



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2012

John W. Zucker  
Assistant Secretary  
American Broadcasting Companies, Inc.  
77 West 66<sup>th</sup> Street  
New York, New York 10023

Re: WABC-TV, New York, New York (Facility ID# 1328)

Dear Mr. Zucker:

We have completed our review of the response of American Broadcasting Companies, Inc., licensee of the above-referenced television station, to the March 29, 2011 random audit letter sent to it in accordance with the provisions of Section 73.2080(f)(4) of the Commission's Equal Employment Opportunity (EEO) rules. As a result of our review, we find that no further action is required. In accordance with Section 73.2526(e)(10) of the Commission's rules for commercial stations or Section 73.3527(e)(11), for non-commercial stations, the station must place copies of this letter, our March 29 audit letter, and the station's response in its public inspection file. It must maintain these materials in the file until the grant, by final order, of the next renewal application of the license for the station.

Should you have any questions concerning this matter, you may call the EEO staff at (202) 418-1450. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lewis C. Pulley", is written over the typed name.

Lewis C. Pulley  
Assistant Chief, Policy Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

John Zucker, Esq./WABC TV ID 1328 New York NY <sup>rch 29, 2011</sup>  
American Broadcasting Companies Inc.  
77 West 66<sup>th</sup> Street 16<sup>th</sup> Floor  
New York, New York 10023

Dear Licensee:

1. In accordance with 47 C.F.R. § 73.2080(f)(4) of the Commission's rules, the station employment unit (the "Unit") that includes your above-referenced station (the "Station") has been randomly selected for an audit of its Equal Employment Opportunity ("EEO") program. A copy of Section 73.2080 of the Commission's rules is enclosed for your reference.

2. If the Unit is not required under our rules to have an EEO recruitment program due to the nature of its full-time workforce (having fewer than five full-time employees, defined as employees regularly assigned to work 30 hours a week or more), you must still respond to this audit letter. However, in your response, you are required only to provide a list of the Unit's full-time employees, each noted by job title, the number of hours each is regularly assigned to work per week, and a response to Question 3(e) below. Also, in formulating your response, please see Questions 4(a)-(d) below regarding brokers and brokered stations for instructions for situations in which the applicable employment unit has fewer than five full-time employees.

3. **Audit Data Requested.** If the Unit employs five or more full-time employees (and all units, for Question 3(e)), provide the following information in your response to this letter, including an explanation regarding any requested information that you are unable to provide:

(a) Copies of the Unit's two most recent EEO public file reports, described in Section 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 on 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.

(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, dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position, as described in Section 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).

(c) In accordance with Section 73.2080(c)(5)(v), 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.

(d) 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).

(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.

(f) In accordance with Section 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.

(g) In accordance with Section 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.

(h) In accordance with Section 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.

(i) If your entity is a religious broadcaster and any of its full-time employees are subject to a religious qualification as described in Section 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. For example, for full-time hires subject to a religious qualification, only a record of the hire listed by job title and date filled, the recruitment sources used for the opening, and the source of the hiree must be provided. No other records are required for those hires. If five or more full-time positions are not subject to a religious qualification, the licensee must maintain and provide all records for such hires and complete the initiatives required under Section 73.2080(c)(2). Otherwise, a religious broadcaster is not required to perform these initiatives.

#### 4. Time Brokerage.

(a) **Licensee of brokered station(s).** If the Unit employs fewer than five full-time employees and any station included in it is subject to a time brokerage agreement, in addition to responding to this letter and providing us a list of the Unit's full-time employees listed by job title (and the number of hours each employee is assigned to work) and a response to Question 3(e) above, you must immediately forward a copy of this letter to the broker under each such agreement, which must respond to Question 4(b) below. If the Unit employs five or more full-time employees, the licensee must respond fully to paragraph 3 above, and also forward the letter to the broker so the broker may respond to Question 4(b) below.

(b) **Broker receiving audit letter from brokered station licensee.** If you are the broker of a station, and the station you are brokering receives an audit letter, the licensee of the brokered station must forward the audit letter to you. You should respond to the audit letter concerning EEO information relating

only to your own full-time employees at the brokered station. See Section 73.2080(f)(3).

(c) **Broker receiving audit letter directly from Commission.** If you are a broker, but the target station in this audit letter is a station licensed to you, you must submit information requested herein for the EEO program at your station (or employment unit). If you maintain EEO data for a station you are brokering with that for your own station that is the target of this audit letter, and lack the ability to separate the information, you must include in your response the information requested herein pertaining to **your** full-time employees at the station(s) you broker. See Section 73.2080(f)(3).

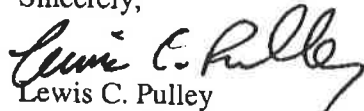
(d) **Broker described under 4(b) or 4(c) above.** If your full-time employees at the station you are brokering, combined with your full-time employees at your owned station(s), total fewer than five, however, you need only respond to this letter by the deadline described below by submitting a list of your Unit's full-time employees (listed by job title and number of hours regularly assigned to work per week) and the same type of list for the full-time employees you employ at the brokered station(s), and a response to Question 3(e) above.

5. **Procedures.** Direct your response to EEO Staff, Policy Division, Media Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554. The response must be received by the Commission by May 9, 2011. You need only submit your original response; no copies are needed. The accuracy and completeness of the response must be certified by an officer, partner or other principal of the Station licensee or broker (as appropriate) or, in the case of a noncommercial educational station, by an officer, member or other principal of the licensee. (See Section 1.16.) The response may be in the form of a CD or other electronic medium, as long as the certification provided refers to the material submitted and is on paper with an original signature. To knowingly and willfully make any false statement or conceal any material fact in response to this audit is punishable by fine or imprisonment (see 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17), revocation of any station license or construction permit (47 U.S.C. § 312(a)(1)), and/or forfeiture (47 U.S.C. § 503). Extensions of time must be requested in writing (or sent by e-mail to [lewis.pulley@fcc.gov](mailto:lewis.pulley@fcc.gov)) and will be granted only upon a showing of extraordinary circumstances. Unless and until the EEO Staff grants such a request the original deadline remains in effect. Failure to respond to this audit letter by the deadline is punishable by sanctions in accordance with Section 73.2080(g).

