



Newsletter

Virginia Association of Broadcasters

September 2008

Interns Gain Invaluable Broadcasting Experience in VAB Program

Each summer, VAB radio and television stations are selected to provide internship opportunities to students who have shown a great deal of interest in broadcasting and have been recommended by their schools. The students work full-time and are paid through grants provided by the VAB.

Students complete evaluation forms and essays summarizing their eight-week experience in the broadcast industry. Here's what a few of the VAB Summer 2008 Interns had to say about their experience:

"I learned so much through working with Max Media and Max-FM, from voice tracking to FCC violations, and I learned so much from John Shomby and Cindy Crawford. They really took time to teach me everything I need to know to obtain a job in the journalism industry. They taught me life lessons, not just broadcasting lessons, and for that I am grateful."
~ Whitney Harris, Intern at Max Media

"I have so much respect for the people I have been working with for the past eight weeks. Everyone gave me advice or help when I needed it without getting frustrated. I never felt like an intern, I always felt like I was respected just like any reporter at the station." ~ Lindsay Voigtsberger, WSHV Intern.

"The amount of things I've learned about broadcasting in the three years I've spent in college doesn't equal the vast amount of knowledge gained in two months at WAVY-TV." ~Jennifer Kouakeu, WAVY intern.

"I feel like a brand new person since attending this internship. I think that it is exactly what I needed to really push me. ... [A]fter working at FM94, I see that I am a very capable young woman with a passion for this field. I just needed this little bit of experience to show me that I am competent and talented,

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EAS – DID YOU KNOW?

By: Coe W. Ramsey and Stephen Hartzell of Brooks, Pierce, McLendon, Humphrey & Leonard LLP

Did you know that the FCC routinely issues \$8,000 fines to broadcasters for failure to maintain operational EAS equipment? In many instances stations have EAS equipment but it is either not functioning properly or employees are not properly trained in its use. In fact, the FCC recently has fined several stations for this rule violation. Obviously, and with good reason, the Commission takes seriously its EAS rules, and broadcasters should too. Indeed, fines of \$1,000 have been issued to stations merely for failing to maintain a copy of the FCC's current EAS Handbook, which can be downloaded for free at www.fcc.gov/eb/eas.

Did you know that new EAS equipment can cost less than the standard \$8,000 fine? The FCC maintains on its website a list of companies that it has

certified to sell EAS equipment. You can access the list at <http://www.fcc.gov/eb/eas/certsel.html>.

Did you know that FCC rules allow stations to operate temporarily without functional EAS equipment? If a station's EAS encoder or decoder becomes defective, the station may operate for 60 days without the defective equipment, pending repair or replacement of the unit. No permission from or notification to the FCC during the first 60 days is necessary, but stations must note in the station logs the dates the equipment went out of service and returned to service. Should a station anticipate the period of time for repair or replacement to exceed 60 days, it must

submit a request for additional time to the closest Enforcement Bureau Field Office. Such a request must explain (i) the steps taken by the station to repair or replace the defective equipment, (ii) the alternative procedures being used

while the EAS equipment is out of service, and (iii) when the equipment will be repaired or replaced.

Did you know that digital and analog radio and television stations are subject to the same EAS requirements? Under the FCC's rules that

went into effect nearly two years ago, digital television stations—including digital LPTV stations and digital Class A television stations—have the same EAS obligations as analog television stations.

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VAB Newsletter

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WAVY Kicks Off Friday Night Flights Season

WAVY-TV (Sept. 2) WAVY-TV announces the 2008 Friday Night Flights season will kick-off on this Friday, September 5th. Once again, the station brings the excitement of local high school football games to Hampton Roads featuring Chopper 10, WAVY-TV anchors, game highlights, school bands and cheerleaders. Chopper 10 will fly to over 30 high schools throughout the season.

Friday Night Flights is hosted by WAVY-TV's Sports Anchor, Bruce Rader and airs on WAVY-TV every Friday of the High School football season at 11:15pm. Bruce has been covering high school football in Hampton Roads for over 30 years.

"Friday Night Flights has become a Hampton Roads tradition," said Bruce Rader, WAVY-TV Sports Director. "When Chopper 10 lands at your school you know your football game is special."

Don't miss a minute of the action every Friday at 11:15pm and catch it online anytime at WAVY.com.



Virginia Tech Researchers Invent World's Smallest Antenna

WSLS.com (Sept. 23) - Virginia Tech researchers have developed an efficient compact ultra-wideband antenna (CUA) for a range of home, automotive, medical, and military applications. The antenna has achieved a near optimal performance for size and bandwidth, according to Inventor Taeyoung Yang.

