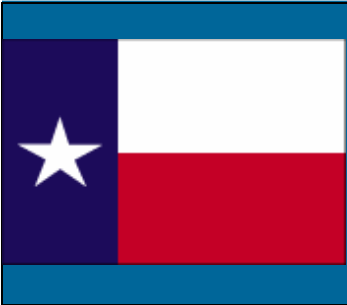


May 2003



TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Lone Star Review

Get Nautical: Steering Circulation



President **Lane Aten** has selected a theme for the 89th Annual Texas Circulation Management Conference. **Get Nautical, Steering Circulation** will set the pace as conference attendees set sail for Corpus Christi on October 27-29, 2003.

The host newspaper, *The Corpus Christi Caller-Times*, under the direction of Vice President of Circulation, **Ginger Nolte**, is busy making sure TCMA members will have a good time while in Corpus Christi. Already planned is the President's Dinner which will be held at the Texas State Aquarium.

It has been ten years since TCMA met in Corpus Christi. Located in the Marina District, **The Omni Bayfront Hotel**, a AAA Four Diamond Hotel, offers sweeping views of Corpus Christi Bay. All of the TCMA functions will be at the Omni. The hotel is now accepting reservations.

The week will begin with the TCMA Golf Tournament at the Padre Isles Country Club.

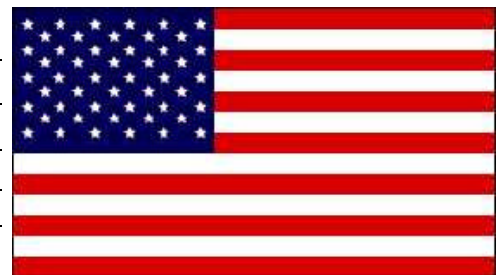
The business sessions begin on Tuesday, October 28, 2003 and continue through Wednesday afternoon. The conference concludes with the Carrier of the Year Banquet honoring the winners of the annual carrier of the year competition.

Lane has selected several speakers and is awaiting final commitments from additional presenters. A list of speakers and program details along with conference registrations forms will be included in the August 2003 issue of *The Lone Star Review*.



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THE ZINSER LAW FIRM

L. Michael Zinser, TCMA General Counsel

Unfair Labor Practice Charge all Bark and No Bite

Reversing the decision of the Administrative Law Judge, the National Labor Relations Board held that an employer did not commit an unfair labor practice when it hired a uniformed security guard and canine sidekick to guard the employer's premises during the 10 days preceding a union election. In addition to posting the new security force, the employer sent letters to employees, stating that the risks of collective bargaining were strikes, picket lines and stand-offs. The company also showed employees videotapes that depicted actual scenes of picket line violence. The employer told the employees that the security guards were there for their protection.

The ALJ found that the posting of security guards and security dogs before the election would likely cause fear among the employees, particularly when the employer: (1) presents campaign information to employees linking unionization to strikes, work stoppages and violence; and (2) tells the employees that the security force is there to protect the employees and the employer's facility against vandalism.

The Board, however, pointed

out that the union had not alleged that the company's campaign material was itself objectionable. The Board ruled that the additional security consisting of one unarmed guard and a guard dog patrolling the perimeter of the employer's premises did not interfere with the employees' free and uncoerced choice in the election.

The Board reasoned that neither the guard nor the dog entered the plant, nor were they present at the polling area; neither the guard nor the dog engaged in "coercive or even questionable conduct toward the employees."

Court Rejects CFRA Appeal

The California Court of Appeals for the Third District upheld the trial court's grant of summary judgment to an employer who refused to give an employee time off to visit his ailing parents. The employee had submitted a one-week vacation request at Christmas time. The employee's request stated that his parents' health had deteriorated, that the employee anticipated that they would die in the near future, that he had not spent the Christmas holiday with them in over a decade, and wanted to "spend time" with them. The employer denied the request because it did not have open vacation slots available at that time. The employee filed a lawsuit

claiming that the employer violated his rights under the California Family Rights Act.

The court reasoned that, with respect to request for leave to be with parents, the CFRA specifically states that protection is only afforded to children who request leave to "care for" their parent(s), and that an employee must show that he has made a request for leave to "care for" a parent. The court held that the employee's reference to his parents' deteriorating health did not reasonably alert the employer that he intended to provide care to his parents, but rather, expressed "a natural desire under the circumstances to visit his parents over the holiday because his parents might 'pass away in the near future'" and expressed a request for a vacation to spend the holiday with his parents. The court stated, "An employer is not required to be a better diagnostician than are physicians, just as an 'employer is not required to be clairvoyant that leave for the purposes of care was sought.'"



**Omni Bayfront Hotel
Corpus Christi, Texas**

Our Newest Members!

