

# Holland & Knight

800 17th Street N.W., Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Charles R. Naftalin  
+1 202-457-7040  
[Charles.Naftalin@hklaw.com](mailto:Charles.Naftalin@hklaw.com)

June 8, 2023

Via E-Mail: [Elizabeth.Goldin@fcc.gov](mailto:Elizabeth.Goldin@fcc.gov)

Elizabeth E. Goldin  
Assistant Chief, Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
45 L Street, N.E.  
Washington, DC 20554

Re: Response of WNYT-TV, LLC,  
Licensee of WNYT(TV), Albany, New York (Facility ID 73363) to  
Random Equal Employment Opportunity Audit, (April 24, 2023)

Dear Ms. Goldin:

On behalf of WNYT-TV, LLC (“Licensee”), the licensee of full-power television station WNYT(TV), Albany, New York (Facility ID 73363) (“WNYT”), the following is the Response of Licensee to the above-referenced equal employment opportunity (“EEO”) random audit directed to WNYT (the “Letter”). This Response is supported by the attached Declaration of Jon Hitchcock, Vice President and General Manager of Licensee.

In addition to being the licensee of WNYT, Licensee is the licensee of full-power television station WNYA(TV), Pittsfield, Massachusetts (Facility ID No. 136751) (“WNYA”). All employees of WNYT and WNYA are in a single “unit” as provided under the FCC’s rules (the “Unit”). The following provides Licensee’s responses to the Letter for the Unit, such responses being indexed under the numbering of the Letter.

2(a)

The Unit has more than five full-time employees, as defined under Section 73.2080(e)(1) of the Commission’s rules (persons who are employed for 30 or more hours a week).

2(b)

(i) Attachment No. 1 to this Response contains copies of the Unit’s two most recent EEO Public File Reports. Those reports are for the two one-year time periods of February 1, 2021-January 31, 2022 and February 1, 2022-January 31, 2023 (collectively the “Two-Year Period”).

(ii) Licensee maintains the following website for the Unit: <https://wnyt.com/>, which links to the online public inspection files for WNYT and WNYA, and also includes a link to their most recent EEO Public File Report. WNYA does not have a website separate from wnyt.com. The EEO Public File Reports are for both stations and have been available from the wnyt.com website. All employees of the two stations are part of the Unit.

(iii) Attachment No. 2 to this Response contains copies of the Unit’s files showing the advertisements, bulletins, letters, faxes, e-mails or other communications announcing full-time job openings during the Two-Year Period and related recruitment information. If one complete representative example is used for job openings in Attachment No. 2, a list of additional job sources to which the notice was sent is provided (as relevant). Copies of all notices of additional sources used to announce job vacancies during the Two-Year Period (as relevant) were retained by Licensee. The following summarizes full-time job opening information for the Two-Year Period contained in Attachment No. 2. For ease of understanding, the hire date of each such person is listed below under Section 2(b)(iv).

(iv) As shown in Attachments Nos. 1 and 2, the following summarizes the total number of interviewees for each full-time job vacancy during the two-year period and the referral source for each interviewee.

<b><u>2021-2022</u></b>	<b><u>Number of Interviewees</u></b>	<b><u>Hire Date</u></b>
<u>Executive Assistant/ AP &amp; HR Specialist</u>	(Total of 4)	3/29/21
Indeed.com	2	
LinkedIn	2	
<u>News Director</u>	(Total of 21)	3/23/21
Employee Referral	4	
HBI Career Site	2	
Indeed.com	5	
Internal	3	
LinkedIn	2	
MediaTalent	1	
TV Jobs	4	
<u>Reporter/Anchor</u>	(Total of 14)	2/21/21
Employee Referral	4	
HBI Career Site	1	
Indeed.com	3	
LinkedIn	2	
TV Jobs	4	
<u>Reporter</u>	(Total of 5)	2/1/21
Employee Referral	1	
HBI Career Site	1	
Indeed.com	1	
LinkedIn	1	
TV Jobs	1	

