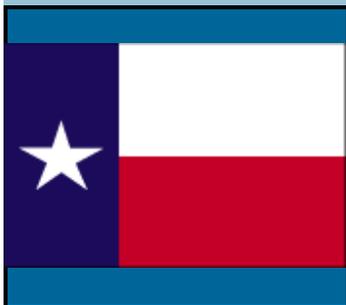


June 1999



TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Newsletter

The Millennium is on Our Doorstep

In less than 200 days, we will enter the third millennium. Will you be ready? Are you doing what is necessary to take your business to new heights to meet the challenges that affect the newspaper industry as we press on toward the next century?

First Vice President of the Texas Circulation Management Association **Lorenzo Vigliante**, has put together a super conference to help each of us meet the challenges that lie ahead. The fall conference program is being finalized but I will let you in on a sneak peak of what is planned for October 11-14, 1999.

In cooperation with **Pete Pfluger** from our host newspaper, the San Antonio Express-News, the conference will begin with our keynote speaker, **Tony Marsella**, from the Newspaper Association of America. Tony will speak to us about Outrageous Customer Service. Following Tony will be **Rich Randles** who will speak about Home Delivery Marketing.

Wednesday morning will begin with the annual Hot Ideas Breakfast hosted by **Chris Bradford**.

The morning session will begin with an excellent presentation by **Chris Ortega**, from Southwest Airlines. **Chris** will tell us how we can improve our customer service by following some of the proven results that make Southwest Airlines a leader in their industry.

During the Wednesday lunch, your TCMA board will present individual reports and bring to the membership several proposed by-law changes.

During the afternoon session, **Bill Truett** from American Opinion will bring a message entitled "10 Most Effective Things Newspaper Executives Can Do to Build Loyalty Among Readers."

The conference will adjourn Wednesday evening following the annual Carrier of the Year Awards. Make plans now to be in San Antonio on October 11-14, 1999. It will be the last time you will see your colleagues this century!



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- *Becoming Y2K Compliant*
- *Make Hotel Reservations Now*
- *Adam's Mark Hotel Amenities*
- *TCMA Membership Growing*
- *Where did the "bulldog" originate?*



Teamsters May Not Organize Carriers

The Regional Director (RD) for the Fourth Region of the NLRB in Philadelphia held that newspaper carriers for the Philadelphia Inquirer are independent contractors, not employees, and thus not subject to unionization by Teamsters Local 500. The RD relied heavily upon the written Independent Contractor Agreement, concluding that the common law agency test for employee status was not met. The RD relied upon many factors, including:

- * There is no guaranteed minimum compensation; contract compensation was "per piece."
- * The carriers are free to deliver competing newspapers and hold other jobs.
- * Many contractual obligations are negotiable, such as duration of the contract and delivery fees.
- * The carriers' ability to use personal business judgment.
- * The carriers' ability to hire or otherwise obtain assistants.
- * The lack of equipment given to the carrier by the Publisher.
- * The indemnification of the Publisher by the carrier for losses, damages, or injury.
- * The lack of uniforms or name-

tags and the prohibition of using the Publisher's name or logo.

- * The lack of fringe benefits or subsidies.
- * The carriers' ability to control the methods and means of work.

Hawaii Supreme Court Hostile to Contractors

The Hawaii Supreme Court ruled that a newspaper distributor, found to be an employee for workers' comp purposes, may pursue tort remedies against the Publisher. After being injured in a traffic accident, the carrier did not file a workers' comp claim. Instead, he sued in tort, seeking bigger bucks. In most other states, the employee finding would mandate that workers' comp is the exclusive remedy. This court, demonstrating a bias and hostility to independent contractor status, stated the following:

The Newspaper Dealers' Agreement was offered on a take it or leave it basis. The disparity of bargaining power was made more acute by the paucity of employment opportunities available to young people. Rather, we are merely restricting the prerogative of employers to 'have their cake and eat it too.' When an employer expressly contracts with a worker as an 'independent

contractor,' the employer will be bound by his election. If such a worker is injured on the job, the individual may then choose to (1) seek relief in tort, or (2) attempt to show that the independent contractor agreement was a sham and that the worker is, therefore, entitled to workers' compensation benefits.

