



Montgomery County Government

M E M O R A N D U M

October 8, 1985

TO: County Council

FROM: Andrew Mansinne, Jr., Director, Office of Legislative Oversight

SUBJECT: Report of Investigation into Tribune-United Cable's Record of Compliance with the Provisions of Section 39 of the Franchise Agreement Related to Employment and Training of Minorities and Females, and Procurement of Goods and Services from Minority, Female and Disabled-Owned Businesses

I. AUTHORITY

1. This investigation was conducted during the period August 7, 1985 through September 27, 1985 by the Council's Office of Legislative Oversight (OLO) under the authority of Chapter 29A, Montgomery County Code, 1984.

2. The specific directive to conduct the investigation was a memorandum from Council President Michael L. Gudis, dated August 7, 1985 (Attachment A).

II. MATTERS INVESTIGATED, METHODOLOGY, AND ORGANIZATION OF REPORT

1. This investigation was conducted to collect and evaluate all information concerning the record of compliance by Tribune-United Cable of Montgomery County with Section 39, Employment, Training and Procurement Requirements, of the Franchise Agreement dated May 25, 1983, between Tribune-United Cable of Montgomery County and the Montgomery County government (copy at Attachment B). Specifically, this investigation examined compliance in three areas:

•Section 39(A), Employment: Tribune-United is required to submit an Affirmative Action Plan and to make reasonable and good faith efforts to meet specific affirmative action hiring goals for females, minorities, and handicapped individuals. Tribune-United is also required to submit reports documenting progress made towards meeting the established hiring goals.

•Section 39(B), Training: Tribune-United is required to cooperate with the Corporation for Technological Training (CTT) which will recruit and train local workers for entry-level cable construction and technical positions. Tribune-United is required to fund CTT at specified levels for three years; and Tribune-United is required to offer employment, either directly or through contractors, to at least 90% of the training program graduates. Tribune-United is also required to provide training on an on-going basis to its employees so they can maintain and upgrade their skills.

•Section 39(C), Procurement: Tribune-United is required to maintain an affirmative action program to purchase goods and services from minority, female and disabled-owned (MFD) businesses. The program goal is for 10% of the dollar value of all goods and services purchased or contracted by Tribune-United and its contractors to go to MFD firms. Tribune-United is also required to comply with Exhibit B, MFD Procurement to the Franchise Agreement which provides detailed requirements and commitments relating to contracting with MFD businesses.

2. Methodology. The investigation was conducted through personal interviews with management and staff of Tribune-United; subcontractors of Tribune-United; Councilmembers; County officials and staff associated with the cable franchise; officials and staff of major cable companies in other jurisdictions and the local governments responsible for monitoring the performance of those companies; staff of Montgomery College and CTT/TOEG; members of the Cable Communications Advisory Committee; MFD vendors; and local citizens. In addition, a detailed examination and review was conducted of pertinent documents, (Franchise Agreement, contracts, affirmative action plans, the Cable Plan and cable legislation), correspondence, meeting minutes, and reports. During this investigation, OLO received the full cooperation and assistance from all parties.

3. Organization of the Report. Each of the three areas are examined separately in this report:

- Employment begins on page 4;
- Training begins on page 13; and
- MFD Procurement begins on page 20.

Conclusions and recommendations begin on page 28.

III. BACKGROUND

On May 25, 1983, the County awarded a franchise to Tribune-United Cable of Montgomery County to construct and operate a cable television system in the County. Tribune-United was one of eight applicants submitting a proposal. Selection of Tribune-United followed a lengthy process of public hearings, evaluation by the Cable Television Advisory Committee, and negotiations of the final Franchise Agreement between the Executive branch and Tribune-United.

One of the criterion used in evaluating the proposals was the eight applicants' response to a section in the Request for Proposal titled,

Employment, Training, and Procurement Policy. This section related to the applicants' plan to employ and train minorities, females and the handicapped; and to contract and purchase from minority, female and disabled-owned businesses.

Tribune-United's proposal in this area was one of the issues negotiated between the County and Tribune-United, and the final commitments which Tribune-United consciously and deliberately agreed to fulfill were included in the Franchise Agreement as Section 39, Employment, Training and Procurement Requirements. It is Tribune-United's compliance with this section which the Council directed the Office of Legislative Oversight to investigate.

In reviewing this report, the reader should be aware of the following groups involved in monitoring Tribune-United's compliance with Section 39, Employment, Training and Procurement Requirements, of the Franchise Agreement:

•Cable Office. The Executive branch office responsible for all matters relating to cable television. Originally located in the Office of Management and Budget, it is now part of Executive Management.

•Cable Communications Advisory Committee (CCAC), authorized in Chapter 8A, Montgomery County Code, 1984, and created by Executive Regulation #20-83 to assist the County in oversight of the Franchise Agreement. The Administration Subcommittee of CCAC is responsible for oversight of employment, subcontracting, and procurement practices.

•Ad Hoc Advisory Committee on Cable Television. An internal Executive branch committee created by the County Executive in October 1983 to monitor progress of Tribune-United in minority employment and procurement of services and goods from minority, female and disabled-owned firms. The Committee is composed of representatives from the Human Relations Commission, Commission for Women, Department of Finance (Minority Purchasing Officer), Cable Office, the Personnel Office (Affirmative Action Officer), and the Minority Affairs Office.

Another group that will be referenced in this investigation is the Corporation for Technological Training (CTT):

•CTT/TOEG: CTT was created by the County in March 1983 as a private, non-profit corporation. CTT's mission was to be a facilitator; CTT was expected to design high technology skill training programs and link various private and public sector institutions together to recruit and train students, and to help find employment for training program graduates. In May 1985, CTT as originally constituted was reorganized and the functions of CTT were merged with the Technical Occupations Employment Group (TOEG). CTT/TOEG is now a private, non-profit occupational testing, assessment, career counseling, referral and placement service.

IV. SPECIFIC FRANCHISE REQUIREMENTS, COMPLIANCE AND DISCUSSION

EMPLOYMENT

1. General. Section 39(A) of the Franchise Agreement requires Tribune United to submit an Affirmative Action Plan and make reasonable and good faith efforts to achieve specific affirmative action goals. The following sections will describe the specific requirements and analyze Tribune-United's compliance with them.

2. Affirmative Action Plan

a. Franchise Agreement. Section 39(A) requires Tribune-United to submit an Affirmative Action Plan to the County by July 23, 1983 (within 60 days of the franchise award). The Plan is required to apply to all employment actions and include the designation of a management level Equal Employment Opportunity (EEO) officer.

b. Compliance. On July 22, 1983, Tribune-United submitted a draft Affirmative Action Plan to the County. The draft Plan was reviewed and commented upon by the Ad Hoc Advisory Committee. A first revision of the Affirmative Action Plan was submitted by Tribune-United in August 1983, and a second revision submitted in November 1983.

The County has never formally informed Tribune-United that this third version of the Affirmative Action Plan was either "approved" or "not approved." Tribune-United has interpreted the County's silence as tacit approval of the November 1983 version of their Affirmative Action Plan.

Overall, the Affirmative Action Plan is a statement of Tribune-United's policy commitment to, "make every attempt to meet the goals for women and minorities," specified in the Franchise Agreement. In addition, the Plan outlines a program designed to implement Tribune-United's commitment to provide equal employment opportunities in the areas of recruitment, hiring, transfers, promotion, compensation and other benefits, training, and layoff and recall practices.

As it stands, the Affirmative Action Plan designates the General Manager of Tribune-United as the primary EEO officer. However, in July of 1985, Tribune-United's Manager of Human Resources was designated the person responsible for monitoring Tribune-United's affirmative action hiring activities.

3. Annual Reports

a. Franchise Agreement. Section 39(A) requires Tribune-United to submit reports documenting progress made towards meeting affirmative action goals.

b. Compliance. The record shows that Tribune-United has submitted six reports to the County outlining the number, race and sex of all full-time and part-time workers employed directly by Tribune-United. The reports were submitted on Federal Communications Commission (FCC) Form 395-A, and contain employment profiles as of March 1984, June 1984,

September 1984, May 1985, June 1985, and August 1985. The most recent employment profile is at Attachment C.

On three occasions, (September 1984, January 1985, August 1985), Tribune-United also submitted information on the number, race and sex of workers employed by its contractors. According to Tribune-United's Manager of Human Resources, data on the employees of contractors is collected biannually.

4. Affirmative Action Hiring Goals

a. Franchise Agreement. Section 39(A) requires Tribune-United to make reasonable and good faith efforts to meet specific affirmative action hiring goals within each of the nine FCC job categories.

The nine FCC job categories are: Officials/Managers, Professionals, Technicians, Sales Workers, Office/Clerical Workers, Craftspersons, Operatives, Laborers, and Service Workers. The official job category definitions from the FCC along with a listing of Tribune-United's job titles within each category are at Attachment D.

The specific affirmative action hiring goals stated in the Franchise Agreement are:

- 51.9% Females
- 13.3% Black Males
- 11.4% Black Females
- 2.2% Hispanic Males
- 1.8% Hispanic Females
- 2.2% Asian Males
- 1.8% Asian Females

The overall goal of 51.9% Females was based upon the percentage of Females in the population. The specific percentages for Black, Hispanic, and Asian Males and Females were adopted from the County's 1982 Affirmative Action Plan which established the goals for the County government based upon labor market availability.

b. Compliance. Compliance with this requirement of the Franchise Agreement can be determined by examining the effort made by Tribune-United to achieve the affirmative action goals in conjunction with the demographics of workers hired by Tribune-United. Achievement of affirmative action goals is usually accepted as *prima facie* evidence that a "good faith effort" was undertaken; however, the failure to achieve the goals does not necessarily imply that a "good faith effort" has not been undertaken.

During the course of this investigation, the question was raised as to whether or not the affirmative action hiring goals apply to employees hired by Tribune-United's contractors as well as to employees hired directly by Tribune-United. Although the Franchise Agreement does not clearly specify one way or another, individuals involved with the Franchise recall that the intent was to apply the affirmative action goals for all job opportunities created by the construction and operation of the cable system in Montgomery County.

