

Big Changes in EEO

- Big change in EEO on Wide Dissemination allowing online sources exclusively to be used to meet requirements
- More changes may be in store as a result of the Modernizing Media Regulation proceeding
- Still audits and EEO Mid-Term Reports
- So we'll discuss what rules are still on the books

What You Need To Remember About FCC EEO Obligations

- ⦿ Non-Discrimination, plus affirmative action
- ⦿ Three Pronged Recruitment Requirements
 - Wide Dissemination – only requirement changed so far
 - Notice to Community Groups
 - Supplemental Efforts – “Non-vacancy specific outreach efforts”
- ⦿ Record-keeping Requirements
- ⦿ Reporting Requirements
- ⦿ Advertising Nondiscrimination

Who Needs to Worry About EEO?

- Nondiscrimination requirements apply to all stations
- Outreach requirements apply to all stations with 5 or more full-time employees
- Full-time for the FCC is 30 hours per week
- Commercial and noncommercial
- Employee count based on an “employment unit” – all commonly controlled stations in same area with at least one common employee

Shout It From the Mountaintops-- Wide Dissemination

- Applies To All Station Employment Units With Five or More Fulltime Employees
- Not Restricted To The Recruitment of Minorities and Women -- Applies To All Community Groups
- Used to require outreach to community groups, educational organizations and print media

Wide Dissemination-- What's It all About?

- Recruitment for *ALL* Full-time Job Openings Unless There are “Exigent Circumstances” – and the FCC really means *all* openings
- Outreach to Notify Entire “Community”
- Community Defined By Broadcaster - Based on Service Area

Wide Dissemination-- Do I Really Have to Do That?

- ◉ Exigent Circumstances
- ◉ Specialized Positions
- ◉ Internal Promotions
- ◉ Part-timers and Temporary Employees
- ◉ No Recruitment If Hire from Pool Developed for the Same Job Opening and Applications Are “Viable” – probably no older than about 90 days
- ◉ No Recruitment Necessary for Employment of Owner of 20% or More of Licensee

Now Can Rely Simply on Online Sources

- FCC used to forbid reliance simply on online sources
- Now can reach out to online source you reasonably believe reaches all groups within your community – and that is it!
- No need to require on other real-world sources – but FCC *encourages* but does not require the use of other media, community groups, employment agencies, schools

They Asked For It...

Notification of Community Groups

- ⦿ Not changed by recent decision
- ⦿ Still must notify groups who ask to be informed of Job Openings
- ⦿ You choose method of notification
- ⦿ Must Publicize Ability to Be Added to List - Broadcast or Newspaper Notice
- ⦿ A Group is on the List Until They Say “Stop”
- ⦿ FCC has fined stations for not notifying community groups who asked for notice

Menu Options-- One Size Does Not Fit All

- Employment units with 5 to 10 employees must do at least two activities every two years – “non-vacancy specific outreach efforts” – obligation still in effect
- Employment units in smaller markets must do at least two activities every two years – smaller market is one in metropolitan area of less than 250,000 people
- Employment Units in larger markets with more than 10 employees must do at least four activities every two years
- Over-achieve - do more than required in case FCC disallows a claimed activity - activities must be “significant” to count

I'll Take One From Column A...

Menu Options

- **Participation in four job fairs**
- **Co-sponsoring at least one Job Fair with a business or professional group with substantial minority or female membership**
- **Participation in four activities sponsored by community groups active in employment issues, e.g. career days, conventions, workshops**
- **Hosting at least One Job Fair**
- **Scholarship program**
- **Internship Programs**
- **Participation in four activities by educational institutions relating to broadcast employment**
- **Sponsoring two community activities to educate public on broadcast employment**

Or One From Column B...

More Menu Options

- Participation in non-vacancy specific outreach efforts, such as job banks or Internet programs, including State Broadcast Association Programs
- Listing All Upper Level Jobs with newsletter of trade organization with substantial participation of minorities and women
- Assisting non-profit entities in developing web sites on broadcast employment
- Mentoring programs for Employees
- Training programs to advance Employee skills
- EEO Training programs for Management Employees
- Training programs for non-profit organizations on broadcast employment opportunities
- Other activities calculated to disseminate information on broadcast employment opportunities

Did it Work?

Self-Assessment

- Analyze Recruitment Program to ensure effectiveness of broad outreach – still need to make sure online outreach is working
- Disseminate EEO Program to Employees and Applicants
- Review Seniority Practices to avoid discrimination
- Examine Salaries and Benefits to assure that there is no discrimination
- In Recruitment Announcements, make sure no inference of racial or gender preferences
- Ensure promotions are non-discriminatory
- Work with Unions, if any, to develop nondiscrimination programs
- Avoid tests or selection techniques that could be discriminatory
- Add on to fine for failure to recruit – if you didn't recruit enough, you didn't self-assess as you would have discovered the problem

Write It Down!

Internal Record Keeping Requirements

- ◉ List of all fulltime jobs filled, by job title
- ◉ Recruitment Sources used to fill jobs (Prong 2 groups listed separately)
- ◉ Address, telephone number and contact person for each recruitment source
- ◉ Dated copies of correspondence to all recruitment sources
- ◉ Number of interviewees for each job, and recruitment source for each interviewee
- ◉ Recruitment Source of Person Hired
- ◉ Total Number of interviewees during the year, broken down by recruitment source
- ◉ Documentation of all supplemental efforts

Write It Down - Annual Public File Report Requirements

- List of all fulltime jobs filled, by job title
- Recruitment Sources used to fill jobs (Prong 2 groups listed separately)
- Address, telephone number and contact person for each recruitment source,
- Recruitment Source of Person Hired
- Total Number of interviewees during the year, broken down by recruitment source
- Description of all supplemental efforts

Annual Public File Report

Where You Can Put It

- Annual Filing Requirement - Anniversary of your Renewal filing – stays in public file until next renewal is granted
- Post Information on your Station's Website (only need to keep most recent report on website)
- FCC is checking websites.....
- Reporting Period Ends 10 Days Before Reports Due

EEO Mid-Term Reports

- FCC Form 397 filed 4 years after your license renewal, on anniversary date of license renewal filing Two years worth of EEO public file reports submitted with Mid-Term Report
- Also must list person responsible for EEO administration
- Wisconsin radio was due last August, TV this August 1
- Applies to all TV employment units with 5 or more full-time employees, radio with 11 or more

One Other EEO Issue to Remember – Certifications in Ad Contracts

- ◉ Must have language in ad contracts that station and advertiser will not discriminate in ad sales practices
- ◉ To stop “no Spanish, no urban dictates”
- ◉ Applies to all stations – must certify at renewal time
- ◉ Need language in contracts and, if not contracts, other sales materials
- ◉ Puts burden on stations to be sure that rep firms and advertisers are complying

Pay Attention: Potential Problems

- ◉ Discrimination
- ◉ Insufficient Outreach
- ◉ Failing to Document Efforts or Problems
- ◉ Insufficient Supplemental Efforts
- ◉ Insufficient Paperwork
- ◉ Insufficient Self-Assessment
- ◉ Improper FCC Filings
- ◉ Misrepresentation

EEO FOR BROADCASTERS— 2017

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