

# Countdown to License Renewals—Highlight on Equal Employment Opportunity Reports

May 2011

Every eight years, broadcasters—both radio and television—must seek renewal of their Federal Communications Commission (FCC) licenses. For radio stations, this cycle will begin in June 2011; for television stations, filings begin in June 2012. Each month we will highlight a different component of the license renewal process to help you begin to prepare for your station's license renewal filing. This month, our highlight is on Equal Employment Opportunity (EEO) Reports.

On the license renewal application, each station will have to make the following three certifications relating to EEO matters: (i) the Broadcast EEO Program Report (FCC Form 396) has been filed, (ii) the most recent EEO Public File Report is posted to the station's website and (iii) the material required to be placed in the public file during the license term was timely placed there.

Every station, regardless of the number of full-time employees, must submit two EEO-related filings to the FCC during the license term. The first is a Mid-Term EEO Report (FCC Form 397). The Form 397 is due on the fourth anniversary of the station's license renewal deadline. The second filing is the Broadcast EEO Program Report (FCC Form 396), due at the same time as the station's license renewal application. If a station employment unit (SEU) employs five or more full-time employees (30+ hours a week), then each station in the SEU must also attach the two most recent EEO Public File Reports to the Form 397 and the Form 396.<sup>1</sup> Thus, over an eight-year license term, the FCC will review four of the eight EEO Public File Reports prepared by an SEU.

On an annual basis, each SEU that employs five or more full-time employees must create an EEO Public File Report. An EEO Public File Report summarizes the recruitment efforts of and hiring by each station in an SEU during the reporting year. A reporting year is the 12-month period that begins in the month the station files its renewal. For example, the reporting year for stations in the District of Columbia, Virginia, Maryland and West Virginia would be June 1-May 31.

The FCC has not provided a specific format for EEO Public File Reports; however, the reports must include the following information: (i) a list of all full-time vacancies filled during the reporting year, (ii) the recruitment sources used to fill those vacancies (including, as appropriate, the sources entitled to receive notifications of job openings *i.e.*, so-called "entitled sources"), (iii) the recruitment source that referred the hiree for a

particular vacancy, (iv) data showing the total number of persons interviewed for each vacancy and the recruitment source that referred each interviewee, and (v) a summary of the recruitment initiatives performed by the SEU during that reporting year.

The EEO Public File Report must be posted to each station's website and placed in each station's public file. When a new report is posted to the website, the previous year's report can be removed. However, the EEO Public File Reports placed in the public file must remain there until the license renewal application is granted. The deadline for placing the annual EEO Public File Report in a station's public file and post it to the station's website is the first day of the month of the SEU's reporting year. To allow stations sufficient time to prepare the annual EEO Public File Report, the FCC allows stations to end their reporting year 10-days early, provided that any recruitment efforts or hires made during that 10-day period are included on the next year's report.

Now would be a good time to review your files to ensure that an annual EEO Public File Report was placed in the station's public file and posted to its website on a timely basis during the license term. Licensees should also confirm that the EEO Mid-Term Report (Form 397) was filed with the FCC and a copy placed in the station's public file.

Should you have any questions about your station's compliance with the FCC's EEO rules and regulations or other aspects of the license renewal process, please feel free to contact one of the Wiley Rein Media attorneys.

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<sup>1</sup> Stations that are commonly owned, located in the same market and share at least one employee are referred to as a station employment unit.