This report will handle this issue by first evaluating Tribune-United's direct hiring of employees and then evaluating the hiring record of Tribune-United's contractors. In both cases, the data will be presented followed by a discussion of the effort expended to achieve the affirmative action goals.

Employees Hired Directly by Tribune-United

Overview. As of August 31, 1985, less than one-fourth of the specific affirmative action goals established in the Franchise Agreement have actually been met or exceeded. However, in the aggregate, (if all job categories and minority groups are considered together), Tribune-United almost meets the hiring goal for minorities and comes closer to meeting the hiring goal for females. The record as to whether Tribune-United has made a good faith effort to achieve all of the goals is mixed, but has shown improvement.

The Data. For each of the FCC job categories, Table I, which follows on page 6a, shows whether Tribune-United, as of August 31, 1985, had exceeded, met fully, or met at least halfway, the specific affirmative action goals established in the Franchise Agreement. The blank boxes indicate all of the instances where Tribune-United has met less than 50% of the affirmative action goal. Table I also shows the aggregate progress made by Tribune-United across job categories and for all minorities considered together. The data indicate that:

- Of the 56 specific hiring goals established (seven goals for each of the eight job categories in which Tribune-United has hired) only 12, or 21.4% have been met or exceeded. Three additional goals (total Females and Black Males in the Officials/Managers category, and Black Females in the Sales category) have been met at least halfway.

- If all minority groups are aggregated together, then Tribune-United has only 16 specific hiring goals, that is, to hire 32.7% minorities and 51.9% females for each of eight job categories. Of these 16 goals, five, or 31%, have been almost met or exceeded by Tribune-United:

- The 51.9% goal for females is met in the Professional category, exceeded in the Office/Clerical category, and met more than halfway in the top job category of Officials/Managers;
- The 32.7% aggregate goal for minorities is exceeded in three job categories (Professionals, Office/Clerical, Operatives) and almost met in an additional two job categories (Technicians, Sales);
- There has been little or no progress achieved towards meeting the aggregate minority goal in three job categories (Official/Managers, Craftspersons, Laborers), or the total Female goal in three job categories (Technicians, Craftsperson, Laborers).

TABLE I
STATUS OF TRIBUNE-UNITED'S AFFIRMATIVE ACTION HIRING: FULL-TIME EMPLOYEES

	Officials/ Managers	Professionals	Technicians	Sales	Office/ Clerical	Craftspersons	Operatives	Laborers	Service* Workers	Totals
Total Full-Time Employees	14	2	36	24	52	4	9	6	0	147
<u>HIRING GOALS</u>										
1.8% Asian Females										
11.4% Black Females				C (8.3%)	A (30.8%)		B (11.1%)			A (12.9%)
1.8% Hispanic Females					A (1.9%)					C (.68%)
2.2% Asian Males			A (5.6%)		A (3.8%)					A (2.7%)
13.3% Black Males	C (7.1%)	A (50%)	A (22.2%)	A (20.8%)			A (33.3%)			A (14.2%)
2.2% Hispanic Males			A (2.8%)							C (.68%)
51.9% Total Females	C (35.7%)	B (50%)			A (80.8%)					C (38.8%)
32.7% Total Minorities		A (50%)	C (30.6%)	C (29.2%)	A (42.3%)		A (44.4%)			C (31%)

*No employees hired in this job category.

KEY

- A = Goal exceeded
- B = Goal met
- C = Goal met at least 50%
- [] = Goal met less than 50%
- () = Percentage of employees

Source: Tribune-United's August 31, 1985 FCC Form 395-A

•If the data is further aggregated by combining all job categories and all minority groups, then Tribune-United has only two goals, that is, to hire 32.7% minorities and 51.9% females. With a workforce that is 31% minority, Tribune-United comes very close to meeting the first goal; however, even with aggregating all job categories, Tribune-United's workforce is only 38.8% female.

When evaluating Tribune-United's affirmative action hiring record, it must be noted that the County staff responsible for monitoring this section of the Franchise Agreement has accepted a standard which deviates from the actual wording in the Agreement. During the first year of the Franchise Agreement, the Ad Hoc Advisory Committee acknowledged that there was a problem with the mechanical application of the hiring goals. In a number of cases, because of the small number of persons employed in certain job categories, the hiring requirement technically calls for a fraction of a person.

The record shows that the standards of monitoring Tribune-United's affirmative action hiring goals was discussed at a meeting held in March 1984, between the Cable Office, the Ad Hoc Advisory Committee and representatives of Tribune-United. The minutes from this meeting indicate it was "agreed" that the affirmative action goals would be monitored for minorities as a whole, and not for the percentages of the several types of minorities. Apparently, this deviation from the Franchise Agreement has become the standard for monitoring Tribune-United's compliance with Section 39(A).

The Effort. Evidence to support Tribune-United's good faith effort in affirmative action hiring includes the following:

•Tribune-United developed a first draft of their Affirmative Action Plan in a timely manner and worked with the County's Ad Hoc Advisory Committee to revise and improve it;

•In the majority of cases, Tribune-United has followed the outreach and hiring practices outlined in the Affirmative Action Plan;

•Since the fall of 1983, Tribune-United has had regular discussions with the County's Ad Hoc Advisory Committee, and consistently sought their advice on ways to strengthen Tribune-United's affirmative action hiring efforts;

•A review of Tribune-United's hiring practices that was conducted by the County's Division of Employment in late 1984 made a number of critical observations, but concluded overall that, "Tribune-United made increasing efforts to insure equal employment opportunity;" Tribune-United's Manager of Human Resources indicates that almost all of the recommendations offered in the report have been implemented within the past eight months;

•In May 1985, the Ad Hoc Advisory Committee commended Tribune-United for making substantial progress in the area of affirmative action hiring; specifically, the Committee cited the fact that Tribune-United's full-time employment of minorities increased from 15% in September 1983, to 29% in May 1985; and

• In a July 1985 letter to the County Executive, the President of Tribune Cable Communications discussed Tribune-United's sponsorship of a National Cable Television Association program which is dedicated to improving the number of trained minority professionals available in the communications' industry.

While Tribune-United has clearly not ignored affirmative action in its hiring practices, the record indicates a number of situations where Tribune-United could have taken steps at an earlier time to strengthen their efforts to achieve the hiring goals outlined in the Franchise Agreement. Specifically:

• Since the fall of 1984, the Cable Communications Advisory Committee has consistently and openly questioned Tribune-United's good faith efforts to employ females and minorities, especially in senior level management positions. As recently as June 1985, no minorities had been hired in the Officials/Managers job category, and it was not until the summer of 1985 that Tribune-United finally appointed the two senior management positions to monitor EEO and minority procurement.

• The Division of Employment's 1984 review of Tribune-United's recruiting and hiring practices also noted the relative lack of females and minorities in Tribune-United's senior level management jobs. The review recommended a number of steps that Tribune-United could take to strengthen their affirmative action efforts, including:

•• When Tribune-United uses search firms to recruit employees, specific instructions should be provided concerning desired affirmative action hiring results;

•• Tribune-United should consider extending recruitment dates when there is an insufficient number of minority or female applicants; and

•• Tribune-United should consider filling vacancies at a lower or trainee level, or providing on-the-job training to minority and female applicants.

• In June 1985, the Minority Affairs Officer, in a memorandum to the Special Assistant to the County Executive, expressed concern that Tribune-United still had no minorities in the managerial job category. The memorandum noted that, "Members of our staff and the Cable Television Advisory Committee have provided suggestions to Tribune-United officials on ways to recruit minority managers. These ideas have been unacceptable to the firm." The memo goes on to criticize Tribune-United for using their own "network" for recruiting managers, and not circulating notices on managerial positions to the Minority Affairs Office or local minority groups for distribution.

Table II, which follows on page 9, lists the labor availability of minorities and females in the MD-DC-VA Standard Metropolitan Statistical Area for each FCC job category; Table II also shows the percentages of Tribune-United employees in these categories as of August 31, 1985. Although labor availability only exceeds the aggregate Franchise Agreement hiring goals in two job categories for minorities (Office/Clerical,

Laborers) and in two job categories for females (Sales, Office/Clerical), in a number of cases, Tribune-United's hiring of minorities and females even fails to match what the labor availability happens to be:

TABLE II
MD-DC-VA SMSA LABOR MARKET AVAILABILITY

<u>Job Category</u>	<u>Minorities</u>	<u>Females</u>	Employees on Tribune-United's Payroll as of 8/31/85	
			<u>Minorities</u>	<u>Females</u>
Officials/Mngrs	20.8%	37.8%	7.1%	35.7%
Professionals	20.6%	44.8%	50.0%	50.0%
Technicians	28.0%	41.6%	30.6%	5.6%
Sales Workers	21.0%	56.0%	29.2%	20.8%
Office/Clerical	37.0%	75.4%	42.3%	80.8%
Craftspersons (skilled)	28.4%	7.6%	0%	0%
Operatives (semi-skilled)	not available	not available	44.4%	22.2%
Laborers (unskilled)	47.7%	15.3%	0%	0%

Source: U.S. Census Data compiled by County's Division of Employment

•In the job category of Officials/Managers, the availability of minorities is 20.8%, but Tribune-United has hired only 7.1% minorities;

•In the Technicians category, female availability is 41.6%, but Tribune United has hired only 5.6% females;

•In the Sales category, female availability is 56%, but Tribune-United has hired only 20% females, (Tribune-United claims that in the Sales category, they have had a difficult time recruiting females willing to conduct door-to-door sales work during evening hours); and

•In the Craftspersons and Laborers categories, the availability of minorities and females clearly exceeds Tribune-United's record of having no minorities or females in these categories.

Summary. The record on Tribune-United's affirmative action hiring efforts is a mixed one. As was discussed above, although Tribune-United has not ignored affirmative action hiring, there is evidence that

Tribune-United could have and should have done more, especially in the recruitment and hiring of females and minorities in senior level management positions. The labor market availability data underscore that Tribune-United must be more creative and work more diligently to achieve the hiring goals established in the Franchise Agreement.

