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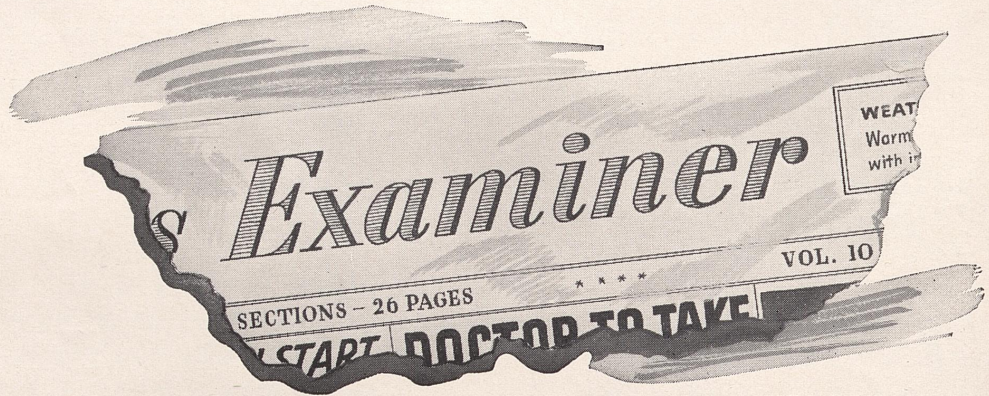
Number

Official Publication Kentucky Press Association

examiner is a medico



but Examiner is a newspaper



With a lower-case "e," an examiner is a doctor. Or a lawyer. Or a nightmare to college students. Take the initial letter from the upper case, and the word identifies a newspaper.

With a lower-case "c," the friendly abbreviation for Coca-Cola changes its meaning completely. Coke—with a capital "C" means Coca-Cola and nothing else. That's why we ask you to use the upper-case initial when you have occasion to mention it in your columns.

There's another reason, too, besides clarity. Coke and Coca-Cola are our registered trade-marks, and good practice requires the owner of a trade-mark to protect it diligently. That's why the capital "C" is important to us—as important as a capital initial for the name of your publication.

Coke = Coca-Cola

Both are registered trade-marks which distinguish the same thing: the product of The Coca-Cola Company.

THE COCA-COLA COMPANY

Ashland Is Perfect Host To 81st. KPA Mid-Summer Meeting

With the closing banquet on Saturday night, as guests of Col. Ben F. Forgey and his staff of the Ashland Independent, the eighty-first mid-summer meeting of the Kentucky Press Association came to an end, a meeting that was declared as the most enjoyable of years. The newspaper folk; and the citizens of that beautiful city laid out on rolling hills, were lavish in their hospitality and entertainment.

Registration began Friday morning for the visiting publishers and their families. The ladies were entertained at a canasta party at the Bellefonte Country Club with the ladies of the Independent in charge, while two hardy foursomes toured the rolling hills of the golf course. The ladies were reticent as to their prizes; but James G. Norris, associate editor of the Independent, awarded golf balls at the banquet to Mark Ethridge, Courier-Journal for both low net and the blind bogey, and Ed Pepperman, Louisville, for least number of putts.

The delegates were royally entertained by the Ashland Oil and Refining company at a reception and buffet dinner at the Henry Clay hotel that evening. J. Howard Marshall, president of the refinery, and Paul G. Blazer, chairman of the board, headed the official receiving line, ably assisted by members of their organizations. A sumptuous repast was served.

Brief greetings were given by E. Paul Williams, president of the Ashland Board of Trade, who presided, Mr. Marshall, President Joe La Gore, and John Fred Williams, refinery personnel department, which preceded the principal address by Colonel Forgey, published elsewhere in this issue.

The business session was called to order by President La Gore at 9:30 Saturday morning. Invocation was pronounced by Rev. Francis Cooper, Calvary Episcopal Church. James G. Wallace, city manager, in his address of welcome, stressed the need of long-range planning for city, county, or state, and commended the newspapers for their assistance and criticisms in approaching projects for the good of their communities. He asked their continued news and editorial assistance in all community projects.

Board President E. Paul Williams in his official greetings and welcome, outlined the progress of Ashland and the possibilities of the future of the eastern gateway city. He commended the Association in visiting various sections of the state in the summer meetings, stating "You are helping yourselves and your citizens in getting better acquainted with all sections of the state, their progress,

and their peoples — only in this manner can all work together for the state's progress and prosperity."

Vice-President Douglas Cornette in his response extolled the beauties of Ashland and eastern Kentucky, and gave the hearty thanks of the Association for the invitation to visit the city and the wonderful hospitality extended to the association members. He emphasized the consciousness of the newspaper fraternity of editorial responsibility and the need of a unified press in the state's forward progress.

In his address on "Keep Kentucky Green", J. A. Buchholz, State Division of Forestry, gave a brief outline of Kentucky forests and their potentiality to the welfare of the state. He stated that approximately 46% of the total area, 12 million acres of land, were in forests; also about 1½ million acres of wasteland can be reclaimed by the planting of trees. He continued:

"Our forests furnish full-time employment to more than 20,000 workers, and, indirectly, thousands more are dependent upon forest industries for their livelihood. The beauty of our forests is important as a tourist lure; its recreational possibilities unlimited. It provides homes and food for wild life and protects our streams for good fishing.

"Forestry is big business in Kentucky. For the year 1945 the cash income from forest products was second only to tobacco among agricultural crops. We cannot discount the important position our forests hold in the economic welfare of our communities and state as a whole."

