

## Senate Confirms Tom Wheeler as Next FCC Chairman

The Senate confirmed former telecom lobbyist Tom Wheeler to be the next chairman of the Federal Communications Commission. It also confirmed Mike O'Rielly to fill the vacant GOP commissioner slot. Both were unanimously confirmed in a voice vote early Tuesday evening, just hours after Sen. Ted Cruz (R-Tex.) lifted the procedural hold he put on the vote.

As soon as both are sworn in (probably by the end of this week or early next), the agency will finally be back up to its full strength of five commissioners. It's likely that the next FCC meeting, scheduled for Nov. 14, will be Wheeler's first, ending Mignon Clyburn's five-month tenure as acting chair. (Clyburn will continue to serve as a commissioner.)

Wheeler, who was most recently a venture capitalist, comes to the FCC with heavy tech chops (Obama called him the "Bo Jackson of Telecom"), having served as lobbyist for both the cable and wireless industries. He's also a strong Obama loyalist, raising as much as \$500,000 for Obama's re-election campaign and serving on the White House transition team.

Wheeler's background seems tailor-made for perhaps the biggest item on the FCC's

agenda: organizing and implementing the world's largest auction of wireless spectrum voluntarily relinquished by TV broadcasters. Originally planned for 2014, the recent government shutdown could push the schedule into 2015.

A historian (with an expertise in the Civil War and Abraham Lincoln), Wheeler is well aware of what's facing him at the FCC. Like his predecessor, he is focused on the radical transformation of communications technology. "What excites me about this new responsibility is how we are at a hinge moment of history; the Internet is the greatest communications revolution in the last 150 years. We must all dedicate ourselves to encouraging its growth, expanding what it enables, and assuring its users' rights are respected," he said in a statement responding to the news of his confirmation.

"Tom Wheeler will be a strong advocate for consumers and the public interest at a time when the FCC is facing decisions that will shape the future of our nation's telephone network and the wireless, broadband, and video industries," Sen. Jay Rockefeller (D-W.Va.), chairman of the commerce committee said in a statement. ■

*Article courtesy of [www.adweek.com](http://www.adweek.com).*

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## Nielsen to Add Viewing to TV Ratings

Starting next fall, Nielsen will begin counting television programs watched on mobile phones and tablets within its traditional TV ratings. The company responsible for measuring TV viewership said Monday it will use codes embedded by networks within the programs to collect this information. Nielsen's measurements are the lifeblood of television's economic system, and this development is an important step in adjusting to changes in how content is consumed. It is not expected to have an immediate, dramatic impact in the ratings since Nielsen estimated that only 6 percent of current viewing is not measured now. But the impact could be bigger on programs that appeal to young people who are more apt to watch on mobile devices. Nielsen's ratings are used to set advertising rates. ■

*Article courtesy of the Associated Press.*

## VAB Newsletter

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## Access 2013 Annual Conference Scheduled for December 6

The Virginia Coalition for Open Govern-  
ment presents its Access 2013 annual  
conference, Dec. 6, from 10 a.m. to 4 p.m. at  
the Williamsburg Community Building, 401 N.  
Boundary St. in Williamsburg.

This year's focus is on gifts, disclosure and  
the Virginia Way.

Proposed schedule of events:

10:00 a.m. - 10:15 a.m.

**Welcome from VCOG's President Craig  
Fifer and Williamsburg City Manager  
Jack Tuttle**

10:15 a.m. - 11:30 a.m.

**PANEL 1: Lax: Are Virginia's Laws  
as Bad as They Say?**

*Sheila Krumholz, Center for Responsive  
Politics; Bob Lewis, Associated Press; Vivian  
Paige, Political observer; Gordon Witkin,  
Center for Public Integrity*

11:30 a.m. - 1:15 p.m.

**Lunch, VCOG's Annual Open-Government  
Awards and Featured Speaker**

*Aneesh Chopra, former U.S. Chief Technology  
Officer and Virginia Secretary of Technology*

1:30 p.m. - 2:45 p.m.

**PANEL 2: The Virginia Way:  
Time for a New Path?**

*Benson Dendy, Vectre Corporation; Waldo  
Jaquith, Open Virginia; Gordon Morse, Politi-  
cal observer; Ginger Stanley, Virginia Press  
Association*

2:45 p.m. - 4:00 p.m.

**PANEL 3: Reform:**

**What Does the Future Hold**

*Ernie Gates, Stars & Stripes; Quentin Kidd,  
Christopher Newport University; Brian  
Schoneman, Bearing Drift; Julian Walker,  
Virginian-Pilot*

To register and get more details, go to  
[www.opengovva.org/access-2013-registra-](http://www.opengovva.org/access-2013-registra-)  
tion. Sponsors for this year's conference  
include WWBT-12 and WTVR.

