§ 22.313 Station identification.

The licensee of each station in the Public Mobile Services must ensure that the transmissions of that station are identified in accordance with the requirements of this section.

(a) Station identification is not required for transmission by:

(1) Stations in the Cellular Radiotelephone Service;

(2) General aviation ground stations in the Air-ground Radiotelephone Service;

(3) [Reserved]

(4) Stations using Basic Exchange Telephone Radio Systems in the Rural Radiotelephone Service;

(5) [Reserved]

(6) Stations operating pursuant to paging geographic area authorizations.

(b) For all other stations in the Public Mobile Services, station identification must be transmitted each hour within five minutes of the hour, or upon completion of the first transmission after the hour. Transmission of station identification may be temporarily delayed to avoid interrupting the continuity of any public communication in progress, provided that station identification is transmitted at the conclusion of that public communication.

(c) Station identification must be transmitted by telephony using the English language or by telegraphy using the international Morse code, and in a form that can be received using equipment appropriate for the modulation type employed, and understood without the use of unscrambling devices, except that, alternatively, station identification may be transmitted digitally, provided that the licensee provides the Commission with information sufficient to decode the digital transmission to ascertain the call sign. Station identification comprises transmission of the call sign assigned by the Commission to the station, however, the following may be used in lieu of the call sign:

(1) For transmission from subscriber operated transmitters, the telephone number or other designation assigned by the carrier, provided that a written record of such designations is maintained by the carrier;

(2) For general aviation airborne mobile stations in the Air-Ground Radiotelephone Service, the official FAA registration number of the aircraft;

(3) For stations in the Paging and Radiotelephone Service, a call sign assigned to another station within the same system.


§ 22.317 Discontinuance of station operation.

If the operation of a Public Mobile Services station is permanently discontinued, the licensee shall send authorization for cancellation by electronic filing via the ULS on FCC Form 601. For purposes of this section, any station that has not provided service to subscribers for 90 continuous days is considered to have been permanently discontinued, unless the applicant notified the FCC otherwise prior to the end of the 90 day period and provided a date on which operation will resume, which date must not be in excess of 30 additional days.


§ 22.321 Equal employment opportunities.

Public Mobile Services licensees shall afford equal opportunity in employment to all qualified persons, and personnel must not be discriminated against in employment because of sex, race, color, religion, or national origin.

(a) Equal employment opportunity program. Each licensee shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of employment policy and practice.

(1) Under the terms of its program, each licensee shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(ii) Inform its employees and recognized employee organizations of the
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positive equal employment oppor-

(tuinity policy and program and enlist

(iii) Communicate its equal employ-

ment opportunity policy and program

and its employment needs to sources of

qualified applicants without regard to

sex, race, color, religion or national or-

igin, and solicit their cooperation.

(iv) Conduct a continuing campaign

to exclude every form of prejudice or
discrimination based upon sex, race,
color, religion, or national origin, from
the licensee’s personnel policies and
practices and working conditions.

(v) Conduct a continuing review of

job structure and employment prac-
tices and adopt positive recruitment,
training, job design and other measures
needed in order to ensure genuine
equality of opportunity to participate
fully in all organizational units, occupa-
tions and levels of responsibility.

(2) The program must reasonably ad-
dress specific concerns through policies
and actions as set forth in this para-
graph, to the extent that they are ap-
propriate in consideration of licensee
size, location and other factors.

(i) To assure nondiscrimination in re-
cruiting. (A) Posting notices in the li-
censee’s offices informing applicants
for employment of their equal employ-
ment rights and their right to notify
the Equal Employment Opportunity
Commission (EEOC), the Federal Com-
munications Commission (FCC), or
other appropriate agency. Where a sub-
stantial number of applicants are
Spanish-surnamed Americans, such no-
tice should be posted in both Spanish
and English.

(B) Placing a notice in bold type on
the employment application inform-
ing prospective employees that discrimina-
tion because of sex, race, color, reli-
gion or national origin is prohibited,
and that they may notify the EEOC,
the FCC or other appropriate agency if
they believe they have been discrimi-
nated against.

(C) Placing employment advertise-
ments in media which have significant
circulation among minority groups in
the recruiting area.

(D) Recruiting through schools and
colleges with significant minority

group enrollments.

(E) Maintaining systematic contacts
with minority and human relations or-
ganizations, leaders and spokespersons
to encourage referral of qualified mi-
nority or female applicants.

(F) Encouraging present employees
to refer minority or female applicants.

(G) Making known to the appropriate
recruitment sources in the employer’s
immediate area that qualified minority
members are being sought for consider-
ation whenever the licensee hires.

(ii) To assure nondiscrimination in se-
lection and hiring. (A) Instructing em-
ployees of the licensee who make hir-
ing decisions that all applicants for all
jobs are to be considered without dis-
crimination.

(B) Where union agreements exist,
cooperating with the union or unions
in the development of programs to as-
sure qualified minority persons or fe-
males of equal opportunity for employ-
ment, and including an effective non-
discrimination clause in new or renego-
tiated union agreements.