Yang, an electrical and computer engineering Ph.D. student with the Wireless@Virginia Tech group, presented the theory for making an ultra-wideband antenna as close as possible to the theoretical limit on antenna size and performance, plus the design for one such antenna, at the XXIX General Assembly of the International Union of Radio Science in Chicago in mid-August 2008. The project is part of his dissertation. Co-inventors are electrical and computer engineering professors W.A. Davis and W. L. Stutzman.

Ultra-wideband (UWB) antennas are designed for low energy, short-range transmission of lots of data. Wireless transmission

of data from a cell phone or digital camcorder to one's computer is one potential use. A smaller antenna that can send large movies is easily appreciated. Wireless transmission from a DVD to a high-definition television (HDTV) offers a boon to room décor.



There are also complex and critical applications for such technology, said Yang. Examples are pulsed radar systems to prevent collisions between cars; medical imaging systems to detect tumors; and military applications, such as unmanned aircraft.

"To our best knowledge, our invented antenna is the world's smallest with more than a 10:1 bandwidth. It has more than 95 percent efficiency for signal transmission, and a fairly constant omni-directional radiation pattern," said Yang. The design also makes it cheap and simple to produce.

Learn more about the invention online: <http://www.vtip.org/availableTech/technology.php?id=273992>



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EAS

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Likewise, digital radio stations—including digital LPFM stations—have the same obligations as analog radio stations. Specifically, all digital broadcasters:

- Must participate in all national EAS activations.
- May—but, like analog stations, are not required to—participate in state and local EAS activations. Digital stations choosing to transmit state and local EAS messages must, like analog stations, comply with the EAS rules governing those messages.
- Must provide EAS messages to viewers and listeners of all digital program streams, whether those program streams are free over-the-air or subscription-based.

~ Digital audio and television broadcasters have flexibility to determine the method they use to distribute EAS messages on all program streams (including, for example, a weather channel or doppler radar channel), as long as all listeners and viewers receive the EAS message on the channel that they are listening to or watching. For example, digital stations may separately transmit EAS messages on all program streams or may transmit EAS messages on one stream and force-tune all receivers to that stream. Force-tuning is not required.

~Data streams are excluded from this requirement.

- Must transmit EAS test messages.

Stations with questions about EAS operation and requirements should contact communications counsel.



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Internships

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and I have strengths and weaknesses just like the next student.” ~Amelia Brandy, WMEV Intern.

The sponsoring stations also provided evaluations of their interns. Here's what a few managers at the stations had to say:

“We could not have asked for a better intern! Lindsay was a joy to work with!” ~Ed Reams of WSHV-TV

“Karissa's performance at our station was superior across the board! She is by far one of the best interns we have ever worked with. Quite the professional. I would recommend her to anyone.” ~Francis Wood, WFLO

“Julie is an outstanding intern! She has such an interest and enthusiasm for our business. She has proven that she is very competent and asks extremely intelligent questions to learn more.” ~ Jill Sluss of Q99.

“Margaret was a real pleasure to work with. ... We need more just like her!” ~Jennifer Crabtree, WTKR.

To learn more about the Internship Program, visit www.VABOnline.com and click on the microphone. The 2009 internship dates will be June 1 - July 24.

LAWSUITS BY DISCHARGED SEXUAL HARASSERS

By: John G. Kruchko and Kathleen A. Talty

In a twist on employee litigation, employers are now finding themselves being sued by employees who were terminated for violation of the employer's sexual harassment policy. The legal basis for these lawsuits includes a range of potential actions, such as breach of contract, defamation, negligent investigation and even employment discrimination.

In those cases where the discharged employee alleges a claim of negligent investigation, the premise of the contention is the assertion that the employer's investigation was flawed to some degree, resulting in an erroneous finding of misconduct on the part of the terminated employee. While the case law on claims of negligent investigation is not well developed, it appears that such claims are potentially viable. However, those courts which have heard such claims generally find an employer's incorrect conclusion that an employee engaged in sexual harassment does not automatically result in a conclusion that the employer's investigation was inadequate or negligent.

A more commonly asserted cause of action by employees who are discharged for engaging in sexual harassment is a defamation claim. In this type of case, the terminated employees argue that they were defamed by the employer's false accusation of misconduct. Most jurisdictions, however, recognize a qualified privilege that attaches to statements made in the course of employment if the statements are 1) made in good faith; 2) on a subject that the party communicating the information has an interest; and 3) to individuals having a corresponding interest. To defeat this privilege, the former employee must show more than that the statements were false. Rather, the terminated employee must show that the statements regarding the misconduct were made with malice—knowledge or reckless disregard as to the truth or falsity of the statements. This is a high standard that must be met by the plaintiff.

