

Smith, Goodlatte to Head Up Top Committees for Tech

On November 28, House Republicans selected Rep. Lamar Smith (R-Texas) as the new chairman of the Science, Space and Technology Committee for the next Congress.

Smith currently serves as the chairman of the House Judiciary Committee, but he had to give up his chairman's gavel due to term limits. The Judiciary Committee's next chairman will be Rep. Bob Goodlatte (R-Va.), who was widely expected to assume Smith's role at the end of this congressional session.

"As Chairman of the Science Committee, I will be an advocate for America's innovators by promoting legislation that encourages scientific discoveries, space exploration, and the application of new technologies to expand our economy and create jobs for American workers," Smith said in a statement.

The House Science Committee has jurisdiction over non-defense research and



development issues, as well as NASA, the National Science Foundation and the National Institute of Standards and Technology, among other federal agencies and departments.

The Texas Republican is no stranger to tech issues. Smith was the author of the ill-fated Stop Online Piracy Act (SOPA),

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New General Manager for the Charlottesville Newsplex



Gray Television names Jay Barton VP, General Manager of the Newsplex in Charlottesville, Virginia, beginning on December 3, 2012. Since January 2010 he has served as Local Sales Manager and New Media Manager for WBNG-TV in Binghamton, New York. Prior to that, he worked for WBRE-TV in Wilkes-Barre-Scranton, Pennsylvania as their eMedia Manager. He worked in the Shreveport-Texarkana market as eMedia Manager, Director of Operations and Creative Services Director and in Abilene, Texas, as Director of Operations and Promotions. He graduated Summa Cum Laude from Abilene Christian University with a Journalism/Mass Comm degree in electronic media.

"We are excited to have been able to recruit someone who has such a diverse background in television to lead our Charlottesville stations. Much to our surprise we learned that we were recruiting him back to his hometown. Jay was born in Charlottesville and grew up there and in nearby Nelson County, VA," said Tracey Jones, Regional VP for Gray in Virginia. ■

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Committees *continued*

which sought to crack down on foreign-based websites that peddle pirated entertainment content and knockoff goods. The bill sparked a wave of online protests earlier this year and was ultimately shelved.

The House is also slated to vote on an immigration bill that Smith authored on Friday that's designed to boost the number of visas available to foreign-born graduates with advanced degrees in science, math and engineering fields. The measure proposes to eliminate the Diversity Visa program, which allocates visas to people from countries with low rates of immigration to the U.S. via a random selection process.

As the head of the Judiciary Committee next year, Goodlatte will deal with hot-button issues ranging from royalty payments for

Internet radio services to immigration reform. He currently serves as the chairman of the Judiciary Committee's subpanel on Intellectual Property, competition and the Internet.

The Virginia Republican went to bat for Smith and supported SOPA earlier this year, but the tech industry has generally viewed him as an ally on its issues. He is a co-chairman of the Congressional Internet Caucus and the chairman of the House Republican Technology Working Group.

"Under my leadership, the House Judiciary Committee will play an active role in advancing a pro-growth agenda that will help to create jobs and restore economic prosperity to America," Goodlatte said in a statement. ■

Article courtesy of thehill.com.

Chaffetz Royalty Bill Kicking Off an Extended Process

The chances of enacting the Internet Radio Fairness Act proposed by Jason Chaffetz (R-UT) by year's end are minimal at best. Incoming House Judiciary Chair Bob Goodlatte (R-VA) said a hearing on it would be the first of many on the topic in general – and that spells spillover into 2013. And AM-FM performance royalties will definitely be noisy part of the proceedings to come.

The Chaffetz bill seeks to bring rates paid by internet audio services into parity with rates paid by satellite and cable services, a move that would also benefit broadcasters who stream music on the internet. In support of his bill, Chaffetz enumerate the many companies that have exited the business because the royalty structure made it impossible to make the numbers work.

Goodlatte, who is currently the chair of the Subcommittee and will move up to the full committee chair in place of Lamar Smith (R-TX) said he was open to such legislation, but signaled that today's hearing was just the beginning of a series of hearings on the topic.

