

August 2002

TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Lone Star Review

TCMA Houston Conference Yesterday, Today and Tomorrow



The Eighty-Eighth Annual Texas Circulation Management Association's Annual Conference in Houston October 21-23, 2002, is shaping up to be one of those conferences that will become a standard for future TCMA conferences.

President **Paul Jauma** has assembled a program and entertainment venues that are sure to please the toughest conference attendee.

The Houston Renaissance Hotel will be the site for the annual conference. The Renaissance has recently completed a seventeen million dollar renovation to make the facility a world class hotel. Renovations have been completed in every guest room as well as the conference area and public areas. You will not be disappointed with your hotel accommodations!

President Jauma and his *Houston Chronicle* volunteers are preparing every aspect of the conference to be sure each attendee is provided with information to increase their business.

Beginning Monday, October 22, 2002, Associate Board Members, **Jeff Hechler** and **Wayne Brune** have lined up a day of golf at the Pinecrest County Club in West Houston. Monday evening's Vendor Reception will begin in the Vendor Display Room. After you have secured your admission pass to the Casino Night, conference attendees will move to the twentieth floor of the hotel to the City Light's room overlooking Houston. *The Houston Chronicle* is sponsoring the Casino Night complete with prizes that will be drawn from tickets earned during the casino party.



On Tuesday morning, the conference will open with our keynote speaker, **Rory Aplanalp**, who will speak on The Ultimate Attitude Adjustment. Packed with take-home value, Rory Aplanalp has the unique ability to

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No reasonable expectation of privacy in e-mail

The U. S. District Court in Massachusetts ruled on May 7, 2002, that employees have no expectations of privacy in e-mail messages transmitted over the Employer's network. The Employer's Motion for Summary Judgment was granted, upholding the discharge of two employees for receiving sexually explicit e-mails from outside and sending to coworkers. In significant part, company policy stated:

Once the employee has communicated the sexual items to a second person over an e-mail system, any reasonable expectation of privacy was lost. This is so even though the employees had passwords and personal files.

The court also dismissed a defamation claim, stating the Employer was privileged to share with other employees that the plaintiffs were fired for distributing sexually explicit e-mail. "Therefore, defendant had no obvious legitimate business purpose as to all employees, if it so chose to warn them"

NLRB Upholds Employer Free Speech

In a 2 to 1 decision (Clinton appointee Democrat Wilma Liebman dissenting), the NLRB ruled that the Employer did not

violate the law when, in the course of a decertification election, it factually compared wages and benefits at its nonunion facilities with those received at its unionized locations. The Employer's statements "were, individually and collectively, lawful expressions of opinion during a decertification election campaign. Furthermore, it is lawful for an employer to state its opinion, based on such comparison, that employees would be better off without a union the Board normally treats such comments as statements of opinion protected by 8(c)'s free speech provision."

The opinion by Chairman Peter Hurtgen goes on to state it is well settled that an employer is free to explain the advantages and disadvantages of collective bargaining to employees.

Editor's Note: This decision is a classic example of the importance of appointing Board members with a management background.

7UP Never Hired Him and Never Will

Saunders was the former full-time paid union president of Teamsters Local 1199. He was voted out of office and "ceased to remain a member of the union in good standing because he did not hold a bargaining unit job."

Saunders applied for a position with 7UP, an employer with whom he used to bargain. He told 7UP that he was about to lose his standing with the union and needed a bargaining unit job to qualify for running again for president. 7UP did not hire Saunders. He filed a charge with the NLRB, claiming he was not hired because of his union affiliation. His argument had no fizz with the NLRB.

7UP explained that it did not hire Saunders because it felt that he would not be a long-term employee. 7UP argued, and the NLRB agreed, that Saunders merely wanted to use a job with 7UP as "a spring board to becoming a union executive board member and possibly running again for union president," and it defied belief that Saunders "was willing to take close to a 50 percent cut in pay" from his presidential salary. 7UP's experience with individuals who took drastic cuts in pay was that the individual was "continually looking for alternative employment to equal their prior wages." 7UP wanted consistency in the position for which Saunders applied; it had high turnover. Accordingly, "[7UP]'s refusal to hire Saunders was for legitimate business reasons."

Our Newest Members!

Through July 31, 2002

Audrey Allison	Alliance Rubber Company
Brett Murphy	Athens Daily Review
Michael Connell	Houston Chronicle
John Greeley	JG Newspapers Promotions
Don Aston	Rosenberg Herald-Coaster
Scott Frantzen	San Antonio Express-News
Hershal Down	Texarkana Gazette
Steven Lillie	Wilson Gregory

TCMA Regional Directors

Ginger Nolte (South) (361) 886-3612

Corpus Christi Caller-Times

Dolan Stidom (North) (817) 215-2204

Fort Worth Star-Telegram

Gary Wamsley (West) (915) 687-9002

Midland Reporter-Telegram

Sharon Mertz (Central) (903) 872-3931

Corsicana Sun

Steve Hill (East) (866) 876-8378

Investor's Business Daily

2003 Conference Site Selected

The Corpus Christi Caller-Times will host the 2003 TCMA Fall Conference at the Omni Bayfront Hotel. The conference dates will be October 27-29, 2003. The Association last met in Corpus Christi in 1993.