He explained the danger and economic losses of forest fires, stating that Kentucky has an average of 4,000 fires annually which burn approximately 250,000 acres of timberland, with a loss of near one million dollars. Seventy eight percent of these fires are caused by carelessness, trash burnings, smokers, and campers. Commending the newspapers for their help in fire prevention, he averred:

"Our approach to problems of good forest management and fire prevention must be through continuous education. It is necessary for us to use all media of public information to accomplish our goal of better forestry. We know, as a fact, that our progress which has been achieved thus far could not have been accomplished without the ever excellent cooperation and help of the newspapers. Much of our future success will depend upon our continuing support.

"In recognition of this fine work by the newspapers in Kentucky the Kentucky-Tennessee section of the Society of American

Foresters will make an annual Journalism award to the editor of a rural community newspaper in each state for outstanding forestry journalism."

Mr. Buchholz outlined the rules and procedure of the annual award which will become a part of the annual newspaper contests of KPA. These rules are published in another column.

Editor Joe Short, News, Ravenswood, West Virginia, brought greetings from his Association, and explained briefly the purpose and accomplishments of the Newspaper Council in the state. He stated that through this Council, the state press was working together for the state's advancement, and for excellence in journalism. His address was interesting and informative.

George Yates, principal of the Versailles high school, recently returned from an extensive 44 day tour of Europe as Kentucky's representative, gave a factual, interesting, and informative address on "Europe Today." Highlights of this address, which held intense interest throughout, are printed in another column.

Pat Meloan, investigation supervision, Louisville, explained the most important provisions of the new regulations of the Federal Wage and Hour Law which concerned the newspaper industry specifically. These regulations, he stated, covers workers engaged in interstate commerce or in the production of goods for commerce, including closely related processes, or occupations, directly essential to such production. His address is published in another column.

A discussion and question period followed Meloan's address.

The Community News, suburban community weekly, published in Lexington by Charles Drew, was elected to active membership by unanimous vote of the convention. The election of Thomas J. Wilson, Cynthia Log Cabin, who has guided its destiny for over 40 years, as a Life Member of the Association was made by the convention.

Secretary Portmann reported briefly on the two amendments to the Kentucky Statutes as passed by the 1950 legislature: That which amended Chapter 424.030, which raised the rate of legal advertising for weeklies from 50c to 75c per column inch, and dailies from \$1 to \$1.25; and the amendment to Section 57.030, etc., which defined three new classes of public printing.

Neil Dalton, vice-chairman of the Kentucky Press Sports Fund, spoke briefly, announcing that brochures would be distributed at the meeting, or through the mail, which outlined the history of the Fund, its purposes, and its success to date. He urged that the editors study the report for future action and publish, at the earliest opportunity, the material which was included with the brochure.

Sag Kash, Cynthiana Democrat, moved that two recommendations of the committee, should be adopted. This was seconded and carried unanimously. The recommendations were:

The name of the Kentucky Sports Fund should be changed to The Kentucky Press Fund For Crippled Children.

President La Gore should appoint a committee to administer the progress and distribution of the Fund until January, 1952, consisting of Chairman Thomas L. Adams, Lexington Herald-Leader; Vice-Chairman Neil Dalton, Louisville Courier-Journal; Herndon J. Evans, Pineville Sun; Mack Sisk, Dawson Springs Progress; William A. Caywood, Winchester Sun; Ransom Todd, Flemingsburg Gazette; and Secretary-Manager Portmann. Mr. La Gore announced the appointments as recommended.

Tom Graham, reporting briefly on the progress of "Kentucky Homecoming-1950", stated that several city events have been staged and over one hundred are still forthcoming. He complimented the press for the splendid cooperation which they have shown.

The session closed with the announcement and presentation of the awards in the various 1950 prize contests.

Two bus loads of delegates were treated to a two-hour tour of the Ashland Refining Company plant east of Ashland. The visitors were given first-hand the methods of making gasoline, kerosene, motor oils, and by-products during the interesting tour. Due to the lateness of the hour, the tour of the Armo Steel plant was called off.

Following a reception at 5:30 as guests of the Ashland Independent, the banquet was held in the main dining room of the Henry Clay. Door prizes, serious and humorous, were distributed between courses by Doug Cornette and assistants. As one lady stated, "The banquet was out of this world." Chauncey Forgey presided.

Jesse Stuart, eastern Kentucky's poet laureate and Guggenheimer Fellowship winner, gave an enthusiastic and colorful story of his life after the dinner. He told of his early days in the now-famous "W" Hollow in Greenup county and of his persistent efforts for an education which have brought him to the position he enjoys today in the literary world.

He is the author of such widely-read tales of the Kentucky mountains as "Man With The Bull Tongued Plow", "Taps For Private Tussey", and others. He stated that, in America, everybody has a chance—that a president can come from a poor family, one from the middle class, or from a wealthy home, and the same thing applies to writing. He was given an ovation at the conclusion of his talk.

During the banquet, President La Gore

called upon Roscoe I. Downs, publisher of the Hancock Clarion, Hawesville, to present the resolutions. These resolutions, presenting most adequately the enthusiastic sentiments of the visitors, were:

It is the high privilege extended to the Kentucky Press Association by the citizens of Ashland to hold its 81st Annual Mid-Summer session in this splendid city. We have been greeted in a hearty manner and given a cordial welcome that is characteristic of the capitol of the Big Sandy. Your people have opened your hearts to us and by your manner of reception we have been made to feel at home and to enjoy your splendid hospitality, therefore,

Be it Resolved, first, that we, the members of the Kentucky Press Association extend our thanks to all the people of Ashland for their splendid reception;

Resolved, second: That we especially extend our thanks to the Bellefonte Country Club for the use of the Club House and grounds;

Resolved, third: That we are appreciative of the fine buffet dinner served for our enjoyment on Friday evening by the Ashland Oil Refining Company and the Armo Steel Plant, and for the cocktail party that preceded it. We are also thankful to these great companies for the privilege of touring their extensive plants.

