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MAR 27 2012

Federal Communications Commission
Bureau / Office

March 27, 2012

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

Re: KDFI, Dallas, TX – EEO Audit Response Letter

To Whom It May Concern:

This letter is submitted on behalf of NW Communications of Texas, Inc. (“NWC Texas” or the “Company”), licensee of television station KDFI, Dallas, TX (Facility ID No. 17037). NWC Texas is in receipt of the February 16, 2012 letter from Lewis Pulley regarding the Commission’s equal employment opportunity (“EEO”) rules audit. As set forth below and in the exhibits attached hereto, NWC Texas submits the information about KDFI’s EEO program as requested in your letter.

NWC Texas recognizes the important role that broad outreach plays in creating a diverse workforce, and the Company has put in place policies and procedures designed to ensure that its workforce reflects the diversity of the communities in which it operates. KDFI is a part of an employment unit that also includes KDFW, Dallas, Texas (Facility ID No. 33770)¹. As of March 1, 2012, the KDFW/KDFI employment unit (“Unit” or “KDFW/KDFI”) had 185 regular, full-time equivalent employees. Answers to the audit data requested are provided below as lettered in the Commission audit letter.

3. Audit Data Requested.

- (a) **Provide copies of the Unit’s two most recent EEO public file reports, described in 47 C.F.R. § 73.2080(c)(6). For any stations in the Unit that have websites, provide each web address. If the Unit’s most recent EEO public file report is not included on or linked to each of these websites, indicate each station involved and provide an explanation of why the report is not so posted or linked, as required by Section 73.2080(c)(6). In accordance with Section 73.2080(c)(5)(vi), provide the date of each full-time hire listed in each report provided.**

¹ KDFW and KDFI are Fox Television Stations, Inc. (“FTS”) owned and operated stations.

The relevant Unit includes KDFW and KDFI, Dallas, Texas. Attached as Exhibit A are the Unit's two most recent annual EEO public file reports, covering the periods April 1, 2009 to March 31, 2010 and April 1, 2010 to March 31, 2011. KDFI's website is <http://www.watchmy27.com/>; the site contains a link to its most recent annual EEO public file report. KDFW's website is <http://www.myfoxdfw.com/>; the site contains a link to the same EEO public file report.

- (b) **For each Unit full-time position filled during the period covered by the above EEO public file reports, or since your acquisition of the Station, if after that period, provide dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position, as described in 47 C.F.R. § 73.2080(c)(5)(iii). Include copies of all job announcements sent to any organization (identified separately from other sources) that has notified the Unit that it wants to be notified of Unit job openings, as described in Section 73.2080(c)(1)(ii).**

Copies of the Unit's announcements for open positions filled between April 1, 2009-March 31, 2010 and April, 1, 2010-March 31, 2011 are included as Exhibit B. The Unit has not been contacted by any organization desiring to be notified of all job openings, as described in § 73.2080(c)(1)(ii) of the Commission's rules. Nonetheless, the employment unit sends announcements for each open position to a wide variety of local, regional and national organizations (as identified in the annual EEO public file reports). The Unit keeps a Recruitment Reconciliation File where it periodically reviews and revises contact information. In addition, job information is disseminated at the KDFW/KDFI facility, as well as among all of the television stations owned and operated by Fox Television Stations, Inc. ("FTS") and its affiliated companies, and is also posted on <http://www.myfoxdfw.com/> and <http://www.watchmy27.com/>.

- (c) **In accordance with Section 73.2080(c)(5)(v), provide the total number of interviewees for each vacancy and the referral source for each interviewee for all full-time Unit vacancies filled during the period covered by the above-noted EEO public file reports.**

During the period April 1, 2009 through March 31, 2011, the Unit interviewed a total of 109 candidates to fill 16 full-time vacancies. The referral source for each interviewee is included in the EEO Public File Reports attached as Exhibit A.