Interested in becoming a sponsor, too?  
Contact Megan Rhyne at 540-353-8264 or  
[mrhyne@opengovva.org](mailto:mrhyne@opengovva.org). ■

## NAB to FCC: Don't Take Our ENG Channels

The National Association of Broadcasters has reiterated to the FCC that it needs all  
the ENG spectrum it currently has. Wireless companies have recommended that the  
FCC take back the top two channels of Broadcast Auxiliary service spectrum as part  
of an effort to clear up 15 MHz of spectrum per congressional directive. But NAB says  
there is other spectrum that would fill that bill without compromising local broadcast  
news, which relies on BAS spectrum to transmit news from the field--those news trucks  
with the dish antennas that are a fixture at breaking news sites.

"The proposal to eliminate two channels from the top of the 2 GHz BAS band would  
severely hamper broadcasters' newsgathering operations, particularly during public  
emergencies and breaking news events, and is therefore against the public inter-  
est." NAB points out that not only do local broadcasters and their viewers benefit from  
broadcast news use of BAS, but so do the cable and broadcast network news outlets  
who use those feeds for breaking news coverage of stories like the Navy Yard  
shooting. ■

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

## VAB Member, Two Others Awarded Ennes Trust Scholarship

The Ennes Educational Foundation Trust, the non-profit charitable arm of the Society of Broadcast Engineers, has awarded three scholarships to broadcast engineering and technology students for 2013.

Adria McGhee, of Federal Way, Wash., is receiving the Harold E. Ennes Scholarship. Raised in Omaha, Neb. where she found a passion for media, McGhee then relocated to Washington where her goals and interest changed. She currently attends Bates Technical College in Tacoma, Wash. She never thought she would enjoy learning about engineering and how current flows. McGhee is an active officer of Bates' student government and this fall she began her position as student body president. She is a member of Bates' ham radio club and sits on two Bates' committees. McGhee will complete her Associate Degree in the spring of 2014. She is eager to put her training to good use and is looking forward to the future and how technology changes.

Rachel Johnson is receiving the Robert D. Greenburg Scholarship. Johnson has been working on operations at various stations in the Milwaukee area since 2001. She has been at WISN since 2003, working every position, as well as some special projects. She is in her final year at Milwaukee Area Technical College, working to expand her skills and knowledge beyond operations into engineering maintenance. Johnson is hoping that her academic program and the scholarship will help to increase her value in the broadcasting industry and open up new employment opportunities in her future.

In recognition of the SBE's founder John Battison, who passed away in August 2012, the Ennes Educational Foundation Trust created a new scholarship; the John H. Battison SBE Founder's Scholarship. The first recipient of this scholarship is Christopher Brochon, of Dillwyn, Va. Brochon began his broadcasting career in 1996 at WFLO and still works at the station. "I am proud of both his accomplishments and his work ethic. Chris is an important

player in the future of our broadcasting industry," said WFLO General Manager, Francis Wood. He has worked as a sales representative, in the business office, traffic and copywriting areas, finally landing as operations director and assistant engineer. Brochon has always had a great fascination in science and electronics. When the opportunity came for him to work beside the engineer at WFLO and learn how the older vacuum tube transmitter as well as the new solid state equipment, he jumped at the chance. Brochon will use the scholarship to take classes offered by the Cleveland Institute of Electronics (an SBE certified school).

The Ennes Educational Foundation Trust was originally initiated by SBE Chapter 25 of Indianapolis, Ind. in 1980, in memory of Harold E. Ennes, author of many textbooks for broadcast and broadcast-related communications training and a member of the SBE National Certification Committee and made many contributions to the early development of the Certification Program. To encourage greater growth, Chapter 25 transferred the trust to the SBE national organization to administer in 1981. Scholarships presented by the Ennes Trust are made possible by donations from members and chapters of the SBE and by companies within the broadcast industry. Those wishing to make a contribution to the scholarship fund may send donations to: Ennes Educational Foundation Trust, 9102 N. Meridian Street, Suite 150, Indianapolis, IN 46260. Checks should be made payable to: Ennes Educational Foundation Trust, with the specific scholarship name written on the memo line. The Ennes Educational Foundation Trust is a 501(c)3 charitable organization. Contributions by most individuals are tax deductible. More information on the Ennes Educational Foundation Trust can be found at the education section of [www.sbe.org](http://www.sbe.org). ■

*Article courtesy of the Society of Broadcast Engineers.*



**VAB member and 2014 scholarship recipient, Chris Brochon.**



# NextRadio Push Begins in Earnest

The NextRadio FM app has an 85 percent retention rate, which means consumers are “downloading, listening and coming back for more,” according to Emmis Communications, the broadcast group owner that developed the app at the request of NAB Labs and is hoping the industry will adopt it widely.



“Everyone can do this,” said Senior Vice President/Chief Technology Officer Paul Brenner. “Because the over-the-air tuner is FM, we can measure what they do with the app.” That includes tracking how many people liked a song or dropped it, for example. The NextRadio app provides local over-the-air reception in smartphones with enabled FM chips, and adds interactive features, if stations opt to support them, such as buying and rating songs, social media coupons and geo-location services, all using the phone’s data channel.

