

**MINORITY MEDIA AND  
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Hon. William Caton  
Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C. 20554

Dear Mr. Caton:

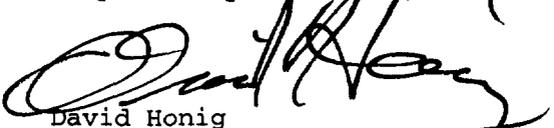
RE: MM Docket No. 96-16 (EEO Streamlining)

Transmitted herewith is Volume III of the "Comments of EEO Supporters." Volume III consists of the two research studies and eight supportive declarations upon which we rely in our Comments.

Although we had hoped also to file Volumes I and II of our Comments today, they are still being edited and they will be filed shortly. We experienced additional delay attendant to our analysis of the huge volume of data in the two research studies. Hopefully, the delay was worth it, because the two studies provide what we believe to be an especially valuable window into the operation of the Commission's EEO policies. In some respects the results confirmed our impressions of the program, but in other respects the results were a surprise. Of particular note is the finding that (contrary to our initial views) a station's participation in job fairs may have genuine value in increasing minority inclusion in applicant pools (see Exhibit 1) and the finding that the distribution of forfeiture amounts is an almost perfect bell-shaped curve (reflecting equal application of upward and downward criteria from a normative value) and is uninfluenced by station type or market factors (see Exhibit 2).

The Commission has been more than gracious in affording us additional time to participate fully in this proceeding. We will continue to work doubletime until we complete the job.

Respectfully submitted,

  
David Honig

/dh

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Before the  
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Washington, D.C. 20554

AUG 26 1996

In the Matter of )  
 )  
Streamlining Broadcast EEO )  
Rules and Policies, Vacating the )  
EEO Forfeiture Policy Statement )  
and Amending Section 1.80 of the )  
Commission's Rules to Include )  
EEO Forfeiture Guidelines )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

MM Docket No. 96-16

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TO THE COMMISSION

COMMENTS OF EEO SUPPORTERS

VOLUME III

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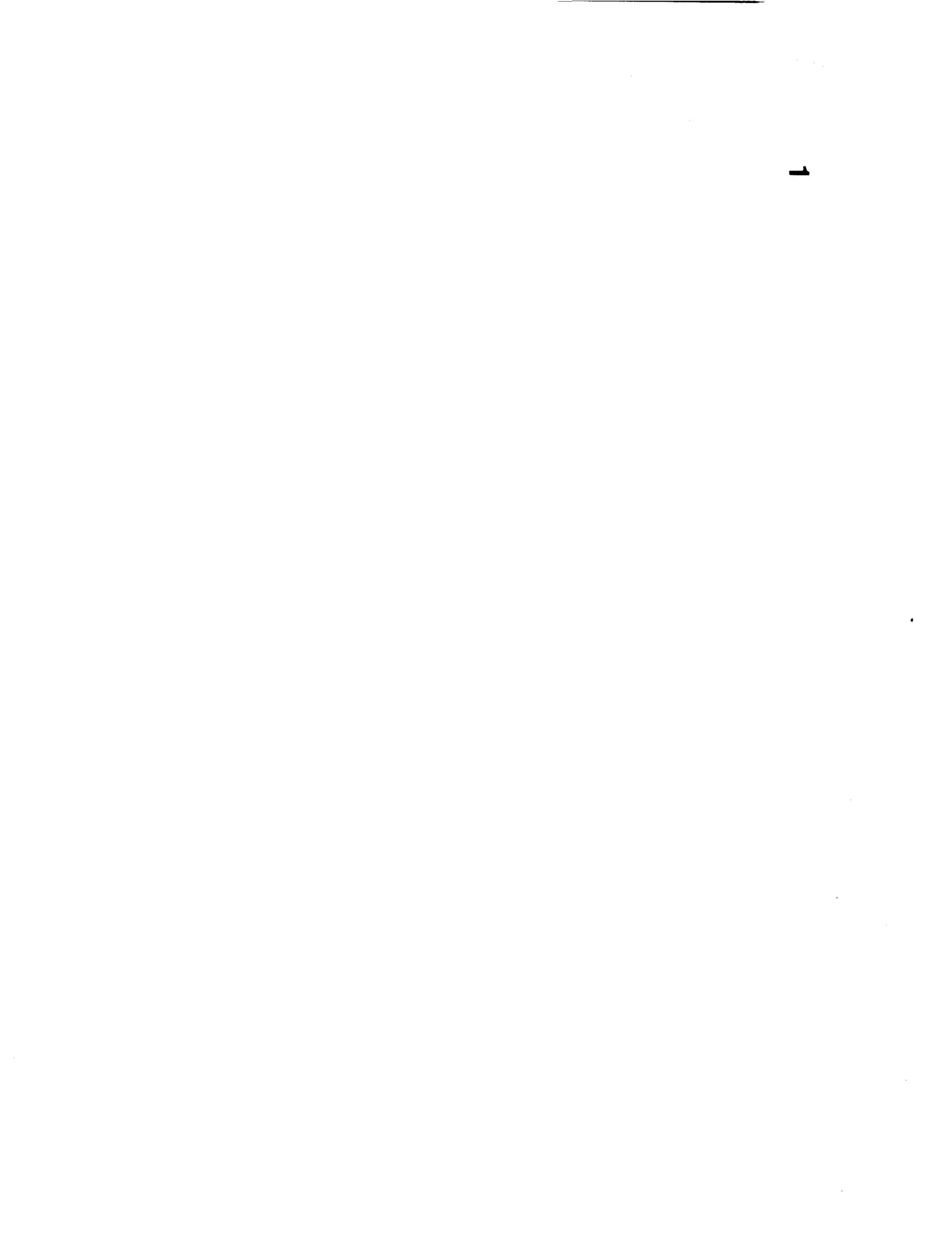
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National Council of Churches  
American Civil Liberties Union  
American Hispanic Owned Radio Association  
Association of Black Owned Television  
Stations  
Black Citizens for a Fair Media  
Black College Communications Association  
Chinese for Affirmative Action  
Cultural Environment Movement  
Fairness and Accuracy in Reporting  
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Responsibility  
League of United Latin American Citizens  
Minority Business Enterprise Legal Defense  
and Education Fund, Inc.  
National Association of Black Owned  
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National Hispanic Media Coalition  
National Rainbow Coalition  
National Urban League  
Operation PUSH  
Women's Institute for Freedom of the Press

