

47. NAB and BFMA believe the Commission should specify how it will use any alternative labor force data submitted by the licensee in its evaluation. NAB also states that it supports the Commission's desire to go beyond numbers in its review of EEO performance. However, it seeks clarification of how the court-ordered "zone of reasonableness" concept will be incorporated into this process. ²³ NAB notes that in the past the Commission has considered a station whose employment profile meets or exceeds the processing guidelines to have made a prima facie case of employment within this zone. NAB believes that we should either reaffirm this policy or articulate and rationalize any new policies.

48. We will evaluate broadcast licensees' EEO efforts based on several different indicia using a two-step approach similar to that which we adopted for certification of compliance with EEO requirements by cable entities. ²⁴ The first step will be to make an initial evaluation of a station's efforts based on the full range of information available concerning its EEO record. This evaluation will examine the descriptions of the station's EEO program and policies as submitted on its Form 396 program report, any EEO complaints filed against the station or licensee, the composition of the station's workforce as submitted on its Annual Employment Report, the composition of the available labor force in the station's area, and any other pertinent information that may be available concerning the station's EEO activities. If our first-step evaluation indicates that the station's EEO efforts are satisfactory, the station will be accepted as having fulfilled its obligations in this area and no further analysis or investigation will be performed. However, if the initial evaluation indicates that a station's efforts may have been less than satisfactory, it will be subjected to a second-step investigation of those areas of responsibility where its efforts appear deficient. This investigation will involve requests that the licensee submit additional information to the Commission concerning the specific areas of its EEO program that appear deficient.

49. This two-step procedure will minimize the overall EEO reporting burden imposed on the broadcast licensees by requiring stations making plainly satisfactory efforts to submit only sufficient information to verify these efforts. We believe this approach will provide the most cost-effective means of monitoring broadcast EEO efforts from the standpoint of the burden imposed on licensees by information collection requirements and of our own administrative resources and will improve the effectiveness of our EEO activities.

²³ See Stone v. FCC, supra and Bilingual Bicultural Coalition on Mass Media v. FCC, supra at 621, 627 n.15.

²⁴ See Report and Order in MM Docket No. 85-61, supra at paragraphs 76-81.

A. Issues Raised. Only one commenter, Jefferson-Pilot Communications Company, raised issues specifically in response to the initial regulatory flexibility analysis. In these comments, it states that it believes that the reporting requirements proposed by the Commission in the Notice will have a disproportionately burdensome impact on smaller stations without producing either reliable information useful to us or enhancing EEO at the station level. Other parties also contend that the Commission's proposals, especially its proposed EEO Program Report, will impose a significant additional paperwork burden on licensees.

B. Assessment. Our reexamination of our initial proposals, in light of the comments received, indicated that our proposals were not the least burdensome means to request relevant data from broadcast stations regarding the EEO activities.

C. Changes made as a result of comment. As a result of the comments in this proceeding, we are adopting alternative reporting requirements intended to improve the effectiveness of our EEO monitoring and to the extent possible reduce the burden on both licensees and our administrative resources. In particular, the Broadcast EEO Program Report we are adopting is a revision of our existing 10-Point Model EEO Report, Form 396, which integrates the instructions and guidelines within the form, similar to the proposal submitted by OMB. We will also continue to require applicants for new or existing broadcast stations to file the 5-point Program Report because we believe that this report serves the important purposes of informing these applicants of the our EEO requirements, affirming their understanding of these obligations, and assisting them in the establishment of an EEO program.

III. Significant alternatives considered and rejected. We have considered all the alternatives presented in the Notice, Further Notice, and comments in this proceeding. After full consideration of all of the issues raised throughout the course of this proceeding, we have adopted the rules and reporting requirements that we believe are the most reasonably fashioned in light of the facts and issues presented.

52. The rules adopted 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 these new/modified requirements and burdens will be subject to approval by the Office of Management and Budget as prescribed by the Act.

53. The Secretary shall cause a copy of this Report and Order, including the Final Regulatory Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Paragraph 603(a) of the Regulatory Flexibility Act (Pub.L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §501 et seq., (1981)).

