

NAB STATEMENT ON AT&T ACTIVATION OF FM CHIPS ON ANDROID SMARTPHONES

WASHINGTON, D.C. – In response to the announcement that AT&T will include FM Chip activation in their 2016 device specifications for Android smartphones, the following statement can be attributed to NAB President and CEO Gordon Smith:

"Today marks a new beginning in mobile technology with the agreement by a global iconic brand, AT&T, to light up the FM receiver chips in all of its future Android smartphones. With this decision, AT&T's customers become the biggest beneficiaries, giving them access to local radio news, entertainment, weather, and failsafe emergency alert connectivity. With access to apps like NextRadio, AT&T's listeners will also enjoy song tagging and interactivity features that have become increasingly popular with younger listeners.

"America's broadcasters salute AT&T's decision to serve its customers through collaboration with America's local radio stations. Bravo!"

AT&T's announcement today follows a 2013 announcement from Sprint to activate FM chips on select Android and Windows smartphones.



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Upcoming Events:

October 8-9, 2015

VAB Board Retreat
Keswick Hall
Keswick, VA

October 22-23, 2015

Best of the Best
Leadership Session
Omni, Charlottesville

Gamma Broadcasting to Sell Radio Station

Gamma Broadcasting LLC confirmed the upcoming sale of radio station Classic Country WSIG — Real Country 96.9 WSIG — in Mount Jackson to Saga Communications.

The closing date of the sale of WSIG and a second radio station, AC WBOP/Buffalo Gap in Harrisonburg, will take place in late summer for the combined price of \$1,335,000, said Sam Bush, chief financial officer of Saga Communications.

"We think Gamma has done a great job in building the stations," Bush said.

Pending approval of the sale by the Federal Communications Commission, he said the transfer is due to take place in late July. Until then, WSIG will broadcast as usual from its station at 639 N. Main St., Mt. Crawford.

The announcement comes about a month after Saga Communications also acquired five Harrisonburg radio stations owned by VerStandig Broadcasting. Saga plans to consolidate all seven stations into one broadcast location in Harrisonburg, Bush said.

WSIG originally signed on the air in 1953, when it broadcast on AM station 790, said Scott Richards, general manager of WSIG. It later moved to FM radio in 1987.

Gamma Broadcasting has owned WSIG for about nine years, said Bruce Danziger, president of Gamma Broadcasting.

"It has always been a country station under our ownership and for a significant period of time prior to our ownership," he said.

Bush said Saga intends WSIG to remain a country station.

Asked how the location change will affect station employees, Bush said, "I can't say that there won't be any change in staff, but ... [the] intention is to work with the people currently on board."

WSIG and WBOP are very good stations, he said. "Obviously that's due to the people that are there currently," he said.

Praising the pending arrangement with Saga, Danziger called Saga a great company.

"Been in the radio business a long time, and I've known the top management of Saga a long time, and they're going to be great owners of our radio station," he said. "They really get what radio is."

Saga owns Tidewater Communications LLC in Norfolk and Charlottesville Radio Group in Charlottesville, along with 20 other stations nationwide, two television networks in Missouri and Texas and a radio network in Chicago.

"We are a very community-oriented radio company," Bush said, "and we're just very excited to be able to have gotten the opportunity to be involved in the Harrisonburg market."

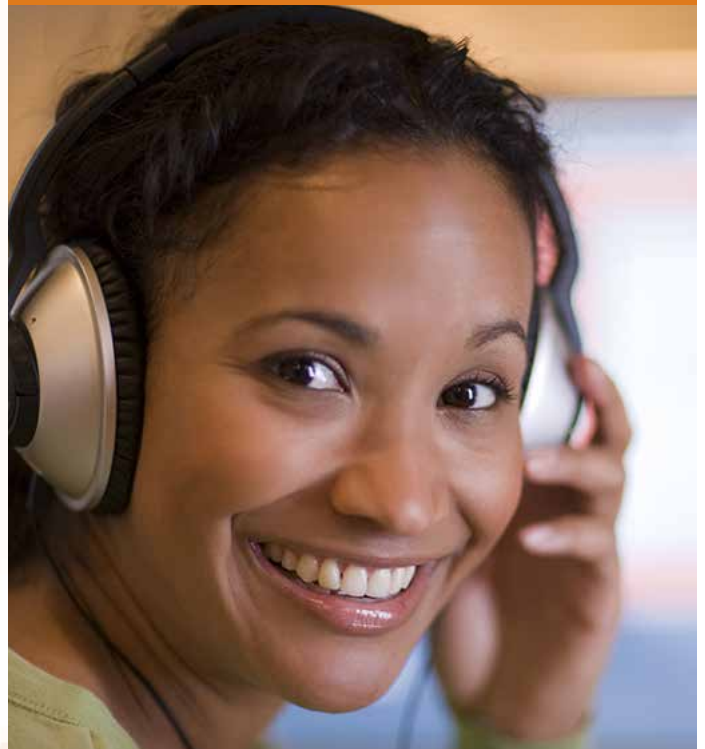
"This is just a tremendous opportunity for us to move into one of the best markets in the state," he said.

