

ALERT

June 3, 2024 FCC EEO Deadlines for Stations in DC, MD, VA, WV, MI, OH, AZ, ID, NV, NM, UT, and WY

May 8, 2024

Annual EEO Public File Report

Radio and television station employment units (SEUs) located in **the District of Columbia, Virginia, West Virginia, Michigan, Ohio, Arizona, Idaho, Nevada, New Mexico, Utah, and Wyoming** with five or more full-time employees must prepare by Monday June 3, 2024, an annual EEO Public File Report (PFR). The report must be posted on the website belonging to each station in the SEU and uploaded to its online public inspection file at the Federal Communication Commission's (FCC's or Commission's) website.

Note: It is the licensee's responsibility to ensure the PFR is uploaded to the online public inspection file by the deadline. Files receive an electronic date/time stamp when uploaded to the online public file, making it clear to FCC staff if they are posted late.

The PFR should summarize the SEU's recruitment activity from June 1, 2023 through May 31, 2024, including full-time positions filled, the recruitment sources used to advertise those job openings, and the total number of interviewees and hires produced by each recruitment source. The PFR must also include a summary of the SEU's recruitment initiatives.

Mid-Term Review

The FCC has begun its mid-term review of EEO compliance. During the mid-term review, the FCC will review the SEU's Annual EEO Public File Reports for the prior two years. The mid-term review beginning on

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June 1, 2024 will apply to **Radio SEUs located in Michigan and Ohio and TV SEUs located in DC, Maryland, Virginia, and West Virginia**. The FCC no longer requires SEUs to file a Form 397 (Broadcast Mid-Term Report) with a copy of the last two EEO annual reports; instead, the FCC will review the reports that are uploaded to the online public inspection file (OPIF).

***For Radio SEUs:** The FCC only applies the mid-term review to Radio SEUs with 11 or more full-time employees, which the FCC defines to mean individuals who work 30 hours or more per week. (To be clear, if the Radio SEU has between 5-10 employees, it must still prepare and upload a copy of the Annual EEO Public File Report to the OPIF for each station.) To provide the FCC with information about the size of the SEU, each radio licensee must complete a new section of the OPIF. Under the "Settings" section of the OPIF, there is a new tab called "Mid-Term Review." Each radio licensee will need to update this tab to answer whether it has 11 or more full-time employees. The FCC has indicated that licensees that fail to answer this new question will be contacted by Enforcement Bureau staff.*

If you have any questions about the annual PFR, mid-term reporting, or FCC EEO compliance in general, please contact the Wiley attorney listed on this alert.