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Practical Tips to FCC EEO Compliance

Two components of the FCC's EEO rule apply to all stations with five or more full-time employees. First, broadcasters need to engage in outreach to the community to spread the word about broadcast employment opportunities. Second, broadcasters need to recruit for every full-time opening. What follows are ten tips for complying with the outreach and the recruitment components.

1. *Determine market and staff size to confirm the number of initiatives to perform.* Stations in large markets with more than ten full-time employees have two years to engage in four broad outreach initiatives. Just two initiatives, however, need to be performed if the employment unit has five to ten full-time employees, or is located in a smaller market (a metropolitan area as defined by OMB with a population under 250,000, or any area outside all metropolitan areas).
2. *Mark your calendar with your report preparation deadlines so that you do not forget to prepare an annual report and to ensure timely performance of initiatives over a two year period.* Each year, on the anniversary of the date the renewal application is due, prepare and place in the public file an Annual EEO Local Public File Report. The most recent report must also be posted on the station's web site by that date if it has a web site. The report describes the broadcaster's broad outreach initiatives and recruitment efforts for the prior year.
3. *Identify and implement initiatives.* FCC Rule 73.2080(c)(2) offers 16 different types of initiatives from which to choose to satisfy the requirement that stations perform four initiatives (or two, as applicable) over a two year period. Sample initiatives relate to training, mentoring, scholarships, internships, job fairs and several other types of activities. Find the rule at this link on the FCC's web site: <http://www.fcc.gov/mb/audio/bickel/47CFRrule.html>.
4. *Document the station's participation.* Collect and prepare documentation sufficient to disclose fully the nature of the initiatives – e.g., station personnel involved; dates, times, and location of events; promotional materials, registration form, and/or brochures; and a narrative description of the scope of station's involvement. While underlying documentation is not included as part of the public file report, it must be submitted in an FCC audit.
5. *Centralize recordkeeping.* Appoint one person at the station to collect the data that will be used to create the Annual EEO Public File Report. Regularly remind station personnel involved in initiatives and recruitment to provide copies of related materials to the person charged with preparing the annual reports.
6. *Create and use forms.* Because the FCC does not dictate the specific form for the Annual EEO Public File Report, create a template of forms to use in recruiting for openings, listing recruitment sources used (including their contact information), and noting the source that referred each person interviewed. Many communications lawyers and the NAB have created forms to assist stations with creating their Annual EEO Public File Reports.

7. *Identify recruitment sources.* Employers are required to publicize information about job vacancies. The FCC ruled that reliance on Internet listings or on air notices, alone, is not enough. Supplement on-line and over-the-air announcements with newspaper classified ads about vacancies. Develop a list of recruitment sources (e.g., local newspaper, on line, over-the-air, college placement offices, State Employment Office, and industry sources such as NAB, state broadcast association, AWRT, etc.) that will be contacted for every opening.
8. *Offer employment only after forms are completed.* Do NOT fill a vacancy until the documentation of recruitment sources contacted is completed and the source referring each person interviewed is known and noted for station records.
9. *Disseminate information about EEO program.* Management must ensure the station's EEO program is disseminated to applicants and employees. Place EOE notices on every job announcement, on the station's web site, on the employment application form, and on the employee bulletin board. Be sure to eliminate references that indicate any preference for race, national origin, color, religion, age, or gender.
10. *Evaluate effectiveness.* The FCC requires broadcasters to analyze the effectiveness of their recruitment programs to ensure broad outreach is made to potential applicants, and that problems with recruitment are corrected. Look at whether the sources the station uses are effective at referring applicants. If not, try new sources. Broadcasters must evaluate periodically their rates of pay and fringe benefits, promotions, seniority practices, and selection techniques to be sure they are non-discriminatory. If a station has a collective bargaining agreement, the station needs to cooperate with the union to include a non-discrimination clause in new or re-negotiated union agreements. Finally, document the evaluation process – who reviewed the program, when it was performed, and whether any changes were made. The FCC will request that documentation the next time the station is audited.

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