

## New Broadcaster Coalition Says Future of TV is Bright



On November 1, a broad array of organizations joined to officially launch The Future of TV Coalition with the goal of supporting and promoting digital broadcasting in public policy. The alliance brings together constituencies that rely on broadcast television services, including elected local officials, programming distributors, electronic equipment manufacturers and multicast networks.

“The Coalition supports the evolution of broadcast television and its integration with other technologies and across many platforms,” reads the Coalition’s mission statement. “Our members work together to advance public policy initiatives that allow broadcasters to continue to rigorously innovate and invest to better serve consumers.”

Facilitated by the National Association of Broadcasters, the Coalition unites organizations that have expressed concern that legislative and regulatory initiatives currently under discussion in Washington could jeopardize the future of over-the-air broadcasting. In addition to promoting local

broadcasters’ ability to reach all members of their communities, Coalition members promote policies that preserve viewer access to new initiatives made possible by the analog-to-digital transition. Completed two years ago, the DTV transition has enabled broadcasters to offer new services such as high-definition programming, digital multicast channels and mobile DTV.

“Broadcasters are just now unveiling the new innovative services made possible by the DTV transition, which has enabled the promotion of more community voices on local television,” said National Association of Broadcasters President and CEO Gordon Smith. “The members of this coalition understand the importance and benefit of preserving this expansion of consumer choice on television. We look forward to working with the Coalition to help policymakers understand the enduring value of broadcasting and ensuring that our best and brightest days are still ahead.”

Speaking at the launch at the National

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## Coalition *continued*

Association of Broadcasters headquarters were: NAB President and CEO Gordon Smith; Bounce TV co-founder and former U.N. Ambassador Andrew Young; Vme Founding President & CEO Carmen DiRienzo; Gannett Broadcasting President Dave Lougee; and President of Antennas Direct Richard Schneider.

The members of the Coalition are: Antennas Direct, Bounce TV, The Center for Asian American Media, County Executives of America, The Country Network, Digitenna, DLT Entertainment Limited, LATV Networks & American Latino Syndication, Luken Communications, MHz Networks, Native American Public Telecommunications, New York Television Festival, Open Mobile Video Coalition, Pacific Islanders in

Communications, Qubo, This TV and Vme Media.

“The Coalition represents a broad range of interests invested in strengthening broadcasters’ ability to deliver high-quality local news, weather, sports and emergency information,” said Smith. “We anticipate the organization will grow considerably over time as broadcasting evolves onto new mobile platforms and local TV stations continue to expand programming choices.”

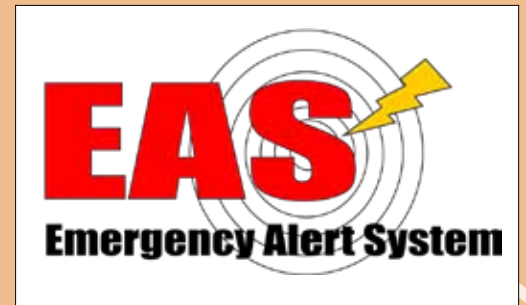
Also at the press conference, Ambassador Young announced that Bounce TV has signed a distribution agreement with Gannett Broadcasting to make WUSA-TV the exclusive provider of Bounce TV in Washington, D.C. ■

## Next Steps to Prepare for November 9 Nationwide EAS Test

The FCC has distributed important new information relating to the Nationwide EAS Test scheduled for November 9, 2011. As a result, there are two new things that all broadcast stations must do as soon as possible and prior to November 9.

First, all stations must obtain a copy of the FCC’s new EAS Handbook that is designed specifically for the November 9 Nationwide Test. A copy of the November 9 Nationwide EAS Test Handbook can be found at [www.fcc.gov](http://www.fcc.gov). This new Handbook is intended to be used only on November 9, 2011. Thus, the current EAS Handbook that all stations are required to have will remain in effect through November 8, 2011, and it will go back into effect following the November 9 Nationwide Test. The new November 9 Nationwide EAS Test Handbook should be printed and posted at all EAS equipment locations, but only on November 9, 2011.