6. In accordance with Sections 73.3526(e)(10) (for commercial stations) and 73.3527(e)(11) (for noncommercial educational stations), copies of which are enclosed, you must place a copy of this letter and your response in the public inspection file of each affected station. Consequently, your response should not include personal information about individuals, such as social security numbers, home addresses, or other personally identifiable information. We do not require that employment units retain such information in their records, or that such information be provided in response to this letter.

7. If our EEO random audits sent in 2009 or 2010 included the Station, or if the Station's most recent license renewal application was granted, by final order, within the past 18 months, you may not have to respond to this letter. If the Station falls within one of these categories, before responding, please tell us the dates of public file reports included in an audit response or the date of the Station's renewal, in an e-mail sent to [lewis.pulley@fcc.gov](mailto:lewis.pulley@fcc.gov). We will then advise you if a response is necessary. Should you have any questions, please contact the EEO Staff at (202) 418-1450. Thank you for your cooperation.

Sincerely,



Lewis C. Pulley

Assistant Chief, Policy Division  
Media Bureau

Enclosures

**CODE OF FEDERAL REGULATIONS  
TITLE 47--TELECOMMUNICATION  
CHAPTER I--FEDERAL  
COMMUNICATIONS COMMISSION  
SUBCHAPTER C--BROADCAST RADIO  
SERVICES  
PART 73--RADIO BROADCAST SERVICES  
SUBPART H--RULES APPLICABLE TO ALL  
BROADCAST STATIONS**

**§ 73.2080 Equal employment opportunities (EEO).**

(a) General EEO policy. Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV, Class A TV or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin, or sex. Religious radio broadcasters may establish religious belief or affiliation as a job qualification for all station employees. However, they cannot discriminate on the basis of race, color, national origin or gender from among those who share their religious affiliation or belief. For purposes of this rule, a religious broadcaster is a licensee which is, or is closely affiliated with, a church, synagogue, or other religious entity, including a subsidiary of such an entity.

(b) General EEO program requirements. Each broadcast station shall establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity and nondiscrimination in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

(1) Define the responsibility of each level of management to ensure vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and

supervisory performance;

(2) Inform its employees and recognized employee organizations of the equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination based upon race, color, religion, national origin, or sex from its personnel policies and practices and working conditions; and

(5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.

(c) Specific EEO program requirements. Under the terms of its program, a station employment unit must:

(1) Recruit for every full-time job vacancy in its operation. A job filled by an internal promotion is not considered a vacancy for which recruitment is necessary. Religious radio broadcasters who establish religious affiliation as a qualification for a job position are not required to comply with these recruitment requirements with respect to that job position or positions, but will be expected to make reasonable, good faith efforts to recruit applicants who are qualified based on their religious affiliation. Nothing in this section shall be interpreted to require a broadcaster to grant preferential treatment to any individual or group based on race, color, national origin, religion, or gender.

(i) A station employment unit shall use recruitment sources for each vacancy sufficient in its

reasonable, good faith judgment to widely disseminate information concerning the vacancy.

(ii) In addition to such recruitment sources, a station employment unit shall provide notification of each full-time vacancy to any organization that distributes information about employment opportunities to job seekers or refers job seekers to employers, upon request by such organization. To be entitled to notice of vacancies, the requesting organization must provide the station employment unit with its name, mailing address, e-mail address (if applicable), telephone number, and contact person, and identify the category or categories of vacancies of which it requests notice. (An organization may request notice of all vacancies).

(2) Engage in at least four (if the station employment unit has more than ten full-time employees and is not located in a smaller market) or two (if it has five to ten full-time employees and/or is located entirely in a smaller market) of the following initiatives during each two-year period beginning with the date stations in the station employment unit are required to file renewal applications, or the second, fourth or sixth anniversaries of that date.

(i) Participation in at least four job fairs by station personnel who have substantial responsibility in the making of hiring decisions;

(ii) Hosting of at least one job fair;

(iii) Co-sponsoring at least one job fair with organizations in the business and professional community whose membership includes substantial participation of women and minorities;

(iv) 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;

(v) Establishment of an internship program designed to assist members of the community to acquire skills needed for broadcast employment;

(vi) Participation in job banks, Internet programs, and other programs designed to promote outreach generally (i.e., that are not primarily directed to providing notification of specific job vacancies);

(vii) Participation in scholarship programs designed to assist students interested in pursuing a career in broadcasting;

(viii) Establishment of training programs designed to enable station personnel to acquire skills that could qualify them for higher level positions;

(ix) Establishment of a mentoring program for station personnel;

(x) Participation in at least four events or programs sponsored by educational institutions relating to career opportunities in broadcasting;

(xi) Sponsorship of at least two events in the community designed to inform and educate members of the public as to employment opportunities in broadcasting;

(xii) Listing of each upper-level category opening in a job bank or newsletter of media trade groups whose membership includes substantial participation of women and minorities;

(xiii) Provision of assistance to unaffiliated non-profit entities in the maintenance of web sites that provide counseling on the process of searching for broadcast employment and/or other career development assistance pertinent to broadcasting;

(xiv) Provision of training to management level personnel as to methods of ensuring equal employment opportunity and preventing discrimination;

(xv) Provision of training to personnel of unaffiliated non-profit organizations interested in broadcast employment opportunities that would enable them to better refer job candidates for broadcast positions;

(xvi) Participation in other activities designed by the station employment unit reasonably calculated to further the goal of disseminating information as to employment opportunities in broadcasting to job candidates who might otherwise be unaware of such opportunities.

(3) Analyze its recruitment program on an ongoing basis to ensure that it is effective in achieving broad outreach to potential applicants, and address any problems found as a result of its analysis.



(4) Periodically analyze measures taken to:

(i) Disseminate the station's equal employment opportunity program to job applicants and employees;

(ii) Review seniority practices to ensure that such practices are nondiscriminatory;

(iii) Examine rates of pay and fringe benefits for employees having the same duties, and eliminate any inequities based upon race, national origin, color, religion, or sex discrimination;

(iv) Utilize media for recruitment purposes in a manner that will contain no indication, either explicit or implicit, of a preference for one race, national origin, color, religion or sex over another;

(v) Ensure that promotions to positions of greater responsibility are made in a nondiscriminatory manner;

(vi) Where union agreements exist, cooperate with the union or unions in the development of programs to ensure all persons of equal opportunity for employment, irrespective of race, national origin, color, religion, or sex, and include an effective nondiscrimination clause in new or renegotiated union agreements; and

(vii) Avoid the use of selection techniques or tests that have the effect of discriminating against any person based on race, national origin, color, religion, or sex.

