



House Bill 2369, Printer's Number 3435

Pennsylvania House of Representatives

Committee on Labor Relations

Testimony

***Deborah L. Musselman, Director of Government Affairs
May 20, 2008***

Good morning, Chairman Belfanti, Chairman DiGirolamo, Rep. Steil, and members of the House Labor Relations Committee. My name is Deborah Musselman, Director of Government Affairs for the Pennsylvania Newspaper Association (PNA). Thank you for the opportunity to appear before you today to express my organization's support for House Bill 2369, Printer's No. 3435, a comprehensive reenactment of the Child Labor Law that has come before this committee in prior sessions, and which passed the House of Representatives with no negative votes in 2003 and 2005.

The Pennsylvania Newspaper Association is a non-profit, dues-supported association with approximately 360 newspaper and affiliate members, established in 1925 in Harrisburg as the Pennsylvania Newspaper Publishers' Association upon the merger of three predecessor organizations. 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 affiliated PNA Foundation is a 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 Mid-Atlantic Newspaper Services, Inc. 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. House Bill 2369, 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 honors outstanding youth carriers each year and awards scholarships on the basis of academic excellence, community service, and outstanding performance as a youth carrier.

House Bill 2369, Printer's No. 3435 includes several current and longstanding provisions of the Child Labor Law with regard to youth carriers, establishing working hours between 5 a.m. and 8 p.m. and a minimum age of 11. Minors engaged in newspaper delivery 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 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, while House Bill 2369 permits 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.

Finally, the bill addresses 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 appears in section 10(a)(4), page 17, of House Bill 2369, incorporating the Department's 2005 recommendation to enact that policy into law. This policy, a copy of which is attached, coordinates with criteria establishing independent contractor status. <http://www.dli.state.pa.us/landi/cwp/view.asp?a=142&O=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. House Bill 2369 provides support to these youth and their newspapers. My organization is pleased to support House Bill 2369, and we urge the Labor Relations Committee to advance this bill to the full House of Representatives and ultimately to the Governor's desk. I appreciate your attention and interest, and will be pleased to respond to any questions you may have.

DLM
May 16, 2008