APPENDIX A

198857

List of Commenters

Comments - Notice of Proposed Rule Making

1. University of Michigan (Represented by Dow, Lohnes & Albertson)
2. Multimedia, Inc. (Represented by Dow, Lohnes & Albertson)
3. Cox Communications, Inc. (Represented by Dow, Lohnes & Albertson)
4. Central California Educational TV, Lehigh Valley Public Telecommunications Corporation, Milwaukee Area District Board of Vocational, Technical and Adult Education, and Public Broadcasting of Northwest Pennsylvania, Inc. (Represented by Dow, Lohnes & Albertson)
5. Cosmos Broadcasting Corporation, Guy Gannett Broadcasting Services, and H & C Communications, Inc. (Represented by Dow, Lohnes & Albertson)
6. National Black Media Coalition
7. KBW Associates, Inc.
8. Jefferson-Pilot Communications Company
9. WPIX, Inc.
10. United States Catholic Conference
11. Haley, Bader & Potts
12. National Association of Black Owned Broadcasters, Inc.
13. American Women in Radio and Television, Inc.
14. Office of Communication of the United Church of Christ
15. National Association for Better Broadcasting, the League of United Latin American Citizens, the National Association for the Advancement of Colored People, Chinese for Affirmative Action, the NOW Legal Defense and Education Fund, and the Women's Legal Defense Fund (Citizens Communications Center)
16. Broadcast Financial Management Association
17. National Association of Broadcasters
18. National Public Radio
19. U.S. Department of Justice, Civil Rights Division
20. Anti-Defamation League of B'nai B'rith
21. Foward Communications Corporation, Guaranty Broadcasting Corporation, Lake Huron Broadcasting Corp., May Broadcasting Company, Inc., Retlaw Enterprises, Inc., Shamrock Broadcasting Company, Inc., and WKRC-TV, Inc. (Joint Licensees)
22. CBS Inc.
23. Mexican American Legal Defense and Education Fund
24. Gannett Co., Inc. and Lee Enterprises, Incorporated
25. National Association of Hispanic Journalists
26. National Conference of Black Lawyers

APPENDIX B

198859

47 CFR Part 73 is amended to read as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.2080 is amended by revising it to read as follows:

73.2080 Equal employment opportunities.

(a) General EEO policy. Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV, or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin, or sex.

(b) EEO program. Each broadcast station shall establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

- (1) Define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;
- (2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;
- (3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis;
- (4) Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination based upon race, color, religion, national origin, or sex from its personnel policies and practices and working conditions; and
- (5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.

(c) EEO program requirements. A broadcast station's equal employment opportunity program should reasonably address itself to the specific areas set forth below, to the extent possible, and to the extent that they are appropriate in terms of the station's size, location, etc.:

- (1) Disseminate its equal opportunity program to job applicants and employees. For example, this requirement may be met by:
 - (i) Posting notices in the station's office and other places of employment,

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skills of all lower paid employees with respect to any of the higher paid positions.

(5) Analyze its efforts to recruit, hire, and promote minorities and women and address any difficulties encountered in implementing its equal employment opportunity program. For example, this requirement may be met by:

- (i) Avoiding use of selection techniques or tests that have the effect of discriminating against qualified minority groups or females;
- (ii) Reviewing seniority practices to ensure that such practices are nondiscriminatory;
- (iii) Examining rates of pay and fringe benefits for employees having the same duties, and eliminating any inequities based upon race or sex discrimination.

3. 47 CFR 73.3500 is amended by replacing Form 395 with Form 395-B; by renaming Form 396-A; and renaming Form 396 to read as follows:

§73.3500 Application and report forms.

Form number	Title
395-B.....	Annual Employment Report and instructions
396-A.....	Broadcast Equal Employment Opportunity Model Program Report
396.....	Broadcast Equal Employment Opportunity Program Report

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

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Guidelines for a Model EEO Program and a Model EEO Program are attached.

Note: Check appropriate box, sign the certification below and return to FCC:

- Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.
- Station will employ 5 or more full-time employees. Our Model EEO Program is attached.

GUIDELINES TO THE MODEL EEO PROGRAM

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198865

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The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. General Policy

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

II. Responsibility for Implementation

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. Policy Dissemination

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

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I. General Policy

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. Responsibility for Implementation

(Name/Title) _____, will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. Policy Dissemination

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

- () The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- () Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

() When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:

() We will encourage employees to refer qualified minority and female candidates for existing and future job openings.

Training

() Station resources and/or needs will be such that we will be unable or do not choose to institute specific programs for upgrading the skills of employees.

() We will provide on-the-job training to upgrade the skills of employees.