Emmis has invited other broadcasters to participate in the enhanced display and interactivity opportunities. Stations can use Emmis’ Web-based TagStation to provide data services for broadcasts and deliver interactive elements to the app. Nineteen radio groups (see sidebar) have signed on and will pay to deliver interactive services with TagStation; only a few hundred stations were delivering interactive elements as of early October.

Not on the list are industry biggies Clear Channel and Cumulus; they are in discussions with NextRadio and “are showing some interest in helping in this initiative,” according to Brenner.

## Early Activations

Sprint launched NextRadio in its HTC One and EVO smartphone models. The app can also be downloaded on some older HTC models. Just after the Radio Show in Orlando, Sprint released a third phone with the pre-loaded NextRadio app and active FM chip, the Samsung Galaxy Note 3.

In Orlando, Emmis said users had tuned to approximately 3,300 over-the-air stations us-

ing the app; that number had grown to 3,700 just after the show, Emmis and Sprint executives told attendees of a New York Market Radio Association advertising event.

There had been about 35,000 NextRadio app activations as of early October. Sprint’s launch of the Samsung Galaxy Note 3 “gave us a bump in daily install rates,” Brenner told Radio World.

Sprint has said that its entire product line of smartphones eventually will have active FM chips and come loaded with the app. Emmis Chair/President/CEO Jeff Smulyan said, “We want to be in 300 million phones. For the first time, we have a carrier going to manufacturers saying ‘Put it in and let’s focus on it.’ We’re convinced if our customers like this, this will spread to every carrier in America.”

At the NYMRAD event, Sprint Vice President of Product David Owens promised that “tens of millions of [Sprint] smartphones” would have the feature. According to participants of a NYMRAD panel, the app can increase music sales and exposure, and apply revenue-generating capabilities to other advertising categories. RCA Records Executive Vice President/General Manager Joe Riccitelli described the power of the “buy” button on the app.

Just before the Radio Show, Sprint, HTC, NextRadio and participating stations using full TagStation to supply content for interactivity began a beta marketing rollout in eight cities: Austin, Boston, Chicago, Houston, Kansas City, Las Vegas, Los Angeles and New York.

## Sprint “Pleased”

Sprint is “very pleased” with results of NextRadio, and the company has noticed that app users are listening for an average of more than one hour per day, according to Sprint Director of Product Development Mark Yarkosky. Brenner said one user in Hawaii listened for about six straight hours.

Just before the Radio Show, Sprint introduced special signage and other retail marketing materials related to the app, including a JBL headphone promotion. The box includes a NextRadio logo. Sprint has also developed a Web landing page ([Sprint.com/landings/nex-tradio/](http://Sprint.com/landings/nex-tradio/)) to promote the feature.

By the holidays the industry should see more Sprint phones rolling out that contain the NextRadio app, as well as a campaign featuring a “day in the life” of a Sprint phone user. That “day” will include FM listening, Brenner said. However, radio needs to do its part, he continued.

“We’ve made the first payment to Sprint. Now we have to start the process of rolling out inventory,” Brenner noted, referring to the \$15 million a year for three years in spot inventory that the radio industry committed to Sprint. Brenner declined to clarify or discuss payment specifics.

Some industry executives appealed for more stations to take part. NRG Media President/CEO Mary Quass said, “We need to be on the devices people are using.”

Brenner said some 2,700 stations are visually represented in NextRadio through the TagStation content service. Of that figure, 2,450 are using the basic, free level of integration, meaning they uploaded logos to display default artwork in the NextRadio app. The rest, some 260 stations, are using the paid version of TagStation to deliver album art and other interactive elements.

Engineers with whom Radio World spoke said the number of stations delivering interactive elements is still small because of limits in money, time and resources. “Other things are bombarding us,” said one engineer for a major radio group.

Emmis is trying to get more industry support behind the effort. “We need as much content as possible if the FM smartphone initiative is to succeed,” according to Brenner. The small number of stations delivering interactivity is “the number one complaint by

the NextRadio listener.” He reported listeners saying they “love the FM radio” but are “highly disappointed that radio cannot at least have album art and artist/title” elements to be on par with other listening apps.

On average, stations with album art or other visual and interactive elements get twice as much listening as stations that have solely the free logo, according to NextRadio.

HD Radio developer iBiquity Digital has been talking to wireless carriers about adding a digital radio component to a smartphone’s FM radio capability. Both iBiquity and Emmis call that a logical next step.

President/CEO Bob Struble told Radio World, “It’s critically important for radio to be on phones in general, because we’ll come to some point in the not-so-distant future when nobody carries anything but a phone. There’s no more portable radios. There’s no more Walkmen. There’s no more headphone radios. It’s all on the phone. So, if we’re not on the phone we’re going to be missing a significant piece of the audience.”

