

INSTRUCTIONS FOR COMPLETION OF FCC FORM 395 COMMON CARRIER ANNUAL EMPLOYMENT REPORT

A. Who Must File: The FCC Form 395, Common Carrier Annual Employment Report, is to be filed by all licensees and permittees of common carrier stations with sixteen (16) or more full-time employees, as required by 47 CFR 1.815 (see item D, below).

B. How and When to File Respondents must file all FCC Form 395 Reports, including resubmissions, in WC Docket No. 16-233 using the Commission's Electronic Comment Filing System (ECFS). (See item J, below, for details about filing Form 395 in ECFS.)

NOTE: DO NOT SUBMIT CONFIDENTIAL DOCUMENTS USING ECFS. CONFIDENTIAL DOCUMENTS MUST BE SUBMITTED ON PAPER TO THE OFFICE OF THE SECRETARY. ALL DOCUMENTS SUBMITTED THROUGH ECFS ARE MADE AVAILABLE TO THE PUBLIC.

All requests for confidential treatment of FCC Form 395 data should be filed consistent with Section 0.459 of the Commission's rules, 47 CFR § 0.459. A carrier seeking confidential treatment of certain Form 395 data must file a redacted (public) version of its Form 395 Report using ECFS, and also file a non-redacted version, for which confidentiality is requested, along with respondent's request for confidentiality, with the *Federal Communications Commission, Office of the Secretary, 9050 Junction Drive, Annapolis Junction, MD 20701*.

The completed report must be filed by May 31 of each year.

C. Reporting Period (item 3 of FCC Form 395): The employment data being filed must reflect the employment figures from any one payroll period in January, February, or March. The same payroll period should be used in each year's report.

D. Number of Full-Time Employees (item 4 of FCC Form 395): (1) If the filing concerns a reporting unit that had fewer than sixteen (16) full-time employees during the selected payroll period (see item C, above), no Form 395 filing is required. Such a reporting unit, however, may fill in Sections I, IV, and V of the form and submit it to comply with the respondent's reporting obligations under 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

(2) If the filing concerns a reporting unit that had 16 or more full-time employees during the selected payroll period, all sections of the report should be completed.

E. Minority Group Identification

1. Self-identification is the preferred method of identifying the race and ethnic information necessary for the FCC Form 395 report. Employers are required to attempt to allow employees to use self-identification to complete the FCC Form 395 report. If an employee declines to self-identify, employment records or observer identification may be used.

2. FCC Form 395 provides for reporting Hispanics or Latinos, Whites (non-Hispanic), Blacks or African Americans (non-Hispanic), Native Hawaiian or other Pacific Islanders, Asians, American Indians or Alaska Natives and persons of two or more races, whenever such persons are employed. The category that most closely reflects the individual's recognition in his or her community should be used to report persons of mixed racial and/or ethnic origins.

F. Race/Ethnic Categories

1. Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

2. White (Not Hispanic or Latino): A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

3. Black or African American (Not Hispanic or Latino): A person having origins in any of the black racial groups of Africa.

4. Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino): A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

5. Asian (Not Hispanic or Latino): A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

6. American Indian or Alaska Native (Not Hispanic or Latino): A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

7. Two or More Races (Not Hispanic or Latino): All persons who identify with more than one of the above six races.

G. Job Categories

The following job category definitions are provided for your guidance and may be used in completing FCC Form 395. A person who works in more than one job category is to be included in the one that represents the most important work done by that individual and is to be listed only once. Specific job titles enumerated below are not all-inclusive or rigid. The proper categorization of any employee depends on the kind and level of the employee's responsibilities.

1. Executive/Senior Level Officials and Managers: Individuals who plan, direct and formulate policies, set strategy and provide the overall direction of enterprises/organizations for the development and delivery of products or services, within the parameters approved by boards of directors or other governing bodies. Residing in

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the highest levels of organizations, these executives plan, direct or coordinate activities with the support of subordinate executives and staff managers. They include, in larger organizations, those individuals within two reporting levels of the CEO, whose responsibilities require frequent interaction with the CEO. Examples of these kinds of managers are: chief executive officers, chief operating officers, chief financial officers, line of business heads, presidents or executive vice presidents of functional areas or operating groups, chief information officers, chief human resources officers, chief marketing officers, chief legal officers, management directors and managing partners.

