

## **INSTRUCTIONS - FORM 2100, SCHEDULE 396 – BROADCAST EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REPORT**

**The following Instructions track the Broadcast Equal Employment Opportunity Program Report in LMS:**

### ***GENERAL INSTRUCTIONS***

**Introduction.** Broadcast station licensees are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin, religion, and sex. *See* 47 CFR § 73.2080. Form 2100, Schedule 396, is required to be filed at the time of renewal of license by all commercial and noncommercial educational AM, FM, and TV stations.

Pursuant to these rule requirements, a license renewal applicant whose station employment unit employs five or more full-time station employees must file a complete Form 2100, Schedule 396, responding to all questions and providing all required attachments, reporting its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed – an applicant employing fewer than five full-time employees in its station employment unit as of the date of filing need only respond “Yes” to the station employment unit question under “Full-time Employees” and complete the Certification at the end of Schedule 396, submit the Schedule to the Commission, and place a copy in the station’s online public file. If a station employment unit is filing a combined report, a copy of the report must be filed with each station's renewal application.

A copy of the completed Schedule and all related documents shall be made available for inspection by the public in the station's online public inspection file, pursuant to the requirements of 47 CFR § 73.3526(b). These actions are required to obtain license renewal. Failure to meet these requirements may result in sanctions or license renewal being delayed or denied. These requirements are contained in 47 CFR § 73.2080 and are authorized by the Communications Act of 1934, as amended.

**General Policy.** A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, national origin, religion, or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination. A broadcast station must assign to a particular official overall responsibility for equal employment opportunity at the station.

**Electronic Filing of Applications.** Electronic filing of Schedule 396 is mandatory. *See* <https://enterpriseefiling.fcc.gov/dataentry/login.html>. Similarly, any amendment to a pending Schedule 396 must be filed electronically.

Applicants should provide all information requested by this application. No section may be omitted except as indicated in these instructions.

In accordance with 47 CFR § 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this Schedule. This requirement continues until the FCC action on this Schedule is no longer subject to reconsideration by the Commission or review by any court.

**The applicant must electronically sign the application.** The signature will consist of the electronic equivalent of the typed name of the individual submitting the application as the applicant or applicant’s authorized representative. Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an

unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. *See* 47 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998), ¶ 17.

## GENERAL INFORMATION

**Application Description:** In the space provided, give a brief (255 characters or fewer) description of the report. This is to assist you in identifying this discrete Schedule and will be displayed only in your LMS Application workspace. It will not be made a part of your submission or be displayed to others.

**Attachments:** Indicate by clicking “Yes” or “No” whether the Schedule includes attachments other than required attachments. Required attachments are those that must be filed in response to questions in this report, and may only be required if certain answers are given.

## LICENSEE INFORMATION

**Licensee Name and Type:** Select the Licensee Type (e.g., Individual, Unincorporated Association, Trust, Government Entity, etc.) from the drop-down menu. In the box below the drop-down menu, enter the exact legal name of the licensee or licensee entity. The name of the licensee must be stated exactly in this item. If the licensee is a corporation, the licensee should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual licensee, the person's full legal name.

**Licensee Information:** Enter the applicant's postal address, telephone number, and Email address in the spaces provided. Select the applicant's Country and State from the drop-down menus.

## CONTACT REPRESENTATIVE

If the applicant is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/Email address may be specified as the Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated.

**Contact Type:** Select the button that best describes the contact type, whether Legal Representative (e.g., attorney), Technical Representative (e.g., engineer), or Other.

**Contact Name:** Enter the name of the Contact Representative. If the representative works for a firm or company, enter that name in the Company Name box. Select the Contact Representative's Country and State from the drop-down menus.

**Contact Information:** Enter the Contact Representative's postal address, telephone number, and Email address in the spaces provided. When finished, click “Save & Continue.”

## COMMON STATIONS

List the Facility ID Number, call sign, and community of license of all stations included on this report in the spaces provided. List commonly owned stations that share one or more employees. Also list stations operated by the licensee pursuant to a time brokerage agreement, by selecting “Yes” in the “Time Brokerage Agreement” column. To the extent that licensees include on this report stations operated pursuant to a time brokerage agreement, responses or information provided should take into consideration the licensee's EEO compliance efforts at brokered stations, as well as any other stations, included in this Schedule. For purposes of this Schedule, a station employment unit is a station or a group of commonly owned stations in the same market that share at least one employee.

