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, Lehigh LLC
Customer Care Center
100 Baltimore Dr.
Wilkes-Barre, PA 18702

☐ 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			1												1
First/Mid-Level Officials and Managers	1.2		1	24					1	31						57
Professionals	2	1		24	1			1		30						57
Technicians	3			7						4						11
Sales Workers	4			17	2	1				15	1				1	37
Administrative Support Workers	5	6	6	67	3				3	121	10		1	1	3	221
Craft Workers	6															0
Operatives	7															0
Laborers and Helpers	8															0
Service Workers	9															0
TOTAL	10	7	7	140	6	1	0	1	4	201	11	0	1	1	4	384
PREVIOUS YEAR TOTAL	11	7	13	151	12	1	0	1	5	239	26	0	2	0	4	461

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			1						5						6
Craft Workers	6															0
Operatives	7															0
Laborers and Helpers	8															0
Service Workers	9															0
TOTAL	10	0	0	1	0	0	0	0	0	5	0	0	0	0	0	6
PREVIOUS YEAR TOTAL	11	0	0	1	0	0	0	0	0	6	0	0	0	0	2	9

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, Lehigh LLC
100 Baltimore Dr.
Wilkes-Barre, PA 18708

RE: FCC Form 395 Section IV
2017 Filing Year

Charge: PHRC Charge – Race Discrimination

Charge / Docket #: 201501400
Charge / Docket #: Cross Filed with EEOC – 17F201660699

Employee: [redacted]

Filing Date: September 21, 2015

Background:

Ms. [redacted] was hired into a Customer Care Advocate role in our Customer Care Center on 7/13/2015 and due to poor performance and Ms. [redacted]'s inability to grasp, understand and perform the functions of the position she was hired for her employment was terminated on 8/27/15 due to unsatisfactory performance. During this period of employment Ms. [redacted] was participating in RCN's Customer Care New Hire training program but had great difficulty with the tasks of the position as well as completing assignments and successfully passing required assessments showing her ability to grasp the knowledge necessary to perform her role. During this period of employment Ms. [redacted] expressed concerns regarding her ADD disability to the training staff and the local HR Representatives. RCN provided multiple accommodations per Ms. [redacted] requests to assist her in performing at an acceptable level with the disabilities she stated she suffered from. RCN's accommodations included having her tests read to her by first the trainer, and then she requested another person be assigned to read the tests to her which RCN provided. Additionally after she continued to struggle Ms. [redacted] requested that she have the ability to take her tests in a separate location without the distraction of the members of the class also completing the tests. RCN once again accommodated her request. **Ms. [redacted] apparently also filed a claim with the PHRC claiming discrimination based on her protected race which is white.** Ms. [redacted] believes she was discriminated as a result of her race while the company treated differently other class participants who are minorities who have successfully performed in class and through the testing and onboarding process.

Status :

Ms. [redacted] submitted her claim to the PHRC in September 2015. The PHRC processed the claim, however did not notify RCN of the race discrimination charge until April 2016. The PHRC contacted RCN and requested in May if RCN would be interested in the PHRC's Mediation Program in an attempt to resolve this charge. At this time RCN declined to participate in this program. The PHRC has then issued on May 16, 2016 A Notice Of Charge Of Discrimination and distributed to RCN a Notice of Fact Finding Conference which as tentatively been scheduled for August 16, 2016. At present RCN and our outside counsel are waiting for a formal request of information. These additional requests are pending at the time this report is being completed. **MAY 2017 – Status – RCN Submitted response to PHRC addressing allegations in June 2016, and Fact Finding Conference August 2016 – Decision of PHRC is still pending.**