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FCC ADOPTS NEW EQUAL EMPLOYMENT OPPORTUNITY (EEO) RULES *Promotes anti-discrimination efforts, broad outreach and industry flexibility*

Washington, D.C. – The Federal Communications Commission (FCC) today adopts new EEO rules which reaffirm the Commission’s long-standing anti-discrimination rule and emphasize broad outreach to all qualified job candidates for positions at radio, television and cable companies. The Order prohibits discrimination on the basis of race, religion, color, national origin or gender. It leaves the EEO docket open to facilitate the submission of information relevant to employment disparities in the broadcast and cable industries.

The new rules respond to the D.C. Circuit Court of Appeals decision in 1998 in *Lutheran Church Missouri Synod v. FCC (Lutheran Church)* which held that certain aspects of the Commission’s previous broadcast EEO outreach requirements were unconstitutional.

The new rules require broadcast licensees to widely disseminate information about job openings to all segments of the community to ensure that all qualified applicants, including minorities and women, have sufficient opportunities to compete for jobs in the broadcast industry. The new rules do not require broadcasters to hire any particular applicant, nor do they place pressure on such decisions. The Commission also amends its EEO rules applicable to cable entities, including multichannel video programming distributors, to conform them, as much as possible, to the broadcast EEO rule.

The Commission’s Order gives a broadcaster significant flexibility in choosing its EEO program. Broadcasters may implement two supplemental recruitment measures: (1) sending job vacancy announcements to recruitment organizations that request them; and (2) selecting from a menu of non-vacancy specific outreach approaches, such as job fairs, internships programs, and interaction with educational and community groups. Alternatively, if a broadcaster or cable entity believes it can accomplish broad outreach without these supplemental recruitment measures, it may design its own outreach program and must maintain records concerning the recruitment sources, race, ethnicity and gender of applicants so it can monitor the effectiveness of its outreach efforts.

The Commission’s Order continues to allow religious broadcasters to establish religious belief or affiliation as a job qualification for all station employees.

As in the past, broadcast stations with fewer than five full-time employees and cable entities with fewer than six full-time employees will not be required to demonstrate compliance with the EEO program requirements. However, all other broadcasters must place an annual EEO report in their public file detailing their outreach efforts and must file a Statement of Compliance every second, fourth and sixth year of the license term certifying compliance with the EEO rule. In addition, all television stations and radio stations with more than 10 full-time employees must submit their annual EEO reports to the Commission midway through the license term and at renewal. At these times, the Commission will review the station's outreach efforts. Cable entities will be required to submit their annual EEO public file reports as part of the supplemental information required by statute to be filed every five years.

The Commission also reinstates the requirement that broadcasters file annual employment reports, which was suspended by the Commission following the *Lutheran Church* decision and retains the requirement that cable entities file annual employment reports. The Commission will use the information in the annual employment reports only to monitor industry employment trends and prepares reports to Congress.

Action by the Commission January 20, 2000, by Report and Order (FCC 00-

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