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**EXHIBIT 1**

# MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL

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## EEO PROGRAMS AND EEO PERFORMANCE AT TENNESSEE RADIO STATIONS

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August 26, 1996 \*/

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**EEO PROGRAMS AND EEO PERFORMANCE  
AT TENNESSEE RADIO STATIONS**

David Honig \*/  
Andrew Cherry \*\*/ \*\*\*/

**Introduction**

Radio and television stations are licensed by the Federal Communications Commission (FCC) for terms of eight years.<sup>1/</sup> When their licenses are about to expire and they reapply for renewal, they are required to provide the FCC with an Equal Employment Opportunity Program, generally filed on FCC Form 396. These programs identify the steps the stations have taken to insure compliance with the FCC's EEO Rule,<sup>2/</sup> which has been in effect in essentially its present form since 1971.<sup>3/</sup> In particular, stations must show that they have not discriminated against minorities and women in employment.<sup>4/</sup> They must also document the affirmative steps taken to encourage minorities and women to apply for employment and to enjoy careers with their companies.<sup>5/</sup> Stations

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\*\*\*/ The authors acknowledge, with appreciation, the assistance with data gathering, coding and analysis assistance from MMTC's immediate past Research Director Ayesha Nichols, MMTC research interns Tammy Gordon and Carmen Woodruff, and Barry University graduate student Drew Rugh, and the editorial assistance of Lolita Smith, Esq.

1/ 47 U.S.C. §307.

2/ 47 CFR §73.2080 (1995).

3/ See Broadcast EEO, 32 FCC2d 708 (1971).

4/ 47 CFR §73.2080(a) (the "nondiscrimination provision").

5/ 47 CFR §§73.2080(b) and (c) (the "affirmative action provisions").

located in areas having fewer than 5% minority representation in the labor force<sup>6/</sup> are not required to file a Form 396 for minorities, although they still must file one for women.

Each May, stations having at least five fulltime employees must also file FCC Form 395, the "Annual Employment Report." These reports, modelled after the EEOC's EEO-1 reporting form, give the number of minorities<sup>7/</sup> and women in each of nine categories of fulltime employment.<sup>8/</sup> Form 395 also provides the same data for parttime employment.

