

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Assistant to the General Manager

DEPARTMENT: Communications

LOCATION: St. Louis

DATE: June, 1989

1. DEPARTMENT PROFILE

The Board for Communication Services is responsible for informing, reporting and interpreting, in consultation with the applicable officers and board, the Synod's purpose, program and positions to its members and for promoting an increased understanding on the part of the church's publics of the mission of the church and its positions and programs. The Board is also responsible for the operations of radio stations KFUO and KFUO-FM along with other broadcast and audio-related activities.

KFUO PROFILE

KFUO Radio provides high quality broadcast and non-broadcast programs and resources that:

- serve the needs and interests of its city of license (Clayton, MO) and those of listeners within its broadcast area;
- nurture Christian faith;
- support and supplement the witness of The Lutheran Church--Missouri Synod to the Gospel; and
- strengthen the communications efforts of local congregations throughout Synod.

2. PRINCIPAL FUNCTION

The Assistant to the General Manager person provides assistance to the General Manager of KFUO-AM in the performance of the General Manager's duties, especially in development and public relations in order to generate financial support and to establish and maintain a positive public image for KFUO.

3. POSITION RELATIONSHIPS

Reports to the General Manager, KFUO-AM.

4. PRINCIPAL RESPONSIBILITY

A. Primary

1. Assist the General Manager, KFUD-AM, by providing support services and by implementing the development and public relations programs of the station.
2. Provide for necessary support services including typing, filing, scheduling, organizing, researching, etc.
3. Maintain appropriate records and assist in the development of necessary reports.
4. Assist in the development of media (print, audio visual, display, direct mail, etc.) for use in KFUD's programs of development and public relations.
5. Provide for a tour program for guests and visitors to KFUD.
6. Attend conventions, seminars, etc. and represent the General Manager and KFUD-AM as required.
7. Comply with revisions made from time to time, after mutual consultation in this position description.

B. Shared

1. Assist with arrangements for special public events associated with KFUD.
2. Assist in the supervision development records and donor list management.
3. Assist in the development of long range plans for the station.

5. POSITION QUALIFICATIONS

A. Essential

1. A friendly personality with the demonstrated ability to relate well to people.
2. An Associates Degree or the equivalent in practical knowledge and experience.
3. Able to assist in the tasks of writing, editing, design and layout of a variety of media.
4. Practical experience in fields related to administrative assistance and/or development and public relations.

5. An active member of a Lutheran Church--Missouri Synod congregation, faithful to the Holy Scriptures and the Lutheran confessions, and supportive of the Synod's constitution, bylaws and policies.
6. Demonstrated abilities in typing, filing and other support service skills.
7. Experience in the use of computers.
8. Demonstrated ability to function as part of a team.

B. Other Desirable

1. A working knowledge of the Synod, preferably with experience and service to a Synod related entity.
2. Practical experience in a position similar to that described herein.
3. A working knowledge of broadcasting.

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Program Director, KFUFM-FM

DEPARTMENT: Communications

LOCATION: St. Louis

DATE: June, 1989

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1. The Board for Communication Services is responsible for operating licensed broadcast facilities of The Lutheran Church--Missouri Synod and for providing communication services to offices, boards, commissions, congregations and other entities of The Lutheran Church--Missouri Synod.

KFUFM-FM serves Clayton, Missouri and the greater St. Louis area with classical music, news, public affairs, cultural, fine arts and religious offerings.

2. PRINCIPAL FUNCTION

The Program Director, KFUFM-FM, assumes responsibility for the overall quality of sound of KFUFM-FM by assisting in the selection, training and supervision of programming staff, serving as on-air announcer and assisting in determining program content.

3. PRINCIPAL RELATIONSHIPS

Reports to the General Manager, KFUFM-FM.

4. PRINCIPAL RESPONSIBILITIES

- A. Primary

1. Supervise the programming of KFUFM-FM, both in terms of program content and programming staff.
2. Develop, implement and monitor religious programming approaches.
3. Supervise the acquisition, cataloging and maintenance of recorded materials for broadcast.
4. Monitor the development of program logs and assures that appropriate program records are maintained for the purpose of satisfying government regulations regarding programming.
5. As required, represent the station to its various publics and serves as a liaison with the St. Louis Symphony and with other community organizations.



6. Serve as on-air announcer as required.
7. Work closely with Sales Manager in coordinating programming and sales activities.
8. Write and edit Classic 99 section of Nine Magazine, as required.
9. Comply with revisions made from time to time after mutual consultation, in this position description.

