

Station Executives Bullish; Resolute on Spectrum

The short-term and long-term outlooks for television are strong, both in terms of this year's ad revenue and, over the long haul, in terms of delivering original and acquired TV content over the air to traditional TV sets and mobile devices, according to station executives on a NATPE Executive Outlook panel moderated by TVNewsCheck Editor Harry Jessell.

The ad outlook for 2013, coming off of last year's robust political- and auto-fueled year is good.

"We've heard industry executives say 2% to 4% — we're on the 4% side of that," said Deborah McDermott, president-CEO of Young Broadcasting. "There could be good political spending this year with gun issues, immigration issues and health care. There could be quite a bit more spending than in most off-political years."

Although 2013 is an off-election year, Brian Lawlor, SVP of television at E. W. Scripps, expects ad spending to be strong. "For us, services like attorneys, medical and financial are very strong," he said. "It's not just big-box retailers but also local-based retailers where we can be part of the conversation about the campaign. Geography will also play a part in it. Right on the front page in Miami there's a story about condo sales skyrocketing. That drives services and retail as well."

Jessell asked the station executives about

what sometimes feels like a sluggish move by TV stations to add over-the-air mobile content.

"Some people think it's not moving fast enough," said Bill Hoffman, EVP of Cox Media Group. "But this is very complex technology and we want to do it the right way."

Hoffman then explained the industry's vision for mobile TV: "We want consumers to have a device — a handset or tablet — to use them as TV. It's an extension of free, over-the-air, one-to-many television. It's a simulcast of over the air. We think there's an economic model. We think people will pay for mobility."

Lawlor said there are reasons the industry appears to be moving at a snail's pace on this. "First, you have to develop the standard," he said. "What's unique about this is that we're talking about being able to stream one to many, where one stream is covering a DMA that a TV station is serving. It's not cell towers. It's not bogging down minutes on phones."

He said discussions about standards have led to ongoing discussions with TV networks about providing content.

"The good news is that we're still having those conversations," Lawlor said. "The better news is that we have 70-something markets lit up, with devices on the market. It has taken

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Look ... it's a Lion! No, a Dog!

(Entercom, WPTV/Virginia Beach) 94.9 the Point's morning show Chuck and Woo Woo welcomed Charles the Monarch to their show recently. You may have caught Charles on GMA, Jay Leno, or The Today show as the dog people thought was a lion roaming the streets of Norfolk Virginia. Residents thought the lion has escaped from the Virginia Zoo. 9-1-1 calls were made and the police arrived to find a dog, a 3 year old Labradoodle.

His owners love local college Old Dominion University and they shaved their dog to look like a the schools mascot! Charles made his first local appearance back home on 94.9 the Point with Chuck and Woo Woo (woof!). ■

VAB Newsletter

Published monthly by the
Virginia Association of Broadcasters
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Charlottesville, VA 22902
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Spectrum continued

a while. But this is a massive undertaking for content providers, technology, cell carriers, manufacturers and broadcasters.”

Jessell asked why more stations aren’t airing local newscasts on their websites.

“Watching a newscast on the web is a pretty crummy experience,” Lawlor said. “We don’t have rights to sports, so there are black-outs. You end up with a choppy experience.”

The stations executives were asked about Aereo, the Barry Diller-backed service that allows viewers to watch local TV on their computers. “It’s a tremendous threat,” Hoffman said. “Our system is set up for DMAs with rights to syndicated shows. To have something come in without retrans fees, no copy-right fees, just to pass through without paying for content is piracy.”

And Lawlor added: “The technology innovation is important. But we are content creators and we spend millions of dollars for content. If Aereo is going to distribute our content, they have a legal obligation to pay for it.”

While the station executives felt they could legally derail Aereo, they feel less optimistic about stopping The Hopper — Dish Network’s souped-up DVR that allows viewers to automatically skip ads.

“Every company will deal with that differently,” Lawlor said. “That is a conversation between broadcast companies and Dish. It may come up in retransmission discussions. That is probably one of the times we will initiate a conversation about that.” Jessell suggested that stations may be sacrificing hundreds of millions of dollars by not selling perhaps 10% or 15% of their spectrum back to the FCC.

“Scripps takes very seriously our mission to serve the community,” Lawlor said. “Once you give up spectrum, you’re out. We’re committed to broadcasting and we’re in it for the long haul. We need our spectrum to innovate. We need it for mobile. We need space for data. If we don’t have spectrum, we’re a cable channel.”

