

## **FCC Slaps Wrists For Lack of EEO Recruitment**

Legal Alert  
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The FCC makes clear in two recent enforcement actions: stations that fail to engage in recruitment activities will be fined.

But for the passage of time, Cumulus's Odessa, Texas, cluster and Entravision's Brownville, Texas, cluster would have received steep fines for violation of the FCC's EEO outreach requirements. The violations were revealed in response to FCC audit requests.

Since the violations occurred prior to the grant of the stations' license renewal applications, the FCC could not impose forfeitures. Instead, the FCC issued stern warnings and imposed reporting conditions on the licensees.

### **No recruitment for 4 of 7 vacancies**

The Commission said Cumulus and Entravision failed to recruit widely for every full-time job opening. For four of seven openings listed on one annual EEO public file reporting period, Cumulus relied on employee referrals, on-air announcements, or walk-ins as recruitment sources.

### **No recruitment for 12 of 13 vacancies**

Entravision relied on its corporate Internet web site, on-air announcements, word-of-mouth, walk-ins, unsolicited job applications, or internal job postings as recruitment sources for 12 of its 13 full-time positions filled for the period under review.

### **Internet, employee referrals, walk-ins not "recruitment"**

The FCC allows for as few as one recruitment source to be used to recruit for an opening, but it must be sufficiently broad. That means, typically, that a classified ad in a newspaper of general circulation would satisfy the requirement. The Commission requires a licensee to recruit from non-Internet sources, in addition to any sources from the Internet, in order for recruitment to be considered widely disseminated. Relying on the station's own employees or its own private contacts does not satisfy the recruitment for public outreach about openings. Nor does relying solely on walk-ins reflect a recruitment effort.

**Recordkeeping failures impede EEO evaluation**

Cumulus also failed to list the total number of interviewees and the number of interviewees referred by each of its recruitment sources in its annual EEO public file reports, and lacked records on interviews and referrals for nine of its 16 hires over the two-year period audited.

Without proper records, the FCC found it was impossible for Cumulus to evaluate whether its recruitment program was effective in achieving broad outreach. Periodic self-evaluation is another requirement of the FCC's EEO rule.

**Three years' reporting conditions**

For the next three years, Cumulus and Entravision must file with the FCC the following documentation:

- the unit's most recent EEO public file report;
- dated copies of all advertisements, bulletins, letters, faxes, emails, or other communications announcing each full-time vacancy for the preceding report year;
- the recruitment source that referred each hiree for each full-time vacancy; and
- the total number of interviewees for each full-time vacancy for the preceding reporting year and the referral source of each interviewee.

The conditions travel with the licenses, so a new owner of any of the stations would inherit the reporting conditions.