

May 2002

TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Lone Star Review

TCMA Houston Conference

Yesterday, Today and Tomorrow



In less than five months, the gavel will fall on October 22, 2002 opening the general session of the Eighty-Eighth Annual Texas Circulation Management Association's Conference. The 2002 Conference will be held in Houston, Texas at the Renaissance Hotel in Greenway Plaza. The Renaissance is conveniently located on US 59, just east of Loop 610 near the Galleria.

President **Paul Jauma** is lining up a terrific group of speakers that will certainly help you grow the circulation at your newspaper. Attendees from small to major metro newspapers will benefit from the information that will be presented at the Conference. The theme for the conference will be: *Houston: Yesterday, Today and Tomorrow*. As an industry we will see where we have come from, our position today and what the future holds. **Steven Duke**, Project Manager with the Media Management Center at Northwestern University, will present ways to increase readership through the Reader Behavior Score (RBS) on Wednesday, October 23, 2002. Duke will present his findings with a circulation view. The Readership Institute is sponsored by the Newspapers Association of America and the American Society of Newspaper Editors.



Also on Wednesday, October 23, 2002, **Rob Runett**, from the Newspaper Association of America will present the Internet vs. Newspapers. These two speakers will be worth the trip to Houston! At our annual luncheon, a local entrepreneur, **Jim McInvale**, will tell his "rags to riches" story on his success in Houston as *Mattress Mac*. McInvale has used his success to give back to the community by his philanthropic endeavors. Mac's excitement is contagious and he will have

(Continued on page 4)

Inside this issue:

The Zinser Law Firm	2
Our New Members	3
Texas Roundup	3
Officer Election	4
TCMA Newsletter Sponsors	6





District Managers Exempt from Overtime

Granting Lee Enterprises Motion for Summary Judgment, the U. S. District Court in Illinois ruled that Circulation Department District Managers were exempt from overtime under the federal and state wage-hour laws because of the applicability of the Motor Carrier Act exemption. This exemption provides that employers do not have to pay overtime to "any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service..."

The court found the exemption (Section 13(b)(1) of the F L S A) a p p l i e d : In this case, the evidence shows that during their employment, Plaintiffs delivered newspapers on a daily basis, and for a substantial period of time each day. The newspapers included preprinted and dated supplements, such as Sunday color comics, magazines such as Parade, coupons and other types of advertising supplements. Supplements were included with the newspapers on an average of six days per week. These preprinted supplements were shipped to the Decatur Herald & Review by paying advertisers. These advertisers placed orders with the Decatur Herald & Review to have preprinted and dated supplements inserted in the newspapers and delivered to subscribers in

and around Macon County. Preprinted supplements were shipped directly from out-of-state printers in Michigan, Kansas, Wisconsin and Indiana. The preprinted supplements were inserted into newspapers on a date specified by the individual advertiser and delivered to subscribers by carriers. The preprinted supplements were stored on skids at the Decatur Herald & Review for two to ten days.

"This Bud's for you!"

The United States Court of Appeals for the Seventh Circuit has overturned an arbitrator's decision that awarded union members commissions based on practice rather than the contract. In 1990, Anheuser-Busch negotiated a two-tiered compensation system into its contract with distribution drivers. Drivers who worked alone were to receive a commission rate higher than drivers who worked with a helper. In spite of the contract, all drivers were paid the higher commission rate. In 1998, a new contract was negotiated with the same commission provision. Two months into the contract, Anheuser-Busch began paying commissions pursuant to the two-tiered system. The dispute was arbitrated in favor of the union, and the decision was appealed.

Judge Coffey, in overturning the arbitrator's decision, wrote, "it is evident that the arbitrator

rejected the plain language of the contract, without ever claiming to be 'interpreting' any provision of it and in doing so rewrote the contract and inscribed his own language upon the contract; something that he was not authorized to do." The contract contained language that severely curtailed an arbitrator's interpretive authority. The arbitrator partly based his decision on "fairness." In particular, the arbitrator was criticized for ignoring the zipper clause, which stated:

This agreement constitutes the full and complete agreement between the parties and supercedes all prior agreements between the parties or their representatives oral or written, including all practices not specifically preserved by the express provisions of this Agreement.



**Renaissance Hotel
Houston TX**

Our Newest Members!

Through April 30, 2002

Douglas Poli	Abilene Reporter-News
Dee Anne Navarre	Baytown Sun
Sonia Burke	Corpus Christi Caller-Times
Tom Cardozo	Corpus Christi Caller-Times
Abe Gonzalez	Corpus Christi Caller-Times
Gail Mills	Corpus Christi Caller-Times
Bill Offill	Houston Chronicle
Lucy James	Jacksonville Daily Progress
Anna Bush	Longview News-Journal
Kim Davis	Lubbock Avalanche-Journal
David Gehret	New Braunfels Herald-Zeitung
Shea Lucas	Palestine Herald-press
Ron O'Neal	Parade Magazine
James Gordanier	Plainview Daily Herald

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

Have you met your Regional Director?

