

Sample section reads: "Use of the car. I will not allow any use of the car to carry passengers or property for hire or to tow or push anything. I won't allow it in any test, race or other contest and I won't allow its use for any illegal purpose."

Legalistic Budget contract seems pugnacious in tone. "Budget rents to Renter signing the face of this Agreement the vehicle described subject to all the terms and conditions set forth on both sides of this Rental Agreement and Renter agrees." Then follows list of 11 clauses full of shalls, shall nots. Comparable section on use of car includes 8 sub-clauses. Budget also spreads contract across full width of paper in single column, uses small type, puts BUDGET in caps whenever name appears. Avis uses easier-to-read double column layout, all caps for whole agreement. Latter is laudable attempt to aid readership but defeats own purpose: all caps is one of hardest formats to follow, very tiring to the eye.

Radio spots in Phoenix for Chicago Title promote company's "plain language residence insurance." Minnesota became the sixth state to adopt a comprehensive simple language law (pr 1/26). Previous legislation there covered only insurance policies.

#### THINGS PRACTITIONERS OUGHT TO KNOW ABOUT

¶Most corporations make zero charitable contributions, despite 1) tax laws allowing them to do so, 2) prodding from their peers, 3) great current need for business to take up slack of gov't & foundation cutbacks, 4) public relations benefits of well-placed donations & grants. Business Committee for the Arts reports: "At the moment, about 70% of the 2 million corporations in America do not report any charitable contributions, and among the remainder that do, quite a few have no programs in support of the arts." Business support for the arts has leaped from \$22 million in '67 to \$436 million in '79, however, with large companies leading the way.

¶Skies have joined fuels, water & food as resources we need to be concerned about. New nonprofit called For Spacious Skies aims to make us sky conscious, just as Jacques Cousteau made world aware of the sea, according to its pr counsel Agnew, Carter, McCarthy (Boston). Recent national conference on rim of Grand Canyon discussed importance of the sky to the environment, architecture, art, energy, mental health. Import of subject is indicated by sponsors: Nat'l Park Service, Polaroid, Atlantic Richfield, EG&G, Edison Electric Inst., EPA, U. of Arizona, Grand Canyon Natural History Ass'n. Media which covered include LATimes, Christian Science Monitor, Reader's Digest, "Today" (15-min segment), & wire services.

¶Firm specializing in original, live theater for promotions, special events, trade shows, conventions has debuted. Newly formed musical comedy repertory group, The Third Rail, is available for any format, from 20-sec spots to full scale musicals. Founder Anthony Vargas says advantage over traditional forms of communications is "reaching people in a more personal & creative manner ... on a human level that makes them more responsive." He & 2 partners, Irene Diamant & Mark Thompson, spent the last 2 years running Family Life Theatre, described as "a company using improvisational theater techniques to educate teens & adults on a wide variety of social issues." While touring, they were approached by businesses who wanted to use their methods to sell products & services. Giant theater ticket served as clever invitation to group's recent preview. (Info from ITM Communications, 123 W. 77th St., NYC 10024)

Vol.24 No.33  
August 31, 1981

#### NEWSPAPER CHALLENGES GOV'TS 40-YR STAND THAT REPORTERS, EDITORS ARE NOT PROFESSIONALS (SURPRISE! SAME GOV'T AGENCY SAYS PR PRACTITIONERS ARE)

A countersuit by a small capital city daily vs. Dep't of Labor brings to light the fact reporters & editors are not "professional occupations" -- but public relations is. DOL sued Concord (NH) Monitor for failing to pay newsroom overtime. It is required because for 4 decades DOL has classified reporters as conventional clerical wage-earners whose pay & hours are subject to federal regulation. Code of Federal Regulations (29 CFR section 541.303F) gives criteria for professionals, specifically mentions reporters are not:

"Newspaper writers with possible rare exceptions in highly technical fields do not meet the requirements for exemption ... the reporting of news, the re-writing of stories or the routine editorial work of the newspaper is not predominately original or creative in character and must be considered as non-exempt work."