B. Shared

1. Assist the General Manager, KFUD-FM in the development of budgets and reports.
2. Assist in the selection and training of programming personnel.
3. Assist in the development of long range plans for KFUD-FM.
4. Assist in the development and marketing of syndicated programming.
5. Keep abreast of emerging technologies and programming techniques and suggests way in which the station can improve its quality of sound.

5. POSITION QUALIFICATIONS

A. Essential

1. A Bachelor's Degree or the equivalent in practical knowledge and experience.
2. A minimum of five years experience in broadcasting.
3. Extensive knowledge of the classical music repertoire.
4. Experience in personnel supervision.
5. Demonstrated abilities in community relations, strong public speaking and communication skills.

B. Other Desirable

1. Broadcast interview skills and experience.
2. Experience in a position similar to that described herein.
3. Member of a Lutheran Church--Missouri Synod congregation.

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Chief Engineer

DEPARTMENT: Communications

LOCATION: St. Louis

DATE: June, 1989

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1. The Board for Communication Services is responsible for operating licensed broadcast facilities of The Lutheran Church--Missouri Synod and for providing communication services to offices, boards, commissions, congregations and other entities of The Lutheran Church--Missouri Synod.

KFUO-FM serves Clayton, Missouri and the greater St. Louis area with classical music, news, public affairs, cultural, fine arts and religious offerings.

2. PRINCIPAL FUNCTION

Provides secretarial and clerical support for designated areas of the operation of KFUE-FM.

3. POSITION RELATIONSHIPS

Reports to the Program Director, KFUE-FM, in a shared relationship with the Manager, Operations.

4. PRINCIPAL RESPONSIBILITIES

- A. Primary

1. Provides secretarial and clerical services including typing, filing, data entry and word processing, arranging appointments, etc.
2. Assists Manager, Operations, in commercial invoicing.

5. POSITION QUALIFICATIONS

- A. Essential

1. High school diploma or its equivalent.
 2. A minimum of one year's experience in secretarial position.
 3. Typing skill of 50 words per minute.
 4. Experience with word processing equipment/computers, or the willingness to learn to use such equipment.
 5. Command of proper English usage and spelling.
 6. A pleasing personality and the ability to function as part of a team.
- B. Other Desirable
1. A working knowledge of The Lutheran Church--Missouri Synod.
 2. An active member of a Christian congregation, able to understand and demonstrate support for the purpose of The Lutheran Church--Missouri Synod.

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Account Representative

DEPARTMENT: Communications
Louis

LOCATION: St.

DATE: June, 1989

1. The Board for Communication Services is responsible for operating licensed broadcast facilities of The Lutheran Church--Missouri Synod and for providing communication services to offices, boards, commissions, congregations and other entities of The Lutheran Church--Missouri Synod.

KFUO-FM serves Clayton, Missouri and the greater St. Louis area with classical music, news, public affairs, cultural, fine arts and religious offerings.

2. PRINCIPAL FUNCTION

The Sales Account Representative develops, maintains and services a client list directly and through advertising agencies for the purpose of acquiring advertisers for KFUE-FM and for the purpose of benefiting the interests of the advertisers.

3. PRINCIPAL RELATIONSHIPS

Reports to the Sales Manager.

4. PRINCIPAL RESPONSIBILITIES

A. Primary

1. Acquire local advertisers for KFUE-FM.
2. At the direction of the Sales Manager, develop and maintain a client list.
3. Establish on-going business relationships with clients and agencies.
4. Write and present sales presentations.
5. Write and/or produce commercials as necessary.
6. Determine credit status of clients and assist in collection activity as necessary.

7. Correlate weekly activity with sales manager.
8. Comply with revisions made from time to time after mutual consultation, in this position description.

B. Shared

1. Assist in the development of reports as required.
2. Assist the sales team in developing new sales business.
3. Attend meetings and conferences as required.

5. POSITION QUALIFICATIONS.

A. Essential

1. A minimum of an Associates Degree or the equivalent in practical knowledge and experience.
2. One year experience in broadcast sales or 3 years experience in selling an intangible product/service.
3. A knowledge of the interpretation and use of research materials.
4. Demonstrated ability to function as a member of a team.

B. Other Desirable

1. Knowledge of and appreciation for classical music.
2. Experience with a classical music radio station.

3. A working knowledge of research materials (including Arbitron, M.R.I., and Birch).
 4. The ability to work with a minimum of supervision.
- B. Other Desirable
1. Broadcast experience.
 2. A degree in communications, journalism, or a related area.
 3. Experience with an advertising agency.

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Sales Manager

DEPARTMENT: Communications

LOCATION: St. Louis

DATE: June, 1989

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1. The Board for Communication Services is responsible for operating licensed broadcast facilities of The Lutheran Church--Missouri Synod and for providing communication services to offices, boards, commissions, congregations and other entities of The Lutheran Church--Missouri Synod.