Employees Hired by Tribune-United's Contractors

Overview. Since the Franchise Agreement was signed in May 1983, Tribune-United has entered into contracts with a number of firms, primarily for construction of the cable system. As part of each bid process, Tribune-United includes the following language regarding equal employment opportunity and affirmative action:

EQUAL OPPORTUNITY

Contractors will be an equal opportunity employer and will not discriminate against employees or applicants for employment on the basis of race, creed, religion, sex or national origin in any employment practices.

AFFIRMATIVE ACTION

In recognition of the importance of developing significant opportunities for minorities, females, and disabled persons, contractors are obliged to work closely with Tribune-United to develop programs to insure excellent opportunities for employment among these specific classes.

Contractors will be expected to assist us in achieving our contractual affirmative actions goals.

As of August 1985, if all contractors are considered together, total minority participation is 30% and total female participation is 6%. The record shows only a marginal effort by Tribune-United to encourage and enforce affirmative action hiring goals among its contractors.

The Data. Affirmative action hiring statistics for Tribune-United's contractors were compiled by Tribune-United and submitted to the County three times since awarding of the Franchise. The reports contain employment profiles of contractors as of September 1984, January 1985, and August 1985. For each contractor, the reports list total staff, total number of Females, and total number of American Indian, Asian, Black and Hispanic Males; no information is provided about job categories or recruitment efforts.

As of August 12, 1985, ten firms were under contract with Tribune-United; this compares with seven contractors in September 1984 and 15 contractors in January 1985. Table III, which follows on page 10a, shows the affirmative action statistics for Tribune-United's contractors as reported to the County over the past year. The data indicate that:

- The percentage of minority employees has increased slightly during the past year from 24.8% to 27.8%;

TABLE III
AFFIRMATIVE ACTION STATISTICS FOR CONTRACTORS

Employment Record Date	Total Number of Employees	MALES				Total Males	FEMALES				Total Number of Contractors	
		Asian	Black	Hispanic	White		Asian	Black	Hispanic	White		
9/14/84	117	5 (4.3)	22 (18.8)	1 (.85)	85 (72.6)	113 (96.6)		1 (.85)		3 (2.6)	4 (3.4)	7
1/16/85	260	12 (4.6)	49 (18.8)	4 (1.5)	178 (68.5)	243 (93.5)					17 (6.5)	15
8/12/85	220	10 (4.5)	47 (21.4)	4 (1.8)	145 ^a (65.9)	206 (93.6)			14 (6.4)	10		

() = %

a) Includes 6 American Indians

•The percentage of Black and Asian males employed exceeds the goals established in the Franchise Agreement for these minority subgroups; and

•The most recent hiring record for females (6.4%) is significantly lower than both the percentage of females employed directly by Tribune-United (38.8%) and the hiring goal (51.9%).

The Effort. The record indicates that Tribune-United's management communicated their interest in equal employment opportunity and affirmative action to contractors, both in writing as part of the contracting process and orally as each contract got underway. However, except for periodically (every 4-8 months) requiring each contractor to submit data on the race and sex of each firm's total labor force, Tribune-United's management does not appear to have consistently emphasized affirmative action hiring as a priority to their contractors.

In January of 1985, the County's Division of Employment reviewed the employment status of Tribune-United's contractors and concluded that, although the recruiting and hiring practices for minorities were adequate, those for women were in need of improvement. The report states:

In summary, we would recommend no changes to the recruiting and hiring practices as they affect minority employment. However, in the case of females, both Tribune-United and its contractors may need to resort to creative recruiting techniques if the numbers of women are to be increased given the availability of females in these occupational categories. We would recommend that the Commission for Women provide technical assistance concerning methods for increasing women's participation in these non-traditional occupations. Similarly, cooperation with the Corporation for Technological Training may be beneficial.

The Division of Employment based the above recommendations on female employment largely upon research which revealed that most of the positions available through Tribune-United's contractors are in the semi-skilled employment category. The availability of females in the DC-MD-VA SMSA for the categories of telephone line installers and repairers and electrical power installers and repairers are 6.2% and 1.2% respectively. From this information, the Division of Employment concluded that the relatively low female employment rate among Tribune-United's contractors, "may be attributable to the general unavailability of women in these EEO categories." This led to the Division of Employment's recommendation that some creative recruiting techniques are necessary.

Conversations with several of Tribune-United's contractors indicated that the contractors are unaware that Tribune-United is committed to specific hiring goals for specific minority groups across all job categories. One contractor indicated that their job advertisements did not even include the designation of their company as an EEO employer. This is inconsistent with Tribune-United's own Affirmative Action Plan which states Tribune-United will inform its contractors of its affirmative action program and enlist their cooperation.

The same conversations with contractors supported the Division of Employment's observation that there is a general shortage of females that apply for the available semi-skilled manual labor positions. A number of contractors told us that few females respond to their job advertisements, and a number of women who have been hired quit within a short time period. The contractors noted that the lack of female applicants is not unique to this geographical area, and that they have experienced the same problem in hiring women all over the country.

Summary. Tribune-United included equal opportunity and affirmative action language in each of their contractor agreements, but has made only a marginal effort to work with their contractors toward achieving the Franchise Agreement's affirmative action goals. As a consequence of the Division of Employment's January 1985 report, Tribune-United does not appear to have implemented any changes in overseeing the hiring practices of its contractors. If Tribune-United is to increase the number of females employed by its contractors, Tribune-United will clearly have to place a higher priority on assisting their contractors to recruit qualified females.

5. Affirmative Action for Handicapped Individuals

a. Franchise Agreement. In May 1983, Tribune United agreed that if the County establishes an affirmative action goal for the handicapped, Tribune-United shall make reasonable and good faith efforts to achieve the same goal. The County's goal for 3% employment representation for severely handicapped individuals at all levels of organizational structure was adopted in the County's July 1, 1983, Handicap Affirmative Action Plan.

b. Compliance. Tribune-United's 3% affirmative action hiring goal for handicapped individuals has been overlooked by both Tribune-United and County staff responsible for administering the Franchise Agreement. As of the time this investigation was conducted, neither the County's Cable Office nor the Manager of Human Resources for Tribune-United were aware that the County's goal for the handicapped has been in place since July 1983.

Although Tribune-United staff responsible for hiring have been operating without knowledge of Tribune-United's Franchise commitment to strive for a 3% hiring goal for handicapped individuals, as of August 31, 1985, Tribune-United had two handicapped employees on their direct payroll; this represents 1.4% of Tribune-United's total staff. Although the County has never requested that Tribune-United report on its progress in meeting hiring goals for the handicapped, Tribune-United's internal record system tracks the number of handicapped individuals who respond to job notices, the number who are interviewed, and the number who are hired. However, no data has been collected about the number of handicapped individuals employed by Tribune-United's contractors.

Tribune-United's recruitment practices have included some outreach to handicapped individuals. A number of organizations for the handicapped (Centers for the Handicapped, National Association of the Deaf, Multiple Sclerosis Job Bank, Gallaudet College) are included on the distribution

list for Tribune-United's job announcements. On at least one occasion, Tribune-United ran a classified advertisement for a data channel programmer that specified this job was an "excellent opportunity for homebound or disabled person."

Summary. Tribune-United's affirmative action goal for hiring handicapped individuals has received little attention from either Tribune-United staff, the County's Cable Office, or the Ad Hoc Advisory Committee. The fact that Tribune-United already has two handicapped employees on its direct payroll indicates that employment opportunities for handicapped individuals are available with the cable company.

TRAINING

1. General. A number of factors make an evaluation of Tribune-United's compliance with the Training Section of the Franchise Agreement very complex:

- What actually happened with cable-related training within the past 27 months deviated considerably from what was outlined in the Franchise Agreement;

- Insufficient documentation exists to track the sequence of events that took place;

- The individuals interviewed offered different scenarios as to what actually did happen; and

- A number of the key individuals involved with the training programs are no longer working for the County or CTT.

Because of these complicating factors, this section will go through each of the specific requirements outlined in Section 39(B) and explain what has been and what has not been possible to evaluate.

2. Tribune-United's Cooperation with the Corporation for Technological Training (CTT)

a. Franchise Agreement. Section 39(B) requires Tribune-United to cooperate with CTT, which will recruit and train local workers for entry-level positions as lineworkers/splicers and laborers in cable construction, and also as entry level technical personnel. Tribune-United is required to consult in designing and approving the training programs to ensure that graduates will be eligible for employment with Tribune-United or Tribune-United's contractors.

The Franchise Agreement specifies that CTT shall provide training courses for up to 150 lineworkers/splicers and 50 helpers per year, plus with the cooperation of Tribune-United, on-the-job training for 50 entry level technicians per year.

b. Compliance. The type of training classes offered by CTT and the total number of training program graduates deviated considerably from what was outlined in the Franchise Agreement. During 1984, CTT and Tribune-United started working together to design the

training program for Cable Installers and Demand Service Technicians, but the working relationship deteriorated about the time classes actually got underway.

• CTT Established. In March 1983, the County established CTT as a private, non-profit corporation. CTT's mission was to be a facilitator; CTT was expected to design high technology skill training program and link various private and public sector institutions together to recruit and train students, and find employment for graduates of the training programs. CTT was established with the assumption that its efforts would be funded by a combination of contributions from federal, state and local government, private enterprise, and foundations.

• Tribune-United's Interactions with CTT. There is a lack of documentation to track precisely the events that led up to CTT's decision to move ahead in the fall of 1984 with Cable Installer Training classes. However, staff of Tribune-United and CTT/TOEG recalled that soon after the award of the Franchise, it was recognized that the specific types of cable construction training and specific numbers of trainees listed in the Franchise Agreement were not based upon any realistic projection of Tribune-United's actual needs. Largely because Tribune-United contracted out the bulk of the cable construction to companies who brought with them a trained workforce of lineworkers and technicians, the need for newly trained cable construction workers was much lower than the projections in the Franchise Agreement.

