

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In re Applications of	)	
	)	
Shreveport Great Empire Broadcasting, Inc.	)	File Nos. BR-960201B8
	)	BRH-960201B7
	)	
For Renewal of License for	)	
Stations KWKH(AM)/KWKH-FM	)	
Shreveport, Louisiana	)	

**MEMORANDUM OPINION AND ORDER  
AND NOTICE OF APPARENT LIABILITY**

**Adopted: September 12, 1996**

**Released: September 25, 1996**

**By the Commission:** Commissioner Quello concurring in the result.

1. The Commission has before it for consideration: (i) license renewal applications for KWKH(AM)/KWKH-FM, Shreveport, Louisiana;<sup>1</sup> and (ii) the licensee's response to a staff letter of inquiry.

2. Review of the stations' renewal applications, annual employment reports, and inquiry response leads us to conclude that there are no substantial and material questions of fact warranting designation for hearing. Further, we find no evidence of employment discrimination. Grant of the applications is consistent with Section 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(k). Thus, because the licensee is otherwise qualified, grant of the applications will serve the public interest. 47 U.S.C. §309(d)(2). However, for the reasons discussed below, we will grant renewal subject to reporting conditions and a Notice of Apparent Liability for forfeiture in the amount of \$16,500.

3. Section 73.2080 of the Commission's Rules requires that a broadcast licensee refrain from employment discrimination and establish and maintain an EEO program that reflects positive and continuing efforts to recruit and promote qualified women and minorities. When evaluating EEO performance, the Commission focuses on the licensee's efforts to recruit and promote qualified minorities and women and the licensee's ongoing assessment of its EEO efforts. Such an assessment enables the licensee to take corrective action if qualified women and

<sup>1</sup> The license term for these stations expired June 1, 1996.

minorities are not present in the applicant pools. The Commission also focuses on any evidence of discrimination by the licensee. See Sections 73.2080 (a), (b), and (c) of the Commission's Rules, 47 C.F.R. §§ 73.2080 (a), (b), and (c).<sup>2</sup>

4. Review of the licensee's renewal applications and inquiry response reveals that the licensee had 27 full-time hires, 26 for upper-level positions, from May 1, 1993, to May 1, 1996.<sup>3</sup> In its inquiry response, the licensee indicates that it did not contact outside sources for 15 positions. The licensee states that for these positions it either hired someone who inquired if there were any positions available at the stations, or selected an employee from resumes already on file. For nine positions, the licensee indicates that it contacted one to three general sources.<sup>4</sup> For two additional positions, it aired ads on the stations and reviewed applications on file from a local college job fair. For the remaining vacancy, occurring near the end of the license term, the licensee contacted ten general sources and aired ads on the stations. The licensee reports that minorities were in seven applicant and interview pools. Twelve minorities were among 127 applicants and among 114 interviewees for the 27 positions. The licensee reports that it hired two Blacks and one Hispanic for upper-level positions. In its renewal applications, the licensee discusses the fact that it did not hire or promote any minorities during the 12-month period prior to filing its renewal application. It states that it "believes that this result is an anomaly when compared against its record during the previous years of its license term." The licensee quotes hiring and promotion statistics indicating that it hired and promoted minorities in 1993 and 1994.

---

<sup>2</sup> The licensee is reminded that under our EEO Rule, 47 C.F.R. § 73.2080, it has an obligation to recruit for females and minorities for each vacancy. To the extent that licensees fail to do so, female, as well as minority recruitment is affected.

<sup>3</sup> According to 1980 Census data, the Shreveport, Louisiana Metropolitan Statistical Area (MSA), in which the stations are located, had a 45.0% female and 30.6% minority labor force (28.6% Black, 1.4% Hispanic, .6% Other). The stations' 1990 Annual Employment Report lists 13 females (39.4%) and three Blacks (9.1%) on an overall staff of 33, and 11 females (35.5%) and two Blacks (6.5%) on an upper-level staff of 31. In 1991, the stations employed 13 females (40.6%) and three Blacks (9.4%) on an overall staff of 32 and 10 females (34.5%) and two Blacks (6.9%) on an upper-level staff of 29. In 1992, the stations employed 12 females (38.7%) and four Blacks (12.9%) on an overall staff of 31 and nine females (32.1%) and three Blacks (10.7%) on an upper-level staff of 28.