Additional information about the conference site is on the TCMA Web site complete with conference and vendor room layouts.



Texas Roundup!

In Memoriam

Marjorie Miller, the 2000 Over 200 Route size carrier of the year, died after a lengthy battle with cancer. She was 78. She began delivering the *Valley Morning Star* in Raymonville, Texas. When she retired from her route, the *Star* had to hire two carriers to replace her.



Wanted: Texas Roundup News

Do you have some news to report at your newspaper? There is a simple form on the web site that only takes seconds to complete for news, promotions, or departures at your paper. Or use the news tip sheet with this month's TCMA Lone Star Review to submit your story. We want to know. . . Texas wants to know! Share your good news and your successes with your TCMA members through the Newsletter!

www.texascma.org

2003 Spring Seminar

May 15-16, 2003

Mark your calendars and make plans to be in Austin, Texas for the 2003 Spring Seminar. The Association will meet at the Omni Southpark, which was the site for the 2002 Seminar. Great News! The room rates will be \$15.00 less than the room rates at the 2002 Seminar! Reservations are now being accepted at the Omni Southpark Austin hotel.



(Continued from page 1)

the unique ability to relate to and inspire an audience. A professional speaker with well over 6,000 paid presentations to his credit, he has positively impacted the lives of more than a million people around the globe. You will leave with a renewed commitment to be more proactive in your approach to life and living – both at work and at home.

Following our keynote speaker, **Martin Otto**, Senior Vice President and General Manager of H E B Food stores will speak on the success of HEB and the newspaper.

At the business lunch, attendees will hear committee reports, vote on the election of TCMA officers and hear nominations for the 2004 Conference site. **Jim McIngvale**, President of Gallery Furniture, will be our luncheon speaker. “Mattress Mac,” no stranger to Houston, will share his story of coming to Houston and beginning a successful furniture business to becoming an entrepreneur who gives so much back to Houston. Other Tuesday speakers include **Michael Zinser**, TCMA General Counsel, and **Scott Clark**, Vice President of HoustonChronicle.com.

In the early evening, conference attendees will board chartered busses for a short ride to Reliant Stadium, the site of the TCMA President’s Dinner and stadium tour of the new Houston Texans.

Wednesday’s session begins with the Hot Ideas Breakfast hosted by **Dolan Stidom**, from the Fort Worth Star-Telegram and TCMA North Regional Director. Our first Wednesday speaker will be **Steven Duke**, from the Readership Institute of Northwestern University. Following Duke, **Diane Rusnak** will present an Audit Bureau of Circulations update.

The afternoon session begins with **Rob Runett**, from the Newspaper Association of America, speaking on The Internet VS. Newspapers. Our closing speaker will be **Tom Kucera**, President of Customer Loyalty Concepts, a telemarketing firm.

The Conference closes with the annual Carrier of the Year Awards Banquet in the City Lights room. Newspaper carriers chosen from four categories in a statewide competition this spring will be honored for their accomplishments.

Conference 2004

If your newspaper would like to host the TCMA Conference in October 2004, please make your request known to President **Paul Jauma** at tcma@texascma.org or call 713 613 5524.

The local newspaper is only responsible for hosting the conference and providing the President’s Dinner along with some local logistics. President Jauma can give you more details and can share how previous convention cities have been able to host the conference with very little expense.

The TCMA by-laws require the host city to be selected two years in advance.

TCMA Board of Directors

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Wayne Brune	Associate Director	Tex-Trude
Jeff Hechler	Associate Director	Schermerhorn Brothers
James Smith	Secretary/Treasurer	Houston Chronicle

Second Vice President Election In October

According to the TCMA By-Laws in Article IV, Section 4, election of officers shall take place at the annual conference. Nomination speeches will be limited to two minutes during the morning session on Tuesday, October 22, 2002. While seated by TCMA regions during the Tuesday business lunch, (*see Regional Directors, page 3*) election of the second vice president will take place by secret ballot.

Officers elected will begin their term immediately following the conference. Beginning with the Second Vice-President and serving through Chairman is a five year commitment. Officers advance from Second Vice-President, First Vice-President, President-Elect, President, and Chairman. The By-Laws are online at www.texascma.org.

Texas Circulation
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TCMA Lone Star Review
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- Web site link \$50.00 per calendar year



For more information, check out www.texasdma.org and click on the Vendors' link or call James Smith at 713 220 7644.