

Lawmakers Offer Internet Radio Legislation

Lawmakers in both the House and the Senate offered legislation Friday that supporters say would level the playing field for Internet radio stations by allowing them to use the same standard for determining the rates they must pay performers for playing their music as other digital music providers.

The legislation offered in the House by Reps. Jason Chaffetz, R-Utah, and Jared Polis, D-Colo., and in the Senate by Ron Wyden, D-Ore., would require that the Copyright Royalty Board use the same standard for setting rates for paying performers as it does for satellite and radio, which pay a much lower rate. The bill also would require that Copyright Royalty Board judges have a minimum level of experience and be appointed by the president and confirmed by the Senate.

"Congress enacted the royalty rate standard for Internet radio 14 years ago, when Internet radio was barely a concept," Chaffetz said in a statement. "This bipartisan legislation levels the playing field for Internet radio services by putting them under the same market-based standard used to establish rates for other digital services, including cable and satellite radio. It's well past time to stop discriminating against Internet radio."

Wyden echoed Chaffetz's comments, adding that the legislation "puts Internet Radio on an even plane with its competitors, and allows the music marketplace to evolve and to expand—which will ultimately benefit artists and the internet economy."

Internet radio provider Pandora has been pushing lawmakers for a legislative fix. The Consumer Electronics Association, which Pandora is a member of, endorsed the legislation.

"The changes proposed by the Internet Radio Fairness Act are simple and long overdue. They will drive innovation, investment and jobs,



not just in Internet radio but also in the hardware used to access Internet services," CEA Senior Vice President of Government Affairs Michael Petricone said in a statement.

The National Association of Broadcasters backed the move as well. In a statement, the group said they "strongly supports legislative efforts to establish fair webcast streaming rates."

Debate on the issue, however, will likely spill over into the next Congress given that lawmakers are expected to recess this week and not return until after the election.

Music industry officials have voiced concern with the legislation, saying it would result in less revenue for musical performers. At the same time, they argue that any bill that deals with rates paid by online radio should also address the issue of terrestrial radio stations, which are currently not required to pay musicians for playing their music on the air.

"Going from a fair market, 'willing buyer, willing seller' rate to a government mandated subsidy will break the backs of artists, while Pandora executives pad their pockets," Ted Kalo, executive director of the music industry coalition musicFIRST, said in a statement. "We support rate parity that addresses the great-

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Legislation *continued*

est inequity of all, the lack of a performance right for terrestrial radio, and is fair to music creators.”

Rep. Jerrold Nadler, D-N.Y., the ranking member on the House Judiciary Constitution Subcommittee, has been working on a draft bill that also aims to level the playing field between digital music providers and takes modest steps in addressing the issue of terrestrial radio. Nadler’s draft bill would require radio broadcasters to pay a higher rate for streaming music online to account for the fact that they don’t pay performers when their music is played on traditional radio stations.

In the last Congress, lawmakers tried and failed to move legislation that would require

terrestrial radio stations to pay performance fees. However, Rep. Bob Goodlatte, R-Va., who is vying to become chairman of the House Judiciary Committee in the next Congress, has said he would like to take a broader look at the issue and examine the concerns of both the music industry and Internet radio providers.

Pandora founder and Chief Strategy Officer Tim Westergren told National Journal last month that his company and others hurt by the current online music rate structure shouldn’t be “held hostage” to the fight over whether traditional radio stations should have to start paying performers. ■

Article courtesy of Juliana Gruenwald of the National Journal.

Pew Study: Local TV Remains Most Popular Local Info Source

A new study from the Pew Internet and American Life Project leads off with a not-so-new finding: “[L]ocal TV news remains the most popular source for local information in America.”

According to the study, its popularity stems from three major categories: weather, breaking news and traffic. There is good news for newspapers as well, which were cited as the top source for a wider range of news than any other.

But it is an Internet project, and Pew found that for Web surfers and the 18-39 demo, the Internet is a top source of news on most of the local subjects it asked about in the survey, including education, local businesses and restaurants.

