

Convention offers something for all

Nearly 500 KPA members from across the state braved the subzero temperatures in Louisville to participate in the 2003 KPA Convention and Trade Show Jan. 23-24 at the Hurstborne Hotel and Conference Center.

This was the first time a convention has been held since the summer convention was done away with and the winter and summer contests were combined into this year's Excellence in Kentucky Newspapers awards. The contest recognizes outstanding efforts in writing, photography and design.

Some sessions during this year's convention focused on governmental issues ranging from dealing with political advertising laws to complying with Kentucky Fair Housing laws and the Kentucky Telemarketing laws. A Legislative Leaders panel assembled Thursday to discuss what's in store for this year's session and a group of gubernatorial candidates spoke during a forum on Friday. KPA General Counsel Jon Fleischaker also discussed the recent Kentucky Supreme Court decision on newspaper carriers being considered employees and not independent contractors for unemployment insurance purposes.

Other sessions included how to motivate young staff members, improving your editorial content, the ABCs of NIE, improving your private party classified revenue, improving your newspaper design, improving your photography and what's new in technology and the latest version of PhotoShop by Kevin Slimp.

Dr. Thomas Clark, Kentucky's 99-year-old historian for



Visitors to the trade show booths at the 2003 convention got an entry formed initialed by each vendor for a chance to win two free airline tickets from American Trans Air.

life, presented a special session titled "Kentucky: Where we've been and where we're headed" in which he spoke about the numerous phases and changes that state's newspaper industry has endured.

At the annual KPA Business Meeting on Jan. 24, the

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New officers elected, begin duties

Sharon Tuminski, financial manager of the Winchester Sun, was elected president of the Kentucky Press Association for 2003 during the KPA Convention in Louisville.



Sharon Tuminski

Tuminski, who has also chaired the KPA Ad Division, received the gavel from 2002 President David Eldridge during the Changing of the Guard luncheon on January 24. Eldridge is publisher of the



Dave Eldridge

Jessamine Journal and will serve as past president of KPA/KPS in 2003.

Also elected were John Nelson, managing editor of The



John Nelson

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February News & Notes

Advertising Excellence Competition

Entry information, rules and categories have been mailed to all Kentucky newspapers for the Advertising Excellence in Kentucky Newspapers - 2003. The competition is for all issues published between Jan. 1, 2002, and Dec. 31, 2002.

The entry deadline is Feb. 28 and the contest will be judged in March by the Mississippi Press Association.

The categories, rules and entry information remains the same as last year. The awards will be presented Friday, May 16 at an awards luncheon in Lexington.

SNPA Traveling Campus

The second Southern Newspaper Publishers Association Traveling Campus is coming to Kentucky May 14, 15 and 16. SNPA has chosen Lexington to host this year's Traveling Campus but a specific site has not been selected.

The Traveling Campus offers three intense days of seminars, with two seminars simultaneously each morning and each afternoon. Topics include advertising, news, circulation and employee relations/management.

As a part of the SNPA Traveling Campus schedule, KPA has elected to hold its annual advertising awards luncheon on Friday, May 16. A site will be determined once SNPA selects the host facility for the Traveling Campus.

JMC high school workshop at MSU

Murray State University's Department of Journalism and Mass Communications will host the

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Kentucky people, papers in the news

Harris takes reporter role at News-Graphic

Heather Harris joined the Georgetown News-Graphic as a reporter in late 2002. Harris was a former KPA award-winning reporter for the Sentinel-Echo newspaper in London.

She is a 1999 graduate of Lindsey Wilson College.

At the News-Graphic, Harris will cover the police department and sheriff's office, as well as Scott County and Stamping Ground government.

Ginn joins Winchester Sun staff

Jennifer Ginn recently took over the role of city editor at The Winchester Sun.

Ginn, a native of Elizabethtown, has been serving as a copy editor for the Park City Daily News in Bowling Green for the past year. She earned her bachelor's and master's degrees in journalism from the University of Mississippi. She has been in journalism about 10 years.

Ginn will be covering city government and supervising special sections each month as well as other responsibilities.

with A T & T.

Wright and her husband, Michael also published a Christian newsletter, One Voice, from their home for several months.

Eddyville Herald Ledger debuts American Profile magazine

American Profile, a four color national magazine with regionalized editorial content debuted in the Eddyville Herald Ledger on Dec. 18, as an insert in the paper.

Each edition of American Profile includes a broad range of regular features, including selections of hometown heroes, regional calendars of events, health trends, entertainment, important current issues and recipes.

Vrocher joins Light Staff

The Metcalfe County Light hired Jack O. Vrocher in December as their

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—The Kentucky Press—

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Staff members, Officers and Directors may be reached by e-mail using the individual's first initial, full last name@kypress.com. There is no space or punctuation in the e-mail address.

Wright joins Light staff

Judy Wright became the editor of The Metcalfe County Light in December.

Wright has worked in the news media since 1979 when she was employed for several years with The Willapa Harbor Herald in Washington State as a graphic artist. She was later promoted to Assistant Editor.

Following a move to Virginia, her home state, she was employed by the local paper before working with the hearing and speech impaired community as a communications assistant

Deaths

Former owner, publisher of Cave Country Newspapers died Dec. 20

Aubrey C. Wilson Sr., 82, former owner and publisher of Cave Country Newspapers, died Friday, Dec. 20, 2002, at Barren County Health Care Center in Glasgow.

A native of Flint Springs in Ohio County, Wilson served in the European Theatre in an Army tank corps during World War II.

Following the war, in 1947, he and his wife moved to Cave City from Ohio County where they became managers of The Cave City Progress and The Hart County News at Munfordville. In 1955, they purchased both newspapers and in 1963 purchased The Hart County Herald at Horse Cave. The papers were sold in 1968 to Newspapers, Inc. in Shelbyville, and in 1975 were repurchased by the Wilsons.

Wilson was also involved in other businesses such as restaurants, a car wash and rental property.

Kentucky tax attorney, editor who put away Capone's partner dies

William Rardin Bagby, a prominent

tax attorney who sent Al Capone's partner to prison, died Dec. 28 at his home in Lexington.

Bagby was born in Grayson, Kentucky in 1910 and attended Georgetown College for a year before transferring to Cornell University in New York. He earned his law degree at the University of Michigan.

He returned to Grayson, where he practiced law and edited a weekly newspaper, the Sandy Valley Enquirer. During World War II, he commanded a Liberty Ship, an armed merchant vessel, as a gunnery officer in the Navy.

After the war he worked as a tax attorney for the Internal Revenue Service in Chicago. He sent Mike "The Greek" Potson, Capone's partner, to prison, using testimony from Bud Abbott and Lou Costello to seal the case.