Resolved, fourth, that we extend our thanks to the management of the Henry Clay Hotel for the splendid manner in which they have served our needs as our guest hotel.

Resolved, fifth, that we extend our thanks to Col. Forgey and the entire staff of the Ashland Daily Independent for the fine manner of their reception and their untiring efforts to make our meeting here an enjoyable one, and especially for this splendid banquet that we are now enjoying.

Resolved, sixth, that our thanks also go to all who have participated on our programs: Rev. Francis Cooper for the invocation; the officials of the city, and the Ashland Board of Trade; Editor Joe Short of the Ravenswood, W. Va., News; J. A. Buchholz of the Kentucky Division of Forestry; George Yates for his "Impressions of Europe"; to Pat Melean for his "Wage Hour Discussion", and Jesse Stuart.

And, Resolved finally, that we have had such a delightful time here and have been so royally entertained that, we, as your committee, request that the Kentucky Press Association, here and now resolved to come back to Ashland at the first opportunity.

Roscoe I. Downs, Chairman

The New York Times was capitalized at \$100,000 in 1851, when it was established. Henry J. Raymond was the first editor.

Hopkins County Times Receives Top Award

The Hopkins County Times, Madisonville, Mack Sisk, publisher, and T. M. McConnell, editor, was adjudged the Best All-Around community newspaper in the 1950 Kentucky Press Association contests. The announcement was made at the closing session of the Eighty-first Mid Summer Meeting at Ashland of June 10 by Chairman Portmann, contest committee.

The Times received a handsomely engraved silver fruit bowl, presented by the Lexington Herald-Leader.

Second award, Certificate of Merit, in the All-Around Contest, was presented to the Cynthiana Democrat, J. T. Wilson, publisher, and Sag Kash, editor. Third place was awarded the Kentucky Standard, Bardstown, Alfred Wathen, editor. Honorable mention was accorded three community newspapers for general excellence, the Campbellsville News-Journal, Judy Gozder, publisher, and George Trotter, editor; the Providence Journal-Enterprise, J. La Marr Bradley, publisher-editor; and the Central City Times-Argus, Larry Stone, editor.

A silver fruit bowl was presented to the Somerset Journal, Mrs. May Williams, publisher, by the Louisville Courier-Journal and Times as winner of the Best Front Page contest. Certificates of Merit were presented the Princeton Leader, John Hutcheson, editor, for second place; the Hopkins County Times for third place; and the Journal-Enterprise, Providence, the Union County Advocate, Morganfield, Roy and Tyler Munford, publishers, and the Somerset Commonwealth, George A. Joplin, editor, were accorded Honorable Mention.

The Kentucky Post, Covington, silver trophy for the Best News Story was awarded Editor George Joplin, Somerset Commonwealth, for his excellent coverage of the catastrophe that hit his community—title, "Community Struck By Tornado." Second and third place Certificates were accorded the Fulton County News, Paul Westpheling, editor, for his news story on "Murchison Still Winner", and the Shelby News, Shelbyville, Bennett Roach, editor, for his story on "Long Range Policy School Plan." Honorable Mention was accorded the Hazard Herald, "4 Union Mines Work Weekend" by James Woolridge, and Sag Kash's story, "Board Is Target" in the Cynthiana Democrat.

The Central City Times-Argus, Amos Stone, editor, repeated his 1949 triumph and again won the Best Editorial contest with his editorial, "Something Must Be Done With Our Starving Children." The Times-Argus was again inscribed on the Enoch Grehan Memorial Plaque, established by the

(Please Turn To Page Seven)

\$10,000,000,000, Saved On America's Food Bill



What has mass distribution done for America?

A & P answered this question recently in the Federal Court in New York, when it filed its formal denial of the charges being made against the company by the anti-trust lawyers.

It was revealed that American consumers would be paying ten billion dollars more for their food this year were it not for the efficient distribution methods pioneered by A & P and effectively developed by the entire food industry.

A & P, first of the nation's chain stores, started more than 90 years ago to develop the principles of efficient, low-cost, low-profit distribution. Hundreds of other chains have been founded and still operate on those principles. Wholesalers and individual merchants, too, have streamlined their operations and cut their distribution costs and profit margins.

As a result, today in grocery stores all over the country, both chain and independent, only 15 to 20 cents of each consumer's dollar goes to pay the costs of distribution, as compared with retail distribution cost of 38 cents and more prevailing in other lines.

In other words, if food distribution costs were as high as those in other fields, American consumers would be paying ten billion dollars more for their food this year.

This would mean that consumers would have ten billion dollars less to spend on television and radio sets, refrigerators, automobiles, clothing, houses and all the other good things which have given Americans the world's highest living standard.

A & P is proud of the role it has played in pioneering many of the efficiencies which have brought these savings to the American public. It is proud to be a member of the industry which has done such an outstanding job of lowering living costs.