The survey was based on telephone interviews conducted by Princeton Survey Research Associates International from Jan. 12-25, 2011, among a sample of 2,251 adults 18-plus. Pew found that most people use a blend of new and traditional media for their information on local communities, what it tabs a “richer and more nuanced ecosystem of community news and information than researchers have previously identified.” The survey found that the majority (64%) of adults use at least three different types of media each week for info about their local community, and 15% rely on at least six different kinds.

But the richest vein of local news, at last for the most popular subjects, remains TV stations. “The survey echoes longstanding research that more Americans report watching local TV news than any other source.” It also found that rural residents, and those in small cities and towns, are particularly likely to get their news from TV stations or newspapers.

But Pew also stressed that does not mean that most of viewers’ community news comes from TV. “[L]ocal TV draws a mass audience largely around a few popular subjects; local newspapers attract a smaller cohort of citizens but for a wider range of civically oriented subjects.” The study finding arguably suggests a potential synergy between TV stations and newspapers that broadcasters have argued in seeking an end to the ban on newspaper-broadcast cross-ownerships. It also pointed to the finding that younger people rely less on TV news as suggesting “more vulnerability for the medium in the future.” ■

Article courtesy of John Eggerton of Broadcasting & Cable.

The Voices Behind the Radio

Radio broadcasting has been around since the 1800s and has come a long way. These days it competes with iPods, satellite radio and streaming Internet for the rights to your ears.

During your morning ride to work you may listen to the radio and hear what's going on in the news, weather and hear one of your favorite songs. But, you also hear a familiar voice every morning waking you up to your favorite tunes.

Pam Garrison, Vinnie Kice and Joe Thomas are part of Monticello Media in Charlottesville. Garrison and Kice play country music on Hit-Kicker 99.7. Joe Thomas has his own talk radio show on 107.5 and AM 1260, WCHV. Although they do different shows, they share the common ground of waking up early.

"Alarm goes off at 3:30, I feel like I have the flu for the first 15 seconds after I wake up. I get in the shower, coming out of the shower I feel like I have a bad cold, I drink my coffee, eat my breakfast, get in my car, and by the time I get to work I just feel like I have a hangover. But it goes away, because you slowly wake up, cause you get here early enough to wake up and you start talking on the radio with her and it makes it feel all better, and then we have fun for four hours on the radio, and then we leave the studio and go do our administrative duties, like meetings and stealing toilet paper from the company and stuff like that," said Kice.

Vinnie Kice has been working in radio for more than 30 years. He says his initial ambition was to do sports play-by-play like Marv Albert. He changed his mind when he had a greater chance of being on air as a radio DJ.

As for Pam Garrison her path to her radio career was quite different. "I actually won a lot, I was a character on another radio station here in Charlottesville. They asked me, "do you want a part-time job so you won't win so much?" and that's how it all got started," said Garrison.

Joe Thomas has done hit music radio for most of his career. He says there are some similarities between talk radio and music radio,



but there is one big difference.

"I've only been doing talk radio for about seven years out of 26, so most of that was doing high energy, crazy morning shows, broadcasting from billboards and things like that. So I don't think that changes as much as, for the first time you can't rely on there being a popular song to bail you out if what you're doing isn't resonating, so you really have to work harder at making sure every single thing you have coming up on your show works for the listener," said Thomas.

Working in talk radio involves a lot of preparation; it includes news gathering, arranging guests and staying up to date with local events.

"There's always something happening in Charlottesville to talk about in the news, whether it's city council, the board of supervisors, the Commonwealth of Virginia, the governor's office, the general assembly could be in session, it might not be in session, there's always something happening in Virginia that's worth discussing," said Thomas.

With more than 75 years of combined experience Garrison, Thomas and Kice have seen a lot of changes in radio, including corporate ownership and competition from streaming radio and iPods. But they say no matter what local radio will still prevail, because listeners still want hear local weather and events going on in their community. ■

“Working in talk radio involves a lot of preparation; it includes news gathering, arranging guests and staying up to date with local events.”

Article courtesy of Travis Koschko from the Charlottesville Newsplex.

Lawmakers to FCC: Do No Harm With Incentive Auctions

“While we applaud the FCC’s goal to stimulate the nation’s wireless broadband ecosystem with new spectrum, we expect the FCC to ensure that there is no degradation or loss of service to our constituents.”