In 1954, he opened his own practice in Lexington. His clients included Col. Harland Sanders and the bootlegger "Queen Maggie" Bailey of Harlan County. He set up the trust for the Headley-Whitney Museum and later mediated George Headley and Barbara Whitney Headley's much-publicized divorce.

Bagby started the first neighborhood association in Lexington, in 1961, in response to the murder of a Transylvania University student.

He served on the board of adjustment for 33 years, 18 as chairman. He was a former president of the Board of Trustees of the McDowell Cancer Foundation.

Answers to FAQ's on the new dues structure

At the annual KPA Business Meeting on January 24, the membership approved the recommendation of the KPA/KPS Board of Directors to change the membership dues structure for the Kentucky Press Association.

Perhaps since it was founded, dues have been based on circulation. I have no records on how dues were structured prior to 1983. But I do know KPA has not increase dues since the 1980s and with the increased costs of doing business and because we need a dues structure that would bring in more revenue each year, not less, we needed a change in the way dues were based.

The recommendation from the Board that was approved at the Business Meeting was to base annual dues on three-quarters of a page (broadsheet) of advertising at local/open rates. Since the Fall Board Retreat in October, we've supplied information to publishers about the proposal and with many of you, I had discussions about why we're doing this, how much the member services cost us — most at no additional cost — and ways we've tried to keep the expenses as trim as possible.

Revised dues statements were mailed to all Kentucky newspapers on Jan. 29. For those who had pre-paid dues based on circulation, the statements show the new dues total based on the 94 advertising inches but also

On Second Thought

By David T. Thompson
KPA Executive Director



show a credit on the amount pre-paid.

As I mention in the Question and Answer section, KPA takes in about \$72,000 in newspaper dues but we're also spending about \$190,000 in unfund-

ed member services that benefit newspapers. Put your newspaper in KPA's position. How long would it be before you go without a circulation increase or advertising rate if your income was \$120,000 less than expenses?

Now think about it: One three-quarter page ad in a year. That's what your dues amounts to. And what do you get for those dues? Check out the Member Services chart on page 4 of this Kentucky Press.

And with the new structure being progressive, I don't see the need for KPA to think about dues again for a long, long while. As advertising rates increase, KPA dues will increase accordingly.

Here are the questions that were asked during these conversations. And I thought it would be good to share the questions and the response with you to let you know why I requested the Board discuss this at the Fall Retreat and develop a new dues structure.

If you still have questions about the dues structure, please give me a call.

Has KPA looked at its expenses and cut them as much as possible before considering a dues increase?

KPA has cut its expenses extensively over the years. First, members need

to understand the structure. We operate two separate businesses:

* Kentucky Press Association is classified as a non-profit, IRS Code 501(c)(3) corporation.

* Kentucky Press Service is a for-profit company.

The Kentucky Press Association has no employees. All employees at the KPA Central Office are employed by and paid by the Kentucky Press Service. For those employees who do KPA work — the executive director, administrative assistant, Member Services Director, KPA News Bureau Director, and portions of the work of those in the Business Department, KPA pays the Kentucky Press Service a management fee to reimburse KPS for a portion of those staff members' salaries.

Cutting staff or staff costs is not a consideration since KPA has no employees.

To save KPA money, and to cut the taxable income on the Kentucky Press Service side since it pays taxes on profits, the Management Fee reimbursement has been cut extensively over the years. Until a few years ago, KPA paid KPS \$32,000 a year to cover portions of those salaries. For the last few years, the amount has been reduced to \$18,000 as a way to save KPA money.

The KPA Board did away with the Dr. Tech Hotline in 2001 as a way to save money.

Postage, office supplies, telephone charges and similar items are expenses on both sides of the house. However, to keep the taxable income to a minimum on the KPS side, KPS pays 100 percent of these necessary items.

Certainly, you get a lot of mailings from KPA but the costs of the materials involved are paid by KPS.

The Kentucky Journalism Foundation owns the building that houses the Kentucky Press Association and Kentucky Press Service central offices. Both KPA and KPS pay rent to the foundation under a triple net lease option. KPA pays the foundation \$12,000 per year for rent while KPS pays the foundation \$48,000 per year, even though much of the work done at the Central Office involves KPA business. This was done to keep rent expenses for KPA as low as reasonably possible and to make the for-profit side, KPS, pay the majority of rent expenses. KPS also pays all maintenance, utilities and insurance on the building, in addition to the rent. KPA does not pay any maintenance, utilities or insurance.

KPA has also taken measures to cut down substantially on the Legislative lobbying expenses. In future sessions, KPA staff members will be solely responsible for reading every bill that is introduced in the House and Senate instead of sharing that workload with Dinsmore & Shohl. Reading 1500 bills in even-year sessions and 400 bills in odd-year sessions is a time-consuming process that will take three staff members to complete, but it's necessary for the staff to do that to cut down on lobbying expenses.

Is KPA's bottom line that bad that it needs to increase dues?

KPA spent about \$190,000 in 2002

See Answers on Page 9

What I learned on my drive back to Lexington

One of the things that I enjoy doing the most is talking. But on Friday, Jan. 24 I decided instead to listen as I drove Dr. Thomas Clark home from the Kentucky Press Association convention in Louisville.

Dr. Clark is Kentucky's historian-for-life and he spoke at the KPA winter convention. His topic was "Kentucky: Where we've been and where we're headed." Dr. Clark was born in 1903 in Mississippi but chose to live in Kentucky in the late 1920s. He's been here since.

Advertising Plus

By Teresa Revlett
KPS Director of Sales



When I was asked to take him home, one of my friends asked me "What will you talk to him about for that long in the vehicle?" I really hadn't thought about that, but as the trip progressed I found

out that it wasn't going to be a problem.

Country editors had a big responsibility, according to Dr. Clark, to get the news out to their readers. He remembered - and quoted dates of the events - times when editors would make their readers mad because of a story that had been printed. I could relate.

"I've known of people to get shot because they printed something that a subscriber didn't like," said Dr. Clark.

He said that "a lot of times the country editor had to be creative when he looked for a story. Since there wasn't a lot going on in the community a lot of times it was just about what was going on at the neighbor's house." That's still the case in some columns.

I explained to Dr. Clark that I was publisher of one of those community weekly newspapers for many years. Now my focus is on ad sales alone and I have the privilege of working for every newspaper in the state - not just one.

"There is nothing more immortal than the printed word. No matter what

you do for a newspaper remember that," said Dr. Clark.

Along the way, Dr. Clark suggested that I "take the scenic route" and get off the interstate. We followed Leestown Road into Lexington. He pointed out to me that the state's oldest railroad was right above our head at one point. Then he told me dates of when horse farms were replaced with some of the developments along Hwy. 421. I would give anything to be able to remember half as many dates as he did in that brief time we were together.