Contact WSIG FM at 540-432-1063 or www.969sig.com

Contact Saga Communications at <http://sagacom.com>

Contact Gamma Broadcasting at 540-432-1063

Contact staff writer Josette Keelor at 540-465-5137 ext. 176, or jkeelor@nvdaily.com



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Out of the Blog of a VAB Intern

Jonathan Romano, a student at Emory & Henry, is interning with us through VAB this Summer. I wanted to pass along something he wrote. I feel like what we do on a daily basis sometimes gets lost in the shuffle. Finding our purpose, and our passion as broadcasters is key to success for our business models, and for educating & grooming the next generation of leaders.

Tiffany Hickman

Sales Manager

FM94! WMEV / KZ101.1

Senior Account Manager/Promotions Director

98.5 WTFM / 95.9 The HOG WRZK / Classic Hits 102.7

ESPN Tri Cities



Media: GUARDIAN angel of the 21st century

7/9/2015

For the past three years I've been going to school for degrees in Mass Communications and Creative Writing. While my ultimate goal is to be a novelist, I've always enjoyed the idea of being an investigative reporter or writing for a big magazine or something fancy like that. But, me being a Millennial, my version of media is a daily tweet or sharing a Facebook video of a cat doing something cute. It was not until today that it hit the impact I could have with what I'm doing.

Last month I started an internship at a local radio station in Marion, VA. Since radio was on the complete opposite spectrum of what I wanted to do career-wise, I was not 100% sold on the idea. Not mention the fact that it was a country music station and I absolutely despise country music. But once I got settled in, I started to feel more comfortable and realized that my writing played a bigger part than I thought. Since my cubicle was placed in the sales department, I attended weekly meetings on Thursday morning to discuss monthly goals, client sales, etc. Our Sales Manager, Tiffany, said she had a video to show us which is not very common in these meetings since we mostly do reading from handouts and discuss.

The video was about media coverage during tornadoes, or any other natural disaster, and the impact it can have on the safety of a community. The video was filled with power images of tornadoes and their carnage. When the video ended we all looked up to see Tiffany teary eyed as she closed her laptop.

I could understand the emotion, some of the things in the video were incredibly touching. But what she said next really hit home with me, "This is the power of what we do." I thought about this for a moment and began to get emotional as well, though I think I hid it pretty well. I could tell that Tiffany was incredibly passionate about what she believed media could do with information holding the power to save lives. I realized that this is what I wanted from my degree. Passion.

Media can do so much more than it is often given credit for. On top of safety from natural disasters, it can provide help in a number of other situations as well. Just a few days ago, a teenage girl was found after she went missing with a older man and that was possible because of the coverage of TV and radio. I can honestly say that I am one that has taken news and media coverage for granted but today really put it into perspective. So thank you, Tiffany!

Here's a link to the video previously mentioned:

