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**MAR 27 2017**

Federal Communications Commission  
Bureau / Office

March 24, 2017

EEO Staff, Policy Division  
Media Bureau  
Federal Communications Division  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: EEO Audit Response  
WIVB Broadcasting, LLC  
FRN: 0004896684  
WIVB-TV, Buffalo, NY, FAC ID 7780  
WNLO(TV), Buffalo, NY, FAC ID 71905**

Dear Sir or Madam:

WIVB Broadcasting, LLC<sup>1</sup>, licensee of WIVB-TV, Buffalo, New York, FAC ID 7780, hereby responds to the February 8, 2017 letter (the "EEO Audit Letter") from Lewis C. Pulley, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, which stated that the WIVB-TV station employment unit had been randomly selected for an audit of its EEO program. WIVB-TV, Buffalo, New York FAC ID 7780 and WNLO(TV), Buffalo, New York, FAC ID 71905, are commonly owned and operated and constitute a single station employment unit ("SEU"). As such, the instant letter serves a collective response for the above referenced stations.

**3(a). Provide the SEU's two most recent EEO Public File Reports and the SEU's web address.**

Response: A copy of the SEU's EEO public file reports for the periods February 2015 through January 2016 (Exhibit 1.1) and February 2016 through January 2017 (Exhibit 1.2) are attached. Each report was posted timely to WIVB's website <http://wivb.com/> and to WNLO(TV)'s website <http://cw23.com/>. The date of each full-time hire is noted in each job vacancy packet contained in Exhibits 2.1 and 2.2.

<sup>1</sup>WIVB Broadcasting, LLC is an indirect wholly-owned subsidiary of Nexstar Broadcasting, Inc. ("Nexstar"). See FCC File No. BTCCDT-20160210AGF (granted on 1/11/2017 and consummated on 1/17/2017).







WNLO

**3(b). For each SEU full-time position filled during the period covered by the above EEO public file reports provide dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position. Include copies of all job announcements sent to any organization (identified separately from other sources) that has notified the SEU that it wants to be notified of SEU job openings.**

Response: Copies of the notices for each job opening listed in the public file reports and the list of recruiting sources utilized for each opening are attached as Exhibit 2.1 (2016 report) and 2.2 (2017 report). No entities have requested that the SEU notify it of job openings.

**3(c). Provide the total number of interviewees for each vacancy and the referral source for each interviewee for all full-time SEU vacancies filled during the period covered by the above-noted EEO public file reports.**

Response: This information is provided in the EEO public file reports included in Exhibit 1.1 and Exhibit 1.2.

**3(d). Provide documentation of SEU's recruitment initiatives during the periods covered by the above-noted EEO public file reports. Specify the SEU personnel involved in each such recruitment initiative. Also, provide the total number of full-time employees of the SEU and state whether the population of the market in which any station included in the SEU operates is 250,000 or more. Based upon these two factors, determine and state whether the SEU is required to perform two or four initiatives within a two-year period.**

Response: The SEU employs 110 full-time staff and is part of the Buffalo-Niagara Falls MSA, which has a total population of more than 250,000. Accordingly, the SEU is required to perform four (4) initiatives during each two-year period. Attached as Exhibit 3 is documentation demonstrating performance of the SEU's recruitment initiatives identified in the 2016 and 2017 EEO public file reports. Station personnel involved in the initiatives are noted in the reports and supporting documentation.

As disclosed in Exhibit 3, the SEU has an established Internship Program, which over the course of the two-year reporting term, hosted 22 interns. A breakdown of interns by semester and by educational institution is included in Exhibit 3. Additionally, the SEU participated in one scholarship program during the two-year reporting period.

**3(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 SEU on the basis of race, color, religion, national origin, or sex.**

Response: None







**3(f). From the first day of the Stations' current license term until the date of this letter, describe the responsibilities of each level of SEU management responsible for implementing SEU EEO policies and describe how the SEU has informed employees and job applicants of its EEO policies and program.**

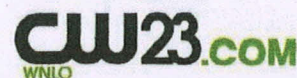
Response: The SEU's current license term began on June 1, 2015. As disclosed in Exhibit 3, the SEU's Business Administrator ("BA") attended EEO training twice a year during the last two-year reporting period. In addition to the BA, the SEU's General Manager ("GM") and other department level managers are responsible for disseminating EEO policies, including amendments and/or updates, to all station personnel. The SEU posts Fair Labor and EEO notices in common areas in an effort to educate employees of their rights, obligations and options. Moreover, every job posting and job application includes the statement "EOE/Minorities/Females/Vet/Disability."

The SEU's EEO policy is stated on each job application, which indicates that Nexstar considers applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital status or veteran status. That same policy is displayed prominently in the SEU's employee handbook, distributed to each employee and available online through our employee web portal.

**3(g). From the first day of the Stations' current license term until the date of this letter, describe the SEU'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.**

Response: In addition to the annual review of recruiting sources, non-vacancy initiatives and diversity outcomes undertaken when preparing the EEO Report, as required by 47 C.F.R. 73.2080(c)(6), the SEU reviews its recruiting and outreach initiatives on an ongoing basis. The SEU is always looking for additional opportunities to expand its applicant pool and to interact with its community. The SEU employs Broadcast1 Source ("BS1"), which allows the SEU to analyze, review, quantify and retain information pertaining to its recruiting program over the long term.

**3(h). From the first day of the Station's current license term until the date of this letter, describe the SEU'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 SEU has one or more union agreements, describe how the unit cooperates with each union to ensure EEO policies are followed for the SEU's union-member employees and job applicants.**





Response: All benefits and seniority practices are set by Nexstar at the corporate level and, therefore, are not subject to discriminatory practices. When positions are open at the SEU, job announcements are posted in the SEU's break room on the employee bulletin board. This ensures that any employee has the opportunity to apply for a promotion or transfer to another department. Nexstar policy requires that all employees receive an annual performance review, and pay increases may be awarded based on performance. The GM periodically reviews the SEU's processes to ensure that its practices are adequate and nondiscriminatory.

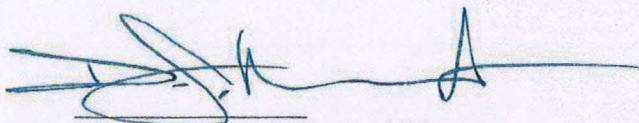
Further, Nexstar's policy regarding equal employment opportunity contains an express provision aimed at nondiscrimination in promotion and advancement opportunities for current employees. Nexstar encourages all employees to realize their full potential and endeavors to promote from within and accommodate requests for transfers; therefore, when there is an opening within the company, internal candidates who have the right qualifications will be considered first. Decisions to promote or transfer are based on an employee's entire employment record, including skills, performance, cooperation with colleagues, efficiency, attendance record, experience, responsiveness to internal and external customers, disciplinary record and safety record. It is the goal of this policy that these special considerations will increase the retention of our experienced employees as an expression of Nexstar's commitment to every employee's personal growth and development, and help us to meet the development needs of the company.

**3(i). Religious Broadcasters.** Not applicable.

**4. Time Brokerage.** Not applicable.

Should you have any questions regarding the foregoing information, please contact our attorney, Christine Reilly at (972) 764-6721.

Sincerely,



Vice President & General Manager