Dr. Clark is a sought after speaker and it was obvious to me after our trip why that was the case. My only regret is that someone else wasn't driving so that I could have taken notes.

NEWS

Continued from page 1

30th annual JMC High School Workshop for regional high schools Feb. 21.

After registration and announcements from 8:30 to 9:45 a.m., students and their advisers will be able to pick from 25 programs over three sessions that end at 12:25 p.m.

At 12:30 winners of the newspaper and advertising competitions will be announced before the workshop ends at 1 p.m.

Director Dr. Bob McGaughey will be participating along with JMC faculty Dr. John Dillon, Jeff Prater, Joe Hedges, Dr. Roger Haney, Dr. Debbie Owens, Dr. Ann Landini, Dr. Jeanne Scafella, Orville Herndon, Robin Orvino-Prouix, Gill Welsch and Dr. Allen White.

Harold McGeehee and Wayne Rushing of Josten's Publishing will conduct the three sessions on producing a yearbook. David Greer of the Kentucky Press Association and former editor of Elizabethtown and Bardstown will conduct sessions on covering a beat.

The programs, designed to help high school media staffs improve their products, include sports writing, editorials and columns, covering beats, newspaper design, ad sales and design, using the web, feature writing, cartooning, computer system maintenance and design, low-budget video production, copy editing, public relations careers, legal controls of mass media, issues for journalism, education teachers and tours of MSU's TV studios and the Murray State News.

Cost of the one-day event is \$4 per student with accompanying advisers fee. The cost includes juice and donuts during registration.

Competition rules/forms and registration forms have been mailed to regional high schools. If a high school has not received the mailing, it should contact McGaughey at (270) 762-6874

Deadline for registration is Feb. 14, but the fee can be paid at the door. Last year 11 schools from Kentucky and Tennessee attended the workshop at the Curris Center.

2003 Benjamin Franklin Award of Excellence Nominations Sought

The National Newspaper Association (NNA) and the United States Postal Service (USPS) have announced the competition for the 2003 Benjamin Franklin Award of Excellence.

The competition is in its fifth year. It is designed to recognize service by USPS employees—postmasters, business mail clerks, letter carriers and others—who have provided excellent service and strengthened the relationship between the Postal Service and newspapers. A winning nominee submitted by an NNA member newspaper will be selected for each state. A national winner will be chosen from among state winners to be flown to Washington, DC., for recognition during the 42nd Annual Government Affairs Conference. Postmaster General Jack Potter and NNA President Jeff M. David, publisher of the Livingston Parish (LA) News will present the award, accompanied by the nominating newspaper publisher.

Judges are members of the NNA Postal Committee, chaired by Max Heath, vice president of Landmark Community Newspapers, Inc.

Entry forms are in the mail to newspapers. In addition, nomination forms are available at www.nna.org under Contests and Awards: Ben Franklin.

Deadline for entries is March 1, 2003. Entries should be returned to the NNA Washington Office, PO Box 5737, Arlington, VA 22205.

Heath emphasized that newspapers should consider renominating individuals who may not have been recognized in previous years.

"Competition for the award has been vigorous. There have been worthy Postal Service employees nominated each year that we haven't yet been able to recognize. We hope the nominators will consider putting their names forward again. This award is an important one for newspapers and the Postal Service," he said. "In addition, every nominee enjoys the recognition by his or her own local newspaper, simply by virtue of being considered a special contributor to excellent service."

KPA offers members numerous services

ADVANTAGES OF BEING A MEMBER

- we take 25 percent commission on advertising placed at national rates, 5 percent on local rates
- unlimited use of the KPA Freedom of Information Hotline - and it only costs you the phone call to Dinsmore & Shohl
- newspapers in the Statewide Classified Program are eligible for a summer intern paid for by KPA/KJF
- your newspaper is eligible to participate in the KPA Legal Defense Fund, a fund that's contributed more than \$180,000 to newspapers who have been in legal situations where the outcome affects the industry as a whole
- your newspaper has access to a 'free' reporter in Frankfort through the KPA News Bureau, with coverage including weekly stories on the Kentucky General Assembly, all at no additional charge
- your newspaper is eligible to enter the KPA Excellence in Kentucky Newspapers competition and the KPA Advertising Contest
- your newspaper is listed in the KPA Yearbook and Directory
- your newspaper is eligible for health, life, worker's compensation,

property, casualty and libel insurance

DISADVANTAGES OF NOT JOINING KPA

- without membership, we take 50 percent commission on advertising placed
- without membership, use of the KPA FOI Hotline will be denied
- without membership, newspapers are not eligible for the Statewide Classified Program and not eligible for an intern from KPA
- without membership, newspapers are not eligible to participate in the program and cannot receive funding assistance
- without membership, newspapers will not be eligible to use the KPA News Bureau and will not receive the weekly legislative stories from KPA
- without membership, you won't get the information about the contest and will be ineligible to participate
- without membership, your newspaper will not be listed in the directory
- without membership, your newspaper is not eligible for any insurance program benefit offered through KPA.

Looking for an employee?



Check out
www.kypress.com
 for the latest
 resumes or to post
 available jobs at
 your newspaper.

Kentucky Supreme Court rules carriers are eligible for unemployment benefits

On Dec. 19, 2002 the Kentucky Supreme Court issued its decision in the case of *Kentucky Unemployment Insurance Commission and Division of Unemployment Insurance v. Landmark Community Newspapers of Kentucky, Inc.*, a case in which the Unemployment Insurance Division (the "Division") sought to require The Kentucky Standard to pay into an unemployment insurance account for its newspaper carriers. The case was initiated when a short-term carrier named Leonard Faulkner stopped delivering papers (he was substituting for a relative who had surgery) and applied for UI benefits. At about the same time, The Kentucky Standard terminated the contract of another carrier, Ronald Warner. He also filed for UI benefits.



The Division sent an auditor to The Kentucky Standard to investigate the claims. Based on her investigation, the Division determined that Faulkner, Warner and all of the other carriers for The Kentucky Standard were not independent contractors for unemployment insurance purposes. We appealed to the Unemployment Insurance Commission (the "Commission"), which upheld the Division's determination. We then appealed to the Franklin Circuit Court, which also upheld that determination. We appealed to the Court of Appeals, which reversed, finding that the Commission erred in determining the newspaper carriers were employees. The Commission then asked the Supreme Court to accept discretionary review of the case. The Supreme Court did, and on Dec. 19, 2002 reinstated the Commission's decision that the carriers were employees.

There is no recourse beyond the Kentucky Supreme Court. Therefore, The Kentucky Standard and other newspapers in Kentucky must now determine the proper course of action for each of them in light of this decision. This memorandum outlines some of the considerations.

