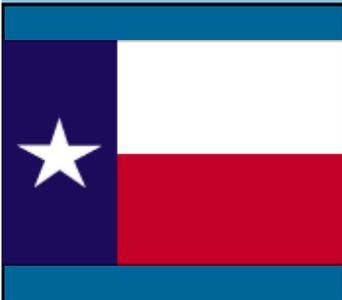


February 2000

TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Newsletter



Marketing for Readership

Marketing for Readership will be the theme for the 2000 Spring Seminar scheduled for May 11-12, 2000 at the Holiday Inn South in Austin, Texas. We are returning to a favorite and a convenient location for our Spring Seminar. The first session will take place at 1:00 P.M. on Thursday, May 11, 2000. Starting in the afternoon allows our members to arrive during the morning and ample time to check into the hotel.

The evening is yours to enjoy and there are plenty of hot spots in the capitol city to enjoy including the sixth street entertainment district.

Friday morning begins with a TCMA favorite, the Hot Ideas Breakfast. Start thinking now what Hot Idea or Best Practice you can tell the group that has been successful at your newspaper.

The Friday morning session will continue at 9:00 A.M. and

conclude at 12:00 Noon.

Paul Jauma, from the Houston Chronicle, has assembled a program that will surely keep your interest. Speakers for the seminar include, **Don Michels** from Anderson and Associates, **Ed Dorsey** from the Dallas Morning News will share Distributor Best Practices, and **Ken Shultz** from the ABC will bring a presentation. **David Dadisman**, the new Circulation Director from the Houston Chronicle, will speak about readership as it pertains to ABC.

A registration form is included with this newsletter. For the latest up-to-date information concerning the Seminar or any TCMA matter, check the Web site. Registration forms will also be posted on the Web site. You can save money by registering early. It's not too early to book your hotel reservation. Simply call the Holiday Inn South in Austin at 512 448 2444. Be sure to ask for In House Reservations and tell the telephone representative you are with the Texas Circulation Management Association.



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Special points of interest:

- **2000 Spring Seminar**
May 11-12, 2000
Austin Texas
- **2000 Fall Conference**
October 9-11, 2000
Austin Texas



Ordinance Restricting Free Delivery is Stricken

A U. S. District Judge for the Central District of California declared unconstitutional a city ordinance restricting the distribution of unsolicited material to businesses and residences. The challenge was raised by the Pasadena Star-News, which also publishes and distributes a free paper, as it stood to be affected by various provisions of the city ordinance. The city ordinance created a "refusal list" whereby persons could remove themselves from delivery from unsolicited deliveries and forbade such deliveries to addresses posting a "no solicitation" sign, addresses appearing to be vacated, or where previous delivery materials had accumulated.

The ordinance further restricted unsolicited deliveries to the doorstep or doorknob of the premises. Particularly troublesome aspects of the ordinance included a government exemption whereby materials distributed by the city were excluded from the ordinance's regulation. In addition, the ordinance allowed owners of multiple unit buildings to place the entire

building on the refusal list, thereby preventing its occupants from receiving the papers. Finally, the inability to remove names from the refusal list further evidenced the unreasonable nature of the regulations.

Nonsupervisory Employees Not Liable for Harassment

The Supreme Court of California held that a nonsupervisory employee is not personally liable under California's Fair Employment and Housing Act for sexually harassing a coworker. Maryann Carrisales sued her coworker, Dave Selkirk, alleging that he "repeatedly sexually harassed her." California's highest court rejected her claim against Selkirk because the Act governs only unlawful employment practices. If there is no employment practice involved, the Act does not apply.

Under the FEHA, an employer only commits an unlawful employment practice if it fails to take immediate and appropriate action once it knows or should know of harassment by an employee. If a nonsupervisory employee harasses a coworker and the employer takes "immediate and appropriate corrective ac-

tion" once it knows of the harassment or should know of it, "there simply is no 'unlawful employment practice' that the FEHA governs." If the employer fails to take corrective action, "there may be an unlawful employment practice, but it is by the employer, not the coworker."

Labor Department Seeks Contractor Benefits

A U.S. District Court (New York) denied a company's motion to dismiss a case filed by the Dept. of Labor for allegedly misclassifying workers as "temporary employees" and "independent contractors," thereby depriving them of benefits to which they otherwise would have been entitled. The defendant, the publisher of several magazines, sponsored various employee benefit plans available for full and part-time regular employees. Temporary employees and independent contractors were not eligible for any of these benefits.