“I’ll pile on what Brian said,” added Hoffman. “It’s a very important part of community service to shine a light with great investigative reporting. And we need to innovate technology. A couple of years ago, the buzz was 3D. Now, it’s 4K, which takes HDTV to the next level. You don’t need too many imagination beams to say, ‘I wonder what our television stations would look like if they were on 4K.’” ■

Article courtesy of Kevin Downey with
tvnewscheck.com.

Americans Turn to Broadcast Networks Over Cable News for Inauguration Coverage

Almost twice as many Americans tuned into broadcast television networks than cable news networks for coverage of President Barack Obama’s second inauguration on January 21, according to recently released Nielsen data.

Nielsen ratings data show an average of 5.1 million viewers watched NBC’s telecast of the inauguration from 10 a.m.-4:35 p.m., 3.9 million viewers tuned into ABC during the ceremony, and CBS’s broadcast drew 3.7 million viewers. Meanwhile, during President Obama’s oath of office and inaugural address, an average of 3.1 million viewers were tuned into CNN, 2.3 million viewers were watching MSNBC, and Fox News attracted 1.3 million viewers.

“Once again, when Americans wanted to watch history in the making, they turned to broadcast television,” said National Association of Broadcasters Executive Vice President of Communications Dennis Wharton. “Broadcasters take seriously our role as a leading source of information. The ratings from the inauguration are proof that Americans trust broadcasters to provide the news they need and want.”

The inauguration ratings are part of a long history of Americans tuning into broadcast television over cable news during important news events. Most recently, viewers watched the 2012 presidential and vice presidential debates on a broadcast network than a cable news network by almost a 2-to-1 margin. ■

Meet the VAB's Best of the Best 2013



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Assistant to the GM
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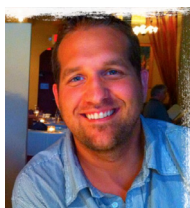
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The selection committee is pleased to announce the inaugural class of the Virginia Association of Broadcasters Best of the Best Leadership Program.

Over the next six months, these professionals will be provided an opportunity to build leadership skills; develop a diverse business network; meet legislative leaders & become an advocate for their profession; and prepare for challenges facing the future of the broadcast industry.

The VAB will be featuring these members in upcoming issues of the newsletter.

Congratulations class of 2013!

HUMAN RESOURCES

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The Government Secretly Advances Unionization

Although the recent presidential election, the turbulent economy, and the narrowly averted fiscal cliff have dominated news reports over the last several months, other newsworthy things have been happening – not the least of which is the federal government’s quiet assault on non-unionized employers. Currently, only about 11% of America’s workers belong to a union, a number which has declined sharply in recent decades. A longtime union supporter, President Obama failed to garner enough votes to pass the Employee Free Choice Act after Republicans threatened a filibuster. However, not to be deterred, the Obama administration began wielding its executive prerogative via federal agencies to advance rules and regulations that Congress would not pass. What has resulted are small incremental steps by the U.S. Department of Labor (“DOL”) and the National Labor Relations Board (“NLRB”) to rewrite the law with regards to unionization to make it easier for unions to prosper and win support among American workers.

The U.S. DOL Quietly Proposes New “Persuader Rules”

In the summer of 2011, the DOL published new proposed regulations regarding an employer’s existing obligation to file reports with the DOL about consultants (including attorneys) or contractors the employer utilizes to persuade employees on the issue of unionization. The employer’s reporting obligation is not new; it has been in force since 1962 and is contained in Section 203 of the Labor-Management Reporting and Disclosure Act (“LMRDA”), which has become known as the “persuader rules.”

Significantly for employers that oppose unionization, Section 203(c) of the LMRDA has always contained an exception to the reporting requirements for “advice” provided to the employer. For the last half century, the DOL has interpreted this exception to cover advice provided by attorneys to the employer on the issue of unionization. For example, attorneys could draft proposed letters to employees, draft proposed speeches, and review employers’ communications to employees. In a nutshell, as long as the employer had the option to reject the “advice” provided by its legal counsel (which is always the case), then the attorney’s

activities are not reportable under the “persuader rules.” Only if the attorney communicated directly with the employees would the activity then become reportable under the LMRDA.

However, in its new proposed regulations, the DOL seeks to severely limit the advice “exception” to only exclude from the reporting requirements advice about (1) what an employer may lawfully say to employees, (2) an employer’s compliance with the law, or (3) general guidance about NLRB practice or precedent. As a result, any actions, conduct, or communications by or on behalf of an employer that might arguably be an attempt to persuade workers with regards to unionization is now required to be reported – including attorney-client privileged communications and dealings, even if the employer’s attorney never communicated directly with the employees. The new regulations would also require employers to disclose letters, memos, videos, etc. that were prepared for the employer’s use by its attorney or outside consultant.