Basis for Decision

Unlike employees, independent contractors are not eligible for unemployment insurance and other benefits. There are a number of different tests used to determine whether one is an employee or independent contractor. For purposes of unemployment insurance, Kentucky has elected to use a ten-factor test called the Restatement Test.¹

In some states, it is the legislature rather than the courts which determine whether newspaper carriers are eligible for unemployment insurance or other benefits. (Kentucky, for example, has a statute that expressly makes carriers eligible for workers' compensation benefits.) Other states' courts use a three-factor test or simply determine whether the worker or the company controls the work. The use of different tests contributes to the different results we see in

some other states in newspaper carrier cases.

The most significant difference, though, has to do with the facts and circumstances which apply to each case. The Kentucky Supreme Court specifically noted that "each case must be decided on its own particular facts." That involves an examination of not only the written contract between the newspaper but also the practices of the newspaper. Does the way it deals with its carriers look more like an employment relationship than an independent contractor relationship, regardless of the language in the contract?

In this case, the Commission examined the facts regarding The Kentucky Standard and its carriers and decided that the majority of the Restatement test's ten factors supported an employer-employee relationship. Although the Franklin Circuit Court affirmed, the Court of Appeals found that the bulk of the factors favored an independent contractor relationship. Unfortunately, when the Supreme Court reversed the Court of Appeals, it did so in a way that did not provide any additional guidance to newspapers as to how they can structure their working relationships with carriers to ensure that they are independent contractors rather than employees. Instead, the Supreme Court based its decision on a legal concept: the standard by which courts must review the decisions of administrative agencies like the Commission. That standard says that the court must affirm the Commission's findings of fact if they are supported by substantial evidence in the record. Then the court must determine if the Commission correctly applied the law to those facts. The Supreme Court held that there was substantial evidence to support the Commission's findings of fact and that the Commission had correctly applied the law. (The Court of Appeals had held, more appropriately we believe, that the Commission had incorrectly applied the law to its findings of fact.)

What's Next?

The Supreme Court's Dec. 19, 2002 decision applies specifically to The Kentucky Standard. As the Supreme Court said, "each case must be decided on its own particular facts;" therefore, every other newspaper in Kentucky must now determine how the Supreme Court decision might impact it. After reviewing the Supreme Court decision (particularly the lengthy quotations from the UI Commission's decision regarding the ten factors), Kentucky newspapers should review the language of their carrier contracts and the procedures they use when dealing with carriers to determine if the contract language and their procedures are consistent with a finding of independent contractor relationship under the ten-factor test. It might also be helpful to review the full decision of the UI Commission, to see exactly what was its basis for finding that carriers for The Kentucky Standard were employees. A discussion of the Commission's findings follows.

We know that there are variations among the carrier contracts being used by various Kentucky newspapers. There are obviously variations in the practices and procedures of the various newspapers, as well. Whether these variations are substantial enough to support a more favorable result than The Kentucky Standard had with the UI Commission remains to be seen.

As you review your contracts and practices in light of the UI Commission's discussion of the ten factors, bear in mind that control over the details of the work is no longer the preeminent factor among the ten. Prior to the Supreme Court's Dec. 19, 2002 decision, that Court had indicated that the factor of control over the details of the work was the primary factor; now the Supreme Court has said that no single factor is determinative.

The Ten Factors

Here are the ten factors, each followed by comments about how the Commission weighed them in the case of The Kentucky Standard:

1. The extent of control which, by the agreement, the master may exercise over the details of the work;

The Commission found that The Standard controlled where the newspapers were to be placed, when they were to be delivered and in what condition (dry - The Standard required carriers to put papers in a plastic bag if rain was threatened). The Commission also noted that subscribers complained to the newspaper, which conveyed the message to the carrier and kept a record of the complaints. The Commission found this factor indicated an employment relationship.

2. Whether or not the one employed is engaged in a distinct occupation or business;

The Commission found the carriers were not engaged in their own business employees since they did not incorporate and they did not advertise, even though some of them provided delivery services for pizza restaurants or volunteer agencies. The Commission found that this factor indicated an employment relationship.

3. The kind of occupation, with reference to whether, in the locality, the work is usually done under the direction of the employer or by a specialist without supervision.

The Commission did not address this fac-

2003 KPA Convention Louisville

KET's Bill Goodman was the moderator during the gubernatorial candidate forum held Friday. Participating in the event were: Ernie Fletcher, Steve Henry, Rebecca Jackson, Steve Nunn and Jody Richards. Ben Chandler participated but left before the question and answer period.



Left: 2002 President Dave Eldridge presents Kriss Johnson, of the Lexington Herald Leader, with the Kentucky Press Association's Most Valuable Member award for her work with the literacy programs Luke in a Really Big Pickle and Noodles Makes A Boo. Also pictured is Dean Singleton who was the keynote speaker at the changing of the guard luncheon on Friday. Above: 2002 President Dave Eldridge presents Marty Backus, 2001 President, with a commemorative clock for the time he has given to the KPA Board.

Right: 2003 KPA President Sharon Tuminski and her grandson Skylar take time out after the Changing of the Guards luncheon to pose for a picture. Below: Greg Cordier, of the Kentucky Registry of Election Finance, discusses political advertising and disclaimers during Tuesday's session.



Left: Dr. Thomas D. Clark, Kentucky's historian for life discusses the many changes taking place in the state during his session titled, "Kentucky: Where We've been and where we're headed." Above: Tim Kelly, publisher of the Lexington Herald-Leader, presents Gary Ball, editor of the Mountain Citizen, with the Lewis E. Owens Community Service Award on Friday night.

CARRIERS

Continued from page 5

tor.

4. The skill required in the particular occupation;

The Commission did not address this factor.

5. Whether the employer or the workman supplies the instrumentalities, tools, and the place of work for the person doing the work;

The Commission acknowledged that carriers were required to provide their own transportation, implicitly acknowledging that this factor supported an independent contractor relationship.

6. The length of time for which the person is employed;

The Commission held that, while the contracts specified a duration, they were generally renewed repeatedly, so there was an ongoing relationship. This indicated an employment relationship.

7. The method of payment, whether by the time or by the job;

The Commission found that, even though The Kentucky Standard carriers were paid \$.07 per paper rather than an hourly rate, the carriers did not invoice the newspapers for payment. More importantly, the Commission found that the circulation manager set the amount of the per paper fee. This indicated an employment relationship.

8. Whether or not the work is a part of the regular business of the employer;

The Commission found that this factor indicated an employment relationship because The Standard chose to use carriers to deliver papers, it advertised for carries as it would for employees, and it set the pay rate.

