

May 28, 2004

Dear Station Manager:

1. In accordance with the provisions of 47 C.F.R. § 73.2080(f)(4) of the Commission's Equal Employment Opportunity (EEO) rules (a copy of which is attached), your employment unit has been randomly selected for an audit of its EEO program.

2. If your unit is not required to have an EEO recruitment program due to its size (employing fewer than five full-time employees, defined as employees regularly assigned to work 30 hours a week or more), you need only provide us a list of your unit's full-time employees, their job titles, and number of hours they are regularly assigned to work per week, and a response to question 3(d) below.

3. **Audit Data Requested.** If your unit employs five or more full-time employees, provide the following information in your response to this letter, including an explanation for any information you are unable to provide:

(a) Provide the employment unit's two most recent EEO public file reports, described in 47 C.F.R. § 73.2080(c)(6).

(b) For each full-time position filled during the period covered by the above EEO public file reports, or since your acquisition of the station(s) if more recent, provide dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position. Include copies of job announcements sent to any organizations (identified separately from other sources) that have notified the unit that they want to be notified of job openings at the unit, as described in § 73.2080(c)(1)(ii).

(c) Provide documentation demonstrating performance of recruitment initiatives described under § 73.2080(c)(2) during this time period such as participation at job fairs, mentoring programs, etc. Specify the station personnel involved in the recruitment initiatives.

(d) Describe any pending or resolved complaints filed during the current license term before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the unit(s) on the basis of race, color, religion, national origin, or sex. If there have been any complaints, provide a brief description of the complaint(s), including the persons involved, the date of the filing, the court or

agency, the file number (if any), and the disposition or current status of the matter. All complaints must be reported, regardless of their status or disposition.

(e) In accordance with § 73.2080(b), describe the responsibilities of each level of management to ensure enforcement of unit EEO policies and describe how the unit has informed employees and job applicants of its EEO policies and program.

(f) In accordance with § 73.2080(c)(3), describe the unit's efforts to analyze its EEO recruitment program to ensure that it is effective and address any problems found as a result.

(g) In accordance with § 73.2080(c)(4), describe the unit's efforts to analyze periodically measures taken to examine pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that they provide equal opportunity and do not have a discriminatory effect, and if the unit has a union agreement, describe how the unit cooperates with the union(s) to ensure EEO policies are followed for the unit's union-member employees and job applicants.

(h) If you are a religious broadcaster and any of your full-time employees are subject to a religious qualification as described in § 73.2080(a) of our rules, please indicate this in your response to this letter and provide data as applicable to your EEO program.

4. **Time Brokerages.**

(a) **Brokered station(s).** If you employ fewer than five full-time employees and your station(s) is being brokered by another company, in addition to responding to this letter to provide us a list of your full-time employees and answer question 3(d), you must immediately forward this letter to your broker.

(b) **Brokers.** If you are the broker of the station(s) referenced above, you are required to supply the Commission with the "audit data" requested below regarding *your* full-time employees who work at the brokered station(s). If this letter is addressed to you requesting data about your own unit(s), and you also broker another unit(s), you must send us the "audit data" requested below for your own station(s) and your full-time employees at the brokered unit(s), if the recruitment data for your brokered unit(s) are included with your own station(s) referenced above. *See* 47 C.F.R. § 73.2080(f)(3). If your employees at your own station(s) combined with your employees at the station(s) you are brokering total fewer than five full-time employees, however, you do not need to provide the "audit data." Instead, you must respond to this letter by the deadline described below providing us with a list of your unit's full-time employees (listed by job title and number of hours regularly assigned to work per week) and the same type of list for the full-time employees you employ at the brokered station(s), and provide a response to question 3(d).

5. **Procedures.** Your response must be mailed to us within 30 calendar days of the date of this letter. The response must be in the form of a sworn statement signed by an officer of the licensee or, in the case of non-commercial educational stations, by an officer of the licensee or an officer of the station. Send the response to EEO Staff, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554. To knowingly and willfully make any false statement or conceal any material fact in response to this audit is punishable by fine or imprisonment (*see* 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17), and/or revocation of any station license or construction permit [47 U.S. Code § 312(a)(1)], and/or forfeiture (47 U.S.C. § 503). Should you have any questions regarding this matter, please contact the EEO Staff at (202) 418-1450.

6. In accordance with 47 C.F.R. § 73.3526(e)(10) for commercial stations and 47 C.F.R. § 73.3527(e)(11) for noncommercial stations, copies attached, you are required to place a copy of this letter and your response in your public inspection file.

Sincerely,

Lewis Pulley
Assistant Chief, Policy Division
Media Bureau

Attachment