



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA: 23-232

Released: April 24, 2023

ENFORCEMENT BUREAU COMMENCES 2023 EEO AUDITS

On April 24, 2023, the Enforcement Bureau issued the first of its Equal Employment Opportunity (EEO) audit letters for 2023 to randomly selected radio and television stations. In accordance with section 73.2080(f)(4) of the Commission's EEO rules,¹ the Enforcement Bureau annually audits the EEO programs of randomly selected broadcast licensees. Each year, approximately five percent of all radio and television stations are selected for EEO audits.

A list of the radio and television stations included in this audit as well as the text of the April 24, 2023 audit letter appears on the following pages, which are also located at the Enforcement Bureau's EEO headline page on the FCC website at: <https://www.fcc.gov/enforcement/eb-eeo/equal-employment-opportunity-headlines>. The deadline for stations to upload responses to their FCC-hosted online public inspection files is June 8, 2023.

As a reminder, the Enforcement Bureau will no longer issue letters to licensees upon completion of our review of audit responses.² If questions arise during staff review, the Enforcement Bureau will contact the licensee.

Enforcement Bureau Contact: EB-EEO@fcc.gov or 202-418-1450

¹ 47 CFR § 73.2080(f)(4)

² See *Enforcement Bureau Continues 2022 EEO Audits*, Public Notice, DA 22-854, 2022 WL 3636697 (EB Aug. 19, 2022).



Federal Communications Commission
Washington, D.C. 20554

April 24, 2023

Dear Licensee:

1. In accordance with 47 CFR § 73.2080(f)(4), [Station call sign] (the Station) and all other stations, if any, in the same station employment unit (defined by 73.2080(e)(2) as commonly owned stations in the same market that share employees) (the Unit) has been randomly selected for an audit of its Equal Employment Opportunity (EEO) program. A copy of section 73.2080 of the Federal Communications Commission (FCC or Commission) rules can be found here: <https://www.fcc.gov/enforcement/eb-ceo/equal-employment-opportunity-rules>.

2. Audit Data Requested.

(a) If the Unit has fewer than five full-time employees (defined by section 73.2080(e)(1) as employees regularly assigned to work 30 hours a week or more), submit a response listing the Unit's full-time employees identified by job title (no personal names should be provided), the number of hours each is regularly assigned to work per week, and a response to Question 2(b)(vi) below. Please also see Questions 3 and 4 below for guidance regarding brokers and brokered stations.

(b) If the Unit employs five or more full-time employees, provide the following information:

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

(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)(6), 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).

(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), 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 a job notice was sent to multiple sources, the Unit may include in its response: (1) documentation showing one such notice was sent, (2) a list of the additional sources to which the notice was distributed, and (3) a statement confirming notices to all additional sources used to announce the vacancy were retained, as required by section 73.2080(c)(5)(iii).³ Include, however, copies of all job announcements sent to any organization (identified separately from other recruitment

³ For on-air announcements that aired multiple times to advertise the position, you may send a traffic log summary documenting the timeframe during which the announcements aired (in lieu of the log in its entirety). The log showing all air dates and times may be required for additional verification, but the Unit need not provide with its initial response.

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).

(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 the Unit's full-time vacancies filled during the period covered by the above-noted EEO Public File Reports.

(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 EEO 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 sections 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 in 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.

(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 sex. For each such complaint, provide: (1) a brief description of the allegations 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.

(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.

(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.

(ix) As required by section 73.2080(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.

(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 five 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.

(c) Resumes, company training manuals, posters, employee handbooks, and corporate guidebooks are not required to be submitted. If any of the information in these or similar materials is relevant to any part of this audit letter, the Unit may provide a summary of any content if it so wishes. If this audit requires an unusually burdensome volume of documentation, the Unit may contact EEO staff at (202) 418-1450 prior to the response deadline to discuss alternative ways of condensing the information.