The company argued that the Employee Retirement Income Security Act only permitted participants and beneficiaries to recover benefits under the plan. It argued that the government was precluded from bringing a separate cause of action. The D.O.L. argued that the company's misclassifications injured the benefit plans themselves by causing losses to those plans. The court agreed with the government.

Welcome our Newest TCMA Members

Jim Bradshaw	Amarillo Globe News	Ed Vaughn	Houston Chronicle
Wanda Cash	Baytown Sun	Ricky Bryant	Longview News-Journal
Adrian Hopkins	Beaumont Enterprise	Erik Buck	Longview News-Journal
Aron Baker	Dallas Morning News	Dawn Pierce	Lubbock Avalanche-Journal
Stewart Cox	Dallas Morning News	Ray Lyon	Lyon Enterprises
Mike Reynolds	El Paso Times	Dave Novitski	M-Perial Group
Wendy Stane	Fort Worth Star-Telegram	Ryan Webb	Marshall News Messenger
Chuck Luke	Greenville Herald Banner	Ricky Cunningham	RAK Systems, Inc.
Romona Boeker	Houston Chronicle	Boyce Besinger	Steel City Corporation
Josi Calderone	Houston Chronicle	James Cox	Stephenville Empire Tribune
Diane Kirkish	Houston Chronicle	Wayne Brune	Tex-Trude
Ken Knowles	Houston Chronicle	J R Goll	US Products
Charles Richter	Houston Chronicle	John Lavelle Jr.	Wall Street Journal

Sponsoring the TCMA Newsletter

We value our Associate Members and it is through their sponsorship that we are able to provide a super conference each fall. Our Associate Members or Vendors are the ones you do business with at your newspaper. It is important we continue to support are vendors.

For our vendors, if you would like to reach your audience of Texas newspaper executives more frequently than the annual buyer's guide, here's an excellent opportunity! The TCMA Newsletter is published four times a year. The back page has been designated for your business. You may submit a business card size ad for each issue for **\$25.00** per issue or **\$100.00** a year. If you want to maximize your exposure, you may a insert preprinted flyer (8.5" X 11") in each issue for **\$75.00** per issue. The TCMA Newsletter reaches over 275 members throughout the great State of Texas.

To include your literature in this popular newsletter, please send 300 preprinted flyers and your check for \$75.00 to James Smith, TCMA Secretary, Houston Chronicle, 801 Texas Avenue, Suite 219, Houston Texas 77002. For a business card ad, please submit your ad along with your check for \$25.00 per issue to the same address. Deadline for publication dates is April 1, July 1, October 1 and January 1 of each year.

TCMA Newsletter Now Online!

Have you checked out the updated TCMA Web site? The newsletter is available online but you will have to download Acrobat Reader in order to view and print the newsletter. The download process is a one time event. This is the most cost effective and efficient manner to send the newsletter to our members. An e-mail will alert you the newsletter is online and will include a link to the newsletter site. Go to the site today and download the Acrobat Reader. You will then be able to view and print the current and back issues of the TCMA Newsletter. www.texasdma.org

TCMA Board of Directors

Andy Nelson	Chairman	Fort Worth Star-Telegram
Lorenzo Vigliante	President	Bryan-College Station Eagle
John Whaley	President-Elect	Lubbock Avalanche-Journal
Jo Linda Bishop	First Vice President	Palestine Herald-Press
Paul Jauma	Second Vice President	Houston Chronicle
Lane Aten	Regional Director (South)	Valley Morning Star
Sylvia Gonzales	Regional Director (Central)	Austin American-Statesman
Jack Light	Regional Director (North)	Amarillo Globe-News
Bobby Perry	Regional Director (East)	Texarkana Gazette
Tyler Patton	Regional Director (West)	Odessa American
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David Novitski	Associate Director	M-Perial Group
James Smith	Secretary-Treasurer	Houston Chronicle
Ed Dorsey	NAA Federation Director	Dallas Morning News

Phone numbers and e-mail addresses of the officers are available at www.texascoma.org



Austin is the place to be in 2000!

The Spring Seminar and the Fall Conference are both located in our capitol city. There's so much to do and see in Austin so why not make plans now to be in Austin on May 11-12, 2000 for the Spring Seminar and return in the Fall for the Annual Conference on October 9-11, 2000.
We will look for you!

Texas Circulation
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