

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Review of the Commission's	)	MM Docket No. 98-204
Broadcast and Cable	)	
Equal Employment Opportunity	)	
Rules and Policies	)	

**EN BANC HEARING TESTIMONY  
PRESENTED BY LINDA BERG  
POLITICAL DIRECTOR  
NATIONAL ORGANIZATION FOR WOMEN**

**ON BEHALF OF**

**NATIONAL ORGANIZATION FOR WOMEN**

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## Testimony on Behalf of the National Organization for Women

The National Organization for Women (NOW) is the largest grassroots feminist organization in the country. NOW's 500,000 contributing members reside in every media market across the nation. As one of NOW's missions is to work to achieve pay equity and economic equality for women, NOW is extremely concerned with the implementation of Equal Employment Opportunity (EEO) rules in the broadcasting and cable industries.

Employment statistics in the aftermath of EEO court decisions and suspension of the EEO rules clearly demonstrate the continuing need for EEO regulations by the Federal Communications Commission ("Commission"). Women and minorities are still under-represented in broadcast and cable industries, particularly in upper level and management positions. After years of slow but steady progress towards parity, the numbers are slipping for the first time in the wake of the *Lutheran Church* decision and subsequent EEO rule suspension. A study by the Radio-Television News Directors Association (RTNDA) noted that in the year 2000, "[t]he white, male world of TV general managers is actually a bit more white and a bit more male this year than last."<sup>1</sup> The study showed that the percentage of minority radio news directors has dropped from 8% in late 1998 to approximately 4.5% in 2000.<sup>2</sup> In television, the drop was from 14% to 8%.<sup>3</sup>

While women are represented in radio and TV broadcasting, they tend to be clustered in clerical, administrative support, and sales areas, often trapped below the glass ceiling. In 2000,

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<sup>1</sup> Radio-Television News Directors Association & Foundation & Ball State University, *RTNDA/Ball State University Survey of Women and Minorities in Radio & Television News* (2001), available at <http://www.rtna.org/research/womin.shtml> [hereinafter *2001 RTNDA study*].

<sup>2</sup> *2001 RTNDA Study*.

<sup>3</sup> *2001 RTNDA Study*.

close to 75% of office and clerical workers in broadcast stations were women.<sup>4</sup> In contrast, a study by the Annenberg Public Policy Center found that only 10% of top executive officers were women.<sup>5</sup>

For these reasons, NOW seeks broad outreach regarding job openings as well as other creative solutions to reverse this trend. NOW has worked with the Commission for years to develop fair gender and sex neutral EEO rules, and NOW fully supports the Commission's initial proposals. NOW does have, however, suggestions to expand the reach of the proposed rules.<sup>6</sup> NOW asks that part-time jobs as well as full-time jobs be included in the requirements for wide dissemination of information and notice of job openings. NOW also suggests that stations be required to make public service announcements informing the public and community organizations of their right to information on job openings. NOW further requests that any EEO reports that stations must already make available to the public also be posted on the stations' websites or a central website.

Requiring outreach for part-time jobs would advance parity in the industries. Part-time positions constitute a significant portion of the total work force at most broadcast stations (31% for radio news staffs and 13% for TV news staffs).<sup>7</sup> According to the National Association of

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<sup>4</sup> U.S. Equal Employment Opportunity Commission, *2000 EEO-I Aggregate Report. SIC 484: Cable and Other Pay TV Services* (2002), available at <http://www.eeoc.gov/stats/jobpat/2000/sic3/484.html>.

<sup>5</sup> Annenberg Public Policy Center, *Progress or No Room at the Top?: The Role of Women in Telecommunications, Broadcast, Cable, and E-Companies 2* (2001) available at <http://www.appcpenn.org/reports/2001/index.asp>.

<sup>6</sup> See Comments of NOW et al., *In the matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204 (April 15, 2002); Reply Comments of NOW, et al., *In the matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204 (May 29, 2002).

<sup>7</sup> Radio-Television News Directors Association & Foundation & Ball State University, *RTNDA/Ball State University 2000 News & Staffing Survey*, available at <http://www.rtna.org/research/staff.shtml>.

Broadcasters, these positions are important for gaining entry to and training in broadcasting,<sup>8</sup> which is particularly crucial for women, who frequently re-enter the workforce via part-time jobs after having children. Without wide dissemination of information about part-time positions, a significant avenue for entry into broadcasting may be unavailable to many potential applicants.

While broadly disseminating job information and granting community organizations the right to be notified of job vacancies is a good start, those requirements will be ineffective if groups do not know of their entitlement to that information. NOW therefore asks that broadcast stations be required to issue public service announcements informing organizations of their right to be notified of job vacancy information.

Finally, NOW suggests requiring increased public access to filed EEO reports. As the Commission itself has noted, “meaningful, ongoing communication between a broadcaster and the public will result in a more effective outreach program.”<sup>9</sup> To allow for easier access to the reports, the Commission should require stations to post them on their websites and perhaps also in a central location, such as the Commission’s website. Because most stations already maintain extensive websites,<sup>10</sup> any additional burden would be minimal and outweighed by the benefits of

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<sup>8</sup> “[P]art-time employment is a good training ground for the broadcast industry. Individuals who work part-time often advance to full-time status, at either their current stations or other broadcast outlets. The Commission’s policies should therefore support stations’ hiring of part-time workers.” *Comments of the NAB in the Matter of Implementation of Commission’s Equal Employment Opportunity Rules*, MM Docket No. 94-34 at 35 (1994) (requesting minimal paperwork on part-time employees to encourage part-time hiring practices). The National Hispanic Media Coalition asserted, “[m]any of these part-time jobs are for entry-level positions.” *Comments of the National Hispanic Media Coalition In the Matter of Implementation of Commission’s Equal Employment Opportunity Rules*, MM Docket No. 94-34, at 3 (1994).

<sup>9</sup> *Reconsideration of the Federal Communications Commission In the Matter of Review of the Commission’s Broadcast and Cable EEO Rules and Policies and Termination of the EEO Streamlining Proceeding*, 15 FCC Rcd at 22,557 ¶ 30.

<sup>10</sup> Ninety-one percent of all TV stations have websites, and 75% of all radio stations have websites. Further, radio stations employ, on average, 2 staffers to maintain their websites, while TV stations employ, on average, 2.3 staffers to maintain their websites. Radio-Television News Directors Association & Foundation & Ball State University, *RTNDA/Ball State University Radio and Television Web Survey* (2001), available at

facilitating public access.

While NOW supports using the Internet for wide dissemination of vacancy notices and aiding access to EEO reports, traditional forms of notices appearing in newspapers and trade publications are still essential. Only 54% of Americans have access to and use the Internet, and only 7.5% of Americans search for jobs on the Internet.<sup>11</sup> Additionally, while about 60% of white Americans have access to the Internet, only about 40% of African-Americans and 32% of Hispanics have Internet access.<sup>12</sup> Allowing radio and television stations to advertise jobs only through the Internet would not meet the Commission's goal of broad outreach.

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<http://www.rtnda.org/technology/web.shtml#survey>.

<sup>11</sup> National Telecommunications and Information Administration and Economics and Statistics Administration, U.S. Department of Commerce, *A Nation Online: How Americans Are Expanding Their Use of the Internet* 33 (2002), available at <http://www.esa.doc.gov/508/esa/USEconomy.htm> [hereinafter *Commerce Report*].

<sup>12</sup> *Commerce Report*.

In conclusion, NOW supports EEO rules to foster parity and broad outreach in the broadcasting and cable industries. NOW looks forward to continuing to work with the Commission in reaching these goals.

Respectfully submitted,

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