It appears that sometime between the fall of 1983 and the fall of 1984, representatives of CTT and Tribune-United mutually agreed that classes for Cable Installers and Demand Service Technicians would be more productive for all involved. During this time period, CTT also became the recipient of some federal funds from the Job Training Partnership Act (JTPA) to assist with the cable related training classes.

In August 1984, CTT signed a contract with Montgomery College in which CTT agreed to conduct the recruitment, testing, and assessment of applicants for enrollment in Cable Installer and Demand Service Technician training courses, and Montgomery College's Office of Community Services agreed to conduct the classes. CTT also agreed to coordinate the placement of the training program's graduates.

The record shows that during September and October 1984, Tribune-United's Director of Subscriber Operations interacted with CTT during the time that applicants for the cable training program were recruited, tested and screened. Tribune-United's representative participated in at least one applicant interview session and internal CTT documents indicate that Tribune-United approved at least one group of the program trainees.

Table IV below outlines the number of trainees enrolled, graduated, certified, and partially certified. Although it is not documented, there is indication that there was some serious disagreement between Tribune-United and CTT about the standards applied for certification and graduation from the program.

TABLE IV
CTT TRAINEES ENROLLED, GRADUATED AND CERTIFIED

<u>Class I:</u> <u>Cable Installers</u>	<u>Class II:</u> <u>Cable Installers</u>	<u>Class III:</u> <u>Demand Service</u> <u>Technicians</u>
<u>Graduated 12/18/84</u>	<u>Graduated 2/22/85</u>	<u>Graduated 3/29/85</u>

Enrolled .	20	23	9
Dropped-out	6	4	2
Graduated	14	19	7
Certified	11	17	7
Partially Certified	2	2	0
Not Certified	1	0	0

Source: CTT/TOEG, Cable Training Report, March 1985, and Cable Office Reports.

3. Placement of Training Program Graduates

a. Franchise Agreement. Section 39(B) specifically requires Tribune-United and/or Tribune-United's contractors to offer employment to at least 90% of the training program graduates.

b. Compliance. The record is unclear as to how many CTT graduates received formal offers of employment from Tribune-United. However, there is documentation to show that Tribune-United and its contractors hired only 28.6% of the training program graduates who received full certification. There is disagreement among the participants involved as to the reasons behind Tribune-United's failure to fulfill this provision of the Franchise Agreement.

Table V, which follows on page 16, outlines the status of CTT's Cable training graduates as of April 1985. Of the 35 trainees who received full certification, only 10 or 28.6% went to work for Tribune-United or Tribune-United's contractors. Two different explanations for this low level of performance have been offered:

TABLE V
STATUS OF CTT CABLE TRAINING GRADUATES

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Course Certificates Awarded			
Completed Course	14	19	7
Full Certification	11	17	7
Partial Certification	2	2	0
No Certification	1	0	0
Minority & Female Composition			
Males	11	13	5
Females	3	6	2
Asian	1	1	2
Black	9	8	1
Hispanic	2	0	0
White	2	10	4
Employment/Further Training			
Tribune-United	4	0	2
Tribune-United Contractors	0	4	0
Other Firms	6	4	3
Not Placed	3	5	2
Enrolled as Demand Maintenance Students	1	6	

Source: CTT Memorandum, March 28, 1985, and Cable Training Report, OMB Cable Division, April 4, 1985.

•A representative of Tribune-United alleges that the quality of trainees was not as high as expected, that a number of graduates did not show-up for scheduled interviews, and that others declined offers of employment. In addition, Tribune-United claims that it was not kept informed about the details of the whole training program. As an example, Tribune-United asserts that it was not advised about the recruitment and placement restrictions that resulted from CTT using JTPA funds to help fund the cable training program.

•A representative of CTT maintains that Tribune-United's involvement with the training program was a big disappointment. Internal CTT reports indicate that representatives from Tribune-United did not come to the first cable class to discuss employment opportunities, and Tribune-United later informed CTT in February 1985 that it was no longer hiring installers. CTT staff also felt that they received no feedback from Tribune-United on the suitability of individuals referred to Tribune-United for possible employment.

Despite Tribune-United's displeasure with the training classes, one of Tribune-United's contractors who hired CTT's graduates was interviewed and reported to be pleased with the quality of the CTT graduates. Some are still employed by the company. Contact with other area cable companies revealed that they also hired CTT's graduates and have been pleased with their performance.

Partly as a result of the problems encountered with the placement of CTT's graduates, the Private Industry Council (PIC), in its role as monitor of JTPA funds, unanimously recommended in April 1985 that CTT's cable training program be terminated. Citing information provided by Tribune-United, the Private Industry Council concluded that the demand for trained Cable Installers and Demand Maintenance Technicians did not materialize at the level anticipated; and the absence of a substantial number of employment opportunities here in Montgomery County made it no longer worthwhile to continue the training program.

At a meeting held in April 1985 among representatives from CTT, Montgomery College, the Private Industry Council, the Cable Office, and Tribune-United, it was suggested by the outgoing Executive Director of CTT that CTT no longer be directly involved with the cable training and that Tribune-United should negotiate directly with Montgomery College to arrange any future cable related training. Under the proposed arrangement, Tribune-United funds could come directly to Montgomery College rather than CTT. At the conclusion of this meeting, the Cable Office volunteered to investigate modifying the Franchise Agreement to allow the proposed change. The record does not indicate any successful follow-up on this matter.

4. Recruitment and Affirmative Action.

a. Franchise Agreement. Section 39(B) states that recruitment for CTT's cable training program will be, "directed towards meeting the Corporation's affirmative action goals for minorities and women."

b. Compliance. The wording of this requirement is unclear as to whether the recruitment was intended to help fulfill Tribune-United's affirmative action goals or those of the Corporation for Technological Training. However, documents from both the Cable Office and CTT seem to interpret the Franchise Agreement to mean that CTT's recruitment will be directed towards meeting Tribune-United's affirmative action goals for minorities and women. The remainder of this section will review the race and sex of CTT's cable class enrollees and graduates.

Table V (on page 16) outlines the minority and female composition of CTT's three cable related training classes. Two of those monitoring CTT's recruitment efforts testified that they were disappointed CTT was unable to recruit a greater percentage of females, especially since CTT's classes presented a rare opportunity to train females for a job category that is traditionally dominated by males.

Although the total number of graduates hired by Tribune-United and its contractors was relatively low, the individuals hired did improve

Tribune-United's affirmative action hiring record. The six individuals hired directly by Tribune-United were as follows:

Installer Trainee:	1 Black Male
Bench Technicians:	2 Black Males
Installer Trainees:	1 White Female 1 Black Male
Customer Service Rep:	1 Black Female

Of the graduates hired by Tribune-United's contractors, two were White Females hired as Apprentice Linespersons, one was a Black Female hired as a Jr. Technician, and one was a White Male hired as an Installer Trainee.

5. Funding for CTT

a. Franchise Agreement. Section 39(B) requires Tribune-United to fund CTT at the rate of \$150,000 the first year, \$150,000 the second year, and \$100,000 the third year. CTT was expected to supplement Tribune-United's contributions by at least \$200,000. The Franchise Agreement includes a provision for the County to determine, after consultation with CTT and Tribune-United, that the training program will not cost \$600,000, and to allow CTT and Tribune-United to reduce their respective contributions.

b. Compliance. CTT's financial status reports list the receipt of \$150,000 from Tribune-United in FY 1984, and an additional \$112,500 from Tribune-United in FY 1985. The report indicates that, as of July 31, 1985, approximately \$42,000 of Tribune-United's contribution remained unexpended. As of September 1985, there have been no payments from Tribune-United to CTT for FY 1986.

In May 1985, Tribune-United's Manager of Public Affairs formally requested an accounting of how Tribune-United's contributions to CTT had been used. In response, a letter was sent to Tribune-United from the Executive Director of CTT/TOEG in August 1985, indicating that because grant dollars to CTT were pooled, no exact accounting of where Tribune-United's contributions were spent is possible. The letter includes a copy of CTT/TOEG's 1983-85 financial status reports which show gross levels of revenues received and expenditures. The letter explains how Tribune-United's funds were used:

All funds received by CTT/TOEG since its opening have been and continue to be utilized in an effort to improve the employment status of area residents through effective screening, testing, referral, job market information and training.

For Tribune-United, specifically, CTT/TOEG established a cable TV technician training program and recruited all trainees. The corporation telephone-screened nearly 500 people for cable training and tested, assessed and conducted individual interviews for 140 applicants at our center between October 1, 1984 and January 14, 1985. For one year prior to this time and during the

intensified recruitment period, CTT/TOEG publicized the cable training effort, emphasizing Tribune-United's significant role in providing jobs for County residents through radio and newspaper ads and feature stories in the local press....

As of this date, Tribune-United remains dissatisfied with the lack of accounting from CTT/TOEG detailing how Tribune-United's contributions were spent. Since the cable training classes were terminated in April 1985, there have been no further contributions either offered by Tribune-United or requested by CTT.

6. Ongoing Training for Tribune-United Employees

a. Franchise Agreement. Section 39(B) requires Tribune-United to provide training on an on-going basis for its employees to maintain and upgrade skills, and to prepare for promotional opportunities. The Agreement stipulates that this training shall be part of Tribune-United's Affirmative Action Plan.

b. Compliance. Although this provision has received little attention from either the Cable Office, the Ad Hoc Advisory Committee, or the CCAC, it appears as though Tribune-United has implemented a reasonable program fulfilling this requirement of the Franchise Agreement.

Tribune-United's Affirmative Action Plan includes the following two paragraphs regarding training of Tribune-United's employees:

Training

A. On-the-job training programs, as well as all other training and educational programs will be regularly reviewed to assure that minority, women and disabled candidates, as well as all other employees, are given equal access to participate.

B. Notification will be given to encourage minority, women and disabled employees to participate in available training and educational programs as well as apprenticeships.

