wiley

ALERT

September Deadline Set for Comments on Improvements to EEO Rules but Some Call for More Immediate Updates

September 5, 2019

The Federal Communications Commission (FCC or Commission) recently extended the deadline to September 20, 2019, for initial comments on how the Commission can make improvements to the Equal Employment Opportunity (EEO) rules applicable to broadcasters and multichannel video programming distributors. The FCC also extended the typical 15-day deadline for reply comments to 45 days – November 4, 2019, to be exact – after the Multicultural Media, Telecom and Internet Council (MMTC) cited the potential for a high level of interest in the proceeding.

In a letter to the Chief of the FCC's Enforcement Bureau on Tuesday, however, it appears MMTC doesn't want to wait for the outcome of the rulemaking to see changes to the FCC's EEO program. Instead, it called for immediate action by way of the Enforcement Bureau's delegated authority, asking for the following updates to strengthen enforcement of the rules: 1) Increase the percentage of licensees audited each year; 2) Randomly select some licensees for a more thorough on-site audit focused on the applicant interview and selection stage; 3) Issue a Public Notice reminding the public about the Commission's whistleblower protections and establish a whistleblower phone line; and 4) Publish formal materials to help educate licensees about the EEO rules.

As we summarized earlier, this EEO proceeding follows the recent move of the Commission's EEO staff from the FCC's Media Bureau to its Enforcement Bureau. The Notice of Proposed Rulemaking primarily focuses on how the Commission could improve its EEO enforcement efforts but also asked whether there are other types of enforcement

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media

Telecom, Media & Technology

and compliance initiatives the FCC should explore to ensure that its EEO rules are an effective deterrent to discrimination.

If you are interested in commenting in this proceeding, please contact the Wiley Rein attorney who regularly handles your FCC matters, or one of the attorneys listed on this alert.