2. First/Mid-Level Officials and Managers: Individuals who serve as managers, other than those who serve as Executive/Senior Level Officials and Managers, including those who oversee and direct the delivery of products, services or functions at group, regional or divisional levels of organizations. These managers receive directions from the Executive/Senior Level management and typically lead major business units. They implement policies, programs and directives of executive/senior management through subordinate managers and within the parameters set by Executive/Senior Level management. Examples of these kinds of managers are: vice presidents and directors, group, regional or divisional controllers, treasurers, human resources, information systems, marketing, and operations managers. The First/Mid-Level Officials and Managers subcategory also includes those who report directly to middle managers. These individuals serve at functional, line of business segment or branch levels and are responsible for directing and executing the day-to-day operational objectives of enterprises/organizations, conveying the directions of higher level officials and managers to subordinate personnel and, in some instances directly supervising the activities of exempt and non-exempt personnel. Examples of these kinds of managers are: first-line managers, team managers, unit managers, operations and production managers, branch managers, administrative service managers, purchasing and transportation managers, storage and distribution managers, call center or customer service managers, technical support managers, and brand or product managers.

3. Professionals: Most jobs in this category require bachelor and graduate degrees, and/or professional certification. In some instances, comparable experience may establish a persons qualifications. Examples of these kinds of positions include: accountants and auditors; airplane pilots and flight engineers; architects; artists; chemists; computer programmers; designers; dieticians; editors; engineers; lawyers; librarians; mathematical scientists; natural scientists; registered nurses; physical scientists; physicians and surgeons; social scientists; teachers; and surveyors.

4. Technicians: Jobs in this category include activities that require applied scientific skills, usually obtained by post secondary education of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required. Examples of these types of positions include: drafters; emergency medical technicians; chemical technicians; and broadcast and sound engineering technicians.

5. Sales Workers: These jobs include non-managerial activities that wholly and primarily involve direct sales. Examples of these types of positions include: advertising sales agents; insurance sales agents; real estate brokers and sales agents; wholesale sales representatives; securities, commodities, and financial services sales agents; telemarketers; demonstrators; retail salespersons; counter and rental clerks; and cashiers.

6. Administrative Support Workers: These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings. Examples of these types of positions include: office and administrative support workers; bookkeeping; accounting and auditing clerks; cargo and freight agents; dispatchers; couriers; data entry keyers; computer operators; shipping, receiving and traffic clerks; word processors and typists; proofreaders; desktop publishers; and general office clerks.

7. Craft Workers (formerly Craft Workers (Skilled)): Most jobs in this category includes higher skilled occupations in construction (building trades craft workers and their formal apprentices) and natural resource extraction workers. Examples of these types of positions include: boilermakers; brick and stone masons; carpenters; electricians; painters (both construction and maintenance); glaziers; pipelayers, plumbers, pipefitters and steamfitters; plasterers; roofers; elevator installers; earth drillers; derrick operators; oil and gas rotary drill operators; and blasters and explosive workers. This category also includes occupations related to the installation, maintenance and part replacement of equipment, machines and tools, such as: automotive mechanics; aircraft mechanics; and electric and electronic equipment repairers. This category also includes some production occupations that are distinguished by the high degree of skill and precision required to perform them, based on clearly defined task specifications, such as: millwrights; etchers and engravers; tool and die makers; and pattern makers.

8. Operatives (formerly Operatives (Semi-skilled)): Most jobs in this category include intermediate skilled occupations and include workers who operate machines or factory-related processing equipment. Most of these occupations do not usually require more than several months of training. Examples include: textile machine workers; laundry and dry cleaning workers; photographic process workers; weaving machine operators; electrical and electronic equipment assemblers; semiconductor processors; testers, graders and sorters; bakers; and butchers and other meat, poultry and fish processing workers. This category also includes occupations of generally intermediate skill levels that are concerned with operating and controlling equipment to facilitate the movement of people or materials, such as: bridge and lock tenders; truck, bus or taxi drivers; industrial truck and tractor (forklift) operators; parking lot attendants; sailors; conveyor operators; and hand packers and packagers.