(C) Avoiding use of selection tech-
niques or tests that have the effect of
discriminating against minority groups
or females.

(iii) To assure nondiscriminatory place-
ment and promotion. (A) Instructing em-
ployees of the licensee who make deci-
sions on placement and promotion that
minority employees and females are to
be considered without discrimination,
and that job areas in which there is lit-
tle or no minority or female represen-
tation should be reviewed to determine
whether this results from discrimina-
tion.

(B) Giving minority groups and fe-
male employees equal opportunity for
positions which lead to higher posi-
tions. Inquiring as to the interest and
skills of all lower-paid employees with
respect to any of the higher-paid posi-
tions, followed by assistance, coun-
seling, and effective measures to en-
able employees with interest and po-
tential to qualify themselves for such
positions.

(C) Reviewing seniority practices to
insure that such practices are non-
discriminatory and do not have a dis-
criminatory effect.

(D) Avoiding use of selection tech-
niques or tests that have the effect of
discriminating against minority groups or females.

(iv) **To assure nondiscrimination in other areas of employment practices.**

(A) Examining rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found.

(B) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority groups or female employees.

(b) **EEO statement.** Each licensee having 16 or more full-time employees shall file with the FCC, no later than May 31st following the grant of that licensee’s first Public Mobile Services authorization, a statement describing fully its current equal employment opportunity program, indicating specific practices to be followed in order to assure equal employment opportunity on the basis of sex, race, color, religion or national origin in such aspects of employment practices as regards recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff and termination. Any licensee having 16 or more full-time employees that changes its existing equal employment opportunity program shall file with the FCC, no later than May 31st thereafter, a revised statement reflecting the change(s).

**NOTE TO PARAGRAPH (b) OF § 22.321:** Licensees having 16 or more full-time employees that were granted their first Public Mobile Services authorization prior to January 1, 1995, and do not have a current EEO statement on file with the FCC, must file such statement, required by paragraph (b) of this section, no later than May 31, 1995.

(c) **Report of complaints filed against licensees.** Each licensee, regardless of how many employees it has, shall submit an annual report to the FCC no later than May 31st of each year indicating whether any complaints regarding violations by the licensee or equal employment provisions of Federal, State, Territorial, or local law have been filed before anybody having competent jurisdiction.

(1) The report should state the parties involved, the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(2) Any licensee who has filed such information with the EEOC may file a notification of such filing with the FCC in lieu of a report.

(d) **Complaints of violations of Equal Employment Programs.** Complaints alleging employment discrimination against a common carrier licensee are considered by the FCC in the following manner:

(1) If a complaint raising an issue of discrimination is received against a licensee who is within the jurisdiction of the EEOC, it is submitted to that agency. The FCC maintains a liaison with that agency that keeps the FCC informed of the disposition of complaints filed against common carrier licensees.

(2) Complaints alleging employment discrimination against a common carrier licensee who does not fall under the jurisdiction of the EEOC but is covered by appropriate enforceable State law, to which penalties apply, may be submitted by the FCC to the respective State agency.

(3) Complaints alleging employment discrimination against a common carrier licensee who does not fall under the jurisdiction of the EEOC or an appropriate State law, are accorded appropriate treatment by the FCC.

(4) The FCC will consult with the EEOC on all matters relating to the evaluation and determination of compliance by the common carrier licensees with the principles of equal employment as set forth herein.

(5) Complaints indicating a general pattern of disregard of equal employment practices which are received against a licensee that is required to file an employment report to the FCC under § 1.815(a) of this chapter are investigated by the FCC.

(e) **FCC records.** A copy of every annual employment report, equal employment opportunity program statement, reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the licensee and the FCC pertaining to the reports after they have been filed and
all documents incorporated therein by reference, are open for public inspection at the offices of the FCC.

(f) Licensee records. Each licensee required to file annual employment reports (pursuant to §1.815(a) of this chapter), equal employment opportunity program statements, and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain for public inspection a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the licensee and the FCC pertaining to the reports after they have been filed and all documents incorporated therein by reference. The documents must be retained for a period of 2 years.

§ 22.325 Control points.

Each station in the Public Mobile Services must have at least one control point and a person on duty who is responsible for station operation. This section does not require that the person on duty be at the control point or continuously monitor all transmissions of the station. However, the control point must have facilities that enable the person on duty to turn off the transmitters in the event of a malfunction.

TECHNICAL REQUIREMENTS

§ 22.351 Channel assignment policy.

The channels allocated for use in the Public Mobile Services are listed in the applicable subparts of this part. Channels and channel blocks are assigned in such a manner as to facilitate the rendition of service on an interference-free basis in each service area. Except as otherwise provided in this part, each channel or channel block is assigned exclusively to one licensee in each service area. All applicants for, and licensees of, stations in the Public Mobile Services shall cooperate in the selection and use of channels in order to minimize interference and obtain the most efficient use of the allocated spectrum.

[70 FR 19308, Apr. 13, 2005]