

HBI RADIO BRAINERD/WADENA, LLC
13225 Dogwood Drive South
Baxter, Minnesota 56425

March 19, 2020

UPLOADED TO ONLINE PUBLIC FILES

EEO Staff
Policy Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear EEO Staff:

This letter responds to an EEO Audit Letter, dated February 6, 2020, from the FCC's Media Bureau to HBI Radio Brainerd/Wadena, LLC ("Licensee"), the licensee of KUAL-FM, Brainerd, MN (Facility ID No. 60495) ("KUAL"). The following response is submitted on behalf of the employment unit consisting of KUAL as well as KBLB(FM), Nisswa, MN (Facility ID No. 4337), KLIZ(AM), Brainerd, MN (Facility ID No. 28653), KLIZ-FM, Brainerd, MN (Facility ID No. 28654), KVBR(AM), Brainerd, MN (Facility ID No. 60496), and WJJY-FM, Brainerd, MN (Facility ID No. 5394) (collectively, the "Unit" or "Station"), all of which are also licensed to Licensee. Please note that the responses set forth below are associated with the specific questions raised in the EEO Audit Letter.

3. *Audit Data Requested.*

- (a) *Copies of the Unit's two most recent EEO public file reports, described in Section 73.2080(c)(6). For any stations in the Unit that have websites, provide each web address. If the Unit's most recent EEO public file report is not posted on each of these websites, indicate each relevant website and provide an explanation of why the report is not posted, as required by Section 73.2080(c)(6). In accordance with Section 73.2080(c)(5)(vi), provide the date of each full-time hire listed in each report provided. If the Unit does not have its own website, but its corporate site contains a link to a site pertaining to the Unit, then the Unit's most recent EEO public file report must be linked to either the Unit's site or the general corporate site, pursuant to Section 73.2080(c)(6).***

Copies of the Unit's two most recent EEO public file reports for the period covering December 1, 2017 to November 30, 2018 and December 1, 2018 to November 30, 2019 (together, the "Audit Period") are attached hereto as Exhibit 1 and Exhibit 2, respectively.

The Unit stations below have websites and the web addresses are as follows:

KUAL – www.cool1035.com/
KBLB-FM – www.todaysbestcountry.com
KLIZ(AM) – www.kliz.com
KLIZ-FM – www.theloon.com
KVBR(AM) – N/A
WJJY-FM – <https://1067wjy.com/>

The current EEO public file report is posted on the above-referenced websites.

The date of each full-time hire during the Audit Period is provided in the Unit's EEO public file reports for the Audit Period (see Exhibit 1 and Exhibit 2).

- (b) *For each of the Unit's full-time positions filled during the period covered by the above EEO public file reports, or since your acquisition of the Station, if after that period, 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 your burden of responding to this audit, if you have sent a job notice to multiple sources, you may send us only one copy of each such notice, along with a list of the sources to which you have sent the notice. In addition, indicate in your response whether you retain copies of all notices sent to all sources used, as required by Section 73.2080(c)(5)(iii). For on-air ads that aired multiple times, you may send us one log sheet indicating when the ad aired and tell us the other times it aired instead of providing multiple log sheets. Also, tell us whether you have retained all the log sheets for each time the ad aired. We may ask for them for verification, but you need not provide them at this time. 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 Unit job openings, as described in Section 73.2080(c)(1)(ii).*

Attached as Exhibit 3 are copies of the notices used by the Unit to announce the vacancies for the full-time positions filled at the Station during the Audit Period. These notices were sent to the list of recruitment sources listed in the EEO public file reports for the Audit Period. The recruitment sources that have requested to be notified of full-time job openings are noted in the EEO public file reports for the Audit Period.

The Unit utilizes a recruitment management system, which records the date and time that the notices were sent by email to the recruitment sources for every full-time vacancy. The Unit, however, does not print out each such email. For

sources that do not accept emails, the Unit keeps copies of what was posted and where.