A demonstration by the employer that it acted in good faith in making the communication and that the information concerning the investigation was only shared with those individuals with a legitimate need to know the information will go far to undercut a plaintiff's contention that the employer acted with malice.

In a recent case that was decided by the Fourth Circuit Court of Appeals, whose jurisdiction encompasses Virginia and Maryland, as well as other states, the federal appellate court considered a claim that was filed by a 62-year old terminated employee who argued that his former employer's investigation of sexual harassment complaints that named him as the harasser was pretextual and that the real reason that he was terminated was because of his age. In *Cupples v. Amsan, LLC*, Jimmy Cupples was a sales manager when a female employee, Grace Foure, complained about Cupples' treatment toward her. Specifically, Foure claimed that Cupples pinched her rear and said "I just had to do that." When Cupples was initially confronted with the specifics, he admitted touching the woman, but claimed that it was only accidental.

In response to the female employee's complaint, upper management directed Cupples to avoid all further contact with Foure and to not discuss the complaint or investigation with anyone. Despite that clear directive, Cupples approached Foure the next day to apologize. Later the same day, he again approached Foure and asked her whether everything was "O.K." and told her that he hoped that the situation did not go any further because it could ruin his reputation. Foure was quite upset by Cupples' actions and filed a written complaint against him.

During the course of the company's investigation into Foure's sexual harassment complaint, the company interviewed a number of employees. One employee, Tena Davis, told upper management that Cupples had engaged in behavior similar to what Foure

had experienced. Other women also described similar incidents involving Cupples which included touching them in ways that they considered inappropriate and making comments that were unwelcome. Cupples didn't deny the touching of the other employees, but claimed that he touched the women in a "kidding manner."

While the company was still investigating the sexual harassment complaint, Cupples approached Davis about the sexual harassment complaint against him and asked her if she would serve as a "character witness" for him. This contact with Davis violated the express and undisputed instructions from upper management that Cupples not discuss the complaint or investigation with anyone because to do so would violate the confidentiality provisions of the company's harassment policy. After upper management was advised of Cupples' actions, he was initially suspended without pay and directed to leave the premises. He was asked to return to the work place in order to be advised of his termination. At the time of his termination, Cupples was told that he was terminated for accumulated complaints of his inappropriate harassment, for his insubordination in failing to follow the directive of contacting the complaining employee, Foure, and for his breach of confidentiality in discussing the complaint and investigation with others.

Cupples then filed a lawsuit challenging the termination and claiming, among other things, that the termination was in violation of the federal Age Discrimination in Employment Act ("ADEA"). He did not prevail at the district court level, however. Although the district court ruled that he had minimally set forth a prima facie case of age discrimination, the district court held that Cupples failed to offer evidence to demonstrate that the employer's non-discriminatory reason for his termination was pretextual.

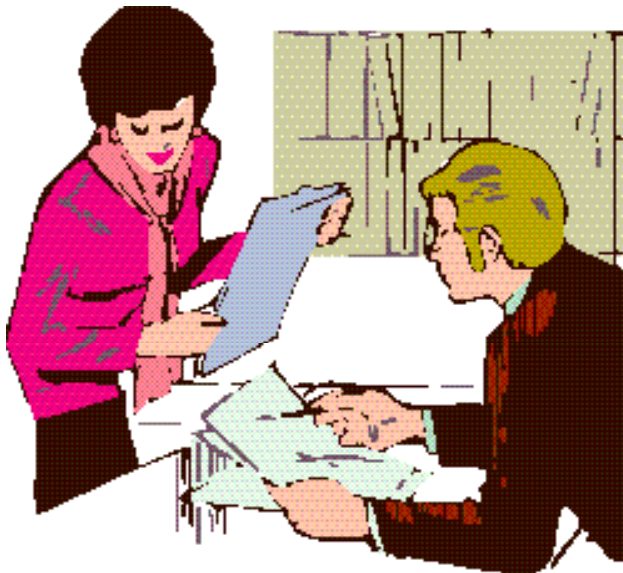
The same result was reached by the appellate court which found that the employer had articulated a non-discriminatory reason for his termination. While Cupples maintained that no other employee had been terminated for a single incident of sexual harassment, the appellate court found that Cupples wasn't terminated for one incident of sexual

harassment. To the contrary, the record showed that he had been terminated for multiple complaints of sexual harassment, insubordination and breach of confidentiality.