Three groups representing black, Hispanic, and Asian-Pacific Americans in Congress are calling on the Federal Communications Commission to ensure that a proposal aimed at freeing up spectrum from broadcasters for use by wireless carriers will not affect consumers’ access to over-the-air television.

The heads of the Congressional Black Caucus, Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus wrote FCC Chairman Julius Genachowski on Friday about the commission’s efforts to implement legislation, passed by Congress in February, that authorizes “incentive auctions.” These new auctions are aimed at enticing TV broadcasters to give up some of their spectrum for use by wireless operators, who say they need more spectrum to meet their customers’ growing demand for wireless broadband technologies.

The FCC is expected to vote on a proposed rulemaking the end of September that would begin the process of setting up the incentive auctions.

It’s still unclear how many TV broadcasters may participate by choosing to give up their spectrum, share spectrum with another station, or agree to move from a more desirable UHF channel to a VHF channel. The lawmakers noted that minorities tend to rely exclusively on traditional over-the-air TV than other groups. For example, 33 percent of Spanish-speaking households rely on over-

the-air TV for information and entertainment.

The lawmakers urged the FCC to ensure that broadcasters that decide to stay in business are not harmed in the relocation process that will be required to clear swaths of spectrum to auction from TV stations that choose to give up their airwaves. The lawmakers echoed a message from broadcasters, who pushed Congress to include protections in the incentive auction legislation for stations that decide not to participate.

“While we applaud the FCC’s goal to stimulate the nation’s wireless broadband ecosystem with new spectrum, we expect the FCC to ensure that there is no degradation or loss of service to our constituents,” Reps. Judy Chu, D-Calif., chairwoman of the Congressional Asian Pacific American Caucus, Emanuel Cleaver, D-Mo., the Congressional Black Caucus chairman, and Charles Gonzalez, D-Texas, chairman of the Congressional Hispanic Caucus, wrote. “Given the dependence that our communities place on broadcast television... maintaining a robust free and local broadcasting system must remain a priority for the FCC.”

The FCC’s proposed rulemaking is expected to ask as many questions of interested stakeholders as it answers. It calls for comment on a number of possibilities for structuring the incentive auctions. ■

Article courtesy of Juliana Gruenwald of the National Journal.



SAVE THE DATE

**Virginia Association of Broadcasters
76th Annual Summer Convention**

June 20-21, 2013

**Hilton Virginia Beach Oceanfront
Virginia Beach, Virginia**

Four Iowa TV Stations Reject Political Ad Video

KCCI-TV and WHO-TV in Des Moines, WOI-TV in West Des Moines and KCAU-TV in Sioux City confirmed with the Des Moines Register they have rejected an ad from an animal welfare political group that criticizes U.S. Rep. Steve King (R-IA) for opposing federal legislation that would ban people from taking children to animal fights.

The ad from the Humane Society Legislative Fund, based in DC, opposes King's reelection to Congress on TV stations in the Sioux City, Des Moines and Mason City television markets.

"We are not going to air the spot," Paul Fredericksen, KCCI-TV GM, told the paper. "We feel the sensational tone of the spot, which includes the graphic treatment of animal photos and a web site address....are unsuitable for use."

Fredericksen said KCCI officials have suggested to the political group's advertising agency that if the TV ad will be reconsidered if revisions are made.

Dale Woods, general manager at WHO-TV, he had personally reviewed the ad that was critical of King and he also had concerns about it: "I think they are coming back with a revised copy. Absolutely we will take a look at it."

Ray Cole, president and COO of Citadel Communications, which includes WOI in West Des Moines and KCAU-TV in Sioux City, said his company didn't object to the spot based on the images portrayed: "We have opted not to run the spot in both Des Moines and Sioux City more so, if not exclusively, based on the fact that we believe the message is patently false."

A review of congressional records shows that King made it clear to his fellow members of Congress that he is opposed to all forms of dog fighting, but believes the issue is a state matter rather than a federal issue, Cole told the paper. "The upshot is that this spot does not hold up to the light of day." ■

Article courtesy of Carl Marcucci of RBR.com / TVBR.com.

"We feel the sensational tone of the spot, which includes the graphic treatment of animal photos and a web site address....are unsuitable for use."