The wireless industry is watching to see how the rollout goes. In early October, a wireless industry executive told a subcommittee meeting of the House Transportation and Infrastructure Committee that he sees the Sprint-NextRadio deal as a test case for whether other carriers would activate embedded FM chips in their smartphones.

Chris Guttman-McCabe, executive vice president of CTIA — The Wireless Association, was asked during a hearing on alerting why more carriers don’t include FM capability in their smartphones. He noted that the association’s 32 handset makers and carriers compete against one other. “If that sells, and is successful, I have a sense that you’ll see it in many, many more phones; and if it doesn’t, you’ll see it in less. That’s how the market works.”

*Article courtesy of Radio World.*

## Who’s Delivering Interactivity?

Nineteen radio groups, listed below, are going beyond the basic free level and supporting NextRadio with full TagStation content to deliver album art and interactivity, according to Emmis. Some, like CBS Radio and Hubbard, are delivering full data capability on all of their stations, while a shorter list are starting with some stations and growing to add interactivity to all of their stations over time.

- ▶ Beasley Broadcast Group
- ▶ Bonneville
- ▶ Bott Radio Network
- ▶ Carter Broadcast Group
- ▶ CBS Radio
- ▶ Cromwell Group
- ▶ Emmis
- ▶ Entercom
- ▶ Greater Media
- ▶ Hall Communications, Inc.
- ▶ Hubbard Radio
- ▶ Lincoln Financial Media
- ▶ Merlin Media
- ▶ Radio One
- ▶ Radio Training Network, Inc.
- ▶ Rome Radio Partners
- ▶ Univision
- ▶ Wilks Broadcast Group
- ▶ YMF Media LLC

## Five Common Labor & Employment Myths Your Company Can Easily Overcome

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Rumors, gossip, and myths spread fast. In fact, for some reason, they tend to spread faster than the truth. That seems to be the case for all types of information; so it will come as no surprise that the same holds true for the law and the various requirements it imposes upon companies. While legal myths abound in the business community on a whole host of topics, today we target some common Labor and Employment law myths – and how your organization can avoid the legal pitfalls those myths can engender.

### **Myth One: Salaried Employees are Not Entitled to Overtime**

Perhaps the most pervasive misconception among employers is that their salaried employees are not entitled to receive overtime. Executives and HR Managers are often shocked to learn that paying an employee on a yearly “salary basis” is only part of the equation.

Overtime is governed (generally) by the federal Fair Labor Standards Act (“FLSA”), although some state laws provide for differing overtime pay requirements (California, for example). The FLSA divides employees into “exempt” and “non-exempt” categories. Exempt employees are not entitled to receive overtime pay (i.e., they are “exempt” from the overtime requirement) while non-exempt employees must be paid for any hours worked in excess of forty (40) per work week. In order to be exempt from the overtime requirement, employees must be paid on a salary basis of at least \$455 per week – meaning those employees must be paid the same predetermined salary on consistent intervals (usually weekly or bi-weekly). Here is where the confusion sets in. Employers mistakenly believe that paying on a salary basis is all that is required to exempt employees from overtime under the FLSA. To the contrary, the exemption test requires a second level of analysis, namely whether the employee’s job duties fit within one of the predetermined job categories of employees who are eligible to be exempt! That’s right; not every employee is eligible to be exempt, no matter how much you pay them in salary.

To be exempt then, employers must be able to not only demonstrate that the employee is paid on the requisite salary basis but that the employee also falls into one of the recognized exempt categories – the most common being executive, administrative, professional, outside sales, computer, and highly compensated employees. There are very specific requirements set out for each exemption by the U.S. Department of Labor (available at [www.dol.gov](http://www.dol.gov)), and if the employees do not fit within one of the exemptions the employees must be paid overtime for hours that they work over forty (40) per work week. This is true even for employees who receive an annual salary.

### **Myth Two: It is a Good Practice to Instruct Your Employees to Keep Salary or Wage Information Confidential and to Not Discuss it With Fellow Employees**

This is 100% myth; no shred of truth anywhere. Under the National Labor Relations Act (“NLRA”) both unionized and non-unionized employees have the express right to engage in protected, concerted activity. While that phrase can encapsulate many different types of activity, there is uniform agreement that it includes the right of employees to discuss the terms, privileges, and conditions of their employment, including specifically their wages. In fact, the NLRA gives employees tremendous latitude to communicate with each other about almost anything that impacts (positively or negatively) their collective work environment. This has been the law of the land since the NLRA was enacted back in 1935, yet the practice of instructing employees to keep their salary or wage information confidential still persists today. Break the mold; do not tell your employees to keep such matters to themselves. Otherwise your company may find itself on the other (and likely losing) end of an Unfair Labor Practice Charge filed with the National Labor Relations Board (“NLRB”), the agency charged with enforcing the NLRA. And speaking of the NLRB.....