Second, all stations must file the first of their three Nationwide Test reports. The FCC has launched its special electronic reporting system for the November 9 Nationwide Test, which stations must access at <http://apps.fcc.gov/easnt/home1.cfm>. Stations should visit that page and click the link that says “Click here to open Form 1 to provide background information for your station or cable headend” which will take you to the report form that needs to be filed before November 9. Form 1 is relatively straightforward and requests information such as the station licensee name, the transmitter’s geographic coordinates, information about your station’s EAS equipment (manufacturer name and model), and name and contact information for your station’s EAS emergency contact person. Once you begin completing Form 1, instructions for the form are available by clicking on the link located in Form 1 that says “EASNT Reporting System Instructions (PDF)”. We will provide more information about the final two reports as the time draws closer. ■



## Longtime WVTF Radio Host Seth Williamson Dies

It is with great sadness that WVTF/RADIO IQ reports the passing of our dear friend Seth Williamson, who died unexpectedly on October 6 following an operation.



Seth, 62, was WVTF's longest-serving full-time employee, since the debut of his classical music program on October 8, 1983. He will long be remembered for his golden voice, his deep appreciation for all forms of music, his great talent as a musician, and his love of nature.

Before his death, Seth hosted the daily "Morning Classics" program on WVTF, as well as the weekly programs "Back to the Blue Ridge" and "Travelin' On," focusing on the traditional acoustic music and contemporary bluegrass of the Blue Ridge Mountains.

"On the air, Seth was never simply an announcer. Rather, he was really talking with his friends—about music, life and nature. He was deeply connected with his audience and that's how he saw radio—as a personal connection with listeners," said WVTF General Manager Glenn Gleixner.

A musician himself, Seth was accomplished on many instruments—he played

trumpet and euphonium, as well as the trombone and bluegrass banjo. He particularly loved working with the Sauerkraut Band, a German band well known for Oktoberfest celebrations.

WVTF announcer and composer Steve Brown frequently wrote music for Seth. "It was such a delight to compose for his euphonium, knowing how happy he would be to play it. He always knew how to have fun with each piece. He certainly touched more than his share of lives,"

said Brown. As a long-time friend of Seth's, Brown will host a musical tribute to Seth from 9 a.m. to 4 p.m. Wednesday, October 12, featuring the music that Seth so dearly loved and shared with his thousands of listeners throughout the years.

A native of Texas, Seth attended Texas A&M and later transferred to Virginia Tech, where he graduated in 1978. At the time of his death he resided in the New River Valley.

All of us at WVTF/RADIO IQ extend our heartfelt condolences to Seth's family, friends, and loved ones. He will long be honored for the things he shared-- his appreciation for great music, and a lifetime of passion for the beauty and intrigue of life and all that it had to offer. ■

**"On air Seth was never simply an announcer. Rather, he was really talking with his friends—about music, life and nature."**

### Lawmakers: Facebook Data Ripe for Hacking



Members of the House Bipartisan Privacy Caucus are pressing Facebook to explain what information the social network collects and how long it preserves that data. In a letter to Facebook CEO Mark Zuckerberg, four lawmakers, including caucus co-chairs Joe Barton, R-Texas, and Ed Markey, D-Mass., say that recent data and privacy breaches have made them become "increasingly concerned that users' personal information could be vulnerable to hackers." The lawmakers ask Facebook to provide information on what user information it collects and how it is stored. They also ask whether Facebook deletes user information upon request. ■

*Article courtesy of Josh Smith from the National Journal.*

## Chief Operators Webinar Offered

The chief operator is the only position in a broadcast station that is mandated by FCC rules. If your station relies on a non-technical chief operator, you should register for a special Chief Operator Webinar to be held on Thursday, Nov. 17, from 10 a.m. - 11 a.m.

This webinar is being hosted by the Ohio Association of Broadcasters and is being made available at no cost to VAB members. To register for this webinar, please go to <https://www2.gotomeeting.com/register/526824154>. System requirements for taking part in the webinar are available at that link.

Conducted by our ABIP inspector Jack Layton, CPBE, this webinar has two purposes:

- ▶ To provide a tutorial for the non-technical chief operator on required duties and tasks; and,
- ▶ To provide general managers and on-site representatives of the licensee an overview of qualifications to consider when appointing a person to this critical position.

Remember, if an FCC inspector shows up at your station to conduct a random inspection, the first person they'll want to speak with is your chief operator. Make sure both you and your chief operator know what is expected.

If you have questions contact Jason Sanford at 614-228-4052 or email [jsanford@oab.org](mailto:jsanford@oab.org). ■

## White House Nominates Two New FCC Commissioners

The White House has nominated Jessica Rosenworcel and Ajit Pai to be the next commissioners on the Federal Communications Commission.

