



March 27, 2017

EEO Staff  
Policy Division, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Officer's Statement in response to the audit letter dated February 8, 2017 for  
KQET (TV), San Jose, CA, Facility ID #8214**

Dear EEO Staff:

This statement responds to the Commission's audit with respect to compliance with the Commission's Equal Employment Opportunity Rules by the station employment unit that includes the noncommercial educational television station KQET(TV) (the "Unit"). The Unit also includes noncommercial educational stations KQED(TV), San Francisco, and KQEH(TV), San Jose, as well as KQED-FM, San Francisco and KQEI-FM, North Highlands. I am the General Counsel and Corporate Secretary for KQED Inc., formerly known as Northern California Public Broadcasting Inc. ("KQED" or "NCPB") the licensee of all Unit stations.

Responses to the audit data requested in Section 3 of the audit letter follow:

(a) The Unit's two most recent EEO public file reports, covering the periods from August 1, 2014 and ending July 31, 2015 and for the period commencing August 1, 2015 and ending July 31, 2016 (together the "Audit Period"), are attached as Exhibit A. These reports can be viewed electronically at: <http://www.kqed.org/about/jobs/index.jsp>; all stations within the Unit share this web site. Exhibit B lists the dates of hire for each job title noted in the Recruitment Sources column.

(b) Copies of advertisements, bulletins, letters, faxes, emails or other communications announcing the positions filled during the Audit Period are attached as Exhibit C. Where job notices have been sent to multiple sources, only one copy of each such notice along with a list of the sources to which we sent the notice are listed. Our practice is to retain copies of all notices sent to all sources as required by Section 73.2080(c)(5)(iii). In the course of preparing for this audit, we discovered that fourteen of the many notices sent to Linked In are not in our records.

(c) The total number of interviewees for each vacancy and the referral source for each interviewee for all full-time Unit vacancies during the Audit Period are listed in Exhibit B.

(d) Documentation demonstrating performance of the Unit recruitment initiatives during the Audit Period and specifying the Unit personnel involved in each such

recruitment initiative is attached as Exhibit D. The total number of full-time employees of the Unit is 318. The population of the market served by the stations exceeds 250,000, thus, the Unit is required to perform four initiatives within a two year period.

(e) Since the December 1, 2014 commencement of the Station's current license term, the following complaints alleging unlawful discrimination in the employment practices of the Unit on the basis of race, color, religion, national origin, or sex have been filed:

On December 23, 2015, Lelani Viana and Elizabeth Media, who are current employees of KQED Inc., filed San Francisco Superior Court Case No. CGC 15549-593, against KQED alleging discrimination, harassment, and retaliation on the basis of their race. On January 5, 2017, the Court granted KQED's Motion for Summary Judgment, finding that neither plaintiff had been subject to any adverse employment action by KQED. On March 1, 2017, Plaintiff Viana filed a notice of appeal, which is pending.

On December 12, 2016, Tyne Whitmore, a former employee who at the time of filing was still employed by KQED Inc., filed an administrative charge with the California State Department of Fair Employment and Housing (DFEH) against KQED Inc, and KQED managers Joanne Carder, and Roger Chiang (DFEH No. 840692-265989), alleging discrimination, harassment, and retaliation on the basis of his race, medical condition, and engagement in a protected activity (taking a medical leave). At Mr. Whitmore's request, the DFEH immediately dismissed the charge and issued a Right to Sue notice. The matter was settled on January 27, 2017, with no admission of wrongdoing on the part of KQED Inc. or either of the managers.

(f) Since the commencement of the Unit stations' current license terms to date, the responsibilities for each level of Unit management to ensure enforcement of Unit EEO policies include:

- KQED's Vice President, Human Resources & Chief Labor/Employment Counsel (the "VP HR") is charged with ensuring that KQED has adopted formal, standardized procedures for hiring and promoting employees of all levels which comply with the letter and spirit of EEO requirements. These procedures have been approved by the Senior Leadership Team and have are the responsibility of the HR Director, Talent Management. These procedures include such things as ensuring that all qualifications are clearly identified in job postings/descriptions, ensuring that only those candidates that meet those qualifications are interviewed for open positions, a widespread posting of all new positions within and without KQED and striving to ensure a diverse candidate pool for each opening. The VP HR is also charged with ensuring that management and all employees are aware of KQED's EEO policies, the penalties for noncompliance, and the process for bringing any violations of policies to management's attention. This awareness is fostered through employee communications such as the Employee Handbook and

training that provides management with techniques to ensure compliance. The VP HR also oversees the resolution of any EEO-related complaints that are not successfully resolved at the management level as well as determining appropriate disciplinary measures, which may include termination of the employee. Approximately 30% of the Unit's employees are represented by labor unions. Some of the Unit's hiring and promotion policies are governed by union contract. Each contract contains non-discrimination provisions.

