

ALERT

What NCE Broadcasters Need to Know About the FCC's EEO Workforce Data Collection

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The Federal Communications Commission's (FCC) newly reinstated requirement (which we discussed [here](#)) that broadcasters annually report workforce composition data, including the gender, race, and ethnicity of their employees, may necessitate more internal process changes for some commercial broadcasters than many non-commercial educational (NCE) broadcasters. That's because NCE broadcasters that receive funding from the Corporation for Public Broadcasting (CPB) are already required to submit an "Employment Statistical Report" to CPB on an annual basis that reports employees' gender, race, and ethnicity. That information is compiled by CPB into reports available [here](#) on CPB's website.

There are, however, some key differences between CPB's and the FCC's data collection. First, and perhaps most significantly, is that workforce composition data reported by CPB-funded NCE stations is not widely available on a station-by-station basis. Although stations must make their Employment Statistical Report available for public inspection at their "central office and at each other location where there are six or more employees," the public is more likely to access the information via CPB's website, where the data is reported on an aggregate basis. Form 395-B, in contrast, will report workforce composition data for a single station or commonly owned group of stations and will be available via stations' online public inspection files. Second, the filing deadlines and snapshot periods differ between the two reporting requirements. Form 395-B will be due by September 30 of each year after the effective date, reporting on the employment profile of the station in a pay period in July, August, or September. The CPB's Employment Statistical Report, in contrast, is due in February, reporting on the employment profile of the station

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for a pay period in the proceeding January. Third, on the Form 395-B, stations will have the option of selecting "Non-Binary" for their employees' gender, whereas that category does not currently exist for CPB. Finally, the job categories into which employees should be sorted for reporting purposes vary slightly between the CPB and FCC. For example, the Form 395-B differentiates between senior and mid-level officials, whereas CPB does not.

The Form 395-B filing requirement is not yet effective, pending Federal Register publication of the FCC's underlying order and approval of the revised form by the Office of Management and Budget. The requirement may also be challenged in court, which could further delay its effectiveness. Once these hurdles are past, the Media Bureau will publish a Public Notice announcing a filing window in which the form must be submitted.