Subcommittee Ranking Member Melvin Watt (D-NC) said that the focus on IRFA is simply too narrow, and set his sights squarely on terrestrial radio. He said the lack of a performance royalty for broadcast outlets was the primary area in need of change. His comments were echoed by full committee Ranking Member John Conyers (D-MI), sponsor of the ill-fated Performance Royalty Act.

Witnesses said that the rates paid by services such as Pandora were ridiculously high or woefully low, depending on which side of the debate they were on.

The too high witnesses included Pandora's Joseph J. Kennedy, Hubbard Broadcasting's Bruce Reese, and venture capital firm Venrock's David Pakman.

Taking the too low position were The Recording Academy Chair Emeritus Jimmy Jam, Navigant Economics principal Jeffrey A. Eisenach and SoundExchange's Michael Huppe. ■

Article courtesy of Dave Seyler from rbr.com.

J. Philip Goldman, Founder of WRVQ-FM, Dies at 75

Jack Philip Goldman came to Richmond from Miami in 1972 to create WRVQ, the first contemporary FM radio station in Richmond.

“Hardly anyone had ever heard of FM radio. There had been licenses to have it, but nobody had bothered about it,” said a daughter, Ana Warden of Bon Air. The station, which came to be known as Q94, was born in the basement of WRVA-AM Radio. In some cases, you had to have an FM converter to listen, Warden said.

While Q94 operated on 200,000 watts and WRVA’s audience reached across the country, Q94 would one day unseat WRVA as Richmond’s No. 1 radio station.

“Phil ... was the one who built the station from the ground up into the powerhouse that it was throughout his tenure — over 20 years,” said Linda Forem, vice president and general manager of Radio One, who succeeded him as Q94 general manager when he left in 1993.

Mr. Goldman, who also was a former partner in and general manager of Channel 65 TV, died November 13, 2012 at his Midlothian home. He was 75.

Mr. Goldman hired Rita Bentley in 1984 to help start the signature Q94 Morning Zoo program, “which took the station to new heights,” Bentley said.

There were two performers, one to do male fictional characters, and Bentley, whose characters ranged from Betty Bodine, a mother of eight children living in a trailer park, to Susan B. Anthony Jones, a civil service Kelly girl.

“It was just fun — irreverent humor and 100 percent community involvement.”

From 1994 to 1997, Mr. Goldman worked at Channel 65 TV in Ashland, helping to convert the station to the fledgling WB Television



“Phil ... was the one who built the station from the ground up into the powerhouse that it was throughout his tenure—over 20 years.”

Network. He then teamed with his wife to create PhilCharo Communications, a media and advertising consulting business.

He was a former president of the Virginia Association of Broadcasters, which in 2008 honored him with its C.T. Lucy Distinguished Service Award.

A Baton Rouge, La., native, he attended Louisiana State University and then served in the Air Force, where he was a historian. He met his wife while stationed in Madrid, Spain.

He started his broadcast career in 1961, working as a TV reporter in Monroe, La., and then selling radio time to advertisers in Shreveport, La., Atlanta, Dallas and Miami before coming to Richmond.

Survivors include his wife of 52 years, Rosario “Charo” Aguirrezabalaga Goldman; two more daughters, Paola Dyer McNeil and Margaret T. Wilson, both of Midlothian; two sons, Peter Oliver Goldman of Henrico County and Michael Patrick Goldman of Midlothian; two brothers, Mitchell J. Goldman and James O. Goldman, and his father, Paul H. Goldman, all of Monroe, La.; a sister, Marylin Ritter of Bristol, Tenn.; and 12 grandchildren. ■

Article courtesy of Ellen Robertson from the Richmond Times-Dispatch.

Broadcast TV Station Web Traffic Explodes During Hurricane Sandy

“We know from past history that viewers regard local TV stations as an indispensable resource for breaking news and emergency weather information.”