KFUO-FM serves Clayton, Missouri and the greater St. Louis area with classical music, news, public affairs, cultural, fine arts and religious offerings.

2. PRINCIPAL FUNCTION

The General Sales Manager supervises the sales effort for KFUE-FM, develops sales materials, maintains and cultivates an active client list, and assists in selecting, training and supervising sales staff.

3. POSITION RELATIONSHIPS

Reports to General Manager, KFUE-FM.

4. PRINCIPAL RESPONSIBILITIES

- A. Primary

1. Supervise the KFUE-FM sales staff, direct and monitor its activity and provide for its on-going training.
2. Develop and maintain client list.
3. At the direction of the General Manger, establish trades.
4. Set sales goals for sales staff and monitor progress.
5. Write sales proposals.
6. Work closely with Program Director in coordinating programming and sales activities.
7. Submit regular reports on sales activities.
8. Maintain and service a client list, contributing to the sales of the station.

9. Comply with revisions made from time to time, after mutual consultation, in this position description.

B. Shared

1. Assists in the development of budgets, reports, projections, and other necessary documents.
2. Assists in the development of long-range plans for KFUD-FM.
3. Attends meetings and seminars as necessary.

5. POSITION QUALIFICATIONS

A. Essential

1. A minimum of an Associates Degree or the equivalent in practical knowledge and experience.
2. A minimum of 5 years radio sales experience.
3. A minimum of 2 years experience in training and supervising sales persons.
4. A knowledge in the interpretation and use of research materials.
5. Demonstrated ability to function as a member of a team.

B. Other Desirable

1. A Bachelors Degree.
2. Familiarity with local and national advertising agencies.
3. Knowledge of the classical music format.

THE LUTHERAN CHURCH--MISSOURI SYNOD
DUTY DESCRIPTION

POSITION TITLE: Secretary/Receptionist

DEPARTMENT: Communications

LOCATION: St. Louis

DATE: July, 1989

1. DEPARTMENT PROFILE

The Board for Communication Services is responsible for informing, reporting and interpreting, in consultation with the applicable officers and board, the Synod's purpose, program and positions to its members and for promoting an increased understanding on the part of the church's publics of the mission of the church and its positions and programs. The Board is also responsible for the operations of radio stations KFUD and KFUD-FM along with other broadcast and audio-related activities.

KFUD PROFILE

KFUD Radio provides high quality broadcast and non-broadcast programs and resources that:

- serve the needs and interests of its city of license (Clayton, MO) and those of listeners within its broadcast area;
- nurture Christian faith;
- support and supplement the witness of The Lutheran Church--Missouri Synod to the Gospel; and
- strengthen the communications efforts of local congregations throughout Synod.

2. PRINCIPAL FUNCTION

The Secretary/Receptionist serves as the principal receptionist for KFUD and provides secretarial and clerical support for designated areas of the operation of KFUD-AM.

3. POSITION RELATIONSHIPS

Reports to the KFUD-AM General Manager.

4. PRINCIPAL RESPONSIBILITIES

A. Primary

1. Maintain responsibility for the KFUD switchboard and all related duties, as assigned.

2. Provide secretarial and clerical services, including typing, filing, data and word processing, arranging appointments, etc.
3. As an important contact with the public, assist with KFUD's guest-relations, development and public relations programs.
4. Assist with other tasks as requested.
5. Comply with revisions made from time to time, after mutual consultation, in this position description.

5. POSITION QUALIFICATIONS

A. Essential

1. High school diploma or its equivalent.
2. A minimum of one year experience in secretarial positions.
3. Typing skill of 50 words per minute.
4. Experience with word processing equipment or the willingness to learn to use such equipment.
5. Command of proper English usage and spelling.
6. A pleasing personality and the ability to work well with the public.
7. Demonstrated ability to function as part of a team.

B. Other Desirable

1. An active member of a Lutheran Church--Missouri Synod congregation.
2. A working knowledge of The Lutheran Church--Missouri Synod.

