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July 7, 2020

Lewis C. Pulley  
Assistant Chief, Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Response to EEO Audit Letter  
Cumulus Licensing LLC  
KMJ(AM), Fresno, California  
Facility ID No. 26923

Dear Mr. Pulley:

Cumulus Licensing LLC ("Cumulus"), licensee of Station KMJ(AM), Fresno, California, and the commonly owned stations in the Fresno, California station employment unit ("SEU"), is hereby submitting this Declaration and the attachments annexed hereto in response to a letter dated February 6, 2020 from Lewis C. Pulley, Assistant Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission ("FCC"), concerning a random audit of the SEU's compliance with the FCC's equal employment opportunity rule, 47 C.F.R. § 73.2080. The SEU's response date was extended by Mr. Pulley as a result of the COVID-19 pandemic until July 7, 2020.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Sincerely,

Mark N. Lipp  
Counsel for Cumulus Licensing LLC

Enclosure

## DECLARATION OF RICHARD S. DENNING

I, Richard S. Denning, hereby declare as follows:

1. I am Executive Vice President and General Counsel of Cumulus Licensing LLC, licensee of radio station KMJ(AM), Fresno, California (Facility ID 26923), which is part of a station employment unit based in Fresno, California, and which includes stations KSKS(FM), Fresno, California (Facility ID 26924), KMJ-FM, Fresno, California (Facility ID 26933), KMGV(FM), Fresno, California (Facility ID 18409), and KWYE(FM), Fresno, California (Facility ID 18406) (collectively, the "SEU"). The stations in the SEU are commonly owned through indirect subsidiaries ultimately owned and controlled by Cumulus Media Inc. (collectively, "Cumulus"). This Declaration and the attachments annexed hereto are being submitted in response to a letter dated February 6, 2020 (the "Audit Letter") from Lewis C. Pulley, Assistant Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission ("FCC"), concerning a random audit of the SEU's compliance with the FCC's equal employment opportunity ("EEO") rule, 47 C.F.R. § 73.2080. The SEU's response date was extended by Mr. Pulley as a result of the COVID-19 pandemic until July 7, 2020.<sup>1</sup>

2. The SEU employs five (5) or more full-time employees as the term is defined in Section 73.2080(e)(1) of the FCC's rules.

3. In response to Question 3(a) of the Audit Letter, copies of the SEU's two most recent EEO public file reports, as described in 47 C.F.R. § 73.2080(c)(6), are included as Attachment A.

The web address of each of the stations in the SEU is as follows: KMJ(AM), [www.kmjnow.com](http://www.kmjnow.com); KSKS(FM), [www.ksks.com](http://www.ksks.com); KMJ-FM, [www.kmjnow.com](http://www.kmjnow.com); KMGV(FM), [www.mega979.com](http://www.mega979.com); and, KWYE(FM), [www.y101hits.com](http://www.y101hits.com). KMJ(AM) is simulcast on KMJ-FM, thus, these Stations share a website.

A copy of the current EEO public file report is on or linked to each of the above websites.

4. In response to Question 3(b) of the Audit Letter, documentation concerning the recruitment sources used to fill each full-time position during the period covered by the above EEO public file reports is included in Attachment B, and, pursuant to the Audit Letter, this response provides one such notice for each position filled. The SEU's standard practice is to retain copies of job vacancy announcements that are sent to all recruitment sources. No

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<sup>1</sup> It should be noted that assembling an EEO audit response in the midst of the COVID-19 pandemic has been challenging at best. Out of concern for the safety of its many employees during this unusual and difficult time, Cumulus made the business decision to require its employees to work from home until August 31, 2020 (and possibly longer). The inability of staff to enter the office to retrieve and review files and records certainly impeded this effort. Further, certain employees had to be furloughed, some of whom played an integral role in the SEU's vacancy-specific and general outreach. They were unavailable to contribute and assist with the preparation of this response.

recruitment sources have notified the SEU that they want to be informed about job openings, as described in §73.2080(c)(1)(ii), which is reflected in Section II of each EEO public file report.

5. In response to Question 3(c) of the Audit Letter, the EEO public file reports included in Attachment A and Attachment B contain data regarding (a) the total number of interviewees for each fulltime vacancy, and (b) the referral source for each interviewee for each full-time vacancy filled during the period covered by the EEO public file reports.

