National Association of NAB BROADCASTERS

Larry Walke
Associate General Counsel
Legal & Regulatory Affairs
1771 N Street, NW • Washington DC 20036-2800
(202) 429-5313 • Fax: (202) 775-3526

July 24, 2002

Notice of Ex Parte Communication

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ***MM Docket No. 98-204***

Dear Ms. Dortch:

On July 23, 2002, Jeff Baumann, Jack Goodman and the undersigned met with Catherine Bohigian of Commissioner Martin's office, Stacy Robinson of Commissioner Abernathy's office, and Roy Stewart, Mary Beth Murphy, Jamilah Bess-Johnson, Lewis Pulley and Roy Boyce of the Media Bureau, to discuss issues related to equal employment opportunity ("EEO") in the broadcasting and cable industries. A copy of an outline of our discussion at the meeting is attached.

Specifically, we noted that NAB endorses the Commission's effort to craft new EEO rules, and that it is only the most efficient means to reaching this mutual goal where NAB and the Commission differ. We urged the Commission staff to rethink their overall approach to EEO in light of NAB's EEO proposal, which emphasizes EEO outreach efforts over job-specific recruitment. We discussed the relatively ineffectiveness of job-specific recruitment and forwarding copies of vacancy announcements to community organizations.

We also highlighted the fact that broadcasters view EEO outreach as good business, and have every incentive to expand their pools of potential job candidates as much as possible. Finally, we discussed the unnecessary burden of the Commission's proposed EEO paperwork obligations, including FCC Form 395-B.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

Lawrence A. Walke

Attachment

cc: Catherine Bohigian
Stacy Robinson
Roy Stewart
Mary Beth Murphy
Jamilah Bess-Johnson
Lewis Pulley
Roy Boyce

NAB EEO VIEWS & PROPOSAL

- ***NAB Supports EEO Rules.***
  - NAB supports the creation of new EEO rules. It is only the means to achieving this mutual goal where NAB and the Commission differ.

- ***It's Time for a New Approach.***
  - The Commission should move beyond its decades-old reliance on burdensome paperwork and job-specific recruitment.
  - The broadcasting industry has made great progress in expanding workplace diversity, as demonstrated by the lack of evidence of discrimination or homogeneity in the record of MM Docket No. 98-204.
  - Even witnesses at the *en banc* hearing in support of the Commission's EEO proposal did not assert any barriers to entry of women and minorities into the broadcasting industry.

- ***EEO Outreach is Good Business.***
  - NAB members recognize that EEO is good business, and conduct a host of innovative, successful outreach endeavors.
  - Any new EEO rules should center on EEO Outreach rather than job-specific recruitment. A continuous pattern of meaningful outreach renders job-specific recruitment unnecessary.
  - Mandated recruitment campaigns for specific job vacancies are typically inefficient and fruitless.

- ***Action Over Box-Checking.***
  - Broadcasters should be encouraged to focus their efforts and resources on the continued expansion of EEO Outreach, instead of administrative and paperwork obligations.
  - The Annual EEO Public File Report and FCC Form 395-B serve no discernible purpose other than to assist third party interventions in license renewal/transfer proceedings.