Stations not in compliance with their EEO responsibilities have had their license renewal applications set for hearing.<sup>9/</sup> The District of Columbia Circuit of the United States Court of Appeals, which hears all appeals of FCC adjudicative decisions (including license renewal cases), has declared that a station which intentionally discriminates in employment lacks the character to remain a broadcast licensee.<sup>10/</sup> If the FCC receives a complaint of

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<sup>6/</sup> The FCC considers minority representation in the labor force to be the percentage of minorities in the station's MSA, or, if the station is not located in an MSA, the percentage in the station's county.

<sup>7/</sup> Data is provided separately for each of these minority groups: Blacks, Asian Americans/Pacific Islanders, American Indians/Alaskan Natives, and Hispanics.

<sup>8/</sup> The nine categories are Officials and Managers, Professionals, Sales Workers, Technicians, Office and Clerical, Craftsmen, Operatives, Laborers and Service Workers. The first four of these are generally referred to as the "top four categories"; positions in these categories generally pay more and carry more responsibility than jobs in the "bottom five categories."

<sup>9/</sup> See, e.g., The Lutheran Church/Missouri Synod, 9 FCC Rcd 914 (1994).

<sup>10/</sup> Bilingual Bicultural Coalition on the Mass Media v. FCC, 595 F.2d 621, 629 (D.C. Cir. 1978) ("Bilingual II").

EEO noncompliance in connection with a license renewal application, it typically conducts a paper investigation.<sup>11/</sup> If the outcome of the investigation warrants, the FCC will renew the license with EEO compliance conditions called "reporting conditions". Reporting conditions are aimed at insuring that the station recruits minorities and women more aggressively for vacant positions.<sup>12/</sup> Frequently, the FCC will impose forfeitures (fines) in instances of deliberate EEO noncompliance which it feels do not rise to the level of proven intentional discrimination.<sup>13/</sup>

Each station's Form 396's and Form 395's are publicly available. These forms provide a wealth of data about the broadcasting industry's efforts to provide equal opportunity and on the industry's success in hiring and retaining minorities and women.

The research literature is barren of any empirical analysis of the broadcasting industry's EEO performance. The time is ripe for such an analysis. The FCC has undertaken a rulemaking proceeding in which it proposes to exempt a significant number of stations from EEO compliance responsibilities.<sup>14/</sup> Among the types of stations the FCC is considering for EEO compliance exemptions are "small" stations (those with fewer than ten or fifteen

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<sup>11/</sup> These are called "Bilingual" investigations, after the Bilingual II case. Typically, the FCC's EEO Branch staff writes the station licensee a letter asking for three years of data showing the sources used to recruit for each job vacancy.

<sup>12/</sup> See, e.g., Coast Community College District (KOCE-TV), 11 FCC Rcd 5303 (1996).

<sup>13/</sup> See, e.g., Community Communications, Inc. (WTMV-TV), 11 FCC Rcd 5266 (1996).

<sup>14/</sup> Streamlining Broadcast EEO Rules and Policies, 11 FCC Rcd 5154 (1996) ("EEO Streamlining").

employees),<sup>15/</sup> "small market" stations,<sup>16/</sup> and stations in communities where minorities are not highly concentrated in the workforce.<sup>17/</sup> The FCC also proposes to relax its longstanding requirement that all stations undertake efforts to recruit minority and female candidates for each job vacancy.<sup>18/</sup> However, the FCC also proposes to adopt a standard schedule of forfeitures (including downward and upward adjustments) whose effect would probably be the imposition of somewhat higher forfeitures than those imposed in recent cases.<sup>19/</sup>

This study was conducted under the auspices of the Minority Media and Telecommunications Council (MMTC) to determine which types of broadcasters operate more sophisticated EEO programs, which types of broadcasters operate more successful EEO programs, and whether particular EEO compliance techniques tend to be more likely than others to yield successful EEO results.

#### **Research Questions**

1. What are the characteristics of the stations and markets (the "station or market-specific attributes") <sup>20/</sup> for a sample of radio stations?

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<sup>15/</sup> Id. at 5164 ¶21(a).

<sup>16/</sup> Id. at 5165 ¶21(b).

<sup>17/</sup> Id. at 5615 ¶21(c).