() We will provide assistance to students, schools or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary	Proposed Form of Assistance
_____	_____
_____	_____
_____	_____
() Other (Specify)	_____
_____	_____
_____	_____

APPENDIX E

FEDERAL COMMUNICATIONS COMMISSION
BROADCAST EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM REPORT

FCC Form 396
OMB 3060-xxxx
Expires xx/xx/xx

:(For FCC Use Only) :
:Code No. :
:

CALL LETTERS _____

NAME OF LICENSEE _____

CITY AND STATE WHICH STATION IS LICENSED TO SERVE _____

TYPE OF BROADCAST STATION (Check one)

Commercial Broadcast Station

Noncommercial Broadcast Station

- AM
- FM
- Combined AM & FM
- FM affiliated with AM in same area
- TV
- International

- Educational Radio
- Educational TV

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

NAME _____ STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

TELEPHONE NO. (____) _____

198877 (25)

CERTIFICATION

002056

This report must be certified, as follows:

- A. By licensee, if an individual;
- B. By a partner, if a partnership (general partner, if a limited partnership);
- C. By an officer, if a corporation or an association; or
- D. By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

I certify to the best of my knowledge, information, and belief, all statements contained in this report are true and correct.

Signed _____ Title _____

Date _____ Name of Respondent _____

Telephone No. (Include area code) _____

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the license renewal requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the license renewal application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

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Our station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.

We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause.

Other (Specify)

III. RECRUITMENT

A broadcast station must make efforts to attract qualified minority and women applicants for all types of jobs at the station.

Indicate each practice that your station follows, and, where appropriate, list sources and numbers of referrals.

Utilizing media for recruitment purposes.

When we place employment advertisements with media some of such advertisements are placed with media which have significant circulation or viewership, or are of particular interest to minorities and women in the recruitment area. Examples of media utilized during the past 12 months and the number of referrals are:

IV. JOB HIRES

A broadcast station must consider applicants for job openings on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for available positions, it must make efforts to encourage them to apply for job openings.

During the twelve-month period beginning (Month-Day-Year) and ending (Month-Day-Year), we hired:

Total hires _____ Minorities _____ Women _____

During this period, for positions in the upper four job categories, we hired:

Total hires, _____ Minorities _____ Women _____
upper four
job categories

V. PROMOTIONS

A broadcast station must promote individuals on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for promotional opportunities, it must make efforts to encourage them to qualify and apply for advancement.

During the twelve-month period beginning (Month-Day-Year) and ending (Month-Day-Year), we promoted:

Total promotions _____ Minorities _____ Women _____

During this period, in the upper four job categories, we promoted:

Total promotions, _____ Minorities _____ Women _____
upper four
job categories

VIII. OTHER INFORMATION

You may also describe other information that you believe would allow the FCC to evaluate more completely your efforts in providing equal opportunity in employment at your station. Submission of such information is optional. Among the additional information you may choose to provide are:

- * Any training programs the station has undertaken that are designed to enable minorities and women to compete in the broadcast employment market including, but not necessarily limited to, on-the-job training and assistance to students, schools or colleges.
- * 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.

003103 (1) 6

ARNOLD & PORTER

1200 NEW HAMPSHIRE AVENUE, N. W.

WASHINGTON, D. C. 20036

(202) 872-6700

CABLE: "ARFOPO"

TELECOPIER: (202) 872-6720

TELEX: 89-2733

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

900 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 593-2772

REED MILLER
DIRECT LINE: (202) 872-6826

April 6, 1988

Mr. Dennis Stortz
Acting General Manager
Station KFUP
85 Founders Lane
St. Louis, MO 63105

Dear Dennis:

While the FCC has in recent years taken a more relaxed approach to enforcement of a number of its rules, the enclosed FCC release indicates that the Commission is still prepared to enforce its equal employment opportunity requirements. The release describes the imposition by the FCC of a condition on the license renewal for Station WNCT-TV, Greenville, NC. as a result of that station's failure to comply with various EEO requirements. While the condition is not onerous (increased employment reporting to permit the FCC to monitor the station's performance) it is inconvenient, and something of a "black mark" on the station's record.

This action might serve as a reminder to review the FCC's rules pertaining to equal employment opportunities in order to ensure compliance with these requirements.

Very truly yours,



Reed Miller

Enclosure



NEWS

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

003104 222337
News media information 202 / 632-5050
Recorded listing of releases and texts
202 / 632-0002

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC 515 F.2d 385 (D.C. Cir. 1975)

Report No.