A & P FOOD STORES

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Kentucky Press Association

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Douglas Cornette, *Vice-President*

Courier-Journal, Louisville

Victor R. Portmann, *Secretary-Manager*
University of Kentucky, Lexington

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The highlight of the buffet dinner at the mid-summer meeting was the address of Col. B. F. Forgey on "the Modern Newspaper." The genial Colonel, vigorous and always hard at work, is a life member of the Association. He entered newspaper business in 1892 and is one of the oldest KPA members.

After words of praise for Paul Blazer as one of the most progressive and forward business men in the state, the speaker said there is no trouble about the progress of the modern newspaper as far as machinery and methods of business are concerned. He added:

"It has kept abreast with the genius of the age. The rapidity of execution and the beauty of product fill the breast with joy and pride. A great printing press, like you can see every day in the plant of the Ashland Publishing Company in the majesty of its motion and the delicate equilibrium of its thundering forces, is the brain of the universe, that does its thinking, forms its opin-

The Kentucky Press Association recognizes the fundamental importance of the implied trust imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social, and cultural community development and progress.

ions, projects its enterprises and fixes its character.

"There is an average of more than 55 million newspapers printed every day in the United States. They carry into all classes, intelligence that forms the lives and directs the destinies of men. What is derived from the press does more to turn hither and thither, than our education, or our religion, and really it gives to most men what they have of these "Great is journalism," said Carlisle, "for every editor is a ruler of a portion of the world."

"The press for 100 years has provided the breath of life for the constitution and as rigid as that instrument is supposed to be, it bends and bows under the stroke of the pen. Even the august justices of the upper benches listen to the still small voice as it stirs in the columns of the newspaper and gathers unction and wisdom for future use.

"But there are changes in the air. Standards of former years are yielding to higher ones. New conditions are forcing us to new activities in many lines of work. The surges of nervous forces have made new shores of life and they are peopled with a new race, over which bends a new heaven and around which science, invention, commerce, education and other good angels sing songs of triumph and unfold beautiful dreams.

"There is a new everything. All the old processes have taken new departures because the facts that created them have changed front. The horse and buggy days are gone forever and newspapers were the first to recognize this important fact. They have led the procession in world advancement.

"In this resplendent genesis, the press, like Alpine peaks, catches the first rays of the dawn. It heralds the first song, the first grand fact, the first mission of progress — and pulpit, senate and court feel the divine energy and turn it into law and gospel. Standing at the head of mechanical invention, representing an organization that occupies the ends of the earth, with telegraph wires and radio from pole to pole, and thus appropriating to itself the gladsome beams of all knowledge, it is the prince of opinion

and the autocrat of purpose.

"But there are shadows on the wall. The men of opportunity is the man of responsibility and that man is the one who controls the columns of a newspaper. A belief that common intelligence is a sort of serum capable of fusing and transmuting into wholesome ideas every poisonous fact put into it, it is as great an error in psychology as it is in physiology. A simply poisoned fact will no more assimilate with true knowledge than strychnine with pure blood. They are branded as human enemies, and is treason to human hopes to treat with them. Thank heaven, this fact is being recognized every day. In the sanctum, where the genial beams of civilization first make themselves felt is where the demand arises that an editor must be a gentleman as well as a scholar; an educator as well as a newsdealer; a man of conviction as well as a political gladiator; and this demand is being supported by the public conscience and the hope of a loftier citizenship.

"For a still higher journalism I make my plea tonight. In the conflict between right and wrong, between virtue and vice, between truth and prejudice, the newspaper should not drag after the dark tendencies of the times, but stand against them, and turn them toward brighter altitudes. Poor human nature needs all the assistance it can get, to enable it to hope and aspire. The grandest aspect of the newspaper is its moral agency, and there is no escape from the responsibility which this condition imposes. Journalists should be held to the highest conception of those duties, which these opportunities require. Their great power should be the measure of their responsibility. It lies with upon which the safety of the Republic depends. They act the coward if they refuse the trust. It is treason to society and the nation to tamper with or make light of it. The most resplendent exercise of the power of the press today would be to bring itself under the dominion of lofty thought and moral purpose.

"The newspaper is in the life of almost
(Continued on Inside Back Cover)

Pat Meloan Explains Provisions Of Fair Labor Standards Act

I appreciate this opportunity to speak with you about the changes in the Fair Labor Standards Act, popularly known as the Federal Wage and Hour Law, and the new Regulations, Part 541, governing the exemption of so-called "white collar workers" from the minimum wage and overtime provisions of the Act. I should like to discuss briefly the main provisions of the Act, the changes as they affect newspapers and a detailed discussion of the new 541 Regulations.

The Fair Labor Standards Act covers workers engaged in interstate commerce or in the production of goods for commerce, including closely related processes or occupations directly essential to such production. I shall have something more to say about the latter part of that definition in a few moments. First, I should like to mention the most important changes made in the law by the Eighty-first Congress.

The most important amendment, of course, was that raising the minimum wage from 40 to 75 cents per hour. The Congress also extended the Child labor provisions of the Act. It made a change in the coverage by changing the definition of the term "Produced." It defined for the first time the regular rate of pay and it made certain changes in the administrative procedures under the Act.

The new minimum wage will be of indisputable benefit to about a million and a half low paid employees among the approximately twenty-two and one-half million who are covered by the Wage and Hour Law. Raising the minimum from 40 to 75 cents per hour does not mean that all these million and a half workers received the full raise of 35c per hour, because the vast majority of covered workers were already receiving at least 60c an hour before the amendments went into effect on January 25 this year. That is why the Wage and Hour Division has estimated that the increase in the total national wage bill will be less than one percent.