<sup>18/</sup> Id. at 5165-66 ¶23.

<sup>19/</sup> Id. at 5171-76 ¶¶37-48.

<sup>20/</sup> Station or market attributes include staff size (number of fulltime employees and number of fulltime top-four category employees), number of persons hired in a year, job turnover rate, market size, and minority representation (numerically and as a percentage of the total population) in the market.

2. What proportion of stations engages in each of a number of activities designed to promote the recruitment and retention of minorities and women (the "EEO program attributes")? 21/
3. What proportion of stations has achieved various measurable levels of success in recruiting, hiring and retaining minority employees (the "EEO success attributes")? 22/
4. What correlations exist between pairs of variables which each measure a station or market-specific attribute?
5. What correlations exist between pairs of variables which each measure an EEO program attribute?
6. What correlations exist between pairs of variables which each measure an EEO success attribute?
7. What types of stations (see n. 20) operate the most thorough EEO programs (see n. 21)?
8. What types of stations (see n. 20) operate the most successful EEO programs (see n. 22)?
9. What types of activities manifesting the thoroughness of an EEO program (see n. 21) tend to correlate with the most successful EEO programs (see n. 22)?

### Methodology

Market, station, and EEO data were compiled for each of the 210 radio stations in the state of Tennessee which filed 1996 license renewal applications with the FCC.<sup>23/</sup>

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21/ EEO program attributes include the number of sources used for job recruitment, the number of those sources which produced job candidates, the operation of a training or internship program, and the station's participation in job fairs.

22/ EEO success attributes include the number of minorities referred for employment, hired, and reported as employees; the proportion of minority candidates in the applicant pool relative to minorities' representation in the population; the proportion of minority employees relative to minorities' representation in the population.

23/ We defined a "station" as an AM radio station unaffiliated with another radio station in its market (an "AM standalone"), an FM radio station unaffiliated with another radio station in its market ("an "FM standalone") or an AM-FM combination.

Tennessee stations are among those for which current EEO program data (from FCC Form 396) were immediately available from the FCC. Tennessee was selected as the state to be analyzed because it is geographically and demographically representative of the United States. It is a "border state" with large and small, rural and urban markets, and a sizeable minority population which approximates that of the United States. Tennessee is not known as a state whose broadcasters, as a group, have either generally resisted the FCC's EEO compliance efforts or taken the lead in complying with them.

Our source for market size and demographic data was the 1990 Census. Our source for the number of station employees, categorized by race<sup>24/</sup> and job category, was each station's 1995 FCC Form 395 (the most recent data available), giving data for a two week period between January and March of 1995. Our source for EEO program data was each station's 1996 FCC Form 396, which covers the period March, 1995 through March, 1996.

A list of the 33 variables studied and their definitions is provided in Appendix A. Each variable's frequency distribution has been plotted separately; these distributions are provided in Appendix B. See Research Questions 1-3. Each variable's standard measures of central tendency (mean, median, mode) and variability (standard error, standard deviation, skewness and kurtosis) are given in Appendix C. Id.

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<sup>24/</sup> Because the FCC seldom conducts statistical analyses of stations' employment of women, MMTC did not analyze female hiring and employment data. However, stations' use of EEO compliance efforts aimed at recruiting women was included in our analysis.

A correlation coefficient ( $r$ ) was measured for each pair of variables; unless otherwise stated, all correlations discussed herein are positive. Appendix D lists the variable pairs, their correlation coefficients, the number of cases (stations) for which a comparison of the variable pairs could be made ( $N$ ), and the probability that an apparent relationship between the paired variables could be attributed to randomness or chance ( $p$ ). Where  $p$  was less than 0.05, a correlation between the variables was inferred. Appendix E provides, respectively, the correlation coefficients and associated probability values for:

1. variable pairs consisting of two station or market attributes (Research Question 4);
2. variable pairs consisting of two EEO program attributes (Research Question 5);
3. variable pairs consisting of two EEO success attributes (Research Question 6);
4. variable pairs consisting of a station or market attribute and an EEO program attribute (Research Question 7);
5. variable pairs consisting of a station or market attribute and an EEO success attribute (Research Question 8); and
6. variable pairs consisting of an EEO program attribute and an EEO success attribute (Research Question 9).