9. Whether or not the parties believe they are creating the relation of master and servant; and

The Commission said that The Standard's intention to establish an independent contractor relationship was made clear by the language of the contracts. The Commission believed The Standard's use of the Newspaper Association of America's book "Newspaper Manual on Utilizing Independent Contractors" as a guide amounted to "nothing short of an adroit scheme to create something other than an employer-employee relationship between itself and its delivery/carriers." The fact

that the carrier signed a contract that stated that the carrier was a self-employed contractor was not dispositive. The Commission also rejected the testimony of two carriers who said they considered themselves independent, since the Commission believed they had to accept this characterization if they wanted this work.

10. Whether the principal is or is not in business.

The Commission found that The Kentucky Standard is in the newspaper business, therefore, this ambiguous factor indicated an employment relationship.

The Commission was not impressed by the fact that the carriers were permitted to subcontract with helpers of their own choosing; were required to find a substitute when they couldn't deliver the papers; paid their own helpers and substitutes; provided delivery services for other businesses at the same time (in some cases); and paid their own expenses and their own taxes. Instead, the Commission believed that an employment contract existed despite the newspaper's best efforts to structure the relationship otherwise.

Other than The Kentucky Standard (and probably other newspapers owned and operated by Landmark Community Newspapers of Kentucky, Inc.), other Kentucky newspapers probably do not need to begin immediately paying into unemployment insurance accounts for their contractors. The UI Commission will act if and when a carrier files for unemployment benefits. It could also initiate an audit of a newspaper. Since each case must be decided on its own merits, the UI Commission will need to review the carrier contracts used by each newspaper as well as each newspaper's practices with regard to carriers. After doing that, the UI Commission will have to make an independent determination using the ten factor test of whether the carriers of that newspaper are employees or independent contractors.²

Options for Action

If, after reviewing its carrier contracts and its practices, a newspaper believes an audit by the UI Commission might result in a decision those carriers are employees, there are three options available to the newspaper: (1) it could attempt to reform its contract and practices so that the UI Commission would conclude the carriers are independent contractors under the ten factor Restatement test; (2) it could wait for the UI Commission to approach it; and/or (3) it could join with other Kentucky newspapers to lobby for legislation exempting newspaper carriers from unemployment insurance eligibility.

If a newspaper wishes to reform its contracts, some of the helpful changes would include: (1) the contract with each carrier should be personalized as much as possible. It could state that the carrier is otherwise employed by XYZ company and/or that he provides delivery services for companies 1, 2 and 3 in addition to the newspaper. (2) The newspaper could refuse to contract with any carrier who is not incorporated himself or employed by an incorporated delivery business. (3) A fee which is truly negoti-

ated between the parties is preferable to the newspaper dictating the per piece rate. (4) A true purchase for resale arrangement involves less control by the newspaper over how the carriers do their work, leaving it to the carrier to satisfy the customer in order to sell the papers.

Of course, if the contract can be reformed to meet the Commission's concerns, the newspaper must take care that its actions in dealing with carriers are consistent with the language of the contract. For example, when the contract says the carrier has the right to engage in any other business activities he or she desires to pursue, the newspaper must not discourage the exercise of that right in any way.

[The suggestions in the preceding paragraph are illustrative only. They are not intended as a checklist which, if followed, will guarantee an independent contractor determination by the Commission.]

Legislative Effort

In addition to working to conform contracts and practices, members of the Kentucky Press Association should consider the feasibility of legislative action to exempt newspaper carriers from eligibility for UI benefits. One possibility would involve a modification of KRS 341.055(11). That statute currently provides that "service[s] performed by a worker under the age of eighteen (18) in the delivery or distribution of newspapers" are not covered employment for unemployment insurance purposes. The General Assembly could strike the phrase "under the age of eighteen (18)" and that section would then exempt any worker who delivers or distributes newspapers.

The legislative effort, if successful, would provide the surest and most complete protection for newspapers. We certainly understand, however, that seeking to legislatively exclude carriers from unemployment insurance benefit eligibility would not be a popular position from a public relations standpoint. The fact that the General Assembly has already enacted the statute providing workers' compensation coverage for carriers might also persuade some legislators to oppose this amendment, as well.

¹ Being an employee for unemployment insurance purposes does not make one an employee for all purposes. For example, the Internal Revenue Code specifically exempts newspaper carriers for purposes of federal income taxes and federal wage and hour and anti-discrimination laws use a test other than the Restatement test to determine whether a worker is an employee or contractor for purposes of those laws. However, the Kentucky courts have used the Restatement test to determine a worker's status in cases where the worker caused injury or damage to a third party and the third party wants to hold the principal/employer legally responsible.

² The newspaper would have to convince the Commission that a majority of the ten factors indicate an independent contractor relationship. There is virtually nothing any newspaper can do to influence the determination of factors four (the skill level of the work to be done), eight (whether delivery is part of a newspaper's regular business) or ten (whether the newspaper is in business). That leaves seven factors to work with.

ANSWERS

Continued from page 3

on member services while the dues income from newspapers for 2002 was about \$72,000.

Since Legislative Expenses are paid from the KPA General Fund, those expenses are factored in after the actual Income and Expenses for each current year.

Can the dues increase be based on an equal percentage so that the increase is the same for all newspapers?

The last dues increase was based on a percent increase and based on circulation. There is no way to factor in a percentage increase based on advertising since the structure is completely different from the present dues structure.

Couldn't the present dues structure be increased by a percent so that the increase is equal on all newspapers?

It could be but KPA would find itself in the same situation in a short period of time. Of the newspapers who are in business today that were also in business in 1983, 62 of them are paying less dues today than 20 years ago. That's because their circulation has decreased.

Keeping a circulation-based structure could eventually mean less dues paid to KPA as we've realized in the past 20 years.

Were there no other options considered by the Board?

A variety of options were presented to the Board based on circulation, on advertising and a combined circulation/advertising structure. The Board was also given various ad sizes to consider.

However, any structure based on circulation would put us in the same situation a few years from now, where dues would have to be increased. The Board felt it needed a structure that would increase dues slightly each year as an advertising structure would.

Will a dues increase cover KPA's costs?

No. The proposed dues increase could bring in \$125,000 per year if all newspapers renew their membership. But we still have \$190,000 in unfunded Member Services. The \$125,000 in dues gets us more in line, but does not cover the expenses.

So how does KPA plan to cover the additional costs?

At the Fall Board Retreat, the Board was presented a proposal from the Kids Voting Kentucky organization. That organization was wanting to establish a "management contract" basis with an existing organization and selected KPA for the proposal. The Board voted to accept the Kids Voting Kentucky proposal and will pay KPA \$25,000 to operate that program under a "management contract."

With income from the convention, seminars and contests, KPA gets closer to offsetting the expenses it realizes.

As mentioned earlier, we're also taking measures to substantially reduce the cost of the Legislative expenses.