6. In response to Question 3(d) of the Audit Letter, documentation of the SEU's performance of the recruitment initiatives as described in §73.2080(c)(2) during the relevant time period is included in Attachment C. Station personnel involved in the recruitment initiatives are identified in Attachment C as well. The SEU employs a total of fifty-five (55) fulltime employees. The stations are located in a market with a population of more than 250,000. Accordingly, the SEU is required to perform at least four (4) recruitment initiatives during a two year period.

7. In response to Question 3(e) of the Audit Letter, Cumulus affirms that it is not aware of any pending or resolved discrimination complaints filed against this SEU during the time period covered by this response.

8. In response to Question 3(f) of the Audit Letter, Cumulus has established and implemented a company-wide EEO compliance plan. At the corporate level, Cumulus recognizes the importance of EEO compliance and has communicated the importance of complying with the FCC's broad outreach and recordkeeping requirements to employees at all levels within the company, including its national, regional and local personnel. Cumulus previously has engaged its outside communications counsel to conduct comprehensive FCC EEO training sessions, which were mandatory for all market and business managers. Those training sessions were followed by the distribution of written compliance materials to key personnel in each station employment unit who have recruitment and hiring responsibility. These materials continue to be an excellent resource which all Cumulus station employment units refer to for guidance. Cumulus also instituted a policy designed to help reduce the inevitable recordkeeping lapses which occur as a result of employee turnover. The SEU's compliance efforts also include identifying Cumulus' efforts to afford equal employment opportunities to employees through statements disseminated in job applications and vacancy announcements posted in conspicuous areas within the workplace.

Cumulus hired in-house regulatory counsel, who not only continued to use these reference tools, but also developed additional compliance aids to help all station employment units meet FCC EEO requirements. In-house counsel conducted periodic FCC EEO training sessions for all market and business managers, during which participants were given an opportunity to ask questions about the FCC's EEO rule, and each year he worked closely with them on their EEO public file reports, reviewing vacancy-specific and general outreach efforts and providing recommendations for improvement.

When in-house regulatory counsel left the company recently, outside communications counsel was engaged and took over some of these responsibilities. Outside counsel is always

available to address questions and concerns related to FCC EEO compliance and has continued the practice of reviewing EEO public file reports for all of the Cumulus station employment units.

The SEU's Business Manager ("BM") has primary responsibility for implementing and overseeing the EEO program at the local level. The BM is knowledgeable about the company's EEO policies and hiring practices and works closely with the managers in the market that have hiring authority, as well as the corporate Human Resources department, to ensure that compliance efforts are observed. When the decision is made to hire a new employee in the market, the BM obtains the necessary information from the hiring manager to post the job vacancy announcement(s). Job vacancies are always posted on the Cumulus (ClearCompany) website, which automatically routes these announcements to the following recruitment sources: Indeed; Glassdoor; LinkUp; Monster; ZipRecruiter; and, the SEU's Facebook pages. The description of each job opening and the required qualifications determine whether or not other recruitment sources are notified. Once the position is posted on the Cumulus jobs recruitment site, the ClearCompany system sends approval notices to the Regional Vice President for final approval. Once the posting is finalized, the System notifies the hiring manager as applicants apply and it is the responsibility of the hiring manager to track interviewees and associated recruitment sources. Once the hiring decision is made, the hiring manager returns the interviewee information to the BM.

This SEU is mindful of its general outreach obligations and an initiative that is an annual highlight is the popular and well-attended Central Valley Career Fair, which the SEU hosted at the Sierra Vista Mall in Fresno. This ideal location attracted attendees from Fresno, Clovis, and the Central Valley. The SEU solicited local employers, organized all aspects of the event, and used the power and influence of its four "giant" radio stations (*as the SEU refers to them*) to invite job seekers to meet some of the Valley's biggest and best employers. Of course, Cumulus was one of them, and, its entire Sales team was present to talk with interested attendees about the exciting career opportunities available in radio broadcasting and collect resumes and applications. The Central Valley looks forward to this event every year.

9. In response to Question 3(g) of the Audit Letter, the SEU understands that it must periodically analyze the effectiveness of its EEO recruitment program by reviewing the productivity of its recruitment sources as well as the results generated from its recruitment initiatives. Accordingly, the SEU examines its EEO program on an annual basis, which includes determining which recruitment sources are productive as well as discussions about possible additions to its Master Recruitment Source List. The SEU is also open to new ideas about its general outreach and encourages suggestions from its staff about alternative ways to better inform the Fresno community about career opportunities in broadcasting.

