May 25, 2021

Legal Memorandum

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# **June 1, 2021:** EEO Public File Reports Due

# for Virginia Radio and Television Stations

We write to remind all Virginia radio AND television stations with five or more full-time employees that the deadline to upload their annual EEO Public File Reports (covering the period of June 1, 2020, to May 31, 2021) to their online public inspection file and post it to their website (if they have one) is fast approaching—the deadline is **only one week away, on June** **1, 2021.** 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 radio stations, the current two-year period in which to complete these EEO “menu options” ends June 1, 2021. (Virginia television stations are currently in the middle of their two-year period, which will end June 1, 2022.)

As stations prepare their 2020–21 EEO Public File Reports, they will want to keep in mind the Commission’s EEO recordkeeping requirements. Each year the Commission conducts random audits of radio and television 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. The FCC sent out its first round of 2021 EEO audit letters in February, and the FCC typically sends out a second round of EEO audit letters later in the year.

For specific details regarding the contents of the EEO Public File Report and EEO recordkeeping requirements, especially in light of the circumstances created by the COVID-19 pandemic, stations may wish to contact their communications counsel or call the VAB’s FCC Hotline at (434) 977-3716.

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*Tim Nelson, Editor*

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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.

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