### **Myth Three: The NLRA Does Not Apply to My Company Because We Do Not Have a Unionized Workforce**

Once again, this is 100% myth and has always been myth since the NLRA was enacted. The NLRA applies to both unionized and non-unionized

employees and protects their right to engage in protected, concerted activity about matters that relate to their work environment. The problem for today's employers is that the NLRB has taken a renewed interest in enforcing the terms of the NLRA on non-unionized employers. For many decades, the NLRB's sole focus was regulating the nation's unionized workforce and the company's that employed them. However, in recent years the percentage of the American workforce that is unionized has declined steadily. Today, between both government and the private sector, only about 7% of our country's workers are unionized. With less unionized workers to manage, the NLRB is branching out its enforcement efforts to non-unionized employers to ferret out policies, agreements, or other restrictions that might run afoul of employees' right to engage in protected, concerted activity. In the past few years, the NLRB has taken it upon itself to investigate handbook policies, employment contracts, confidentiality/non-solicitation agreements, and social media practices of non-unionized employers. If your company has not recently performed an audit of your policies and practices with an eye toward NLRA compliance, now is the time to enlist the assistance of your Labor and Employment counsel.

#### **Myth Four: Social Media is a Safe Place for Employers to Gather Information about Job Applicants and Employees**

Social Media undoubtedly provides a tremendous volume of information; it is just not always the type of information an employer should be receiving. First, with respect to job applicants, employers should avoid social media profiles if at all possible, particularly ones that are purely social (i.e., Facebook, You Tube, Flickr, etc.) Most employers today recognize that you cannot ask questions on job application or in an interview relating to an applicant's religion, race, citizenship, national origin, age, etc. However, applicants routinely disclose or discuss such personal information on their social media profiles or updates. Thus, as an employer, even if your job application and interview process is 100% compliant, your discovery on an applicant's Facebook page that she is Muslim might turn your rejection of her candidacy into a discrimination lawsuit. You laugh....but that is exactly what is happening in courts all around the country.

With respect to current employees, your Company has more flexibility. Simply gaining information is not problematic and can sometimes be useful. So while I don't recommend that managers "friend" all of their subordinates, learning information that your employees are sharing via social media is not typically a problem. The problems arise when employees post information or pictures on their social media sites of which the company disapproves. Take for example, an employee posts on her Facebook page an obscenity laden tirade against her boss for reprimanding

her over a cash shortage that the employee feels was not her fault. Other co-workers chime in to offer sympathy and support. Her boss finds out about the post and fires the employee for insubordination or conduct detrimental to the organization. What's the problem? Well, despite the obscenities, the employee's expression of dislike to her coworkers for an event that occurred at work is routinely being viewed by the NLRB as protected, concerted activity under the NLRA. In this case, the fired employee would likely be entitled to reinstatement and back pay. Rule of thumb: tread very carefully when basing your interactions or decisions with respect to employees on their social media content.

#### **Myth Five: I can Automatically Deduct from an Employee's Paycheck for Damage to Property or for Money Owed to the Company**

This issue is governed exclusively by the law of the state(s) where your company does business. However, as a general rule, most states (including Virginia, Maryland, and D.C.) consider this practice to be unlawful unless the employee has voluntarily consented in writing to the deduction beforehand. Most jurisdictions view wage deductions for damage to property caused by the employee as simply one of the "costs of doing business" that should be born by the employer. Thus, those types of costs are typically not subject to remuneration by the employee, even with a written agreement. More commonly, employers try to recoup from separated employees, money for such things as company phones or computers, tuition advancement, or personal travel expense put on company credit cards. It is common for employers to simply deduct such monies owed by the employee from the employee's final paycheck. However, as noted above, most states have statutes preventing that exact practice. To comply with most states' laws, the employer has to have the employee sign and agree to in advance that should the employee separate from the company owing such monies, that the employee agrees that such amounts can be taken out of the employee's final paycheck. However, even such an agreement is not foolproof. No written agreement may take the employee's final wages below the federal (or higher state) minimum wage. Thus, employers are not free to take from the employee an amount that renders the amount of the final paycheck less than what the employee would have earned over his final pay period working at minimum wage.

The best recourse for employers when it comes to wage deductions is to first seek the advice of counsel before proceeding. Determining the law(s) that will govern such practices and crafting an agreement that will comply with the law is not a task for the faint of heart. ■

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





## 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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# Three Things to Think About as the Year-End Approaches

**Holiday Workplace Celebrations May Create Liability.** With the holiday season upon us, your station may host a party or other social event for employees or clients. The decision whether to serve alcoholic beverages is an important one, because any event that involves serving alcoholic beverages poses special legal risks.

all commercial broadcast stations have been required to use advertising sales agreements that contain a non-discrimination provision so that at license renewal time each commercial station can certify that its advertising sales agreements do not discriminate on the basis of race or ethnicity. While most commercial broadcasters took care of this compliance issue more than 30 months ago, some stations may have new licensees that may not have been aware of the requirement at the time the station was acquired, and other stations may have changed their advertising agreement forms in the interim. In other words, a reminder about this requirement never hurts.