According to Tribune-United's Manager of Human Resources, Tribune-United has an on-going program of on-the-job training at various levels throughout the company. Initial training is particularly intensive for individuals hired as Customer Service Representatives, Technicians, and Sales Representatives. Training is conducted both in formal classroom settings and more informally through teaming-up a more experienced employee with a less experienced one.

Training and promotional opportunities are publicized throughout Tribune-United's workforce. All job notices are posted on an employee bulletin board that is readily accessible, and in-house candidates are encouraged to apply. Because Tribune-United does not currently track the movement of employees within the company (promotions, demotions, layoffs, etc.) it is impossible to draw any conclusions about the success of Tribune-United's internal training and promotion efforts.

PURCHASES FROM MINORITY, FEMALE AND DISABLED-OWNED (MFD) BUSINESSES

1. Requirements on Tribune-United in the Franchise Agreement Section 39(C) of the Franchise Agreement requires Tribune-United to:

- a) Maintain an affirmative action program to purchase goods and services from minority, female and disabled-owned businesses;
- b) Designate a management level MFD business enterprise officer;
- c) Submit to the County within 90 days of the franchise award a schedule of planned expenditures for the purchase of goods and services with estimated dollar amounts and an indication of goods and services likely to be purchased directly or indirectly from MFD businesses;
- d) Use the County's list of certified MFD businesses in its procurement efforts;
- e) Submit an annual report on a County approved form detailing total procurement, MFD procurement by MFD category, procurement type, and dollar value;
- f) Comply with Exhibit B, MFD Procurement, of the Franchise Agreement which lists requirements, examples and tests for determining Tribune-United's good faith effort to subcontract with MFD businesses; and
- g) Meet the program goal that 10% of the dollar value of all goods and services purchased or contracted by Tribune-United or its contractors will go to MFD firms.

2. Compliance by Tribune United with the Franchise Agreement

Overview. Tribune-United has not complied with the franchise requirements relating to purchasing goods and services from minority, female and disabled-owned businesses. Specifically:

- Tribune-United has not published a written program for purchasing from MFD businesses;
- Tribune-United has not designated a management level MFD business enterprise officer. However, a new position, Vice President of Operations, was created in July 1985. One of the responsibilities of that position is the supervision of purchasing;
- Although Tribune-United submitted two projections of purchases of goods and services, the total dollar value of these projections fall significantly short of the actual purchases Tribune-United has acknowledged in its monthly reports on cable activities;
- The three reports that Tribune-United submitted which outline cumulative MFD procurement (the latest in response to a request by the Office of Legislative Oversight) are not in the detail required by the

Franchise Agreement to permit any detailed analysis. Except for the first report covering the period May 1983 through June 1984, Tribune-United has not reported procurement by MFD category, procurement type or dollar value of each purchase; and

•Finally, and most critical, Tribune-United has not met the Franchise Agreement goal that ten percent (10%) of the dollar value of all goods and services purchased or contracted for by Tribune-United and its contractors go to MFD firms. Furthermore, there is little evidence that Tribune-United has made a good faith effort to meet that 10% program goal.

3. Discussion.

The failure of Tribune-United to achieve the 10% goal of MFD participation is a matter of record. Tribune-United has submitted three cumulative reports (copies at Attachment E) which are summarized in the following table:

<u>Category</u>	<u>Reporting Period</u>		
	<u>5/83-6/84</u>	<u>5/83-3/85</u>	<u>5/83-8/85</u>
A. Total value of goods and services purchased	\$5,310,096	\$24,527,335	\$39,427,545
B. Total Sole-Source Purchases	(None reported)	\$20,357,688	\$35,987,127
C. Total value of goods and services available for MFD participates	\$5,310,096	\$ 4,169,647	\$ 3,440,418
D. Total MFD participation	\$ 63,643	\$ 101,871	\$ 139,687
E. Percentage of MFD participation ($D \div C$)	1.2%	2.4%	4.1%

While these percentages fall considerably below the 10% goal, the actual MFD participation as a percentage of "the dollar value of all goods and services purchased or contracted for by the Franchisee and its contractors" (quote from Section 39(C) of the Franchise Agreement) is even lower. Using the information provided by Tribune-United in their reports, the percentages of MFD participation in the total dollar value of all goods and services are as follows:

<u>Category</u>	<u>5/83-6/84</u>	<u>Reporting Period 5/83-3/85</u>	<u>5/83-8/85</u>
A. Total value of goods and services purchased.	\$ 5,310,096	\$ 24,527,335	\$ 39,427,545
B. Total MFD participation	\$ 63,643	\$ 101,871	\$ 139,687
C. Percentage of MFD participation (B ÷ A)	1.2%	.4%	.4%

Two explanations are proffered by Tribune-United for their inability to meet the 10% goal. The first is that it is their interpretation of the Franchise Agreement that the ten percent goal refers to a percentage of MFD participation in total purchases and contracts over the fifteen year term of the Franchise. The second explanation offered is that there are few opportunities to purchase from MFD firms during the current construction phase of the cable system.

Tribune-United's argument that the MFD business participation goal should be measured over the fifteen year term of the Franchise is a matter of interpretation of the Franchise Agreement, as the Agreement is not specific on this point. However, when one considers Tribune-United's record of procurement from MFD firms in the first 27 months of the Franchise, it is difficult to expect that, without major changes in Tribune-United's purchasing and contracting practices and a stronger commitment by Tribune-United management, the record will improve much in the remaining years of the Franchise Agreement.

Concerning Tribune-United's argument that there have been few opportunities to involve MFD firms, a Vice President of Tribune-United has explained their position in a July 31, 1985, letter to the Executive branch as follows: "Current expenditures [in the construction phase of the cable system] are skewed heavily toward investments in hardware and equipment purchased directly from the manufacturers offering little opportunity for local [MFD] firm participation." The same letter concludes that, after the cable system is constructed and in an operating phase, Tribune-United will have "many excellent opportunities for minority participation over the remainder of the franchise."

In a subsequent letter of August 9, 1985, to the President of the local NAACP Chapter, the same Tribune-United Vice President stated that, "In reexamining the total goods and services we have purchased during our brief tenure in Montgomery County, we have found that in excess of 80% of those are sole source vendor commitments. This relationship, 80% of goods and services that can be purchased from sole sources, versus those that can be competitively purchased on an open market, will remain until the majority of our construction is completed, approximately until the end of 1987."

To accept the above explanation from Tribune-United one must accept the following as facts:

• 80% of goods and services over the past 27 months and until the end of 1987 (i.e. the first five years of the Franchise Agreement) are sole source vendor commitments; and

o That sole source vendor commitments do not provide an opportunity for MFD business participation.

If the first explanation was accurate, then approximately 20% of purchases of goods and services should still be available for MFD participation. However, Tribune-United's latest report indicates that over the past 27 months only 9% was available (\$3,440,418 - \$39,427,545). The second explanation, that MFD Businesses cannot participate in sole source vendor commitments, is both overstated and misleading. As will be explained in detail below, there are many MFD businesses involved in selling cable related goods and services; and these MFD businesses are being used by other cable companies.

This investigation has determined that there are three basic reasons for Tribune-United's poor performance in MFD procurement:

#1. Until the last two months, there is a lack of any evidence that Tribune-United's management has made a strong commitment to the MFD procurement program;

#2. Tribune-United has excluded participation by MFD firms by arbitrarily classifying a large volume of goods and services as "unique" or of a "customized nature", which required "sole source" purchasing; and

#3. Tribune-United has not adhered to the provisions of the Franchise Agreement and required that 10% of the dollar value of all goods and services purchased or contracted by Tribune-United's contractors go to MFD firms.

Reason #1: Lack of commitment by Tribune-United Management

The Franchise Agreement requires Tribune-United to designate a management level MFD business enterprise officer; as of September 1985, none has been designated. Recently a new position of Vice President for Operations has been established and was filled in July 1985. One of the responsibilities of the position is to oversee Tribune-United's procurement goals as the "system's procurement officer." However, the other major responsibility of the position is "...to ensure excellence in all aspects of construction and customer service."

From a review of Exhibit B, MFD Procurement, which is part of the Franchise Agreement, it is clear that Tribune-United agreed to commit a major effort in the area of MFD procurement--outreach, advertisement, developing written policies, providing technical assistance. This investigation detected little evidence that the above efforts had been made.

Exhibit B, MFD Procurement, also sets forth several procedures which must be followed by Tribune-United management to demonstrate "good faith effort" to subcontract with certified MFD businesses. These procedures include:

- Advertise all solicitations for contracts in connection with the franchise in minority community news media;
- Notify MFD businesses including those on the County's published list and pertinent business organizations that the franchisee has contracting opportunities available;
- Engage in recruiting efforts directed at subcontracting with MFD businesses;
- Contact with the County's Minority Purchasing Officer for assistance;
- Subdivide its contracting and purchasing requirements to enhance the potential for contracting with MFD businesses;
- Provide adequate information about the plans, specifications and requirements for its contracting needs to MFD businesses;
- Make every effort to assist interested MFD businesses in obtaining any bonding or insurance necessary to contract with the franchisee; and
- Not reject any MFD businesses as subcontractors without sound reasons.

Interviews with representatives of Tribune-United and a review of documents reveal only marginal compliance with these procedures. Only recently has Tribune-United actively solicited the assistance of the County's Minority Purchasing Officer. Also, there is evidence that in October 1984, Tribune-United used the National Cable Television Association's (NCTA) directory of minority cable contractors when sending out solicitations; and, most recently with the appointment of a Vice President for Operations (July 1985), there is evidence of more direct contact with MFD firms.

But the preponderance of evidence indicates that there has not been a strong and consistent effort to locate and contract with MFD firms. Such evidence includes:

- Tribune-United's management decision to characterize the overwhelming volume of cable related purchases as "unique" and "customized", thereby effectively excluding a large number of MFD firms who distribute cable related hardware and products (discussed in detail under Reason #2).
- No evidence of any consistent recruiting efforts among MFD firms. Because of efforts by this investigation, Tribune-United discovered that there was a National Minority Supplier Development Council, with an office in Columbia, Maryland, available and willing to assist businesses such as Tribune-United in identifying minority suppliers.
- No evidence that any contract or purchasing requirement has been subdivided to enhance MFD business participation.

