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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

REPLY COMMENTS

Comcast Corporation, Jones Intercable, Inc., and
Newhouse Broadcasting Corporation (the "Joint Parties")
submit their Reply Comments in response to the Commission's
Notice of Proposed Rulemaking^{1/} ("Notice") in the above-
captioned proceeding.

INTRODUCTION

In response to the Notice, commentators
generally supported the Commission's existing job
classifications. The Joint Parties also support the
existing job classifications, but believe that the
Commission should modify two job descriptions. The Joint
Parties support the suggestion that the Commission work with
other agencies responsible for equal employment opportunity

^{1/} MM Docket No. 92-261, FCC 92-539 (released Jan. 5,
1993)

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enforcement in order to lessen administrative burdens on cable operators. In lieu of requiring recruitment narratives on each 395A form, the Commission should randomly request information regarding cable systems' outreach efforts.

Job Classifications

The Commission's job classifications should provide sufficient guidance to cable operators so that employees can be reported accurately, but job classifications must also be flexible enough to accommodate the job descriptions of a variety of cable television operators. While the job descriptions the Commission has been using generally do not require modification, the Joint Parties agree with the commentors that two of the proposed descriptions require revision.^{2/} The definition of corporate officer is too broad. The "fiduciary" test is not an appropriate standard to define a corporate officer because a company would be required to classify an employee as an officer regardless of the limited role that the employee had as a fiduciary. An employee who functions in a limited capacity as a fiduciary will generally not function as a corporate officer in other respects. The Joint Parties believe that the definition of corporate office proposed by

^{2/} NCTA Comments, 15; Warner Cable at 3; Continental Cablevision at 3.

the NCTA will identify those individuals that qualify as corporate officers without being overly inclusive.

In contrast, the Commission's proposed definition of a chief technician is too narrow because it does not account for the varied responsibilities of an individual who holds such a position. A chief technician should have advanced technical training and managerial responsibilities. A chief technician or its equivalent should be classified as:

An individual with one or more of the following responsibilities: overseeing a system's technical operations, setting profit and loss goals, preparing budgets and approving capital expenditures for the technical department of a cable system.

The functions of a chief technician (who may also be designated as a plant manager or hold a similar title) will vary according to the size of a system. In some cases, a system will not employ a chief technician, but instead a chief engineer, which the Commission proposes to place in the "Manager" category. The designation of an employee as a chief technician might be appropriate where, for example, a group of systems is managed on a regional basis, or where an individual supervises a system serving a large metropolitan area. Operators should have wide discretion to determine the proper classification of this technical position based on the employee's management responsibilities.

Another example of a category in which flexibility is needed is that of a customer service representative ("CSR"). One commentor proposes that the designation of a CSR be specifically included in the clerical category.^{3/} In some cases, however, CSRs may also undertake sales functions as an integral part of their duties. The Commission should reaffirm that its definitions are only for illustrative purposes, and that the proper categorization of any employee depends on the level of the employee's responsibilities regardless of the specific job title that the employee may hold.

The Commission Should Use a Random Selection Procedure To Obtain Additional Job Recruitment Information.

The Commission proposes that operators file narratives that detail the specific recruitment efforts undertaken for each position filled by new hires within the six sub-categories. Two of the commentors believe that this requirement is not necessary, while another requests the Commission to permit the submission of lists of outreach sources on pre-approved formats. While recognizing that it is imperative to ensure the cable industry improve its performance of employing women and minorities in these top categories, the Joint Parties believe the same goal can be accomplished by requiring that this information be submitted

^{3/} Comments of Cole, Raywid & Braverman at 5.

from independent operators and MSOs on a random basis. The Commission could require an MSO to provide this information for 20% of its 395A reports. The MSO would not know in advance which employment units were to be designated to provide this information because the units could be randomly selected when the 395A reports were mailed. Therefore, a company would have every incentive to maintain records for each of its units in conformity with the Commission's EEO requirements. Similarly, the Commission could randomly require independent operators to submit this information, thereby ensuring compliance by the industry as a whole. This proposal would decrease the paperwork burden for operators, and it would also lessen the administrative burdens on the Commission. It would also ensure that operators would conduct outreach efforts and maintain the necessary records.

Interagency Uniform Reporting Periods Should
be Established.

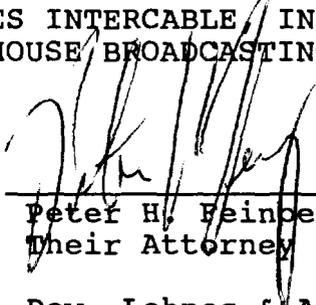
The Joint Parties support the suggestion of several parties that the Commission coordinate with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs to standardize EEO reporting dates. The requirement to compile multiple sets of statistics which are used by different agencies to monitor EEO compliance is administratively burdensome,

and should be modified so that companies can use a single time period to compile their reports.

Respectfully submitted,

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