With regard to Cupples' criticism of the adequacy of the employer's investigation into the harassment complaint, the Fourth Circuit stated that a federal court "does not sit as a kind of super personnel department weighing the prudence of employment decisions made by firms charged with employment discrimination.....[the court's sole concern] is whether the reason for which the plaintiff was discharged was discriminatory."

In order to maximize an employer's defenses if an employer is sued by an employee who was terminated for violation of a company's harassment policy, it is advisable that the company's investigative procedures, which are used in response to harassment complaints, are thoroughly reviewed and then monitored. Individuals who are involved with the internal investigation should be trained in the procedures and protocols that are used. Complete and thorough documentation of the investigative process should be maintained, including the initial complaint, witness statements, etc. Finally, the ultimate conclusions should be supported by objectively reasonable grounds.

**©2008 Kruchko & Fries. John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kathleen Talty is an Associate with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554, or Ms. Talty at (410) 321-7310; jkruchko@kruchkoandfries.com or ktalty@kruchkoandfries.com. This article is published for general information and does not constitute legal advice.*



JOB BANK

For the latest VAB job listings, check the employment section of www.vabonline.com. VAB members can post jobs, delete filled openings, and search our resume bank.

ANCHOR/REPORTER

WRIC-TV8 is looking for a new morning Anchor/Reporter. The ideal candidate will be an outstanding communicator with strong live reporting skills and excellent computer knowledge. You must be able to think on your feet and be willing to go unscripted. You will be a key contributor to our successful morning news. Two or more years reporting experience preferred. Please send non-returnable DVD and resume to: WRIC-TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. NO phone calls please. EOE, EEO employer.

MOTION-GRAPHIC ARTIST (EVENINGS)

WRIC TV8 is seeking a dynamic, self-motivated, creative Motion-Graphic Artist with a vision to handle our station's look. Must have organizational skills and ability to multitask in a fast paced environment. Responsibilities include creating news, promotional and commercial production graphics and animation. Excellent technical knowledge of Photoshop, After Effects, and digital compositing is essential. Previous experience in broadcast is a plus. Send resume and non-returnable demo reel or website with examples of your work to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464 or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. NO phone calls please. EOE, EEO employer.

VIDEOGRAPHER/EDITOR/PRODUCER FT

Shooting of videotape in studio and on location, and editing of PSA's, promotional announcements, commercials, public affairs programming, news shows, and special programs. Write and produce commercials for station clients. Requires bachelor's degree and three years experience as a production Videographer/Editor at a television station, cable operation, or production house OR equivalent. Ability to lift and carry heavy equipment such as cameras, videotape decks, and lighting gear. Valid driver's license and clean driving record. Apply in writing to Director of HR, WSET-TV, P.O. Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA. No phone calls. EEO/MF.

RECEPTIONIST

Entercom Norfolk is seeking a director of first impressions. Duties include answering a multi-line phone at main reception desk, directing callers to appropriate persons and greeting visitors. Sorting and distributing incoming mail, preparing outgoing mail, operating a postage machine and processing prizes for winners are also essential functions. Successful candidate must have a professional appearance and demeanor. Must be able to work in a fast paced environment and deal with a high number of interruptions. Dependability and excellent attendance is essential. Familiarity with computer programs such as Word, Excel and E-mail. Minimum 6 months general office/reception experience required. E-mail resumes to cmorelli@entercom.com or fax to 518-1721. No phone calls please. Entercom Norfolk is an Equal Opportunity Employer, EEO employer.

DIGITAL COORDINATOR

The Digital Coordinator is responsible for the daily execution of digital sales for all four station websites. The DC will work closely with the Digital Sales Manager to manage the digital execution from beginning to end including: reporting, inventory control, creative review and ad trafficking. The DC will act as the liaison between the DSM, Sales Reps and Webmaster. The major duties will include, but not be limited to: Review digital production orders for accuracy, impression levels, inventory availability & proper rates; Utilize the various reporting systems to evaluate campaign delivery; Develop and execute individual client recap; Process Mobile Marketing

Campaigns; Assist DSM in ad trafficking and inventory control; Banner creation for advertising sales. Education/experience and skills required: Bachelor's degree or one to three years related experience and/or training in the Interactive/Digital sales environment. One to two years graphics experience/knowledge. Qualified applicants should send resume by fax, mail or email to: Entercom Norfolk, Holly Clevenger, Digital Sales Manager, 236 Clearfield Ave. #206, Virginia Beach, VA 23462. hclevenger@entercom.com. Entercom Norfolk is an EOE. EEO Employer.