## **Results**

### **A. Frequency and Dispersion of Variables**

#### **1. Station or Market Attributes (Research Question 1)**

Of the 66 stations which filed Form 395 for 1995, 31 (47%) reported ten or fewer top four category employees, 41 (62%) reported fifteen or fewer top four category employees, and 46 (70%) reported twenty or fewer top four category employees. The median

number of top four category employees was eleven and the mean was 17.7.

Of the 66 stations which filed Form 395 for 1995, 30 (45%) reported ten or fewer fulltime employees, 38 (58%) reported fifteen or fewer fulltime employees, and 46 (70%) reported twenty or fewer fulltime employees. The median number of fulltime employees was twelve and the mean was 20.2.

Sixteen (7.6%) of the 210 stations studied were located in markets of under 20,000 population, 27 (12.9%) in markets of under 25,000 population, 79 (37.6%) in markets of under 50,000 population, and 94 (44.8%) in markets of under 100,000 population.

Sixty-nine (33.0%) of the 210 stations studied were in markets with less than 5% minority population, 118 (56.2%) in markets with less than 10% minority population, and 184 (87.6%) in markets with less than 20% minority population.

Of the 77 stations for which data on hiring was available, 25 (32%) reported no hires in the top four categories during the reporting year. Forty-five stations (58%) reported three or fewer top four category hires during the reporting year. Fifteen (19%) of the stations hired more than ten people in the top four categories. The median number of top four category hires was three and the mean number of top four category hires was 4.7.

Of the 77 stations for which data on hiring was available, six (8%) reported no fulltime hires during the reporting year. Twenty-six stations (34%) reported three or fewer fulltime hires during the reporting year. Twenty-one (27%) of the stations hired more than ten fulltime persons. The median number of fulltime hires was six and the mean number of fulltime hires was 7.3.

Of the 61 stations for which a turnover rate for top four category employment could be determined, 25 (41%) hired no top four category employees and thus had a zero turnover rate; 39 (64%) turned over less than 25% of their top four category staffs, and ten (16%) turned over more than 50% of their top four category staffs. At seven stations (11%), the number of persons hired in the top four categories equalled or exceeded the number of top four category employees reported on Form 395. The median percentage of the top four category staff which turned over was 9% and the mean percentage of the top four category staff which turned over was 28%.

Of the 55 stations for which a turnover rate for fulltime employment could be determined, six (11%) hired no fulltime employees and thus had a zero turnover rate; 21 (38%) turned over less than 25% of their fulltime staffs, and sixteen (29%) turned over more than 50% of their fulltime staffs. At six stations (11%), the number of fulltime persons hired equalled or exceeded the number of fulltime employees reported on Form 395. The median percentage of the fulltime staff which turned over was 33% and the mean percentage of the fulltime staff which turned over was 44%.

**Discussion:**

Proposals to deregulate EEO compliance for "small" stations would exempt 45% of the currently non-exempt Tennessee stations if the size cutoff were ten fulltime employees, 58% of the currently non-exempt Tennessee stations if the size cutoff were fifteen fulltime employees, and 70% of the currently non-exempt Tennessee stations if the size cutoff were twenty fulltime employees. If the Commission evaluated staff size based on the number of top four

category employees rather than the number of fulltime employees, a ten employee cutoff would exempt 47% of the currently non-exempt Tennessee stations, a fifteen employee cutoff would exempt 62% of the currently non-exempt Tennessee stations, and a twenty employee cutoff would exempt 70% of the currently non-exempt Tennessee stations.

Proposals to deregulate EEO compliance for "small market stations" would exempt 7.6% of the currently non-exempt Tennessee stations if the market size floor were 20,000, 12.9% of the currently non-exempt Tennessee stations if the market size floor were 25,000, 37.6% of the currently non-exempt Tennessee stations if the market size floor were 50,000, and 44.8% of the currently non-exempt Tennessee stations if the market size floor were 100,000.

Proposals to deregulate EEO compliance for stations in markets with "small minority populations" must be evaluated by first recognizing that 33.0% of Tennessee stations are not required to have an EEO program for minorities, inasmuch as they are situated in markets with less than 5% minority population. If minority population percentage were used to trigger an EEO compliance exemption, and the minority population percentage floor were set at 10%, 56% of Tennessee's stations would be exempt. If the minority population percentage floor were set at 20%, 88% of Tennessee's stations would be exempt.