Recent NLRB cases uphold DOL's stand -- Express News and Binghamton Press cases, both '76. In '44 Sun Publishing attacked the Fair Labor Standards Act on the subject -- and lost, DOL spokesperson told pr. Monitor is asking US District Court to invalidate these rulings. "Bona fide executive, administrative or professional" employees are exempt from federal labor laws. Monitor therefore claims "the occupation of writing for a newspaper does involve imagination and talent and/or is work requiring knowledge of an advanced type, which is intellectual and requires the exercise of discretion and judgment, and therefore is employment in a bona fide professional capacity."

#### SPEAK UP FOR PUBLIC RELATIONS: WRITE DEP'T OF COMMERCE NOW

Compilation of data on occupations is confusing. Commerce as well as Labor has a role. DOC publishes Standard Occupation Classification manual. Current edition lists public relations under category of "Entertainers & Other Artists" (pr 11/3/80). Then-PRSA pres. Pat Jackson wrote last year urging shift to category "Other Professional, Technical." Now DOC tells pr it is not planning any change, but has realigned categories & their titles. Public relations will appear under "Writers, Artists, Entertainers."

In realignment "Other Professional, Technical" heading will be dropped, so most fitting category now seems to be "Social Scientists, Social Workers, Religious Workers & Lawyers." Grouped there are economists, political scientists, market researchers, psychologists, urban & regional planners, historians, anthropologists -- as well as lawyers. Another possibility is "Administrative & Managerial" where accountants are listed. We may be writers, sometimes, but we are far more. And artists & entertainers we aren't. To get a less derogatory listing for the profession, write Milo Peterson, Ofc of Fed'l Statistical Policy & Stds, 14th & Constitution Ave. NW, DC 20212. And your Congressman. (For copy of Jackson's letter, write pr.)



Part of problem is unionization of reporters. Bureau of Labor Statistics' Occupational Outlook Handbook relies on Newspaper Guild contracts to report journalists' earnings, says they work 35-40 hr weeks, get overtime. Same publication describes public relations jobs as requiring original, creative work; and doesn't mention hours worked per week, overtime or similar time clock considerations. "Creativity, initiative, and the ability to express thoughts clearly and simply are important to the public relations worker. Fresh ideas are so vital in public relations that some experts spend all their time developing new ideas.

#### IMPORTANT PUBLICATIONS FOR PROFESSIONALS

¶Compilation of State & Federal Privacy Laws is an essential document for practitioners. Contains description or exact language of statutes on bank records, credit reporting & investigation, employment records, mailing lists, medical records, polygraphing, school records, telephone solicitation, several other categories relevant to practitioners & their work. Appendix contains texts of representative laws such as New Mexico's computer crimes act, Virginia's law on unfair insurance practices, Mass' patients' bill of rights, federal foreign intelligence surveillance act. Index chart shows at a glance whether a state or the federal gov't has a law on a given subject. Essay traces history of right to privacy, beginning with Mrs. S.D. Warren's irritation at press coverage of her Boston parties in 1890. This led her law professor husband to team with famed jurist Louis Brandeis on a Harvard Law Review piece on "the right of the individual to be let alone." That, says author Rob't Ellis Smith, "became the fountainhead for later law & social policy." Sweden was the European leader, Canada enacted privacy protection for federal records in '78. Published by Privacy Journal, monthly newsletter. (P.O. Box 8844, D.C. 20003; 80 pgs, \$16)

¶One way to monitor leftist issues & thought trends is by reading In These Times. Formerly the right wing was hard to get a handle on. Now its publications are thriving -- and its ideas becoming public policy. Chore now becomes surveillance of opposite pole of thought, bearing in mind that what appears this month in such journals as this one -- published by Institute for Policy Studies -- may be big issue in 12 or 24 months. Described as "the independent socialist newspaper," In These Times appears 42 weeks a year, appears to be well-written and thoroughly researched. But it makes no bones about its viewpoint. Recent issue featured "The Return of The Red Menace," which detailed how "the right is trying to revive simple-minded anti-communism at home & abroad." Subsequently subject appeared in several popular publications, including world's largest circulation magazine, Parade. (1509 N. Milwaukee Ave, Chi 60622; \$35/yr)