- (c) ***In accordance with 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.***

The total number of interviewees for each vacancy for the Audit Period, the referral sources for the interviewees, and the list of referral sources are provided in the Unit's EEO public file reports for the Audit Period (see Exhibit 1 and Exhibit 2). The total number of interviewees for the 2017-2018 period was 10 and the total number of interviewees for the 2018-2019 period was 3. In 2018-2019, two internal candidates were promoted. One was a part-time on-air talent who was promoted to a full-time on-air talent position under exigent circumstances. The promoted candidate's original part-time position was widely disseminated and otherwise subject to full recruitment prior to filling the position. The second was a full-time employee with back-up traffic responsibilities who accepted a promotion to a regional traffic position which included a significant increase in job responsibilities. This position was widely disseminated and otherwise subject to full recruitment prior to filling the position.

- (d) ***Documentation of the Unit's recruitment initiatives described in Section 73.2080(c)(2) during the periods covered by the above-noted EEO public file reports, such as participation at job fairs, mentoring programs, and training for staff. Specify the Unit personnel involved in each such recruitment initiative. Also, provide the total number of full-time employees of the Unit and state whether the population of the market in which any station included in the Unit operates is 250,000 or more. Based upon these two factors, determine and state whether the Unit is required to perform two or four initiatives within a two-year period, pursuant to Sections 73.2080(c)(2) and (e)(3). If you have performed more than four initiatives, you may provide documentation for only four and summarize the rest instead of providing documentation for all of them. If we believe any of the initiatives you have documented are inadequate, we may ask for more information, but documentation for four is all we need at this time.***

The Unit currently has a total of 24 full-time employees. The population of the market in which the Unit operates is less than 250,000.¹ As such, the Unit is in a "smaller market" and is required to perform two initiatives within a two-year period. 47 C.F.R. §§ 73.2080(c)(2) and (e)(3).

¹ The Unit is located in the Brainerd Micropolitan Statistical Area, which has a population of approximately 91,000.

The Unit engaged in a number of recruitment initiatives during the Audit Period, as shown in Exhibit 1 and Exhibit 2 (see Exhibit 4 for documentation related to at least two of these initiatives).

The Unit's recruitment initiatives include planning and participating in a community job fair (each year), offering an internship and a job shadow opportunity for students, having employees participate in a development program (Next Gen), management training on EEO, and providing guided tours to local schools and community groups.

- (e) *Disclose any pending or resolved complaints involving the Station filed during the Station's current license term 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 all complaints must be reported, regardless of their status or disposition.*

None.

- (f) *In accordance with Section 73.2080(b), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe the responsibilities of each level of Unit management responsible for implementing Unit EEO policies and describe how the Unit has informed employees and job applicants of its EEO policies and program.*

As an initial matter, the Unit provides equal employment opportunities to all qualified individuals without regard to race, color, religion, national origin, marital status, gender, age, or disability in all personnel actions, including recruitment, evaluation, selection, compensation, training, promotion, and termination. The Unit complies with applicable federal, state, and local laws concerning employment matters.

The Licensee's "Appropriate Workplace Behavior Policy" and "Equal Employment Opportunity Policy" specifically state that the company is committed to non-discrimination and will not tolerate any form of discrimination in the workplace. Periodically, the Unit redistributes these policies to all employees and requires them to acknowledge them.

For each full-time vacancy, the Licensee's Regional Controller is charged with coordinating EEO efforts and assists the hiring managers with job posting requirements. Licensee's Regional Controller and Corporate Human Resources Department also serve as a resource for Unit management and employees on equal employment opportunity matters. The Unit's Vice President - Market Manager oversees all employees of the Unit and, together with the Unit's General Manager, Regional Controller, and the Licensee's Corporate Human Resources Department, is responsible for implementation of the Unit's EEO policies. All questions regarding EEO are directed to the Regional Controller and/or the Licensee's Corporate Human Resources Department for clarification, resolution, and/or escalation. All department managers are involved in all aspects of hiring, termination, and any disciplinary actions needed to ensure EEO compliance. These managers are expected to ensure that equal employment opportunity is afforded to all applicants for positions with the Unit, and to all employees. Should a concern or complaint regarding EEO arise, managers are expected to address the complaint, notify the Corporate Human Resources Department of such complaint, and be part of the resolution.