In regard to the change in the definition of "Produced," on which coverage of the Wage and Hour Law is based, I want to emphasize that, as far as we can determine, there will be no change in coverage with respect to newspapers. As I said a few moments ago, coverage of the Act is based on engagement in commerce or in the production of goods for commerce, including closely related processes or occupations directly essential to production.

Employees of newspapers engaged in receiving, transmitting and exchanging news

and intelligence through the use of interstate communications are, therefore, covered by the Act. The movement in interstate commerce of news, syndicated features, national advertising matter and other material received from outside the state is considered not to have come to rest until the newspapers are in the hands of the consumer. Thus, all activities and operations performed before such interstate movement is concluded, are in interstate commerce.

With regard to the second part of the definition, employees engaged in the publication of a newspaper, some copies of which regularly leave the state of publication, are engaged in the production of goods for commerce and within coverage of the Act.

Employees who come within these two categories have always been considered to be covered. The only change Congress made with respect to coverage was to eliminate the term "necessary to the production of goods for commerce" and substitute for it the phrase "closely related processes or occupations directly essential to production." I cannot say at this time what the difference between these two terms is. The meaning will have to be decided eventually by the Courts.

I think it would be well, however, for you to keep in mind that in industry generally the vast majority of workers who were covered by the Act prior to January 25 are still covered, and with particular reference to the newspaper business I doubt if there will be any change whatever with regard to coverage.

Congress made no actual change in the overtime requirements of the Act. This provision, as you know, requires the payment of at least time and one-half the regular rate of pay for all hours over forty in a work-week. The Congress did, however, clear up all so-called overtime or overtime problems by excluding from the regular rate any extra compensation at premium rates for work in excess of eight hours a day or forty hours a week, or in excess of the normal or regular working hours. It excluded extra compensation at premium rates at time and a half for work on Saturdays, Sundays, Holidays or rest days and for work outside the hours established in good faith as the basic normal or regular workday. Under the amendments, all such payments for these types of work are creditable toward statutory overtime due under the Act.

Congress also excluded from the regular rate payments for vacations, illness, holidays or other excused absences. However, while these types of payments are excluded from

the regular rate they cannot be applied against statutory overtime due.

Congress also excluded from the regular rate certain types of bonus payments. For example, bonuses paid at Christmas or on other special occasions; however, it should be remembered that the amounts of these bonuses may not be measured by or dependent on hours worked, production or efficiency.

Other payments which may be excluded from the regular rate are those made pursuant to a bona fide profit-sharing or trust, thrift or saving plan meeting the requirements set up by the Administrator, and contributions irrevocably made by an employer to a trustee or a third person pursuant to a bona fide plan for providing old age, retirement, life, accident or health insurance or similar benefits for employees.

Congress also legalized certain types of contract forms of payment. Such payments in the past have been called Belo type contracts, although in many cases this designation was a misnomer. If you are interested in setting up such a contract form of payment, I should like to suggest to you very strongly that you exercise extreme caution in adopting such a plan because there are very rigid requirements which must be met.

First, there must be a bona fide individual contract or an agreement made through collective bargaining. Second, the duties of the employee must necessitate irregular hours of work. In other words, you could not legally adopt this type of plan if your employee worked a regular number of hours — say 44 each week. The third requirement under this type of plan is that the contract or agreement must specify a regular rate of pay. This rate may not be less than the minimum wage of 75c per hour and not less than time and one-half the regular rate of pay for all hours over forty in a work-week. Fourth, the contract must provide for a weekly guarantee of pay for not more than 60 hours based on the rates specified in the contract.

Furthermore, the Administrator has stated that there must be a reasonable relationship between the hours actually worked and the hours specified in the contract. If this were not true, there would be a question as to the validity of the regular rate as set forth in the contract and a further question as to whether the employee were being employed pursuant to bona fide contract.

One of the most important changes made by the Congress in the Fair Labor Standards Act was the strengthening of the child labor provisions. Before January 25, the Act merely prohibited the shipment in interstate commerce of goods produced in an establishment in or about which oppressive child labor was

employed within thirty days of such shipment.

This prohibition against shipment has been retained but Congress went much further so that beginning January 25 the Fair Labor Standards Act directly prohibits the employment of oppressive child labor in interstate commerce or in the production of goods for commerce. However, with respect to this provision, as well as the minimum wage and overtime provisions, **Congress added a complete exemption for employees delivering newspapers to the consumer.** I should say here that oppressive child labor means employment generally of children under 16 in most jobs and children under 18 in hazardous occupations.

Other changes which Congress made in the Act were designed to make the over-all provisions of the Act more effective. These new provisions authorize the Administrator to supervise the payment to employees of unpaid overtime compensation, and to bring suit against employers when necessary in certain cases to enforce payment of such back wages. Formerly, the law did not give the Administrator this authority, and employees had to bring their own court action. While this right of individual employees to bring suit is continued under the amendments, the new authority given the Administrator to see that back wages are paid is intended to make more certain the recover of back wages.

As you know, all employees covered by the Fair Labor Standards Act must be paid in accordance with the minimum wage or overtime provisions unless they are specifically exempt. There have been several exemptions from the minimum wage or overtime provisions, and in some cases from both. Congress clarified some of the existing exemptions, broadened the scope of some others and established a few additional ones. I shall discuss only the exemptions which are applicable to newspapers.

