

FCC Fines Up to \$14,000 Proposed for License Renewal EEO Violations, Commission To Hold Webinar to Explain Its Rules

January 1, 2012 by [David Oxenford](#)

Fines of \$14,000 and \$8,000 were proposed by the **FCC for violations of its EEO rules** in two cases ([here](#) and [here](#)) released on the FCC's last business day of the year. In both cases, the fines were issued as these clusters of stations, on the **FCC Form 396 EEO Reports** filed with their **license renewal applications**, publicized a number of job openings without adequate recruitment. In the cases faulted by the FCC, the stations' recruitment relied solely on either internal station sources (e.g. word of mouth, referrals from existing employees, ads on the stations or on their own websites) or on on-line resources. The Commission concluded that this was inadequate dissemination of the information about these openings. Based on the failure to engage in broad outreach for all of their job openings, these fines were issued by the FCC - perhaps the first of more to come as the FCC reviews license renewal applications during the current license renewal cycle. Perhaps coincidentally, the FCC will be conducting a webinar on its EEO rules on Wednesday, January 4, which is intended to help explain the obligations of broadcasters and other FCC regulated entities under these rules.

The January 4 webinar will feature two panels. The first will be a panel of FCC and private attorneys (I will be one of the participants) who will outline the legal obligations of broadcasters under the FCC's EEO rules and policies and discuss how these rules are applied. A second panel will feature industry representatives talking about EEO compliance best practices at their stations. The webinar is free, but requires registration ([here](#)). The FCC public notice of the webinar can be found [here](#), and a further description of the seminar is available on its blog ([here](#)). No doubt, the issues leading to the two fines announced on Friday will be discussed during the legal session.

In both cases, a significant amount of the hiring relied on a limited number of outreach sources. The FCC's rules require broad dissemination of information about all station job openings that do not qualify for some very limited exceptions. In doing such recruiting, companies must reach beyond their internal sources (what I have characterized in some of the seminars that I've done on this subject as the "old boys network" - see slides from a recent seminar on the EEO rules [here](#)), meaning that they can't just rely on word of mouth, referrals from existing employees and the station's own airwaves and websites. In addition, in prior cases, the FCC has determined that Internet sources cannot be the only sources relied on by a company to

supplement these in-house sources, fearing that there are still many potential job-seekers who do not have routine access to the Internet (whether that is still true is open to debate, particularly given the proliferation of job websites that have replaced the traditional newspaper classified ads as the first place that many job-seekers check to look for openings - but it is still the current FCC policy). To comply with FCC rules, broadcasters must reach out to other local groups and organizations with information about their job openings - using other media designed to reach the entire community (e.g. a large daily newspaper), or reaching out to educational institutions and other community groups that represent broad cross-sections of the local community. As the companies in these cases did not engage in what the Commission considered adequate outreach for all of their job openings (insufficient recruiting was found in 8 of 13 openings in one case, and 5 of 14 in another), the significant fines were proposed. As usually done in these cases, the FCC also faulted the licensees for not doing sufficient self-assessment as they did not catch these problems themselves.

More information on the Commission's EEO rules is also available from the **Davis Wright Tremaine Guide to the EEO Rules**, available [here](#).

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