NAACP EXHIBIT 42

| Federal Communications Commission | |
|-----------------------------------|------------------------------------|
| Docket No. | <u>94-10</u> Exhibit No. <u>42</u> |
| Presented by | <u>NAACP</u> |
| Disposition | Identified <u>6/21</u> |
| | Received _____ |
| | Rejected _____ |
| Reporter | <u>BARBARA LORO</u> |
| Date | <u>6/21/94</u> |

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002555

ARNOLD & PORTER

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WASHINGTON, D. C. 20036

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DENVER, COLORADO 80203
(303) 863-1000

CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

REED MILLER
DIRECT LINE: (202) 872-6826

March 24, 1986

Mr. Emil Wilde
Station KFUD
801 DeMun Avenue
St. Louis, MO 63105

Re: NAB Employment Clearinghouse --
Minority and Female Personnel

Dear Mr. Wilde:

Enclosed herewith is a copy of a letter to me, dated March 14, 1986, from Dwight M. Ellis, Vice President, Department of Minority and Special Services, National Association of Broadcasters, providing information with respect to the minority and female hiring service available to those in the broadcast industry through the NAB's employment clearinghouse.

As Mr. Ellis has suggested, we are informing our clients of this service in order that you may avail yourself of it should the need arise.

Best regards.

Sincerely,

Reed Miller
Reed Miller

Enclosure

NAACP EXHIBIT 43

① 6

002743

ARNOLD & PORTER

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REED MILLER
DIRECT LINE: (202) 872-6826

November 24, 1986

Mr. Dennis Stortz
Acting General Manager
Station KFUP
801 DeMun Avenue
St. Louis, MO 63105

Dear Dennis:

You may recall that last year at about this time the FCC proposed simplifying its present EEO reporting requirements for broadcasters. The present requirements call for the filing of a 5-point EEO program with applications for new stations or for assignment; the filing of a 10-point EEO program with renewal applications; and an Employment Report on an annual basis. The simplification would have eliminated the 5-point program filings and modified the 10-point and annual report forms.

The enclosed Further Notice of Proposed Rulemaking advises that the Office of Management and Budget, which must approve all proposed federal reporting forms, has disapproved of portions of the Commission's proposal. OMB has proposed alternative reporting requirements on which the Commission is seeking comments. The new proposal is described at ¶¶ 8-10 of the enclosure. Comments will be due by January 5, 1987. Let us know if you have any interest in filing in this proceeding.

Very truly yours,

Reed
Reed Miller

Enclosure

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 85-350

Amendment of Part 73 of the
Commission's Rules Concerning
Equal Employment Opportunity
in the Broadcast Radio and
Television Services

FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: October 31, 1986 Released: November 12, 1986

By the Commission:

INTRODUCTION

1. On November 14, 1985, the Commission adopted a *Notice of Proposed Rule Making (Notice)* that proposed to amend its rules and procedures regarding equal employment opportunities (EEO) in the broadcast industry.¹ In particular, the Commission proposed two new information collection systems, the Broadcast Station Annual Employment Report (FCC Form 395-B) and the Broadcast EEO Program Report (FCC Form 396), and procedures for evaluating broadcast stations EEO performance based on the information to be provided by these new reports. On June 16, 1986, following the conclusion of the formal comment period in this proceeding, the Office of Management and Budget (OMB) submitted comments regarding the reporting requirements proposed by the Commission and their own alternative proposal for the new Form 396. By this *Further Notice of Proposed Rule Making (Further Notice)*, the Commission seeks comment on the proposed alternative EEO reporting requirements submitted by the Office of Management and Budget.

BACKGROUND

2. The Commission's current rules set forth several requirements to ensure that licensees of broadcast stations afford equal opportunity in employment.² The rules also require the filing of certain information in order that we may determine that broadcasters are complying with the EEO rules. In this respect, broadcasters are required to submit a description of certain aspects of their EEO programs on FCC Form 396-A, the 5-point Model EEO Program report, as part of their application for a license for a new station or their request for assignment of the license of an existing station. In addition, as part of their license renewal application, licensees are required to file FCC Form 396, the 10-point Model EEO Program Report. The Commission also requires broadcast stations to file an Annual Employment Report, FCC Form 395, and to report the status of any EEO complaints.

3. Under the requirements of the Paperwork Reduction Act of 1980, OMB must review all reporting requirements established by federal agencies. On August 26, 1981, OMB disapproved the use of the Commission's EEO program reporting forms and their associated guidelines for program preparation. In view of OMB's action and the fact

that the Commission had recently established new EEO requirements for cable television systems, the Commission adopted the *Notice* to consider revisions to its broadcast EEO procedures.³

