May 28, 2020

Legal Memorandum

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*In this issue, please find information about*

*Deadlines*: [June 1: Virginia TV Station License Renewal Applications Due](#_**_Important_Radio)

[June 1: EEO Form 396 Due for Virginia TV Stations](#_**_Important_Radio)

[June 1: EEO Public File Reports Due for Virginia TV and Radio Stations](#_EEO_Public_File)

# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# \*\* **Important Television Station License Renewal Reminders** \*\*

# June 1st is a big “deadline day” for Virginia broadcasters—especially television stations.

# Virginia Television Stations Must File License

# Renewal Applications and EEO Report Schedule 396 by **June 1, 2020**

We’re getting down to the wire! This is a reminder that license renewal applications for Virginia television stations are due no later than **June 1, 2020**.

Also due on **June 1** for Virginia television stations, in conjunction with the license renewal application, is the Broadcast Equal Employment Opportunity Program Report on FCC Form 2100, Schedule 396 (formerly known as FCC Form 396). The requirement to file the Schedule 396 in the FCC’s LMS (Licensing and Management System) applies to all full-power, Class A, and low power television stations (but not to TV translator stations), no matter how many full-time employees they have.

**NOTE**: Virginia television stations will need to file the Schedule 396 Report in LMS **before** filing their license renewal application (also in LMS). Why? Because the FCC’s LMS filing system will generate a file number upon receipt of the Schedule 396 that stations must then insert into the relevant field in the license renewal application.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# EEO Public File Reports Due June 1, 2020,

# for Virginia Television and Radio Stations

License renewal applications and the EEO Schedule 396 aren’t the only filings due on June 1: Both Virginia television AND radio stations with five or more full-time employees must upload their annual EEO Public File Report in their online public inspection file and post it to their website (if they have one) by the same date, **June 1, 2020**.

Recall that, for purposes of the FCC’s EEO rules, a “full-time” employee is one who works 30 or more hours per week. As a reminder, the FCC’s EEO rules require broadcast stations to engage in specific non-vacancy outreach efforts. Every two years, stations that have more than 10 full-time employees and are not located in a “smaller market” must engage in at least four of the initiatives on the FCC’s “menu” of outreach options, and stations that are located in a “smaller market” or have five to ten full-time employees must engage in at least two of the initiatives.

Stations with fewer than five full-time employees and religious broadcasters who apply religious qualifications to all employees are not required to engage in any “menu option” activities. For Virginia television stations, the current two-year period in which to complete these EEO “menu options” ends June 1, 2020. Virginia radio stations are currently in the middle of their two-year period, which will end June 1, 2021.

As stations prepare their 2020 EEO Public File Report, they will want to keep in mind the Commission’s EEO recordkeeping requirements. Each year the Commission conducts random audits of television and radio stations for EEO compliance. Stations that pay close attention to the EEO recordkeeping requirements will be in a better position to respond if they find themselves subject to an EEO audit. So far in 2020, the FCC has sent out one batch of EEO audit letters, back in February.

For specific details regarding the contents of the EEO Public File Report and EEO recordkeeping requirements, stations may wish to contact their communications counsel or call the VAB Hotline.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Tim Nelson, Editor*

[BROOKS, PIERCE, McLENDON,](http://www.brookspierce.com/)

[HUMPHREY & LEONARD, L.L.P.](http://www.brookspierce.com/)

[Mark J. Prak](mailto:mprak@brookspierce.com)   
[Marcus W. Trathen](mailto:mtrathen@brookspierce.com)  
[David Kushner](mailto:dkushner@brookspierce.com)  
[Coe W. Ramsey](mailto:cramsey@brookspierce.com)  
[Stephen Hartzell](mailto:shartzell@brookspierce.com)

[Julia C. Ambrose](mailto:jambrose@brookspierce.com)

[Elizabeth E. Spainhour](mailto:espainhour@brookspierce.com)

[J. Benjamin Davis](mailto:bdavis@brookspierce.com)

[Timothy G. Nelson](mailto:tnelson@brookspierce.com)

[Patrick Cross](mailto:pcross@brookspierce.com)

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

© 2020 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.