(5) Retain records to document that it has satisfied the requirements of paragraphs (c)(1) and (2) of this section. Such records, which may be maintained in an electronic format, shall be retained until after grant of the renewal application for the term during which the vacancy was filled or the initiative occurred. Such records need not be submitted to the FCC unless specifically requested. The following records shall be maintained:

(i) Listings of all full-time job vacancies filled by the station employment unit, identified by job title;

(ii) For each such vacancy, the recruitment sources utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be

separately identified), identified by name, address, contact person and telephone number;

(iii) Dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing vacancies;

(iv) Documentation necessary to demonstrate performance of the initiatives required by paragraph (c)(2) of this section, including sufficient information to fully disclose the nature of the initiative and the scope of the station's participation, including the station personnel involved;

(v) The total number of interviewees for each vacancy and the referral source for each interviewee; and

(vi) The date each vacancy was filled and the recruitment source that referred the hiree.

(6) Annually, on the anniversary of the date a station is due to file its renewal application, the station shall place in its public file, maintained pursuant to § 73.3526 or § 73.3527, and on its web site, if it has one, an EEO public file report containing the following information (although if any broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the twelve months covered by the EEO public file report, its EEO public file report shall cover the period starting with the date it acquired the station):

(i) A list of all full-time vacancies filled by the station's employment unit during the preceding year, identified by job title;

(ii) For each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number;

(iii) The recruitment source that referred the hiree for each full-time vacancy during the preceding year;

(iv) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in

connection with such vacancies; and

(v) A list and brief description of initiatives undertaken pursuant to paragraph (c)(2) of this section during the preceding year.

(d) Small Station Exemption. The provisions of paragraphs (b) and (c) of this section shall not apply to station employment units that have fewer than five full-time employees.

(e) Definitions. For the purposes of this rule:

(1) A full-time employee is a permanent employee whose regular work schedule is 30 hours per week or more.

(2) A station employment unit is a station or a group of commonly owned stations in the same market that share at least one employee.

(3) A smaller market includes metropolitan areas as defined by the Office of Management and Budget with a population of fewer than 250,000 persons and areas outside of all metropolitan areas as defined by the Office of Management and Budget.

(f) Enforcement. The following provisions apply to employment activity concerning full-time positions at each broadcast station employment unit (defined in this part) employing five or more persons in full-time positions, except where noted.

(1) All broadcast stations, including those that are part of an employment unit with fewer than five full-time employees, shall file a Broadcast Equal Employment Opportunity Program Report (Form 396) with their renewal application. Form 396 is filed on the date the station is due to file its application for renewal of license. If a broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the period that is to form the basis for the Form 396, information provided on its Form 396 should cover the licensee's EEO recruitment activity during the period starting with the date it acquired the station. Stations are required to maintain a copy of their Form 396 in the station's public file in accordance with the provisions of §§ 73.3526 and 73.3527.

(2) The Commission will conduct a mid-term review of the employment practices of each broadcast television station and each radio station

that is part of an employment unit of more than ten full-time employees four years following the station's most recent license expiration date as specified in § 73.1020. Each such licensee is required to file with the Commission the Broadcast Mid-Term Report (FCC Form 397) four months prior to that date. If a broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the period that is to form the basis for the Form 397, its Report should cover the licensee's EEO recruitment activity during the period starting with the date it acquired the station.

(3) If a station is subject to a time brokerage agreement, the licensee shall file Forms 396, Forms 397, and EEO public file reports concerning only its own recruitment activity. If a licensee is a broker of another station or stations, the licensee-broker shall include its recruitment activity for the brokered station(s) in determining the bases of Forms 396, Forms 397 and the EEO public file reports for its own station. If a licensee-broker owns more than one station, it shall include its recruitment activity for the brokered station in the Forms 396, Forms 397, and EEO public file reports filed for its own station that is most closely affiliated with, and in the same market as, the brokered station. If a licensee-broker does not own a station in the same market as the brokered station, then it shall include its recruitment activity for the brokered station in the Forms 396, Forms 397, and EEO public file reports filed for its own station that is geographically closest to the brokered station.

(4) Broadcast stations subject to this section shall maintain records of their recruitment activity necessary to demonstrate that they are in compliance with the EEO rule. Stations shall ensure that they maintain records sufficient to verify the accuracy of information provided in Forms 396, Forms 397, and EEO public file reports. To determine compliance with the EEO rule, the Commission may conduct inquiries of licensees at random or if it has evidence of a possible violation of the EEO rule. In addition, the Commission will conduct random audits. Specifically, each year approximately five percent of all licensees in the television and radio services will be randomly selected for audit, ensuring that, even though the number of radio licensees is significantly larger than television licensees, both services are represented in the audit process. Upon request, stations shall make records available to the Commission for its review.



(5) The public may file complaints throughout the license term based on a station's Form 397 or the contents of a station's public file. Provisions concerning filing, withdrawing, or non-filing of informal objections or petitions to deny license renewal, assignment, or transfer applications are delineated in §§ 73.3584 and 73.3587-3589 of the Commission's rules.

(g) Sanctions and Remedies. The Commission may issue appropriate sanctions and remedies for any violation of this rule.

47 C.F.R. § 73.3526

**CODE OF FEDERAL REGULATIONS  
TITLE 47--TELECOMMUNICATION  
CHAPTER I--FEDERAL  
COMMUNICATIONS COMMISSION  
SUBCHAPTER C--BROADCAST RADIO  
SERVICES  
PART 73--RADIO BROADCAST  
SERVICES  
SUBPART H--RULES APPLICABLE TO  
ALL BROADCAST STATIONS**

§ 73.3526 Local public inspection file of commercial stations.

(e)(10) Material relating to FCC investigation or complaint. Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised. This material shall be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded.

47 C.F.R. § 73.3527

**CODE OF FEDERAL REGULATIONS  
TITLE 47--TELECOMMUNICATION  
CHAPTER I--FEDERAL  
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PART 73--RADIO BROADCAST  
SERVICES  
SUBPART H--RULES APPLICABLE TO  
ALL BROADCAST STATIONS**

§ 73.3527 Local public inspection file of noncommercial educational stations

(e)(11) *Material relating to FCC investigation or complaint.* Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised. This material shall be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded.