3. Time Brokerage—Licensee of brokered station(s) receives audit letter.

If any station included in the Unit is subject to a time brokerage agreement, the licensee must immediately forward a copy of this letter to the broker under each such agreement. Additionally, if the Unit employs fewer than five full-time employees, the licensee must respond by providing a list of the Unit's full-time employees listed by job title, the number of hours each employee is assigned to work, and a response to Question 2(b)(vi) above. If the Unit employs five or more full-time employees, the licensee must respond fully to paragraph 2(b).

4. Time Brokerage—Broker receives audit letter.

(a) **Broker receives audit letter from brokered station licensee.** The broker must submit information requested in 2(b) above concerning information relating only to its own full-time employees working on behalf of the brokered station, as required by section 73.2080(f)(3) of the Commission's rules. If recruitment activity for those brokered station employees is maintained with that of other stations licensed to you, and you lack the ability to separate the information, submit information pertaining to both.

(b) **Broker receives audit letter directly from Commission.** If any station in the Unit is licensed to you, submit information requested in 2(b) above for the Unit's EEO program. If recruitment activity pertaining to full-time employees working on behalf of another station you broker is maintained with that of the Unit, and you lack the ability to separate the information, submit information pertaining to both.

(c) **Broker described in 4(a) or 4(b).** If full-time employees at the station you broker, combined with full-time employees at the Station (or Unit), total fewer than five, you need only

respond to this letter by submitting a list of full-time employees (identified by job title and number of hours regularly assigned to work per week) for both the brokered station(s) and subject Station as well as a response to Question 2(b)(vi).

5. Procedures.

(a) **The response to this audit letter must be uploaded to the FCC-hosted online public inspection file (<https://publicfiles.fcc.gov/>) belonging to each station in the Unit by no later than June 8, 2023.** The response should be placed in the EEO Audits, Investigations, and Complaints subfolder in the online public file (found at EEO Records>>Additional Documents>> EEO Audits, Investigations, and Complaints). Include in the response the Station's Facility ID Number and an e-mail address of a Station representative.

(b) Any extension of time must be requested at least five days prior to aforementioned deadline (via email to EB-EEO@fcc.gov), indicate the additional time the Unit believes it needs to complete its response (not to exceed 45 days) and will be granted only upon a showing of good cause. Unless and until an extension is granted, the original deadline remains in effect.

(c) If the Unit submitted an EEO audit response in 2021 or 2022 and/or the most recent license renewal application(s) applicable to the Unit were granted after February 1, 2021, send an email to EB-EEO@fcc.gov for additional guidance on whether a response is required. In the email, provide a reference to the relevant filings/applications before the Commission.

(d) The accuracy and completeness of the response must be certified by an officer, partner or other principal of the Station licensee or broker (as appropriate) or, in the case of a noncommercial educational station, by an officer, member or other principal of the licensee. (See 47 CFR § 1.16.). To knowingly and willfully make any false statement or conceal any material fact in response to this audit is punishable by fine or imprisonment (see 18 U.S.C. § 1001; 47 CFR § 1.17), revocation of any station license or construction permit (47 U.S.C. § 312(a)(1)), and/or forfeiture (47 U.S.C. § 503). Failure to respond to this audit letter by the deadline is punishable by sanctions in accordance with section 73.2080(g).

(e) As required by sections 73.3526(e)(10) (commercial stations) and 73.3527(e)(11) (noncommercial educational stations), a copy of this letter and the response must be placed in the FCC-hosted online public inspection file belonging to each station in the Unit. Consequently, the response should not include personal information about individuals, such as social security numbers, home addresses, or other personally identifiable information. The FCC does not require that employment units retain such information in their records, or that such information be provided in response to this letter.

(f) Upon receipt, audit responses will be reviewed for completeness. If any questions arise or there are missing materials, EEO staff will contact you. The Enforcement Bureau no longer issues letters to licensees upon completion of our review of audit responses.

Should you have any questions, please contact EEO Staff at EB-EEO@fcc.gov or (202) 418-1450. Thank you for your cooperation.