Filling one Republican vacancy and one Democratic vacancy-to-be won't change the balance of the commission, which will go from a 3-1 Democratic majority to a 3-2 majority.

Rosenworcel, Senate Commerce senior communications counsel, and Pai, a former top FCC adviser, had been the leading candidates for the empty FCC seat vacated by Republican Meredith Attwell Baker (Pai) and the vacancy that will be created by the departure at year's end of Commissioner Michael Copps.

Rosenworcel will be succeeding her old boss. She was a legal advisor on competition and Universal Service and then senior legal advisor to Copps before exiting in March 2007 to join the powerful Senate Commerce Committee as a top communications advisor to Committee Chairman Jay Rockefeller (D-W. Va.). Before advising Copps, she was a staffer, including legal counsel to the bureau chief of the Common Carrier bureau, so she is well versed in the broadband and Universal Service reform issues the FCC is currently focused on.

"The President's nominations today hold the promise of achieving a full five-member Commission before the year is out. I congratulate both nominees," said Copps.

"I know first-hand what a gifted public servant Jessica Rosenworcel is because she worked in my office in a number of capacities, including senior Legal Adviser. Her experience here, combined with her current Congressional work, give her a perspective on telecom and media issues both wide and deep. Her dedication, intelligence, and practical good judgment make her

an ideal choice for Commissioner. As I look forward to completing my term here at the Commission, it is with great pride that I see a former colleague and member of my team nominated for this seat."

Copps continued: "I have also had the pleasure of working with Ajit Pai while he served in the Commission's Office of General Counsel. During that time, he provided valuable counsel on many of the complex matters coming before the Commission. Ajit's experience, both at the agency and on Capitol Hill, prepares him well for the many urgent telecom and media challenges confronting the Commission."

Before joining the FCC in 1999, Rosenworcel was with Law firm Drinker Biddle. Rosenworcel is a 1997 graduate of New York University Law School.

Pai joined law firm Jenner & Block in April 2011 from the FCC where, since 2007, he had been Deputy General Counsel, Associate General Counsel, and Special Advisor to the General Counsel.

Before joining the FCC in 2007 under then Chairman Kevin Martin, Pai's resume included deputy chief counsel to the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts (2003-2004) and senior counsel in the Justice Department's Office of Legal Policy. Between 2005 and 2007, Pai was chief counsel to the Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, including lead counsel on Supreme Court nominations. He was associate general counsel at Verizon from 2001 to 2003.

Pai was a candidate for the Republican seat in 2009, which ultimately went to Baker. Her exit last summer for Comcast -- she actually didn't



join the company until last month -- opened the door for Pai once again.

As the picks of Republican Mitch McConnell (R.-Ky.) and Rockefeller, the pair had been expected to be paired and submitted for Senate consideration by the end of the year. By a custom began under President Bill Clinton, the president usually accepts the recommendations of leading Democratic and Republican legislators, in this case the chair of the Commerce Committee, which oversees the FCC, and the Senate minority leader.

"I am confident that these outstanding men and women will greatly serve the American people in their new roles and I look forward to working with them in the months and years ahead," said the President in a statement.

"I welcome President Obama's nominations... and look forward to returning to a five member Commission," said FCC Commissioner Robert McDowell.

"I had the pleasure of working with Jessica when she served in the Office of Commissioner Mike Copps and recently while she worked for the Senate Commerce Committee. She is a tireless public servant who, if confirmed, will be an asset to our discussions at the FCC," he said.

"Ajit, if confirmed, will bring a wealth of experience from both the public and private sectors as well as a deep understanding of the issues that come before the commission." ■

*Article courtesy of John Eggerton from Broadcasting & Cable.*

**"I am confident that these outstanding men and women will greatly serve the American people in their new roles and I look forward to working with them in the months and year ahead."**

**-PRESIDENT OBAMA**

## FCC Invalidates Captioning Waivers for Over 300 Broadcasters

The FCC has reversed over 300 closed-captioning waivers for primarily religious nonprofit broadcasters, saying the FCC in 2006 was wrong in extending what was in effect a blanket waiver to nonprofits who indicated the captioning requirement was an undue burden.

In an Oct. 20 order, the commission ruled that the criteria under which the those waivers were granted, the majority (238) -- without any notice or comment -- was "not supported by the [1996 Telecommunications] Act, its legislative history, or the Commission's implementing regulations and Orders." Those criteria were that they were nonprofits and that the programming itself was "not remunerative."