Mr. Lewis Pulley

May 6, 2011

Page 16

Bcc w/ atts., hard copy: Ms. Rebecca Ressay (for WABC-TV public inspection file)

May 6, 2011

By Overnight Mail

EEO Staff  
Policy Division

Mr. Lewis Pulley  
Assistant Chief, Policy Division

Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WABC-TV, New York, NY  
Facility ID # 1328

Dear Mr. Pulley:

I write on behalf of American Broadcasting Companies, Inc. ("Licensee"), licensee of WABC-TV, New York, NY ("WABC" or "Station"), in response to your March 29, 2011 letter regarding a random audit of the Equal Employment Opportunity (EEO) program of WABC-TV, in accordance with Section 73.2080(f)(4) of the Commission's rules.

The Station is an equal opportunity employer. The longstanding policy of WABC is to provide equal opportunity for all employees and applicants for employment without regard to race, religion, color, sex, sexual orientation, gender identity, national origin, age, marital status, covered veteran status, mental or physical disability, pregnancy, or any other basis prohibited by state or federal law, and to follow a consistent practice of outreach to the community regarding broadcast career and job opportunities.

We will address in order each applicable inquiry posed in your letter.

**Question 3(a): Annual EEO public file reports.** Copies of the Station's two most recent annual EEO public file reports filed as of February 1, 2010 and February 1, 2011 pursuant to Section 73.2080(c)(6) of the Commission's Rules are attached hereto as *Exhibit 1*.<sup>1</sup> The latest report is accessible through the station website at [www.7online.com](http://www.7online.com) in the "Resources" section by clicking "Contact Us," then "2011 EEO Report" or "Jobs at WABC-TV" then "2011 EEO Report."

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<sup>1</sup> Exhibit 1 contains both the February 1, 2011 report as initially filed and the version that was revised on April 28, 2011 to add certain information that came to light during the Station's preparation of its response to this audit. The revised report has been placed in the Station's public file and been posted on its website. Unless otherwise noted, statements in this response refer to the revised 2011 report.

Except as otherwise indicated, all information provided below in response to Questions 3(a), (b), (c) and (d) supplements information contained in the Station's last two annual EEO public file reports. During the two years covered by these two annual reports, the Station filled 26 full-time positions. The titles of each of these positions and the date each position was filled is listed in a chart attached to each of the annual EEO reports (Exhibit D to the 2010 report and Exhibit C to the 2011 report) contained in *Exhibit 1*.<sup>2</sup>

**Question 3(b): Job announcements.** Copies of all job announcements for full-time positions filled during the two-year period covered by the two annual EEO public file reports available at the time of this audit, organized by position, are attached hereto as *Exhibit 2*.

In compliance with EEO rules, the Station has widely publicized full-time job vacancies throughout the reporting period. Documentation of these postings is provided where available. Unfortunately, in the process of preparing this audit response, it was discovered that a small portion of the relevant documentation, which is specifically noted below, cannot currently be located. Since this discovery, Station and human resources management and support staff have been counseled again about the necessity of maintaining dated copies of all job postings for all jobs.

The Station's routine posting practices included both internal and external postings – specifically, postings on Disney websites, on the Station's external website, through the Direct Employers Association network, through the Station's job posting mailing list, and in local newspapers. These practices, described more fully below, were followed for 24 of the 26 full-time positions that became vacant during the reporting period. The two positions that were not posted in this fashion – Long Island Reporter and Station President/General Manager – are addressed more fully below.

Apart from these two positions, all 24 other full-time position vacancies were posted in the following ways:

- **Disney websites.** Full-time job vacancies were posted on The Walt Disney Company's external corporate website, [www.disneycareers.com](http://www.disneycareers.com), and the "Disney Jobs" or "Jobs Online" section of the internal portal available to existing Disney, ABC and ESPN employees.<sup>3</sup>

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<sup>2</sup> One position, Vice President of Engineering, was inadvertently left off the Station's 2011 annual EEO report (Exhibit C) as initially filed. That position was opened on November 18, 2009 and was filled on March 22, 2010. The Station's 2011 EEO report (including Exhibit C) has been amended to reflect the required information regarding this position, including the information requested in Questions 3(a) and 3(c).

<sup>3</sup> To the extent that job postings or other documents contain identifying information about applicants, they have been redacted for the purpose of this submission.

- **Direct Employers Association network.** Throughout the two-year period covered by this audit, the ABC Media Networks Human Resources Department had a contract with The Direct Employers Association under which Direct Employers distributed notice of open full-time WABC positions to Direct Employers' network of hundreds of organizations that cater to students, alumni, veterans, minorities, disabled individuals, and individuals seeking employment information. Pursuant to this arrangement, all full-time job notices posted on the Disney Jobs website were made available to Direct Employers to be posted on its own website, [www.jobcentral.com](http://www.jobcentral.com), forwarded to the appropriate state employment agency (in the case of WABC, NYC Workforce1), and made available to its hundreds of Direct Employers' organizational partners.<sup>4</sup>
- **WABC-TV Website.** Vacancies were also routinely posted on WABC-TV's website, [www.7online.com](http://www.7online.com), by the Station's Human Resources manager. However, except in certain cases, neither a contemporaneous printout nor a confirming email can currently be located for these postings.<sup>5</sup> The Station has revised its practice to maintain documentation of these online postings in the future.
- **Organization Mailing List.** The Human Resources manager also maintains a Station mailing list of organizations that have responded to the Station's invitation to receive notices of job openings. See *Exhibit 1* (Exhibit C to the 2010 annual EEO Report and Exhibit B to the 2011 annual EEO Report). In order to reach more organizations that may be interested in receiving notice of Station vacancies, the Station periodically broadcasts 30-second spots containing the following text:

WABC-TV is an equal opportunity employer. Any organization providing employment information or referrals may ask to receive our job listings. For more information, please write to us at: WABC-TV, Human Resources Department, 7 Lincoln Square, New York, NY 10023 or email us at [wabcjobs@abc.com](mailto:wabcjobs@abc.com).

<sup>4</sup> Unfortunately, the Direct Employers system does not provide a method for tracking the partner organizations that picked up a particular job posting. It does provide a method for confirming the posting with the state workforce centers, and documentation attached at *Exhibit 3* shows that 21 of the 24 positions posted to Disney Jobs by WABC were referred to NYC Workforce1. However, the ABC Media Networks Human Resources Department has learned that Direct Employers had between August 4, 2007 and December 31, 2008 inadvertently failed to forward postings to some state workforce and veterans' centers to which it had said the postings would be forwarded, which may account for those positions for which documentation does not exist.

