

Not released - Oct. 25  
1979

Concurring Statement of FCC Commissioner James H. Quello

In Re: Authorization of Letters Imposing Appropriate  
EEO Sanctions on Certain Broadcast Stations

On October 25, 1979, the Commission authorized the issuance of letters imposing EEO sanctions on 20 broadcast station licensees. With respect to eight of these stations, I have concurred reluctantly as to the issuance of such letters of sanction.

I emphasize that I am now and have always been a staunch advocate of affirmative action EEO and minority ownership. I am concerned, however, that the current FCC requirement for EEO compliance applies to those broadcast stations with five or more employees, as contrasted to the national requirement which applies only to organizations with fifteen or more employees.

I am personally concerned that EEO sanctions against small stations with fewer than ten employees may be construed to reflect bureaucratic excess and under-scores insensitivity or lack of knowledge as to the real facts of life in very small market radio operations. It is one thing for members of this Commission to select a "reasonable" number of employees as the starting point for EEO requirements. However, based on my broadcast experience, the small "Mom and Pop" radio operation with a limited number of employees usually requires that each individual must combine announcing ability with technical activities as well as, in many cases, sales of time and copywriting. Thus, the varied skills factor becomes all important in hiring personnel for small stations. Accordingly, it is clear that the failure of a small radio station to meet the EEO requirements is dictated by the economics of staff and budget, not by the dictates of choice, employment sources, or discriminatory practices.

From a practical broadcaster's standpoint, I do not believe that very small radio stations present logical or reasonable opportunities for entry levels into broadcasting by minorities. The job requirements are too comprehensive, the opportunities too limited.

It is for this reason that I have continued to object to our present requirement that EEO standards apply to stations with only five or more employees. Also, no competitive or like media such as newspaper, magazine, outdoor advertising, or any other industry--not even any utility or monopoly--has the stringent EEO requirements the FCC mandates for broadcasting. In fairness to the minority employee I believe he or she has much more chance for successful development if there is no initial requirement to wear two, three, or four hats at once. I believe that a cut-off of ten or more employees would be much more reasonable and would allow this Commission to concentrate its EEO affirmative action efforts on broadcast companies which offer the minority employee the best opportunity for training, development and advancement.

As long as the Commission continues to apply EEO requirements to stations with five or more employees, I suggest that, with respect to those stations having fewer than ten employees, our staff should be required to determine the nature of each employment opportunity during the period under consideration in their assessment of compliance or non-compliance with affirmative EEO rules and policies.

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