What do I lose if I decide not to stay a member of KPA?

One thing you don't lose is the lobbying effort of KPA because we lobby on behalf of the industry as a whole.

However, you lose access to:

- the KPA Freedom of Information Hotline, since that is available for members only;
- the KPA Legal Defense Fund which has reimbursed newspapers more than \$177,000 in the past six

years for legal expenses;

- the summer internship program since only those newspapers who participate in the Statewide Classified are eligible and you have to be a member to participate in that program.

Newspapers participating in the KPA-sponsored health, life and disability insurance program, or the libel/property/casualty insurance program, would not be eligible to continue those benefits if they choose not to join KPA.

Additionally, the commission KPS takes on advertising would double to 50 percent on national rates; your newspaper would pay double the registration fees for any convention or seminar; you would not be able to participate in either contest; your newspaper would not be listed in the KPA Yearbook and Directory, meaning agencies and advertisers across the state would not see your newspaper's information listed in the directory;

The dues income paid by newspapers has increased in the past 20 years yet KPA is changing its structure saying it needs more dues?

You are correct. We do have more dues income today than in 1983.

However, consider that 29 newspapers were non-members of KPA in 1983. Today, all newspapers are members of KPA so we've been able to bring those 29 newspapers into membership, resulting in more dues income.

Additionally, today we have more than 20 newspapers as Associate Member Newspapers. This membership division was created in the late 1980s and those newspapers pay dues based on the same dues structure as full members.

So by bringing 29 non-member newspapers into membership and creating the new membership division a few years ago, we do have more dues income today than 20 years ago.

Why doesn't KPA charge newspapers to use the services instead of increasing dues? For instance, charge us for each time our newspaper calls the Freedom of Information Hotline.

Some states do charge for this kind of service and you're correct, we could charge newspapers for some of the services. But we can't charge newspapers for legislative lobbying and expect many to pay their fair share.

In the early 1980s, KPA did assess newspapers for its Legislative Expenses. But it got to the point that in 1984, only 17 newspapers paid the assessment and that only covered \$7000. While every newspaper potentially benefited from the legislative lobbying, few would pay their share.

Is there a specified time by when I have to pay my KPA dues? Will the dues increase be phased in or effective immediately?

KPA Bylaws stipulate that dues must be paid by April 1 of each year. It is KPA's prerogative to suspend membership benefits to newspapers who have not paid by April 1 of each year.

However, we want to be as accommodating as possible with this situation. We are proposing a method that will allow newspapers to have their dues deducted from advertising checks issued by KPS.

This will make it much easier on newspapers to pay their dues because they won't have to write a check or charge the dues to a credit card. By deducting the dues from advertising, the increase actually will be gradual.

We have done a deduction basis for other programs and we can do the dues deduction in this manner. The only requirement will be to suspend the Bylaw requiring dues be paid by April 1 so newspapers that have not completed their membership dues requirement will be able to retain full benefits.



David Thornberry



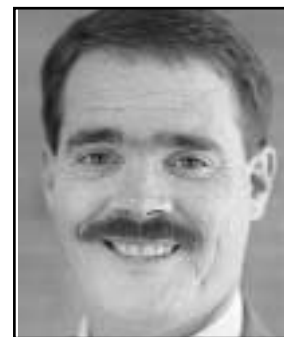
Charlie Portmann



Patti Clark



Tony Maddox



Taylor Hayes

OFFICERS

Continued from page 1

Advocate-Messenger, Danville, as president-elect; David Thornberry, publisher of the Somerset

Commonwealth-Journal, vice president; and Charlie Portmann, editor of the Franklin Favorite, treasurer.

New State At-Large Board members also took office during the convention.

They were Patti Clark, general

manager, Owenton News Herald; Tony Maddox, publisher, The Madisonville Messenger; and, Taylor Hayes, publisher, The Kentucky New Era in Hopkinsville.

Keith Ponder, publisher of the Glasgow Daily Times, was recognized

for his two years as a State At-Large director.

Marty Backus, publisher of the Appalachian News Express in Pikeville, was given a clock for his time as a Board member and 2001 President of KPA.

CONVENTION Continued from page 1

membership approved the recommendation of the KPA/KPS Board of Directors to change the membership dues structure for the Kentucky Press Association. KPA bylaws stipulate that the Board establish the dues structure, but it had to be voted on by the full membership before it could take effect.

The recommendation from the Board that was approved was to base annual dues on three-quarters of a page (broadsheet) of advertising at local/open rates. The prior dues structure was based on circulation.

Sharon Tuminski, of The Winchester Sun, took the president's gavel from 2002 President Dave Eldridge during the Changing of the Guard Lunch on Friday.

Dean Singleton was the keynote speaker during Friday's luncheon. Singleton, 50, is vice-chairman and CEO of MediaNews Group, publisher of 50 daily newspapers and 94 non-daily publications in 13 states. He began his newspaper career at the age of 15 as a part-time reporter at his hometown paper and bought his first newspaper at age 21.

Singleton spoke of the changes in the newspaper industry and what newspapers must do to keep up with the times.

"We are the number one choice of news," Singleton said. "We don't just report the community; we are the community."

He said newspapers are in the best position over any other form of media to be the cornerstone of the community and that decline in newspaper readership isn't inevitable.

Kriss Johnson, KPA circulation division chair and Newspapers in Education chair, was presented the

Russ Metz Memorial Most Valuable Member award. She was honored for her work with KPA's KNNIE literacy projects "Noodles Makes a Boo Boo" and "Luke in a Really Big Pickle."

This award is presented annually by the KPA president to an individual who has performed the most outstanding service to the Kentucky Press Association/ Kentucky Press Service.

Also honored during the convention was Gary Ball, editor of the Mountain Citizen. Tim Kelly, publisher of the Lexington Herald-Leader, presented Ball with the Lewis E. Owens Community Service Award. The award is presented annually by the Herald-Leader to a Kentucky newspaper person performing the most outstanding community service. Kelly noted Ball's dedication to his community when through his newspaper articles, Ball tried to clean up the quality of drinking water in the community. He also noted Ball and the newspaper's struggle with former water board chair, John Triplett, who claimed rights to the name Mountain Citizen after the newspaper's staff failed to file an annual report renewing its name.

Throughout the two day event, exhibitors across the country set up booths to display their wares and showcase their services. Winners of vendors door prizes were: John Nelson of the Danville Advocate Messenger and Sherry Taylor of the Lexington Herald-Leader who both won shirts from Cinergy and Paula Markham of the Union County Advocate who won a bottle of Maker's Mark from Preston Osborne. Rochelle Stidham from the Richmond Register was the winner of the ATA airline tickets. Visitors voted Metro Creative Graphics as the Best Exhibitor.

