

EEO GUIDELINES FOR BROADCAST STATION OWNERS

The FCC's latest EEO rules became effective on March 10, 2003. If you are interested, the FCC rule section that deals with its EEO program is 47 C.F.R. § 73.2080. The FCC's website about its EEO rules is www.fcc.gov/mb/policy/eo. These rules apply to all AM, FM, TV and Class A TV licensees.

A. IMPORTANT DEFINITIONS.

Full Time Employee – A permanent employee whose regular work schedule is 30 or more hours per week.

Station Employment Unit (“SEU”) – A station or group of commonly owned stations in the same market that share at least one employee.

Smaller Market – A metropolitan area, as defined by the government's Office of Management and Budget, with a population of fewer than 250,000 persons AND areas outside of all metropolitan areas.

ALL OF THE FOLLOWING APPLY TO SEU'S WITH FIVE OR MORE EMPLOYEES:

B. REQUIREMENTS FOR EACH FULL-TIME JOB VACANCY.

1. Create a list of recruitment sources that will widely disseminate information about the SEU's job vacancies. When a full-time vacancy needs to be filled, keep dated copies of notices sent to each of the sources advising them of the job vacancy.
2. Keep a list of employment organizations that request information on job vacancies from the SEU. These organizations must provide the SEU with contact information (i.e., name, address, telephone number, e-mail address, contact person) sufficient to allow the SEU to send information on job vacancies. When a full-time vacancy occurs, keep dated copies of notices sent to each of these organizations.
3. When resumes or applications are received, try to determine from which recruitment source the applicant became aware of the vacancy. For interviewees, it is a requirement to determine how the interviewee became aware of the vacancy. Make special note of the referral source that is responsible for providing the successful candidate.

C. MANDATORY RECRUITMENT INITIATIVES.

Each SEU must engage in at least **TWO**¹ of the following during each two-year period that begins with the anniversary date for renewal filings:

- (1) Participate in at least **FOUR** job fairs by sending personnel who have “substantial responsibility” for hiring decisions;
- (2) Host **ONE** job fair;
- (3) Co-sponsor **ONE** job fair with organizations whose members include a substantial amount of minorities and women;
- (4) Participate in **FOUR** events sponsored by organizations representing community groups interested in broadcast employment issues, including conventions, career days, and workshops;
- (5) Establish an internship program;
- (6) Participate in job banks, Internet programs and the like to promote outreach generally, as opposed to information on specific vacancies;
- (7) Participate in scholarship programs to assist students interested in pursuing careers in broadcasting;
- (8) Establish training programs within the SEU designed to help existing employees acquire skills that would qualify them for higher level positions in broadcasting;
- (9) Establish a mentoring program for SEU personnel;
- (10) Participate in **FOUR** events sponsored by educational institutions relating to career opportunities in broadcasting;
- (11) Sponsor **TWO** events in the community to educate the public as to employment opportunities in broadcasting generally;
- (12) List each upper-level category job vacancy in a job bank or newsletter of media trade groups whose members include a substantial percentage of minorities or women;
- (13) Provide assistance to unaffiliated non-profit entities in maintaining web sites that provide counseling on searching for broadcast employment;
- (14) Provide training to management level employees at the SEU on ensuring EEO and preventing discrimination within the SEU;
- (15) Provide training to personnel at unaffiliated non-profit organizations interested in broadcast employment opportunities that would enable them to better refer job candidates for broadcast positions; or
- (16) Participate in any other activity designed by the SEU to “further the goal of disseminating information as to employment opportunities in broadcasting to job candidates who might otherwise be unaware of such opportunities.”

D. IN-HOUSE RECORD KEEPING AND SELF-ANALYSIS.

1. Licensees must retain records to demonstrate compliance with the FCC’s EEO requirements for each license term until the subsequent renewal application is granted. The records must include:

¹ If an SEU is not located in a Smaller Market and employs 10 or more full time, then it must engage in at least **FOUR** of these initiatives.

- (a) A list of all full-time job vacancies filed by the SEU identified by job title;
- (b) The recruitment sources utilized to fill each vacancy identified by name, address, contact person and telephone number, separately listing those organizations that specifically requested information about vacancies from the SEU (see B.2, above);
- (c) Dated copies of all advertisements, bulletins, letters, faxes, e-mails or other communications announcing vacancies;
- (d) Documentation demonstrating performance of the Mandatory Recruitment Initiatives discussed in Section C, above, including sufficient information to identify the initiative and the scope of the SEU's participation, including names and titles of SEU personnel involved;
- (e) The total number of interviewees for each vacancy and the referral source for each interviewee; and
- (f) The date each vacancy was filed and the recruitment source that referred the hiree.

2. Each SEU must periodically analyze measures it has taken to:

- (a) Disseminate the SEU's EEO program to job applicants and employees;
- (b) Review seniority practices to ensure that such practices are non-discriminatory;
- (c) Examine rates of pay and fringe benefits for employees having the same duties and eliminate any inequities based upon race, national origin, religion or gender;
- (d) Utilize media for recruitment purposes in a manner that will contain no indication of a preference for one race, national origin, color, religion or gender over another;
- (e) Ensure that promotions to positions of greater responsibility are made in a non-discriminatory manner;
- (f) Where union agreements exist, work with union(s) in developing equal employment opportunity programs and include an effective non-discrimination clause in new or renegotiated union agreements; and
- (g) Avoid the use of selection techniques or tests that have the effect of discriminating against any person based on race, national origin, color, religion or gender.

E. PUBLIC FILE REQUIREMENTS.

Every year, on the anniversary of the date a station is due to file its renewal application, a station must place in its public inspection file (and post on its station website) an EEO Public File Report containing the following information:

- (1) A list of all full-time job vacancies filed by the SEU during the preceding year identified by job title;
- (2) For each vacancy, the recruitment sources utilized to fill the vacancy identified by name, address, contact person and telephone number, separately

listing those organizations that have specifically requested information about vacancies from the SEU (see B.2, above);

(3) The recruitment source that referred the hiree for each full-time vacancy during the preceding year;

(4) The total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source;

(5) A list and brief description of the Mandatory Recruitment Initiatives (Section C, above) undertaken by the SEU during the preceding year.

F. FCC FILING REQUIREMENTS.

1. All broadcast stations (including those that are part of SEU's with less than five full-time employees) must file a Broadcast Equal Employment Opportunity Program Report (FCC Form 396) with their renewal application. A copy of this form must be placed in the station's public inspection file.

2. Broadcast stations that are part of an SEU of more than **TEN** full-time employees must file a Broadcast Mid-Term Report (FCC Form 397) four months prior to the four year anniversary of the station's last license expiration date. For example, if a station's license expired on October 1, 2003, its mid-term report would be due on June 1, 2007.