9. Laborers and Helpers (formerly Laborers (Unskilled)): Jobs in this category include workers with more limited skills who require only brief training to perform tasks that require little or no independent judgment. Examples include:

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production and construction worker helpers; vehicle and equipment cleaners; laborers; freight, stock and material movers; service station attendants; construction laborers; refuse and recyclable materials collectors; septic tank servicers; and sewer pipe cleaners.

10. **Service Workers:** Jobs in this category include food service, cleaning service, personal service, and protective service activities. Skill may be acquired through formal training, job-related training or direct experience. Examples of food service positions include: cooks; bartenders; and other food service workers. Examples of personal service positions include: medical assistants and other healthcare support positions; hairdressers; ushers; and transportation attendants. Examples of cleaning service positions include: cleaners; janitors; and porters. Examples of protective service positions include: transit and railroad police and fire fighters; guards; private detectives and investigators.

See EEOC EEO-1 instruction booklet at <https://www.eeoc.gov/employers/eeo1survey/2007instruction.s.cfm> for additional guidance pertaining to race and ethnic identification and descriptions of job categories.

H. Report of Discrimination Complaints

All common carrier licensees and permittees are required by 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311 to file a report of equal employment opportunity discrimination complaints brought against them. Section IV makes this complaints report a part of the annual employment report for those reporting units that file Form 395 (see item D, above).

I. **Certification.** FCC Form 395 must be certified: by the licensee or permittee, if an individual; by a partner, if a partnership; by an officer, if a corporation or association; or by an attorney of the licensee or permittee, in case of his or her disability or absence from the United States.

J. **Submitting Form 395 using ECFS.** Respondents can upload files containing completed and certified Form 395 Reports at the ECFS “Submit a Filing” web page located at <https://www.fcc.gov/ecfs/filings>.

To file Form 395 using ECFS, enter the following information where indicated on the ECFS “Submit a Filing” web page:

1. **Proceeding** – Enter “16-233”.
2. **Name of Filer** – Enter the respondent’s name exactly as it appears in “SECTION 1 – General Information” of the respondent’s FCC Form 395.
3. **Primary Contact Email:** Enter the email address of a person that the Commission can contact if it has questions about or problems with the ECFS filing.
4. **Type of Filing** – Select “Report” from the drop down menu.
5. **Address** – In the **Address of** field, select “Filer” and enter respondent’s address in the address fields as it

appears in “SECTION 1 – General Information” of respondent’s FCC Form 395.

6. **Upload Documents** – Click inside the box to upload the file containing a completed and certified copy of respondent’s Form 395 for the filing year. For respondents seeking confidential treatment of Form 395 data, this file should contain the redacted version of the respondent’s completed and certified form.

- **Description:** When prompted to enter a description for the uploaded document, enter “XXXX FORM 395 [Respondent’s Name]”, where “XXXX” is the filing year. When filing a revision, use “XXXX FORM 395 Rev. N [Respondent’s Name]” where “XXXX” is the filing year and “N” is the revision number.

7. **Email Confirmation** – Check the box to receive an email confirmation of the submission.

After entering this information, click “**Continue to review screen.**” When satisfied with your entries, click “**Submit**” to formally file the data with the Commission. When ECFS accepts the filing, it will return a confirmation page and confirmation number that can be used later to track the status of the filing. **Take note of this number.** If you opted earlier to receive an email confirmation of your submission, you will also receive the confirmation number in an email.

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

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934, as amended. The data collected will be used to assess compliance with the FCC rules and regulations pertaining to EEO requirements. Failure to file the FCC Form 395 in accordance with the Commission’s rules and these instructions may lead to enforcement action pursuant to the Act and other applicable law. Information requested by this form will be available for public inspection. Your response is mandatory.

The public reporting burden for this collection of information is estimated to average one hour per response, including the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the report. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0076), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS. (Follow the instructions given in item B, above, to respond to this information collection.) Remember: You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice.

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THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.