The applicable reporting forms have also been revised, and they give examples of activities that would become reportable under the new proposed regulations. Such tasks as (1) drafting, revising, or providing a speech for presentation to employees, (2) drafting, revising, or providing written materials for presentation or distribution to employees, (3) training members of management to conduct employee meetings, and (4) developing personnel policies or practices would now all become reportable activity – for both the employer and the consultant or attorney that actually performed the work.

The DOL is planning to take final action on the proposed regulations in April of 2013.

It is hard to overstate the monumental shift in labor management relations that would result in the DOL’s new proposed reporting requirements. The proposed regulations will not only significantly increase the number of reports employers and consultants/attorneys must file under the LMRDA, it would also broaden the scope of conduct that could trigger an employer’s or consultant/attorney’s violation of that statute. This is particularly worrisome, given that the LMRDA has criminal penalties that can attach for failing to comply with its statutory requirements.

The new regulations, if approved, could significantly impact employers' relationships with their outside attorneys and disrupt employers' efforts to obtain guidance and advice when faced with possible union activity. Obviously, if your company becomes confronted with or is currently dealing with potential unionization of your workforce, seek the guidance of experienced labor counsel before trying to navigate these murky waters on your own.

The NLRB Overturns Longstanding Legal Precedent

In the past several months, a pro-union NLRB has been attacking its own established legal precedent that has existed for many years or decades. These decisions are small, incremental steps toward the Obama administration's ultimate goal of dramatically increasing unionization in this country. Three recent (but regrettably not exhaustive) examples are discussed below.

In the Board's recent Piedmont Gardens decision, the union had requested (following an employee termination) that the employer produce all witness statements used in its investigation into the employee's conduct leading to the termination, including the names and job titles of the employees interviewed. The employer refused, citing the NLRB's long-standing position that such witness statements did not have to be provided to the union. The union filed an unfair labor practice charge with the NLRB, and the Board took the opportunity to essentially nix its earlier position in favor of what it termed a more "flexible approach" in evaluating whether the union's interest in obtaining relevant information outweighs the confidentiality considerations of the employer and its witnesses. This new approach will adversely affect employers' ability to conduct confidential internal investigations and protect witnesses from harassment or intimidation by the union or their fellow employees. While this concern may still be a valid reason to not produce the witness statements and identities, it is no longer a "blanket" protection, but must be argued by the employer to the Board on a case-by-case basis.

In WKYC-TV, Inc., the NLRB overturned its 1978 Bethlehem Steel decision by deciding that a collective bargaining agreement's "due checkoff" provision no longer expires with the agreement. A dues checkoff provision is the employer's agreement to automatically deduct union dues from the employees' paychecks and pay the

dues directly to the union. For almost 35 years, the Board had held that such provisions expire with the agreement, but not any more. Now employers must continue to withhold dues from their employees' paychecks and pay the money to the union, unless the employer can show it has bargained to impasse or can show the union has unmistakably waived its right to bargain over the continuation of the dues checkoff provision.

Most recently, in Finley Hospital, the NLRB found that a provision providing for a 3% annual wage increase in a collective bargaining agreement survived the term of the agreement and required the employer to continue with the percentage wage increase even after the expiration of the agreement – despite the fact that there was clear language in the agreement (in three different places) limiting the increase solely to the one-year term of the agreement! The NLRB ruled the employer had a statutory not a contractual obligation to continue providing the wage increases.

The recent effort by the NLRB to rewrite its own legal precedent and create a more "union friendly" environment is very worrisome. Not only will current unionized employers feel the heat, but current non-union employers should expect to see more unions approaching their employees, now emboldened by the Board's intentional efforts to reverse decades of legal decisions that had previously helped define the relationship between employer and union. With President Obama's second term having barely begun, employers can look forward to several more years of this type of legal erosion of their rights with respect to unionization.

Conclusion

Correctly managing issues surrounding current and potential unionization of your workforce can be critical to avoiding costly NLRB proceedings. Employers should not assume they know the law in this area (even if they have worked in a unionized environment for years) because what has been a fairly constant body of law for decades now appears to be changing dramatically....and rapidly. Therefore, it will be imperative to enlist the expertise of experienced labor counsel to help your company navigate what has become a rapidly evolving legal landscape with respect to unionization. ■

“Correctly managing issues surrounding current and potential unionization of your workforce can be critical to avoiding costly NLRB proceedings.”

