

TOHONO O'ODHAM NATION OFFICE OF THE CHAIRMAN AND VICE CHAIRWOMAN

Verlon M. Jose
CHAIRMAN



Carla L. Johnson
VICE CHAIRWOMAN

April 23, 2024

UPLOADED TO KOHH ONLINE PUBLIC FILE

TO: FCC Online Public Files
Elizabeth Goldin, Esq., Assistant Chief
Investigations & Hearings Division, Enforcement Bureau
Federal Communications Commission
45 L Street N.E.
Washington, D.C. 20554

**RE: EEO Audit Response for the Tohono O'odham Nation, d/b/a Hewel Ni'ok
KOHH FM, San Lucy, AZ
FCC Facility ID No. 172573**

The Tohono O'odham Nation ("Nation"), licensee of noncommercial educational radio broadcast station Hewel Ni'ok KOHH FM, San Lucy, Arizona, hereby responds to the notice and letter dated March 22, 2024, from Elizabeth E. Goldin, Assistant Chief, Investigations & Hearings Division, Enforcement Bureau ("Audit Letter").

Responses are numbered to correspond with the information requests made in the Audit Letter.

As indicated on the Nation's annual EEO Public File Reports, Hewel Ni'ok KOHH is part of the licensee's employment unit ("Unit"), which includes the following noncommercial educational radio stations:

- KOHH FM, San Lucy, Arizona; FCC Facility ID No. 172573
- KOHN FM, Sells, Arizona; FCC Facility ID No. 122603
- KOHF-LP, Florence, Arizona; FCC Facility ID No. 193241
- KWAK-LP, San Xavier, Arizona; FCC Facility ID. No. 191755

2. Audit Data Requested.

(b)(i) Copies of the Unit's two most recent EEO Public File Reports, described in section 73.2080(c)(6).

Together We Are Stronger

RESPONSE: The report for 2021–2022, uploaded as *Exhibit 1*, covers the period from June 1, 2021, to May 31, 2022. The report for 2022–2023, uploaded as *Exhibit 2*, covers the period from June 1, 2022, to May 31, 2023.

(b)(ii) For each station in the Unit that maintains a website, the website address. If the Unit's most recent EEO Public File Report is not posted on each website as required by section 73.2080(c)(60), identify that website and explain why the report is not so posted. If the Unit does not maintain a website, but its corporate site contains a link to a site pertaining to the Unit, identify the corporate website address where the Unit's most recent EEO Public File Report is linked pursuant to section 73.2080(c)(6).

RESPONSE: The Nation has one website for all stations in the Unit, www.tonation-nsn.gov/adminstrative-offices/hewel_niok/. A link to the Unit's most recent annual EEO Public File Report can be found on the same webpage with the url for the EEO Public File Report itself at KOHN-KOHH-Hewel-Niok-2023-Annual-EEO-Public-File-Report.pdf (tonation-nsn.gov).

(b)(iii) For each of the Unit's full-time positions filled during the period covered by the EEO Public File Reports noted above, or since acquisition of the Unit (if during that period), provide the date of hire as required by section 73.2080(c)(5)(vi) as well as 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). However, to reduce the burden of responding to this audit, if you have sent a job notice to multiple sources, you may include in your response: (1) documentation show in one such notice was sent, (2) a list of the additional resources to which the notice was distributed, and (3) a statement confirming notices to all additional resources used to announce the vacancy were retained, as required by section 73.2080(c)(5)(iii). Include, however, 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 the Unit's job openings as described in section 73.2080(c)(1)(ii).

RESPONSE: The Unit hired 1 full-time employee during the 2021–2022 period under review in Exhibit 1:

Date of Hire: 08/27/2021; Job Title: On-Air Announcer/Board Operator

For documentation announcing this position, see *Exhibit 3*.

The Unit hired 2 full-time employees during the 2022-2023 period under review in Exhibit 2.