"[W]e conclude that it was not appropriate to grant exemptions in reliance on the non-commercial nature and lack of remunerative value of Angler's and New Beginning's programming. Rather, in conducting the undue burden analysis, all of the petitioners' available resources should have been taken into consideration, not just the resources allocated for the programs for which exemptions were sought," the FCC said in reversing the waivers.

It also said that there was no categorical exemption for nonprofits and because the waivers had established a presumption that the extent to which captioning might curtail other activities was an appropriate factor in determining an undue burden.

The FCC said that those 300-plus could all re-file for individual waivers under the new standard.

"Providing closed captioning of video programming is essential to ensuring equal access to television programming by Americans who are deaf or hard-of-hearing Americans," said an FCC spokesman.

"The Commission's rules provide procedures for petitioning the Commission for an exemption from the closed captioning rules where compliance with the rules would be economically burdensome," said an FCC official on background. "This will expand access to television programming to millions more Americans while preserving the opportunity to apply for an exemption."

The FCC's reversal comes as it prepares to adopt rules for implementing the 21st Century Video Accessibility Act, which updates closed captioning and other accessibility technologies for the digital age. ■

*Article courtesy of John Eggerton from Broadcasting & Cable.*

## HUMAN RESOURCES

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

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# Government to Employers “Bring Us Your Misclassified Now, or Else!”

What is an independent contractor? How does being an “independent contractor” differ from being an “employee?” If you don’t know the answer to these two questions, you need to drop whatever you are doing and read on.

For many years, the federal government (through several different agencies) has threatened to start cracking down on private sector employers’ misclassification (intentional or inadvertent) of employees as independent contractors. For historical and cultural reasons too lengthy to discuss here, an erroneous stream of thought has developed among private sector businesses that an individual may be classified as either an employee or as an independent contractor (i.e., consultant, 1099 employee) at the discretion of the employer or with the agreement of the individual. That view is 100% incorrect! Whether a person is an employee or an independent contractor is dictated exclusively by the services the individual provides to the employer and the amount of control the employer exercises over the individual. In other words, no private agreement between an employer and an individual dictates how the individual will be classified. Long tired of employers’ misclassification of workers, the federal government has apparently decided to move away from simply trying to educate employers and is now looking to hammer them ... albeit with an initial opportunity to capitulate.

### What is an Independent Contractor?

Just so every one is on the same page, let’s understand who is an independent contractor and who is an employee. For starters, there are no easy generalizations. Virtually any type of worker can be either an employee or an independent contractor – the devil is in the details of each individual’s duties and practical relationship with the employer. There are two (2) widely-used tests that are used to evaluate an individual’s classification, one each issued by the Internal Revenue Service (“IRS”) ([www.irs.gov](http://www.irs.gov)) and the U.S. Department of Labor (“DOL”) ([www.dol.gov](http://www.dol.gov)). They differ slightly in their emphasis and specifics, but the focus of both is the same and serves as useful guides for employers. For purposes of our discussion here, the following

principles will provide a good basic understanding of what makes a contractor “independent:” he or she (1) has an actual separate business, including a corporate tax ID number, (2) has a physical or home office, (3) performs services for more than your company (i.e., they have several clients), (4) is paid via invoice and not via the company’s payroll, (5) does not receive benefits, such as vacation or health insurance, (6) is not reimbursed for expenses such as meals, travel, lodging, and cell phones, and (7) performs work that is not performed by other company employees. If you have individuals within your organization who are currently classified as independent contractors who do not meet most (if not all) of these requirements, then it is very likely that your organization has misclassified them and they should actually be considered employees.

You might say, so what’s the big deal? These individuals are all getting paid, right? For the federal government, the big deal is two-fold. First, employers do not take out payroll taxes on independent contractors. Thus, if an individual is misclassified as an independent contractor, the employer has been underpaying its payroll taxes to the state and federal governments – that’s a big deal for the IRS and its state counterparts. Second, independent contractors are not entitled to overtime pay or even minimum wage. Thus, misclassified individuals might be owed unpaid overtime or have earned less than the minimum wage based on the number of hours they actually worked. This situation will land your company in hot water with the DOL and state labor agencies. In addition to unpaid taxes or back wages, there are fines, penalties, and attorneys’ fees (in the event of a lawsuit) that employers could be liable for paying.