ACCOUNT EXECUTIVES

WWDE-FM, WPTE, WNVZ-FM AND WVKL-FM have full-time positions available for account executives. The qualified candidates will be responsible for selling and servicing direct clients, agencies, developing new business accounts, coordinate production of commercial spots with production manager and client, and create and present ideas to clients to achieve their advertising goals. The candidates will also be responsible for collection of invoices from accounts. Must be organized, idea-oriented and possess strong communication and presentation skills. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to cmorelli@entercom.com. EOE, EEO employer.

GENERAL SALES MANAGER

Entercom Norfolk has an immediate opening for a General Sales Manager. Candidate needs a minimum of five years radio sales management experience, understands the laws of marketing to include the interactive arena, and has the ability to teach and conduct the consultative sell. The ability to hire, train and motivate both new and seasoned Account Executives is a must. Will your sales team run through walls for you? If so, keep reading. If you have a proven track record and a positive "can do" attitude this could be the right place for you. EOE. Qualified applicants email your resume to Jeff Brown at jbrown@entercom.com

ON AIR PERSONALITIES

Entercom Norfolk is looking for future air personalities both full and part time. 3 to 5 years experience is necessary for full time positions and some experience is necessary for part time positions. Full time air personalities will also be expected to be proficient in public appearances, voice work and commercial production. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Send demo tapes or CD's, thoughtful cover letters and resumes to: Entercom Norfolk, Don London, Operations Manager, 236 Clearfield Ave., #206, Virginia Beach, VA 23462. EEO employer.

PART TIME PART TIME PROMOTIONS ASSISTANT

WWDE-FM, WPTE-FM, WVKL-FM and WNVZ-FM have part time positions available for promotions. The qualified candidates will be responsible for setting up remote broadcasts, driving station vehicles, interacting with account executives, listeners and clients, handling heavy equipment, and maintaining promotional equipment. The qualified candidates MUST BE 21 YEARS OR OLDER, have a flawless driving record, be outgoing, organized, possess strong communication skills, available nights and weekends and able to handle heavy equipment without problems. Email resume to cwilson@entercom.com. EOE, EEO employer.

INTERNSHIPS

Internship programs are available for college students receiving college credit. Interns must be earning college

credit and must be age 18 or older. Entercom Norfolk offers an opportunity for students to apply classroom theory to practical work experience. Our internship program allows students to experience firsthand the reality of working in the radio broadcasting industry. Interns can test their creative talent, exercise their analytical skills and increase their understanding of broadcasting operations and trends. Internships are available year-round, and are 12-15 hours per week, with specific days and times agreed upon in advance. All interns must be enrolled in a College or University and receiving college credit. Students are expected to obtain and complete any forms necessary to receive credit for the internship experience. INTERNS ARE NON-PAID POSITIONS. Email resume and letter of interest to cmorelli@entercom.com. EEO employer.

IT/BROADCAST MAINTENANCE ENGINEER

Seeking a candidate to maintain, troubleshoot, and repair computer hardware systems and software applications in a networked environment. Prefer individual with Associates Degree or equivalent training and 1-3 years of experience with Microsoft Windows 2000, XP, Microsoft Office 2003, Microsoft 2000/2003 server, Microsoft Exchange, as well as maintaining a networking environment using Active Directory. Having Broadcast television experience with studio/UHF transmitter/ENG microwave equipment is a plus. Motor vehicle records check and drug testing required. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. <<mailto:personnel@wric.com>> NO phone calls please. EOE

WEB DEVELOPER

WRIC TV8 is seeking a dynamic, self-motivated, technically-savvy web guru to design, develop forward-thinking creative solutions for our website, must be organized and able to multitask. Responsibilities include, but are not limited to, designing, developing, and implementing new media content for the station website, managing daily website content, graphics and content creation for advertisers, adapting other TV material for the web, and work with our graphics department in the creation of news and promotional graphics. Position requires proficiency in PC operating systems, Adobe Photoshop, Dreamweaver, & HTML coding (experience and knowledge of XML and Flash is a plus). Web content management systems experience, working with third party web content provider, and/or working in a broadcast environment is preferred. Knowledge of advertising and promotional terminology is preferred. Send resume and/or links to previous work to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. <<mailto:personnel@wric.com>> NO phone calls please. EOE

TELEVISION PRODUCTION SPECIALIST

(1) Full-time and (1) Part-time

Immediate opening for someone with strong working knowledge of television broadcast facility. Audio operation and character generator operation experience preferred. Other duties include studio set-up and maintenance, studio camera operation and floor direction, video tape operation, and other assigned duties. Early morning, late night and weekend work required. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to personnel@wric.com. NO phone calls please. EOE, EEO employer.