Compliance with this non-discrimination rule poses special challenges for broadcasters that do not use formal advertising contracts. For example, many stations use written proposals that buyers sign and return to the sales department. Other stations verbally agree to sales terms without routinely exchanging written proposals or order confirmations. In the former case, broadcasters may include on the written proposal a statement that the station does not discriminate on the basis of race or ethnicity in the sale of broadcast time. In the latter case, it would be prudent for broadcasters to include a non-discrimination statement on any written materials that are sent to the advertising client—for example, on invoices, promotional materials, rate cards, confirmation faxes or e-mails, or any other written materials that are distributed to buyers.

The inclusion and distribution to advertisers of non-discrimination language necessarily varies from station to station based on the nature of written materials that are exchanged. To ensure your station's agreements and practices are (still) compliant, now is a good time to check your written agreements and other materials, and you may wish to consult with your FCC lawyer in order to ensure your non-discrimination language complies with the Commission's rules.



As you may know, many states have adopted "social host" liability rules which hold "social hosts" liable for damages for serving alcoholic beverages to an underage guest or to a guest who becomes intoxicated, operates a vehicle in a negligent fashion, and causes injury to another person. Thus, if you decide to serve alcoholic beverages, you will wish to check your insurance policy or talk with your insurance agent concerning "special occasion" coverage.

**Do Your Advertising Contracts Contain a Non-Discrimination Clause?** The FCC's requirement that commercial broadcasters include a non-discrimination provision in their advertising sales contracts went into effect some 2½ years ago: Since March 14, 2011,



**Commercial Biennial Ownership Reports Are Due December 2, 2013.** The filing deadline for Biennial Ownership Reports for all commercial television and radio stations is just around the corner. The FCC extended this year's filing deadline to December 2, 2013, and the reports should include information current as of October 1, 2013.

The December 2 deadline applies to all commercial, full power broadcast stations, Class A and low power TV stations, and entities with attributable interests in those stations. (Filing deadlines for biennial ownership reports for Virginia noncommercial stations are different: Virginia noncommercial radio biennial ownership reports were due June 3, 2013, and Virginia noncommercial television biennial ownership reports are due June 1,

2014.) If you normally file your biennial ownership reports yourself, now is the time to get the process underway. If you normally enlist the assistance of your FCC lawyer and you haven't heard from her or him yet, now is the time to pick up the phone to call him or her.

Generally, for commercial station biennial ownership reports, the FCC's rules establish a uniform filing deadline of November 1, although the FCC has extended the deadline in prior years too. The FCC currently has open a proceeding in which it is considering changing the deadline permanently to December 1 of odd-numbered years. ■

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

## VAB Members: New & Recommended Courses from P1



### ► **Creating Passwords**

Passwords are needed for many of the sites you visit every day. You shouldn't use the same password for any two sites, and you shouldn't write them down anywhere. Having so many passwords to remember is tough, so what do you do?

### ► **Leadership To Dos**

Ethics begins from the top and works down. What are some ethical elements that cannot be ignored?

### ► **Controlling Employee Behavior**

Controlling Employee Behavior begins within. It cannot be imposed with policies or audits. Watch this course to understand the best basics to control your organization's environment.

### ► **Why traditional approaches don't work**

Are traditional approaches to ethics working? In this course three traditional forms of ethics are evaluated. Understand how there are applied and learn about the flaws of each.

### ► **Know Your Competition: Part 1**

We are not alone! We look at the strengths and weaknesses of newspaper, television, cable, Yellow Pages, outdoor and the Internet. In this session we take a detailed look at the competitive media landscape.

### ► **Know Your Competition: Part 2**

We are not alone! We look at the strengths and weaknesses of newspaper, television, cable, Yellow Pages, outdoor and the Internet. In this session we take a detailed look at the competitive media landscape.

**For more information, please visit our website at [www.p1selling.com](http://www.p1selling.com) or call 816-456-8603.**

## 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.

### **Account Executive Norfolk, VA**

Sinclair Communications (WNIS/WTAR/WNOB/WUSH/WROX-FM in Norfolk) is looking for creative people who enjoy the fast-paced, highly challenging world of radio marketing and sales. Apply now by calling Jeanette Robinson at (757) 222-2932, e-mailing via [jrobinson@sinclairstations.com](mailto:jrobinson@sinclairstations.com) or faxing your resume to (757) 640-8552. College degree and sales experience preferred. Applicants must have their own means of transportation for visiting clients. EOE.

