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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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

REPLY COMMENTS OF THE
CABLE TELEVISION HUMAN RESOURCES ASSOCIATION

INTRODUCTION

The Cable Television Human Resources Association ("CTHRA") submits reply comments on the Notice of Proposed Rule Making ("NPRM") implementing the Equal Employment Opportunity (EEO) provisions set forth in Section 22 of the Cable Television Consumer Protection and Competition Act of 1992 (the "Act"). CTHRA, which was formed in 1992, is dedicated to supporting the human resources function for the cable industry. Its current board of directors includes senior human resources executives from the firms of Colony Cable, Comcast Communications, Continental Cablevision, Cox Cable Communications, Home Box Office, Nashville Network, Sammons Communications, Showtime Network, Paragon Cable, Times Mirror Cable Television,

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Time-Warner, TKR Cable, Turner Broadcasting, USA Network and Warren, Morrison, Madison, LTD.

CTHRA's general membership includes representatives of most cable operators, programming companies, and related cable industry organizations. CTHRA provides to its members information, comparative analyses and training in such areas as compensation, workforce diversity, organizational assessment, benefits and work place regulations. Our reply will focus on four aspects of the NPRM in order to assist the Commission in developing its revised EEO rules.

1. DEFINITIONS OF NEW JOB CATEGORIES

CTHRA supports the Commission's decision not to re-examine the definitions of the existing job categories. By this, we concur with the comments of several cable operators in support of the Commission's current definition of the existing job categories. CTHRA concurs with most responses^{1/} to the NPRM that the definitions of "Corporate Officers", "Chief Technician" and "General Sales Manager" are overly broad. CTHRA supports the National Cable Television Association's definition

^{1/} Including comments of cable industry representatives Time Warner, Inc., National Cable Television Association, Continental Cablevision, Inc., and Cablevision Industries.

of "Corporate Officers" which includes the term "senior executive":

"A senior executive, as defined by the company, with responsibility for the overall operation of the company. "Corporate Officers" may include, but are not limited to, persons with the title of Chairman of the Board, Chairman of the Executive Committee, President, Executive Vice President, Senior Vice President, Vice President for Programming, Vice President for Human Resources, Secretary, Treasurer and General Counsel. Different companies may employ different titles for particular positions. Corporate officers are generally located at corporate headquarters rather than at the local level. The general manager of a local cable system will normally not be treated as a corporate officer for purposes of these rules."

We concur with commenters who noted that the title "Chief Technician" is outdated in the cable television industry and does not truly describe the person who has overall technical responsibility for the transmission of a clear and consistent, quality picture to cable television subscribers. Our member organizations typically use the titles "Technical Operations Manager", "Chief Engineer", or "Technical Manager".

"General Sales Manager" invites overlap of key cable industry positions in marketing, telemarketing, and sales. CTHRA concurs with the definition proposed by Cole, Raywid and Braverman for this position which would include only

individuals engaged in direct customer contact for the purpose of product and service promotion.

The Commission in its NPRM has not made it clear how to record a "Corporate Officer" who may also be a "Comptroller". CTHRA supports the comments of others who have requested further clarification as to the reporting of "double" positions.

2. CTHRA IS A SOURCE OF INFORMATION FOR THE COMMISSION

By these reply comments, CTHRA offers the Commission its services as a resource for assisting in the development of final definitions for the newly designated six job categories. Further, we are available as an entity to assist or provide counsel in the implementation of the Equal Employment Opportunities provision of the 1992 Cable Act.

3. THE COMMISSION SHOULD NOT ENGAGE IN A COMPETENCY-BASED ANALYSIS

CTHRA concurs with the responses of its members Time Warner Cable and Continental Cablevision in that the Act's reference to "qualified" minorities and women does not require the Commission to adopt a new "competency-based analysis".

4. THE COMMISSION SHOULD SEEK THE RECONCILIATION OF DIFFERING STATISTICAL EEO FILING DATES WITH OTHER GOVERNMENT AGENCIES AND DEPARTMENTS

The FCC and the Equal Employment Opportunity Commission (EEOC) require the same statistical data for their respective 395-A and EEO-1 reports. However, the FCC's filing date in May and the EEOC's filing date in November necessitates an exhaustive separate compilation of the statistics twice a year by our members' organizations. Further, our members who provide service to military bases or other federal institutions, and thus are considered federal contractors, are required to prepare similar statistical data for the U.S. Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP"). CTHRA concurs with the comments of our member organizations on this matter and other commenters in this proceeding who urge the FCC to seek reconciliation of filing dates and reports to relieve our members of burdensome overlapping requirements.

In summary, CTHRA suggests the Commission utilize the resources of our organization in developing and implementing its revised EEO rules; reconcile the reporting requirements that essentially duplicate requirements of other government departments and agencies; clarify job descriptions of certain

new job categories identified in this report; and adopt its proposed standard of the "relevant labor market" as supported by CTHRA's member organizations.

Respectfully submitted,

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