The websites of broadcast television stations, located in areas affected by Hurricane Sandy, experienced up to three times more traffic during the height of the storm than on a typical weekday, according to the two leading providers of web-based services for local TV stations across the U.S.

Based on data provided to the National Association of Broadcasters by Worldnow and Internet Broadcasting, 10.4 million unique visitors logged onto the websites of local TV stations in states affected by Hurricane Sandy between October 28 and October 30. This was more than double their normal traffic and for one group of stations, more than four times their normal weekday traffic. These TV station website visitors viewed 76 million pages of content, or 2.5 to 3.5 times more pages than on a normal workday. Data do not include mobile traffic.

“We know from past history that viewers regard local TV stations as an indispensable resource for breaking news and emergency weather information,” said NAB President and CEO Gordon Smith. “This data surrounding Hurricane Sandy suggests that local TV station websites have become an equally important source of information. It’s a broadcast-broadband world, with millions of people either tuning in to local television stations or accessing similar ‘need-to-know’ information on TV stations’ websites in lifeline situations.”

Worldnow’s statistics were compiled from the Worldnow-supported websites of local broadcast stations in the 15 state area affected by Hurricane Sandy. Internet Broadcasting’s statistics are based on IB-supported television station websites in 10 states affected by the storm. ■

Genachowski Applauds New Broadcaster Auction Coalition



FCC chairman Julius Genachowski has given an “open, transparent and data-driven” shout-out to the new Expanding Opportunities for Broadcasters Coalition, which is being organized by former broadcast exec and one time Association for Independent Television Stations president Preston Padden.

“Incentive auctions will offer significant opportunities for broadcasters -- both those that will take advantage of a once in a lifetime financial opportunity, and those that will choose to continue to be a part of a healthy and diverse broadcast marketplace,” said the chairman in response to the creation of the coalition. “I welcome the participation of the new Expanding Opportunities for Broadcasters Coalition in our rulemaking process as the Commission engages all stakeholders in a manner that is open, transparent and data-driven.”

The FCC is working on final rules and a framework for its reverse incentive auctions, part of the FCC’s National Broadband Plan to free up spectrum for wireless broadband. The FCC has targeted a mid-2013 vote on final rules, and has held webinars and a workshop with broadcasters to help answer their questions and solicit input on the process. Broadcasters will have the option of selling some or all of their spectrum or remaining in the business, though not necessarily on the same channel. The FCC will have to repack broadcasters to make room for contiguous swaths of spectrum for national wireless footprints. ■

Article courtesy of John Eggerton from Broadcasting & Cable.



June 20-22, 2013
Hilton Virginia Beach Oceanfront
Virginia Beach, Virginia

Applications Now Being Accepted for New Leadership Program

Don't miss the opportunity to be a part of this program. Applications are available on our website <http://www.vabonline.com>

Welcome to the inaugural year for the VAB's Best of the Best Leadership Program.

This is a six-month program 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 12 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 leaders and become an advocate for your industry
- ▶ Prepare for challenges facing the broadcasting industry



There is a necessary time commitment for both participant and 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 Friday, December 21, 2012:

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

The selection committee will meet early January and notifications will be made by January 10, 2013. If selected, the application fee of \$25 (small market), \$50 (medium market) or \$75 (large market) will be due on January 30, 2013. ■

Studio Center Named One of the Best Places to Work in Virginia

Studio Center Total Production, headquartered in Virginia Beach, Va., has recently been named as one of the 2013 Best Places to Work in Virginia by Virginia Business Magazine. *Virginia Business Magazine* and Best Companies Group created the annual list of "Best Places to Work".

This survey and award program was designed to identify, recognize and honor the very best places of employment in Virginia, benefiting the state's economy, its work force and businesses. Studio Center has been named one of the Best Places to Work in Virginia in the small business category.