Arbitron Releases RADAR September 2012 Radio Network Ratings

Arbitron Inc. (NYSE: ARB) reported in its September 2012 RADAR® (Radio's All Dimension Audience Research) Radio Network Ratings that over 184 million Persons 12 and older, or approximately 71 percent of this demographic, heard one or more network radio commercials in an average week of the survey period.

The RADAR September 2012 survey period demonstrates network radio's power in reaching a mass audience in all demographics. Commercials aired on the 47 radio networks measure reached:

- ▶ 70.5 percent of Persons aged 12+ (184,473,000 Persons)
- ▶ 70.9 percent of Persons aged 18+ (167,681,000 Persons)
- ▶ 70.2 percent of Persons aged 35+ (115,207,000 Persons)
- ▶ 73.5 percent of Persons aged 18-49 (98,851,000 Persons)
- ▶ 74.1 percent of Persons aged 25-54 (93,624,000 Persons)

Arbitron RADAR (Radio's All Dimension Audience Research) September 2012 is the standard currency for national network radio ratings and measures 47 individual radio networks. The sample size for the RADAR September 2012 Report is 395,727 persons aged 12 and older. The RADAR September 2012 Report includes data from all 48 Arbitron PPM® markets. The survey dates for RADAR 114 were from June 23, 2011 to June 20, 2012. ■

Article courtesy of Arbitron.

'Crash the Super Bowl' Contest Bigger and Better Than Ever

For the first time in "Crash the Super Bowl" history, the contest will be hosted via an app on the Doritos Facebook page.

The Doritos brand recently revealed some exciting news about the next "Crash the Super Bowl" contest. In a webcast message to fans on the Doritos Facebook page, it was announced this year's contest winner will have the opportunity to work with acclaimed Hollywood film director Michael Bay on the next installment of the Transformers movie franchise along with a shot at a \$1 million bonus.

This year's "Crash the Super Bowl" contest invites consumers to create homemade Doritos tortilla chips ads, with two consumer-created spots -- one selected by America's votes, the other by the Doritos brand team -- ultimately airing during the Super Bowl broadcast on Feb. 3, 2013. The finalist whose ad scores highest on the USA Today Ad Meter rankings will be awarded the grand prize career opportunity to work with Michael Bay, whose own career began by directing commercials. In addition, if a consumer-generated Doritos ad scores No. 1 on the Ad Meter, Doritos will award its creator a \$1 million bonus.

For the first time in "Crash the Super Bowl" history, the contest will be hosted via an app



on the Doritos Facebook page. Participants can use the app to upload their 30-second homemade commercials from Oct. 8 through Nov. 16, and also harness the power of social media to engage with fans like never before. The app features a "Pitch In" collaboration tool, which allows fans to assist with the creation of "Crash the Super Bowl" entries by requesting or offering up props, talent and other items contestants might need to create their ads.

The app will also house a toolbox where Doritos logos, product shots, music and animations are available for download and use, as well as the gallery of all contest submissions, where fans can view entries and weigh in on their personal favorites.

The five finalist ads will be announced in January 2013. ■

Article courtesy of snacks.com.

NAB Endorses FEMA Reauthorization Bill

National Association of Broadcasters president Gordon Smith wrote to the leadership of the House transportation and homeland security committees Tuesday to endorse the Federal Emergency Management Agency Reauthorization Act.

The bill promotes public/private partnerships for emergency communications, just the sort of teamwork, Smith pointed out, broadcasters have been engaged in with the federal government on the Emergency Alert System, and with local law enforcement on recovering 580 abducted kids via AMBER Alerts.

Smith noted that the legislation creates an Integrated Public Alert and Warning System (IPAWS) advisory committee that NAB says its members want to be a part of.

In addition to supporting the reauthorization, the letter also serves the purpose of making the point that broadcasters are important players in the emergency communications mix, a point they have been emphasizing as the FCC seeks to reclaim broadcaster spectrum and reduce their communications footprint in favor of wireless broadband.

"We look forward to working with you to strengthen our nation's warning system to help keep America safe," wrote Smith. ■

Article courtesy of John Eggerton of Broadcasting & Cable.