This case is a gift to the plaintiffs' bar and is just one more reason Hawaii ranked last among the states in a recent study of environments conducive to business and entrepreneurship.

Fall Conference Hotel Deadline

In order to guarantee the special TCMA hotel convention rate for the fall conference, be sure you make your reservations by **Friday, September 17, 1999**. After that date, the special rate for our group cannot be guaranteed. Why not call now and ensure you have a room? Call (210) 354 2800 for reservations or the central Adam's Mark Reservation service at 1 800 444 ADAM (2326).



The President Speaks

We had a great Spring Training Seminar this past month in Austin. **John Whaley** (The Lubbock Avalanche-Journal) put together an excellent program that had over sixty-five registrants from 23 newspapers in attendance. The Fall Conference in San Antonio is also shaping up nicely. **Lorenzo Vigliante** (The Bryan Eagle) and **Pete Pfluger** (The San Antonio Express-News) are promising an exciting three days of speakers, networking and entertainment that you'll not want to miss. We hope to see you there.

The TCMA board has drafted some changes to our by-laws which will be formally presented and voted on at the Fall Conference. I have included the articles of the by-laws that are being proposed for change. Please review them and offer any feedback or input to myself or any of the board members.

ARTICLE IV

OFFICERS

Section 1. The Officers of the Association shall be:

- a) Chairman
- b) President
- c) President-Elect
- d) First Vice-President
- e) Second Vice-President
- f) Secretary / Treasurer
- g) NAA Sectional Representative

The Officers shall be ex-officio members of the Board of Directors with equal rights and responsibilities. All Officers shall hold office for one year until the election of their successors, with the exception of the Secretary / Treasurer and the NAA Sectional Representative. The Secretary / Treasurer will be appointed by the Board and approved by the membership of the Association at the annual meeting. The NAA Sectional Representative will be selected by the Officers of the Association and shall hold office for the number of terms as determined by NAA.

Section 2. Committees of the Association will be chaired by the following Officers:

- Fall Program, President
- Buyers Guide, President-Elect
- Coty Awards, First Vice-President
- Spring Seminar, Second Vice-President

Section 3. Officers of the Association will progress to the next chair at the annual meeting. Nominees for the office of Second Vice-President shall be presented and elected by secret ballot by the members of the Association at the annual meeting. In the event there is only one nominee for the office, the election may be by voice vote. All board members will then be presented to the membership of the Association for approval

Section 4. In addition to the Officers mentioned in Section 1, the board shall consist of five directors representing five regions of the state (West, North, Central, East, South). Each Regional Director will be elected from a caucus representing their region. A person may serve as Regional Director for a term of no more than two consecutive years. The duties of a Regional Director shall be to promote and recruit membership to the Association.

(Continued on page 6)

Austin Seminar Photos



Left to right: **Andy Nelson, Terry Homann, Jo Linda Bishop, Harry Davis, John Whaley, John Hensley and Steve Jordan, and Lane Aten.**

Are you getting left out of 'the loop' because we do not have your e-mail address? The TCMA e-mail database contains addresses of **123** members. This is the most efficient method for your association to communicate with the membership. If you do not have a company e-mail address, send us your personal e-mail address and you can keep up or keep in 'the loop' of what's going on in your association. Send your e-mail address to: **tema@chron.com.**



**Texas Circulation
Management Association
TCMA Newsletter
June 1999**

**James Smith
Secretary, TCMA
Houston Chronicle
801 Texas Avenue, Suite 219
Houston TX 77002
713 220 7644
713 354 3099 fax**

