



*To All Broadcast Clients*

*June 25, 2004*

**FCC REINSTITUTES ANNUAL EMPLOYMENT REPORTS;  
REQUESTS COMMENT ON PUBLIC ACCESS TO EMPLOYMENT DATA**

The FCC has reinstated the Annual Employment Report requirement for broadcasters with employment units of five or more full-time employees. Broadcasters will be required to file Annual Employment Reports identifying the number of employees in various job categories by race, ethnicity and gender.

The FCC states that it intends to use data collected from these reports to ascertain industry employment trends and to issue reports to Congress, and not to determine a licensee's compliance with the FCC's EEO rules or to screen license renewal applications.

The Annual Employment Report is a separate compilation, and does not replace the annual EEO public file report that explains a station's hiring and recruitment activities.

Licensees may file a single Form 395-B for each station employment unit. An employment unit is all commonly owned stations in the same market that share at least one employee. Employment units with fewer than five full-time employees are exempt from filing Form 395-B.

**Public Access to Reports**

The FCC has separately requested comment on whether the public should have access to the Annual Employment Reports. Historically, this data was available to the public. Recent changes in federal law, however, allow government agencies to collect information exclusively for statistical purposes under a pledge of confidentiality, and to keep the information non-public. Comments on this subject are due July 14, 2004, and Reply Comments are due July 26, 2004.

**Due Date for Reports**

Broadcasters must file the Annual Employment Report (FCC Form 395-B) by September 30 of each year, except the report for 2004, which will be due at a date to be determined. The FCC will set the deadline for filing the 2004 report after it reaches a decision on whether and how it will publicly disseminate employment data. When due, the 2004 report will cover all full-time and part-time employees in each specifically identified job category during a single payroll period in July, August or September 2004 to be selected by the broadcaster.

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired, including definitions of the job categories to be reported. To discuss any of the issues presented here, please contact Philip Bonomo at (202) 416-6773 or any other attorney in our