<u>Meteorologist</u> <sup>1</sup>	(Total of 2)	4/19/21
Internal	2	
<u>Photographer/Editor</u>	(Total of 3)	6/10/21
Indeed.com	2	
TV Jobs	1	
<u>Anchor/Reporter</u>	(Total of 38)	9/14/21
Employee Referral	12	
HBI Career Site	2	
Indeed.com	5	
Internal	5	
LinkedIn	5	
TV Jobs	9	
<u>Digital Marketing/Traffic Assistant</u>	(Total of 6)	8/24/21
Employee Referral	1	
HBI Career Site	1	
Indeed.com	1	
LinkedIn	1	
TV Jobs	1	
University of Cincinnati College	1	
<u>Photographer/Editor</u>	(Total of 1)	7/7/21
Employee Referral	1	
<u>News Reporter</u>	(Total of 12)	9/1/21
Employee Referral	5	
HBI Career Site	1	
Indeed.com	1	
LinkedIn	4	
TV Jobs	1	
<u>TV Producer</u>	(Total of 2)	8/10/21
HBI Career Site	2	
<u>Vice President - General Manager</u>	(Total of 21)	12/20/21
Employee Referral	2	
HBI Career Site	4	
Indeed.com	2	
Internal	3	
LinkedIn	1	
Recruiter	1	
TV Jobs	8	
<u>Graphic Artist</u>	(Total of 4)	10/26/21
Indeed.com	2	
LinkedIn	1	
Sage College of Albany	1	

---

<sup>1</sup> Licensee had an immediate need for a full-time meteorologist, representing exigent circumstances. It interviewed its two part-time meteorologists and selected one of them for the full-time position.

Elizabeth E. Goldin  
 Assistant Chief, Investigations & Hearings Division  
 Enforcement Bureau, p. 4

<u>Sports Reporter</u>	(Total of 16)	10/27/21
Employee Referral	4	
HBI Career Site	1	
Indeed.com	2	
Internal	2	
LinkedIn	2	
Syracuse University	1	
TV Jobs	4	
<u>Local Sales Manager</u>	(Total of 6)	1/27/22
Employee Referral	2	
Indeed.com	1	
LinkedIn	3	

<u>2022-2023</u>	<u>Number of Interviewees</u>	<u>Hire Date</u>
<u>Account Executive</u>	(Total of 12)	1/12/23
Department of Labor Albany	1	
Employee Referral	2	
HBI Career Site	3	
Indeed.com	5	
TV Jobs	1	
<u>TV Producer</u>	(Total of 27)	9/19/22
Colorado Media School	1	
Employee Referral	4	
Indeed.com	10	
Internal	2	
Journalism Jobs	1	
LinkedIn	4	
TV Jobs	5	
<u>Chief Photographer</u>	(Total of 7)	2/8/22
College of St Rose	1	
HBI Career Site	1	
Indeed.com	2	
Internal	2	
TV Jobs	1	
Accounting and Human <u>Resources Specialist</u>	(Total of 5)	3/16/22
Indeed.com	4	
LinkedIn	1	
<u>Photographer/Editor</u>	(Total of 14)	8/18/22
Employee Referral	1	
Indeed.com	7	
Internal	3	
LinkedIn	2	
TV Jobs	1	
<u>News Reporter</u>	(Total of 4)	2/28/22

Elizabeth E. Goldin  
Assistant Chief, Investigations & Hearings Division  
Enforcement Bureau, p. 5

HBI Career Site	1	
Internal	2	
LinkedIn	1	
<u>Assignment Editor</u>	(Total of 4)	4/8/22
HBI Career Site	2	
Indeed.com	1	
Internal	1	
<u>Chief Engineer</u>	(Total of 2)	7/5/22
HBI Career Site	1	
TV Jobs	1	
<u>Reporter/Anchor</u>	(Total of 15)	5/12/22
Employee Referral	6	
HBI Career Site	2	
Internal	3	
LinkedIn	1	
TV Jobs	3	
<u>Investigative Producer</u>	(Total of 4)	7/7/22
Employee Referral	2	
Indeed.com	2	
<u>Creative Services Producer-Editor</u>	(Total of 3)	10/13/22
Employee Referral	1	
Indeed.com	2	
<u>Photographer/Editor</u>	(Total of 1)	8/23/22
Indeed.com	1	
<u>Photographer/Editor</u>	(Total of 3)	9/22/22
Indeed.com	1	
Internal	1	
TV Jobs	1	
<u>TV Producer</u>	(Total of 8)	12/12/22
HBI Career Site	1	
Internal	2	
LinkedIn	2	
TV Jobs	3	
<u>Photographer/Editor</u>	(Total of 3)	11/3/22
Department of Labor Albany, NY	1	
Indeed.com	1	
LinkedIn	1	