tcm@chron.com

Welcome our Newest TCMA Members

James Adkins	Austin American-Statesman	John Hensley	Houston Chronicle
Bill Benner	Austin American-Statesman	Junaid Khan	Houston Chronicle
Marti Christiansen	Austin American-Statesman	Sherri McMahan	Houston Chronicle
Jim Fagan	Austin American-Statesman	Jeff Kurz	Jacksonville Daily Progress
Bill Grafton	Austin American-Statesman	Jim Barden	JB Circulation Company
Robert Melendez	Austin American-Statesman	Rene Espitia	Laredo Morning Times
John Ransom	Austin American-Statesman	Albino Gutierrez Jr	Laredo Morning Times
Larry Serrano	Austin American-Statesman	Gloria Martinez	Laredo Morning Times
Karolyn Kellogg	Bayshore Sun	Estanislado Rodriguez	Laredo Morning Times
Gwen Anderson	Beaumont Enterprise	Larry Jones	Lubbock Avalanche-Journal
Les Simpson	Beaumont Enterprise	Christy Taliafeno	Mineral Wells Index
Gary Wamsley	Beaumont Enterprise	Duane McCollum	Mt. Pleasant Daily Tribune
Darrel Rundus	Circ Promotions Unlimited	Dean Lynch	Pampa News
Mary Raifsnider	Cleburne Times-Review	David Madril	Pecos Enterprise
Greg Barker	Dallas Morning News	Charles Lawson	Plainview Daily Herald
Richard Leveridge	Dallas Morning News	Neil White	Plainview Daily Herald
Melvin Lonon	Dallas Morning News	Mayra Moreno	San Antonio Express-News
Rod McFarland	Dallas Morning News	Jim Delaney	Spanlink
Bryan Petrea	Dallas Morning News	Darrell Alsup	The CMI Group
Joe Shocklee	DFW Newspapers	Randy Hammer	The Pisa Group
Alan Hoover	Fort Worth Star-Telegram	John Pisa	The Pisa Group
Jon Jones	Greenville Herald Banner	Russ Collins	Wall Street Journal
Stephen Fristoe	Hartman Newspapers, Inc.	Elizabeth Kim	Wall Street Journal
Carlos Gonzales	Hobbs News-Sun	Chris Bradford	Weatherford Democrat

Fast Company magazine published an excellent article in May 1999 on what to do to make sure your computer is ready for the new millennium. The story has excellent resources and step-

by-step processes you need to take to make sure you are ready for the new year. The story is also available on the Internet. Go to www.fastcompany.com/online/24/powertools.html. Now is the time to act! Do not wait until December to be concerned with this important issue. Act today and make sure your business is ready for the new millennium.—James Smith



(Continued from page 3)

Section 5. In addition to the above officers and directors, two (2) Associate Board members representing the interest of the associate members shall be elected and have all rights and privileges of above mentioned board members. Associate board members shall be elected by the Associate membership at the annual meeting. Associate board members will serve for a term of no more than two consecutive years.

Section 6. If an office or directorship shall become vacant for any reason, the Officers of the

Association shall appoint a successor to serve until the next annual meeting of the Association.

ARTICLE V MEETINGS

Section 4. The President and NAA Sectional Representative shall be reimbursed for all reasonable travel expenses related to representing the Association at industry meetings pre-approved by the board.

ARTICLE VII

The Secretary shall receive an annual honorarium as set by a majority vote of the board. The Secretary will also be reim-

bursed for any authorized expenses necessary for the performance of the duties of the office. The duties of the Secretary/Treasurer shall be to maintain the membership records of the Association; manage the financial affairs of the Association and to handle the marketing initiatives of the Association through the Association newsletter and/or internet website.

Buyer's Guide Update

By Chris Bradford

I want to take this opportunity to remind everyone that we are now reserving space in the 1999 Buyer's Guide! If you provide supplies and/or services to the circulation industry, you need to be a part of the Buyer's Guide....twenty-three of your competitors have already placed their message.

A full page ad is only \$125. Want to really stand out? Add color for only \$100 per color. Want to be less traditional? Use an insert as opposed to an ROP ad! Same price, only \$125...you supply the insert.

Don't be left out! Send your camera-ready art along with payment today to:

**Chris Bradford
Weatherford Democrat
512 Palo Pinto
Weatherford, TX 76086**

817-594-7447

Membership Up for 1999!

By Paul Jauma

Our TCMA Membership Drive continues to sizzle as we move into the summer. As of May 25, 1999, we have 48 new members bringing our total membership to 258. Our membership consists of 43 associate members, 22 past presidents, 179 newspaper members from 67 different newspapers, 5 hon-

orary, and 9 sectional representatives.

A special welcome to the Austin American Statesman with 8 new members, bringing their total representation to 12 members.

Please be sure to encourage individuals you may know to

join our outstanding Association. Membership applications can be obtained by contacting **Paul Jauma** (713) 613-5524 or by e-mail at paul.jauma@chron.com.