Enter the Facility ID Number, Call Sign, City of License, and State in the fields provided. Select “Yes” or “No,” as appropriate, in the “Time Brokerage Agreement” column. Click the “Add Row” button to open a new set of fields in which to enter information for additional commonly owned or brokered stations. When you have finished entering the required information, click the “Save & Continue” button at the bottom of the screen.

## **PROGRAM REPORT QUESTIONS**

**Program Report.** Each licensee of an AM, FM and TV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. *See* 47 CFR § 73.2080. All AM, FM, and TV broadcast stations must file Form 2100, Schedule 396 – Broadcast EEO Program Report, with their license renewal applications. Pursuant to these rule requirements, a license renewal applicant who employs five or more full-time employees in its station employment unit must maintain an EEO recruitment program in addition to ensuring that equal employment opportunity is afforded to all full-time applicants and employees without discrimination. An "employment unit" is a station, or a group of commonly owned stations in the same market that share at least one employee. If an applicant employs fewer than five full-time employees in its station employment unit as of the date of filing Schedule 396, it does not need to maintain an EEO recruitment program but still must refrain from discrimination in its hiring and employment practices. An applicant employing fewer than five full-time employees in its station employment unit need only respond “Yes” to the station employment unit question under “Full-time Employees,” complete the Certification of Schedule 396, and must then file Schedule 396 with the renewal application.

Additionally, for employment units employing five or more full-time employees, each licensee must place in the station’s online public inspection file annually, and post on the station’s website, a report containing (1) a list of all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to Section 73.2080 (c)(1)(ii), which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

**Discrimination Complaints.** All applicants must respond “Yes” or “No” as to whether any pending or resolved complaints were filed during the current license term before any body having competent jurisdiction under federal, state, territorial or local law, in which unlawful discrimination in the employment practices of the station(s) was alleged. If responding “Yes,” applicant must provide an attachment with a brief description of the complaint(s), including the person(s) involved, the date(s) of the filing(s), the court or agency, the file number (if any), and the disposition or current status of the matter.

**Full-time Employees.** All applicants must also respond “Yes” or “No” as to whether its station employment unit employs fewer than five full-time employees. “Full-time” employees are considered to be all those permanently working 30 or more hours a week. If responding “Yes,” the applicant need only certify Schedule 396, submit the Schedule to the Commission, and place a copy in the station’s online public inspection file. If responding “No,” the applicant must follow all instructions and complete Schedule 396 in its entirety (i.e., the **Additional Program Report Questions**, below) before submitting to the Commission and placing a copy in the online public inspection file.

## **ADDITIONAL PROGRAM REPORT QUESTIONS**

**Responsibility for Implementation.** A broadcast station must assign a particular official overall responsibility for equal employment opportunity at the station. Enter the name and title of this official in the fields provided.

**EEO Public File Report.** Attach to this Schedule one copy of each of the EEO public file reports from the previous two years. Stations are required to place such information, as is required by 47 CFR § 73.2080, in their online public files annually.

**Narrative Statement.** Provide as an attachment a statement that demonstrates how the station achieved broad and inclusive outreach during the two-year period prior to filing this application. Stations that have experienced difficulties in their outreach efforts should explain those difficulties.

## **CERTIFICATION**

**General Certification Statements:** Each applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of such frequency(ies) or spectrum, whether by authorization or otherwise.

Each applicant is responsible for the information that the application instructions convey. As a key element in the Commission's streamlined licensing process, a certification is required that these materials have been reviewed and that each question response is based on the applicant's review.

This question also requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. The applicant, by electronically signing the application, certifies that neither it nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

**Note:** With respect to this certification, the term "party to the application" includes, if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership association; and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a five percent or more interest in the partnership. *See* 47 CFR § 1.2002(b)-(c).

**Authorized Party to Sign: The applicant must electronically sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a

general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. *See* 47 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23,064 (1998), ¶ 17.

The Applicant must also check the box to certify that it has submitted with the report all required and relevant attachments.

Click the “Submit Application” button to submit the application. **The application is not considered to be submitted unless and until you click the “Submit Application” button.**

### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 1.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to [pra@fcc.gov](mailto:pra@fcc.gov) or send them to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0113), Washington, DC 20554. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0113.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.**