Thad Carthel	Abilene Reporter-News
Jan Cash	Abilene Reporter-News
Chuck Brady	Corpus Christi-Caller Times
Jerry Price	Mobile Merchandisers
Roger Salzo	RC Anderson Associates
Timothy Schmidt	WestPark Direct
Jim Beideck	Houston Chronicle

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

(Central)

(East)

2003 Conference

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 including conference and vendor room layouts. Hotel room reservations are now being taken by calling the hotel at (361) 887-1600.

The golf tournament will be held at the Padre Isles Country Club on Monday, October 27, 2003. Click on the link to the country club on the TCMA web site.



Texas Roundup!

Spring Seminar a Success

Second Vice President, Jack Light, assembled a stellar Spring Seminar. The training seminar was held in Austin, Texas on May 15-16, 2003. Over fifty attendees participated in the two sessions. Attendees listened to the Three R's of Circulation: Recruiting Carriers, Writing More Orders, and Retaining Subscribers.

Austin American-Statesman **Steve Bush and Joel Garrott** told how to grow circulation in challenging times. **John Murray** from the Newspaper Association of America brought an update from NAA and spoke about carrier recruitment.

Donnis Baggett, Vice President of the Texas Daily Newspaper Association brought greetings from TDNA and shared exciting news how TCMA and TDNA can work together. Seminar participants heard the latest ABC rule changes from **Jeff Walsh**. Telling of the successes at the Houston Chronicle, **Gene Haddock** shared with the group how third party sales can affect the growth of circulation.

Wanted: Texas Roundup News

Do you have some news to report regarding your newspaper? There is a simple form on the TCMA web site (Newsletters) that only takes seconds to complete for news, promotions, or departures at your paper. We want to know and Texas wants to know! Share your good news and your successes with your TCMA members through the Newsletter!

www.texascma.org

Regional Director Election at Fall Conference

By J W Smith

The Texas Circulation Management Association's By-Laws require new Regional directors to be elected at the annual conference. The regional directors serve on the Board of Directors for two consecutive years. Article IV, Section 4 of the by-laws state: **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.** On Tuesday, October 28, 2003, during the luncheon, TCMA newspaper members will be asked to sit with their region to elect their Regional Director. Maps and a list of counties that make up the regions are available online under the membership section at www.texascoma.org. If you would like to be a nominee for a Regional Director, please send your request to **Lane Aten** at tcma@texascoma.org or call Lane at 930 430 6296. Your name will be submitted to your caucus table. Regional Directors must be current TCMA Newspaper members with their dues current for 2003. Upon election, the Regional Director term begins at the end of the conference for two years. The first board meeting will be held in January 2004.

Conference 2004

If your newspaper would like to host the TCMA Conference in October 2004, please make your request known to President **Lane Aten** tcma@texascoma.org or call 956 430 6256.

The local newspaper is only responsible for hosting the conference and providing the President's Dinner along with some local logistics. President Aten 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.

2004 Spring Seminar

May 13-14, 2004

Mark your calendars and make plans to be in Austin, Texas for the 2004 Spring Seminar. The Association will meet at the Omni Southpark, which was the site for the 2002 and 2003 Seminar.



Half Off, Half Year Membership Sale

For each three (3) paid memberships to TCMA by June 30, 2003, each recommending newspaper is eligible for one (1) of two (2) paid 2003 Fall Conference Registrations. The new member should include the recommending newspaper on the space provided on the membership application. New Vendor (Associate) or Newspaper members are eligible.

The membership fee for the new member will be \$25.00 for the period beginning **July 1, 2003 through December 31, 2003. The new member will be eligible for the member conference rate** for the 2003 Fall Conference in Corpus Christi.

All paid memberships must be received at the TCMA office by **Monday, June 30, 2003**. The drawing for the paid conference registrations will be conducted at the TCMA office from all eligible entries on **July 15, 2003**.

TCMA Board of Directors

Paul Jauma	Chairman/NAA Federation Rep.	Houston Chronicle
Lane Aten	President	Valley Morning Star
Bobby Perry	President-Elect	Texarkana Gazette
Steve Jordan	First Vice President	Houston Chronicle
Jack Light	Second Vice President	Amarillo Globe -News
Ginger Nolte	Regional Director (South)	Corpus Christi Caller-Times
(Open)	Regional Director (Central)	
Dolan Stidom	Regional Director (North)	Fort Worth Star-Telegram
(Open)	Regional Director (East)	
Gary Wamsley	Regional Director (West)	Midland Reporter-Telegram
Jeff Hechler	Associate Director	Schermerhorn Brothers
Curtis Smith	Associate Director	K-Jack Engineering Co., Inc.
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 28, 2003. While seated by TCMA regions during the Tuesday business lunch, (*see Regional Directors, page 4*) 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
Management Association
TCMA Lone Star Review
May 2003

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