•No evidence that MFD firms were examined and rejected because they were non-competitive.

•No evidence of any basis for Tribune-United's earlier decision that the NCTA's directory of minority contractors was not a list of legitimate minority firms.

As recently as June 1985, an internal Tribune-United memorandum acknowledged that the company had a commitment to seek out opportunities to use MFD firms, and concluded that their efforts to date were "sadly lacking." The memorandum introduced a formal outreach program to increase participation by MFD businesses.

Reason #2, Excluding Goods and Services from Purchases Available to MFD Businesses.

Tribune-United has argued that, in the current phase of constructing the cable system, expenditures are skewed heavily toward investments in hardware and equipment purchased "sole source"; that is, directly from manufacturers, thus offering little opportunity for participation by MFD firms. Tribune-United's September 16, 1985, report of MFD participation in total purchases and contracts for the period May 1983 to August 1985 reflects that out of total cash payments of \$39,427,545, a total of \$35,987,127 or 91% were categorized as "sole-source payments."

That same September 16th report defines sole source payments as those "made to Manufacturers, Vendors and Suppliers which provide products and/or services of a unique or customized nature." The report identifies the remaining \$3,440,418 or 9% of total cash payments as "available for MFD participation." The report defines available for MFD participation as, "All non-Sole-Source expenditures for goods/services that are of a non-customized nature. These are available to any vendor, including MFD firms, on a competitive bid basis."

When queried for examples of what Tribune-United includes in the category of "non-sole-source expenditures," the following list was provided:

- Office furniture
- Tools and equipment
- Equipment maintenance
- Office supplies
- Gasoline
- Vehicle repair
- Uniform service
- Janitorial services
- Computer supplies
- Computer maintenance
- Advertising and Promotion
- Direct Mail Promotion
- Studio tape stock
- PC software

It is apparent that, with the possible exception of studio tape stock, the list does not include any expenditures directly related to the construction of cable television system, such as materials for aerial and underground installation, cable hardware, or pedestal installation.

Fundamentally, Tribune-United's argument that there is little opportunity for MFD business participation during the construction phase of a cable television system is not factual. There is ample evidence to demonstrate that there are numerous opportunities to purchase goods and services from MFD firms during the construction phase of a cable system; and these opportunities are far greater than the 9% alleged by Tribune-United. Likewise, there is ample evidence that there are many MFD firms who are capable of providing many of the "unique" and "customized" cable products and services which Tribune-United alleges must be purchased "sole-source" from the manufacturers.

The Office of Legislative Oversight contacted the following four major cable companies (referred to in the trade as Multiple System Operators (MSOs): American Television and Communications Corporation (ATC) (Denver), Mile-High Cablevision (Denver), Cox Cable Communications, Inc. (Atlanta and Norfolk) and Rogers Cablesystems (Minneapolis).

(Note: In the trade's ratings of the top 50 MSOs, ATC is #2, Cox is #4, Rogers is #14 and Mile-High is unrated. For comparison, Tribune Cable Communications, Inc. is #36 and United Cable Television Corporation is #11. Tribune-United Cable of Montgomery County is unrated).

Each of the four MSOs were asked to respond to similar questions concerning procurement from MFD firms. Their responses are summarized as follows:

- Each MSO has a commitment to purchase from minority and female-owned businesses not unlike Tribune-United's commitment.
- Each has a goal of at least 10% of their total purchase; for example, Rogers Cablesystems has a 20% goal for minority-owned firms and a 10% goal for female-owned firms.
- All report that they are meeting their goals; for example, Rogers Cablesystem's report of March 1985 to the City of Minneapolis reported participation in operating and capital expenditures by minority-owned firms as 23.1%, and by female-owned firms as 10.0%.
- All agreed that the major purchases for a cable system fall into three groups: cable (coaxial and fiber optics); electronics (amplifiers, splitters, taps), and cable hardware and strand. Strand is the steel cable on which the cable which carries the signal is hung. Cable hardware includes the large volume of bolts, nuts, washers, hangers, rods, connectors, conduit, plates, etc. which are necessary to install and operate the cable system.
- The MSO's representatives reported that, industry-wide, most cable companies purchase coaxial and fiber optics cable and electronics directly from the manufacturers. However, strand and cable hardware,

which comprise from 20% to 30% of the costs associated with constructing a cable system, are usually purchased from distributors, of which there are many who are MFD firms. It is through using MFD distributors, and MFD contractors, that these four major cable companies have met their MFD procurement commitments.

•Finally, all four cable companies concurred that with a strong commitment from management and an active outreach program, competitive MFD firms can be identified and used to meet a MFD procurement goal.

To verify the information collected from the Denver and Minneapolis cable companies, officials of the City and County of Denver and of the City of Minneapolis were contacted. In each instance the officials of the local government confirmed that the respective cable company had met or exceeded the Franchise Agreement MFD purchasing goals.

In summary, Tribune-United has failed to use MFD firms when purchasing strand and the large volume of items referred to collectively as "cable hardware." Strand and cable hardware constitute between 20% and 30% of the total equipment costs associated with constructing a cable television system. Strand and cable hardware are neither "unique", nor of such a "customized" nature that they cannot be purchased competitively through a large system of national distributors, many of whom are MFD businesses. Instead of using one of these distributors, Tribune-United has entered into a "turnkey" arrangement with its contractors to provide strand and cable hardware. This arrangement is described under Reason #3.

Reason #3, Failure to require a goal that 10% of the dollar value of goods and services purchased or contracted by Tribune-United's contractors be with MFD firms.

Tribune-United has chosen to enter into "turnkey" agreements with its contractors. Under this arrangement cable hardware, strand and conduit for underground installation are purchased by these contractor's with the costs of the material included in the contractors construction costs to Tribune-United. Another variation of this arrangement is to have one contractor purchase most of the cable hardware and strand and supply it to the other contractors, with the one contractor billing Tribune-United. In either variation of the "turnkey" arrangement, Tribune-United is not buying cable hardware, strand and conduit directly from manufacturers or distributors. However, in setting up this arrangement Tribune-United has not complied with Section 39(C) of the Franchise Agreement that states: "The goal of this [MFD] program is for ten percent (10%) of the dollar value of all goods and services purchased or contracted for by the Franchise and its contractors to go to MFD firms (emphasis added)."

Evidence reveals that Tribune-United has contracted with one of its major system contractors to purchase, warehouse and distribute strand and cable hardware to the other contractors. Information supplied by representatives of that contractor indicates that the contractor is under no contractual requirement with Tribune-United to purchase any percentage of the cable hardware from MFD distributors.

In summary, Tribune-United is purchasing cable hardware, strand, and conduit, materials essential to the construction of the cable system, through its contractors and is not requiring, as specified in the Franchise Agreement, that those contractors make good faith efforts to use MFD firms for a percentage of these purchases. To compound the issue, Tribune-United is including these hardware and strand purchases in the category of "unique, sole-source" commodities. A categorization which is not supported by the purchasing practices of major cable companies in other jurisdictions.

V. CONCLUSIONS

Conclusions Relating to Employment

1. Tribune-United's Affirmative Action Plan has never been formally approved or disapproved by the County.

2. On its direct payroll for full-time employees, Tribune-United has met only 21% of the specific affirmative action goals established in the Franchise; however, if employment data is aggregated across job categories and minority groups, Tribune-United comes very close to meeting the aggregate goal for hiring minorities.

3. In the aggregate, Tribune-United's contractors almost meet the goal for hiring minorities, but fall far short of the goal for hiring females.

4. As a deviation from the Franchise Agreement, County staff responsible for monitoring Tribune-United's compliance agreed to monitor the hiring record for minorities as a whole and not for the specific percentages of Asians, Blacks, and Hispanics.

5. While Tribune-United has not ignored its affirmative action hiring goals, additional steps should have been taken by Tribune-United. Specifically in:

- Recruitment and hiring of minorities and females in senior level management positions;

- Enforcement of affirmative action hiring as a priority for Tribune-United's contractors; and

- Creatively working to recruit and hire females in job categories where the availability of females is relatively low.

6. Tribune-United's staff responsible for hiring have been operating for the past 27 months without knowledge of Tribune-United's hiring goal for handicapped individuals.

Conclusions Relating to Training

1. CTT and Tribune-United failed to develop a successful working relationship.

2. The type of training classes offered by CTT and the total number of training program graduates deviated considerably from what was outlined in the Franchise Agreement.

3. The record is unclear as to how many CTT graduates received formal offers of employment from Tribune-United; however, it is known that only 28.6% of the cable training graduates got jobs with Tribune-United or Tribune-United's contractors.

4. Tribune-United provided CTT with the specified level of funding for Year 1 and a good portion of the funding specified for Year 2; the lack of an audit trail within CTT for Tribune-United's contributions, however, makes it impossible to track the details of how Tribune-United's funds were spent.

5. The future of Tribune-United's relationship with CTT is unclear at this point in time.

Conclusions Relating to Procurement

1. Until the last two months, there has been a lack of any evidence of a strong commitment to the MFD procurement program by Tribune-United management. Specifically:

- There is little evidence that Tribune-United has maintained an affirmative action program to purchase goods and services from minority, female and disabled-owned businesses.

- Tribune-United had not designated a management level MFD business enterprise officer.

2. Tribune-United has not met the Franchise Agreement goal that 10% of the dollar value of all goods and services purchased or contracted by Tribune-United and its contractors go to MFD firms. Specifically:

- As of August 1985, the actual MFD participation as a percentage of the total dollar value of all goods and services is .4%.

- Tribune-United has arbitrarily classified a large volume of goods as "unique, sole-source," to be purchased directly from manufacturers, when in fact these goods are available from distributors, many of whom are MFD firms.

