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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission

In the Matter of)
)
Implementation of Section 22 of the)
Cable Television Consumer Protection)
and Competition Act of 1992)
)
Equal Employment Opportunities)

MM Docket No.
92-261

To: The Commission

JOINT COMMENTS

Cablevision Industries, Inc., Multimedia Cablevision, Inc., Multivision Cable TV Corp., Providence Journal Company,¹ and Sammons Communications, Inc. (hereinafter "Companies"), by their attorneys, hereby submit their Joint Comments in response to the above-captioned Notice of Proposed Rulemaking ("Notice"). Each of the Joint Parties is an owner and operator of cable television systems and, accordingly, will be directly affected by the outcome of this proceeding.

I. INTRODUCTION

Each of the Companies is committed to increasing the representation of minorities and women in the cable television industry and, to that end, pursues a vigorous program of equal employment opportunity within its own operations. In addition to pursuing their own internal EEO policies, the Companies actively participate in the Walter Kaitz Foundation, of which Multivision's President, David Van

¹ Providence Journal Company conducts its cable television operations through its subsidiaries Colony Communications, Inc. and King Videocable Company.

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Valkenburg, has served as chairman, and which the other Companies support both with financial contributions and by employing Walter Kaitz Fellows. In fact, in 1992, CVI employed three minority group members who were Walter Kaitz Fellows, two as management interns at its corporate headquarters and one as Director of New Business Development in a large CVI system in California. Beginning at the end of February, 1993, Colony Communications also will employ a Kaitz Fellow as Operations Manager at one of its cable system employment units.

Supporting and participating in organizations such as the Kaitz Foundation, the National Association of Minorities in Cable and Women in Cable at the national level as well as reaching out to women and minorities in the communities they serve, the Companies are dedicated to equal employment both in principle and in practice. In the Companies' view, an effective equal employment opportunity program requires a major commitment of corporate resources for recruitment, training, and development of fair and innovative personnel practices and procedures. Having made this commitment, the Companies object to the diversion of corporate resources from these important activities to the production of burdensome and needless paperwork.

The Companies recognize that many of the Notice's proposed modifications to the Commission's Annual Employment

Report and the additional reporting burdens that will result are expressly required by Section 22 of the 1992 Act. Nevertheless, the Companies wish to suggest some ways to eliminate or reduce burdensome or duplicative aspects of the new reporting requirements in areas over which the Commission does have some discretion.

II. BACKGROUND

The current Annual Employment Report for cable television systems, FCC Form 395-A, consists of four pages. For the Companies, all multiple system operators,² the annual preparation of these reports is extremely time consuming. Even though the Companies' employment units engage in periodic internal reporting and analysis of employment activity during the year, each local office must spend several hours compiling the information in the format necessary for the Annual FCC Report. For large employment units that experience frequent hiring activity or systems that must submit a Supplemental Investigation Sheet, preparation time is even greater, sometimes consuming as much as twenty hours per filing from initial preparation in the field through corporate review. In all, another of the

² In 1992, CVI filed Annual Employment Reports for 52 employment units, Sammons filed for 39, Providence Journal's cable subsidiaries filed for 29, Multivision filed for 26 and Multimedia filed for 14.

Companies estimate that it spent anywhere from 40 to 60 hours just in corporate level review and analysis of these Reports.

The 1992 Cable Act requires the Commission to collect additional information that, as proposed in the Notice, will increase the form from its current four pages to over 20 pages!³ Besides the hours consumed in filling out the additional grids and charts, the sheer bulk of the resulting reports will be staggering.

While the Companies appreciate the importance of performance monitoring (and regularly engage in that activity themselves), they seriously question how much the public interest in general and the cause of equal employment opportunity in particular will benefit from the tremendous increase in time and energy that will be spent not just by cable companies, in preparing the forms, but also by the

³ The Commission's proposed form contains:

- (i) 1 additional page for reporting part-time employees by job category;
- (ii) 2 additional pages for reporting employees, hires and promotions within six new job categories;
- (iii) at least 1 more page for providing information on recruitment efforts and applicant data for hires in the new job categories; and
- (iv) at least 15 more pages to list employees by job title within each of the fifteen job categories.