Sincerely,

/s/ Elizabeth Goldin

Elizabeth E. Goldin
Assistant Chief, Investigations & Hearings Division
Enforcement Bureau

**WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/21-3/31/22**

(Note: 12-month period determined by FCC license renewal filing date and not on calendar basis)

II. MASTER RECRUITMENT SOURCE LIST (MRSL)

RS Number	RS information	Source Entitled to Vacancy Notification? (Yes/No)	No. of Interviewees Referred by RS over 12-month period
1	Lane College: Darlette Samuels: 545 Lane Avenue, Jackson, TN 38301, 731-426-7600 (dsamuels@Lanecollege.edu)	Yes	0
2	NAACP: Harold Carter: P.O. Box 2404, Jackson, TN 38305, 731-427-7332	Yes	0
3	Jackson State Community College: Amy West, 2046 N. Parkway, Jackson, TN 38301, 731-424-3520 (awest12@JSCC.edu)	Yes	0
4	Memphis Urban League: Sandra Dallas: 413 N Cleveland Street, Memphis, TN 38104 (sdallas@mphsurbanleague.com)	Yes	0
5	Bethel University: Heather Stone: 325 Cherry Avenue, McKenzie, TN 38201, 731-352-4000	Yes	0
6	Union University Career Services 1050 Union University Drive, Jackson, TN 38305, 721-661-5316 (jhowell@uu.edu)	Yes	0
7	Freed-Hardeman University: Ron Means: 158 East Main Street, Henderson, TN 38340 (rmeans@fhu.com)	Yes	0
8	Thomas Media: WWYN, WHHM, WFKX, WZDQ, WJAK: Sherric Powell: 111 West Main Street, Jackson, TN 38301, 731-427-9616	Yes	0
9	Referrals: 111 West Main Street, Jackson, TN 38301	Yes	0
10	Walk-ins: 111 West Main Street, Jackson, TN 38301	Yes	0
11	All Access: Joel Denves: 28955 Pacific Coast Hwy, Suite 210, Malibu, CA 90265 (www.allaccess.com)	Yes	0
12	TAB: Chris Baker: Two International Plaza Drive, Suite 507, Nashville, TN 37217 (www.Tabtn.org)	Yes	0
13	www.mystar1077.com : 111 West Main Street, Jackson, TN 38301	Yes	0

**WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/21-3/31/22**

(Note: 12-month period determined by FCC license renewal filing date and not on calendar basis)

14	www.wyn1069.com : 111 West Main Street, Jackson, TN 38301	Yes	0
15	www.therocketjackson.com : 111 West Main Street, Jackson, TN 38301	Yes	0
16	www.my96KIX.com : 111 West Main Street, Jackson, TN 38301	Yes	0
17	: 111 West Main Street www.therocketjackson.com	Yes	0
TOTAL INTERVIEWEES OVER 12-MONTH PERIOD			0

III. RECRUITMENT INITIATIVES

WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/21-3/31/22

(Note: 12-month period determined by FCC license renewal filing date and not on calendar basis)

III. RECRUITMENT INITIATIVES

	TYPE OF RECRUITMENT INITIATIVE (MENU SELECTION)	BRIEF DESCRIPTION OF ACTIVITY
1	12/8/2021 TAB Virtual Job Fair Recruiter: Chip Thomas, General Manager	Online Job Fair hosted by TAB
2	5/18/2021 Thomas Media Career Fair Recruiter: Chip Thomas	Career Fair covering West Tennessee at Carl Perkins Civic Center
3	9/10/2021 Thomas Media Career Fair	Career Fair at Carl Perkins Civic Center

**WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
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Hope for the Holidays Adopt A Teen	Live Interviews & Promos
COVID-19 Updates	Regular interviews and PSAs providing the latest information affecting the community
Lifeline Blood Services	Daily updates on community blood drives
Giving Tuesday local charity support	Provided consistent information to the community on how to help local charities through their Giving Tuesday Campaigns
Union University partnership	Monthly interviews providing community information of the resuming of various activities