Organizations from across the state entered the two-part survey process to determine the Best Places to Work in Virginia. The first part consisted of evaluating each nominated company's workplace policies, practices, philosophy, systems and demographics. The second part consisted of an employee survey to measure the employee experience. The combined scores determined the top organizations and the final rankings. Best Companies Group managed the overall registration, survey and analysis process and determined the final rankings. The rankings of the 3rd annual Best Places to Work in Virginia will be unveiled and published in the February 2013 issue of *Virginia Business*.

"We're blown away! Considering that over 700,000 companies and organizations are doing business in Virginia, my staff and I are truly honored that Studio Center has received this recognition." said William "Woody" Prettyman, CEO of Studio Center. ■

106.9 The Fox and FM99 Collect 482,589 Meals During Marathon



“The Fox and FM99 thank our listeners and clients for their overwhelming generosity!”

Classic Rock 106.9 The Fox (WAFX) and FM99 (WNOR) collected a record-setting 482,589 meals during the 16th Annual Mayflower Marathon Food Drive November 16, 17, and 18.

Held ‘round-the-clock at two locations (Pembroke Mall in the Kohl’s parking lot in Virginia Beach and Peninsula Town Center at Coliseum Central in Hampton), hundreds of volunteers accepted turkeys, non-perishable food, and cash.

All donations collected in Virginia Beach went to the Foodbank of Southeastern Vir-

ginia, while all donations made at the Hampton location benefited the Foodbank of the Virginia Peninsula.

Marketing Director, Sonja Morrell: “The Fox and FM99 thank our listeners and clients for their overwhelming generosity! The Foodbanks told us the need was even greater this year and our listeners responded by donating more than ever, enough to provide nearly a half a million meals! Thousands of people here in Hampton Roads will be able to enjoy a Thanksgiving meal because of the organizations, companies, and individuals who donated to the 2 foodbanks.” ■

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

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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Allowing Off-the-Clock Work Can Result in Wage and Hour Violations

The federal Fair Labor Standards Act (“FLSA”) and similar state wage and hour laws require employers to compensate employees for all time worked, including time commonly known as “off-the-clock” work. An employer who knows or has reason to know that an employee is working off-the-clock and does not compensate the employee for such work is violating the law. An hourly employee who willingly puts in extra time before or after

or on weekends in order to meet job requirements, the time worked at home must be compensated. An employer who expects an employee to review work-related emails or listen to work-related voicemail messages while away from the workplace may be incurring liability for unpaid wages. Obviously, an employee who is asked to run work-related errands (such as picking up supplies or equipment) before or after regular work hours must also be compensated for such time. It does not matter that the errand is convenient for the employee because it happens to be on the employee’s usual route to or from work.

Not all off-the-clock work is as easily characterized as compensable time, however. For years, the Department of Labor and the courts have struggled with the issue of whether employees should be compensated for time spent putting on or taking off (i.e., donning and doffing) clothing, uniforms and protective gear before and after a regular work shift. The standard that is usually applied to such cases is whether the pre-shift and/or post-shift activity of donning and doffing clothing and/or equipment is an “integral and indispensable part of the principal activities” of the worker.

In November, 2005, the United States Supreme Court appeared to settle the issue in favor of compensability, at least with respect to “unique personal protective gear” being donned or doffed on the employer’s premises. In *IBP v. Alvarez*, workers at a meat processing plant in Pasco, Washington sued for violations of the FLSA. Their employer required the workers to don protective garments prior to clocking in before each shift and expected them to clock out before removing the protective garments for breaks, lunches, and at the end of each shift. In a unanimous decision, the Supreme Court held that the donning and doffing of the personal protective gear was “integral and indispensable” to the employees’ work, and, thus, the time spent donning and doffing was compensable time under the FLSA. Likewise, the Court held that the time



regular work hours without ever asking for compensation is still entitled to be paid for such work. Employees cannot legally waive their right to compensation. It is the employer’s responsibility to put an end to off-the-clock work if it wants to avoid liability under wage and hour laws.

Some off-the-clock work is clearly compensable. For example, if an employer allows employees to finish assigned tasks, prepare reports, finish waiting on customers or treat patients after their regular shift has ended, employees performing such work must get paid. If the extra time results in an employee working more than 40 hours in a week, that employee is also entitled to overtime pay.