AG Opinions

Mark R. Chellgren/Justice Cabinet

The attorney general's staff found that the Justice Cabinet failed to satisfy its statutory burden of proof relative to the exception it cited when denying Associated Press reporter Mark R. Chellgren's request to inspect "records compiled from an audit, investigation, compilation or other examination of the computer hard drive, web browser and other materials on the personal computer (PC) assigned to Ralph E. Kelly, former commissioner of juvenile justice."

The Justice Cabinet denied Chellgren's request explaining that Kelly had filed an appeal with the Kentucky Personnel Board and that the case was now in the administrative process. His request was denied pursuant to KRS 61.878(1)(h). The Cabinet characterized the requested record as "records of ... agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency ... by premature release of information to be used in a prospective ... administrative adjudication."

Chellgren initiated an appeal with the AG's office arguing that KRS 61.878(1)(h) has no application to the records withheld. He maintained that the Cabinet failed to demonstrate that the disputed records(s) were compiled in the process of detecting and investigating statutory violations, and that premature disclosure of the record(s) would harm the Cabinet. After receiving the appeal, the Attorney General

requested the Cabinet provide them with copies of all records that were responsive to the request as well as with additional information to substantiate its position. It also asked the Cabinet to describe how it would be harmed by premature release of the record.

In response to the series of questions raised by the AG's office, the Cabinet advised: "We believe that releasing any private information, documents, or files pertaining to this adjudication would negatively impact upon the Justice Cabinet's ability to strategize in the case, upon its confidentiality interests in attorney-client privilege and work-product doctrine and upon its ability to later decide ultimately whether continued litigation or a settlement would best represent the Commonwealth's interest in the matter."

It is the opinion of the AG's office that because the Justice Cabinet failed to meet its statutory burden of proof with respect to two of the three criteria in KRS 61.878, they cannot affirm its denial.

The Cabinet did not describe any harm to the agency if inspection were allowed. The AG's staff wrote: "Because the report was not 'actively, specifically, intentionally, and directly compiled as an integral part of a specific detection or investigation process,' and because the professed harm that would flow from the premature disclosure consists of little more than a bare claim, we find that the Justice Cabinet failed to meet its statutory burden of proof in sustaining its denial of Mr. Chellgren's request on the basis of KRS 61.878(1)(h)."

**Do you have legal questions
about a story or ad?**

Call the KPA Legal Hotline!

Hotline Attorneys: Jon Fleischaker (502) 540-2319,

Kimberly K. Greene (502) 540-2350,

R. Kenyon Meyer (502) 540-2325 or Cheryl R. Winn (502) 540-2334

Steffens named new NNA executive director

The National Newspaper Association's board of directors have tapped veteran newspaper manager Brian Steffens, 53, as the next executive director for the association. The board met Jan. 8 in Columbia.

An experienced manager in the newspaper and magazine industries, with an outstanding record of service to media organizations and associations, Steffens had been interim director for the association during its transition to its new headquarters at the University of Missouri.

"Community newspapers are an exciting place to be. They're one part of the industry that's growing. NNA continues more than 100 years of tradition of helping community newspapers grow vibrant communities. Being here in Missouri, we're closer to many of our members, and that is a big advantage," said Steffens.

He has served as senior vice president and editor of the Editor & Publisher Company, and as editor of Quill and advisor to the leadership at the Society of Professional Journalists. Steffens has con-

ducted programs, events, new product development, or publications for New Directions for News, Poynter Institute for Media Studies, the American Press Institute, Society of News Design, National Press Photographers Association. In 1994, he was named to the Journalism Hall of Fame at Bowling Green (OH) State University, his alma mater, citing his work to spotlight journalism ethics.

Most recently, he was a consultant to the media industry, with clients that included Lee and Belo, Steffens has been very active in new media, working with the Advanced Interactive Media Group, online help wanteds and interactive news and marketing.

Steffens has 20 years of newspaper leadership experience, including editing posts at the Los Angeles Times, Miami Herald and Detroit News. He started his career at the Ypsilanti Press, a modest daily then owned by Panax Corp. and later purchased by Harte Hanks.

He and his family recently moved to

Columbia from the San Francisco area, where their oldest child remains, attending college. His wife, Marty, was appointed the Society of Business Editors and Writers (SABEW) chair in business and financial journalism at the University of Missouri last year.

NNA President Jeff David, publisher of the Livingston Parish News in Denham Springs, LA, expressed his confidence in Steffens' ability to lead the association.

"NNA was very fortunate to find a person with Brian's varied experience in journalism who had relocated to Columbia just before we moved our headquarters there," said David. "He's done a terrific job managing our move over the last 12 months as Interim Executive Director, and we look forward to a long and prosperous relationship with him."

In another decision, David appointed James Sterling, the School of Journalism's Community Newspaper Management Chair, to NNA's Board of Directors to head up new efforts in continuing educa-

tion for NNA members. The training will focus on management techniques and business development.

Sterling is a former publisher of papers in southwest Missouri and a former newspaper broker.

The University of Missouri houses the world's first School of Journalism, founded in 1908 by Walter Williams. Williams had started as a writer for the Boonville Advertiser and in 1889 was the youngest president of the Missouri Press Association at age 25. From the beginning, the emphasis at Missouri has been on practical experience.

"We think Brian's experience in both journalism and journalism organizations makes him the perfect leader for this exciting NNA-Missouri venture," said R. Dean Mills, dean of the School of Journalism.

Established in 1885, the National Newspaper Association is the voice of America's community newspapers and the largest newspaper association in the country.

Supreme Court denies contempt citation request against Courier-Journal

In a ruling Dec. 19, the Kentucky Supreme Court denied the Roman Catholic Diocese of Lexington's request to have the Courier-Journal held in contempt.

The state's high court ruled that a newspaper that publishes material sealed by a court cannot be cited for contempt if the source of information was not the sealed record itself.

An article published on Aug. 24, 2002 contained a summary of the contents of records that were ordered sealed by the supreme court. A portion of the records claimed that the Diocese knew of alleged abuse by priests and did little if nothing to prevent it.

In an opinion signed by Chief Justice Joseph Lambert, Lambert said the order sealing the materials did not preclude any publication of the material. If it had, it would have been an instance of prior restraint, which would have raised First Amendment issues about censorship.

"An order sealing a record or part thereof should not be read as creating a prior restraint on publication of the contents of the sealed material, unless

the order expressly says so," the opinion stated.

The order prohibited the newspaper only from publishing material that had been obtained directly from the court documents, the opinion read.

In Lambert's opinion he said that there was no need for a show cause hearing because the Diocese does not allege in its motion that the Courier-Journal article was based on material obtained through court process or from court files.