There was formerly an exemption for employees of weekly or semi-weekly newspapers whose circulation was under 3,000. **This exemption has been extended to include weekly, semi-weekly or daily newspapers with a circulation of under 4,000 in the county where printed or published or in bordering counties.**

It is important to know, however, that even if your circulation is under 4,000, you may lose the exemption for any employee who spends more than 50 percent of his hours worked on job printing if the printed matter, in some portion of it, eventually moves in interstate commerce.

In other words, for those weeks in which an employee spends more than 50 percent of his time on such job printing, he would not be subject to the exemption and would have

to be paid in accordance with the minimum wage and overtime provisions of the Act.

Among the exemptions which are of interest to newspapers are those for so-called "white collar workers." The Act provides for exemption of any employee who is engaged "in a bona fide executive, administrative or professional position or in a local retailing capacity or in the capacity of outside salesman, as such terms are defined and delimited by Regulations of the Administrator." I want to repeat and re-emphasize the last part of the language of the Act itself—"as such terms are defined and delimited by Regulations of the Administrator." I think it is well to fix in our minds this Congressional intent to restrict the exemption.

It is obvious by the language of the Act that Congress had not intention of providing exemptions for all highly paid employees, regardless of their duties. Also, the Courts have repeatedly held that coverage under the Act should be construed broadly and that exemptions should be construed narrowly. The Administrator in 1938 issued the first definitions and Regulations concerning these "white collar workers." With only one slight change, the Divisions have operated under these Regulations up to January 25.

Generally speaking, the new revisions clarify the primary duty requirements of the Regulations and change the salary for exemption of executive, administrative and professional types of employees. Before discussing the tests which must be met in each of the categories of "white collar workers," I want to emphasize that there are several requirements in each category, all of which must be met. In the past, many employers have assumed that certain employees met the tests for these types of employees if they met the salary requirement alone.

Also in the past, many employers have assumed that a title designation would meet the requirements. It is obvious, of course, that to give a man the title of superintendent of maintenance would not meet the requirements for an executive employee if the duties of that employee were merely to push a broom or generally to clean up the establishment. Now for the tests in the five categories—executive, administrative and professional employees and those employed as outside salesmen or in a local retailing capacity.

To be exempt as an executive, an employee must meet six tests:

1. His primary duty must be the management of an enterprise or of a customarily recognized department or subdivision;
2. He must customarily and regularly direct the work of two or more other employees;
3. He must have authority to hire or fire other employees or his recommendations for hiring or firing must be given particular

weight;

4. He must customarily and regularly exercise discretionary powers;

5. He must not devote more than 20% of his hours worked in a work week to duties which are not closely related to management of the enterprise or department; and

6. He must receive at least \$55 a week on a salary basis (before January 25 this salary test was \$30 a week).

To be exempt as an administrative employee, a worker must meet five tests:

1. His primary duty must be performed of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers;

2. He must customarily and regularly exercise discretion and independent judgment;

3. He must regularly and directly assist a proprietor or an executive employee or perform only under general supervision work along specialized or technical lines or he must execute special assignments and tasks under only general supervision;

4. He must not devote more than 20 percent of his hours worked to duties not closely related to carrying out management policies; and

5. He must be paid at least \$75 a week or \$325 a month on a salary basis. (This salary test was formerly \$50 a week or \$200 a month).

Five tests must be met for exemption as a professional employee:

1. He must be engaged in work which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on the invention, imagination or talent of the employee;

2. His work must require the consistent exercise of discretion and judgment;

3. His work must be predominantly intellectual and varied in character and of a type that the output cannot be standardized or measured in units of time;

4. He must not devote more than 20% of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the professional work which I have just talked about; and

5. He must be paid on a salary or fee basis at a rate of not less than \$75 per week.

With regard to this professional exemption, I should like to add that newspaper writers, with possible rare exceptions in certain highly technical fields, do not meet the requirements. The reporting of news and the rewriting of stories received from

(Please Turn To Page Eight)

(Continued From Page Two)

faculty of the Department of Journalism, University of Kentucky, in his memory.

Second place Certificate was accorded T. M. McConnell, Hopkins County Times, Madisonville, for his editorial, "Blanket Assessment Increase Will Make Inequities Greater." Third place was accorded Editor J. T. Wilson, Cynthiana Log Cabin, for his editorial, "It World War Now Probable?" Honorable Mentions were accorded the Somerset Journal, Clyde Denton writer, for Pultaski County Must Aid Its Schools," and Landon Willis, McLean County News, Calhoun, for his editorial, "Schol Financing Is A Test For Local Government."

The Union County Advocate was adjudged as winner of the Best Editorial Page contest and its name was engraved on the Cecil Williams Memorial Trophy for 1950. The trophy, established in memory of Cecil Williams, former versatile editor of the Somerset Journal, must be won three times by any newspaper for permanent possession. Merit certificates were presented to the Hopkins County Times and the Princeton Leader. Honorable Mentions were accorded the Campbellsville News-Journal and the Cynthiana Democrat.

The War Cry, Salvation Army Award for the Best Religious Editorial, as selected by the judges, was accorded James Wooldridge, Hazard Herald, for his editorial entitled, "We're Church Minded Folks Here." This was an unanimous choice. Second place Certificate was presented to Editor James G. Wilson, Cynthiana Log Cabin, for his editorial, "The Church In China." Third place was accorded Bennett Roach, Shelby News, for his editorial, "What The Telescope Didn't Tell." Honorable Mention was accorded Clyde Denton, Somerset Journal, on "Forgiveness Was Lesson Christ Taught Humanity"; and Sag Kash, Cynthiana Democrat for "We Can Only Say We Believe."

