

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

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

SECTION I - 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

2018

3. Reporting Period (Ending Date of Pay
Period Covered by Report)

3/23/2018

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)														Total Columns A - N
		Race/Ethnicity														
		Hispanic or Latino	Not-Hispanic or Latino							Total						
			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	3	1	15	4	2			4	3				1	33
Professionals		2	2	2	6	3	1			3						17
Technicians		3	5		5	9										19
Sales Workers		4	4		12	4	2	3	2	2	3					32
Administrative Support Workers		5		4	1	6				1	7	1				20
Craft Workers		6	10		2	9	3		2							26
Operatives		7														0
Laborers and Helpers		8	2													2
Service Workers		9														0
TOTAL		10	26	7	41	35	2	9	0	4	10	13	1	0	0	149
PREVIOUS YEAR TOTAL		11	25	6	45	36	2	9	0	3	10	12	1	0	0	150

SECTION III - Part-Time Employees.

Job Categories	Number of Employees (Report employees in only one category)													Total Columns A - N		
	Race/Ethnicity															
	Hispanic or Latino		Male						Not-Hispanic or Latino						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	
PREVIOUS YEAR TOTAL	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

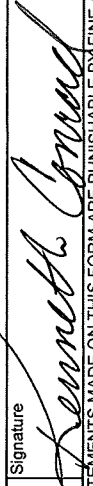
SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ 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	05/30/2018	Typed or Printed Name of Person Signing	Kenneth Conrad	Signature		Telephone No.	(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
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RE: FCC Form 395 Section IV
2018 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:

was hired on June 23, 2014 in the position of Enterprise Sales Report. displayed
Unsatisfactory Performance and had received coaching on an ongoing basis by sales management
regarding his poor performance. This continued coaching and documentation of poor
performance culminated in a final written warning document in February 2015. Upon receipt of the final
written warning raised concerns with management regarding concerns related to sleep apnea.
was offered and encouraged to file for disability by the local HR representative.
however declined the offer and never filed for RCN Disability with MetLife the companies disability
carrier. did 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
separation of employment on March 2, 2015. Upon separation obtained an
attorney and chose to bypass the agency process and filed suit against RCN.

Status:

RCN working with outside counsel both RCN and : 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 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.

May 2018: Courts reviewed merits of the Civil Action brought against RCN and approved our attorney's request for Summary Judgment. Court / Judge granted RCN motion for summary judgement on 11/14/2017 resulting in closure of the civil action.



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RE: FCC Form 395 Section IV
2018 Filing Year

Charge: Civil Action – RCN Telecom Services LLC d/b/a RCN Business and Bruce Abbott in United States District Court Southern District of New York.

Charge / Docket #: 1:18-cv-00351- AT

Employee:

Filing Date: January 15, 2018

Background:

was hired on May 11, 2015 by RCN into the position of Sr. C1 Account Executive which is a commercial sales position in our New York City Market. was unsuccessful in this outside sales position and was severely under performing in the role and was provided counseling and guidance. Rather than separating management reached a mutual agreement with employee to move from the sales rep role to a Sr. Sales Operations Specialist position in September 2015 providing support to other sales representatives and working to resolve escalated customer issues during implementation as well at contract renewal time which he was responsible to help secure the contract renewal. With this change in responsibilities management continued employee at his current base salary. In this new role gain severely underperformed management's expectations. Employee was transferred to new supervisor on January 18, 2016. As a result of the poor performance the employee's manager had to work with him closely and closely manage his day to day responsibilities to ensure that tasks were being performed. Ultimately management held numerous one on one meetings with employee and developed a Performance Improvement Plan which was provided to employee in March 2016. Numerous one on one meetings relating to the Performance Improvement Plan continued through 2016 however employee's performance continued to remain unacceptable with updates being made to the improvement plan. In February 2017 employee was provided with a Final Written Warning which was signed by both employee and management. Employee's performance continued at an unacceptable level and employee's employment was separated on March 7, 2017.

Following separation the employee obtained a lawyer who reached out to the Company presenting that the company did not handle compensation correctly and felt that we had misclassified him as a salaried employee when in fact his position was hourly. The now terminated employee and his attorney

presented a request for payment which the company did not agree to. As a result the employee and his attorney filed Civil Action in the United States District Court Southern District of New York. In the Civil Action employees attorney is alleging that the Company and the local market executive misclassified the employee in his position and did not compensate him appropriately as an hourly employee and as a result did not pay employee for actual overtime worked thus violating the FSLA and NY Labor Law requirements and failure to provide wage notices and statement. Attorney is also seeking to bring this claim forward as a class action law suit as others exist in this title across the company

Status:

RCN working with outside counsel has responded and submitted an answer to employees Civil Action. At this time both RCN and employees attorney are in discovery mode and have submitted interrogatories and are pulling necessary documentation together as responses and objections were due on May 17th. At this time the case continues to proceed down the legal process.