Date of Hire: 09/23/2022; Job Title: Cultural Affairs Director

Date of Hire: 12/02/2022; Job Title: Community Affairs Director

For documentation announcing these positions, see *Exhibit 4*. Notices to all additional sources used to announce the vacancy is retained by the Nation's Human Resources Department.

(b)(iv) As required by section 73.2080(c)(5)(v), the total number of interviewees for each vacancy and the referral source for each interviewee for all of the Unit's full-time vacancies filled during the period covered by the above noted EEO Public File Reports.

RESPONSE: During the period under review in Exhibit 1, a total of 1 candidate was interviewed for the On-Air Announcer/Board Operator position.

During the period under review in Exhibit 2, a total of 1 candidate was interviewed for the Cultural Affairs Director position and 2 candidates were interviewed for the Community Affairs Director position. The referral source for the candidates was www.tonation-nsn.gov.

(b)(v) Dated documentation demonstrating performance of the Unit's recruitment initiatives described in section 73.2080(c)(2) during the period covered by the above-noted EEOC Public File Reports, such as participation in job fairs, events with educational institutions, and mentoring or training programs for staff. Specify the Unit personnel involved in each recruitment initiative. In addition, provide the Unit's total number of full-time employees and state whether the population of the market in which any of the Unit's stations operates is 250,000 or more. Based upon these two factors, and as required by section 73.2080(c)(2) and (e)(3) of the Commission's rules, state whether the Unit is required to perform two or four points worth of initiative activities within a two-year period (measured from the date the stations in the Unit file their renewal applications and the second, fourth, sixth and eighth anniversaries of that date). If the Unit performed more than the required number of initiative activities, it may provide documentation for only the required amount on its response, i.e., two or four points worth. If any documentation provided appears inadequate, e.g., it is not dated or does not clearly prove the Unit's participation, the Commission may ask for additional verification.

RESPONSE: The Nation employs more than 10 full-time individuals in the Unit but operates in a market where the population is less than 250,000. Accordingly, the Unit is required to participate in two recruitment initiatives over a two-year period. For documentation related to the Unit's recruitment initiatives, please see *Exhibit 5*.

Documentation is provided evidencing participation in the following:

- 1) Jump on Board, drive thru job fair, February 23, 2022, San Xavier Center parking lot, San Xavier Community, San Xavier District, Tohono O'odham Nation. Hosted by Tohono O'odham Nation Human Resources Department.
- 2) Jump on Board, drive thru job fair, March 30, 2022, Pisinemo Recreation Center parking lot, Pisinemo Community, Pisinemo District, Tohono O'odham Nation. Hosted by Tohono O'odham Nation Human Resources Department.
- 3) Jump on Board, drive thru job fair, April 27, 2022, Sif Oidak District Office parking lot, North Komelic Community, Sif Oidak District, Tohono O'odham Nation. Hosted by Tohono O'odham Nation Human Resources Department.
- 4) Wecjj Ahidag, Wecjj Soson, a new year, a new beginning, One Stop Spring Virtual Job Fair, December 30, 2021, gotowebinar, hosted by the One Stop Division, Tohono O'odham Nation Department of Education.

- 5) Cipkan ‘o m-nenda, a job is waiting for you, One Stop Spring Virtual Job Fair, March 28, 2022, gotowebinar, hosted by the One Stop Division, Tohono O’odham Nation Department of Education.
- 6) Virtual Job Fair, May 26, 2022, gotomeeting 210-205-837, hosted by the Tohono O’odham Judicial Branch.
- 7) Jump On Board, November 16, 2022, Desert Diamond Casino, 7350 S. Nogales Highway, Tucson, Arizona 85756. Hosted by Tohono O’odham Nation Human Resources Department.
- 8) One Stop Winter Virtual Job Fair, December 29, 2022, gotowebinar, hosted by the One Stop Division, Tohono O’odham Nation Department of Education.
- 9) One Stop Spring Virtual Job Fair, March 30, 2023, gotowebinar, hosted by the One Stop Division, Tohono O’odham Nation Department of Education.
- 10) Judicial Job Fair, March 31, 2023, Bashas’ Plaza, Sells, Arizona, hosted by the Tohono O’odham Judicial Branch.
- 11) One Stop In-Person Job Fair, May 18, 2023, Bashas’ Plaza, Sells, Arizona, hosted by the One Stop Division, Tohono O’odham Nation Department of Education.