Francele Harris Armstrong, staff columnist on the Henderson Journal-Gleaner, repeated her triumph of 1949, the first year of the contest, for her column, "Here And There With The Home Folks." The silver trophy, established by the faculty of the Department of Journalism; University of Kentucky, was awarded her by the judges with the comment, "Excellent in plan, execution, and content. Stress on use of many names and pictures, and a high factual content which builds both community morale and interest."

Second place Certificate in the Column contest was awarded Editor L. L. Valentine, Franklin Favorite for "Community Comment"; third place was awarded Emily Asbury, associate editor, Carlisle Mercury, for her column "Here Abouts . . ." Honorable Mentions were awarded the columns

"Around The Corner", James G. Wilson, Cynthiana Log Cabin; "News Prints", Jo Westpheling, Fulton News; and "In This Corner", Paul Hughes, Jr., Shively Gazette.

The new 1950 contest, Best News Pictures, with separate contests for weeklies and dailies, attracted only five entries in the weekly division. The judge awarded first place to the Hopkins County Times with the comment, ". . . has made excellent use of pictures through the year. It has used good judgment in selecting newsworthy pictures, has made them up in the proper size to show to the best advantage, and has spaced them judiciously on its pages." The Times received the silver trophy as presented by William Mitchell, Kentucky Engraving Company, Lexington. Second and third place Certificates were awarded the Times-Argus, Central City and the Cynthiana Democrat; Honorable Mention, the Irvington Herald, George Wilson, editor, and the Carlisle Mercury, Warren Fisher, editor.

The advertising awards, presented by Ed Weeks, manager of the Bush-Krebs Company, Louisville, were announced as: Best Full-Page — first, Central City Times-Argus and Shelby News, Shelbyville; second, Princeton Leader; third, Franklin Favorite. Best Half-Page — first, Hopkins County Times; second, Princeton Leader; third, Russellville News-Democrat, Mrs. Byrne Evans, publisher. Best Quarter-Page — first, Central City Times-Argus; second, Hopkins County Times; third, Campbellsville News-Journal.

By vote of the convention delegates, after inspection of the interesting, complete displays, the Job Printing Exhibit of the Paducah Press, Murray K. Rogers, manager, was awarded first prize at Ashland. The award of \$25 is offered annually in this contest by President Thomas F. Smith, Louisville Paper Company. The prize was merited by the complete display of both printed and multigraphed samples, many in colors. Second and third place certificates were awarded the Cynthiana Democrat and the Bardstown Standard, respectively.

Announced the following Monday because of unavoidable circumstances, the judges in the Community Service contests awarded first place in the daily division to the Danville Advocate-Messenger, Enos Swain, managing editor, and to the Cynthiana Democrat in the weekly division. This contest was established by Glenn Ramsey, public relations director of the Louisville Chamber of Commerce, and silver awards made for the first time this year.

The Henderson Journal-Gleaner was awarded second place, and the Hazard Herald, third place in the daily division, while the Franklin Favorite, Howard Ogles, editor, was awarded second place and the Cen-

Last year, in the sampling program, Government representatives actually visited all audited taxpayers—about 160,000. However, the number of returns to be selected for the 1949 sample audit has not as yet been decided.

Printing

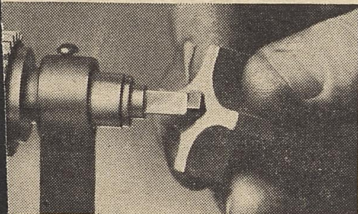
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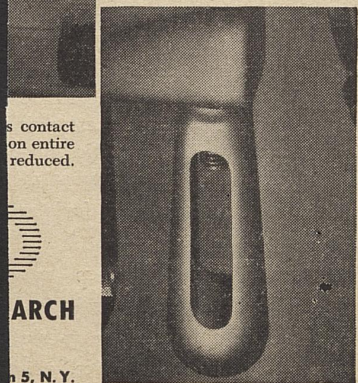
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various sources are routine editorial work on a newspaper. It is not work predominantly original and creative in character and must be considered as non-exempt work.

There has been very little change in the exemption for outside salesmen. To meet the requirements for exemption here an employee must be employed for the purpose of making sales or obtaining orders or contracts for services or the use of facilities, he must be customarily and regularly engaged away from his employer's place of business and he must not devote more than 20% of hours worked in a week to duties other than those I have just described.

Now, the fifth type of so-called "white collar" worker under the Regulations is the worker engaged in a local retailing capacity. Such an exempt employee must customarily and regularly make retail sales of goods or services of which more than 50% of the annual dollar volume is made within the state, or he must perform work immediately incidental to the making of such sales, and he must not devote more than 20% of the hours worked to duties other than those just described.

Thus, circulation supervisors of newspapers cannot qualify for exemption from the minimum wage and overtime provisions on the basis of being engaged in a local retailing capacity. It is the position of the Division that the work of supervising carriers and distributing newspapers to carriers, newsboys and dealers is neither the making of retail sales nor the performance of work immediately incidental to such sales.

Summing up this discussion on the white collar exemptions, I should like to suggest that you make a thorough study of the duties and responsibilities of employees before taking the exemptions because violations, even though inadvertent, can be costly. Then remember that the duties plus the salary tests determine the exemption, not the salary alone as many employers have erroneously assumed. You should remember also that the burden of proving any exemption is on the employer.