The data on the number of persons hired is significant because virtually no stations whose Form 396 EEO programs reported three or fewer hires have ever been the subject of a Bilingual investigation, irrespective of how many persons had been hired in earlier years or how many persons are likely to be hired in

subsequent years. Fifty-eight percent of the stations reported three or fewer top four category hires during the reporting year, and 34% reported three or fewer fulltime hires during the reporting year. It follows that the majority of stations are essentially exempt from detailed EEO review now, owing to nothing more than the presence of a low turnover rate in the reporting year.

Furthermore, the hiring data demonstrates that turnover is far more commonplace in the bottom five categories than in the top four categories. While 32% of the stations filing Form 396 reported no top four category hires during the reporting year, only 8% reported no fulltime hires during the reporting year. The median number of top four category hires was three. However, the median number of fulltime hires was six, even though the vast majority of all employees work in the top four categories, as shown by the fact that the median number of top four category employees was eleven and the median number of fulltime employees was twelve. The majority of the stations' top four category job turnover rates were rather low, with 62% of the stations turning over less than 25% of the number of employees they reported in the top four categories, although 38% of the stations turned over less than 25% of the number of fulltime employees they reported. The median percentage of top four category staff which turned over was 9% and the median percentage of fulltime staff which turned over was 33%. Consequently, if the Commission shifts its enforcement emphasis from fulltime jobs to top four category jobs, it will need to expand the reporting period (e.g. from one year to four years) in order to obtain the same volume of hiring data on top four category employment which it now obtains for fulltime employment.

**2. EEO Program Attributes (Research Question 2)**

Of the 79 stations having EEO programs, five (6.3%) reported using no referral sources, and eighteen (23%) reported using three or fewer sources. The median number of sources used was seven and the mean was 9.9. Ten stations (12.7%) reported using more than twenty sources.

Of the 71 stations whose EEO programs contained compliance data on minority employment, seventeen (24%) reported no sources which produced minority referrals ("productive minority referral sources") and 51 (72%) reported three or fewer productive minority referral sources. The median number of productive minority referral sources was two, and the mean was 3.0. Eight stations (11%) reported having more than five productive minority referral sources.

Of the 76 stations whose EEO programs contained compliance data on female employment, seven (9%) reported no sources which produced female referrals ("productive female referral sources") and 48 (63%) reported three or fewer productive female referral sources. The median number of productive female referral sources was three, and the mean was 4.0. Nineteen stations (25%) reported having more than five productive female referral sources.

Of the 76 stations whose EEO programs contained compliance data on minority or female employment or both, six (8%) reported no sources which produced minority or female referrals ("productive minority or female referral sources") and 25 (33%) reported three or fewer productive minority or female referral sources. The median number of productive minority or female referral sources was five, and the mean was 6.7. Thirty-two stations (42%) reported

having more than five productive minority or female referral sources.

Fifty-four of 74 reporting stations (73%) did not report offering training or internships. Twenty (27%) did report training or internships.

Sixty-three of 72 reporting stations (88%) did not report participation in a job fair; nine stations (12%) did report participation in a job fair.

**Discussion:**

Six percent of stations reported the use of no referral sources at all and 24% reported no sources which produced minority referrals. Moreover, the median number of productive minority sources was only two. Thus, a good many stations are escaping Commission scrutiny for obvious potential EEO violations. However, 11% of the stations reported five or more productive sources of minority referrals, and 25% of the stations reported five or more productive sources of female referrals. Thus, a handful of stations may well be EEO "superperformers", while the majority of the stations operated EEO programs which were of only marginal effectiveness.

Only 27% of the stations reported offering training or internships, and only 12% of the stations reported participation in a job fair. These low numbers for participation in optional but obviously useful EEO initiatives suggest that an EEO regime premised on "self-regulation" would be a failure.

**3. EEO Success Attributes (Research Question 3)**

Of the 72 stations supplying useful data on minority referrals, eighteen (25%) reported none in the reporting year, 32 (44%) reported three or fewer, and 47 (65%) reported fewer than

ten. Fourteen stations (19%) reported more than twenty minority referrals. The median number of minority referrals was four. The mean was 13.6, reflecting the fact that five stations each generated more than fifty minority referrals.

