



House Bill 927, Printer's Number 996

*Pennsylvania House of Representatives
Committee on Labor Relations*

Testimony

*Bernard Oravec, Publisher, Williamsport Sun-Gazette
Deborah L. Musselman, Director of Government Affairs
August 3, 2011*

Good morning, Chairman Miller, Chairman Keller, Rep. DeLozier, and members of the House Labor Relations Committee. My name is Bernard A. Oravec, Publisher of The Williamsport Sun-Gazette, located in Williamsport, Pennsylvania. The Williamsport Sun-Gazette, along with our sister publications, The Altoona Mirror, The Sentinel (Lewistown), The Express (Lock Haven), the Luminary (Muncy) and the Times Observer (Warren), are owned by Ogden Newspapers. The Williamsport Sun-Gazette has been serving Pennsylvania readers since 1801 and is currently the 4th oldest newspaper in Pennsylvania and the 10th oldest newspaper in America. This fall, the Williamsport Sun-Gazette will celebrate 210 years of newspaper publishing in Lycoming County.

I appeared before this committee to discuss youth labor issues pertaining to newspaper carriers last year, and I appreciate the opportunity to comment again today on this year's comprehensive revision and reenactment of the Child Labor Law. With me today is Deborah Musselman, Director of Government Affairs for the Pennsylvania Newspaper Association (PNA).

The Pennsylvania Newspaper Association (PNA) is a non-profit, dues-supported association with approximately 300 newspaper and affiliate members, established in 1925 and based 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, corporation charged with the mission of providing training and resources to newspapers, to develop the next generation of readers and journalists, and to educate the public on the importance of the First Amendment and the role of a free press. 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 bill 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. The membership of my organization supports these goals. The Pennsylvania Newspaper Association Foundation honors outstanding youth carriers each year and confers awards on the basis of academic excellence, community service, and outstanding service as a youth carrier.

Although, as you know, House Bill 927 is written to create a new and updated Child Labor Law, its provisions regarding youth carriers who deliver newspapers continue Pennsylvania law that has been in place for many years. Under existing law, Pennsylvania youth carriers may start to work at the age of 11. They are excluded from the definition of "youth peddling," and minors over age 16 who deliver newspapers are not required to obtain a work permit. Finally, their 5 a.m. start time allows morning paper subscribers to receive their paper prior to leaving home for work. These provisions have appeared in the law for many years, and like child labor laws of many other states, they also reflect federal law.

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 we appreciate your drafting House Bill 927 to permit 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 bill addresses the independent contractor status of newspaper carriers. The Pennsylvania Department of Labor and Industry initially 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 policy, along with a 2005 recommendation to enact it into law, reflects federal law, and it appears on the Department's website under Safety and Compliance. The policy interpretation is included with this testimony.

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. Last

fall, just before I addressed this committee on behalf of these concerns, the 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, then 15 years old, still delivers the Beaver County Times. She 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. Ms. Denny is an outstanding newspaper carrier; she actually saved enough from delivering newspapers to buy a car, before she could even drive, and her story is not atypical in Pennsylvania. We are always pleased to hear about the many prominent individuals – including many legislators - for whom “paper boy” or girl was their introduction to the working world.

On behalf of the PNA we appreciate your support for all of Pennsylvania's youth carriers and their local newspapers, and the communities they serve. 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
8-3-11

Child Labor Law in Surrounding States

Regulations Regarding Hours of Employment

8/3/2011

Labor and Industry Committee

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Safety and Labor-Management Relations

Newspaper Carriers

Industrial Board

The Pennsylvania Child Labor Law (43 P.S. §§ 42 - 71) has certain requirements for minors involved in the sale and distribution of newspapers.

Labor Law Compliance

- No minor under the age of 11 years old may participate in the sale of newspapers, magazines, periodicals, or any other such publications, in any street or public place. (43 P.S. § 48).

Prevailing Wage

Child Labor Law

- Minors, under 16 years of age, engaged as newspaper carriers may not work before 5:00 AM, and after 8:00 PM in any given day. (43 P.S. § 48).

Newspaper Carriers

- Minors aged 11 through 15 must obtain employment certificates if they are employed as newspaper carriers. Minors that are 16 and 17 years old and employed as newspaper carriers are not required to have employment certificates. (43 P.S. § 52).

Forms

Complaint Form

- Employment certificates for minors under 16 are not necessary if the minors are working independently of the newspaper publisher.