V. TRAINING INITIATIVES

WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/21-3/31/22

(Note: 12-month period determined by FCC license renewal filing date and not on calendar basis)

	TYPE OF ACTIVITY	BRIEF DESCRIPTION OF ACTIVITY
1	5/12/2021 – “7 Steps to a Fantastic Recovery” Attended: Chip Thomas	LBS Broadcast Sales Webinar with TAB
2	8/11/2021 “Budgeting after an economic slowdown” Attended: Jeff Jones	LBS Broadcast Sales Webinar
3	1/19/2022 – “Broadcast Sellers 10 Commandments” Attended: Chip Thomas	LBS Broadcast Sales Webinar

**WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/22-3/31/23**

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2	NAACP: Harold Carter: P.O. Box 2404, Jackson, TN 38305, 731-427-7332	Yes	0
3	Jackson State Community College: Amy West, 2046 N. Parkway, Jackson, TN 38301, 731-424-3520 (awest12@JSCC.edu)	Yes	0
4	Memphis Urban League: Sandra Dallas: 413 N Cleveland Street, Memphis, TN 38104 (sdallas@mphsurbanleague.com)	Yes	0
5	Bethel University: Heather Stone: 325 Cherry Avenue, McKenzie, TN 38201, 731-352-4000	Yes	0
6	Union University Career Services 1050 Union University Drive, Jackson, TN 38305, 721-661-5316 (jhowell@uu.edu)	Yes	0
7	Freed-Hardeman University: Ron Means: 158 East Main Street, Henderson, TN 38340 (rmeans@fhu.com)	Yes	0
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12	TAB: Chris Baker: Two International Plaza Drive, Suite 507, Nashville, TN 37217 (www.Tabtn.org)	Yes	0
13	www.mystar1077.com : 111 West Main Street, Jackson, TN 38301	Yes	0

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14	<u>www.wyn1069.com</u> : 111 West Main Street, Jackson, TN 38301	Yes	0
15	<u>www.therocketjackson.com</u> : 111 West Main Street, Jackson, TN 38301	Yes	0
16	<u>www.my96KIX.com</u> : 111 West Main Street, Jackson, TN 38301	Yes	0
17	<u>www.Hot961.com</u> : 111 West Main Street Jackson, TN 38301	Yes	0
TOTAL INTERVIEWEES OVER 12-MONTH PERIOD			0

WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
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III. RECRUITMENT INITIATIVES

	TYPE OF RECRUITMENT INITIATIVE (MENU SELECTION)	BRIEF DESCRIPTION OF ACTIVITY
1	3/27/23 TAB Virtual Job Fair Recruiter: Chip Thomas, General Manager	Online Job Fair hosted by TAB
2	5/18/22 Thomas Media Career Fair Recruiter: Chip Thomas	Career Fair covering West Tennessee at Carl Perkins Civic Center
3	9/14/22 Thomas Media Career Fair	Career Fair at Carl Perkins Civic Center

WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/22-3/31/23

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IV. OUTREACH INITIATIVES

Lifeline Blood Services

RIFA Food Drives

Adopt-A-Teen/Hope for the Holidays

Union University

Jackson State C.C.

W.R.A.P. TN

Community Blood Drive Updates

Live Events and On-Air Promos

On-Air Interviews and Promos

Community Info of School Activities

Community info of School Activities

On-Air Interviews and PSAs

WWYN-FM, WHHM-FM, WFKX-FM, WZDQ-FM, WJAK-AM
EEO PUBLIC FILE REPORT
04/01/22-3/31/23

(Note: 12-month period determined by FCC license renewal filing date and not on calendar basis)

V. TRAINING INITIATIVES

	TYPE OF ACTIVITY	BRIEF DESCRIPTION OF ACTIVITY
1	11/9/22 – “How to Quadruple your local sales” Attended: Chip Thomas	LBS Broadcast Sales Webinar with TAB
2	9/14/22 – “Why winging it with Social Media doesn’t work” Attended: Chip Thomas	LBS Broadcast Sales Webinar
3	5/18/22 – “Does price really matter to your clients” Attended: Sales Staff	LBS Broadcast Sales Webinar

THOMAS MEDIA, INC.