- The General Counsel and/or President are responsible for investigating reports that the Human Resources department itself has not fairly carried out EEO policy.
- KQED's Human Resources Director, Talent Management is charged with consistently applying KQED's EEO-related policies to the hiring and promotional processes and implementing many of the EEO training activities.
- All KQED managers are charged with remaining up to date with respect to KQED's EEO policies, including attending mandatory training sessions and acting in accordance with such policies. Managers are also charged with enforcing EEO policies within their department.

From the commencement of the Unit stations' current license terms to date, job applicants have been informed of the fact that KQED is an equal opportunity employer through statements of our non-discriminatory policy appear on the jobs page of our web site. Large posters are posted in several of our common break areas advising readers of their right to notify the U.S. Equal Employment Opportunity Commission and/or California's Department of Fair Housing and Employment if they believe they have been the victims of discrimination. Employees are further informed of KQED's EEO policies in our Employee Handbook and in annual training sessions that are made available to all staff and are mandatory for managers. The EEO reports mandated by the Commission describing KQED's EEO activities are posted on the Unit's website as well as placed in our public file.

(g) The Unit's efforts to analyze its recruitment program to ensure its continued effectiveness have been ongoing since the commencement of the Unit stations' current license terms and before. In our search for the most qualified candidate we continually review our advertising sources to ensure that we are reaching diverse populations, and we add new sources as they become available. Similarly, we are constantly alert to new possibilities for expanding the scope of our outreach activities. The activities described in response to section 3(d) of the audit letter are a fraction of what we do in terms of outreach. We are present on college campuses to introduce television and radio broadcasting careers to students and alumni. Members of our staff often participate in discussion panels about the business and how it operates in both college arenas as well as Middle School and High School campuses in our area. Additionally, members of our staff also participate in different community driven opportunities to increase the visibility of careers in public media taking the form of tours of our facility and career insight discussions. As a result of our efforts, we have increased our reach to different

communities, improved the diversity of our qualified applicant pools and increased the diversity in our organization.

(h) From the commencement of the Unit stations' current license terms onward KQED has continued to periodically analyze its measures taken to examine pay, benefits, seniority practices, promotions and selection techniques and tests to ensure that they provide equal opportunity and do not have a discriminatory effect.

KQED is diligent in ensuring that candidates for all open positions are subject to the same selection process. Similarly, we employ consistent practices for ensuring that opportunities for promotion are presented to all employees and when appropriate are advertised to the public. Qualifications for the positions are clearly stated and internal and external candidates are considered.

KQED is the recipient of Corporation for Public Broadcasting grants for both our television and radio stations. As part of the application process for these grants we are required to report on the gender and ethnic make up of our staff. This report is reviewed by Human Resources staff for confirmation that our attempts to maintain a diverse staff at all levels have been successful or to point out any communities that might benefit from increased outreach.

With respect to pay and benefits, we regularly engage in environmental scanning to ensure our benefits and pay are comparable within the marketplace for similar positions and are internally consistent. This can bring to light pay differences that are then promptly addressed. With rare exceptions such as the availability of a 457 deferred compensation plan for top executives, all Regular full time employees of KQED receive the same benefit package regardless of position.

With respect to cooperation between the Unit and the unions represented at the station, our contracts with the unions include nondiscrimination clauses. The responsibility for hiring union employees remains with the Human Resources Department and union employees are subject to our company EEO policies. Union employees are also afforded the same EEO training opportunities.

To the best of my knowledge and belief, the above statement is a true and complete response with respect to the information requested.



William L. Lowery  
General Counsel and Corporate Secretary

Date: 3/27/17