Have they contacted you? They are your "local" TCMA Representative and they are "in the know" about your Association. Do you know circulation managers at newspapers in your region who are not a part of the TCMA? Do you have vendor you do business with that would like to enlarge his territory? Contact your Regional Director. They are willing, and they want to help you recruit new members for TCMA! Your representative's e-mail address is on the web site.



Texas Roundup!

Texas Moves

Bill Offill has been named the Vice President for Circulation, Packaging and Distribution at *The Houston Chronicle*. Formerly director of classified advertising since 1996, Offill joined the Chronicle in June of 1987 as an account executive. He later served as retail sales manager, display advertising manager and classified advertising manager. A native of Lake Charles, Louisiana, Bill is a 1984 graduate of Louisiana State University, with a BA degree in journalism and advertising. Offill is currently first vice president of the Newspaper Association of America's Classified Federation. He has served on the board of directors for the Southern Classified Advertising Managers Association, the Southwest Classified Advertising Managers Association, the Classified Federation of NAA and the Greater Houston Builders Association. Offill also is a recipient of the Chronicle's Vera Award and has been honored often as an outstanding sales executive.



Wanted: Texas Roundup News

Do you have some news to report at your newspaper? There is a simple form on the web site that takes only 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



(Continued from page 1)

you jumping up and shouting “Gallery Furniture will save you money!”

Always a favorite, **TCMA Legal Counsel Michael Zinser**, will open the afternoon session on Tuesday, October 22, 2002. A presentation by the Audit Bureau of Circulations is planned as well as speakers from the Newspaper Association of America. President Jauma still has a few vacancies and is working hard to complete the lineup of informing speakers.

The Houston Chronicle will host the President’s Dinner at the new Reliant Energy Park, home of the new National Football League’s Houston Texans. Chartered busses will transport attendees to the retractable roof stadium for dinner on the club level followed by a tour of the stadium. The group event will be one of the first to see the new stadium.



Members are encouraged to bring their spouses to the conference. The hotel provides complimentary shuttle service to the Houston Galleria. The hotel recently completed an extensive renovation complete with new guest room furniture, wall coverings, carpet and new meeting room facilities. All of the meals, including the Carrier of the Year Banquet, will be held in the City Lights room on the twentieth floor. The City Lights room has floor to ceiling windows that will be a delightful view of the city, especially during the evening banquet on the final day of the conference.

Additional maps and hotel descriptions about the Houston conference are available on the TCMA Web site at www.texascoma.org. Be sure to check out the Houston Texans site for a preview of the stadium. There is also a link to the Readership Institute for your pre-conference inspection.

The conference will kick-off with the annual TCMA Golf Tournament on Monday, October 21, 2002. Associate Board Member, **Wayne Brune**, is finalizing the golf tournament and the golf club selection will be announced soon.

The Renaissance Hotel is now accepting reservations. And it is not too early to make your reservations to be assured of receiving the TCMA Conference rate. Call 713 629 1200 or 1 888 236 2427. The Renais-

Conference 2003/2004

If your newspaper would like to host the TCMA Conference in October 2003 or October 2004, please make your request known to President **Paul Jauma** at tcma@texascoma.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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Bobby Perry	First Vice President	Texarkana Gazette
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Dolan Stidom	Regional Director (North)	Fort Worth Star-Telegram
Steve Hill	Regional Director (East)	Investor's Business Daily
Gary Wamsley	Regional Director (West)	Midland Reporter-Telegram
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.texascoma.org.

Texas Circulation
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TCMA Lone Star Review
May 2002

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Editor

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Advertising Opportunities

- Business Card Ad \$25.00 per issue
- Newsletter Inserts \$75.00 per issue
- 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.

TCMA Lone Star Review News Item

News for the next TCMA Newsletter is needed by **August 1, 2002**. Please submit your information on the form below or send your news item in a Microsoft Word document that you may e-mail to tcma@texascma.org. Be sure to include your telephone number and e-mail address.

Personnel Changes: **Newspaper:** _____

Name:
New title:
Previous title:

Sales Promotion/Idea **(Please include a flier or sample art, etc.)**

Submitted by: _____

Title: _____

Newspaper/Company: _____

Phone: _____ Fax: _____

e-mail: _____

Send to:

**J W Smith
TCMA
801 Texas, Suite 219
Houston TX 77002
Fax: 713 354 3099**