EEO 2010

Texas Association of Broadcasters

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Would You Like to Hear that There's No Need to Worry About FCC EEO Rules?

- MMTC Recently Petitioned the FCC, asking that EEO Enforcement be Suspended
- Not because they think that there is no need, but because they think the wrong people are being penalized
- Suggests revamping of EEO enforcement – larger staff, more audits, in the Enforcement Bureau, not the Media Bureau
- Asks to bring back Form 395 so racial and gender profile of workforce can be assessed

What Has Happened In 2010?

- FCC has taken numerous enforcement actions under the EEO rules
- Fines ranging between $4000 and $20,000 – a bunch of fines imposed on major broadcast corporations
- Fines came about as a result of renewal of license renewal review, EEO audits, and Mid-Term Reports (which should have been filed by Texas TV stations in April, and by radio groups in 2009)
- FCC found numerous stations that hadn't been paying attention to the rules – and some that had, but messed up a few times – getting stricter all the time
- More audits underway

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Next Step – License Renewal

- Texas Radio files on April 1, 2013
- Texas TV to be filed on April 1, 2014
- Two years worth of EEO information submitted with renewals
- So, starting next year, what you do on EEO efforts will be reviewed at renewal time

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What You Need To Remember

- Non-Discrimination
- Three Pronged Recruitment Requirements
  - Wide Dissemination
  - Notice to Community Groups
  - Supplemental Efforts
- Record-keeping Requirements
- Reporting Requirements

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Shout It From the Mountaintops-- Wide Dissemination

- Should Use Broadcast, Print and Other Media to Avoid “The Old Boys Network”
- 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

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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
- Targeted Outreach to Specific Groups Not Required

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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”
- No Recruitment Necessary for Employment of Owner of 20% or More of Licensee
- *NO Exception for Family Members*

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You Asked For It…
Notification of Community Groups

- 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”

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Menu Options--
One Size Does Not Fit All

- Employment units with 5 to 10 employees must do at least two activities every two years
- Employment units in smaller markets must do at least two activities every two years
- Employment Units in larger markets with more than 10 employees must do at least four activities every two years
- Large markets in Texas? – Austin-San Marcos, Beaumont-Port Arthur, Brownsville-Harlingen-San Benito, Corpus Christi, Dallas, El Paso, Fort Worth-Arlington, Houston, Killeen-Temple, McAllen-Edinburg-Mission, San Antonio – at least….
- 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

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And 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

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Was it Good For You? Self-Assessment

- Analyze Recruitment Program to ensure effectiveness of broad outreach
- 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

Write It Down!
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

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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

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Annual Public File Report Where You Can Put It

- Annual Filing Requirement - Anniversary of your Renewal filing (April **1**) – 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)
- Reporting Period Ends 10 Days Before Reports Due

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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

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