10. In response to Question 3(h) of the Audit Letter, the SEU makes a concerted effort to comply with all federal, state and/or local laws regarding pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that the SEU is providing equal employment opportunity, and is not discriminating against employees or job applicants. Accordingly, the SEU's Market Manager, department managers, and Business department,

together with Cumulus's corporate Human Resources Department, review the compensation, benefits, promotions and other employment practices of the SEU to ensure that they are fair and are based solely on an employee's experience and performance record. Further, in hiring a new employee, all responsible parties consider an applicant's experience to determine whether they are qualified for the position and analyze the candidate's past performance to determine their likelihood for success. The SEU's employment practices are the ultimate responsibility of its Market Manager, Patty Hixson, who works in conjunction with in-house counsel at Cumulus headquarters and, when applicable, outside employment and labor counsel.


11. In response to Question 3(i) of the Audit Letter, Cumulus Licensing LLC is not a religious broadcaster.

[SIGNATURE ON THE FOLLOWING PAGE]

**SIGNATURE PAGE TO  
DECLARATION OF RICHARD S. DENNING**

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed and dated this 6<sup>th</sup> day of July, 2020.

  
Richard S. Denning

## **Attachment A**

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
**June 4, 2018 – July 31, 2018<sup>1</sup>**

**I. VACANCY LIST**

See Section II, the “Master Recruitment Source List” (“MRSL”) for recruitment source data

Job Title	Recruitment Sources (“RS”) Used to Fill Vacancy	RS Referring Hiree
No Full-Time Positions Were Filled During this Reporting Period.		

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<sup>1</sup> On June 1, 2018, the Commission approved the major change application transferring all of the stations licensed to Cumulus Media, Inc.’s subsidiary licensees to a reorganized Cumulus Media Inc. entity (BTC-20180322ABI, *et al.*). See *Cumulus Media, Inc., Debtor-in-Possession Seeks Approval to Transfer Control of and Assign FCC Authorizations and Licenses, et al., Memorandum Opinion and Order*, DA 18-568. On June 4, 2018, the reorganized Cumulus Media Inc. consummated this transfer, and, as a result, this new entity controls the stations in the Fresno, California market.

Accordingly, the current licensee of the stations in the Fresno, California station employment unit can only demonstrate compliance for the period from June 4, 2018 until July 31, 2018 for its 2018 EEO reporting period. During this period, there were no full-time hires, which is reflected in the attached 2018 EEO Public File Report. This Report was revised in June 2020 to address reporting issues.



**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
**June 4, 2018 – July 31, 2018**

**II. MASTER RECRUITMENT SOURCE LIST (“MRSL”)**

<b>RS Number</b>	<b>RS Information</b>	<b>Source Entitled to Vacancy Notification? (Yes/No)</b>	<b>No. of Interviewees Referred by RS Over Reporting Period</b>
<b>As Reported in Section I, No Full-Time Positions Were Filled During this Reporting Period.</b>			

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
**June 4, 2018 – July 31, 2018**

**III. RECRUITMENT INITIATIVES**

	<b>Type of Recruitment Initiative (Menu Selection)</b>	<b>Brief Description of Activity</b>
<b>1</b>	<b>Management-level training regarding methods of ensuring equal employment opportunity and prevention of discrimination and harassment</b>	During the month of June, 2018, our SEU participated in harassment prevention training. All SEU employees were required to complete a course prepared by ThinkHR entitled, "Workplace Harassment Prevention," designed to address sexual harassment with a focus on the forms of harassment prohibited by federal as well as California law. The course presented best practices for updating policies and procedures, reporting incidents, and following up on complaints. The course for managers was more extensive than the course for staff members. In order to obtain a certificate of participation, employees were required to take a quiz following their completion of the tutorial.
<b>2</b>	<b>Mentoring Program</b>	Our SEU conducts an on-going Sales Mentoring Program for all new Account Executives ("AE"). Each new AE is assigned a senior AE or Manager as its mentor. Each Mentor assists its AE with job training and goal setting and provides information about key station departments and personnel. The AE receives constructive feedback from its Mentor on a daily basis. One AE participated in this Program during this reporting period.

