



*House Bill 2515, Printer's Number 3997
House Bill 19, Printer's Number 4122*

*Pennsylvania House of Representatives
Committee on Labor Relations*

Testimony

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Good morning, Chairman Belfanti, Chairman DiGirolamo, Rep. Murt, Rep. Gibbons, and members of the House Labor Relations Committee. My name is Bernard A. Oravec, Publisher for The Williamsport Sun-Gazette, located in Williamsport, Pennsylvania. The Williamsport Sun-Gazette, along with our sister publications, The Altoona Mirror, Lewistown Sentinel, Lock Haven Express and Warren Times Observer, are owned by Ogden Newspapers. Inc. and have been serving Central Pennsylvania readers since 1801.

With me today is Deborah Musselman, Director of Government Affairs for the Pennsylvania Newspaper Association (PNA). We appreciate the opportunity to appear before you today to express our views on a comprehensive revision and reenactment of the Child Labor Law.

The Pennsylvania Newspaper Association (PNA) is a non-profit, dues-supported association with approximately 330 newspaper and affiliate members, established in 1925 in Harrisburg. Its mission is to protect freedom of the press and promote members' business interests and professional development.

In addition to legislative monitoring and representation, PNA provides its members with meeting and events planning, awards and training programs, publications, research and legal assistance, as well as technical support and general assistance. The PNA Foundation is a separate non-profit, tax-exempt corporation charged with the mission of improving newspapers through education and training programs and supporting their role in the community, while MANSI Media is the for-profit entity that manages PNA operations and promotes advertising in newspapers.

These components of our organization illustrate the fact that newspapers' business concerns, as part of our free-market economy, and their role as advocates for the First Amendment, both complement and support each other. The bills before you today, governing the employment of minors under the age of 18, reflects society's interest in fostering a positive work ethic in young people, and in protecting their health and safety, and the membership of my organization supports these goals. The Pennsylvania Newspaper Association Foundation honors outstanding youth carriers each year and awards them on the basis of academic excellence, community service, and for outstanding service as a youth carrier.

The two pieces of legislation include several current and longstanding provisions of the Child Labor Law with regard to youth carriers. Minors engaged in newspaper delivery, at a minimum age of 11, are excluded from the definition of "youth peddling," and minors over age 16 who deliver newspapers are not required to obtain a work permit. These provisions have appeared in the law for many years and, like the Youth Labor Law in many other states, reflect federal law.

The bills differ in one respect only, the "start time" permitted for youth carriers. House Bill 2515 reflects longstanding provision of current law and authorizes a 5:00 a.m. start time, while House Bill 19 would change the start time to 6 o'clock. We understand that this proposal stems from a concern for the safety of youth carriers, but must respectfully note that the safety issue has never been a problem; there is no documentation of any youth carriers coming to harm by virtue of early morning delivery hours.

Our members that utilize youth carriers are certainly mindful of the safety issue, and even afternoon papers that use youth require written parental approval and co-signing of contractor agreements. Some parents, in fact, accompany their children on their delivery routes. Our members tell us that they would seriously consider discontinuing the use of youth carriers, should a 6 a.m. start time become law, because home delivery subscribers want to get their paper before leaving for work. It is critical that the start time remain 5:00 a.m. Parents and their children must be the ones to decide whether this works for their family, not government.

The legislation also incorporates several important amendments to the Act regarding newspaper carriers. The law currently prohibits minors from "employment" for more than six consecutive days in a single week, and the two bills each allow minors engaged in newspaper delivery to work seven consecutive days. For daily papers that publish a Sunday edition, a seven-day work week permits a youth carrier to complete his or her entire route. This recognizes the practical reality involved in having a "paper route" and supports the availability of newspaper delivery as a work opportunity to youth. The seven-day language supports youth who want to deliver newspapers and should be enacted into law.

Finally, the two proposals each address the independent contractor status of newspaper carriers. The Pennsylvania Department of Labor and Industry posted a Statement of

Policy on its website in 2004 that provides guidance on this issue. Minors under age 16 do not need to obtain a work permit if they can demonstrate that they are working as independent contractors. This interpretation and criteria, reflecting federal law, appear in both bills, and are consistent with the Department's 2005 recommendation to enact that policy into law. A copy of the interpretation is included with this testimony and can be found at <http://www.dli.state.pa.us/landi/cwp/view.asp?a=142&Q=218690>

In addition to their earnings, young people who work as newspaper carriers gain a strong sense of community, learn about job responsibilities, and gain a strong work ethic. Just this month, NBC's Today Show showcased a Pennsylvania youth carrier, in a segment based on Matt Lauer's first job (which was as a newspaper carrier). Rachel Denny, 15, who delivers the Beaver County Times, is a two-time Pennsylvania carrier of the year and 2009 national finalist. She taped a segment in which she and Today host Matt Lauer competed in a newspaper delivery contest. Not only is Rachel Denny an outstanding newspaper carrier; she saved enough from delivering newspapers to buy a car, before she can even drive. On behalf of the PNA we appreciate your support for all of Pennsylvania's youth carriers and their local newspapers.

The specific points I have addressed today have come before this committee in legislation that passed the House of Representatives with no negative votes in 2003 and again in 2005. We urge the Labor Relations Committee to advance legislation that incorporates our specific concerns to the full House of Representatives and ultimately to the Governor's desk. We appreciate your attention and interest, and will be pleased to respond to any questions you may have.

PNA
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