Article courtesy of John G. Kruchko and Kevin B. McCoy, 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.

Video Editor PT Lynchburg

The Video-Journalist is primarily responsible for gathering news by recording satellite and other remote transmissions, editing videotape of news, sports, and special features. The individual should be familiar with effective camera shooting techniques. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Valid Virginia Driver's license required. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. EEO/M/F.

Director Richmond, VA

DIRECTOR - NBC12 seeks experienced director for PM production team. Responsibilities include directing/technical directing, pre-production, audio operation, floor directing, robotic camera operation. Experience with Kahuna HD Video switcher, Chyron/Thunder and audio consoles a plus. Social media competency required. Qualified applicants only send cover letter and resume to Frank Jones, Assistant News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/H/V. Drug Screen required.

News Reporter Roanoke, VA

WDBJ7, Roanoke, VA (DMA) Schurz Communications is searching for a reporter to join our news team. The reporter is responsible for developing, investigating, writing and reporting stories of interest. They must generate story and source contacts, and enterprise stories, on a daily basis. In addition, they're responsible for delivering highly visual reports of high ethical standards, while using creative ideas and live-news capabilities. We're seeking someone

with a minimum of 1-3 years of reporting experience. Prior experience with cameras and/or editing is required, as is a degree in Journalism or a related field. Must hold a valid driver's license and a good driving record. Interested candidates should visit www.schurz.com/careers/career-opportunities/ and search Requisition Number WDBJ1117 to learn more about the position and apply.

Morning Director / Production Operator Norfolk / Virginia Beach / Portsmouth

WAVY-TV has an immediate full-time opening for a Director/Production Operator. This position is a multi purposed job including directing morning weekend newscasts, weekday studio control room operations. Strong candidates will have one year newscast directing/TD and operation skills for robotic cameras and audio operation for newscasts. Candidate must be willing to work any and all shifts, including early mornings, evenings, and weekends (Saturday and Sunday). College degree in communication or equivalent experience is required. Send DVD (w/director track), resume and salary requirements to: Dave Whitener, Production Manager, WAVY-TV, 300 WAVY Street, Portsmouth, VA 23704. No phone calls, please. EOE.

IT / Maintenance Technician FT Lynchburg, VA

Responsible for the IT infrastructure of the station, including planning, installation, maintenance and support. Maintain security of systems and data. Perform engineering and maintenance duties. Respond to requests from management and provide users with support and advice. College degree in electronics / computer related field or equivalent experience. Two years experience as computer / network technician or equivalent. Valid Virginia Driver's license.

Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. EEO/M/F.

Video-Journalist FT Lynchburg, VA

The Video-Journalist position is primarily responsible for gathering news by shooting and editing videotape of news, sports, and special features and responsible for setting up ENG vans for live remotes. This person must display high journalistic standards and be prepared to cover stories alone. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Valid Virginia Driver's license. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. EEO/M/F.

Newscast Producer Roanoke, VA

WFXR FOX 21/27 is accepting applications for a qualified television newscast producer. Responsibilities include: produce, gather, organize and coordinate all elements involved in the assigned newscast; emphasize breaking news, local and relevant national content, weather and sports news; format news broadcast and related cut-ins; assign and edit news copy; produce other newscasts/specials as needed. 1 - 2 years experience. Please apply by sending us a recent tape or DVD of your work, your resume and references to: Debbie Reardon, Creative Services Director, 2618 Colonial Ave., SW Roanoke, VA 24015. No phone calls please. EOE M/F/V/D.

Chief Engineer for WUPV Richmond, VA

WUPV-TV, the CW affiliate in Richmond, VA seeks Chief Engineer. Successful

candidate must possess strong skills in operation, maintenance, troubleshooting and repair of digital television transmitters and broadcast equipment. 5 years hands-on broadcast engineering experience required. Send cover letter with salary requirements and resume to: WUPV-TV, Attn: Bruce Tinoco, Director of Engineering, 5710 Midlothian Turnpike, Richmond, VA 23225 or email btinoco@nbc12.com. EOE-M/F/D/V.