Of the 77 stations supplying useful data on female referrals, eight (10%) reported none in the reporting year, sixteen (21%) reported three or fewer, and 31 (40%) reported fewer than ten. Twenty-five stations (32%) reported more than twenty female referrals. The median number of female referrals was twelve. The mean was 24.0, reflecting the fact that twelve stations each generated more than fifty female referrals.

The approximate percentage of referrals which were minorities ("minority proportion of referrals") is a measure of minority representation in the applicant pool, and thus reflects the extent to which minority applicants to a station have a realistic opportunity to compete for openings. Of the 64 stations for which such an estimate could be made, twelve (19%) reported no minority referrals. At nineteen stations (30%), minorities comprised less than 5% of the applicant pool, and at 26 (41%) of the stations, minorities comprised less than 10% of the applicant pool.

Of the 73 reporting stations, 51 (70%) reported no top four category minority hires during the reporting year; thus, the median number of top four category minority hires was zero. Nine (12%) reported one top four category minority hire during the reporting year. The mean number of top four category minority hires was 0.7.

Of the 77 reporting stations, 25 (32%) reported no top four category female hires during the reporting year, and ten (13%) reported one top category female hire. The median number of top four category female hires was two and the mean was 2.6.

Of the 74 reporting stations, 41 (55%) reported no fulltime minority hires during the reporting year; thus, the median number of fulltime minority hires was zero. Eleven (15%) reported one fulltime minority hire during the reporting year. The mean number of fulltime minority hires was 1.4.

Of the 77 reporting stations, eleven (14%) reported no fulltime female hires during the reporting year, and ten (13%) reported one fulltime female hire. The median number of fulltime female hires was three and the mean was 4.4.

Of the 66 reporting stations, 29 (44%) reported no top four category minority employees on Form 395. Thirteen (20%) reported one top four category minority employee. The median number of top four category minority employees was one and the mean was 2.6.

Of the 66 reporting stations, 26 (39%) reported no fulltime minority employees on Form 395. Fifteen (23%) reported one fulltime minority employee. The median number of fulltime minority employees was one and the mean was 3.1.

Minorities' representation on the station's staff relative to their population representation is the "percent of parity." It is the basis for the FCC's "zone of reasonableness" analysis which triggers more than rudimentary EEO scrutiny of license renewal applications. Generally, this test is applied to minority employment, both for top four category and fulltime employment.<sup>25/</sup>

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<sup>25/</sup> For stations with more than ten employees, the FCC more closely scrutinizes stations whose percentage of parity for minorities is below 50% for top four category employment and 50% for fulltime employment. The same test has been adopted for female employment, but it is rarely used in practice. As applied to minorities (and as computed by us for all "parity" calculations in this study), a station must have five or more employees and the market population must be at least 5% minorities.

Of the 49 reporting stations (each of which has at least five top four category employees, and each of whose markets has at least 5% minority population) fifteen (31%) reported no top four category minority employees and thus stood at 0% for minority top four category employment percentage of parity. An additional ten stations (20%) attained minority top four category employment percentage of parity between 1% and 49%. Twenty (41%) of the stations attained or exceeded minority top four category employment percentage of parity of 80%, and eighteen (37%) of the stations attained or exceeded minority top four category employment percentage of parity of 100%. The median minority top four category employment percentage of parity was 46%. The mean was 97%, reflecting the fact that nine (18%) of the stations attained or exceeded minority top four category employment percentage of parity of 200%.

Of the 52 reporting stations (each of which has at least five fulltime employees, and each of whose markets has at least 5% minority population) fifteen (29%) reported no fulltime minority employees on Form 395 and thus stood at 0% of minority fulltime employment percentage of parity. An additional six stations (12%) attained minority fulltime employment percentage of parity between 1% and 49%. Twenty-one (40%) of the stations attained or exceeded minority fulltime employment percentage of parity of 80%, and nineteen (37%) of the stations attained or exceeded minority fulltime employment percentage of parity of 100%. The median minority fulltime employment percentage of parity was 64%. The mean was 99%, reflecting the fact that ten (19%) of the stations attained or exceeded minority fulltime employment percentage of parity of 200%.