<sup>5</sup> Some position folders show an email from the Human Resources manager who maintains the [WABCJobs@abc.com](mailto:WABCJobs@abc.com) email address to Katherine Combs, web producer, or Carolann Monroe, Director of Web Operations, requesting that a job be posted on the Station website. To the extent those exist, they have been attached at *Exhibit 2*.

This text has also been placed in three separate locations on the Station's website, [www.7online.com](http://www.7online.com). A copy of the traffic report showing when these ads were broadcast by the Station and documenting their placement on the website is attached hereto as part of *Exhibit 3*.

The Station's Human Resources manager routinely sent notice of open full-time positions to organizations on the Station mailing list either by email or by letter (for those organizations that had not provided an email address).<sup>6</sup> The Station files for each position contain the letters sent to organizations and a printout showing that the Human Resources manager sent an email from [WABCJobs@abc.com](mailto:WABCJobs@abc.com) attaching a job description and announcing the opening.<sup>7</sup> The Station mailing list is periodically updated based on any notices that are returned or are marked not delivered and based on responses received to the 30-second ads.

- **Newspaper Listings.** Each of the 24 positions that were posted during the reporting period was also announced in advertisements placed with at least four local newspapers, each of which has a significant minority readership: *Amsterdam News*, *El Diario*, *Korean News* and either the *World Journal* or the *China Times*.

The steps noted above—the posting of job announcements on Disney websites, on the Station's website, through the Direct Employers Association network, through the Station's mailing list, and in local newspapers—constituted the usual process by which the Station announced full-time vacancies, and it was used for 24 of the 26 positions that were filled during the reporting term. However, two positions, Long Island Reporter and President/General Manager, were not announced in this fashion, as explained further below.

- The Long Island Reporter position was initially a freelance position. In July and August 2009, the Station posted notice of this position on its website, [www.7online.com](http://www.7online.com), interviewed several candidates for this position, and hired Josh Einiger, as is reflected in the Station's annual EEO report for 2011 (Exhibit C). However, because this position was not full-time, it was not announced in the other outlets used for WABC job postings. Subsequently,

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<sup>6</sup> One source, Harry Sloan at the Aquarius Media Corporation in Englewood, New Jersey, received a letter for each job opening, but was inadvertently left off the Station mailing list. That organization has been added to the list in the revised 2011 EEO report, Exhibit B.

<sup>7</sup> The distribution list for email recipients is attached before the individual position folders as part of *Exhibit 2*. For one position, Marketing Coordinator/Assistant, the Human Resources manager included the address of each email recipient in the cc field, confirming that the job announcement was sent to the Station mailing list. However, in all other cases the email addresses of the recipients were contained in the blind cc field not shown on the printout, and the email notices no longer exist. The Station is changing its practice to show the email recipients of its mailing list retained on email printouts.



the Station upgraded that position to a full-time position, and Mr. Einiger filled that position in June 2010 without any additional recruiting because the Station believed it constituted an internal promotion.<sup>8</sup> Station management has now been reminded that it is company policy to post notice of any full-time position that was formerly part-time in the same manner as all other full-time positions.

- As was explained in the 2011 annual EEO Report, the position of President and General Manager became vacant when Rebecca Campbell, who held the position from October 22, 2007 to May 14, 2010, was promoted to President of the ABC owned television station group. She in turn appointed Dave Davis, who at the time was serving as an executive at ABC News, to the position of President and General Manager, a position he had formerly held at the Station from October 8, 2003 to September 27, 2007 before taking a position with ABC News. Given the unique aspects of this position and Mr. Davis's unique qualifications for it, the Station did not believe it was necessary or appropriate to engage in the usual recruitment process.

For 22 full-time positions the Station not only engaged in its usual job announcement process, but also posted announcements of job openings in certain additional locations, including the websites and periodicals of minority organizations, trade organizations or job banks. A listing of these additional recruitment sources is contained in Exhibit A to both the 2010 and 2011 annual EEO reports, and each is listed below by position (the "www." portion of any URL has been omitted):

- **Ignite Director/Trainer:** tvjobs.com, tvspy.com, journalismjobs.com.
- **Regional Coverage and Emergency Center Manager:** tvjobs.com, poynter.org, RTNDA.org, journalismjobs.com, tvweek.com.
- **IT Specialist:** monster.com.
- **Assistant Broadcast IT Manager:** tvweek.com, tvjobs.com, journalismjobs.com.
- **Sports Reporter/Anchor:** tvweek.com, tvjobs.com, journalismjobs.com.
- **Web Interactive Producer:** tvjobs.com, RTNDA.org, lostremote.com, mediabistro.com.
- **General Assignment Reporter:** journalismjobs.com, tvjobs.com, poynter.org, RTNDA.org.
- **Engineering Technological Operations Manager:** tvjobs.com.
- **Vice President of Engineering:** tvtechnology.com, broadcastengineering.com, broadcastingcable.com.
- **News Producer:** tvnewsday.com (also known as tvnewscheck.com), tvweek.com, NAHJ.org, NABJ.org, RTNDA.org, journalismjobs.com, tvjobs.com.
- **Marketing Account Executive and Producer:** Spots N Dots (print and online), AdWeek, AdAge.

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<sup>8</sup> The Station's 2011 annual EEO report has been amended to more accurately describe the recruiting process for this position.

- **Marketing Coordinator/Assistant:** Spots N Dots (print and online), *AdWeek*.
- **News Interactive Producer:** tvjobs.com, journalismjobs.com, poynter.org, RTNDA.org, mediabistro.com, tvnewscheck.com.
- **News Media Manager:** mediabistro.com, RTNDA.org, poynter.org, journalismjobs.com, tvjobs.com.
- **IT Specialist:** itjobs.com.
- **Assistant Director of Engineering:** tvtechnology.com, broadcastengineering.com.
- **Engineering Technical Operations Manager:** tvjobs.com.
- **Graphic Artist/Motion Designer:** tvjobs.com, creativecow.net, coroflot.com, broadcastingandcable.com.
- **Anchor/Reporter:** tvjobs.com, journalismjobs.com, poynter.org, RTNDA.org.
- **Sports Reporter/Anchor:** journalismjobs.com, newscheckmedia.com, mediabistro.com, NABJ.org, AAJA.org.
- **Sales Service Assistant:** broadcastingandcable.com.
- **Technical Operations Manager:** tvtechnology.com, broadcastengineering.com.