¶Canadian Almanac & Directory 1981, now in its 134th yr of publication, is a basic & valuable reference book, especially for American practitioners with Canadian ties or interests. Divided into 4 sections. Part A is a directory providing names & addresses of 45 different types of organizations including fed'l & provincial gov't info sources, newspaper, tv & radio stations and commercial trade bodies. Part B contains all the info regularly listed in an almanac such as holidays, time zones, climate. Statistics & general information ranging from Canadian abbreviations & the national anthem to vital statistics & weights & measures are the components of Part C. For those in need of a legal representative or contact, final section lists every law firm in Canada. (From Gale Research, Book Tower, Detroit, Mich 48226; 1,094 pgs, \$39.)

#### WHILE UTILITIES ARE ATTACKED ON RATES & NUKES DUKE POWER PROMOTES CONSERVATION SO WELL BUILDING NEW PLANTS IS UNNECESSARY

If a power company builds new plants, public reaction has become predictable. Its allowed rate base will rise and with it the cost of electricity (which will be attacked). If it's a nuclear plant, there will be a public outcry (and the utility will be attacked). With energy consciousness taking hold & electricity usage not growing as anticipated by industry studies, several plants have been cancelled. Last week Northern Indiana Public Service stopped construction on its controversial Baily nuke adjacent to Indiana Dunes park. National radio interview with opposition leader evoked statement that the move shows "democracy is working." Public spoke up and company listened, he said.

One utility appears to be a role model for being in tune with constituents' feelings. Duke Power (Charlotte, NC) has been ranked by Edison Electric Institute as the most efficient utility in the country. Over 77 yrs it has built strong corporate-citizen & industry-leader images. For instance, it offers one of the most advanced load management programs in the country. Duke owns & operates two nuclear power plants yet has managed to minimize these potential liabilities. A newcomer to the industry and to Duke, J. Kenneth Clark, vp corp comms, told pr he attributes success to "totally enlightened management" and "a full communications program" that responds to critics, fully answers all questions, and is responsive to the media.

Is it worth it? Despite being in Sunbelt where power demand is growing, Duke expects to avoid \$10.4 billion in new construction by 1994. This is nearly twice the present capitalization of the company. Duke's neighbor, VEPCO, got out of a rough nuke battle by dropping the plant in favor of load mgmt. Conservation seems to be easier to sell than nuclear power -- perhaps because it saves customers dollars now.

Thru an intensive 10-year public education program on various forms of energy, including nuclear, & the need for energy conservation & load management, Duke is educating the public on why it isn't & won't be necessary to build new plants. Both public & utility can benefit is the theme. Duke's well-staffed energy info dep't produces a variety of consumer activities & documents. Press, politicians, activists are all invited to tour the nuke plant & bring cameras; many hands-on displays demonstrating various types of electricity are also available to the public; Duke's adv'g program deals almost exclusively with conservation; a special dep't that works closely with the area schools has been set up which produces newsletter for the schools, provides summer courses in energy for teachers.

UPI reports Duke spends \$10 million annually promoting & operating load mgmt. Program began in '74, main element is special rates for 1) periods of the day when power use is low, 2) customers who insulate to specific standards, 3) interruptible service to air conditioners & water heaters in emergencies.

#### PLAIN ENGLISH CONTINUES TO MAKE GAINS; CAR RENTALS, RADIO ADS ADVANCE TREND

Avis car rental contract uses it, competitor Budget doesn't. Avis begins by stating what standard terms like "me," "my," "you," "your" refer to. Agreement is written from viewpoint of renter, so 1st person refers to customer, 2nd person to company. Headlines are underlined, appear at start of each section, are straightforward: "When I'll return the car," "Error in rental charges."