By way of explanation, the recruitment source for the Local Sales Assistant filled on May 10, 2010 listed as KTVT on the EEO Public File Report was a referral from an employee that worked at KTVT. Similarly, the Photographer position filled on August 16, 2010 listed as KXAS on the EEO Public File Report was a referral from an employee that worked at KXAS.

- (d) **Provide documentation of Unit recruitment initiatives described in Section 73.2080(c)(2) during the periods covered by the above-noted EEO public file reports, such as participation at job fairs, mentoring programs, and training for staff. Specify the Unit personnel involved in each such recruitment initiative. Also,**

provide the total number of full-time employees of the Unit and state whether the population of the market in which any station included in the Unit operates is 250,000 or more. Based upon these two factors, determine and state whether the Unit is required to perform two or four initiatives within a two-year period, pursuant to Sections 73.2080(c)(2) and (e)(3).

The Unit's performance of the recruiting initiatives described in 47 C.F.R. § 73.2080(c)(2) is listed in part below, and a complete list is included at Exhibit A. As of March 1, 2012, the employment unit had 185 regular full-time equivalent employees. The employment unit operates in a market with a population in excess of 250,000.

Accordingly, the Unit is required to perform four initiatives within a two-year period, pursuant to 47 C.F.R. § 73.2080(c)(2) and (e)(3). As described in detail in Exhibit A and highlighted below, the Unit met this requirement. Provided below are examples of the employment unit's broad outreach efforts:

2009-2010

Participation in at least four events sponsored by organizations representing groups present in the community interested in broadcast employment issues, including conventions, career days, workshops, and similar activities.

Staff Appearances and Community Involvement

Ongoing outreach efforts are supported by public speaking engagements by our staff which includes, but is not limited to schools, local college/universities, civic, non-profit organizations and community events.

Creative Services Department:

- September 15, 2009 our VP of Creative Services was guest speaker at the University of Texas' School of Communications where he talked about the evolution and trends in television promotion. He presented students with examples throughout the history of TV to current campaigns, as well as took part in a Question and Answer session with the students.
- May 8, 2009 our Senior Designer spoke to students at Texas A&M University on graphic design and computer animation techniques, showing examples and discussing different career opportunities.
- September 23, 2009 our Senior Designer spoke to students at Bonham Elementary School about animation and computer graphics and how he uses these skills in the broadcasting industry.

Sales Department

- On October 8, 2009 our National Sales Manager gave a lecture on Media Sales to the Broadcast Management class at the University of Texas in Arlington.

- On December 3, 2009 our National Sales Manager participated in a “workplace professionals” panel for the University of Texas in Arlington Public Relations Student Society of America. The panel addressed graduating students about career opportunities.

News Department

Specifically regarding educational institutions, the Unit had a total of (22) twenty-two visits to schools and local college/universities by employees in the News Department:

- April 6, 2009, one of our Anchors spoke about the broadcast industry at The Hockaday School.
- April 16, 2009, one of our Anchors was interviewed by students from Irman Rangel School District regarding Broadcast Journalism.
- May 8, 2009, a Reporter spoke at Anna High School for Career Day.
- May 12, 2009, a Reporter spoke at Foster Elementary School for Career Day.
- July 21, 2009, our Chief Meteorologist was a guest career speaker at Texas Wesleyan University.
- September 21, 2009 one of our Meteorologists gave a weather talk at Park Row Christian Academy.
- September 22, 2009, our Morning Meteorologist gave a weather talk at Arlington Park Elementary.
- October 1, 2009 our Chief Meteorologist gave a weather talk at Grapevine Elementary School.
- October 13, 2009, on of our Anchors taught a class on News Ethics for a Journalism class at Southern Methodist University.
- October, 24, 2009, a Reporter, Photographer and our News Director spoke at a Journalism Workshop at Southern Methodist University.
- October, 27, 2009, our Morning Meteorologist gave a weather talk at Brentfield Elementary.
- October, 29, 2009, one of our Meteorologists gave a weather talk at Rugel Elementary.
- October 30, 2009 our Chief Meteorologist gave a weather presentation at Grapevine Elementary School.
- November 11, 2009 our Chief Meteorologist gave a weather talk at Tarrant County College.
- December 1, 2009 our Chief Meteorologist gave a weather presentation at Southlake ISD.
- December 5, 2009, on of our Anchors spoke at St. Phillips School.
- December 10, 2009 our Sports Anchor spoke at a 5th Grade Career Fair for Carrollton/Farmers Branch ISD.
- December 11, 2009 our Chief Meteorologist gave a weather presentation at Keller-Willis Lane Elementary.
- January 14, 2010 one of our Meteorologists gave a weather talk at David Daniels Elementary School.

