FCC 395

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Approved by OMB
3060-0076
Est. time per response:
1 hour

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

[Please read instructions before completing and for Notice regarding public burden.]

SECTION 1 - General Information

1. Name and Mailing Address of Respondent

RCN Telecom Services, New York LLP
22-15 43rd Ave. 4th Floor
Long Island City, NY 11101

☐ Check here if this is a change of address.

2. Year Report Filed: 2017

3. Reporting Period (Ending Date of Pay Period Covered by Report): 3/24/17

4. Number of Full-Time Employees during Selected Reporting Period (check one):
a. ☐ Fewer than 16 (complete Sections I, IV, and V only)
b. ☑ 16 or more (complete all sections)

SECTION II - Full-Time Employees.

Job Categories		Number of Employees (Report employees in only one category)														
		Race/Ethnicity														
		Hispanic or Latino		Not-Hispanic or Latino												Total Columns A - N
				Male						Female						
		Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers	1.1															0
First/Mid-Level Officials and Managers	1.2	2	1	17	3		1			4	3				1	32
Professionals	2	2	2	6	3		1			3						17
Technicians	3	5		5	10											20
Sales Workers	4	3		14	3	2	4		2	2	2					32
Administrative Support Workers	5		3	1	6					1	7	1				19
Craft Workers	6	11		2	11		3		1							28
Operatives	7															0
Laborers and Helpers	8	2														2
Service Workers	9															0
TOTAL	10	25	6	45	36	2	9	0	3	10	12	1	0	0	1	150
PREVIOUS YEAR TOTAL	11	17	9	42	40	2	10	0	3	8	14	1	0	0	0	146

SECTION III - Part-Time Employees.

Job Categories		Number of Employees (Report employees in only one category)														
		Race/Ethnicity														
		Hispanic or Latino		Not-Hispanic or Latino												Total Columns A - N
				Male						Female						
		Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers	1.1															0
First/Mid-Level Officials and Managers	1.2															0
Professionals	2															0
Technicians	3															0
Sales Workers	4															0
Administrative Support Workers	5															0
Craft Workers	6															0
Operatives	7															0
Laborers and Helpers	8															0
Service Workers	9															0
TOTAL	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PREVIOUS YEAR TOTAL	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

☑ This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company. (Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.

SECTION V - Certification

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date	Typed or Printed Name of Person Signing	Signature	Telephone No.
05/30/2017	Kenneth Conrad	Kenneth Conrad	(609) 681-2189

Title of Person Signing	
Vice President, Human Resources	WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).

RCN Telecom Svc. NY, LLP
22-15 43rd Ave., 4th Floor
Long Island City, NY 11101

RE: FCC Form 395 Section IV
2017 Filing Year

Charge: Civil Action – Supreme Court of the state of NY, County of Kings – Claiming Disability Discrimination and Retaliation

Charge / Docket #: 507195/2015

Employee:

Filing Date: August 24, 2015

Background:
Mr was hired on June 23, 2014 in the position of Enterprise Sales Report. Mr. displayed Unsatisfactory Performance and had received coaching on an ongoing basis by sales management regarding his poor performance. This continued coaching and documentation of Mr. poor performance culminated in a final written warning document in February 2015. Upon receipt of the final written warning Mr. raised concerns with management regarding concerns related to Mr was offered and encouraged to file for disability by the local HR representative. Mr however declined the offer and never filed for RCN Disability with MetLife the companies disability carrier. Mr. did not request any additional accommodations and his performance continued to be unsatisfactory due to substantial miss in his monthly quota. This continued poor performance resulted in Mr. separation of employment on March 2, 2015. Upon separation Mr. obtained an attorney and chose to bypass the agency process and filed suit against RCN.

Status:

RCN working with outside counsel both RCN and Mr. have begun the discovery process including submission of Objections and Responses to demands for disclosure, as well response to Interrogatories have been submitted. Additionally depositions have been taken of Mr. and RCN Management. The process regarding this action continues in the courts at the time of this report. **May 2017: Court proceeding have continued. Discover phase has completed and RCN's legal team has filed a motion for summary judgement with the courts. As of this report the decision on the company's motion for summary judgement is still pending with the courts. Briefs due to court by May 23rd.**