Similarly, if an employer knows that an employee is working at home in the evenings

spent walking to and from the production floor after donning and before doffing the equipment was also compensable.

Subsequent judicial decisions dealing with the “donning and doffing” issue have not always found such activity to be compensable, however. For example, in *Adams v. Alcoa, Inc.*, a federal district court in New York concluded that employees at an aluminum smelting facility operated by Alcoa were not entitled to compensation for time spent putting on and removing flame retardant shirts and pants, steel-toed boots, spats, hard hats and safety glasses. In ruling against compensability, the court relied in part on the fact that Alcoa permitted employees to don and doff the uniforms at home, citing a Department of Labor guidance advising that donning and doffing by necessity must occur on an employer’s premises and not at home. See Wage and Hour Advisory Memorandum No. 2006-2 (May 31, 2006) (“It is our longstanding position that if employees have the option and the ability to change into the required gear at home, changing into that gear is not a principal activity, even when it takes place at the plant.”)

Similarly, in *Baumonte v. City of Mesa*, a 2010 decision dealing with the donning and doffing of uniforms by police officers in Mesa, Arizona, the Ninth Circuit Court of Appeals held that the city did not violate the FLSA by refusing to compensate its police officers for the time spent donning and doffing uniforms and other equipment where the officers had the option of putting on their uniforms at their homes. The fact that an employee has the option of dressing at home is not always determinative, however. In *Rogers v. City and County of Denver*, a federal court in Colorado held that police officers who were permitted to don and doff their uniforms and equipment at home had to be compensated for such activity under the FLSA.

Wage claims for off-the-clock activities performed at home have also been brought for time spent doing uniform maintenance work, i.e., washing, drying and ironing uniforms in compliance with an employer’s dress code provisions. In May, 2011, several current and former employees of the Washington Hospital

Center (“WHC”) in the District of Columbia filed a lawsuit against MedStar Health, Inc. and WHC claiming they should have received compensation for time spent cleaning their uniforms. Although no decision has been reached on the merits of the employees’ claims, a federal court in the District of Columbia has conditionally approved the plaintiffs’ “uniform maintenance” theory and allowed them to proceed on behalf of all hourly employees who worked at any MedStar Health hospital since May 26, 2008 and performed off-the-clock work cleaning their uniforms.

It should be noted that a similar theory was dismissed by a federal district court in Pennsylvania in 2011. In *Schwartz v. Victory Security Agency, LP*, guards working for a security firm in Pennsylvania claimed their employer failed to pay them for the time they had to spend cleaning their uniforms and thus violated the FLSA. The court rejected the claim stating, “while Plaintiffs may have been required to wear and therefore maintain their uniforms, such actions were not integral and indispensable to Plaintiffs’ principal activity, providing security.”

It should be obvious that wage claim theories dealing with off-the-clock work have reached imaginative and creative levels. Consequently, it is imperative that management exercise control over employees and ensure that compensable work is not performed off-the-clock. To avoid costly wage and hour litigation and the negative publicity that these off-the-clock cases bring, organizations should implement a well-publicized policy that advises employees that off-the-clock work is prohibited and that violations can result in discipline.

Merely making a rule against off-the-clock work is not enough, however. Employees should receive regular training in the importance of proper timekeeping practices and be frequently reminded that off-the-clock work is not permitted. Finally, if the employer requires uniforms to be worn at work, it should, if possible, give its employees the option of dressing at home rather than at work. ■

“Employees cannot legally waive their right to compensation. It is the employer’s responsibility to put an end to off-the-clock work if it wants to avoid liability under wage and hour laws.”

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.

