

NAB: Elimination of Sports Blackout Rule Detrimental in Long Term



In its comments on February 28 on the Sports Fans Coalition petition to the FCC to scrap the sports blackout rule, the National Association of Broadcasters (NAB) said that while it sympathized with sports fans in the “very few” markets affected by blackouts, “elimination of the rules will, in the long-term, be detrimental to all sports fans.”

NAB echoed its initial comments that getting rid of the FCC rule, which prevents cable operators from carrying coverage of games blacked out on broadcast TV. It said it would undermine program exclusivity, which is essential to its business model, and would speed the migration of sports to pay TV.

NAB agreed with the coalition that eliminating the rules would not force sports leagues to end blackout policies. But while the coalition said the government should not prop up the league policy, NAB said getting rid of the blackout rule would essentially prop up pay TV at the expense of local stations and viewers.

NAB took aim at the coalition for its backing by Time Warner Cable and Verizon, and argued that the subtext of the petition is to weaken retrans rules “in a manner that would favor MVPDs.” ■

Article courtesy of John Eggerton from Broadcasting & Cable.

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250 West Main Street, Suite 100
Charlottesville, VA 22902
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250 West Main Street, Suite 100
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Tri-Cities Radio Veteran Richard Quillen Dead At 50



A legend in local radio has passed away. Richard Quillen died at his home in Lebanon, Virginia on February 13th, WXBQ Program Director Bill Hagy said.

Quillen, who worked at WXBQ in Bristol, Va. for more than two decades, left for a job at WAXM in Norton about a year ago. "Everyone at WAXM is deeply saddened that we lost our friend and colleague," Quillen's most recent employer said in a statement Tuesday. "He had a brief illness and we just want everybody to keep him and his family in their thoughts and prayers."

Quillen got his start in local country music radio in the mid 80's as a part-time employee at WXBQ, at times even working as the station's rabbit mascot. From there, he worked his way up to the night shift and then in the early 90's took over in the mornings, first with Bill Blake (who passed away in 2009) and most recently with Steve Stroud. Along with his morning co-hosting duties, Quillen also hosted WXBQ's popular Saturday night request show.

Quillen left WXBQ for a job at WAXM in 2011 to "as the saying goes try his wings on his own," Hagy said. "It's kind of a somber feel here," Hagy said of the mood at Quillen's former radio station. "He's had a tremendous history with the radio station and was a very integral part of (WXBQ)."

Quillen was 50-years-old. ■

Romantic Contest Uses Radio, Video, Web, Billboard and Store

A radio contest put together by Schwarzschild Jewelers and Cox Media Group has resulted in the engagement of a local couple.

On Valentine's Day, Travis McGrath brought his unsuspecting girlfriend Laura Gerlach into Schwarzschild Jewelers on the pretense that he had to pick up a gift certificate he had won. Once the two entered the store, McGrath surprised and proposed to Gerlach with a Schwarzschild Signature diamond engagement ring, and she said yes.

As a part of the contest, a billboard was created in the couple's honor.

The contest, called "The Perfect Proposal," asked entrants to register at one of three local radio websites and explain why their fiancé deserved an unforgettable proposal. McGrath was deemed the winner, and received not only the girl and the ring, but an engagement party as well at Schwarzschild Jewelers. ■



White House Promises Economic Benefits of Spectrum

A few days after lawmakers passed spectrum legislation, the White House issued a report that says freeing up more spectrum for wireless technologies will spur economic investment and job creation.

The report's timely release comes as President Obama waits for Congress to send him the spectrum legislation, included in the payroll tax cut package, that would free up more spectrum for wireless broadband technologies and help build a national network for emergency first responders. The legislation calls for generating more spectrum by offering broadcasters money to give up some of their spectrum, which will be auctioned to wireless providers.

"Like other information and communication technologies that have transformed the economy in the past, the spread of wireless broadband is likely to increase the rate of growth in per capita income; spur economic activity through new business investment; and support many new high-quality jobs," the report from the White House Council of Economic Advisers said.

The report also echoes arguments from wireless carriers that they are facing a "spectrum crunch" given the public's growing demand for smart phones, tablets, laptops and other wireless devices. To meet this shortage, the White House pledged last year to find 500 megahertz of additional spectrum over the next decade. A big part of that is expected to come from the airwaves broadcasters may give up as part of the incentive auctions authorized by the spectrum legislation.