**Question 3(c): Total Number of Interviewees and Referral Source for Each Vacancy.**

The total number of interviewees for each vacancy and the referral source for each interviewee during the reporting period are contained in the charts appended to the Station's annual EEO reports, Exhibit D of the 2010 report and Exhibit C of the 2011 report. *See Exhibit 1.*

**Question 3(d): Documentation of recruitment initiatives.**

As of March 31, 2011, the Station had a total of 243 full-time employees. According to the Office of Management and Budget website, the most recently available estimated population for the New York City metro statistical area is 19,069,796.<sup>9</sup> Therefore, pursuant to 47 C.F.R. §§ 73.2080(c)(2) and (e)(3), the Station is required to perform four initiatives within a two-year period. In fact, it performed more than four, as itemized below.

Documentation about the recruitment initiatives and the Station personnel involved that was available at the time of this audit include website postings, calendar entries of Station personnel, flyers, programs, thank you notes, emails, student evaluations and other administrative documents. Those documents are attached hereto, with appropriate redactions to avoid disclosure of personal information, as *Exhibit 4*.

<sup>9</sup> The data was found at: <http://www.census.gov/popest/metro/CBSA-est2009-annual.html> According to the website the 2010 census information will not be available until 2013.

### **College Internship Program**

During both reporting years, WABC participated in a college internship program in which students from various educational institutions in its viewing area worked at the Station in exchange for course credit, broadcast experience, and exposure to the broadcast industry and personnel. Students in their junior or senior years of college studying communications, journalism or other subjects related to broadcasting were invited to interview with managers from all departments of the Station at intern recruiting nights in April (for the Summer and Fall internships) and November (for the Spring internships) of 2009 and 2010.

In any one college term WABC had between 47 and 63 interns working closely with station employees in various capacities for at least 16 hours per week and observing a wide variety of station operations.<sup>10</sup> Intern responsibilities have included, but were not limited to, assisting with the production of news stories and broadcast operations, production of public service announcements and promotions, creation of marketing presentations, trouble-shooting information technology problems, updating the content of and maintaining the technical aspects of the Station's website, and assisting in various aspects of the production of the nationally syndicated live talk show "Live with Regis and Kelly," which is produced by the Station.

A list of the 39 colleges whose students participated in the internship program from 2009 to 2011 was attached to the 2011 annual EEO report as Exhibit D. See *Exhibit 1*.

When regular paid positions open up at the Station, qualified current or former interns are given special consideration. Since 2007 at least five former interns have been hired by the Station in either a part-time or full-time capacity.

### **Other Internship Programs**

**Emma Bowen Foundation for Minority Interests in Media Scholarship Program** - WABC is one of many communications organizations that participate in this program, which was developed to enhance the presence of minorities in the media by giving minority youth work experience during high school and college that could qualify them for jobs in the media. At the end of his or her third year of high school, a student identified and chosen by the Foundation on the basis of academics, recommendations, interviews and commitment to the program, is hired as an intern at WABC. The student will have paid summer employment and possibly employment while school is in session,

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<sup>10</sup> Documentation of the names of the interns who participated in the program is incomplete for the summer and fall 2010 terms because the Station administrator of the program was on leave at the time. The administrator of the internship program has since improved the manner in which student participation in the internship will be documented.

in addition to help with college expenses for the remainder of the student's high school and college years. WABC is responsible for exposing the student to a broad range of education, training and experience needed to qualify the student and help him or her advance to management and executive level positions in the future. During the reporting period, WABC employed a student from Spelman College, who worked during 2009 in the Creative Services department and 2010 in the 7 On Your Side consumer unit within the news department.

New York City Housing Authority (NYCHA) Achievers Program -- In this program, a local college student who resides in NYCHA housing spent six weeks working as an intern at the Station under the guidance and supervision of the Vice President of Community Affairs. During the summer 2010, a student from Syracuse University majoring in Communications assisted in scheduling community events, screened public service announcements, and assisted with general administrative duties.

#### **Job Fairs and Career Days**

During the reporting period, in addition to the internship program, the Station participated in at least nine job fairs and career days, as itemized below:

- Young Women's Leadership Career Fair (3/31/09): Sandra Thomas, Vice President for Community Affairs, was a guest speaker at this job fair, the theme of which was "Cool Women, Hot Jobs."
- CUNY Journalism Broadcast and New Media Conference and Career Fair (10/9/09)<sup>11</sup>: Ms. Thomas served as a recruiter at this career fair and collected approximately 40 resumes from college students.
- New York Women in Communications Career Conference (11/7/09): New York Women in Communications promotes professional growth for women in all communication disciplines and all career levels. Shannon Sohn, one of the Station's traffic reporters, appeared on a panel on broadcast and cable journalism. In addition, Ms. Thomas serves on the board of the New York Women in Communications Foundation, which raises money for scholarships for college students interested in careers in communications, and as chair of the high school outreach committee.
- St. Francis College Young Journalists Career Day (11/10/09 and 10/26/10): This is part of a yearlong journalism training program at St. Francis College. News anchors Diana Williams and Sade Baderinwa spoke at the 2009 career day. Ms. Thomas attended both the 2009 and 2010 career days and spoke to students about applying for the Station internship program.

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<sup>11</sup> The date for this event was erroneously listed in the 2010 annual EEO report as October 8, 2009.

- Borough of Manhattan Community College Job Fair (11/18/09)<sup>12</sup>: Ms. Thomas attended and spoke to students about careers in media.
- Rutgers University Networking Panel (12/1/09): Ms. Thomas was one of 10 professionals from different industries who advised students on careers as part of a "speed networking" event at the Rutgers campus.
- Grace Institute Career Fair (2/2/10): Grace Institute provides tuition-free, practical job training for underserved New York area women of all ages and from many diverse backgrounds. Graduates of the Institute met with representatives of over 30 companies and community partners to discuss job openings, network and receive career advice. Ms. Thomas participated on behalf of WABC.
- New York Women in Communications Career Conference (11/6/10): Over 300 students gathered for a full day of education, career advice and networking. Liz Cho, WABC Anchor/Reporter, was a panelist on the broadcast and cable journalism panel.