As the information in Attachments Nos. 1 and 2 show, the Unit filled forty-two full-time positions during the Two-Year Period, in some instances filling more than one opening under the same job opening announcements. Attachment No. 1 indicates which recruitment sources specifically asked for job opening notices from Licensee. As shown in Attachment Nos. 1 and 2, during the Two-Year Period, the Unit routinely distributed job notices to 32 to 40 organizations

Elizabeth E. Goldin  
Assistant Chief, Investigations & Hearings Division  
Enforcement Bureau, p. 6

from which applicants reasonably could be expected by Licensee.<sup>2</sup> As the attachments show, the organizations to which Licensee routinely sent job opening announcements included: commercial entities, such as Indeed.com, TV Jobs.com, and LinkedIn; professional organizations, such as the Massachusetts Broadcasters Association, Media Talent, Saratoga Chamber of Commerce, Learn for Life Twin Rivers Council, Inc. and America Works of Albany, Inc.; academic institutions, such as Leech Lake Tribal College, New School of Radio Television, University of Albany, Office of Career and Professional Development, Union College Career Center, Syracuse University, SI Newhouse School of Public Communications, Howard University John H. Johnson School of Communications, and College of Communication Pennsylvania State University; and diversity-oriented organizations such as County of Albany Division of Affirmative Action and Schenectady County Civil Service Commission Affirmative Action Office.

As the Attachments and this Response demonstrate, the Unit had forty-two full-time job openings during the Two-Year Period. For those job openings, the Unit received 876 applications for full-time job openings, an average nearly twenty-one applications per opening. The Unit conducted 267 interviews, an average of more than six interviews per job opening. Licensee submits that its efforts at recruitment for full-time job openings resulted in a fully satisfactory flow of applicants.

(v) Attachment No. 1 provides detailed information of the recruitment initiatives conducted by Licensee, per year, during the Two-Year Period because Licensee's recruitment initiatives are included in its EEO Public File Reports. Despite disruptions and challenges caused by the COVID epidemic, such recruitment initiatives included (virtually and live): participation in four job or career fairs by Licensee's News Director, Assistant News Director and Anchors; Licensee hosted two internships arranged by the New York Broadcasters Association, permitting interns to gain valuable experience in television broadcasting in such areas as news, sales, engineering, program production, public affairs and web services; several employees of Licensee provided presentations, discussions or panel discussions to students nine times during the Two-Year Period; and the News Director and Assistant News Director had meetings with representatives of St. Rose Communications School to help develop a program that would assist students with job opportunities in television.

During the Two-Year Period, the Unit had between 96 and 99 full-time employees. The city of Albany, New York has a population of approximately 98,617<sup>3</sup> and the Albany-Schenectady-Troy Metropolitan Statistical Area ("MSA") has a 2022 estimated population of

---

<sup>2</sup> In addition, the wnyt.com website includes a link to the "careers" page with job openings at all of the radio and television broadcast stations of Hubbard Broadcasting, Inc., *i.e.* the "HBI Career Site." HBI is the parent company of Licensee and a number of other FCC broadcasting licensees. Six organizations specifically asked the Unit for all notices of job openings, a request that was honored at all times except for a single oversight in which three of the six organizations accidentally were not provide a copy of a job opening notice one time.