- January 21, 2010 our Chief Meteorologist gave a weather talk at Flower Mound Elementary.
- January 28, 2010 our Chief Meteorologist attended the Carroll Middle School Career Fair.
- February 11, 2010 our Chief Meteorologist gave a weather talk at Forest Vista Elementary.

Establishment of an internship program designed to assist members of the community to acquire skills needed for broadcast employment.

Internship Program

KDFW/FOX4 & KDFI/My27 continues to offer an academic credit internship program for college/university, junior, senior and graduate students. Generally, internships are available in the following departments: News & Sports (Summer Only), Sales, Programming and Research and Creative Services (including Promotions and Marketing).

The objectives of the internship program are to:

- Provide students majoring in journalism, communications, and media and related disciplines the opportunity to receive on-site exposure to and training from experienced television broadcast professionals who are in job positions to which students aspire.
- Provide students majoring in journalism, communications, and media and related disciplines the opportunity to garner practical application experience and exposure to a work environment in their desired career.
- Identify graduating students for the Stations' job applicant pool for employment opportunities.

Eligibility Criteria:

- College juniors, seniors, and graduate students.
- Receipt of academic credit.

The internship program is overseen by the Director of Human Resources. In this reporting year, we had a total of (11) eleven unpaid interns:

Creative Services: (1) One student (Summer Semester 2009)

News: (7) Seven students (Summer Semester 2009)

Sports: (3) Three students (Summer Semester 2009)

We accepted students from Northwood University, Texas Tech University, University of Mississippi, Southern Methodist University, Texas A&M University, University of Oklahoma, Louisiana State University, University of Missouri, Baylor University, Fort Hays State University.

2010-2011

In addition to the above outreach activities (job fairs, broadcast community education events, internship program and others, which continue in the second reporting period as described on Exhibit A), the Unit has a training program for employees (such a program was also in place in 2009-2010).

Establishment of training programs designed to enable station personnel to acquire skills that could qualify them for higher level positions.

The Director of Human Resources for the Unit provides Management Training on a continual basis including training in Conflict Management and Performance Management. During the reporting period, management training was given to the VP, Director of Sales, General Sales Manager, two (2) Local Sales Managers, National Sales Manager, VP of Creative Services, VP, News Director and VP of Finance & Administration.

The station encourages employees to apply for promotions for which they are qualified. In an effort to increase internal promotions, the station offers many internal cross-training opportunities. This enables employees to acquire the necessary skills and experience needed to be considered for advancement opportunities. In this reporting period, the station has trained and promoted seven (7) employees to the following positions: 1. VP, General Sales Manager to VP, Director of Sales; 2. Local Sales Manager to VP, General Sales Manager; 3. National Sales Manager to Local Sales Manager; 4. Local Sales Assistant to Account Executive; 5. Weekend 9pm Producer to Weekday 9pm Producer; 6. Associate Producer to Weekend 9pm Producer; 7. Editor to Sr. Editor.

Fox Stations Sales, an in-house national sales organization, maintains a program to train new sales account executives. This program consists of both coursework and hands-on training. At the end of the program, individuals are assigned to the Company's Television Stations and Sales offices throughout the United States.