### The IRS Launches a Voluntary Compliance Program

In an effort to encourage compliance of “misclassification” issues, in mid-September 2011, the IRS unveiled a new voluntary compliance program with regard to the misclassification of workers – appropriately termed, the Voluntary Compliance Settlement Program (“VCSP”). The new program will enable employers who

bring forth misclassification issues voluntarily to resolve the matter by paying a small amount of tax in exchange for reclassifying the affected individuals as employees going forward.

The VCSP is available to private employers, government entities, and even tax-exempt organizations that have: (1) consistently treated the individuals as independent contractors, (2) have filed all appropriate 1099 forms for the individuals for at least the past three years, and (3) are not currently the subject of an audit by the IRS, DOL, or corollary state agency regarding the misclassification of workers. Organizations wanting to take advantage of this program can apply by completing the new Form 8592, Application for Voluntary Classification Settlement Program, at least sixty (60) days before they want to begin treating the selected individuals as actual employees. The IRS is expected to offer further clarification about this program in the coming months.

### The DOL Takes a More Aggressive Approach

Also in mid-September 2011, notwithstanding the IRS' more forgiving approach, the DOL reported that it was in the process of signing agreements with state agencies to share information regarding employers who have misclassified workers as independent contractors. The DOL is also going to share this information with IRS auditors. The goal of the program is to arm state agencies with the information they need to go after employers who misclassify their workers with fines and penalties – many of which may be in addition to any fines levied by the DOL or the IRS. In addition to state minimum wage or overtime differences, employers can be liable for fines and penalties for their failure to properly collect taxes for state-law-derived unemployment insurance and worker's compensation programs.

This announcement comes on the heels of the DOL's already robust enforcement efforts over the past few years. Since January of 2009, the DOL has secured nearly \$313 million in back wages for 517,000 workers. This new approach of notifying state agencies will undoubtedly in-



crease the overall audits and enforcement efforts of state agencies around the country.

### The Practical Impact for Employers

There is no doubt that the federal government is serious about rectifying the misclassification of workers that has pervaded the private sector workforce for years. In fact, the IRS and DOL announced just recently that the two agencies will launch a cooperative alliance aimed directly at what the Secretary of Labor termed "the business practice of misclassifying employees.... in order to avoid providing employment protections." Thus, despite their seemingly divergent approaches to addressing the problem of misclassifying workers, the two agencies seem determined to share relevant information that could lead to fines and penalties under the Internal Revenue Code, the Fair Labor Standards Act, and corollary state laws.

The takeaway for employers is simple: do a wage and hour audit now for all individuals in your organization classified as "independent contractors." Enlist the assistance of your labor counsel in this process. Determining whether an individual is an independent contractor or an employee can be a difficult decision, and is certainly one on which some expert guidance is appropriate. ■

**“Determining whether an individual is an independent contractor or an employee can be a difficult decision, and is certainly one on which some expert guidance is appropriate.”**

*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](http://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.

### **CG/Audio/MCO Charlottesville, VA**

Responsibilities include using state of the art computer systems to create graphics, monitor audio levels and run commercial breaks. Experience with Photoshop preferred. Dependability and attention to detail required. This is a great opportunity for a computer savvy person interested in learning all facets of television. Must be willing to work a flexible schedule including nights, weekends and Holidays. Excellent benefits package. Please send resume with cover letter and NBC 29 application, available for download at [www.nbc29.com](http://www.nbc29.com), to: HR Manager 503 E Market St., Charlottesville, VA 22902 E-mail to [Hrmgr@nbc29.com](mailto:Hrmgr@nbc29.com). Resumes received without NBC 29 application will not be considered. No phone calls please. EOE.

### **TV News Photojournalist Portsmouth, VA**

WAVY TV (NBC) 2009 and 2010 NPPA Market Station of the Year and WVBT TV (Fox), are looking for a talented photojournalist to join our award winning news staff. NPPA style of shooting and editing preferred. Candidates must be experienced in live truck operations, non-linear editing and show a willingness to grow as a solo journalist. We shoot and edit in full HD. At least 2 years experience and a good driving record required. Send your DVD/tape and resume, or URL link of your demo reel to: Jeff Myers News Operations Manager/Chief Photographer WAVY TV 300 Wavy Street Portsmouth, VA 23704 or [jeff.myers@wavy.com](mailto:jeff.myers@wavy.com). No phone calls please. EOE.