Minimum Wage Law

- The necessity of employment certificates must be decided on a case-by-case basis. Under the Pennsylvania Child Labor Law, some considerations relating to independent contractor status are whether:
 - The minors purchase the newspapers from the publisher for resale to the consumer, and
 - The newspaper publisher classifies the minors as employees of the newspaper.

Labor-Management Cooperation

Mediation Services

Occupational and Industrial Safety

If you have any questions regarding minors working as newspaper carriers under the Pennsylvania Child Labor Law, please contact the Bureau of Labor Law Compliance:

PENNSAFE

Pennsylvania Labor Relations Board

E-Mail	rkuzynski@state.pa.us
Harrisburg	1-800-932-0665 or 717-787-4671
Altoona	814-940-6224 or 814-940-6225
Philadelphia	215-560-1858
Pittsburgh	1-877-504-8354 or 412-565-5300
Scranton	1-877-214-3962 or 570-963-4577

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NEW YORK

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	3 hours on school days 8 hours on other days	18	6	7AM – 7PM
16-17	4 hours on days preceding school days (Mon- Thurs) 8 hours on Fri.- Sun. and Holidays	28	6	6 AM – 10PM

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	6	7AM – 9PM June 21 to Labor Day
16-17	8 hours	48	6	6AM to Midnight

NEW JERSEY

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	3 hours on school days 8 hours on other days	18	6	7AM – 7PM
16-17	8 hours	40	6	6AM – 11PM OR 6AM – 12PM on days not followed by a school day

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	6	7AM – 9PM from last day of school to Labor Day*
16-17	8 hours	40	6	6AM – 11PM OR 6AM – 3AM in restaurant and seasonal amusements*

*Written permission from parent required

WEST VIRGINIA

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	3 hours	18	No restriction	7AM – 7PM*
16-17	Work hours unrestricted	Work hours unrestricted	N/A	N/A

* Without supervision permit

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	No restriction	7AM – 9PM*
16-17	Work hours unrestricted	Work hours unrestricted	N/A	N/A

* Without supervision permit

OHIO

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	3 hours	18	No restriction	7AM – 7PM
16-17	Work hours unrestricted	Work hours unrestricted	N/A	7AM – 11PM*

*May begin at 6AM if they did not work past 8PM previous night

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	No restriction	7AM – 9PM
16-17	Work hours unrestricted	Work hours unrestricted	N/A	N/A

DELAWARE

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	4 hours	18	6	7AM – 7PM
16-17	Work and school hours combined cannot exceed more than 12 hours per day. Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.	-----	-----	-----

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	6	7AM – 9PM June 21 to Labor Day
16-17	Work and school hours combined cannot exceed more than 12 hours per day. Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.	-----	-----	-----

MARYLAND

School in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	4 hours	23	No restriction	7AM – 8PM*
16-17	Work and school hours combined cannot exceed more than 12 hours per day. Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.	-----	-----	-----

* Minors may work until 9PM from Memorial Day to Labor Day

School NOT in Session

Age Of Minor	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours of Employment
14-15	8 hours	40	No restriction	7AM – 8PM*
16-17	Work and school hours combined cannot exceed more than 12 hours per day. Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.	-----	-----	-----

* Minors may work until 9PM from Memorial Day to Labor Day

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Occupational and Industrial Safety

- No minor under the age of 11 years old may participate in the sale of newspapers, magazines, periodicals, or any other such publications, in any street or public place. (43 P.S. § 48).
- Minors, under 16 years of age, engaged as newspaper carriers may not work before 5:00 AM, and after 8:00 PM in any given day. (43 P.S. § 49).
- Minors aged 11 through 15 must obtain employment certificates if they are employed as newspaper carriers. Minors that are 16 and 17 years old and employed as newspaper carriers are not required to have employment certificates. (43 P.S. § 52).
- Employment certificates for minors under 16 are not necessary if the minors are working independently of the newspaper publisher.
 - The necessity of employment certificates must be decided on a case-by-case basis. Under the Pennsylvania Child Labor Law, some considerations relating to independent contractor status are whether:
 - The minors purchase the newspapers from the publisher for resale to the consumer, and
 - The newspaper publisher classifies the minors as employees of the newspaper.

If you have any questions regarding minors working as newspaper carriers under the Pennsylvania Child Labor Law, please contact the Bureau of Labor Law Compliance:

PENNSAPE

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Scranton	1-877-214-3962 or 570-963-4577

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