Extension of the percentage of parity concept to minority representation in the recruitment pool provides a further indication of an EEO program's relative effectiveness.<sup>26/</sup>

Of the 43 stations reporting (each of which has at least five people (imputedly, more than 2.5 women) in its applicant pool, and each of whose markets has at least 5% minority population) four (9%) reported no minorities in their applicant pools. An additional six stations (14%) attained minority applicant pool percentage of parity between 1% and 49%. Twenty-nine (67%) of the stations attained or exceeded minority applicant pool percentage of parity of 80%, and twenty-five (58%) of the stations attained or exceeded minority applicant pool percentage of parity of 100%. The median minority applicant pool percentage of parity was 141%. The mean minority applicant pool percentage of parity was 165%, reflecting the fact that eleven (26%) of the stations had attained or exceeded minority applicant pool percentage of parity of 200%.<sup>27/</sup>

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<sup>26/</sup> We also coded percentage of parity data for minority representation among those hired, drawing from the information in Form 396. Following the Commission's procedure for percentage of parity calculations involving numbers of employees, we excluded stations for which the number of persons hired in, respectively, the fulltime top four categories and in all fulltime positions, was less than five. Unfortunately, this left only two stations for which the variable could be computed for top four category hires and only four stations for which it could be computed for fulltime hires. Consequently, if the Commission wishes to analyze hiring data relative to minority representation in the population, it will need to reach back several years (e.g., using the kind of data obtain in Bilingual investigations).

<sup>27/</sup> We caution that this data reflects all fulltime positions, including secretarial positions. Data for top four category positions is not given on Form 396. That data would be unlikely to show the degree of progress reflected in these numbers.

**Discussion:**

A surprisingly high proportion of the stations which reported minority referral data (25%) reported not one minority referral in the entire reporting year. With the median number of minority referrals being four in a year, it is apparent that the majority of the stations should be doing much more to encourage minorities to apply for employment. This conclusion is underscored by the fact that minorities comprised less than 5% of the applicant pool at 30% of the stations, and less than 10% of the applicant pool at 41% of the stations. Furthermore, 27% of the stations had not attained 50% of parity with the workforce in the composition of their applicant pools, even though the pools included applicants for secretaries and janitors.

The fact that five stations each generated more than fifty minority applicants demonstrates that minority applicants are in plentiful supply. Apparently, minorities are attracted to the stations which have built a reputation for employing them.

The same can be said for female employment. Ten percent of the stations reported no female referrals in the reporting year, and sixteen percent received three or fewer female referrals. Thus, a good many stations should be doing much more to encourage women to apply for employment.

The fact that twelve stations each generated more than fifty female applicants demonstrates that female applicants are in plentiful supply. Furthermore, the fact that the same pattern of high recruitment numbers for a handful of stations obtained for women as obtained for minorities demonstrates that the high number of minority applicants at a handful of stations cannot be attributed to format considerations alone.

The measures of percentage of parity attained for minority employment shows that substantial progress is yet to be made for top four category positions. While the median minority fulltime employment percentage of parity was 64%, the median minority top four category percentage of parity was only 46%. This means that approximately half of the radio stations in Tennessee have failed even the FCC's lenient "zone of reasonableness" test used to determine whether thorough review of their EEO programs is needed to exclude the possibility that their stations might be discriminating.

**B. Correlations between Variables 28/**

**1. Station or Market Attributes' Internal Correlations (Research Question 4)**

In addition to a number of unremarkable findings,<sup>29/</sup> the data revealed that turnover rate for fulltime employees was negatively correlated with fulltime staff size (variables JJ and FF;  $r = -0.3581$ ;  $p \leq 0.008$ ). See Figure 1 (on p. 20).

**Discussion:**

This finding demonstrates that larger stations tend to retain employees relatively longer than do small stations. On the one hand, this means that statistical review of small stations' EEO performance may be had by reviewing minority and female hiring over a period of years. On the other hand, this finding lends credence to some broadcasters' contention that smaller stations (perhaps because of lower pay or less competent management) do not retain

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<sup>28/</sup> In our analysis relating to a variable measuring top four category or fulltime performance respectively, the paired variable discussed infra also relates to top four category or fulltime performance respectively, unless otherwise stated.

<sup>29/</sup> E.g., that staff size was correlated with market size.

**FIGURE 1**

**RELATIONSHIP BETWEEN FULLTIME STAFF  
SIZE AND FULLTIME TURNOVER RATE**