<sup>3</sup> See <https://www.census.gov/quickfacts/albanycitynewyork> (accessed May 16, 2022).

approximately 904,617.<sup>4</sup> That MSA population (larger than 250,000) requires that Licensee engage in at least four recruitment initiatives per two-year period, as described under Section 73.2080(c)(2) of the Commission's rules. As shown above, and described in Attachment No. 1, Licensee participated in more than four recruitment initiatives during the Two-Year Period, therefore satisfying the requirements of Section 73.2080(c)(2) of the Commission's rules.<sup>5</sup>

(vi) There have been no pending or resolved complaints involving the Unit filed during the current license terms of WNYT and WNYA before any body having competent jurisdiction under federal, state, territorial or local law that alleges unlawful discrimination in the employment practices of the Unit on the basis of race, color, religion, national origin or sex.

(vii) As noted above, and has been reported to the Commission for many years in ownership reports, Licensee is a wholly owned subsidiary of HBI. Through subsidiaries, HBI controls a number of radio and television stations. Licensee benefits from human resource strengths shared among the HBI family of broadcasting stations, including management oversight of EEO programs. Licensee's managers are expected to ensure that equal employment opportunity is afforded to all applicants for positions with the Unit and to all Unit employees. Should a concern or complaint regarding EEO arise, Licensee's managers are expected to address them, to bring them to the attention of Licensee's Controller and its Vice President/General Manager, and be a part of the resolution. HBI's Corporate Human Resource Department also serves as a resource for station management and employees for all EEO matters.

(viii) During the current license term, HBI's Corporate Human Resources Department has worked with Licensee's management to regularly analyze the Unit's EEO recruitment program to ensure that it is effective and, if any problems are discovered, to address them as a result of such analysis. The effectiveness of Licensee's recruitment program is reviewed regularly, including the sufficiency of recruitment resources used by Licensee.

(ix) Licensee takes its EEO obligations very seriously. Throughout the current license term, at all times it has been committed to ensuring equal opportunity and nondiscrimination in every aspect of the Unit's employment policy and practices. Licensee's policy is to consider the qualifications of all applicants and employees without discrimination based on the applicant's or employee's race, color, religion, sex, national origin, age, sexual orientation, physical or mental handicap, or conditions specifically prohibited by federal, state, and local legislation. Licensee has, and enforces, an appropriate workplace behavior policy that is intended to affirmatively prevent sexual harassment and also sets forth the expectation that the workplace be free of any behavior that is discriminatory, sexually harassing, abusive, violent, or unprofessional.

---

<sup>4</sup> See [https://www.citypopulation.de/en/usa/metro/10580\\_\\_albany\\_schenectady\\_tr/](https://www.citypopulation.de/en/usa/metro/10580__albany_schenectady_tr/) (accessed May 16, 2022).

<sup>5</sup> For example, Licensee's staff participated in two internships and four job or career fairs during the Two-Year Period, which considerably exceeded the four initiative requirement under Section 73.2080(c)(2) of the Commission's rules. In addition, Licensee conducted additional recruitment initiatives, such as presentations to students.

Elizabeth E. Goldin  
Assistant Chief, Investigations & Hearings Division  
Enforcement Bureau, p. 8

All employment policies have been widely distributed to all employees and are readily available to them anytime via the company's payroll portal. All existing employees are required to electronically acknowledge that they have read, and understand, all policies, including EEO policies and procedures, most recently in February of 2022. New employees electronically acknowledge the policies at the time of hiring.

Licensee's managers, along with HBI's Corporate Human Resources Department, regularly review important aspects of employment within the Unit. Those reviews include such subjects as employee pay, benefits, seniority practices, promotions, selection and testing techniques. These reviews are intended to ensure that the Unit is compliant with all EEO requirements and that Unit employment practices are non-discriminatory. The Unit's agreement with union members employed by it provides that the Unit and the union will not unlawfully discriminate. Licensee's department managers participate in these reviews with respect to the Unit employees within their departments. Licensee's Controller and Vice President/General Manager also are directly involved and oversee these reviews. They help ensure compliance with EEO obligations and non-discrimination throughout the Unit. Licensee coordinates these efforts and reviews with HBI's Corporate Human Resources department.

(x) Licensee is not a religious broadcaster.

3 Licensee does not participate in any time brokerage arrangement as contemplated in the Letter.

Respectfully submitted,



Charles R Naftalin  
*Counsel to WNYT-TV, LLC*