision, long/short term disability, 401k, paid vacation and sick leave. Education Requirements: High School Diploma Send your resume and air check to steveknupp@clearchannel.com. No calls or e-mails please! EOE.

**Local Sales Manager, WAVY-TV/
WVBT-TV (LIN Media)**

**Norfolk / Virginia Beach /
Portsmouth, VA**

LIN Media's duopoly of WAVY-TV (NBC) and WVBT-TV (FOX) seeks a Local Sales Manager to co-lead its

Local sales team on the southeast Virginia coast. The ideal candidate will have a minimum of 3 years of television sales management experience and be genuinely committed to developing new customers. We seek a team-building communicator who will increase developmental and transactional sales by setting strategic goals and working collaboratively with Account Executives and across the management team. Proven examples of account and staff development will be advantageous and current expertise in digital sales including mobile will differentiate the best candidates. A high proficiency with Wide Orbit, One Domain, Marshall Marketing and Excel will be equally important. Market pricing and forecasting are key and specific experience in selling local lifestyle shows is a plus. Please submit your resume and cover letter to Director of Sales WAVY/WVBT 300 Wavy St. Portsmouth, VA 23704 Or jobs@wavy.com No phone calls, please. EOE.

**Local/National Sales Manager
Richmond, VA**

WVBT/NBC12 in Richmond, VA (#57) is one of the strongest NBC affiliates in the country, in one of the best places to live. We're looking for an experienced Broadcast professional to manage half of our Local AE team as well as managing half our National business, alongside our other LSM/NSM. This is a great opportunity to be part of a great organization. We're looking for the best. Applicants should have a proven track record of success in multi-platform sales and new business development. Only candidates with above referenced experience will be considered. Send cover letter, salary expectations and resume to Judy Gibson, HR Director, NBC12, P. O. Box 12, Richmond, VA 23218 or jgibson@nbc12.com. EOE M/F/D/V.

**Account Executive
Orange/Charlottesville, VA**

Piedmont Communications, Inc. is seeking a Radio Account Executive

for Today's Country 103.1 WJMA, 105.5 SAM FM (WOJL) and WCVA/WVCV Culpeper/Orange/Louisa/Charlottesville, Va. Piedmont Communications of central Virginia has an excellent opportunity to work with local business and help them design effective marketing strategy through radio advertising. Very good potential for continued career growth, with base salary and monthly commission on performance. Face to face outside advertising sales in a creative, fun and fast paced atmosphere. Ideal candidates will know how to provide the highest level of client service, Strong oral and written communications skills a must. Build and maintain client relationships. Must have a positive, can-do attitude. Must be self-disciplined, well organized, goal oriented and computer literate. Previous sales experience preferred. We also offer: Health Insurance Plan, IRA Retirement Savings, Paid Holidays and Paid Vacation. Please send cover letter and resume to elizabeth@wjmaf.com , or to Sales Manager, Piedmont Communications, Inc., P.O. Box 271, Orange, VA 22960. All applications are treated as strictly confidential. EOE.

**Sales Assistant
Harrisonburg, VA**

Clear Channel Media + Entertainment of Harrisonburg/Staunton, VA is currently seeking a Sales Assistant to support a sales and office staff in all daily functions. Successful candidate will support Account Executives and Sales Manager in the following areas: developing sales presentations, preparing sales reports, correspondence, and proposals; organizing special projects/events; maintaining continuity of office operations during Account Executive absence; and assisting Traffic Dept. Additional duties to include clerical & administrative office tasks as assigned as well as some reception work. Benefits Available: LTD, STD, 401K, Medical, Dental, Vision, Vacation/Sick pay. EOE.



LEGALREVIEW

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.

©2012 Brooks, Pierce, McLendon, Humphrey & Leonard LLP

Television Station Online Public File Upload Deadline Approaching

Believe it or not, the deadline for full power and Class A television stations to finish uploading their paper public file materials to their online public files is fast approaching. The FCC recently put out a Public Notice reminding stations that **February 4, 2013**, is the deadline, which leaves about 6 weeks for stations to finish the task.

FCC's admonition to regularly maintain their online public file materials. To that end, stations may wish to take the following steps to evaluate their online public files:

- ▶ Check and, if needed, add or correct the station's main studio address and closed captioning contact information.
- ▶ Verify the station's contour map is current and accurate.
- ▶ Confirm a link to the station's online public file is available on the station's website home page. Stations must also post contact information identifying station staff who can respond to inquiries regarding access to the public file for persons with disabilities.
- ▶ Confirm that the station's Form 398 Children's Programming Reports are posted for each quarter of the current license term (and prior license term for stations whose last license renewal application has not yet been granted). Please note that if a station's Form 398 was filed with an error in the station's Facility ID Number, the Form 398 does not get automatically imported into the correct online public file.
- ▶ Upload quarterly Issues/Programs Lists for Fourth Quarter 2012 by January 10, 2013.
- ▶ Upload quarterly records concerning children's commercial time limits for Fourth Quarter 2012 by January 10, 2013 (commercial stations only).
- ▶ Upload a certification of continued eligibility of Class A status for Fourth Quarter 2012 by January 10, 2013 (Class A TV stations only).

From time to time, technical obstacles become apparent in the online public file interface. Stations should note any difficulties and report them to the FCC using the e-support link available in the online public file and at the following URL: <https://esupport.fcc.gov/request.htm>. Stations with questions regarding the FCC's online public file system or their public file obligations should give their FCC attorneys a call.

Happy Online Public Files Holidays! ■

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



"Timely upload documents to a station's online public file is very important; after all, the online public file system 'time stamps' each uploaded file, and it will be readily obvious if a document is filed after its applicable deadline."

In a nutshell, all full power and Class A TV stations must, by February 4, upload all required documents that existed prior to August 2, 2012, from their paper public files into their online public files. (All required public file documents created on or after August 2, 2012, must be uploaded in real time at the time of creation.) There are two exceptions: no stations are required to upload documents that belong to the category of "Letters and Emails from the Public Regarding Station Operations," and stations that are not Big 4 Affiliates in the Top 50 DMAs are not required to upload Political File documents (i.e., only Big 4 Affiliates in the Top 50 DMAs are required to upload Political File documents).

Timely upload of documents to a station's online public file is very important; after all, the online public file system "time stamps" each uploaded file, and it will be readily obvious if a document is filed after its applicable deadline. Even once stations complete, by February 4, the uploading of pre-August 2, 2012, documents, it is important that they remember the