### **Local Promotions Director Arlington, VA**

Salem Communications, the leading U. S. radio broadcaster targeting audiences interested in conservative NewsTalk and Christian and family-themed programming, currently has a full-time position available at Salem Communications, Washington, DC. This person will be focused on promoting and coordinating local events, and representing the radio stations in public settings. This person will work closely with our Promotions and Marketing Director, General Sales Manager and Station Manager. Must have high-energy, love people, be detailed, creative and be able to work flexible hours, including Saturdays and Sundays, and weeknights. Strong computer skills are required. Advanced web ability including social media and create/design HTML skills are desired, as well as the ability to create print ads and sales pieces. Candidates must have a valid Driver's License and a clean driving record. No relocation offered.

### **News Producer Roanoke, VA**

WFXR FOX 21/27 is accepting applications for a qualified television newscast producer. Responsibilities

include, but are not limited to: produce, gather, organize and coordinate all elements involved in the assigned newscast; emphasize breaking news, local and relevant national content, weather and sports news; format news broadcast and related cut-ins; assign and edit news copy; produce other newscasts/specials as needed. If you are a hands-on live television newscast producer with a minimum 1 - 2 years experience, who knows how to deliver on all aspects of a show and have the willingness to work any shift needed, 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.

### **Chief Engineer Fredericksburg, VA**

Five station, locally-owned business in Fredericksburg, Virginia has a terrific career opportunity for the right individual. Star Radio Group, a division of The Free Lance-Star Publishing Co., is seeking a Chief Engineer for our Fredericksburg market which includes WFLS, WVBX, WWUZ, WNTX AM and fredFM. The successful candidate must have at least five years experience working with a group of radio stations that include multiple tower sites. This individual will need to have IT knowledge, working knowledge of AM and FM transmitters, STL systems, studio equipment, digital studios and experience with tower leases. Proficiency with Wide Orbit or similar systems is preferred. This position requires someone who can manage and maintain all broadcast equipment. Other qualifications for this position include two years technical school or equivalent; FCC General

Radiotelephone Operator License, desired; SBE certification, highly desired; superior communication skills, budgeting experience and the ability to work with other team members a must. Candidates must possess a valid Virginia driver's license, reliable vehicle and a good driving record. This full-time position includes a comprehensive benefits package. Qualified candidates may apply online at [fredericksburg.com/jobs](http://fredericksburg.com/jobs). EOE.

### **Producer FT Lynchburg, VA**

The Producer will personally produce assigned newscasts and have complete control over how news shows are produced, and ensure that all Reporters, Photographers, and Editors handle their responsibilities for format, organization with other departments, news writing, and distribution of final scripts. The Producer will also perform other related duties as assigned by the Director of News. Advanced education in the field of Broadcast Journalism or equivalent work experience. Available 24 hours per day, seven days per week, and for extended periods of overtime, if needed. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). No phone calls please! EEO/M/F.

### **Account Executive Norfolk, VA**

The account executive is responsible for understanding and developing advertising campaigns through the television, digital, and mobile tools available through WVEC and WVEC.com. The core responsibility of this Account Executive is generating new

revenue by prospecting and selling television and interactive advertising campaigns. In addition, the successful candidate is responsible for client calls, proposal design and delivery, negotiating terms, closing and meeting revenue goals. Send resumes and cover letters to [jobs@wvec.com](mailto:jobs@wvec.com). EOE.

**Editor / Associate Producer  
Charlottesville, VA**

NBC29 needs a full-time editor for our morning and noon newscasts. You'll work in an all digital "tapeless" environment editing video, taking feeds, and assisting producers with newscasts. Great entry-level position. Degree preferred but not required. Send resume and NBC29 application, available for download at [www.nbc29.com](http://www.nbc29.com), to: HR Manager 503 E Market St Charlottesville, VA 22902 Or E-mail to [hmgr@nbc29.com](mailto:hmgr@nbc29.com) Resumes received without NBC 29 application will not be considered. No phone calls. EOE.

**Producer  
Charlottesville, VA**

Top-notch small market station is looking for our next great producer. You'll have the tools needed to put together good shows in a fast paced environment that feels much bigger than our market size. Be part of our news team with all digital editing, four live trucks, sat truck and two bureaus. Rush resume, NBC 29 application available for download at [www.nbc29.com](http://www.nbc29.com) and the last newscast (DVD) you produced to: HR Manager, 503 E. Market St. Charlottesville, VA 22902. No phone calls please. EOE.

**Air Personality  
Roanoke, VA**

WSLC "Star Country" has an opening for a talented evening on-air personality with at least three years of experience. In addition, WSLC is looking for an individual with strong experience and talents with internet, web, social media, and other digital platforms. Applicant should be a creative thinker, self-motivated and a strong team player that will contribute to continuing to make Star Country a great place to work. Forward your resume and air check to:

Cheryl Skinner, HR Director [cskinner@wheelerbroadcasting.com](mailto:cskinner@wheelerbroadcasting.com) Mel Wheeler, Inc. 3934 Electric Rd. Roanoke, VA 24018. Fax: (540) 774-5667. EOE.