This conference is going to be GREAT

By Lorenzo Vigilante

If you have not made plans to attend the TCMA conference Oct. 11-13, 1999, please mark your calendar now. This conference is shaping up to be one of the best we have ever had. The conference theme this year is "The Millennium is on our Doorstep."

Our featured speakers are going to astound you. We are getting the true "cream of the crop." And if you miss them, you will miss an opportunity that seldom, if ever, comes along.

Not only are the speakers outstanding, but also the facilities at Adam's Mark are superb – a hotel of beauty and comfort.

The golf tournament will be at San Antonio's newest golf course, Silverhorn Golf Club. The Silverhorn is one of the top ten courses in Texas and was designed by noted architect Randy Heckenkemper with input from PGA Tour pros Scott Verplank and Willie Wood. It is a classic 7,000 yard layout that meanders through 262 acres of heavily wooded and rolling terrain.

We still need sponsors for the following on the golf tournament:

- Putting contest (1) \$100
- Closest to the pin (2) \$100
- Longest drive (1) \$100
- Awards ceremony (3) \$50

More Conference Sponsors Needed!

- Gold sponsors \$300
- Silver sponsors \$200
- Bronze sponsors \$100

Information on hotel reservations and more information on the golf tournament will be mailed to you very soon.

The Details

The Millennium is on our Doorstep conference, October 11-13, 1999 in San Antonio, Texas, at the Adam's Mark. Registration fee is \$100.00. For sponsorship information please contact **Lorenzo Vigilante**, *The Eagle*, PO Box 3000, Bryan, TX 77805. Email address is:

lvigilante@theeagle.com. The

phone number is (409) 776-4444, ext. 508 or FAX (409) 774-0547.

term dates to press baron William Randolph Hearst who told his editors to write headlines that would grab readers like bulldogs.

Also, the Mack (newspaper distribution) trucks, whose symbol was the bulldog, had radiator ornaments with bulldogs on them. It's said that the news vendors would yell, "Here comes the bulldog!"



"UGA"
A Fighting Bulldog

Where did the term "bulldog" originate?

According to The Miami Herald on Sunday, Oct. 18, 1998:

"If you're wondering why early editions of newspapers are called "bulldog" editions, there are several theories. The most popular, noted in Encyclopedia of Word and Phrase Origins, is that the term was coined during the Big Apple newspaper wars of the

1890s. Rival newspapers put out special early sections and fought for their morning readers like bulldogs.

Some say it was the street hawkers who, at the crack of dawn, fiercely sold newspapers and protected their corners like bulldogs.

Another theory is that the

Adam's Mark Hotel, San Antonio, Texas

Location

- Downtown on The Riverwalk in the heart of the business district, within walking distance of The Alamo, Convention Center and Hemisfair Plaza.

Accommodations

- 410 luxurious guest rooms including 4 suites with parlor and wet bar, remote control TV, in-room movies, two phones per room (one with data port), voice mail, oversized desk, non-smoking and handicapped accessible rooms available.

Special Features

- Outdoor pool
- Complete health club
- Sauna, Jacuzzi
- Gift shop
- Express checkout
- Safe deposit boxes
- 24-hour room service
- Same-day dry cleaning, laundry
- Covered self parking and valet parking

Dining & Entertainment

- **Restaurante Marbella** -- Spanish decor and exhibition kitchen serving breakfast, lunch and dinner.
- **Tiffany Rose** -- Intimate lobby lounge featuring live entertainment.
- **Players** -- Lively sports bar with large screen TVs, great beer selection and deli-style menu.

Andy Nelson	President	Fort Worth Star-Telegram
Lorenzo Vigliante	First Vice President	Bryan-College Station Eagle
Chris Bradford	Second Vice President	Weatherford Democrat
John Whaley	Director	Lubbock Avalanche-Journal
Jo Linda Bishop	Director	Palestine Herald-Press
Paul Jauma	Director	Houston Chronicle
Lane Aten	Director	Valley Morning Star
Eddie Goll	Associate Director	Eddie's Supply
Jim Delaney	Associate Director	Spanlink
James Smith	Secretary	Houston Chronicle
Ed Dorsey	NAA Federation	Dallas Morning News