Also, during oral argument in the case, counsel for the Courier-Journal state that neither counsel nor the newspaper had seen or had received copies of the sealed material. Counsel for the Diocese conceded.

Justices Donald Wintersheimer and William Graves dissents. The written dissent stated that there was a "terminal flaw in the majority opinion's analysis in its reliance upon an unsubstantiated assumption that the trial court's failure to seal the stricken portions of the First Amended Complaint could endanger the Diocese's right to a fair trial."

What's happening at your newspaper?

We'd love to hear about it.

Are you doing anything fun, exciting or different at your newspaper?

Have you recently added to your staff?

Has someone retired?

Have you won an award?

Let us know so we can tell others about it!



E-mail your stories to Dana Ehschide, KPA News Bureau Director, at dehlschide@kypress.com by the 20th of each month.

PEOPLE

Continued from page 2

new advertising sales manager.

Vrocher previously has been in advertising sales, including three years as the advertising director of the Tipton Tribune daily newspaper.

Three women retire from a Jewish Newspaper

After 36 years of service, The Kentucky Jewish Post & Opinion's Louisville staff of Martha Fields, Lucille Maupin and Velma Cohen will retire together.

The three women joined the Post & Opinion staff around 1966 when its Louisville office had a staff of about 15. Since that time the other staff members have left, but the three women stuck around.

The Post & Opinion is published in Indianapolis, where most of its pages are produced.

Louisville Native Gabriel Cohen is the publisher of the paper which also publishes an Indianapolis paper.

Gabriel Cohen founded the paper in the late 1930s in downtown Louisville but moved to Indianapolis after the 1937 flood. For many years it was Louisville's only Jewish newspaper.

The Post & Opinion currently runs its Kentucky news on two pages, mainly running obituaries, weddings

and other social announcements.

Bowling Green Daily News reaches two safety milestones

The Daily News in Bowling Green, passed two safety milestones on Dec. 31 and lowered its worker's compensation insurance premiums by more than \$12,000.

The first milestone was operating for 18 months without an accident due to lifting, twisting, strain, or laceration in the press and packaging areas of the newspaper. The second milestone was operating for six months without any OSHA reportable accidents company-wide.

The Daily News covers 129 employees and 145 carriers with worker's compensation insurance as required by Kentucky statute. The savings in worker's compensation premiums are directly related to the company's improved safety record.

Mark Van Patten, general manager of the Daily News, credits the safety record to three things: building a new packaging building, raising safety awareness through inspections and training, and luck.

The newspaper formed a safety committee in January 2001 in response to rapidly rising worker's compensation costs and launched a new incentive program designed to reduce the

number of accidents at the company. The Daily News offered press and packaging employees - the employees at highest risk - cash incentives for safety and publicized the program with inserts in paychecks and announcements on bulletin boards. Each department posted a six-month calendar on the wall and showed how much the department could earn for going one more day without an accident.

To celebrate the achievement, all employees were treated to a free lunch, and press and packaging employees will receive their cash awards.

Kentucky History Center offers Haynie's art for sale

The work of Hugh Haynie, long-time cartoonist at The Courier-Journal is Louisville, is on display at the Kentucky History Center in Frankfort.

The Center's store is offering the chance to take some of his work home. As many as 10 different styles of the cartoons in postcard format at 50 cents each are on sale as well as prints for \$16.95 and posters for \$10. These items will remain on sale at the museum store until March 30.

The exhibit, titled "A Matter of Opinion, Hugh Haynie Cartoons," can be seen Tuesdays through Saturdays from 10 a.m. to 5 p.m., and Sundays 1 to 5 p.m.

Former prep player injured in fight sues News Express

A former high school basketball player who was severely beaten during a fight with students from a rival school filed suit against a newspaper that reported on the case.

In his lawsuit Jarrod Adkins claimed the Appalachian News-Express in Pikeville invaded his privacy by reporting that he pleaded guilty to disorderly conduct for his role in the fight. He also claimed the newspaper story cast him in a false light.

Adkins, who is now 18, was hospitalized for several days with head and hand injuries received in the fight. He was a senior at Millard High School at the time and the leading scorer on the basketball team. Others were hurt in the fight which involved as many as 20 students.

Although juvenile court proceedings are confidential in Kentucky, the newspaper cited an unnamed court official as the source of the information for the story which appear in its June 23 editions.

The suit was dismissed Jan. 23 on a motion to dismiss filed by attorney Jon Fleischaker who is representing the News-Express.

WKPA spring convention slated for March 28

The West Kentucky Press Association will hold its spring convention March 28, 2003 at the Ramada Inn near Kentucky Dam Village in Gilbertsville.

Registration for the event will be held from 9 a.m. to 9:15. Registration is taken the day of the convention and is \$20 per person, which includes a buffet lunch and coffee/donuts during the breaks.

The first session, titled "Finding, Training and Retaining Sports Writers," gets underway at 9:15. President Vyron Mitchell, of the Cadiz Record, and Dr. Bob McGaughey, WKPA executive director, will lead this membership panel discussion.

Following at 15 minute break at 10:15, Cheryl Lawson and Donna Rains will speak at the session titled

"Covering Public Education and Working with Schools' Public Relations Directors."

Lawson is the public relations director for the McCracken County Public Schools. Prior to this position, she served in administrative and teaching positions with the Livingston County Public Schools. She is a graduate of Murray State University with a B.S. in journalism and a M.S. in secondary education. She is past president and member of the board of directors for the Kentucky School Public Relations Association (KYSPRA). She is a member of the KET Friends Board (representing Livingston, Caldwell, Crittenden and Lyon Counties) and an executive board member for the Kentucky Association of School Administrators (KASA).

Rains is the public information coordinator for the Paducah Public Schools. A graduate of the University of Kentucky journalism school, she took the position in 1992. Prior to that she was the education/medical reporter, assistant city editor and features editor for The Paducah Sun. She is a member of the Paducah Area Chamber of Commerce board of directors, Leadership Paducah 2002-2003 and the United Way community investment panel, 2002-2003. She is past president and member of the board of directors for the Kentucky School Public Relations Association. (KYSPRA).

After lunch Kenyon Meyer will present, "Legal Challenges for Newspapers in 2003."

Meyer is an associate with the law

firm Dinsmore & Shohl in Louisville. He received his B.A. from the University of Notre Dame and juris doctorate from the Brandeis School of Law at the University of Louisville. He is a member of the American Bar Association, the Kentucky Bar Association and the Louisville Bar Association (Young Lawyers section, labor and employment section and litigation section). Among his areas of legal practice are labor and employment law, First Amendment/media law, employment litigation and commercial litigation.

A short business meeting will immediately precede Meyer's discussion.

Call Mitchell at (270) 522-6605 or McGaughey at (270) 762-6874 with questions or comments.