### **Reporter/Anchor Richmond, VA**

Richmond's No. 1 news organization seeks reporter/anchor with proven track record of successful reporting. Schedule could include dayside and weekend work. Send cover letter with salary requirements, resume and non-returnable demo tape to Nancy Kent Smith, News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/D/V. Drug Screen required.

### **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.

### **Assistant News Director Portsmouth, VA**

WAVY-TV 10 / WVBT FOX 43 News is searching for a hands-on, aggressive journalist for the position of Assistant News Director. The successful candidate must be able to lead a team in all facets of the day-to-day newsgathering process both on air and online. Must have previous experience as an ND, EP, managing editor, or other news manager. Daily editorial supervision of the newsroom, daily story development, aiding in the dispatch of crews efficiently and aggressively, assisting the weather team, partnering with web producers to produce online content, and acting as 10 On Your Side brand manager. Please send cover letter, resume, and DVD sample of your hands-on work to: Jim Gilchrist News Director WAVY-TV 10 / WVBT-TV FOX 43 300 Wavy St. Portsmouth, VA 23704 No phone calls, please. EOE.

### **New Business Account Representative Danville, VA**

Sale of television and web advertisement to new and existing accounts, the supervision and follow-through of all sales, and the development of new business as defined by the Sales Manager. Advanced education in the field of Marketing and Advertising or equivalent sales background. Sales aptitude with one year previous television or media sales experience. Automobile and valid Virginia driver's license. 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 or online at [www.wset.com](http://www.wset.com). EEO/M/F.

### **Multi-Media Journalist Roanoke, VA**

Join one of the country's strongest legacy broadcast news organizations and work and live in beautiful Southwestern Virginia. WDBJ-TV, the CBS affiliate serving the 66th DMA (Roanoke-Lynchburg) is seeking an experienced and creative multi-media journalist. Responsibilities include shooting video, reporting stories, and operating microwave trucks. 2-3 years of full-time experience required. Associates or bachelor's degree in journalism, mass communications, or related field preferred. Must have a valid driver's license with a good driving record. Background and pre-employment drug screen required. No phone calls please. Send your DVD and resume (no email links) to: Human Resources ATTN: Multi-media Journalist Position 2807 Hershberger Road, Roanoke, VA 24017. EOE.

### **Account Manager Harrisonburg, VA**

VerStandig Broadcasting has an opening for an energetic, intelligent, and highly motivated individual to join our team. You will work directly with local clients to achieve goals through marketing strategies on our five radio stations. Sales experience is a must. Strong presentation and organizational skills are necessary. This is one of the best and most exciting outside sales positions in the area. Salary and commission based on managing established accounts, as well as generating new business. Benefits and 401K are also included. Send cover letter and resume to PO Box 752, Harrisonburg VA 22803 or [jobs@valleyradio.com](mailto:jobs@valleyradio.com). EOE.

### **Reporter Harrisonburg, VA**

WHSV-TV is accepting resumes for a full-time reporter/photojournalist. We are looking for an 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. Candidates must display high



journalistic standards and be prepared to cover stories alone. The individual will participate in public relations of the station and must be a good communicator, work well with others, and take direction from management. Must be able to shoot on P2 and be familiar with non-linear editing. Broadcast Communications/Journalism degree or equivalent work experience is needed. Good driving record is also required. RUSH DVD and resume to: WHSV-TV, ATTN: Kay Norred, News Director, 50 North Main St., Harrisonburg, VA 22802. You may also email resumes to knorred@whsv.com. WHSV-TV is a drug free workplace. EOE.

#### **6pm Producer Harrisonburg, VA**

Can you think on your feet? WHSV is looking for a producer to join its news team. In this role, you'll create fast-paced news shows, using state-of-the-art technologies. We are looking for someone who understands how to produce compelling, contemporary newscasts. You should be comfortable with the latest digital editing systems, and be well-versed in working with reporters and assignment editors on story development. Producer is responsible for story selection and placement, graphics, teases, pre-production effects; works closely with other producers and Creative Services team to showcase coverage. Minimum 1 year producing experience required. Knowledge of VIZ and I-NEWS a plus. To be considered, you should be a hard-working self-starter with a degree in journalism/communications or broadcasting. Please RUSH your resume and references to: Kay Norred, News Director, WHSV-TV, 50 North Main Street, Harrisonburg, VA 22802. Or email your materials to knorred@whsv.com. WHSV-TV is a drug free workplace. EOE