Satellite Truck Operator/News Norfolk, VA

WVEC is looking for a full-time satellite truck operator. Must have a current CDL and an excellent driving record. Must be able to diagnosis and maintain critical on-air video, audio, RF, baseband, signal processing, transport and transmission equipment. Required to perform routine maintenance of satellite equipment and live trucks. Three years experience performing satellite operations in a news environment. Good background with LAN, WAN, and computer technologies including the ability to learn various computer applications and internal programs critical to television broadcast processing and transport required. Various shifts, including holidays and overtime. Ability to shoot and edit news stories using NLE equipment and to serve in an on call photographer rotation. Send cover letter, resume and DVD of your photography work to Human Resources, WVEC-TV, 613 Woodis Avenue, Norfolk, Virginia, 23510. No phone calls. Send inquiries to jobs@wvec.com. EOE.

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.

Reporter/Photojournalist Harrisonburg, VA

WHSV-TV is looking for a full-time reporter/photojournalist after one of our reporters just jumped 100+ markets. We are looking for an experienced and imaginative storyteller who can take a routine story and make viewers

care about it. This position is primarily responsible for gathering and reporting news, as well as shooting and editing video. Must be comfortable on camera, have strong journalistic skills in writing, interviewing, and ethical decision-making. You will be responsible for generating sources, enterprising story ideas, and follow-ups. The individual must work well with others, and take direction from management. One year of experience on camera required. A Broadcast Communications / Journalism degree or equivalent work experience is needed. A good driving record is also required. E-mail resume, cover letter, and link to reel to: knorred@whsv.com You may also mail your materials to: WHSV-TV 3, Attn: Kay Norred, News Director, 50 North Main St., Harrisonburg, VA 22802. WHSV-TV is a drug free workplace. EOE.

Morning News Co-Anchor/Reporter Roanoke, VA

WFXR FOX 21/27 is hiring an anchor/reporter for its weekday morning (7 a.m.-9 a.m.) news. We do hard news, fun news and community news in the studio and in the field. Responsibilities include generating story ideas, set up/produce/write news stories and field and series reporting. You must be an excellent communicator who takes a creative approach to story-telling. This individual will also participate in the public affairs activities of the station and must be a good communicator who works well with others. Ability to meet deadlines; work under extreme pressure and multi-task assignments are keys to success. 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, background check required.

**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 a must. Sales aptitude with one year previous television or media sales experience preferred. Disciplined, self-motivated individual. 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.

AM Anchor

Portsmouth/Norfolk/VA Beach, VA
WAVY-TV 10 / WVBT FOX 43 is searching for a morning newscast ANCHOR at the number one station in the Norfolk, Va. market. We are looking for someone who actively engages in all of the tenets of journalism. This anchor will be asked to field anchor, report, and handle long-form breaking news when necessary. The successful candidate will be a major part of the station's online success by posting stories and other content on WAVY.com and our social media platforms. Experience anchoring newscasts at a commercial station is required. Please send cover letter, resume, and DVD examples of your most recent anchor and reporting to: Jim Gilchrist News Director WAVY-TV 10 / WVBT-TV FOX 43 300 Wavy St. Portsmouth, VA 23704 Or jobs@wavy.com No phone calls, please. EOE.

**Weekend Anchor / Reporter /
Producer**

Portsmouth/Norfolk/VA Beach, VA
WAVY-TV 10 / WVBT FOX 43 is searching for a weekend newscast anchor / general assignment reporter / producer at the number one station in

the Norfolk, Va. market. The successful candidate will have strong command of all aspects of anchoring; demonstrates strong news judgment, and is a proven team leader. The successful candidate will also be able to step in and produce any newscast as needed. Must have some anchoring experience plus two years of reporting experience at a commercial station and an excellent understanding of how to produce content for broadcast, web, mobile and social networking. Periodically, you will be required to tune in ENG signals as well as monitor and collect information from various news sources. Please send cover letter, resume, and DVD examples of your most recent anchor and reporting to: Jim Gilchrist News Director WAVY-TV 10 / WVBT-TV FOX 43 300 Wavy St. Portsmouth, VA 23704 Or jobs@wavy.com No phone calls, please. EOE.

