

SECTION VII CERTIFICATION

This Report must be certified as follows:

- A. By the individual owning the reporting system if individually owned;
- B. By a partner, if a partnership; or
- C. By an officer, if a corporation or association.

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

Signed _____ Title _____

Date _____ Name of Respondent _____

Telephone No. (include area code) _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE OR IMPRISONMENT.
18 U.S.C. 1001.

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain the authority you have been granted. Voluntary responses are so identified.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 95-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

APPENDIX G

Proposed Form 395-A

SECTION V EMPLOYEE DATA

SECTION VI AVAILABLE LABOR FORCE AND OCCUPATIONAL AVAILABILITY DATA

FULL-TIME EMPLOYEE DATA

A.

Job Categor.	T b-k (a)	MALE					FEMALE					WOM (A)	B (B)	H (C)	A (D)	AI (E)
		W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)					
Off. & Managers																
Prof.																
Tech.																
Sales Workers																
Office & Clerical																
Craft Workers																
Oper. (s-skill)																
Laborers (unskill)																
Service Workers																
Total																

SOURCE: Name of area:
(e.g., Adams County, PA,
or New York City PMSA)

APPENDIX G

B. EMPLOYEE PROMOTIONS BY UPPER LEVEL JOB CATEGORIES AND TOTAL
(DATA FOR 12 MONTHS)

Upper Level																
Total																

Attach as Exhibit D reasons use of other labor force data.

C. JOB HIRES BY UPPER LEVEL JOB CATEGORIES AND TOTAL (DATA FOR 12 MONTHS)

Upper Level																
Total																

Emp. Unit ID # _____

PART-TIME EMPLOYEE DATA

D.

Job Categor.	T b-k (a)	MALE					FEMALE					WOM (A)	B (B)	H (C)	A (D)	AI (E)
		W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)					
Off. & Managers																
Prof.																
Tech.																
Sales Workers																
Office & Clerical																
Craft Workers																
Oper. (s-skill)																
Laborers (unskill)																
Service Workers																
Total																

SOURCE: Name of area:
(e.g., Adams County, PA,
or New York City PMSA)

B. PART-TIME EMPLOYEE PROMOTIONS BY UPPER LEVEL JOB CATEGORIES AND TOTAL (DATA FOR 12 MONTHS)

Upper Level											
Total											

Attach as Exhibit D reasons
use of other labor force data

F. PART-TIME JOB HIRES BY UPPER LEVEL JOB CATEGORIES AND TOTAL (DATA FOR 12 MONTHS)

Upper Level											
Total											

Emp. Unit ID # _____

SECTION VII EMPLOYMENT, PROMOTION, HIRING AND RECRUITMENT DATA FOR SENIOR UPPER-LEVEL SUB-CATEGORIES

A. Instructions -- For each subcategory listed below, provide the number of persons employed, indicating gender and race or national origin during the relevant payroll period. In addition, for each subcategory, list all employees promoted and hired, indicating gender and race or national origin (Data for 12 months).

1. CORPORATE OFFICERS

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

2. GENERAL MANAGER

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

3. CHIEF TECHNICIAN

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

4. **COMPTROLLER**

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

5. **GENERAL SALES MANAGER**

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

6. **PRODUCTION MANAGER**

	MALES						FEMALES				
	T b-k (a)	W (b)	B (c)	H (d)	A (e)	AI (f)	W (g)	B (h)	H (i)	A (j)	AI (k)
Employees											
Promotion											
Hires											

B. **RECRUITMENT INFORMATION.** Please provide a narrative detailing the specific recruitment efforts undertaken for each position within the six sub-categories filled by a new hire. Please include: the recruitment sources contacted for each position; the number of referrals received for each recruitment source (indicating those that were minority and female); the number of applicants received for each position as well as those that were interviewed (indicating those that were female and minority); and the referral source of each successful candidate.