#### **Reporter Winchester, VA**

TV3 Winchester is looking for a talented, organized and motivated reporter to help take our station to the next level. We're looking for a natural story-teller who can find unique and compelling stories in our community. Knowledge and experience with internet news presentation is desired. Experience with I-News and non-linear show editing and production is a plus. This is a great opportunity to work in a growing market just an hour from Washington DC. Check us out on the web at tv3winchester.com to see our product. If you think you

can take us to the next level, please RUSH your resume, tape and news philosophy to: Tracy Vosika, News Director TV3 Winchester 633 Millwood Avenue Winchester, VA 22601 You may email your resume to tracy@tv3winchester.com. TV3 Winchester is a drug-free workplace. EOE.

#### **Production Assistant PT (temporary) Lynchburg, VA**

Primarily responsible for in-studio production assistance, including the operation of camera, audio, character generator, etc. as assigned by shift supervisor. Also responsible for field technician assistance for Creative Services as needed. Knowledge of television production or willingness to learn. Knowledgeable in the operation of personal computers. Basic understanding of audio-visual components. Some knowledge of electronics preferred, but not necessary. Available to work irregular hours and holidays. Also available for long hours during special circumstances. 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.

#### **Research Analyst FT Lynchburg, VA**

Provide research assistance to Sales Department and station. Create, execute and evaluate research and sales presentation materials. Update and maintain sales research tools. Assist local and national sales efforts. Liaison with other departments on station research needs. Bachelor's degree or equivalent retail and/or sales experience. Disciplined, self-motivated, organized individual. Knowledge of Microsoft Office Products, PowerPoint and Excel required. Automobile and valid Virginia Driver's license within 30 days of employment. 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 Monday through Friday, or online at www.wset.com. No phone calls please! EEO/M/F.

#### **Account Executive Orange, VA**

Piedmont Communications has an opening for a Radio Account Executive for WJMA, WOJL (SAM-FM) and WCVA in Culpeper/

Orange/Louisa, VA. We've got a great opportunity for someone who enjoys working with local businesses and helping them grow with local radio. The potential is unlimited for a person who hits the streets and provides the highest level of service. Candidate must be self motivated, self disciplined and dependable. Must be able to build and maintain client relationships, have good written and oral communication skills, be creative and computer literate. Reliable transportation a must! Previous sales experience is preferred. We offer base salary, commission on sales, health insurance plan, paid vacation and paid holidays. Send cover letter and resume to jobs@wjmaf.com or to Sales Manager, Piedmont Communications, Inc., P.O. Box 271, Orange, VA 22960. EOE.

#### **Radio Advertising/Account Executive Chesapeake, VA**

Highly rewarding career opportunity for the right candidate. In search of a professional, aggressive, articulate person with a positive attitude to work in a fast-paced, competitive industry. Superstars only need apply. Minimum one-year sales experience and college degree preferred. Please send resume to: Wayne Leland VP/GM, Tidewater Communications; WAFX/WNOR/WJOI, 870 Greenbrier Circle. Ste. 399, Chesapeake, VA 23320 or e-rail wleland@tciradio.net. No phone calls. EOE

#### **Senior Account Executive Norfolk/Virginia Beach, VA**

We are searching for talented and experienced Sales Representatives to join our team. We offer great broadcast facilities and an outstanding work environment based on mutual respect. We have the tools you need to win and we provide on-going training to help you be the best. Successful candidates for this position will thrive on selling new business and growing agency accounts. We are seeking individuals with at least two years selling radio and interactive advertising and a proven track record of growing local direct business and strong writing skills. We offer highly competitive pay, a solid benefits package and unlimited opportunities for the right individuals. College Degree preferred and experience using Microsoft Office software is required. Send cover letter and resume to Wayne Leland, VP/GM at wleland@tciradio.net. No phone calls. EOE.



## LEGALREVIEW

This legal review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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# Counting Down to the 2011 Virginia Television Renewal Deadline



As you know, Virginia radio stations filed their license renewal applications by June 1, 2011—now it is time for Virginia TV stations to begin getting ready for their June 1, 2012, filing deadline! As always, the stakes will be high, and renewal for a full eight-year term will carry Virginia TV stations through October 1, 2020.