4. In the *Notice*, the Commission stated that in considering revisions to its broadcast EEO reporting and monitoring procedures that it was primarily concerned with a licensee's overall EEO efforts rather than simply the numerical composition of its workforce. Consistent with this approach, the Commission proposed to incorporate into the rules general guidelines concerning EEO policies and practices similar to those that are now contained in the 5-point and 10-point program report forms. It also proposed to eliminate the 5-point program report and to make the 10-point program report significantly less burdensome. The proposed new Broadcast EEO Program Report would consist of four parts: (1) a series of questions requiring "yes" or "no" answers concerning the station's activities under the EEO program requirements; (2) a request for brief descriptions of the duties and responsibilities of employees in certain job categories; (3) a series of questions concerning the licensee's EEO practices requiring written narrative answers; and (4) a section providing labor force data that would be supplied by the Commission but which also would provide an opportunity for the licensee to submit alternative data accompanied by an appropriate explanation.⁴ Under this proposal, licensees also could submit any additional information that they believe might be useful to the Commission in evaluating their EEO efforts. The new Form 396 only would be filed in the year of the station's license renewal and only by stations that have six or more employees in that year.

5. Under the Commission's proposal, licensees also would continue to file annual employment reports. However, the Commission proposed several modifications to this reporting requirement. The proposed new Form 395-B would continue to require stations to identify the number of employees by race/national origin and sex in the same nine job categories as the current broadcast annual employment report. However, certain changes would be made to conform the report to the format used by the Equal Employment Opportunity Commission (EEOC) on its Form EEO-1.⁵ Under this proposal, full-time and part-time employees would no longer be reported on separate tables and the data would be rearranged to conform with the data table on the EEO-1 form. In addition, the existing procedures would be modified to permit stations with fewer than six full-time employees, rather than five as is currently the case, to complete only the identification and certification portions of the annual form.

DISCUSSION

6. By letter of April 2, 1986, the Office of Management and Budget returned without action the two proposed forms that had been submitted to it for clearance under the Paperwork Reduction Act. The submissions were returned because OMB had not been provided with the requisite time for review (60 days) pursuant to Section 3504(h) of the Paperwork Reduction Act and Section 1320.13 of OMB's paperwork reduction rules (5 CFR §1320.13). Subsequently, OMB submitted informal comments addressing each of the Commission's proposed new information collection forms. In order to assure compliance with the Paperwork Reduction Act and to provide an opportunity for public comment on OMB's specific suggestions, we are issuing this *Further Notice*.

sent 11-24: V. Start
Attling
Brown
E. L. U. U.

1 Green
Robinson

13. Written comments are requested on the initial regulatory flexibility analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this Further Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the Further Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub.L.No. 96-354, 94 Stat. 1164, 50 U.S.C. §602 et seq.) (1982).

14. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR §1.1231.

15. Pursuant to applicable procedures set forth in 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before January 5, 1987, and reply comments on or before January 20, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20054. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

16. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens on the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

17. For further information concerning this proceeding, contact Marcia Glaberman, Policy and Rules Division, Mass Media Bureau, (202) 632-6302.

FEDERAL COMMUNICATIONS COMMISSION

002745

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William J. Tricarico
Secretary

APPENDIX

FEDERAL COMMUNICATIONS COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
DOCUMENT

Every applicant for renewal of a broadcast station license must prepare an equal employment opportunity program document on this form. The document must be sent to the Federal Communications Commission (FCC), and a copy of the document must be kept in the station's public file. These steps are required to obtain license renewal. Failure to meet these requirements may result in license renewal being delayed or denied. These requirements are contained in Section of the FCC Rules (), and are authorized by the Communications Act of 1934 as amended.

CALL LETTERS:
NAME OF LICENSEE:
CITY AND STATE WHICH STATION IS LICENSED
TO SERVE:

SEND NOTICES AND COMMUNICATIONS TO THE
FOLLOWING NAMED PERSON AT THE ADDRESS
INDICATED BELOW:

NAME
STREET ADDRESS
CITY STATE ZIP CODE
TELEPHONE NO. (* * *)

If your station employs less than six full-time employees, then check the box at left, complete the certification below, return these top two sheets only to the FCC and place a copy in your station's public file. You do not have to complete the rest of this form.

If your station employs six or more full-time employees you must complete all of this form and follow all instructions.

CERTIFICATION

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief and are made in good faith. Signed and dated this
day of _____, 19

Signature:
Title:

| | Other (Specify)

002746

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VI. AVAILABLE LABOR FORCE

The following table contains FCC-supplied data concerning the percentages of women and minorities among various categories of workers in your station's area. These data are intended to assist in evaluating your station's equal employment opportunity efforts.

If you have other data that more accurately reflect the percentages of women and minorities in the labor force available to your station, then enter those data in the table next to the table of FCC-supplied data, and attach an explanation.

VII. OTHER INFORMATION

You must provide here a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the station including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

You may also describe here:

* Any problems the station has experienced in assuring equal employment opportunity, or attracting qualified minority and women candidates for employment or promotion.