Arbitron: AM/FM Radio is the Strongest Pre-Shopping Medium



AM/FM radio delivers the largest reach during the time periods immediately prior to peak shopping hours, it continues to dominate the audio entertainment landscape, and out-delivers web, social networking or mobile usage during the average day among Adults age 25-54. These are the most notable findings of a study commissioned by ARBITRON and presented at this week's RADIO SHOW, hosted by the NATIONAL ASSOCIATION OF BROADCASTERS and the RADIO ADVERTISING BUREAU in DALLAS.

"Where Radio Fits: Radio's Strengths in the Media Landscape" examines the continued strength of AM/FM radio among Adults aged 25-54 and the advantages radio delivers over other media outlets. The study also looks at where consumers are accessing various media platforms and the emotional impact these media have on users.

Key findings of "Where Radio Fits: Radio's Strengths in the Media Landscape":

- ▶ AM/FM radio is the strongest pre-shopping medium, reaching 31% of 25-54s during the hour before the peak shopping period (1-2p). AM/FM Radio's reach during this crucial decision making hour is nearly twice that of live TV (17%).
- ▶ AM/FM radio delivers 86% of the total time Adults 25-54 spend with the three main audio platforms. AM/FM Radio delivers

nearly eight times more time spent than satellite radio and 17 times more than Internet audio streaming.

- ▶ AM/FM radio is the second most-widely-consumed of the top media platforms. During the average day, radio reaches 59% of adults aged 25-54, second only to television, which reaches nearly 80% of these adults. Trailing radio are the Internet (49%), social networking (19%), mobile web/app usage (16%).
- ▶ AM/FM radio adds considerable reach to other media platforms. When combined with live television, radio adds an additional 14% reach of adults aged 25-54 and an additional 60% when combined with Internet.
- ▶ AM/FM radio is heard by a variety of decision influencers, with 43% of respondents aged 25-54 saying they listen with their children, 38% listen with their spouse or partner.

"Radio's consistently large reach together with its ability to deliver the 'the last word' during the crucial pre-shopping hours make it highly valuable for advertisers who are looking to maximize ROI in a fragmented media environment," said ARBITRON SVP/Marketing BILL ROSE. "This study along with the more granular data ARBITRON is providing to agencies and modelers should help reinforce radio's strength in the marketing mix." ■

Article courtesy of allaccess.com.

Radio's consistently large reach together with its ability to deliver the 'the last word' during the crucial pre-shopping hours make it highly valuable for advertisers who are looking to maximize ROI in a fragmented media environment.

HUMAN RESOURCES

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Be Sure to Dot Your I's and Cross Your T's When Completing Personnel-Related Documents



Human resource practitioners deal on a daily basis with a myriad of documents that includes disciplinary actions; performance evaluations; employment classifications for wage and hour purposes; immigration compliance and related matters. Often, the Human Resource Department functions as the reviewer of some documents which have been completed by supervisory personnel. Due to the increase in employee litigation and greater oversight by certain governmental agencies, it is critical that personnel documents are drafted accurately and precisely to avoid situations arising in which an employer is forced to defend an employment discrimination lawsuit that is based, in part, on a few words on a disciplinary form.

Disciplinary Forms

An employer's progressive discipline policy is an important personnel policy. Progressive discipline is intended to provide notice to an employee when his/her performance falls below expected and acceptable employment rules. In that context, the policy is remedial in nature and can be effective in reminding an employee

of the employer's expectations. The progressive discipline policy can also serve as the basis for an employee's separation from employment. In either context, the supervisor who is drafting the disciplinary form should do so with the assumption that the content of the disciplinary form will be challenged by the employee, in the first instance, and, then, come under further scrutiny by an administrative agency, e.g., the Equal Employment Opportunity Commission, and/or a plaintiff's counsel who is preparing to file a lawsuit on behalf of the terminated employee. To withstand such review, disciplinary forms must be written with precision and care.

For example, in the context of a disciplinary action for tardiness, which generally involves the application of the progressive steps of discipline, the disciplinary action must be supported by specific documentation of the employee's tardiness and also the disciplinary action must be appropriate for the infraction. Typically, an employer's time and attendance policy spells out the number of late arrivals that will trigger the initial implementation of the

policy and then details what subsequent measures of discipline will be applicable if the tardiness persists. Therefore, in such cases, the supervisor who intends to discipline an employee for tardiness should attach to the disciplinary form the employee's time card records which document the late arrivals. The supervisor should also verify that the disciplinary measure that is imposed correctly corresponds with the documented number of late arrivals.