Because the stakes are high, stations may wish to begin now to prepare for next year's renewal process. Of course, you should take great care in the preparation of your renewal application materials and discuss all issues pertaining to the specific facts of your station's situation with your communications counsel prior to filing your renewal application. While there are still more than 7 months before the TV renewal applications are due, stations may wish to begin thinking now about how they will handle the renewal process and begin the information gathering process. Here are just a few of the numerous renewal-related items to begin thinking about.

### Local Public File

The renewal form requires stations to certify whether they have filed all required documents in their public files at the appropriate times. Thus, at this juncture, 7 months prior to filing the renewal application,

stations may wish to conduct an internal "audit" of their public files to ensure that they are complete and, if they are not complete, to develop a strategy, with the help of communications counsel, to find or re-create any missing documents. Chief among the information required to be placed in each station's public file at the "appropriate time" are quarterly Issues-Programs Lists. If a station missed some lists, was late with them, or did not comply with the rules, or if the station missed some other filings required under the public inspection file rule, the station will have to certify in the negative and attach an exhibit explaining why. Stations that have had an imperfect public file during the license term should not certify in the affirmative and hope no one will ever notice.

A false certification is an invitation to disaster and a station could lose its license or spend unnecessary money on legal fees. If you have an incomplete public file, you should discuss it with your communications counsel to develop a strategy for handling it in next year's renewal application.

### Non-Discrimination Provision in Sales Contracts

Commercial TV stations are required to certify in the license renewal application that their advertising sales contracts have

contained, since March 14, 2011, a non-discrimination provision. Any commercial TV station that does not currently have a non-discrimination provision in its sales contracts should contact communications counsel immediately.

### **Children's E/I Programs and Quarterly Reports**

Each quarter, television stations are required to prepare and electronically file a Children's Television Programming Report on FCC Form 398, reflecting the station's efforts to serve the educational and informational needs of children. This report is also required to be placed in the public inspection file. A certification in the license renewal application incorporates all of the station's previously filed Form 398s by reference, and several questions in the renewal application require stations to certify to compliance with various other aspects of the children's programming rules.

These questions include whether the station has aired at least three hours of "core" children's programming per week, whether the station has publicized the location and existence of its quarterly children's reports, and whether the station has notified publishers of program guides of certain information regarding children's E/I programs. To answer these renewal application questions, stations will need to review all of their Form 398 Children's Television Programming Reports filed during the current license term.

These questions and requirements should not be taken lightly—during the last renewal cycle, the FCC fined several stations for failing to consistently publicize the location and existence of the quarterly children's reports.

### **Children's Commercial Time Limits**

Each quarter, television stations are required to place appropriate

documentation in their public file to certify compliance with the FCC's children's programming commercial time limits (no more than 12 minutes of commercial matter per hour on weekdays and no more than 10.5 minutes of commercials per hour on weekends for programs that primarily target children ages 12 and under).

The license renewal application contains a certification that the commercial time limits were not exceeded at any time during the license period. In order for a station to make this certification, a review of the station's quarterly time limits materials is necessary.

Stations must identify in the renewal application any instance during the license term where the commercial time limits were exceeded and explain what happened. The Commission takes the children's commercial time limits rule very seriously, and any violation is likely to result in a fine.

### **Seek Legal Counsel**

The items discussed above are not intended to be a complete or thorough discussion of the FCC license renewal process. There are numerous other renewal issues to consider, such as compliance with the RF radiation limits and identification of letters and emails from the public relating to violent programming.

The discussion above is only meant to serve as a reminder that license renewal for Virginia television stations will be here before we know it, and now is a better time than later to begin taking stock of your station's situation and preparing for the renewal road ahead. Retention of communications counsel to assist with this important filing next year would be well-advised. ■

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

**“Because the stakes are high, stations may wish to begin now to prepare for next year’s renewal process.”**

# New Courses from P1 Selling

As we head into the final months of 2011 we'd like to prepare you and your stations with a list of updated content from P1 Selling. From courses in sales to human resources, here's what they've been working on for you ...

## Communications-Healthy Communication Series

- ▶ 7 New Courses

## Supervision-Employee Engagement Series

- ▶ 5 New Courses

## Anti-Harassment

- ▶ 15 New Courses (50 State Compliant)

## Sales-Rerecorded Courses in HD and Widescreen

- ▶ *Welcome to Broadcast Sales*
- ▶ *What We Do For A Living*
- ▶ *What Does Your Boss Want From You? (Part 1 & 2)*
- ▶ *The Word of Mouth Business*



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