



NEWS

Federal Communications Commission

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

Report # MM 98-2

MASS MEDIA ACTION

February 25, 1998

FCC MODIFIES EEO ENFORCEMENT FOR RELIGIOUS BROADCASTERS

The FCC said that religious broadcasters may establish religious belief or affiliation as a job qualification for all station employees.

In a modification to the FCC's enforcement of its broadcast Equal Employment Opportunity (EEO) rules, the Commission said that it is reasonable to conclude that it is appropriate for all employees of religious broadcasters to share a common commitment to a licensee's basic religious objective and mission. The Commission's action facilitates religious broadcasters' ability to order their internal affairs and eliminates the potential for impermissible governmental interference in the conduct of religious affairs.

The Commission emphasized, however, that this action does not create a blanket exemption from the FCC EEO rule and does not permit religious broadcasters to engage in employment discrimination against women and minorities. When vacancies occur, religious broadcasters will still be required to recruit without limitation on the basis of race, color, national origin or gender from among those who share their religious affiliation or belief.

Previously, the FCC had a limited EEO enforcement exemption for religious broadcasters that only applied the exemption to vacancies involving persons hired to espouse religious views over the air. The Commission said that the new approach would end the need for the current practice of engaging in case-by-case analysis of particular job categories to determine if they involve espousal of the licensee's religious views. The Commission's action responds to concerns by religious broadcasters that its prior approach excessively entangled the government in the affairs of religious entities.

For these purposes, a "religious broadcaster" is defined as a licensee which is, or is closely affiliated with, a church, synagogue, or other religious entity, including a subsidiary of the religious entity. Specific determinations of whether a licensee is a "religious broadcaster" will be made on a case-by-case analysis.

Action by the Commission by Order and Policy Statement (FCC 98-19). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani, with Commissioner Furchtgott-Roth issuing a separate statement.

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