MASS MEDIA ACTION

February 25, 1988

FIVE CAROLINA TV STATIONS RENEWED; EEO REPORTING CONDITIONS IMPOSED ON ONE

Based on a petition to deny filed by the National Black Media Coalition (NBMC), the Commission imposed Equal Employment Opportunity (EEO) reporting conditions on the license renewal of WNCT-TV, Greenville, NC, licensed to Park Communications.

The Commission found that WNCT-TV's license term EEO performance indicated that the licensee did not adequately review its employment processes, explain the decline in minority employment or propose any modification in its EEO efforts. Accordingly, reporting conditions were imposed to monitor the station's efforts to attract qualified minority applicants for all openings in the future.

In the same action, the Commission unconditionally renewed the licenses of WKFT(TV), Fayetteville, NC, licensed to Central Carolina Television, Inc.; WNCT-TV, Greenville, NC, licensed to Park Communications, Inc.; WGGG-TV, Greenville, SC, WGSE(TV), Myrtle Beach, SC, and WCCT-TV, Columbia, SC, all licensed to Carolina Christian Broadcasting, Inc. The Commission found that these stations complied with the EEO rules and policies during their license terms and that their EEO records warranted no further inquiry or sanction.

News Media contact: Rosemary Kimball at (202) 632-5050.

Mass Media Bureau contact: Pamela Hairston at (202) 632-7069.

NAACP EXHIBIT 45

Federal Communications Commission	
Docket No. <u>94-10</u>	Exhibit No. <u>45</u>
Presented by <u>NAACP</u>	
Disposition	Identified <u>6/21</u>
	Received <u>6/22</u>
	Rejected
Reporter <u>BARBARA WARD</u>	
Date <u>6/21/74</u>	



NEWS

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

003105

222337

(3)

News media information 202 / 632-5050
Recorded listing of releases and texts
202 / 632-0002

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC 515 F.2d 385 (D.C. Cir. 1975)

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News Media contact: Rosemary Kimball at (202) 632-5050.

Mass Media Bureau contact: Pamela Hairston at (202) 632-7069.

NAACP EXHIBIT 46

Federal Communications Commission	
Docket No.	<u>94-10</u>
Exhibit No.	<u>46</u>
Presented by	<u>NAACP</u>
Disposition	Identified <u>6/21</u>
	Received <u>6/22</u>
	Rejected _____
Reporter	<u>BARBARA LORD</u>
Date	<u>6/21/94</u>

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PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

REED MILLER
DIRECT LINE: (202) 872-6826

February 28, 1989

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

Dear Dennis:

Last summer we advised that the National Association of Broadcasters had challenged the FCC's use of the Equal Employment Opportunity Program Report (FCC Form 396). Specifically, the NAB had questioned whether broadcasters can maintain information concerning the race and sex of applicants, as required by Form 396, and remain in compliance with applicable regulations prohibiting discrimination in recruitment. The concern was that, in requesting information from applicants concerning race and sex in order to collect the information required by Form 396, broadcasters might violate other state or federal prohibitions on consideration of race or sex in the assessment of applicants.

The FCC has just acted on the NAB's challenge. As described in the enclosed Memorandum Opinion and Order, the Commission has concluded that collecting the information it seeks will not subject broadcasters to liability under federal equal employment laws. The Commission also believes that its requirements are consistent with state employment laws. The Commission has therefore declined to revise its Form 396 reporting requirements. However, in the event a broadcaster believes that it must violate any such state laws in order to collect the information required by Form 396, it can petition the FCC for a waiver of the requirement.

The Commission has also clarified the scope of certain of its EEO reporting requirements. Specifically, licensees are required to report the

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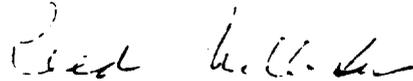
Mr. Dennis Stortz
February 28, 1989
Page 2

number of qualified female and minority referrals they receive. Licensees are expected to take reasonable steps to ascertain the sex and race of applicants. Applicants who telephone a station seeking employment may be asked their race and sex. Stations which receive applications through the mail should also make an effort to follow up with the applicant to determine race or sex.

You should be aware that the FCC is increasingly scrutinizing the recruitment practices of licensees to determine whether stations are complying with applicable equal employment opportunity requirements. Consequently, it would be wise for all licensees to carefully review their procedures for recruiting qualified minority and female applicants, and for retaining information on the sex and race of referrals to ensure that these procedures are effective and in compliance with applicable law.

We would be most happy to respond to any questions concerning the applicable requirements.

Very truly yours,



Reed Miller

Enclosure