Commission, in processing and storing them. It certainly seems that some of the resources consumed by this paperwork would be better put toward expanding recruitment sources, improving training and communications and other activities.

III. RESPONSE TO PROPOSAL AND SUGGESTIONS:

Given the current unavailability of labor force data for the six new job categories, the Companies support the Commission's tentative conclusion to continue providing statistical information only in the aggregate and for the existing nine job categories. It is neither necessary nor sufficiently beneficial to expend limited Commission resources on developing the data base necessary to provide this information for the additional categories.

In addition, the Companies offer the following suggestions for minimizing the paperwork burden that the Act creates:

1. The Commission should modify the proposed definition of the new job category for Corporate Officers.

As it now stands, the proposed definition of the new job category Corporate Officers ("employee with official authorization to represent the company in a fiduciary capacity") is confusingly vague. In addition, because it could include employees who are not regular "principal decision makers," it does not meet the statutory requirement

of § 554(d)(3)(B). The Companies urge the Commission to adopt in its stead a clearer, more specific definition based upon general corporate law: A Corporate Officer includes any employee who is an Official and Manager and who also holds a corporate office (e.g., President or Vice President) as designated in the Articles of Incorporation, Articles of Partnership or By-laws of the company by which he or she is employed.⁴ In addition, the Commission should clarify the procedures for reporting individuals who may serve as Corporate Officers but also hold a position in another of the six new job categories. In several of the Companies, system general managers can be Vice Presidents of their respective corporations. It is not clear from the Notice whether the Commission intends for these individuals to be listed under both categories or under one. If under just one, the Commission should clarify which.

2. The Commission should eliminate from the Supplemental Investigation Sheet duplicative information that the statute now requires to be provided on an annual basis.

Under current reporting procedures, the Supplemental Investigation Sheet that cable employment units are required to submit with their Annual Reports at least once every five

⁴ Cross-reference with the Officials and Managers category is utilized to eliminate employees who hold corporate offices such as Secretary or Assistant Secretary, that are mainly ministerial in nature, even though they may have some fiduciary characteristics.

years requires cable systems to provide job descriptions for certain positions and a breakdown of employees by race or national origin and gender within each position described. If cable employment units must submit separate employee breakdowns for all positions within each job category as part of the Annual Report, providing such breakdowns in the Supplemental Investigation has become superfluous and should be eliminated.

3. Detailed applicant data should not be required routinely on an annual basis.

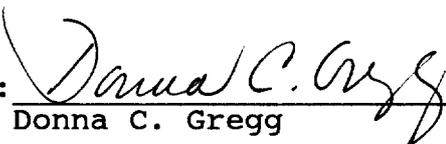
The Companies submit that the results of hiring efforts, together with an employment unit's responses to the questions posed in Section III of the Report, provides sufficient information to enable the Commission "to evaluate the efforts of entities to comply" with the provisions of paragraph (2) of subsection 554(d) of the Act. If a filing entity determines that its response to these items does not adequately reflect its efforts, it can submit details concerning sources contacted, referral rate and so forth. Providing detailed applicant data and a narrative on recruitment efforts for filing particular openings adds significantly to the burden of completing the annual report. The Companies urge the Commission to require this information only when the employment unit does not wish to be evaluated on the basis of Section III responses and hiring results alone.

IV. CONCLUSION

The Companies endorse the principles of equal employment opportunity in policy and practice, but recommend the foregoing modifications to the Commission's proposed rules and filing procedures so that efforts and resources will be dedicated to activities that make a difference and will not be consumed in unnecessary paperwork.

Respectfully submitted,

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