Digital Sales Director

Portsmouth/Norfolk/VA Beach, VA
WAVY-TV in the Norfolk, VA market seeks a Digital Sales Director to lead an experienced, high performance sales team on selling the leading websites in Hampton Roads. The ideal candidate will be responsible for developing large-scale new business clients and growing digital revenue from our existing accounts. The Digital Sales Director will work with a team of account executives to create and sell a variety of integrated digital solutions which may include but not limited to: Banner and video advertising on local media news websites; Mobile; and SEM/SEO/ Display solutions both in and outside of the market area. Other responsibilities include ascertaining and supervising research needs, developing business plans, and managing inventory, pricing, and production. Candidate must have thorough understanding of digital content and advertising. Successful candidates should also have 3 years media sales experience, management experience a plus. Email resume to: Michelle Campbell, Director of Sales, LIN Digital, michelle.campbell@linmedia.com No phone calls please. EOE.

**Receptionist/Clerical Assistant
Portsmouth/Norfolk/VA Beach, VA**

WAVY-TV10/WVBT Fox 43 is looking for a detail-oriented Receptionist/ Clerical Assistant. This individual will be responsible for answering a multi-line phone system, assisting station viewers in a professional manner, and greeting and screening station visitors, as well as performing general office duties as needed. Previous experience working in an office setting is preferred. Basic computer skills with the ability to use Microsoft Word, Excel, and Outlook, and a high school degree or equivalency are required. Interested candidates should send their resume to: Bud Jones WAVY-TV 300 Wavy St. Portsmouth, VA 23704 or bud.jones@wavy.com 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. Available 24 hours per day, seven days per week, and for periods of overtime, if needed. Able to control high stress periods and heavy workload. Ability to lift and transport standard computer / IT equipment. Valid Virginia Driver's license within 30 days of employment. Access to an automobile if needed for transportation. 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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FCC Seeking Comments on Petition to Change Contest Regulation

If the proposed rule changes gain any traction at the FCC, then stations could, in the future, have the flexibility to handle their required material terms disclosures over the Internet.

One of the most vexing issues for broadcast stations who conduct promotional contests—especially radio stations who don't have the benefit of visual graphics—is the FCC's regulation that requires stations to disclose on-air all "material terms" of station-conducted contests. In fact, in January 2012, the FCC fined a radio broadcaster more than \$20,000 for having failed to disclose all material terms on the air, and the FCC disagreed with the broadcaster that disclosure of material terms on a station website was sufficient. (The FCC had previously, in other cases, also found that website disclosure by itself was inadequate and that the station-conducted contest rule required on-air disclosure for all station contests mentioned or conducted on the air.)

Not long after the FCC issued its hefty fine in January, a broadcast group filed a petition with the FCC seeking to change the FCC's station-conducted contest rule. In late November, the FCC put the petition on Public Notice and announced that it will accept comments on the petition until December 20, 2012. The petition asks the FCC to change its rule so that radio and television stations would be permitted to disclose information regarding contests either: (a) by broadcasting announcements on the station (the current rule); or (b) in written form on a website. The petition requests that the rule be amended to allow stations to provide contest information by email, facsimile, mail, or in person upon request. The proposed changes to the rule would provide flexibility for broadcasters and simplify compliance not only by making dissemination of complete contest information easier for stations but also by making contest information more accessible to the public. The petition astutely argues that the public has become accustomed to accessing information through station websites and it makes sense for the public to expect to obtain contest information through this medium.



For broadcasters that do not have dedicated websites, the petition asks the Commission to allow contest information to be posted to the website of their state broadcasters association as the Commission has proposed in other circumstances.

Although nearly a year has passed since the petition was filed, it is encouraging that the Commission is now seeking comment. If the proposed rule changes gain any traction at the FCC, then stations could, in the future, have the flexibility to handle their required material terms disclosures over the Internet. It remains to be seen whether the FCC will initiate a formal rule-making regarding the proposed changes. In the meantime, however, comments supporting the petition are due December 20, 2012. ■

Article by Laura Chipman and Stephen Hartzell, Attorneys, Brooks, Pierce, McLendon, Humphrey & Leonard LLP.