Ms. Thomas and other Station personnel have also appeared at career days and given speeches at schools, colleges and other organizations in the local community to explain and encourage interest in a career in broadcasting. Those appearances are noted in the 2010 and 2011 annual EEO reports in the section on Supplemental Recruitment Activities. See *Exhibit 1*.

### **Mentoring Programs**

The Disney VolunTEars program is a one-on-one mentoring program dedicated to reducing school dropout rates among inner city students and helping them to attain their goal of attending college. Since the early 1990s the Station has participated in the program with students from Fiorello H. LaGuardia High School of Music and the Performing Arts under the auspices of the New York City Department of Education. The program runs from September through June, and the mentors spend at least 6-8 hours a month with their mentees and contact their mentees via phone or email at least once a week. During the reporting period, Candy Martinez, Associate Director/Stage Manager, a former mentor in the program, served as the coordinator for all Disney, ESPN and ABC mentors, which numbered approximately 20 during the 2009-10 school year and 15 during the 2010-11 school year. In addition, Nika Beamon, Newswriter at WABC, served as a mentor from 2009-10.

In 2011, the Station also hosted a mentoring event as part of the Mentor It Forward program launched by Mayor Michael Bloomberg as a joint initiative of the New York City

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<sup>12</sup> The date for this event was erroneously listed in the 2010 annual EEO report as December 1, 2009.

Mr. Lewis Pulley  
May 6, 2011  
Page 10

Commission on Woman's Issues, Barnard College and New York City Service. This program provides New York City college students with an opportunity to gain valuable career knowledge through one-on-one "speed mentoring" with professionals in various fields. Ms. Thomas organized the event, which originally was scheduled January 27, 2011, but was postponed on account of severe weather. It was held March 13, 2011 at the ABC cafeteria located at 147 West 66<sup>th</sup> Street.<sup>13</sup> Each of the 16 students in attendance had an opportunity to get career advice directly from at least four employees of the Station, The Walt Disney Company or the ABC Television Network.

### **Get Reel with Your Dreams: The Inside Track**

In March 2010, Sade Baderinwa, WABC News Anchor, launched a new and innovative program designed to give students an opportunity to get advice from industry professionals at the Station and to compete for college scholarships. The program, which is co-sponsored by the Station, The Walt Disney Company, the Lincoln Center Institute and New York Women in Film and Television, exposes New York City high school students to top professionals in film and television. Qualifying students are invited to attend an initial event and get "inside track" advice from these professionals who share their personal and professional stories, offer advice and exposure to new possibilities. They are encouraged to submit a self-produced public service announcement and to compete in the Reel Awards with prizes including more than \$25,000 in college scholarships. The initial event was held on March 13, 2010 at Lincoln Center in New York, NY. In addition to Ms. Baderinwa, Lucy Yang, reporter, Todd Pierce, photographer/editor, and Robert Cantwell, photographer/editor, participated in this event. Ms. Baderinwa also served on the panel that judged the PSAs submitted by the students. On June 24, 2010, Ms. Baderinwa presented awards to the top three winners at the WABC studios. It is expected that the winning PSAs will be broadcast on WABC at some point in the future.

### **Station Tours and Employee Shadowing**

Station personnel have also been involved in giving a number of Station tours to schools and other community groups and have participated in job shadows, in which a Station employee allows a student to visit the Station to find out more about that employee's daily responsibilities. The names of the sponsoring organizations, the dates and the Station personnel involved in these activities, where known, are listed in the annual EEO Reports for 2010 and 2011 in the section on Supplemental Recruitment Activities. See *Exhibit 1*.

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<sup>13</sup> The date for this event was erroneously listed in the 2011 annual EEO report as January 24, 2011. Since the event actually took place after February 1, 2011, it has been removed from the 2011 EEO report and will be included in the 2012 EEO report.



**Question 3(e): EEO complaints during current license term.<sup>14</sup>**

The following complaints have been filed against the Station during the reporting term:

**Harry Lopez v. ABC, Inc.**

NYS Division of Human Rights Case No. 10-138720, filed: January 11, 2010  
EEOC Charge No. 520-2009-02953, filed: July 7, 2009

Harry Lopez, former WABC studio engineer, alleged racial and gender discrimination with respect to his discipline, pay rate, and layoff. On September 3, 2009, the Company responded to the EEOC charge and the EEOC issued a right to sue letter on July 28, 2010. The company responded to the NYSDHR charge on January 29, 2010, which is currently pending.

**Michelle Malloy v. WABC Television**

EEOC Charge No. 520-2008-00276, filed: March 21, 2008

Michelle Malloy, former WABC daily hire/audio engineer, alleged that she was subject to sex discrimination which resulted in her loss of work. On March 8, 2009, the EEOC issued a right to sue letter. The claimant has not pursued this matter and the statute of limitations has expired.

**Tanya Mills v. ABC, Inc.**

EEOC Charge No. 520-2010-01373, filed: March 4, 2010

Tanya Mills, a former WABC news writer, alleged race and disability discrimination with respect to her assignments, as well as constructive discharge. The company responded on December 15, 2010 and the claim is currently pending.

**Gerardo Lago v. WABC-TV**

New York State Supreme Court Index No. 150135/2011, filed May 5, 2011

Gerardo Lago, a WABC engineer, alleges discrimination on the basis of ethnicity under New York State law, among other claims. As of today, WABC has not been served with a copy of the complaint in this action.

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<sup>14</sup> WABC interprets "license term," as used in the Commission's audit letter, as referring to the license term beginning on June 1, 2007, which is supported by the Commission's most recent listing of license terms, as printed in the Federal Register. See Station License Period, 76 Fed. Reg. 20,249 (Apr. 12, 2011) (to be codified at 47 C.F.R. 73.1020(a)(17)(ii)). The Station has been operating pursuant to temporary authority pending action on its 2007 license renewal application.

**Question 3(f): EEO enforcement policies and responsibilities.**

In accordance with Section 73.2080(b) of the Commission's Rules, the Station, together with its parent companies ABC, Inc. and The Walt Disney Company, is an equal opportunity employer committed to maintaining a strong policy and practice of prohibiting discrimination. The responsibility for maintaining this policy and practice rests primarily with the management of the ABC Owned Television Group; the ABC Media Networks Human Resources Department; the ABC Legal Department; the management of WABC, including its President and General Manager; its Payroll and Benefits Manager; and the department heads responsible for hiring, maintaining and promoting employees within their respective departments. All employees of WABC are also expected to be aware of its EEO policy and assist in effectively maintaining it.