Then, if you will read the Regulations carefully I think that with regard to executive and administrative employees particularly, you will recognize immediately that such an employee is a "boss" — — — boss of an enterprise or boss of a department or subdivision, or a person who, without doubt, is engaged in carrying out management policy on a high level."

The members of the Kentucky Press Association extend their sympathies to Editor-publisher Auva F. Hoffman, Mt. Vernon Signal, on the death of his father, John Hoffman, 82 years old, at his home in Mt. Vernon on June 13.

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every person for good or ill. What does it carry to him? Ye must admit that we have a few yellow journals that carry poison, prejudice, error, selfish appeals, stories of vice, tales of inhumanity and falsehood—a composite of life that blurs every beauty and chills every hope. It has always been my great ambition to publish a good newspaper, a paper that will come to the subscriber in a spirit of candor, with a message of cheer, of wholesome tidings of opening duties, of inspiring and informing statements, making him feel that after all the world is full of truth and honor and that there are hosts of people willing to place a sacrifice in front of selfishness and candor above prejudice.

"It depends largely upon who edits the paper—whether he is a man of education, of courage, or moral purpose, of love for humanity and the country. Men have gathered figs of figs and thistles of thistles since the world began, and ever will. It is the primal law whose supremacy invests every note, every sunbeam, every emotion of the heart. We cannot print an error, we cannot stain our columns with a prejudice, we cannot blot white paper with an unjust word, we cannot draw into ravel the sad story of stricken virtue, but that somewhere, some heart has been made darker and heavier.

"I am not saying this is the universal situation. I am not painting a picture of pessimism on the canvas of today. My tenet is optimism, but there are discolorations that gloom the scene and need the thoughtful attention of every newspaperman in the nation. So much for the moral and spiritual side of newspapers.

"But there is another side which needs our careful and thoughtful attention. Again we say there are shadows on the wall. One of the darkest of these is that double headed monster Communism, which has lately raised its head in a thousand communities to strike at law and order. Even Gen. Douglas MacArthur is grappling with it in Tokyo. Communism seeks to destroy the American form of government and to substitute in its place a form of government the principles of which teach unbelief in God, destruction of the sanctity of the home, promotion of revolution and bloodshed, disrespect for the American flag and, in short, everything that Americans have held sacred since the founding of our Republic.

"The press of the country must join hands with that great patriotic organization—the American Legion—in a sincere effort to stamp out Communism one and for all.

"These suggestions are made with the idea that the newspapermen of America must

hang together, or they will hang separately. And they must work out their own destiny along the lines of higher and better journalism.

"Henry W. Grady, that brilliant southern editor who died in the very prime of young manhood, wrote in his paper, the Atlanta Constitution, a few sentences which ought to be repeated every week for a year in every newspaper in the land. Here is what he wrote:

"Exalt the citizen. As the state is the unit of government, he is the unit of the state. Teach him that his castle, and his sovereignty rests beneath his hat. Make him self-respecting, self-reliant and responsible.

"Let him lean on the state for nothing that his own arm can do, and on the government for nothing that his state can do.

"Let him cultivate independence to the point of sacrifice, and learn that humble things are better than splendors brought with its price."

"This is the doctrine we must preach and practice, if we ever expect to get back to the old-fashioned custom where families are to be self-sustaining and self-supported instead of looking to the government for food, clothing, and shelter. When this lesson is thoroughly learned and put into practice we will be nearer the "more abundant life" than we have ever been since we started on this wild adventure nearly 20 years ago.

"These suggestions are offered from others

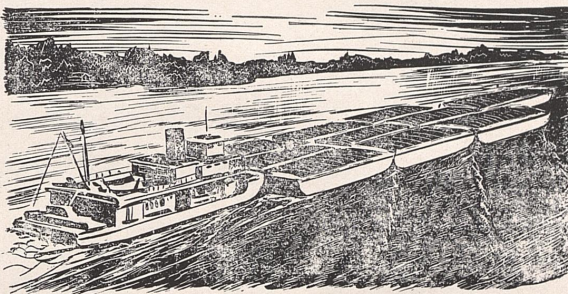
that might be made, to indicate the line along which the evolution toward a higher journalism might proceed. It is our duty to safely guard the freedom of the press, as it is likewise an obligation to lift humanity in its sorrow to a higher plane of living. We believe that moral progress must parallel material progress or humanity sinks. The press holds the balance of power. It can build up, or tear down. It can exalt and beautify the lives of men by adding the graces of mind and heart; or it can disfigure and degrade by throwing about them the influence of mean opinions and base facts.

"Under the pressure of this alternative, I believe journalism is about to take a positive stand, observing nicely the distinctions between the right and the wrong, the pure and the dissolute, honest and false, and on this shining summit pronounce its edicts at all times in behalf of the true and the good; when the morning paper like the rising sun in his glory, brings joy and promise; and the evening paper like the evening sun in his beauty sinking, sheds a blessing and a benediction on all the land."

Miss Helen Henry, who for the past year was a staff member of the Central City Messenger and Times-Argus, recently resigned to accept a position with an advertising agency in Louisville.

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Towboats on the River

Towboats, with their tight-ratcheted bows, have long been a sign of prosperity on the river. Lifeblood of a growing continent, these navigable streams with which Kentucky is so richly endowed, have carried their share of heavily loaded tows—a vigorous part of Kentucky's traditional commerce.

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They ironed for her, sewed for her, washed all her dishes;
They did all her cooking — her meals were delicious.
And the cost of this service — Reddy Kilowatt's pay —
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