(b)(vi) Any pending or resolved complaints involving the Unit filed during the Unit’s current license term(s) 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 gender. For each complaint, provide: (1) a brief description of the allegation 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 the Unit must report all complaints, regardless of their status or disposition.

RESPONSE: No Complaints have been filed involving the Unit.

(b)(vii) In accordance with section 73.2080(b), during the Unit’s current license term(s) (or since acquisition of the Unit (if during that period)), a description of the responsibilities of each level of Unit management responsible for implementing Unit EEO policies and how the Unit has informed employees and job applicants of its EEO policies and program.

RESPONSE: The Nation provides nondiscriminatory equal employment opportunities to all qualified individuals in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

The Nation’s Executive Branch Leadership consisting of Chairman, Vice Chairwoman, Chief Administrative Officer, Department Heads, Program General Managers and the Human Resources Office are responsible for implementation and administration of EEO policies at the Unit. EEO policy implementation is reviewed annually by the Nation’s Executive Branch Leadership and Human Resources Director during the budget process and periodically throughout the year as necessary.

The Nation’s EEO Policy is distributed to all employees as part of its Personnel Policy Manual. The EEO Policy contains a description of the Nation’s employment policies. Additionally, the

Nation recently started using an applicant tracking system for employment applications which incorporates the EEO Policy into the application process by providing statements which the applicant is required to review and accept during the application submission process.

(b)(viii) In accordance with section 73.2080(c)(3), during the Unit's current license term(s) (or since acquisition of the Unit (if during that period)), a description of 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.

RESPONSE: During the current license term, as part of its effort to ensure the effectiveness of its EEO program, the Nation conducts an ongoing assessment of the success of its recruitment efforts. The Nation's Human Resources Department utilizes an applicant tracking system that provides the ability to generate reports that will assist the Unit with analyzing the EEO recruitment program. The Nation employs a Human Resources Executive Director, whose position is responsible for recruitment, retention, employee relations, and benefits administration and is tasked with enhancing the Unit's EEO processes and strategic initiatives. This position reports directly to the Nation's Chairman.

(b)(ix) As required by section 73.20.80(c)(4), during the Unit's current license term(s) (or since acquisition of the Unit (if during that period)), a description of 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.

RESPONSE: The Nation manages pay levels, compensation, and benefits for positions within the Unit and ensures all employees have equal opportunities for, and access to pay increases, promotions or job openings. The Nation's Human Resources Department prepares and recommends position classifications, pay plans, internal and external benchmarks on position salaries. The promotion and selection of employees are regulated through the Human Resources Department's hiring practices, which include the EEO program when filling positions, pursuant to the Personnel Policies Manual. A yearly benefit benchmark review is conducted with the Nation's insurance carriers.

During the annual budgeting process, the Unit conducts regular review of rates of pay and fringe benefits for its employees. Raises are awarded only on the basis of tenure and job performance. Promotions within the Unit are reviewed to ensure that they are made in a nondiscriminatory manner.

There are no union contracts or union employees within the Unit.

(b)(x) If your entity is a religious broadcaster and any of the Unit's full-time employees are subject to a religious qualification as described in section 73.2080(a) of the rules, the Unit should indicate that status in its response and provide data as applicable to its EEO program. For example, for those full-time hires subject to a religious qualification, you must provide only

a record of the hire listed by job title and date filled, the recruitment sources used for the opening, and the source that referred the person hired. No other records are required for those hires. If one 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.

RESPONSE: The Nation is not a religious broadcaster.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, based on information provided by the Nation's Human Resources Department.

By:  _____

Verlon M. Jose
Chairman, Tohono O'odham Nation