**News Producer
Roanoke, VA**

WDBJ Television, Roanoke, VA (DMA) is searching for a News Producer. This individual is responsible for producing memorable newscasts, while overseeing and executing all editorial and production elements of broadcasts, including writing, ordering/creating graphics, and coordinating live shots. They will also engage in and produce for social media platforms; help promote the station's digital products; communicate information to viewers and receive tips from them. 1-3 years experience in broadcast news. Bachelor's degree required, along with a valid driver's license and good driving record. Interested candidates please visit the following web site: www.schurz.com/careers/career-opportunities/ and search Requisition Number WDBJ1096 to learn more about the position and apply.

**Associate News Producer
Roanoke, VA**

WDBJ Television, Roanoke, VA (DMA) is searching for an entry level Associate Producer. This individual will help in producing content for newscasts and web by researching and writing stories, and filling in as producer of a show or fill-in for other positions, such as assignment editor, when needed. Six months-1 year experience in broadcast news. Bachelor's degree required, along with a valid driver's license and good driving record. Interested candidates please visit the following web site: www.schurz.com/careers/career-opportunities/ and search Requisition Number WDBJ1097 to learn more about the position and apply.

**Advertising Account Executive
Arlington, VA**

As an Advertising Account Executive with

WAVA/WRC Radio, you will daily use your marketing, business development, consultive selling and closing skills to develop and present customized radio, digital and event driven advertising and marketing plans to businesses owners and decision makers. Send resume and cover letter to Jim Richard, General Sales Manager at jimr@wava.com.

**Board Operator
Arlington, VA**

Board Operator needed to operate standard broadcast console, including "faders" or "pots." - Protect the company's F-C-C license, successfully execute E-A-S tests, log transmitter readings and follow regulations and policies under the direction of the Chief Operator. To Apply: E-mail your resume to Bob Jones, Broadcast Operations Director at bobj@wava.com. EOE.

**Account Executive
Fredericksburg, VA**

Centennial Broadcasting II, LLC in Fredericksburg, VA has a full-time opening in our Sales Department for an Account Executive. You will be involved in selling high-profile/high visibility radio programs and be a representative for other Centennial advertising platforms. The ideal candidate will be a driven sales professional with a minimum of two (2) years experience in marketing or outside sales and embrace the challenge of helping local businesses thrive and succeed. Please e-mail your resume to thamilton@wbqb.com. Centennial Broadcasting II, LLC is an Equal Opportunity Employer.

**Sr Account Executive
Richmond, VA**

Clear Channel Richmond is searching for an Exceptional Sr Account Manager for several of their Richmond, VA radio stations/Websites/iHeartradio. Radio sales experience is preferred, but not required if you have a minimum of three years experience in outside sales. Must be able to negotiate business and achieve revenue goals, develop new advertisers and service existing clients. For consideration send resume in confidence to: richmondjobs@clearchannel.com. EOE.

**Digital Sales Manager
Richmond, VA**

This high performance leader is responsible for driving integrated media revenue by creating and developing compelling campaigns that engage and connect advertiser's needs with consumers. This candidate must lead and foster Integrated Media sales excellence and have a customer-centered approach to meet the needs of sophisticated advertisers in a dynamic and highly competitive marketplace. Email your resume and brief cover letter to richmondjobs@clearchannel.com. EOE.

**Account Executive
Richmond, VA**

CW Richmond is now interviewing for Account Executives. If you are an energetic and creative problem solver who is not afraid of hard work, we want to meet with you! Send resume with cover letter and salary requirements to: CW Richmond, 5710 Midlothian Turnpike, Richmond, VA 23225 Attn: Adam Brown or email abrown@cwrichmond.tv. EOE.

**Account Executive
Norfolk, VA**

Sinclair Communications is looking for creative people who enjoy the fast-paced, highly challenging world of radio marketing and sales. We seek winners who have at least two years of outside sales experience. Apply now by calling Luciana Varverud at (757) 222-2930, or fax your resume to (757) 640-8552. EOE.

**TV News Video Editor – Part Time
Portsmouth / Norfolk / Virginia Beach**
WAVY-TV10/WVBT Fox 43 is looking for a part-time Video News Editor to edit for all newscasts. Candidate must be good with computers and able to work under strict deadlines; some knowledge of a working television newsroom helpful. Candidate must be willing to work any and all shifts, especially evenings and weekends (Saturday and Sunday). At least one year of videotape editing experience and college education preferred. Send cover letter and resume to: Karen Granneman, Chief Editor, WAVY-TV10/WVBT Fox 43, 300 Wavy St., Portsmouth, VA 23704. EOE.

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Save the Date!

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VIRGINIA ASSOCIATION OF BROADCASTERS



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