<https://nabroadcasters.wordpress.com/tag/broadcasters/>

How to Submit to the VAB Job Bank

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

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

Position	Locations	Type	Department	Organization
Account Executive	WCAV/CBS 19	Full Time	Sales	Gray Television
Multimedia Journalist	TRI CITIES TN/VA	Full Time	News	Holston Valley Broadcasting Corp. (VA)
Traffic Assistant	Roanoke, VA	Full Time	(Other)	WDBJ Television, Inc.
Creative Services and Promotion Director	WCAV/Charlottesville, VA	Full Time	Production	Gray Television
Sports Reporter	WCAV/CBS 19	Full Time	News	Gray Television
Vice President & General Manager	Roanoke, VA	Full Time	Business / Admin	Nexstar Broadcasting
Market Manager	Winchester, VA	Full Time	Business / Admin	Centennial Broadcasting II, LLC
Digital Content Producer	Richmond, VA	Full Time	News	WWBT, Inc.
Traffic Director	Marion, VA	Full Time	Business / Admin	Holston Valley Broadcasting Corp. (VA)
Daybreak Reporter	WHSV	Full Time	News	WHSV-TV
Bureau News Reporter	WHSV	Full Time	News	WHSV-TV
Web Producer	Roanoke, VA	Full Time	(Other)	Nexstar Broadcasting
Local Sales Manager	Arlington, VA	Full Time	Sales	Salem Media of Virginia
Director of New Business Development	Richmond, VA	Full Time	Sales	WUPV-TV
Technical Media Producer	WHSV	Full Time	Production	WHSV-TV
Technical Media Producer	WHSV	Full Time	Production	WHSV-TV
Digital Account Executive	Richmond, VA	Full Time	Sales	Young Broadcasting of Richmond Inc.

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

www.vabonline.com/careers



Below is the schedule of the 2015 Career Fairs that the VAB will participate in this Fall. Please contact Christina Sandridge (christina.sandridge@easterassociates.com) if you will be available to assist to staff the booth. We will only need 1 or 2 volunteers per school.

Virginia State University:

Wednesday, September 23rd from 9:30 am - 12:30 pm

Location: Gateway Dining & Event Center

Hampton University:

Thursday, September 24th from 10:00 a.m. - 3:00 p.m.

Location: Convocation Center

Christopher Newport University:

Wednesday, September 30th from 12:00 pm - 3:00 pm

Location: David Student Union (2nd Floor)

Virginia Commonwealth University:

Thursday, October 1st from 10:00 am until 3:00 pm

Location: VCU School of Business, Snead Hall

Norfolk State University:

Thursday, October 15th from 10:30 am until 2:00 pm

Location: Student Center

University of Virginia:

Wednesday, October 28th from 10:00 am until 3:00 pm

Location: Newcomb Hall 3rd Floor

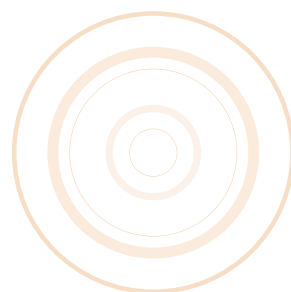
Working the Career Fair means an EEO Credit for your station AND helping me explain the Summer Internship Program available to rising Juniors and Seniors at our stations throughout the state. Not to worry, I'll train you on what to say and it's super, super easy! And, if you volunteer to work with me, you are more than welcome to put out information about your station and any available positions that you might currently have available as well as any knick-knacks you are looking to give away. Students LOVE giveaways!

NAB Small Market Television Exchange

The VAB will be offering four \$500 scholarships for station representatives to attend the NAB Small Market Television Exchange. The Exchange will be held at the J.W. Marriott in Austin, Texas from October 8-10. Program details available soon at NAB.org/smallmarket.

These are co-op dollars that must be matched by the station nominating the station representative. These scholarships will be awarded on a first come, first serve basis and one per station. Once the \$2000 has been committed, we will not be able to pledge anymore for this years conference.

If your station is interested in obtaining these scholarship dollars, contact **Christina Sandridge at (434) 326-9815 or christina.sandridge@easterassociates.com**.



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DOL Interpretation Says “Most Workers are Employees” Under the FLSA’s Broad Definitions

By John G. Kruchko and Jacquelyn L. Thompson*

On July 15, 2015, the Wage and Hour Division of the U.S. Department of Labor (“DOL”) issued an interpretation in furtherance of its Misclassification Initiative, which concludes that “most workers are employees under the FLSA’s broad definitions.” See Administrator’s Interpretation 2015-1: The Application of the Fair Labor Standards Act’s “Suffer or Permit” Standard in the Identification of Employees Who Are Misclassified as Independent Contractors.

A. The Economic Realities Test

Courts have held that determination of the employment relation cannot be based on isolated factors or upon a single characteristic but instead depends upon the circumstances of the whole activity. The goal of the analysis is to determine the underlying economic reality of the situation and whether the individual is economically dependent on the supposed employer. In general, an employee, as distinguished from an independent contractor who is engaged in a business of his own, is one who “follows the usual path of an employee” and is dependent on the business that he serves.

The DOL’s Interpretation does not change the “economic realities” test courts currently apply in determining whether a worker is an independent contractor. It does, however, emphasize that each factor of the economic realities test must be applied consistently with the broad definition of “employ” found in the Fair Labor Standards Act (“FLSA”); that is, whether the worker is economically dependent on the employer and is, therefore, “suffered or permitted to work” by the employer.