The Commission uses 1990 labor force statistics for license renewal applications filed after May 31, 1993, and for 1993 Annual Employment Reports. See Public Notice # 32651 (April 12, 1993). According to 1990 Census data, the Shreveport, Louisiana MSA includes 48.3% females and 31.5% minorities (29.3% Black, 1.3% Hispanic, and .9% Other). The stations' 1993 Report lists 10 females (30.3%) and three Blacks (9.1%) on an overall staff of 33 and eight females (25.8%) and two Blacks (6.5%) on an upper-level staff of 31. The stations' 1994 Report lists 12 females (36.4%) and two Blacks (6.1%) on an overall staff of 33 and ten females (32.3%) and two Blacks (6.5%) on an upper-level staff of 31. The stations' 1995 Report lists 12 females (36.4%) and five minorities [four Blacks (12.1%) and one Hispanic(3.0%)] on an overall staff of 33 and eight females (27.6%) and four minorities [three Blacks (10.3%) and one Hispanic (3.4%)] on an upper-level staff of 29.

<sup>4</sup> The licensee contends that it contacted only a newspaper for one of these positions and only an employment agency for another of these positions because the employee to be replaced had not yet been dismissed.

The licensee states that it attended several job fairs and career days during the renewal year, from which it received minority referrals. It also describes several internship/training programs at the stations in which females and/or minorities participated in 1994 and 1995.

5. In their renewal applications, KWKH(AM)/KWKH-FM contend that they review the success of their EEO program on an ongoing basis and makes changes when necessary. The licensee sets forth several examples of these changes, including adding two local schools with significant minority enrollments to its list of recruitment sources in 1994 and recently identifying five additional sources that might "be able to refer an increased number of minority and female applicants for upper four positions." In addition, the licensee states in its inquiry response that it has "recently centralized responsibility for implementation of [its] EEO program in a single individual to seek to ensure that EEO outreach is conducted every time there is a new hire, so that situations in which a person is hired without conducting EEO outreach will be minimized or eliminated entirely."

6. There is no evidence that the licensee engaged in employment discrimination. The licensee recruited, attracted, interviewed and hired minorities during the review period, as well as conducted several internship/training programs in which minorities and/or females participated. Moreover, KWKH(AM)/KWKH-FM's record does not present a substantial and material question of fact warranting a hearing. Therefore, finding the licensee to be otherwise qualified, renewal of the licenses is appropriate. However, for the reasons discussed herein, we will grant renewal with appropriate remedies and sanctions.

7. We find the licensee's minority recruitment efforts to be deficient because it failed to recruit actively for 15 of its 27 vacancies (55.5%), and, despite recruiting minorities for only seven of 27 applicant and interview pools (25.9%), failed to engage in meaningful self-assessment of its EEO program by making significant changes in its recruitment efforts. 47 C.F.R. § 73.2080.

8. In determining a forfeiture, we look to case precedent, taking into consideration the relevant statutory factors in Section 503(b)(2) of the Communications Act, including the nature, circumstances, extent and gravity of the violations, and a licensee's record of compliance with our rules. In our evaluation, we consider the station's size, number of hiring opportunities, minority labor force, recruitment patterns, applicant and interview pools, assessment and record-keeping. E. g., Stauffer Communications, Inc., 10 FCC Rcd 5060, 5061 (1995).

9. After carefully reviewing the facts, we find that the record in the instant case is similar to but more egregious than that of WLAE-TV, New Orleans, Louisiana, in Application of Educational Broadcasting Foundation, Inc., 10 FCC Rcd 3974 (1995). As in this case, WLAE-TV failed to recruit actively for a substantial number (ten) of its 24 vacancies, and failed to include minority applicants in a majority (19) of its applicant pools despite being located in an area with a significant minority labor force (32.5%). The licensee also failed to maintain adequate records for meaningful self-assessment. We renewed the license of WLAE-TV subject to reporting conditions and issued a Notice of Apparent Liability for \$15,000.