- (e) **Disclose any pending or resolved complaints involving the Station filed during the Station's current license term before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the Unit on the basis of race, color, religion, national origin, or sex. For each such complaint, provide: (1) a brief description of the allegations and issues involved; (2) the names of the complainant and other persons involved; (3) the date the complaint was filed; (4) the court or agency before which it is pending or by which it was resolved; (5) the file or case number; and (6) the disposition and date thereof or current status. Note that all complaints must be reported, regardless of their status or disposition.**

Rebecca Aguilar – On May 8, 2008, Ms. Aguilar filed a charge of employment discrimination with the U.S. Equal Employment Opportunity Commission under title VII of the Civil Rights Act, alleging discrimination based on race, national origin and

retaliation. EEOC No. 450-2008-02431, Cause No. 09-00323-H. A jury trial was held in the District Court of Dallas County, Texas, 160th Judicial District, Rebecca Aguilar v. NW Communications of Texas, Inc. and Fox Television Stations, Inc.

The parties stipulated to the dismissal of defendant Fox Television Stations, Inc., with prejudice. A jury having been demanded, a jury of twelve was duly selected, empaneled and sworn on December 6, 2010 before the 160th Judicial District.

The evidence concluded on December 10, 2010. The verdict of the jury was rendered upon a unanimous vote of the jury members. The verdict of the jury was in favor of the defendant and against the plaintiff. It was therefore ordered that all claims against NW Communications, Inc. in this action was dismissed with prejudice.

- (f) **In accordance with § 73.2080(b), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the responsibilities of each level of Unit management responsible for implementing Unit EEO policies and describe how the Unit has informed employees and job applicants of its EEO policies and program.**

Administration of equal employment opportunity policies is a multi-tiered endeavor shared among FTS executives, managers and line employees. The message starts at the top. Each year, Jack Abernethy, the Chief Executive Officer of FTS, sends a memorandum to every Company employee explaining the Company's EEO policies. A copy of this memorandum is attached as part of Exhibit C. Copies of this document are also posted throughout the Unit and are included in all new hire information packets. All employees also receive a "Fox Facts" handbook, which reiterates the Company's policy of equal employment opportunities for all employees and applicants. The dissemination and posting of EEO policies ensures that employees are informed on a regular, ongoing basis about these policies, as well as the Company's internal procedures for lodging any complaints.

FTS's corporate Senior Vice Presidents for Human Resources, Jean Fuentes and Adrienne LoRay, are ultimately responsible for the administration of the Company's EEO policies. At the Unit, the responsibility for administering the Company's EEO policies rests with the KDFW/KDFI General Manager. The Unit's Acting Human Resources Director, Linda DiStefano reports directly to the General Manager who reports to the CEO. The General Manager, along with the Human Resources Director, is responsible for supervising and training the Unit staff about the EEO program. The Senior Vice Presidents for Human Resources hold periodic conference calls with the Unit's Human Resources Director. Corporate Human Resources also occasionally visit the employment unit to review EEO issues.

This networked approach is not only important for internal Human Resources mentoring and training purposes, but it also ensures consistency in policy administration and facilitates broad dissemination of employment opportunities throughout the Company. FTS's Senior Vice Presidents for Human Resources also conduct periodic conference

calls, bringing together the station Human Resources Directors for all Fox-owned stations for training, problem solving and general sharing of experiences, which facilitates administrative consistency within each FTS employment unit and across all employment units.

Because FTS's EEO philosophy applies to all aspects of employment, including recruiting, hiring, training, transfer, promotion, employee benefits and compensation, termination, educational assistance, leaves of absence and social/recreational activities, Managers in all station departments periodically receive mandatory equal employment opportunity training, which is conducted by the station with assistance from corporate Human Resources personnel as needed. Moreover, the Unit's Human Resources Director is required to authorize all personnel actions at the employment unit, including those in the areas listed above.

An overview of FTS's management oversight of its EEO policies is included as part of Exhibit C.

