



PUBLIC NOTICE

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BROADCAST EQUAL EMPLOYMENT OPPORTUNITY MID-TERM REVIEW CYCLE COMMENCES JUNE 1, 2023

New Feature Debuts in Online Public Inspection File to Designate Radio Station Staff Size

In accordance with section 334(b) of the Communications Act of 1934,¹ as amended, and section 73.2080(f)(2) of the Federal Communications Commission's (Commission's) rules,² each television station that is part of an employment unit of five or more full-time employees and each radio station that is part of an employment unit of 11 or more full-time employees is subject to a review of its Equal Employment Opportunity (EEO) practices four years following the most recent renewal of the station's license.³ Accordingly, the next EEO mid-term review cycle commences June 1, 2023, the four-year anniversary of the June 1, 2019 deadline for the license renewal application of radio stations in Washington, DC; Maryland; Virginia; and West Virginia.

On a rolling basis through April 1, 2027, stations in all other states will undergo the EEO mid-term review by Enforcement Bureau staff on the fourth anniversary of the deadline for the most recent license renewal application belonging to each station in the employment unit.⁴ Deadlines for the most recent license renewal applications can be found for radio at <https://www.fcc.gov/media/radio/broadcast-radio-license-renewal-dates-by-state> and TV at <https://www.fcc.gov/media/television/broadcast-television-license-renewal-dates-by-state>.⁵

The EEO mid-term review will cover the two-year period preceding the mid-term review deadline. Enforcement Bureau staff will evaluate performance as reflected in the annual EEO Public File Report due at mid-term and the one prior,⁶ and can request additional information from the licensee that it

¹ 47 U.S.C. § 334(b).

² 47 CFR § 73.2080(f)(2).

³ Satellite Digital Audio Radio Services (SDARS) are also subject to EEO mid-term review. 47 CFR § 25.601.

⁴ Radio and television station license renewal dates are based on the location (state, territory, etc.) of the station's community of license. States are placed into geographical groups and all of the radio or television station licenses in a particular geographical grouping of states file renewal applications on the same date. See 47 CFR § 73.1020.

⁵ All license renewal applications are due on the first day of the month as specified in 47 CFR § 73.1020. If the deadline falls on a weekend or officially recognized federal legal holiday, it is moved to the next business day. 47 CFR § 1.4.

⁶ For example, the EEO Public File Reports subject to mid-term review for the Washington, DC; Maryland; Virginia; and West Virginia radio station renewal group cover the June 1, 2021-May 31, 2022 and June 1, 2022-May 31, 2023 reporting periods.

deems necessary.⁷ Staff will inform licensees of any necessary improvements in recruitment practices to ensure that they are in compliance with the Commission’s EEO rules, and take other enforcement action as appropriate.

New Feature to Designate Radio Station Employment Unit Staff Size. To conduct the EEO mid-term review, the Commission previously relied on certain staff size information supplied via the FCC Form 397 (Broadcast Mid-Term Report), which was eliminated in 2019.⁸ Now, when radio stations and SDARS licensees belonging to an employment unit with five or more full-time employees upload their annual EEO Public File Report to the Commission’s Online Public Inspection File (OPIF) on or before the mid-term review deadline, they must also indicate whether their unit has 11 or more full-time employees, which is the staff size that triggers the mid-term review for radio licensees.

More specifically, in the Settings section of OPIF, a new “Mid-Term Review” tab will present radio stations with a “yes/no” question to disclose whether their employment unit has 11 or more full-time employees. Respondents answering “yes” are subject to the review. Answers will be stored in a new Mid-Term Review folder in OPIF at EEO Records>>Additional Documents>>EEO Public File Reports>>Mid-Term Review. Radio stations that have uploaded an EEO Public File Report at mid-term but that fail to answer the question will be contacted by Enforcement Bureau staff.

Television Stations Not Required to Designate Staff Size to Implement Mid-Term Review. All television station employment units uploading an EEO Public File Report to the OPIF are necessarily subject to a mid-term review because the requisite staff size for both obligations is five or more full-time employees. Thus, the very act of posting the report to the OPIF will be sufficient to identify television stations subject to a mid-term review.⁹ OPIF will not present the aforementioned “yes/no” question to television stations, nor will a Mid-Term Review folder appear in their public inspection files.

For questions regarding the EEO mid-term review, please contact EEO staff at EB-EEO@fcc.gov or (202) 418-1450. For technical assistance with the Online Public Inspection File, please contact 1-877-480-3201 or <https://esupport.fcc.gov/request.htm>.

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⁷ *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204, Second Report and Order and Third Notice of Proposed Rulemaking, 17 FCC Rcd 24018, 24064, para. 146 (2002), *recon. pending*.

⁸ *Elimination of Obligation to File Broadcast Mid-Term Report (Form 397) Under Section 73.2080(f)(2), Modernization of Media Regulation Initiative*, MB Docket Nos. 18-23 and 17-105, Report and Order, 34 FCC Rcd 668 (2019).

⁹ *Id.*