The Unit informs employees and job applicants of its EEO policies and program in various ways. The Unit's EEO policies and program is provided to all new hires and the EEO policy is posted on the parent company intranet site. The Unit also provides EEO training to managers periodically (most recently in November 2018 for the Unit). In addition, each job notice on the Unit's career site informs potential applicants that the Unit is an equal employment opportunity employer, and information about the Unit's being an equal employment opportunity employer is included as part of the in the Unit's application for employment process.

- (g) *In accordance with Section 73.2080(c)(3), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe 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.*

The Unit reviews its EEO policies and program for compliance and effectiveness by conducting an annual internal audit. The Unit encourages management to identify organizations to add to the Unit's list of recruitment sources. The Unit also proactively contacts its recruitment sources annually to keep contact information updated and to confirm that they wish to continue receiving notices of full-time vacancies.

- (h) *In accordance with Section 73.2080(c)(4), from the first day of the Station's current license term (or the date the licensee became the owner, if after that date) until the date of this letter, describe 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.*

The Unit undertakes every effort to ensure that the Unit's pay, benefits, seniority practices, promotions, and selection techniques and tests provide equal employment opportunities. The Unit's employees are reviewed annually by the management. With respect to matters related to pay, the Unit endeavors to ensure that the compensation for each position is comparable to other employees with similar job descriptions and to other similar jobs in the local marketplace. With regard to benefits, all full-time employees are entitled to the same benefits package.

With respect to promotions, the Unit encourages employees to apply for available positions within the company. When there is an opportunity to promote from within, the Unit looks at the employee's qualifications, seniority, experience, attitude, leadership skills, and overall approach to their work.

The Unit does not have any union agreements.

- (i) *If your entity is a religious broadcaster and any of its full-time employees are subject to a religious qualification as described in Section 73.2080(a) of the rules, so indicate in your response to this letter and provide data as applicable to the Unit's EEO program. For example, for full-time hires subject to a religious qualification, only a record of the hire listed by job title and date filled, the recruitment sources used for the opening, and the source of the hiree must be provided. 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*

The Unit is not a religious broadcaster.

4. ***Time Brokerage.***

- (a) ***Licensee of brokered station(s). If the Unit employs fewer than five full-time employees and any station included in it is subject to a time brokerage agreement, in addition to responding to this letter and providing us a list of the Unit's full-time employees listed by job title (and the number of hours each employee is assigned to work) and a response to Question 3(e) above, you must immediately forward a copy of this letter to the broker under each such agreement, which must respond to Question 4(b) below. If the Unit employs five or more full-time employees, the licensee must respond fully to paragraph 3 above, and also forward the letter to the broker so the broker may respond to Question 4(b) below.***

None of the Stations in the Unit are subject to a time brokerage agreement.

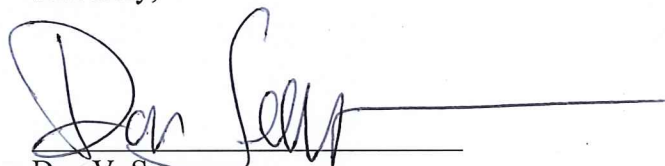
- (b) ***Broker receiving audit letter from brokered station licensee. If you are the broker of a station, and the station you are brokering receives an audit letter, the licensee of the brokered station must forward the audit letter to you. You should respond to the audit letter concerning EEO information relating only to your own full-time employees at the brokered station. See Section 73.2080(f)(3).***

The Unit does not broker any broadcast stations.

I certify that the contents of this audit response are complete and accurate to the best of my knowledge.

Please contact the undersigned if you have any questions, 651-642-4656, or DSeeman@hbi.com. You may also contact our counsel, David O'Connor, at 202-383-3429, or doconnor@wbklaw.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Seeman", is written over a horizontal line.

Dan V. Seeman
Vice President/Regional Manager
HBI Radio Brainerd/Wadena, LLC

Attachments