Although we didn't make any new hires during this 2 year window, we do regularly pay attention to our EEO practices to make sure we are on track and have a good plan.

In an effort to stay on top of our EEO Recruitment Program, we utilize the Tennessee Association of Broadcasters (Chris Baker) for advice and direction. I am on the Board of the TAB, so I get to communicate with them regularly.

In addition, every year when preparing budgets for the next year, we typically will review our employees pay, benefits, promotion opportunities, etc for fairness. I will also include the TAB in these conversations if needed.

We have no Union agreements within our Cluster.

THOMAS MEDIA, INC.



WFKX



WHHM



WJAK



WWYN



WZDQ

Our General Manager, Chip Thomas, is responsible for maintaining and implementing the Groups EEO policies. Part of those responsibilities include, but not limited to, posting any job openings to our e-mail list of local organizations and colleges (complete list is on our EEO Public File Report), completing and filing our annual EEO Report on time, organizing or scheduling our EEO outreach initiatives (job fairs, etc) and overall making sure all bases are covered during any recruitment initiatives.

Our EEO policies are posted inside our building in poster form and any and all job postings or produced commercials in the community all clearly state that we are an equal opportunity employer.

WFKX • WHHM • WJAK • WWYN • WZDQ

111 WEST MAIN • JACKSON, TN 38301

PHONE: 731-427-9616 • FAX: 731-427-9302 • FAX 731-424-2473

Station Websites:

WZDQ: www.therocketjackson.com

WWYN: www.wyn1069.com

WFKX: www.my96kix.com

WJAK: www.hot961.com

WHHM: www.star1077.com

Thomas Media in Jackson, TN has 24 full time employees. Our Metro's population is approximately 85,000, none of our station's operating markets are 250,000 in population. Our market is required to have 2 points worth of initiative activities.

Attached are the 4 Career Expo's that we performed and participated in during this 2 year window.

Station Facility ID Numbers

WWYN: 54947

WFKX: 73392

WJAK AM: 54035

WZDQ: 54032

WHHM: 10766

Station Representative: cthomas@thomasmedia.fm

You're invited to the BIGGEST career fair in West Tennessee.

CAREER EXPO



106.9



Wednesday, May 18th
11:00-3:00 pm
Carl Perkins Civic Center

Come meet your potential new employer! HUNDREDS of positions available, and connect with over 50 employers. Bring a copy of your resume, and professional dress is recommended!

FREE to the public

www.wyn106.9/careerexpo

You're invited to the BIGGEST career fair in West Tennessee.

CAREER EXPO



Wednesday, Sep. 14th
11:00-3:00 pm
Carl Perkins Civic Center

Come meet your potential new employer! HUNDREDS of positions available, and connect with over 50 employers.

Bring a copy of your resume, and professional dress is recommended!

FREE to the public

www.wyn106.9/careerexpo

You're invited to the BIGGEST career fair in West Tennessee.

CAREER EXPO



Tuesday, May 18th
10:00-1:00 pm

Carl Perkins Civic Center

Come meet your potential new employer! HUNDREDS of positions available, and connect with over 50 employers. Bring a copy of your resume, and professional dress is recommended!



FREE to the public

www.wyn106.9/careerexpo



You're invited to the BIGGEST career fair in West Tennessee.

COLLEGE & CAREER EXPO



Friday, Sept. 10th

JMCSS Seniors - 11:00-1:00 pm

Public - 2:00 - 6:00 pm

Carl Perkins Civic Center

Come meet with recruiters from local colleges, trades, and employers.
Over 50 vendors with hundreds of career opportunities.

FREE to the public

www.wyn106.9/careerexpo