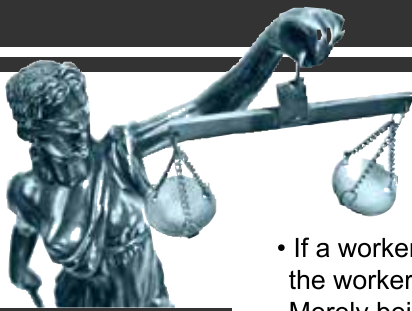
Depending on the court, the economic realities test generally includes the following factors:

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

B. DOL’s Interpretation

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

- The DOL specifically noted that work performed away from the employer’s premises, whether in the worker’s home or at the employer’s customer, can still be integral to the employer’s business.



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- If a worker is truly in business for him or herself, and, therefore, an independent contractor, the worker should be at some risk of loss due to the managerial decisions he or she makes. Merely being able to work more hours is not a managerial skill that affects the worker's opportunity for profit or loss.
- In evaluating the relative investments of the employer and worker, courts should consider whether the worker has made investments in his or her business to further its ability to expand, reduce its cost structure, or extend its business plan. Courts should also consider how that investment compares to the employer's investment, not just to the work performed by the worker but to the employer's overall investment in the project.
- Merely having specialized skills does not mean that the worker is an independent contractor. There is a difference between providing skilled labor and demonstrating the skill and initiative of an independent contractor. The Interpretation states, in probably its most telling sentence: "Only carpenters, construction workers, electricians, and other workers who operate as independent businesses, as opposed to being economically dependent on their employer, are independent contractors."
- Courts should also consider whether the lack of permanence or indefiniteness in the worker's relationship with the employer is the result of operational characteristics of the business (i.e., whether the work is typically transient or seasonal) or the result of the worker's own independent business initiative.
- Control exerted due to the nature of the business, regulatory requirements, and/or customer satisfaction are indicative of an employee/employer relationship. The issue is how much control the employer exercises, not why the employer is exerting it.

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

C. Takeaway for Employers

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

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John G. Kruchko is a partner with the Labor & Employment Law Firm of FordHarrison, LLP in Tysons Corner, Virginia; Jacquelyn L. Thompson is an associate in the firm's Washington, D.C. office. Rachel Ziolkowski Ullrich, a counsel in the firm's Dallas office, prepared an original version of this article. For more information, please contact Mr. Kruchko or Ms. Thompson at (703) 734-0554 or by e-mail at jkruchko@fordharrison.com or jthompson@fordharrison.com. This article is published for general information purposes, and does not constitute legal advice.

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THE VIRGINIA ASSOCIATION
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Leadership Program

Schedule

Session 1
DISC Assessment
October 22-23, 2015

Session 2
Advocacy & Government Relations
February 22-24, 2016
Washington, DC

Session 3
Team Leadership & Assignment of Case Studies
April 2016
Charlottesville, VA

Session 4
79th Annual Summer Convention
Case Study Presentations
June 23-25, 2016
Virginia Beach, VA

We are proud to announce the fourth year of the VAB's Best of the Best Leadership Program.

This eight-month program is designed to provide each participant with the maximum opportunity for professional and personal growth, while broadening their network base in an interactive environment. Candidates must have a minimum of two years experience in the broadcasting industry and be nominated by their station's general manager. Up to 15 applicants will be selected to participate in this unique program.

Why participate in the Best of the Best Leadership Program?

- ▶ Build leadership skills
- ▶ Develop a diverse business network
- ▶ Meet legislative officials and become an advocate for your industry
- ▶ Prepare for challenges facing the broadcasting industry

There is a required time commitment from both the participant and their employer. Please take a moment to review the calendar and ensure that it is compatible with your schedule. Attendance at each session—from start to finish—is mandatory!

If you are interested in expanding your leadership potential, please submit the following materials by **Monday, August 31, 2015:**

- ▶ Completed application
- ▶ Letter of recommendation from your sponsor/employer
- ▶ Electronic head-shot photograph
- ▶ Copy of your resume

The selection committee will meet in mid-September and notifications will be made by September 15th. If selected, the application fee of \$25 (small market), \$50 (medium market) or \$75 (large market) will be due on October 31, 2015.

If you have questions regarding the application or selection process, please contact Jonathan Williams at (804) 643-4433 x202 or email jonathan.williams@easterassociates.com.