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
August 1, 2018 – July 31, 2019

**I. VACANCY LIST**

See Section II, the "Master Recruitment Source List" ("MRSL") for recruitment source data

<b>Job Title</b>	<b>Recruitment Sources ("RS") Used to Fill Vacancy</b>	<b>RS Referring Hiree</b>
<b>Account Executive</b>	10-11, 25-31	25
<b>Account Executive</b>	10-11, 25-31	29
<b>Assistant Business Manager</b>	10-11, 25-31	29
<b>Receptionist</b>	10-11, 25-31	29
<b>News Anchor</b>	10-11, 25-31	29

This Report was revised in June 2020 to address reporting issues.

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
 August 1, 2018 – July 31, 2019

**II. MASTER RECRUITMENT SOURCE LIST (“MRSL”)**

RS Number	RS Information	Source Entitled to Vacancy Notification? (Yes/No)	No. of Interviewees Referred by RS Over Reporting Period
1	<b>Fresno State University</b> Website Submission Only 5150 N Maple Ave Fresno, CA 93740 559-278-2381 <a href="http://www.employer.gradleaders.com">www.employer.gradleaders.com</a>	N	0
2	<b>Fresno City College</b> 1101 E University Ave Fresno, CA 93741 559-442-8294 Contact: Phyllis Greenwood <a href="http://www.jobs.fresnocitycollege.edu">www.jobs.fresnocitycollege.edu</a>	N	0
3	<b>Fresno Institute of Technology</b> 732 W Shaw Clovis, CA 93612 Contact: Amanda Nash 559-326-1807 <a href="mailto:anash@it-email.com">anash@it-email.com</a>	N	0
4	<b>University of Southern California</b> Los Angeles, CA 90089 213-740-2311 Contact: Megan H. <a href="mailto:meganh@usc.edu">meganh@usc.edu</a>	N	0
5	<b>Cal Works</b> 1526 E Weldon Fresno, CA 93704 Contact: Karen Collins 559-442-8286 <a href="mailto:Karin.collins@fresnocitycollege.edu">Karin.collins@fresnocitycollege.edu</a>	N	0

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
 August 1, 2018 – July 31, 2019

<b>RS Number</b>	<b>RS Information</b>	<b>Source Entitled to Vacancy Notification? (Yes/No)</b>	<b>No. of Interviewees Referred by RS Over Reporting Period</b>
6	<b>The Ohio Center for Broadcasting</b> 9001 Sweet Valley Drive Valley View, OH 44125 Contact: Don Clark dclark@beonair.com 216-447-9117	N	0
7	<b>The Ohio Center for Broadcasting</b> 1310 Wadsworth Blvd., Ste 100 Lakewood, Co 80214 Contact: Terry Cuff 303-937-7070 tcuff@beonair.com	N	0
8	<b>Employment Development Department</b> Website Submission Only 3303 N Blackstone Ave Fresno, CA 93741 www.caljobs.ca.gov	N	0
9	<b>San Joaquin Valley College</b> 295 E. Sierra Ave Fresno, CA 93710 Contact: Patti Gutierrez Patricia.gutierrez@sjvc.edu 559-448-8282	N	0
10	<b>Station Website Postings (all SEU stations)</b>	N	0
11	<b>Cumulus Business Managers</b> BM@cumulus.com	N	0
12	<b>Fresno Ad Federation</b> P.O. Box 3723 Clovis, Ca 93613 559-916-4436 Contact: Erin Backowski ebackowski@sbcgloal.net	N	0

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
 August 1, 2018 – July 31, 2019

RS Number	RS Information	Source Entitled to Vacancy Notification? (Yes/No)	No. of Interviewees Referred by RS Over Reporting Period
13	<b>California Broadcasters Association</b> Website Submission Only 916 L Street, Suite 150 Sacramento, CA 95814 916-444-2237 www.cabroadcasters.org	N	0
14	<b>TVandRadiojobs.com</b> ( <i>website submission only</i> ) www.tvandradijobs.com	N	0
15	<b>Clovis Adult Education</b> 1453 David E. Cook Way Clovis, CA 93611 559-327-2800 kevinhaddix@cusd.com	N	0
16	<b>Women's Exchange</b> 172 N Van Ness Fresno, CA 93701 559-233-7251 Contact: Sharon mtepperman@aol.com	N	0
17	<b>Central California Hispanic Chamber</b> 2331 Fresno St Fresno, Ca 93721 559-495-4817 Contact: John Hernandez www.cchcc.net	N	0
19	<b>Social Vocational Services</b> 2181 N Winery Fresno, CA 93703 559-452-8090 Contact: Program Director	N	0