- Tribune-United has chosen to purchase goods, predominantly cable hardware and strand, through its contractors, while at the same time not fulfilling the provisions of the Franchise Agreement to require its contractors to also use MFD firms.

3. Tribune-United's efforts to date in meeting the Franchise Agreement goal that 10% of the total dollar value of all goods and services purchased and contracted by Tribune-United or its contractors would not satisfy the tests of a good faith effort as enumerated in Exhibit B, MFD Procurement, of the Franchise Agreement.

VI. RECOMMENDATION

It is recommended that the County Council approve this report for public release and authorize its distribution to appropriate individuals, groups and agencies.

AM:c sb

Attachments: A - Directive Memorandum
 B - Extract, Section 39, Franchise Agreement
 C - Employment Profile-FCC Form 395-A
 D - FCC Job Category Definitions
 E - Three Reports on MFD Participation

cc: Council Staff Director



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

M E M O R A N D U M

August 7, 1985

TO: Andrew Mansinne, Jr., Director, Office of Legislative Oversight
FROM: Council President Michael L. Gudis *(Handwritten signature)*
SUBJECT: Investigation into the Record of Performance of Tribune-United Cable's Affirmative Action Program to Purchase Goods and Services from Minority, Female, and Disabled-owned (MFD) Businesses, and Female and Minority Employment

On August 6, 1985, the County Council unanimously voted that the Office of Legislative Oversight undertake an immediate investigation of the information gathered concerning Tribune-United Cable of Montgomery County's compliance with MFD procurement, and female and minority employment goals, as set forth in law and in the County's franchise agreement with that company. The Council further directs that a report be submitted to the Council in accordance with Section 29A-9 of the Montgomery County Code.

MLG:csb

cc: County Council
Charles Gilchrist, County Executive
Lewis T. Roberts, Chief Administrative Officer
Alexander Greene, Staff Assistant to the Executive
John Schmuhl, Vice President/General Manager, Tribune-United Cable of Montgomery County
Robert Kendal, Assistant Chief Administrative Officer
Arthur Spengler, Council Staff Director
William Hussman, Chairman, Cable Communications Advisory Committee

ATTACHMENT A



EXTRACT: Franchise Agreement between Tribune-United Cable of Montgomery County and the Montgomery County Government

SECTION 39. EMPLOYMENT, TRAINING, AND PROCUREMENT REQUIREMENTS

(A) Employment

The Franchisee shall, in accordance with the Federal, State, and County laws and regulations, afford equal opportunity and non-discrimination in employment to all individuals, regardless of their race, color, religion, age, sex, national origin or handicap.

The Franchisor finds that there is a significant pattern of underutilization of women and minorities in certain occupations in the County and the region. The County has examined its systems and practices in employment and has adopted a policy to avoid perpetuating past discrimination and to eliminate underutilization of women and minorities in employment. The Franchisee shares this policy of the County and agrees to avoid discrimination in its employment activities.

The Franchisee agrees to make reasonable and good faith efforts to achieve the following affirmative action goals of hiring 51.9 percent of women and of hiring minorities in accordance with the County Government's 1982 affirmative action plan.

The Franchisee agrees that it shall give satisfactory assurance to the Franchisor that such goals will be met and shall, at the request of the Franchisor, submit documentary evidence as to the steps it took to ensure that a good faith effort was made by it to reach such goals.

The Franchisee agrees that if the County establishes an affirmative action goal for the handicapped, it shall make reasonable and good faith efforts to achieve the same goal.

ATTACHMENT B

These affirmative action goals apply to each of the job categories defined by the FCC (FCC Form 395, January 1980), i.e.,

Officials & Managers
Professionals
Technicians
Sales
Office & Clerical
Craftsmen
Operatives
Laborers
Service Workers

Within 60 days of the franchise award, the Franchisee shall submit an affirmative action plan for approval by the Franchisor. That plan shall apply to all employment actions, including advertising, recruiting, hiring, promotion, transfer, remuneration, selection for training, company benefits, disciplinary actions, layoffs, and termination. The plan shall include designation of a management level EEO Officer.

The Franchisee shall submit annual reports documenting its progress in meeting its affirmative action goals, using FCC Form 395 or similar format.

(3) Training

The Franchisee agrees to cooperate with a Technology Training Corporation, which is to be established by the County.

This corporation will recruit and train local workers for entry-level positions as lineworkers/splicers and laborers in cable construction and also for entry level technical personnel.

Recruitment will be directed towards meeting the Corporation's affirmative action goals for minorities and women.

The Franchisee shall provide to the Corporation the following:

(1) Consultation in designing and approving training programs to assure that graduates of the programs will be qualified for and eligible for employment with the Franchisee and/or the Franchisee's contractors.

(2) Offers of employment by the Franchisee and/or the Franchisee's contractors to at least 90 percent of the training program graduates.

(3) Funding of \$400,000, (\$150,000 for year one, \$150,000 for year two, and \$100,000 for year three) payable quarterly with the first payment due three months after the award of the franchise. This funding shall be supplemented by at least \$200,000 raised by the Corporation from other sources. If the Franchisor determines, after consultation with the Franchisee and the Corporation, that the training program will not cost the full \$600,000, then the Franchisee and the Corporation may reduce their contributions proportionately. The training program shall be reviewed annually.

The Center shall provide:

- (1) Two recruiters for effective outreach.
- (2) Training courses for up to 150 lineworkers/splicers and 50 helpers per year.

(3) With the cooperation of the Franchisee, on-the-job training for 50 entry level technicians per year. The Center shall pay 50 percent of the salary for such trainees employed by the Franchisee, for four months or longer, depending on the training program. The Franchisee's costs for the program may be eligible for special tax deductions under the targeted job tax program.

The Franchisee shall also provide training on an on-going basis for its employees to maintain and upgrade skills and to prepare for promotional opportunities. Such training shall be part of the Franchisee's affirmative action program.

(C) Procurement

The Franchisee shall maintain an affirmative action program to purchase goods and services from minority, female, and disabled-owned (MFD) businesses, and shall designate a management level MFD business enterprise officer.

The goal of this program is for ten percent (10%) of the dollar value of all goods and services purchased or contracted for by the Franchisee and its contractors to go to MFD firms.

Within 90 days of the franchise award, the Franchisee shall submit to the County a schedule of planned expenditures for the purchase of goods and services with estimated dollar amounts and identification of goods and services likely to be purchased directly or indirectly from MFD businesses. The schedule will cover that period of time known to the Franchisee and shall be periodically adjusted as significant changes occur during the 15 year life of the franchise.

The Franchisee shall use the County's list of certified MFD businesses in its procurement efforts. Any MFD business proposed to be used as a supplier or contractor, which is not on the County's certified list, shall be submitted to the County Minority Purchasing Officer for certification.

The Franchisee shall also comply with the provisions of Exhibit B on MFD Procurement.

The Franchisee shall submit an annual report, on a form to be approved by the County, which shall detail total procurement, MFD procurement by MFD category, procurement type, and dollar value.

(D) Performance

Performance in affirmative action, employment and MFD procurement shall be considered in the triennial performance review, in the review of rate increase requests, and in any request for renewal of the franchise. Failure to demonstrate good faith efforts in performance or failure to comply with other provisions of this section shall subject the Franchisee to the penalties for non-performance provided for in this Agreement.

EXHIBIT B

MFD PROCUREMENT

MFO CONTRACTING

Tribune-United Cable of Montgomery County will work closely with the Minority Contracting Officer, Montgomery County Government, to assure an equitable volume of contracts with minority contractors, subcontractors and vendors for services and supplies by taking affirmative actions including the following:

1. We will advertise invitations for subcontractor bids in minority community news media.
2. We will contact MFO contractor organizations.
3. We will contact any other source likely to yield qualified MFO contractors and vendors, i.e., published list of Montgomery County's "Minority and Women Owned Businesses" provided by the Minority Purchasing Officer.
4. We will procure goods and services from qualified MFO vendors where practical.

Tribune-United Cable of Montgomery County and each subcontractor shall establish apprenticeship and training programs to ensure the following:

1. Recruit and refer MFO employees to such programs.
2. Establish training programs within our company and/or our association that will prepare MFO employees for advancement opportunities.

FORM IV- B

3. Abide by the requirements of the Labor Code of the State of Maryland with respect to the provision of apprenticeship opportunities.

Tribune-United Cable of Montgomery County and each subcontractor shall establish written company policies, rules and procedures which shall be encompassed in a company-wide Affirmative Action Plan for all our operation and contracts. Said policies shall be provided to all our employees, subcontractors, vendors, unions and all others with whom we may become involved with in fulfilling any of our contracts. The Company's Affirmative Action Plan shall encompass the requirements contained herein as a minimum.

Where problems are experienced by the contractor or the subcontractor in complying with our affirmative action obligations, the contractor or subcontractor shall document our good faith effort to comply with the requirements by the following procedures:

1. We will state the nature of the problem.
2. We will state what we attempted to do, how and what date.
3. We will state to whom our efforts were directed.
4. We will state the response received and date.
5. We will state what other steps we have taken or will take to comply and when.
6. We will state why we have been or will be unable to comply.

Tribune-United Cable of Montgomery County has attached excerpts from its Affirmative Action Plans. A complete copy will be provided to all subcontractors.

Tribune-United subscribes to every term of the County's existing EEO and Affirmative Action requirements including those in the franchise ordinance and those of the Federal Communications Commission. The following commitments are made in addition to these affirmations.

In order to be as responsive as possible to the needs and concerns of these groups, while at the same time ensuring the professional and timely construction and operation of the cable system, Tribune-United commits to the following:

Tribune-United will utilize the good offices of the Small Business Administration's regional outlet and their existing minority contractor/supplier program to identify and contract with MFO business firms of all types to service the various needs of the cable system.

In an effort to accelerate the process of assimilating minority firms into the mainstream of telecommunications, Tribune-United supports the concept of a Minority Working Partners Program. In the areas of technical assistance, contract awards and/or assisting with contracts, Tribune-United is committed to increase the purchase of goods and services from MFO owned enterprises through the life of the franchise. Further, we urge established minority businesses to form partnerships with other emerging MFO businesses in order that a viable minority working partnership for the telecommunications industry will be perpetuated.