**Reporter/Anchor  
Roanoke, VA**

WFIR is seeking an anchor/reporter for its newsroom in Roanoke. This is not an entry-level job. It requires experience writing, reporting and anchoring radio news. College degree or equivalent job experience required. You'll cover, research, write and anchor news in a fast-paced environment, providing breaking news and other information to five radio stations with listeners in Roanoke, Lynchburg and the New River Valley. You'll need to be able to write and post stories to the WFIR web page and be familiar with news dissemination via social networking sites such as Facebook and Twitter. Forward your resume and air check to: Cheryl Skinner, HR Director [cskinner@wheelerbroadcasting.com](mailto:cskinner@wheelerbroadcasting.com) Mel Wheeler, Inc. 3934 Electric Rd. Roanoke, VA 24018. Fax: (540) 774-5667. EOE.

**Major Gifts Officer  
Roanoke, VA**

Blue Ridge PBS, the PBS media outlet serving Roanoke/Lynchburg regions is adding a Major Gifts Officer to our successful fundraising team. Ideal candidate will cultivate and solicit major gifts of \$1,000 and above from the friends of Blue Ridge PBS. Bachelor's degree or equivalent and track record of involvement in fundraising preferred. Excellent oral, written and presentation skills and an ability to operate effectively in a rapidly changing media environment required. Regional travel required. Submit resume online to [jobs@blueridgepbs.org](mailto:jobs@blueridgepbs.org). Complete position description at [www.blueridgepbs.org](http://www.blueridgepbs.org). EOE.

**Account Executive  
Franklin, VA**

Real Country 101.7 (WLQM-FM), a third generation, family-owned and operated station serving the Western Tidewater market, has an immediate opening for an Advertising Account Executive. If you have a high level of organizational

skills and self motivation, are always hungry for the next sale, excel at client service, client centered presentations and value team play, let's talk. We offer salary + 20% commission and attractive bonus and incentive programs. Minimum of two years advertising sales experience a plus. Previous business to business outside sales experience preferred, but not required. If interested, please send resume and a cover letter explaining why you would make a good addition to our team to: Michael Clark Vice President Franklin Broadcasting Corporation P.O. Box 735 Franklin, Virginia 23851 Or, email [wlqm@wlqmradio.com](mailto:wlqm@wlqmradio.com) Franklin Broadcasting Corporation. EOE.

**Meteorologist/Reporter  
Winchester, VA**

TV3 Winchester is looking for a degreed and dynamic meteorologist to join our morning team. Candidates should possess a strong working knowledge of WSI systems. Our next meteorologist should be able to create graphics to complement a convincing and energetic weather story while maintaining a strong interaction with the news anchors and our viewers. Experience with I-News and non-linear show editing and production is a plus. Send resume and tape to Tracy Vosika, News Director, TV3 Winchester, 633 Millwood Avenue, Winchester, VA 22601. EOE.

**Photojournalist  
Richmond, VA**

NBC12 seeks a Photojournalist with 3 years experience and proven initiative in news gathering. Send cover letter with salary requirements, resume and non-returnable demo tape to Matt Neese, News Operations Manager, NBC12, P. O. Box 12, Richmond, VA 23218. Drug/MVR Screening. EOE M/F/H/V.

**For a complete list of career opportunities, please visit [www.vabonline.com/careers](http://www.vabonline.com/careers).**



## Meet the VAB's Best of the Best 2014



**Anissa Ansoorian**  
Senior Account  
Executive  
WHSV-TV  
Harrisonburg



**Anne Booze**  
Sales Manager  
Wheeler  
Broadcasting  
Roanoke



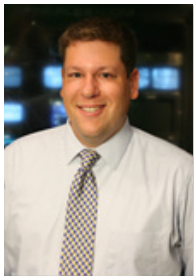
**Joe Britton**  
Promotions /  
Marketing Director  
Max Media  
Virginia Beach



**Misti Davidson**  
Assistant News  
Director  
WTVR-TV  
Richmond



**Joe Doran**  
Creative Services  
Director  
Summit Media Corp.  
Richmond



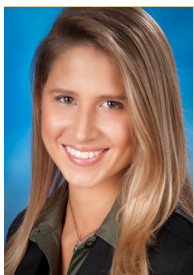
**Alex Friedman**  
Digital Sales Director  
Newsplex  
Charlottesville



**Vinnie Kice**  
Operations Manager  
Monticello Media  
Charlottesville



**Shaun Perno**  
Account Executive  
WVEC-TV  
Norfolk



**Claudia Rupcich**  
Web Managing Editor  
& Weekend Reporter  
WSET-TV  
Lynchburg



**Melissa Stacy**  
News Director  
WSLS-TV  
Roanoke

**The selection committee is pleased to announce the 2014 class of the Virginia Association of Broadcasters Best of the Best Leadership Program.**

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

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

**Congratulations class of 2014!**