10. Both KWKH(AM)/KWKH-FM and WLAE-TV failed to recruit actively for a substantial number of their vacancies and failed to include minority applicants in a majority of their applicant pools (74.1% and 79.2%, respectively) despite being located in areas with significant minority labor forces, [30.6% in 1980 and 31.5% in 1990 for KWKH(AM)/KWKH-FM and 32.5% for WLAE-TV]. The licensee of WLAE-TV failed to keep complete records of its EEO efforts, necessary for meaningful self-assessment, whereas the licensee in this case kept complete records of its EEO efforts. However, there is little evidence that this licensee reviewed the information that it recorded to self-assess its EEO program meaningfully. As previously stated, it failed to recruit actively for a majority of its vacancies and failed to contact more than three general sources for the remainder of its vacancies (except for one vacancy occurring near the end of the license term) despite having minorities in few of its applicant pools. KWKH(AM)/KWKH-FM's record is more egregious than that of WLAE-TV because the stations actively recruited for substantially fewer vacancies (44.4%) than did WLAE-TV (58.3%). Given the facts of this case and broadcasters' familiarity with our long-standing EEO rule, we conclude that a Notice of Apparent Liability for \$16,500 is justified. Further, we impose reporting conditions to monitor the licensee's prospective recruitment and recordkeeping measures. Accordingly, finding the licensee to be otherwise qualified, we will grant renewal subject to reporting conditions, and issue a Notice of Apparent Liability for \$16,500.<sup>5</sup>

11. Accordingly, **IT IS ORDERED** that the license renewal applications for Stations KWKH(AM)/KWKH-FM **ARE GRANTED**, subject to the reporting conditions specified herein, and, pursuant to Section 503 of the Communications Act, a **NOTICE OF APPARENT LIABILITY FOR FORFEITURE** in the amount of \$16,500.

12. **IT IS FURTHER ORDERED** that the licensee of Stations KWKH(AM)/KWKH-FM submit to the Commission an original and one copy of the following information on February 1, 1997, February 1, 1998, and February 1, 1999:

- (a) Two lists divided by full-time and part-time vacancies during the 12 months preceding January 1, 1997, for the first report, January 1, 1998, for the second report, and January 1, 1999, for the third report, indicating the job title and FCC job category of the position, the date of hire, the race or national origin, sex and the referral source of each applicant for each job and the race or national origin and sex of the person hired. The list should also note which recruitment sources

---

<sup>5</sup> On February 28, 1996, KWKH(AM)/KWKH-FM filed assignment applications, File Nos. BAL-960228EB and BALH-960228EL. In view of these pending applications, we note that, in the event of grant of the applications, reporting conditions will follow as a matter of law and pass automatically to the assignee. See e.g., San Luis Obispo Limited Partnership, 9 FCC Rcd 994 (1994); Woolfson Broadcasting, Inc., 4 FCC Rcd 6160 (1989).

were contacted;<sup>6</sup>

- (b) A list of employees as of the January 1, 1997, payroll period for the first report, January 1, 1998, payroll period for the second report, and January 1, 1999, payroll period for the third report, by job title and FCC job category indicating full-time or part-time status (ranked from highest paid classification), date of hire, sex and race or national origin; and
- (c) Details concerning the licensee's efforts to recruit minorities and women for each position filled during the 12 months preceding January 1, 1997, for the first report, January 1, 1998, for the second report, and January 1, 1999, for the third report, including identification of sources used and indicating whether any of the applicants declined actual offers of employment. In addition, the licensee may submit any relevant information with regard to the stations' EEO performance and efforts thereunder.

13. **IT IS FURTHER ORDERED** that the Mass Media Bureau send by Certified Mail -- Return Receipt Requested -- a copy of this Memorandum Opinion and Order and Notice of Apparent Liability to Shreveport Great Empire Broadcasting, Inc.

14. The reports are to be filed with the Acting Secretary of the Commission to the attention of the Mass Media Bureau's EEO Branch.

15. With respect to the forfeiture proceeding, the licensee may take any of the actions set forth in Section 1.80 of the Commission's Rules, 47 C.F.R. § 1.80, as summarized in the attachment to this Order. Any comments concerning the ability to pay should include those financial items set forth in the attachment.

## FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Acting Secretary

---

<sup>6</sup> Such a list might start:

1) News Director: Officials and Managers; Full-time

3 Applicants: 1 White female A.W.R.T.

1 Hispanic male National Hispanic Media Coalition

1 Black Female Urban League

Sources contacted: Local newspaper, A.W.R.T., National Hispanic Media Coalition and Urban League

Selected: Hispanic male (08/18/97); NHMC