* Any efforts the station has undertaken or will undertake to promote equal opportunity in its employment and to encourage applications from minorities and women.

* Any other information regarding equal employment opportunity at the station.

FOOTNOTES

¹ See *Notice of Proposed Rule Making*, MM Docket No. 85-350, 50 FR 49566 (December 3, 1985).

² The current broadcast EEO rules are set forth in Section 73.21080 of the Commission's rules, 47 CFR §73.21080.

³ The Commission revised its cable EEO policies and practices in accordance with the requirements of the Cable Communications Policy Act of 1984 in the *Report and Order* in MM Docket No. 85-61, 50 FR 40836 (October 7, 1985).

⁴ See *Notice*, Appendix B.

⁵ See *Notice*, Appendix C.

⁶ We note that OMB's proposed Form 396 includes a requirement for broadcast station with less than 6 full-time employees to complete the certification section of the form this status, although it exempts them from completing the substantive portions thereof. The Commission's proposal in the *Notice* would exempt stations with less than 6 full-time employees from any EEO Program Report filing requirement.

⁷ While several trends in employment may be discernible from comparisons of the Annual Employment Reports, as OMB contends, we do not believe that these data are sufficient to determine the actual number of promotions and jobs filled during a 12-month period.

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REED MILLER
DIRECT LINE: (202) 872-6826

November 24, 1986

Mr. Dennis Stortz
Acting General Manager
Station KFUO
801 DeMun Avenue
St. Louis, MO 63105

Dear Dennis:

You may recall that last year at about this time the FCC proposed simplifying its present EEO reporting requirements for broadcasters. The present requirements call for the filing of a 5-point EEO program with applications for new stations or for assignment; the filing of a 10-point EEO program with renewal applications; and an Employment Report on an annual basis. The simplification would have eliminated the 5-point program filings and modified the 10-point and annual report forms.

The enclosed Further Notice of Proposed Rulemaking advises that the Office of Management and Budget, which must approve all proposed federal reporting forms, has disapproved of portions of the Commission's proposal. OMB has proposed alternative reporting requirements on which the Commission is seeking comments. The new proposal is described at ¶¶ 8-10 of the enclosure. Comments will be due by January 5, 1987. Let us know if you have any interest in filing in this proceeding.

Very truly yours,


Reed Miller

Enclosure

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 85-350

Amendment of Part 73 of the
Commission's Rules Concerning
Equal Employment Opportunity
in the Broadcast Radio and
Television Services

FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: October 31, 1986 Released: November 12, 1986

By the Commission:

INTRODUCTION

1. On November 14, 1985, the Commission adopted a *Notice of Proposed Rule Making (Notice)* that proposed to amend its rules and procedures regarding equal employment opportunities (EEO) in the broadcast industry.¹ In particular, the Commission proposed two new information collection systems, the Broadcast Station Annual Employment Report (FCC Form 395-B) and the Broadcast EEO Program Report (FCC Form 396), and procedures for evaluating broadcast stations EEO performance based on the information to be provided by these new reports. On June 16, 1986, following the conclusion of the formal comment period in this proceeding, the Office of Management and Budget (OMB) submitted comments regarding the reporting requirements proposed by the Commission and their own alternative proposal for the new Form 396. By this *Further Notice of Proposed Rule Making (Further Notice)*, the Commission seeks comment on the proposed alternative EEO reporting requirements submitted by the Office of Management and Budget.

BACKGROUND

2. The Commission's current rules set forth several requirements to ensure that licensees of broadcast stations afford equal opportunity in employment.² The rules also require the filing of certain information in order that we may determine that broadcasters are complying with the EEO rules. In this respect, broadcasters are required to submit a description of certain aspects of their EEO programs on FCC Form 396-A, the 5-point Model EEO Program report, as part of their application for a license for a new station or their request for assignment of the license of an existing station. In addition, as part of their license renewal application, licensees are required to file FCC Form 396, the 10-point Model EEO Program Report. The Commission also requires broadcast stations to file an Annual Employment Report, FCC Form 395, and to report the status of any EEO complaints.