The new report also promotes the benefits of building a national broadband network for public safety. The spectrum legislation authorizes spectrum and \$7 billion in funding to build the network. Public safety officials have long argued that it would greatly improve their ability to respond to emergencies and eventually allow them to better com-

municate with other first responders during emergencies.

"The measure that Congress just passed picks up on many aspects of the President's Wireless Innovation Initiative and will enable new spectrum to be used for innovation, to speed wireless communication, and to fulfill a promise made to first responders after 9/11 that they would have the technology they need to stay safe and do their jobs," Vice President Joe Biden said in a statement.

Biden was active in pushing for the creation of the public safety network, which the report noted would enhance "the ability of emergency personnel to communicate efficiently and to obtain necessary information quickly, including real-time videos, images, and other data." ■

Article courtesy of Juliana Gruenwald from the National Journal.

The new report also promotes the benefits of building a national broadband network for public safety. The spectrum legislation authorizes spectrum and \$7 billion in funding to build the network.

Music Choice Rebrands as "MC"

Music Choice is distilling its 25-year-old brand identity down to two letters, launching a new "MC" logo and strategy that spans its linear, video-on-demand and online properties.



The MC brand -- evocative of a live "emcee" -- is intended to buttress Music Choice's "living music" strategy of delivering a more immersive and personal music experience across multiple platforms.

The new brand strategy was created by strategic branding firm Siegel + Gale. "MC symbolizes the role music plays in our lives, not just what format to listen to," Music Choice chief operating officer Christina Tancredi said in announcing the change.

"It is about the emotional connection consumers want to their favorite artists. MC gives music fans the opportunity to create that experience whether listening to our music channels, watching on-demand videos or interacting with SWRV." ■

Article courtesy of Todd Spangler from Multichannel News.

HUMAN RESOURCES

John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Paul M. Lusky is a Partner with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or JKruchko@KruchkoandFries.com, or Paul Lusky at (410) 321-7310 or PLusky@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

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Love in the Workplace



A 2009 workplace dating survey found that forty percent of workers in the United States have dated an office colleague, with thirty-one percent of those romances progressing on to marriage. It appears that the workplace is still an ideal place for a young man or woman to find true romance. When a friendly business relationship between two people leads to an amorous relationship outside of the office, what can be the harm?

More times than not, however, employers have found so-called “office romances” to be detrimental to productivity and efficiency. Worse yet, a romantic relationship that turns sour can result in legal consequences that neither person envisioned at the onset of the relationship. A mutually satisfying, amorous relationship between a man and woman can be transformed into a hostile environment for one person accompanied by persistent sexual harassment. In fiscal year 2011, there were 11,364 charges of sexual harassment filed with the Equal Employment Opportunity Commission.

The frequency of sexual harassment law suits has made many employers wary of condoning romantic relationships in the workplace. This is especially true of romances

between supervisors and their subordinates. If the relationship does go bad, the supervisor may find it difficult to discipline the subordinate employee without raising questions of retaliation. Many cases of sexual harassment have arisen after the consensual relationship has ended and the employee rejects any further advances by the supervisor. Conduct which was previously welcomed by an employee during the relationship may legitimately be deemed unwelcome at a later time.

An actionable claim of sexual harassment can also arise between fellow employees. If an employer does not take immediate and appropriate corrective action to end harassment directed at one employee by another, the employer can be liable for creating a hostile environment or at least allowing that environment to continue to exist. Friendly banter in the workplace and innocent flirting can evolve into exchanges which can demean and demoralize the more vulnerable employee. For example, suppose a male employee misreads a female employee's desires and asks the employee out for a date. When she refuses, he continues to pester her in an attempt to convince her to go out with him. He leaves notes at her

work station, constantly lingers around her work area and repeatedly invites her to explore a “deeper” relationship outside of work. Despite her requests for him to “back off”, the employee continues to pester the female employee. The woman’s rejections begin to infuriate the male employee and he makes crude remarks about her sexuality or morals. If company management does not take action to halt the growing tension between the two employees, the female employee may feel compelled to quit her job and sue the company for sexual harassment.

Employers have legitimate reasons other than liability for sexual harassment complaints for discouraging romance in the workplace. A romantic relationship can be sexually charged and disconcerting for both employees. They may have trouble keeping their mind on their work while they are around each other with the result that errors occur or productivity is slowed. The amorous relationship may, in fact, disturb other employees in the workplace. Where the company provides service to the public, employees who cannot contain their affection for each other may irritate customers.

Some employers have attempted to regulate the romantic involvement of employees in the work place by promulgating “no-fraternization” policies. In most cases, the policies are aimed and applied to relationships between supervisors and their subordinates where there is the potential for sexual harassment litigation. In today’s litigious society, such a policy may make perfect sense despite its intrusion into the private affairs of supervisory employees. The rule must be applied uniformly, however, and the employer must not look the other way for certain romantic relationships in the workplace while seizing on the policy to discharge an employee on another occasion simply because the employer wants a particular employee out of its workplace.

No-fraternization policies have less justification when they are aimed at relationships between non-managerial employees. Where one employee does not supervise another, there is less likelihood of the kind of control

or power that can lead to quid pro quo sexual harassment or the development of a hostile environment in the workplace. As an alternative, a written sexual harassment policy with training for employees in permitted behavior under the policy should be effective in controlling the consequences of romantic relationships gone sour or the “rejected suitor” syndrome. Further, romantically involved employees can always be disciplined if their display of affection for each other violates accepted norms of behavior or interferes with work performance.

Nevertheless, some employers, concerned about the possibility that sexual harassment policies are not sufficient to prevent a hostile environment from developing between employees once a romantic relationship ends, have begun using so-called “love contracts” to protect against potential liability. In the love contract, the dating employees acknowledge that their romantic relationship is consensual and agree to abide by company policies dealing with harassment in the workplace, both while dating and should the relationship end. Generally, there are several other key elements that should be addressed in the love contract, including (1) the employees’ agreement to follow certain guidelines, such as refraining from displays of affection at work or work-related events; (2) each employee should acknowledge and agree that either employee can end the relationship without fear of retaliation; and (3) each of the dating employees should agree to waive their respective right to pursue a claim of sexual harassment for any event that preceded the signing of the contract.

Because a workplace romance can create serious legal complications, employers must not ignore an obvious romantic relationship between employees. Although a love contract may seem like too great an intrusion into the private lives of employees, employers must, at the very least, have policies in place that regulate the workplace excesses of amorous relationships and conduct regular training of employees on the company’s prohibition against sexual harassment. ■

“Because a workplace romance can create serious legal complications, employers must not ignore an obvious romantic relationship between employees.”

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

Promotions Coordinator FT Fredericksburg, VA

We have a full-time opening for a Promotions Coordinator who will be responsible for assisting in the implementation of key marketing strategies in support of our four-station radio group. The ideal candidate will be an energetic team player with the skills to assist in the planning and coordination of various events for our stations as well as the ability to manage members of our promotions staff. The successful candidate MUST be dependable, available to work a flexible schedule including weeknights, weekends, and holidays and have own reliable transportation with valid driver's license. BA/BS degree and/or two years of previous promotion/marketing/event planning experience preferred. Computer proficient in Microsoft Word, Excel, and Power Point a must. Ability to lift 25-50 pounds required. If you are looking for a chance to work hard, have fun, and make a significant contribution to our company, please forward completed application (resume may be attached, but not substituted) and DMV driving record to: WFLS, WVBX, WWUZ, WNTX Radio Attention: Human Resources 616 Amelia Street Fredericksburg, VA 22401 Email: jobs@freelancestar.com. Application deadline is Monday, March 12, 2012. Applications are available at The Free Lance-Star, 616 Amelia Street, Fredericksburg and online at www.fredericksburg.com/flsjobs. EOE.

Account Executive Roanoke, VA

Aggressive, professional, self-motivated, TV advertising executive needed for our stations in the Roanoke/Lynchburg market. Applicant should also be able to discuss business and marketing topics with local business owners. Computer and communications skills are mandatory. We offer an exciting TV broadcast environ. with an excellent benefits package. If you are interested in joining

our prof. team, please email resume with cover letter and salary req. to ksmith@fox2127.com or by mail to: Fox 21/27 and CW5, Attn: LSM, 2618 Colonial Ave., Roanoke, VA 24015. No phone calls please. EOE.

Broadcast Engineering Technician Roanoke, VA

Immediate full-time opportunity. Perform maintenance on and install station broadcast equipment. Must possess good troubleshooting and computer skills and be adept in mechanical systems. Applicant must also perform all on air operations in a very busy master control room. Applicant must be reliable, a self-starter, and possess a valid Drivers License. Ability to work a diverse schedule is required. Technical school training, technical experience, or Master Control experience a plus. EOE. Send resume to HR Manager, WFXR – FOX 21/27, 2618 Colonial Avenue SW, Roanoke, VA 24015 or visit us at www.fox2127.com.

Educational Services Sales Manager Norfolk, VA

WHRO is in the process of launching an Educational Services division. The Educational Services Sales Manager is responsible for representing WHRO's educational products and services. Full job description available at www.whro.org/employment. Interested candidates should submit a resume, cover letter and salary requirements to: WHRO, Attn: Sherby Wilks, Human Resources Officer; 5200 Hampton Blvd.; Norfolk, VA or by e-mail to sherby.wilks@whro.org.

Radio Producer/Announcer Norfolk, VA

WHRO is seeking an experienced and engaging producer/announcer responsible for conceiving, developing, producing and hosting quality classical music programs which are consistent with station programming objectives. Must possess an informal, informed

and comfortable air presence and have technical expertise to operate and program computer-operated automation systems. This position requires knowledge of classical music and the communications industry and at least three years experience in the field, as well as a college degree or equivalent. Submit resume, recorded demo and salary history to WHRO, Attn: Sherby Wilks, 5200 Hampton Blvd.; Norfolk, VA 23508. EOE.

Assistant Chief Engineer Roanoke, VA

WFXR-TV & WWCW-TV has an opening for a highly motivated Assistant Chief Engineer to assist in all technical and electronic aspects of a newly upgraded Master control, all computer systems and technical maintenance at a very busy TV station. This position would assist in preventative maintenance and repairs to our transmitters and associated equipment and be constantly aware of the quality and stability of our on-air signals. The ideal candidate would have electronics training, strong troubleshooting skills, and experience with digital transmitters and engineering maintenance. IT experience is a plus. Please send resume and salary requirements to: Human Resources, WFXR-TV, 2618 Colonial Avenue, SW, Roanoke, VA 24015 or visit us at www.fox2127.com.

Digital Content Producer Richmond, VA

WRIC is looking for a self starter to produce and monitor content for all its digital platforms. Applicants must be able to produce engaging and accurately written news content for wric.com and related platforms. Position will also be responsible for monitoring and posting relevant content to social media sites. Previous experience in the digital media field is preferred. Degree in Journalism, Communications or related field is required. Send resume to: WRIC TV8

Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or email your resume to personnel@wric.com. No phone calls please. EOE.

**Aggressive News Reporter Wanted
NE Tennessee / SW Virginia**

Bristol Broadcasting Company is accepting applications for a full-time news position. We're seeking an aggressive news reporter to break stories, present dynamic live and recorded reports, and anchor newscasts for our multi-station operation. One year on-air reporting experience required. Apply with aircheck and resume to Operations Manager Bill Hagy, P. O. Box 1389, Bristol, Virginia 24203 or by email to billhagy@wxbq.com. No phone calls please. EOE.

**Account Executive
Harrisonburg, VA**

Responsibilities include preparing promotional plans, prospecting new clients, developing and maintaining relationships with existing clients, scripting commercials, and collecting payments. Qualified candidates must be self-motivated with excellent verbal and written skills. Candidate must have their own vehicle with a valid driver's license and state-mandated auto insurance. Computer skills are necessary and experience with Microsoft Word, Excel and Publisher are preferred. High school diploma, college degree preferred. Email resumes to: HarrisonburgSalesTeam@ClearChannel.com or mail resumes to: Clear Channel Media and Entertainment 207 University Blvd. Harrisonburg, VA 22801. EOE.

**Account Executive
Richmond**

WRIC is looking for an energetic self starter with good presentation skills to join our sales team. Extensive training and support will be provided. An outside sales background and college degree required. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. No phone calls please. EOE.

**Journalist
Richmond, VA**

WRIC-TV8 is looking for the perfect candidate to co-anchor it's successful weekend morning newscast. This person will also operate as a video journalist three days a week. The successful candidate must be able to shoot, write, and edit. Two years experience preferred. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. No phone calls please. EOE.

**Meteorologist
Richmond, VA**

WRIC is looking for an energetic weather storyteller who loves severe weather. Must be able to communicate effectively on-air, on the web and on social media. Experience in Stormtracking with Weather Central's ESP is a plus. Knowledge of Weather Central LIVE And 3DLIVE ideal. At least two years on air experience and a degree in Meteorology is preferred. AMS CBM and/or NWA Seal preferred but not required. Send non-returnable DVD and resume to: WRIC-TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or email your resume to personnel@wric.com. No phone calls please. EOE.

**Production Assistant
Norfolk, VA**

WVEC-TV is seeking a part-time Production Assistant who will assist in the production of live newscasts and other TV productions. Skills required include operation of studio camera, teleprompter, floor directing, character generator and audio. Applicant must have excellent spelling, typing and grammar skills. Strong technical ability is required. Previous live audio experience is a plus. College degree in Mass Communications or equal experience preferred. Final semester college seniors will be considered. Applicant must be able to work flexible hours: (3:30 a.m.-1 p.m.) weekdays, (5 a.m.-8 a.m.) weekends, holidays and other shifts as necessary. Mail or email resume to: WVEC-TV Human Resources 613 Woodis Avenue Norfolk, VA 23510 or email jobs@wvec.com No phone calls.

**Production Assistant PT (eve. hrs.)
Lynchburg, VA**

Primarily responsible for in-studio production assistance, including the operation of camera, audio, and character generator. Also responsible for field technician assistance for creative services as 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.

**Account Executive FT
Lynchburg, VA**

The sale of television and web advertisement to new and existing accounts, the supervision and follow-through of all sales, and the development of new clients as defined by the Sales Manager. Advanced education in the field of Marketing and Advertising or equivalent sales background which has given the applicant the ability to perform the required functions of the job. Sales aptitude with one year previous television or media sales experience preferred. Automobile and valid Virginia driver's license. 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.



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.

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Countdown to 2012 License Renewal for Virginia Television Stations

As we have previously advised, 2012 is a license renewal year for all television stations licensed to a community in Virginia. Renewal of your television station's FCC license(s) for full eight-year terms will carry your station(s) through October 1, 2020. All Virginia television stations must electronically file their FCC license renewal applications (and accompanying EEO report on FCC Form 396) by June 1, 2012. In addition, non-commercial Virginia television stations must also electronically file biennial ownership reports by June 1, 2012. (The deadline for filing biennial ownership reports for commercial television stations in Virginia was December 1, 2011.) Moreover, each station is required to begin airing its pre-filing announcements on April 1, 2012, so you may wish to begin generating the creative for these spots in the coming days.

Overview of Critical Dates

Here are the critical deadlines relevant to the renewal application process for Virginia TV stations:

- ▶ Pre-Filing Announcements must be broadcast on April 1, April 16, May 1, and May 16, 2012.
- ▶ Pre-Filing Announcement Certifications must be placed in the Public File by May 23, 2012.
- ▶ Renewal Applications must be filed with the FCC by June 1, 2012.
- ▶ Post-Filing Announcements must be broadcast on June 1, June 16, July 1, July 16, August 1, and August 16, 2012.
- ▶ Post-Filing Announcement Certifications must be placed in the Public File by August 23, 2012.
- ▶ Deadline for public to file a Petition to Deny is September 4, 2012.
- ▶ Current licenses expire October 1, 2012. (A station's authority to operate is automatically extended while its renewal application is on file with the FCC and under review.)

Content of the Pre-Filing Announcements

The text of the required pre-filing announcements is prescribed by the FCC. Each station's pre-filing announcement should read as follows (the requirements for TV translators are somewhat different):

On [INSERT DATE OF LAST LICENSE RENEWAL GRANT], [INSERT STATION CALL SIGN] was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until October 1, 2012.

Our license will expire on October 1, 2012. We must file an application for renewal with the FCC by June 1, 2012. When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last eight years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by September 4, 2012.

Further information concerning the FCC's broadcast license renewal process is available at [INSERT STREET ADDRESS OF STATION'S MAIN STUDIO WHERE PUBLIC FILE IS MAINTAINED] or may be obtained from the FCC, Washington, D.C. 20554.

Dates/Times of Broadcast for Pre-Filing Announcements

The pre-filing announcements must be broadcast on each of the following days in 2012: April 1, April 16, May 1, and May 16. At least two of the four pre-filing announcements must air between 6 p.m. and 11 p.m. Stations sometimes schedule one or two extra pre-filing announcements in an effort to anticipatorily make good any announcements that are preempted for any reason.

Pre-Filing Certificate of Broadcast

A certificate of broadcast of the pre-filing announcements must be signed and placed in each station's public inspection file after the last announcement is broadcast on May 16, 2012, and no later than May 23, 2012. The pre-filing announcement certificate is not filed with the FCC.

Post-Filing Announcements

In the coming months, we will provide the FCC's required language for your post-filing announcements.

As winter becomes spring, stations should make it a priority to consult with their communications counsel to ensure that they are properly prepared to make their renewal filings. ■

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