APPENDIX H

Proposed Rule Changes

- A. Part 1 - Practice and Procedure**
- B. Part 73 - Radio Broadcast Service**
- C. Part 76 - Cable Television Service**
- D. Part 100 - Direct Broadcast Satellite Service**

APPENDIX H

I. Parts 1, 73, 76 and 100 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended to read as follows:

A. Part 1 - Practice and Procedure

The authority citation for Part 1 would continue to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; implemented by 5 U.S.C. 552, unless otherwise noted.

1. Subpart E - Complaints, Applications, Tariffs, and Reports Involving Common Carriers.

a. Miscellaneous Reports

1) Section 1.815 Reports of annual employment

a) Paragraph (a) is proposed to be amended as follows:

(a) Except as provided below in paragraph (c), each"

b) A new paragraph (c) is proposed to be added as follows:

(c) Each licensee or permittee of an MMDS system shall be subject to the EEO requirements as set forth in Part 76, Subpart E of these rules. As such, each licensee or permittee with six or more full-time employees shall file with the Commission on or before May 1st of each year, on FCC Form 395-A, an annual employment report.

B. Part 73 - Radio Broadcast Services

The authority citation for Part 73 would continue to read as follows:

Authority: Sections 4 and 303, as amended; 47 U.S.C. Sections 154, 303.

1. Subpart H - Rules Applicable to All Broadcast Stations

a. Section 73.2080 Equal Employment Opportunities

- 1) A new paragraph (d) entitled Mid-Term Review for Television Broadcast Stations is proposed to be added as follows:

Section 73.2080

- (d) Mid-term Review for Television Broadcast Stations The Commission will conduct a mid-term review of the employment practices of each broadcast television station at two and one half years following the station's most recent license expiration date. The Commission will use the employment profile information provided on the first two Form 395-B reports submitted following such license expiration date to determine whether television stations' employment practices as compared to applicable labor force data, are in compliance with the Commission's processing criteria. Broadcast television stations found to fall below the processing criteria will receive a letter noting any necessary improvements identified as a result of the review.

C. Part 76 - Cable Television Service

The authority citation for Part 76 would continue to read as follows:

Authority: Sections 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 307, 308, 309.

1. Subpart A - General

- a. Section 76.5 is proposed to be amended by adding paragraph (jj) to read as follows:

Section 76.5 Definitions

(jj) Multichannel video programming distributor A person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.

2. Subpart E - Equal Employment Opportunity Requirements

- a. Section 76.71 is proposed to be amended by amending paragraph (a) by adding at the end of the paragraph, before the period:

(a)and any multichannel video programming distributor.

- b. Section 76.77 is proposed to be amended by adding paragraph (d) to read as follows:

Section 76.77 Reporting Requirements

(d) Job Category Definitions. The following job category definitions are to be used when classifying employees for purposes of this section:

- (1) Corporate Officers. Employee with official authorization to represent the company in a fiduciary capacity.
- (2) General Manager. Employee who exercises overall responsibility for a cable unit or system.
- (3) Chief Technician. Employee who supervises all technical personnel and maintains the quality and consistency of pictures to cable

television subscribers.

- (4) Comptroller. Employee who manages the activities of the accounting department in the maintenance of the accounting book and other such records.
- (5) General Sales Manager. Employee who selects, trains, supervises and coordinates the direct sales efforts of the unit or system.
- (6) Production Manager. Employee who supervises and schedules the activities of production personnel in the creation of local community programming.
- (7) Managers. Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. This category would include systems managers and assistant managers, program directors and assistant directors, office managers, budget officers, promotion managers, public affairs directors, chief engineers and those holding equivalent positions.
- (8) Professionals. Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, editors, engineers, lawyers and labor relations specialists. This category would include persons engaged in the writing, preparation and reproduction of programming; writers or editors, producers and directors of programs, floor directors, announcers, singers, actors, music librarians and those in similar positions.