- (g) **In accordance with § 73.2080(c)(3), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the Unit's efforts to analyze its EEO recruitment program to ensure that it is effective and to address any problems found as a result of such analysis.**

As described above, FTS's policy of involving the Unit's Human Resources Director in all hiring and promotion decisions at the employment unit ensures that the Company engages in continuous monitoring and evaluation of the effectiveness of its recruitment program. Moreover, the Unit's Human Resources Director regularly reviews the demographic make-up of the Unit's employees, and compares the results with the racial, ethnic and gender composition of the Dallas area workforce. This exercise provides an ongoing, objective measure as to whether the employment unit's recruitment efforts are effective in attracting a diverse pool of candidates. To date, the Unit's demographic make-up has consistently compared favorably with the racial, ethnic and gender composition of the Dallas area workforce, indicating that the employment unit's recruitment efforts have been successful. If FTS detects any significant divergence between the make-up of its workforce and the composition of the community at-large, it will take steps to determine the cause of the disparity and evaluate whether adjustments to its EEO program are necessary.

An overview of FTS's internal, self-evaluation process and analysis of its EEO program is included as part of Exhibit C.

- (h) **In accordance with § 73.2080(c)(4), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the Unit's efforts to analyze periodically 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. If the Unit has one or more union agreements, describe how the Unit cooperates with each union to ensure EEO policies are followed for the Unit's union-member employees and job applicants.

All decisions regarding hiring, training, compensation and promotion are made based on skills, experience and responsibilities. All promotions, including review of compensation, must be submitted by the station for approval by the Corporate Human Resources Department. All new hires are reviewed monthly by the Corporate Human Resources Department. These reviews include a parity review of similar positions and budgetary guidelines. All non-union employees with specified seniority have the same medical, defined contribution plan, defined benefit plan, Company-paid life insurance, long term disability insurance, tuition reimbursement and Company-paid holidays. Employees with the title of Vice President and above do not have any accrued vacation entitlement, but other full-time non-union staff employees do.

The Corporate Labor Relations Department sends letters to union leadership where the Unit has entered into a Collective Bargaining Agreement, which reaffirms the Company's support of the principles and objectives of Equal Opportunity and requests that the unions support KDFW/KDFI's goals in this area. We believe the unions recognize that their support is essential for creating a workplace that recognizes the dignity of each individual and fosters the principles of equal opportunity.

It has been, and will continue to be the policy KDFW/KDFI to be an equal opportunity employer.

In keeping with this policy, the employment unit that includes KDFW/KDFI will continue to recruit, hire, train, and promote into all job levels the most qualified persons without regard to race, color, religion, gender, marital status, disability or national origin. Similarly, all other personnel matters such as compensation, benefits, transfers, layoffs, Company-sponsored training, education, tuition assistance, and social and recreational programs will continue to be administered in accordance with the Company's policy.

All employment decisions are based on job related standards and must comply with the principles of equal employment opportunity.

- (i) **If your entity is a religious broadcaster and any of its full-time employees are subject to a religious qualification as described in § 73.2080(a) of the rules, so indicate in your response to this letter and provide data as applicable to the Unit's EEO program.**

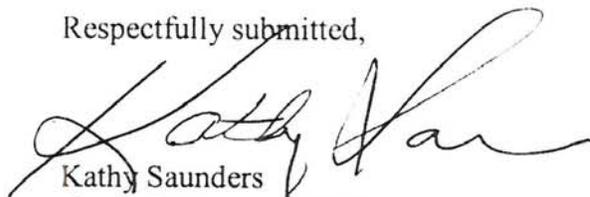
Does not apply.

4. Time Brokerage.

Does not apply.

I affirm that the foregoing responses and the information contained in the exhibits attached hereto are true and correct, to the best of my knowledge, information and belief.

Respectfully submitted,



Kathy Saunders
General Manager, KDFI

Attachments

cc: KDFI Public File