The Station's EEO policies and practices are communicated to Station employees as follows.

First, all new Station employees (other than NABET-represented employees) receive copies of the following upon hire, the receipt of which they are required to acknowledge in writing: (a) the company's policies on equal employment opportunity ("EEO Policy") and workplace harassment ("Harassment Policy"), (b) the company's policy on computer usage and security ("Computer Policy"), which includes an anti-harassment component, and (c) The Walt Disney Company Standards of Business Conduct ("Standards of Business Conduct"), which include provisions regarding employees' responsibilities toward their fellow employees. All non-NABET-represented employees are also required to undergo periodic on-line training on harassment policy compliance and on the Standards of Business Conduct.

Second, all employees of the company have access on line to an Employee Handbook, which includes the EEO Policy, the Harassment Policy, and the Computer Policy, among other components, and to the Standards of Business Conduct. The EEO Policy and the Harassment Policy, along with other employment-related notifications, are also posted on bulletin boards in the Station's common areas.

Third, all the company's collective bargaining agreements, including the NABET agreement, to which the employees represented by the union have access, include non-discrimination provisions.

Fourth, all employees are advised, through the EEO Policy, the Harassment Policy, and the Standards of Business Conduct, of a mechanism for employees to lodge complaints under any of these policies, anonymously or otherwise, through their Human Resources department or through a toll-free 24-hour hotline known as the company Guideline. All complaints are promptly reviewed and investigated by trained professionals within our companies' Human Resources and/or Legal Departments.

Fifth, all external job notices state that WABC is an equal opportunity employer. Finally, the Human Resources manager at the Station regularly communicates to all managers and employees the importance of abiding by and improving the Station's compliance with its EEO policies at monthly departmental meetings and in other settings.

Members of the ABC Law & Regulation Department have also given presentations, sent memos and conducted conference calls with general managers and other station employees explaining the Commission's EEO rules and emphasizing the importance of strict compliance with them, and have worked closely with the Station management on an ongoing basis to address any questions and to facilitate and improve compliance with FCC EEO procedures.

Attached as *Exhibit 5* are copies of the EEO Policy, Computer Usage Policy, and Harassment Policy, as taken from the Employee Policy Manual, but also distributed and/or posted as stand-alone documents, and of relevant portions of the Standards of Business Conduct.

**Question 3(g): Efforts to Analyze Effectiveness of EEO Recruitment Program And Address Problems.**

As described above in response to question 3(b), WABC strives to improve and refine its recruitment methods by inviting interested organizations to contact the Station to be added to its mailing list and by periodically updating and expanding that list. During the reporting period, solicitation of organizations for the WABC mailing list was conducted through a combination of on-air announcements and on-line notices on the WABC website.

The Station also monitors responses received in response to job postings to ensure that its applicant pool includes qualified applicants from diverse sources and on a case-by-case basis expands its recruitment to include more opportunities for applicants to learn about a vacancy. As noted above, the Station's Human Resources manager regularly meets with the heads of departments to reinforce compliance with all the Station's EEO obligations, including recruitment and documentation obligations under the Commission's rules. In addition, as a result of this audit, department heads have been reminded of their obligation to comply with all applicable policies and regulations and been told specific areas in which compliance could be improved.

**Question 3(h): Efforts to Analyze Pay, Benefits, Seniority, Promotions, Selection and Tests.**

The Station's management and department heads are aware that all hiring and promotions are to be conducted in a manner that is free of improper discrimination of any kind. The importance of equal opportunity is reinforced in management training periodically conducted on line and/or by the ABC Media Networks Human Resources and Legal Departments. This training also stresses the company's commitment to

Mr. Lewis Pulley  
May 6, 2011  
Page 14

avoiding all forms of illegal discrimination and sexual harassment. Station management and employees also often consult with the ABC Media Relations Human Resources Department and the ABC Legal Department on a case-by-case basis regarding equal employment opportunity questions and issues.

To the extent Station employees are union-represented, the applicable collective bargaining agreement includes a no-discrimination clause. However, the company's no-discrimination policies apply equally to non-union employees. All employees are expected to conduct themselves in a manner that is free of discrimination against any individual because of race, sex, creed, color, national origin or age in accordance with applicable state and federal law.

When a full-time position becomes available, an internal job posting, which includes job requirements and information about proposed compensation, is sent for review and approval to local and senior management, Corporate Recruiting, Corporate Human Resources and/or Corporate Compensation. Applicants are selected based on academic, experience and skill level. The Station strongly encourages current employees to seek advancement through internal promotion.

The Station strives to ensure that employees are fairly compensated for the work they do. For union-represented employees, seniority and compensation are set forth in the applicable collective bargaining agreement. Senior Station management and the Company's Compensation Department review salaries for employees who are not represented by unions to ensure that those salaries accurately reflect the (i) salary history of the position, (ii) job responsibilities, and (iii) external market data, if available. Senior Station management and the Company's Compensation Department also review the salary increases associated with promotions to ensure that they are fair and equitable.

All employee benefit plans are reviewed, communicated and executed by The Walt Disney Company's Corporate Benefits Department and are presented annually to all employees. Information is readily available to all employees via the corporate internet site. Employees also receive information by electronic and/or conventional email.

**Question 3 (i): Religious broadcaster.**

Not applicable.

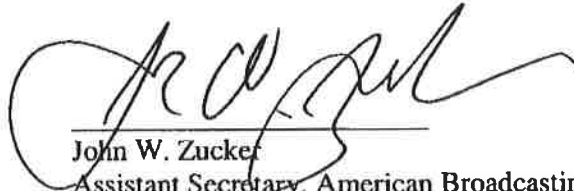
**Question 4: Time Brokerages.**

Not applicable.

Mr. Lewis Pulley  
May 6, 2011  
Page 15

Please contact the undersigned if you have any further questions or if you would like the Licensee to provide any additional information or materials.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'John W. Zucker', is written over a horizontal line.

John W. Zucker  
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**DECLARATION**

WABC-TV, New York, NY, Facility ID:

#1328

Response to FCC Audit of Station's Equal Employment Opportunity Program

I, John W. Zucker, Assistant Secretary of WABC-TV, Inc., licensee of the above referenced station, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

  
Signature

5-6-11  
Date