- (9) Technicians. Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, engineering aides, junior engineers and electronic technicians. This category would include strand mappers, audio and video engineers, camera technicians (live or film), film processors and light technicians.
- (10) Sales. Occupations engaging wholly or primarily in direct selling. This category would include advertising agents and cable service sales personnel (sales representatives).
- (11) Office and Clerical. Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors of bills and accounts, messengers and clerks, office machine operators, stenographers, typists and secretaries, telephone operators and kindred workers.
- (12) Craft Workers (skilled). Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: hourly paid supervisors who are not members of management, mechanics and repair workers,

electricians and motion picture projectionists.

- (13) Operatives (semi-skilled). Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices, operatives, truck and tractor drivers, welders, installers, line workers, splicers and trenching machine operators.

Note: Apprentices are persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship regardless of whether the program is registered with a Federal or State Agency.

- (14) Laborers (unskilled). Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: gardeners and groundskeepers, laborers performing lifting or digging, stage hands and kindred workers.

- (15) Service Workers. Workers in both protective and nonprotective service occupations. Includes: char workers and cleaners, elevator operators, guards and watch workers, janitors, and kindred workers.

Note: A person who does more than one job is to be listed in the job category which represents the most frequently performed task by that person; with the exception of persons within the first six categories, a person is to be listed only once. Specific job titles listed in the categories above are merely illustrative. The proper categorization

of any employee depends on the kind and level of the employee's responsibilities.

D. Part 100 - Direct Broadcast Satellite Service

The authority citation for Part 100 would continue to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

1. Subpart D - Operating Requirements

a. Section 100.51 Equal employment opportunities

- 1) Paragraph (d) is proposed to be amended as follows:

Each licensee or permittee with six or more full-time employees shall file an annual employment report with the FCC on or before May 1st of each year on FCC Form 395-A in accordance with the EEO provisions as set forth in Part 76, Subpart E of these rules.

- 2) Paragraph (e) is proposed to be added as follows:

Each station shall be subject to the requirements and review as set forth in Part 76, Subpart E of these rules.

APPENDIX I

Example of Current Labor Force Statistics for Job Categories

SECTION V EMPLOYEE DATA

SECTION VI AVAILABLE LABOR FORCE AND OCCUPATIONAL AVAILABILITY DATA

Full-Time and Part-Time Paid Employee Data

A.	JOB CATEGORIES	MALE					FEMALE					Women (A)	Blacks (B)	Hispanics (C)	Asian (D)	American Indian (E)
		TOTAL (b-k) (a)	White (Not Hispanic) (b)	Black (Not Hispanic) (c)	Hispanic (d)	Asian or Pacific Islander (e)	American Indian, Alaskan Native (f)	White (Not Hispanic) (g)	Black (Not Hispanic) (h)	Hispanic (i)	Asian or Pacific Islander (j)					
1.	Officials & Managers	3	2				1					25.4	11.4	3.6	0.4	0.2
2.	Professionals											48.5	18.2	3.3	1.1	0.0
3.	Technicians	2	1	1								42.6	20.1	3.9	1.3	0.1
4.	Sales Workers	3					2	1				52.8	16.9	4.0	0.6	0.2
5.	Office and Clerical											74.9	22.6	3.9	0.6	0.1
6.	Craft Workers (Skilled)											5.1	19.9	4.4	0.6	0.2
7.	Operatives (Semi-skilled)	4	3	1								17.2	41.6	4.5	1.3	0.3
8.	Laborers (Unskilled)											11.4	47.1	4.6	1.7	0.3
9.	Service Workers											58.2	50.9	4.2	0.8	0.2
10.	Total	12	6	2			3	1				41.2	27.2	4.0	0.9	0.2

SOURCE: Name of area: (e.g., Adams County, PA; or New York City PMSA)

B. Employee Promotions By Upper Four Job Categories and Total (Data for 12 months)

Upper Four	1	1							
Total	1	1							

NEW ORLEANS, LOUISIANA (P)MSA 5560

Attach as Exhibit D reasons for use of other labor force data

C. Job Hires By Upper Four Job Categories and Total (Data for 12 months)

Upper Four	1								
Total	2	1					1		

Emp. Unit ID # _____