FORM IV-B

Tribune-United of Montgomery County wishes to emphasize that its proposal to work closely with MFD enterprises provides much more than employment; it offers significant potential for a successful, economically rewarding MFD enterprise in one of the fastest growth industries in the United States, the CATV Industry, (and other industries) and thus emphasizes an enterprise relationship. In addition to construction and contracting opportunities for house drops and apartment wiring, there are, of course, many types of supplier situations including printing, travel, advertising, sales aids, office supplies, marketing assistance and the like.

Tribune-United would enforce upon all its contractors/subcontractors the requirement that they too would meet all County DDO/Affirmative Action guidelines.

(Note: The remainder of EXHIBIT B, Special Conditions, is not included in this extract).

1984-1984-1984-1984-1984-1984-1984-1984-1984-1984-1984-1984

TRIBUNE-UNITED CABLE

8-31-85

FULL-TIME PAID EMPLOYEES

JOB CATEGORIES	TOTAL	MALE					FEMALE				
		American Indian, Alaskan Native (1)	Asian, Pacific Islander (1)	Black (Not Hispanic) (1)	Hispanic (1)	White (Not Hispanic) (1)	American Indian, Alaskan Native (1)	Asian, Pacific Islander (1)	Black (Not Hispanic) (1)	Hispanic (1)	White (Not Hispanic) (1)
Officials and managers	14			1		8					5
Professionals	2			1							1
Technicians	36	2	8	1	23						2
Sales workers	24		5		14			2			3
Office and clerical	52	2	3		5			16	1	25	
Craftspersons (Skilled)	4				4						
Operatives (Semiskilled)	9		3		4			1		1	
Laborers (Unskilled)	6				6						
Service workers	0										
TOTAL	147	4	21	1	64			19	1	37	

PART-TIME PAID EMPLOYEES

Officials and managers											
Professionals											
Technicians											
Sales workers											
Office and clerical	6			1				3		2	
Craftspersons (Skilled)											
Operatives (Semiskilled)	1									1	
Laborers (Unskilled)											
Service workers											
TOTAL	7			1				3		3	

On-the-Job trainees	White collar										
	Production										

FULL-TIME EMPLOYEES

Females	57	398
Blacks	40	278
Hispanic	2	18
Asians	4	38
Total		
Minority	46	318

ALL EMPLOYEES

Females	63	418
Blacks	44	298
Hispanic	2	18
Asians	4	38
Total		
Minority	50	328

CLASSIFICATION GUIDE

1. **American Indian or Alaskan Native.** A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
2. **Asian or Pacific Islander.** A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example China, India, Japan, Korea, the Philippine Islands, and Samoa.
3. **Black.** A person having origins in any of the black racial groups of Africa.
4. **Hispanic.** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
5. **White.** A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

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Federal Communications Commission

b Category Definitions

Officials and 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. Includes: officials, executives and middle management. This category would include system 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.

Professional -- 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 workers. This category would include persons engaged in the writing, preparation and production of programming; writers or editors, producers and directors of programs, floor directors, announcers, singers, actors, music librarians and those in similar positions.

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, camerapersons (live or film), film processors, lightpersons, stage hands.

Sales -- Occupations engaging wholly or primarily in direct selling. This category would include advertising agents and cable service sales personnel (sales representatives).

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 (bills and accounts), messengers and clerks, office machine operators, stenographers, typists and secretaries, telephone operators, and kindred workers.

Craftsperson (skilled) -- Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually received an extensive period of training. Includes: hourly paid supervisors who are not members of management, mechanics and repairpersons, electricians and motion picture projectionists.

Operatives (semiskilled) -- 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 1/, operatives, truck and tractor drivers, weavers (textile), welders, installers, linepersons, splicers and trenching machine operators.

1/ Apprentices -- 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.

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 applications of little or no independent judgment. Includes: gardeners and groundskeepers, laborers performing lifting or digging, and kindred workers.

Service Workers -- Workers in both protective and nonprotective service occupations. Includes: charpersons and cleaners, elevator operators, guards and watchpersons, janitors, and kindred workers.

On-the-job trainees:

Production--Persons engaged in formal training for Craftpersons (skilled) - when not trained under apprenticeship programs; Operatives (semiskilled), Laborers (Unskilled); Service Workers; Apprentices.

White Collar--Persons engaged in formal training for Officials and Managers; Professionals; Technicians; Sales Office; and Clerical.

Minority Group Identification.

- (a) Minority group information necessary for this section may be obtained either by visual surveys of the workforce, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.
 - (b) Since visual surveys are permitted, the fact that minority group identifications are not present on company records is not an excuse for failure to provide the data called for.
 - (c) Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

JOB TITLES BY FCC CATEGORY

OFFICIALS AND MANAGERS

Vice President, General Manager
Director of Finance
Director of Engineering
Director of Subscriber Operations
Vice President of Operations
Area Manager
Manager, Public Affairs
Manager of Institutional Services
Manager of Subscriber Relations
Manager of Customer Service
Data Base Manager
Sales Manager

CRAFTSPERSONS

Warehouse Supervisor
Supervisor, Bench Repair
Installation Supervisor

OPERATIVES

Bench Technicians
Dispatchers

LABORERS

Warehouse Workers

PROFESSIONAL

Accountant
Chief Engineer, Community Programming
Engineer

TECHNICIANS

Draftsman
Headend Technician
Lead Quality Control Technician
Quality Control Technician
Field Technician
Line Technician
Quality Control Installation Supervisor

SALES WORKERS

Multi-Unit Liaisons
Multi-Dwelling Unit Coordinator
Salesperson

OFFICE AND CLERICAL

Secretary
Secretary/Receptionist
Permit Processor
Customer Service Representative
Data Entry Clerk
Accounting Clerk
Construction Clerk
Channel Programmer

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REFERENCES

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Tribune-United Cable of Montgomery County

51 Monroe Street, Suite 1700, Rockville, MD. 20850

Tribune-United of Montgomery County

MFD Vendor Payments

5/25/83 - 6/30/84

Services and Goods Received by Tribune-United of Montgomery County

<u>Name</u>	<u>Type of Service</u>	<u>MFD Class</u>	<u>Amount</u>
Astro Janitorial	Cleaning	Black	\$ 375.00
B.L. Services	Drafting	Asian	21,393.00
El Pregonero	Advertising	Hispanic	35.00
Flower Parlour	Flowers	Woman	352.00
Loiderman Associates	Drafting	Hispanic	18.00
Photographically Yours	Photography	Asian	2,335.00
Duraclean	Cleaning	Woman	192.00
Standard Office Supplies	Office Supplies	Woman	4,442.00
Washington Afro-American	Advertising	Black	330.00
Frazier Maintenance	Cleaning	Black	150.00
		TOTAL	\$29,622.00

Services and Goods Received by Contractors of Tribune-United

<u>Name</u>	<u>Type of Service</u>	<u>MFD Class</u>	<u>Amount</u>
RIVA Associates	Marketing	Black, Female	\$ 3,887.00
B.L. Services	Drafting	Asian	6,933.00
Loiderman Associates	Drafting	Hispanic	23,201.00
		TOTAL	\$63,643.00

Total Goods and Services Received of All Vendors \$ 5,310,096.00

Total Goods and Services Received of Local MFD Vendors 851,086.00

Total MFD Vendors

Paid by Tribune-United	29,622.00
Paid by Our Contractors	34,021.00

Total MFD Business Generated \$ 63,643.00

Percentage of Total Local MFD Business Generated 7.5%

Percentage of Total MFD Business Generated 1%

Tribune-United Cable of Montgomery County

51 Monroe Street, Suite 1700, Rockville, MD. 20850

TRIBUNE-UNITED CABLE OF MONTGOMERY COUNTY

MFD VENDOR PAYMENTS

5-23-83 THROUGH 3-30-85

(REVISED AND BROKEN OUT)

Total Goods and Services Purchased	\$24,527,334.53
Total Labor (subcontractor only -- sole source) and Plan Expenditures (sole source vendors)	\$20,357,687.70
Total including office supplies, payroll taxes, programming costs and rent	\$ 4,169,646.80
Total Goods and Services received of local vendors (excluding utilities)	\$ 8,992,492.07
Total Minority Vendors paid by Tribune-United	\$ 67,849.71
Total Minority Vendors Paid by Tribune-United's Contractors	\$ 34,210.00
Total MFD Business Generated to Date	\$ 101,870.71
Percentage of all non sole source expenditures spent with MFD vendors	2.4%

Tribune-United Cable of Montgomery County

51 Monroe Street, Suite 1700, Rockville, MD. 20850

September 16, 1985

Mr. Andy Mansinne
Director
Office of Legislative Oversight
100 Maryland Ave., Room 501
Rockville, MD. 20850

Dear Andy,

I would like to confirm below the MFD procurement figures which I telephoned to Karen on Friday.

Tribune-United of Montgomery County
Minority Vendor participation
(5/83 - 8/85)

Total Cash Payments	\$39,427,545
Less: Sole-Source Payments ¹	35,987,127
Equals: Available for MFD participation ²	3,440,418.
Actual MFD participation	139,687
% MFD participation	4.1%

¹ "Sole-Source Payments" are those made to Manufacturers Vendors, and Suppliers which provide products and/or Services of a unique or customized nature.

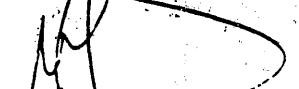
² "Available for MFD Participation" are all non- Sole-Source expenditures for goods/services that are of a non-customized nature. These are available to any vendor, including MFD firms, on a competitive bid basis.

In the past few weeks, it has become apparent to me that certain additional information needs to be obtained for an MFD analysis to be meaningful. I am currently in the process of developing these data sources and will keep you apprised of my progress.

Mr. Andy Mansinne
Page 2

I enjoyed meeting you and look forward to working
with you.

Sincerely,


Tom Lacey
Vice President
Operations