3. Under the requirements of the Paperwork Reduction Act of 1980, OMB must review all reporting requirements established by federal agencies. On August 26, 1981, OMB disapproved the use of the Commission's EEO program reporting forms and their associated guidelines for program preparation. In view of OMB's action and the fact

that the Commission had recently established new EEO requirements for cable television systems, the Commission adopted the *Notice* to consider revisions to its broadcast EEO procedures.³

4. In the *Notice*, the Commission stated that in considering revisions to its broadcast EEO reporting and monitoring procedures that it was primarily concerned with a licensee's overall EEO efforts rather than simply the numerical composition of its workforce. Consistent with this approach, the Commission proposed to incorporate into the rules general guidelines concerning EEO policies and practices similar to those that are now contained in the 5-point and 10-point program report forms. It also proposed to eliminate the 5-point program report and to make the 10-point program report significantly less burdensome. The proposed new Broadcast EEO Program Report would consist of four parts: (1) a series of questions requiring "yes" or "no" answers concerning the station's activities under the EEO program requirements; (2) a request for brief descriptions of the duties and responsibilities of employees in certain job categories; (3) a series of questions concerning the licensee's EEO practices requiring written narrative answers; and (4) a section providing labor force data that would be supplied by the Commission but which also would provide an opportunity for the licensee to submit alternative data accompanied by an appropriate explanation.⁴ Under this proposal, licensees also could submit any additional information that they believe might be useful to the Commission in evaluating their EEO efforts. The new Form 396 only would be filed in the year of the station's license renewal and only by stations that have six or more employees in that year.

5. Under the Commission's proposal, licensees also would continue to file annual employment reports. However, the Commission proposed several modifications to this reporting requirement. The proposed new Form 395-B would continue to require stations to identify the number of employees by race/national origin and sex in the same nine job categories as the current broadcast annual employment report. However, certain changes would be made to conform the report to the format used by the Equal Employment Opportunity Commission (EEOC) on its Form EEO-1.⁵ Under this proposal, full-time and part-time employees would no longer be reported on separate tables and the data would be rearranged to conform with the data table on the EEO-1 form. In addition, the existing procedures would be modified to permit stations with fewer than six full-time employees, rather than five as is currently the case, to complete only the identification and certification portions of the annual form.

DISCUSSION

6. By letter of April 2, 1986, the Office of Management and Budget returned without action the two proposed forms that had been submitted to it for clearance under the Paperwork Reduction Act. The submissions were returned because OMB had not been provided with the requisite time for review (60 days) pursuant to Section 3504(h) of the Paperwork Reduction Act and Section 1320.13 of OMB's paperwork reduction rules (5 CFR §1320.13). Subsequently, OMB submitted informal comments addressing each of the Commission's proposed new information collection forms. In order to assure compliance with the Paperwork Reduction Act and to provide an opportunity for public comment on OMB's specific suggestions, we are issuing this *Further Notice*.

7. OMB states that the proposed Form 395-B is a significant improvement over the existing Form 395 because it is simplified and conforms to the Equal Employment Opportunity Commission's Form EEO-1. OMB also supports the Commission's proposal regarding labor force data on Form 396.

8. However, OMB contends that the proposed Form 396 is not an improvement over the existing form in a number of other respects. In particular, OMB criticizes the required submission of job descriptions and essay answers for several reasons. It believes that these requirements would be especially burdensome on small businesses that do not maintain job descriptions and do not have administrative/legal staffs to write answers to narrative questions. OMB submits that the job descriptions and narrative answers would not be very useful because broadcasters could carefully craft responses to be technically true while not revealing their shortcomings in EEO performance. It further contends that a meaningful evaluation of such loosely structured responses would require more hours from skilled employees than the Commission is likely to devote to routine reviews. Because job descriptions and essay answers cannot be evaluated quickly and easily, OMB believes that the Commission is not likely to devote sufficient resources to routine reviews to make meaningful use of this information. It also comments that the proposed form does not appear to significantly reduce the paperwork burden on broadcasters, and may increase the burden. Finally, in OMB's view, the proposed form does not give broadcasters a clear and simple explanation of the Commission's EEO requirements.

9. For these reasons, OMB proposes an alternative Form 396 styled after the existing 10-point Model Program form. OMB believes that its proposal will remedy the problems that it sees with the form proposed by the Commission in the *Notice*. OMB's proposal for Form 396 is attached in the Appendix. This alternative form would request that respondents indicate whether they follow specific EEO practices in accordance with the rules and would require them to provide some additional information concerning specific activities in furtherance of these responsibilities." This form also incorporates the system for reporting local labor force data from the Commission's own proposal. OMB's proposal would eliminate the questions on job hires and promotions in the Commission's proposal on the basis that this information is reflected in the annual employment report." OMB recommends that the Commission rely on the "Broadcast Station Annual Employment Report" (Form 395-B) for the breakdown of employees by race, ethnicity and sex within job categories. It believes this modification to the EEO evaluation procedure would assist in reducing the emphasis on reporting numbers rather than efforts.