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)  
EEO PUBLIC FILE REPORT  
August 1, 2018 – July 31, 2019**

<b>RS Number</b>	<b>RS Information</b>	<b>Source Entitled to Vacancy Notification? (Yes/No)</b>	<b>No. of Interviewees Referred by RS Over Reporting Period</b>
20	<b>Madera Tribune</b> 101 E 7th St Madera, CA 93638 559-674-2424 Contact: Alex, Alan or Valentine ellenb@maderatribune.com	N	0
21	<b>Fresno Bee</b> 1627 E Street Fresno, CA 93786 559-441-6117 Contact: Ida Pacheco	N	0
22	<b>Clovis City Hall</b> 1033 Fifth St. Clovis, CA 93612 559-324-2725 Contact: Personnel	N	0
23	<b>Workforce Connection</b> 1900 Mariposa Mall, Ste 280 Fresno, CA 93721 559-499-3707 Contact: Isabel Alvarez Ichavez-alvarez@workforce-connection.com	N	0
24	<b>All Access, www.allaccess.com</b>	N	0
25	<b>Cumulus Job Board, www.cumulusjobs.com</b>	N	2
26	<b>SimplyHired, www.simplyhired.com</b>	N	0
27	<b>Glassdoor, www.glassdoor.com</b>	N	0
28	<b>LinkUp, www.linkup.com</b>	N	0
29	<b>Employee Referral</b>	N	4
30	<b>Indeed, www.indeed.com</b>	N	0
31	<b>Internal Job Posting</b>	N	0
<b>TOTAL INTERVIEWEES OVER REPORTING PERIOD</b>			<b>6</b>

**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
**August 1, 2018 – July 31, 2019**

**III. RECRUITMENT INITIATIVES**

	<b>Type of Recruitment Initiative</b>	<b>Brief Description of Activity</b>
1	Host Job Fair	On September 11, 2018, our SEU hosted the Central Valley Career Fair, which took place at the Sierra Vista Mall in Fresno, CA. Our SEU secured the space, solicited local employers, organized all the logistical aspects of the event and promoted the event over the air on one or more SEU stations. Our SEU also participated as a local employer. Our Sales Managers and Account Executives attended the event and spoke with attendees about career opportunities in broadcasting and job openings within the SEU.
2	Host Job Fair	On March 19, 2019, our SEU hosted the Central Valley Career Fair, held at the Sierra Vista Mall in Fresno, CA. Our SEU secured the space, solicited local employers, organized all the logistical aspects of the event and promoted the event over the air on one or more SEU stations. Our SEU also participated as a local employer. Our Sales Manager and Account Executives attended the event and spoke with attendees about career opportunities in broadcasting and job openings within the SEU.
3	Participate in event/program sponsored by educational institutions relating to career opportunities in broadcasting	On November 14, 2018, our SEU participated in the Take a Student To Eat (TASTE) program, sponsored by the Fresno State University Mass Communications/Journalism department and the Fresno Ad Federation. In the morning, our General Sales Manager and Senior Account Executive welcomed three (3) Fresno State University students for a tour of our facilities, during which career opportunities in radio broadcasting were discussed, with an emphasis on sales. The students received information about the education/skill sets necessary for success in the radio business, highlighting the ever-increasing role technology plays in the industry. After their visits, our General Sales Manager and Senior Account Executive joined the students for a delightful, formal lunch hosted by the TASTE program.
4	Mentoring Program	Our SEU conducts a Sales Mentoring Program for all new Account Executives. Each new Account Executive is assigned a Senior Account Executive or Manager as their mentor. Each Mentor assists its Account Executive with job training, information on key station departments/personnel, goal setting and provides constructive feedback on a daily basis. Two Account Executives participated in this Program during this reporting period.



**KMJ(AM), KMJ(FM), KSKS(FM), KMGV(FM), KWYE(FM)**  
**EEO PUBLIC FILE REPORT**  
**August 1, 2018 – July 31, 2019**

	<b>Type of Recruitment Initiative</b>	<b>Brief Description of Activity</b>
5	Participate in event/program sponsored by educational institutions relating to career opportunities in broadcasting	On September 27, 2018, our SEU's news/talk Program Director participated in an "Ethics in Journalism" panel discussion hosted by the Fresno State Institute for Media and Public Trust.