While a verbal warning or, even a written warning, for tardiness or lateness may not result in an uproar from an employee, a disciplinary action which results in an employee termination will more likely be disputed by an employee on the grounds, whether founded or not, of fairness. Later, the disciplinary action may serve as one of the foundations for an employee's claim of employment discrimination. Therefore, it is critical that all disciplinary actions that result in termination are drafted with exactness and correctness.

In cases where an employee's termination is the result of a single event which alone constitutes a terminable offense without the earlier application of the steps of progressive discipline, the supervisor should be sure that the actual facts support the termination action and that the disciplinary form states precisely the facts that warrant the termination. For example, an employee's refusal to perform a manager's clear directive or an employee who engages in workplace violence are generally instances of employee misconduct that will result in immediate termination. Before any final decision is made on a termination, the supervisor should first verify with Human Resources that the degree of the employee's misconduct warrants a termination.

When employee misconduct will result in termination because of a single event, the disciplinary form that is drafted to support the action should not include references to other aspects of the employee's performance which may be regarded as sub-standard, but are not the basis for the termination decision. A termination action

that is based on a single instance of egregious employee misbehavior is not the occasion to tell the employee how poor his/her performance was generally regarded. By including references to performance issues which are unrelated to the reason why the employee is being terminated, the validity of the actual reason for the employee's immediate termination is greatly diluted. The disciplinary termination document should focus on the specific reason for the decision to terminate.

The disciplinary form, therefore, must accurately state the precise offense that constitutes the reason for termination. Superfluous or inaccurate information should not be included on the termination document and the inclusion of such unnecessary language will only expose the validity of the employer's decision to legal challenge. For example, if the reason for Mary Jones' termination is because she hit another employee, the termination document should simply state those facts. Adding language to Ms. Jones' termination notice, such as, "the injured party had to be seen by Employee Health for an extended period of time" when that language is either untrue or unnecessary to the termination decision, should not be included in the disciplinary action. While such language, when true, might add to the perceived seriousness of the employee's conduct, it does not directly relate to the reason for which the employee was terminated; namely, for violating the employer's policy on workplace violence. The employee was terminated because she hit another employee.

The drafting of all disciplinary forms must be approached with care to ensure that the document accurately reflects the specific rule violation at issue and that only the specific facts demonstrating that the employee violated the stated rule are included on the disciplinary form. In adhering to these few suggestions employers will maximize their available defenses in the event of a lawsuit by a discharged employee. ■

Article courtesy of John G. Kruchko and Kathleen A. Talty, Kruchko & Fries.

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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.

Voice Track Fredericksburg, VA

Part time Voice Track mid-day gig for SuperHits 95.9 WGRQ in Fredericksburg. Production and station appearances too. Send us your on-air samples at jobs@959wgrq.com. EOE.

General Assignment Reporter Norfolk/Portsmouth/Virginia Beach, VA

WAVY-TV 10 / WVBT FOX 43 is searching for an aggressive general assignment REPORTER who wants to tell compelling stories at the number one station in the Norfolk, Va. market. The successful candidate will have strong journalistic skills in writing, interviewing, and ethical decision-making. The successful candidate will understand and demonstrate that live shots are part of storytelling. You will be responsible for generating sources, enterprising story ideas, and follow-ups. At least 2 years of experience as a reporter at a commercial station is required. We're looking for someone who puts high value on all of the tenets of journalism, possesses strong news judgment, and has proven ability to work within a team. This reporter will be a major part of the station's online success by posting stories and other content on WAVY.com. Please send cover letter, resume, and DVD examples of your most recent stories and live shots to: Jim Gilchrist, News Director, WAVY-TV 10 / WVBT-TV FOX 43, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

**TV News Video Editor – Part Time
Norfolk/Portsmouth/Virginia Beach, VA**
WAVY-TV10/WVBT Fox 43 is looking for a part-time Video News Editor to edit for all newscasts. Candidate must

be good with computers and able to work under strict deadlines; some knowledge of a working television newsroom helpful. Candidate must be willing to work any and all shifts, especially evenings and weekends (Saturday and Sunday). At least one year of videotape editing experience and college education preferred.

Please send cover letter and resume to: Karen Granneman Chief Editor WAVY-TV10/WVBT Fox 43 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

Photojournalist Richmond, VA

NBC12, Richmond's No. 1 news operation seeks Photojournalist with 2 years experience and proven initiative in news gathering. 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. Drug/MVR Screening. EOE M/F/H/V.

Production Assistant Roanoke, VA

WDBJ7 is currently accepting resumes for a part-time Production Assistant to be a part of our early morning production staff. Must have basic knowledge of television production and be able to maneuver studio cameras and pedestals to different heights, locations and angles. Must be able to handle high stress situations and pressure deadlines. 32- hour work week. Early mornings, weekends and holidays required. To apply, send cover letter and resume to: Human Resources Attn: Production Assistant Position 2807 Hershberger Road Roanoke, VA 24019 OR email: jobs@wdbj7.com. EOE.

Senior Graphic Designer Norfolk/Virginia Beach, VA

WAVY-TV 10 (NBC) and WVBT-TV 43 (FOX) seek a seasoned broadcast graphic designer to join a team of award winning editors and producers in the Creative Services Department. The Senior Graphic Designer will work a day shift and be responsible for creating news graphics, news opens, news animations and digital branding for WAVY.com and FOX43TV.com. The right applicant will also be responsible for designing print ads, digital billboards and merchandise. The Senior Graphic Designer must be proficient in Adobe Creative Suite (Photoshop, Illustrator, After Effects, In Design, Premiere, etc.) and Google Maps or Curious Maps. The right candidate will also have relevant experience with 3D animation and have a working knowledge of Deko. A background in photography and videography is a plus. Send resume and non-returnable reel to: Attn: Creative Services Director Kristen Joyal 300 WAVY Street Portsmouth, VA 23704 Or email to: kristen.joyal@wavy.com No phone calls please. EOE, M/F.

Editor/Photojournalist Harrisonburg, VA

WHSV-TV is expanding its newsroom and is accepting resumes for a full-time EDITOR to edit its newscasts. Candidate must be good with computers and able to work under strict deadlines; some knowledge of a working television newsroom is helpful. Candidate must be willing to work all shifts, including early mornings. In addition, this person may be called upon to shoot breaking news. Candidates must be familiar

with non-linear editing. The successful candidate will have a “can-do” attitude. The ability to work under pressure and meet deadlines is a must. A Broadcast Communications degree, and/or technical training is a plus. A good driving record is also required. Email resume and reel to knorred@whsv.com or mail a DVD to: WHSV-TV, Attn: Kay Norred, News Director, 50 North Main St., Harrisonburg, VA 22802. WHSV-TV is a drug free workplace.

Production Assistant PT (p.m. hours)

Lynchburg, VA

Primarily responsible for in-studio production assistance, including the operation of Camera, Audio, character generator, or 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.

**Reporter/Photojournalist
Harrisonburg, VA**

WHSV-TV is accepting resumes for a full-time REPORTER/PHOTOJOURNALIST who wants to tell compelling stories. 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 be prepared to cover stories alone. The successful

candidate will have strong journalistic skills in writing, interviewing, and ethical decision-making. You will be responsible for generating sources, enterprising story ideas, and follow-ups. The individual must be a good communicator, work well with others, and take direction from management regarding job performance/ shooting/ editing style, technique, and content. Familiarity with non-linear editing is a plus. A Broadcast Communications / Journalism degree or equivalent work experience is needed. A good driving record is also required. E-mail resume, cover letter, and link to reel to: knorred@whsv.com You may also mail your materials to: WHSV-TV, Attn: Kay Norred, News Director, 50 North Main St., Harrisonburg, VA 22802. WHSV-TV is a drug free workplace. EOE.

**Traffic Continuity Coordinator
Richmond, VA**

TV Sales/Traffic Systems Continuity Coordinator – WWBT seeks Part time (30 hours a week) TV Traffic Continuity Coordinator. Ideal candidate will possess knowledge of Windows 2000 and VCI or similar TV traffic software. Candidate should be extremely organized and detail-oriented. Prior TV Traffic experience preferred. Duties include management of on-air commercial tape library and sales order entry. Qualified applicants send cover letter with salary requirements and resume to Traffic Director, WWBT, P. O. Box 12, Richmond, VA 23218. EOE M/F/D.

**Reporter FT
Lynchburg, VA**

The Reporter position is primarily responsible for gathering news and then preparing the information gathered for on-air presentation. This individual will write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. The individual must be a good communicator, exhibit strong traits of creativity, initiative, judgement, and ability, work well with others,

and take direction from management regarding job performance and on-air appearance. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Available 24 hours per day, seven days per week, and for extended periods of overtime, if needed. Able to control high stress periods and heavy workload. Valid Virginia Driver's license within 30 days of employment. Knowledge of journalistic standards as they relate to on-air presentation of news stories. Accurate and comprehensive writing skills. Ability to act and react appropriately on camera. Ability to maintain professional personal appearance. Ability to lift and transport standard camera equipment. Available to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. Access to an automobile if needed for transportation. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at www.wset.com. No phone calls please! EEO/M/F. ATTENTION NEWS APPLICANTS: Applicants for positions in the News Department should submit a non-returnable DVD resume tape with letter, resume, and references.



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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“It is insufficient to deny access simply because the federal candidate’s request for time does not fit into the station’s normal format.”

Reasonable Access for Federal Candidates in the 2012 Election Season

With the 2012 election season fully upon us, broadcast stations should keep in mind their obligation to provide federal candidates with “reasonable access” to their broadcast facilities. The “reasonable access” requirement pertains only to “uses” by “legally qualified” candidates for federal elective office, which this year in Virginia includes the President, Vice President, U.S. Senate, and the U.S. House of Representatives.

“Reasonable access” does not require stations to give free time to federal candidates—it simply means that a station may not have a policy of refusing to sell or give a “reasonable” amount of time to federal candidates. With less than two months left before the general election on November 6, stations may begin to find themselves experiencing increasing inventory pressure and increasing requests for time by federal candidates. Thus, at this stage of the election season and in the coming weeks, stations may wish to consider the following points when evaluating requests for access by federal candidates.

(Note: The following points do not represent the complete universe of issues to consider, and stations that face access requests from federal candidates in the waning days of the election season would be well-advised to consult with their communications counsel.)

- ▶ **Potential Disruption.** The station may consider the potential for disruption of other programming that would result from granting the access request. However, the FCC has said that the fact that a station might have to make some changes in its program schedule is not a sufficient basis for denying a request unless the changes would have a “substantial disruptive impact” on the station’s overall programming.
- ▶ **Amount of Time Previously Provided.** The station may consider the amount of time previously provided to each particular candidate. The greater the amount of time previously provided to the candidate, the more justification the station would have for denying the request.

- ▶ **Equal Opportunities Impact.** The station may consider the impact that a grant of the request to purchase time may have on its “equal opportunities” obligations to other candidates.
- ▶ **Timing of the Request.** The station may consider the timing of the access request. The amount of advance notice given by the candidate may determine the reasonableness of the request.
- ▶ **Specific Times or Specific Programs.** A federal candidate is not entitled to a particular placement of his or her announcement on a station’s broadcast schedule. However, a station cannot place a flat ban on the sale of time in any programming except the news.
- ▶ **Prime Time and Drive Time Spots.** Stations may not have a blanket policy of refusing to sell or give prime time or drive time programming to federal candidates. Rather, federal candidates’ requests for time for their “use” must be negotiated on an individual basis, reflecting what is reasonable under the circumstances. The FCC has said that federal candidates have a right to purchase some prime time or drive time programming if they so desire.

Finally, stations may not deny access to a federal candidate unless the station has a well-reasoned, well-documented, reasonable explanation for denying the candidate’s request. Reasons that a broadcaster might assert include the likelihood of subsequent requests by other candidates, the potential disruption of regular programming, and the amount of time previously sold or given to the candidate.

It is insufficient to deny access simply because the federal candidate’s request for time does not fit into the station’s normal format. Again, the importance of consulting with communications counsel to address reasonable access issues in the closing days of the election season cannot be overstated. ■

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