10. OMB's suggested form includes instructions that are clarified and integrated into the form. OMB submits that by designing the form in this manner it is more likely to be completed by managers who actually affect employment practices, and less likely to be referred to lawyers to craft an acceptable response. OMB further states that it has designed the instructions to remind station management of the Commission's EEO requirements and to emphasize that effective affirmative actions in policy dissemination and recruitment are mandatory.

11. The Commission believes it appropriate to allow interested parties to comment on the OMB proposal, and, therefore, we will allow a comment period for that purpose. In submitting comments, parties are requested to

consider whether OMB's proposal for Form 396 would provide the Commission with sufficient information to evaluate a broadcast licensee's efforts to comply with the EEO requirements. We are also interested in whether this proposal would minimize the reporting and administrative burden of these requirements for both broadcasters and the Commission. Further, we note that in giving full consideration to OMB's proposal we are not abandoning our initial proposals concerning the Broadcast EEO Program Report at this time. Our publication of this *Further Notice* in the Federal Register, both seeking comment on the OMB proposal and reopening the record with respect to the initial proposal, and the prompt submission of this *Further Notice* to OMB simultaneous to or prior to its publication in the Federal Register should, we believe, constitute full compliance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 35) and OMB's implementing regulations (5 CFR 1320). Our final action in this matter will take into consideration the comments filed in response to the *Notice* along with the comments submitted in response to this *Further Notice*.

Regulatory Flexibility Act Initial Analysis

12. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds:

I. *Reason for action.* The Commission issued a *Notice of Proposed Rule Making* in response to OMB's review of our broadcast EEO requirements. This action seeks comments on reporting requirements proposed by OMB in its response to the *Notice*.

II. *Objectives.* This proceeding is intended to address the concerns raised by OMB in its disapproval of the use of the Commission's 5-point and 10-point program reports for routine data collection. This proceeding also seeks to reduce the administrative burden of the Commission's broadcast EEO reporting requirements.

III. *Legal basis.* Authority for action as proposed in this rule making proceeding is provided in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

IV. *Description, potential impact and number of small entities affected.* In the *Notice*, the Commission proposed that most broadcast stations would continue to file a modified Annual Employment Report (FCC Form 395). We also proposed to eliminate the 5-point EEO program report that is filed by applicants for construction permits or assignment of license. Finally, the Commission proposed to replace the 10-point EEO program report, filed at the time of license renewal, with a new Broadcast EEO Program Report. In this *Further Notice*, we are requesting comment on a proposal submitted by OMB for an alternative Broadcast EEO Program Report. This proposal would affect approximately 11,000 broadcast stations.

V. *Recording, record keeping and other compliance requirements.* Under the Commission's initial proposals and the modifications suggested by OMB, licensees would continue to file an annual employment report and would file the new Broadcast EEO Program Report with their license renewal application. There would be no change in the recording, record keeping or other compliance requirements.

VI. *Federal rules which overlap, duplicate or conflict with this rule.* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objectives.* None.

13. Written comments are requested on the initial regulatory flexibility analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this Further Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the Further Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub.L.No. 96-354, 94 Stat. 1164, 50 U.S.C. §602 et seq.) (1982).

14. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR §1.1231.

15. Pursuant to applicable procedures set forth in 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before January 5, 1987, and reply comments on or before January 20, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20054. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

16. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens on the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

17. For further information concerning this proceeding, contact Marcia Glauberman, Policy and Rules Division, Mass Media Bureau, (202) 632-6302.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico
Secretary

APPENDIX

FEDERAL COMMUNICATIONS COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
DOCUMENT

Every applicant for renewal of a broadcast station license must prepare an equal employment opportunity program document on this form. The document must be sent to the Federal Communications Commission (FCC), and a copy of the document must be kept in the station's public file. These steps are required to obtain license renewal. Failure to meet these requirements may result in license renewal being delayed or denied. These requirements are contained in Section of the FCC Rules (1), and are authorized by the Communications Act of 1934 as amended.

CALL LETTERS:
NAME OF LICENSEE :
CITY AND STATE WHICH STATION IS LICENSED
TO SERVE:

SEND NOTICES AND COMMUNICATIONS TO THE
FOLLOWING NAMED PERSON AT THE ADDRESS
INDICATED BELOW:

NAME
STREET ADDRESS
CITY STATE ZIP CODE
TELEPHONE NO. (* * *)

If your station employs less than six full-time employees, then check the box at left, complete the certification below, return these top two sheets only to the FCC and place a copy in your station's public file. You do not have to complete the rest of this form.

If your station employs six or more full-time employees you must complete all of this form and follow all instructions.

CERTIFICATION

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief and are made in good faith. Signed and dated this
day of , 19

Signature:
Title: