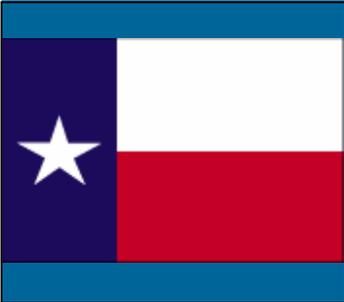


February 2006

TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Lone Star Review



Circulation In The Horizon

This year's annual conference will be held in South Padre Island, Texas, at the Radisson Hotel and Resort. This conference is the culmination of changes that have been suggested over the last two years.

This will be our first conference in the spring. You won't want to miss this year's conference! The New Conference Format is explained in the article on the bottom of page one.

President Lane Aten is preparing a program that will benefit circulation managers from all size Texas newspapers. The program line-up will be included with registration materials that will be mailed in early March, 2006.

Now is the time to make your hotel reservations! The hotel deadline for the conference rate is **March 22, 2006**. **Be sure and call today to request your room. Call 800 333 3333 or 956 756 6511. Rates are from \$99 for a cabana room and \$199 for a two bedroom/two bath condo.**

New Conference Format

The TCMA Board of Directors established a new conference meeting format to encourage greater participation and allow our vendors to stay for the entire conference.

The TCMA sponsored golf tournament has been eliminated.

The conference will actually begin with an opening session on Monday afternoon followed by the President's Dinner on Monday evening.

The gavel will open the Tuesday meeting preceded by a new \$Vendor-Rama\$ breakfast meeting with our vendors. The Association business meeting will be over lunch on Tuesday. The Tuesday afternoon sessions will resume at 1:45 pm.

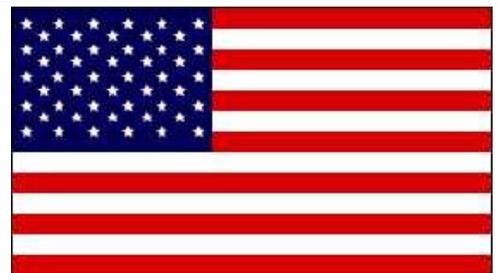
The Vendor Reception will proceed the Carrier of the Year Dinner (COTY) on Tuesday evening. This is a change from the Wednesday evening format. Which will allow our vendors to attend the annual banquet.

The Hot Ideas Breakfast will kick-off Wednesday morning followed by a Wednesday morning session. The conference will adjourn at 12:00 noon on Wednesday.

With this new format, members can either stay over for a free afternoon on Wednesday or check out of the hotel and make their way back home.

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THE ZINSER LAW FIRM

TCMA Legal Counsel

The newspaper industry is at a critical point with the National Labor Relations Board on the issue of whether newspaper carriers are employees or independent contractors. As I have previously reported in this column, I successfully represented *St. Joseph News-Press* before the National Labor Relations Board, and on August 27, 2005, got an independent contractor ruling, reversing an earlier “employee” decision. On the same day, the National Labor Relations Board issued orders to NLRB Regional Directors in Louisville and Phoenix, asking them to reconsider earlier “employee” rulings in light of *St. Joseph News-Press*. While the Regional Director in Louisville reversed himself and made an independent contractor finding, the Regional Director in Phoenix did not. He “rubber stamped” his earlier “employee” ruling in *The Arizona Republic* case, and the case is now on appeal to the National Labor Relations Board.

The context of *The Arizona Republic* case is that those newspaper carriers have voted in a secret ballot election, the ballots have been impounded and have not been counted, pending the appeal before the National Labor Relations Board. I certainly believe that the National Labor Relations Board in Washington should reverse the Phoenix Regional Director. In fact, I have filed a “Friend of the Court” brief on behalf of the following

organizations to support *The Arizona Republic*:

I will keep you posted on the outcome of this important case. While we await that decision, I certainly believe that most newspapers can successfully fit within the teachings of the decision in *St. Joseph News-Press*.

The Graphic Communications International Union is the union that has tried to organize the newspaper carriers at *The Arizona Republic*. That union tried to exploit that newspaper’s utilization of distribution centers. At the CWCMA Legal Seminar XXVI in Walnut Creek, California, we thoroughly analyzed the impact of distribution centers on union organizing. Let me share some of the issues analyzed. We determined that the use of distribution centers is an invitation to organizing. It is hard to know just “who” is coming into these centers. The distribution centers are not located downtown; they are in remote parts of the city. Management presence is usually low at night. It is critical that Managers at the distribution centers be trained how to react to the presence of a union organizer.

One of the topics discussed was the use of tables in the distribution centers by newspaper carriers. The best way to handle this from an independent contractor point of view is to label the tables by route number, not by a carrier’s name; the carriers’

use of these tables should be voluntary. If the carrier desires to use a table, it would be prudent to negotiate a rate that the carrier pays for this purpose. It was also deemed critical at the Seminar that the contractor be allowed to pick up his newspapers, leave, and do nothing at the distribution center.

Security is a big concern at distribution centers. It is sometimes impossible to know just who is in the centers. The experience of *The Arizona Republic* was that union organizers were in the centers posing as substitutes for contracted newspaper carriers. Many of the union organizers spoke Spanish, the language of many of the newspaper carriers.

It is important that the distribution centers are not allowed to become the “social club” of the newspaper carriers. Newspaper carriers are invitees to the premises for a limited period of time. The newspaper is under no obligation to allow them to hang around for hours on end, talking to other newspaper carriers. The newspaper certainly has the legal right to limit the presence of the newspaper carriers to be on its premises for only a limited period of time.

Membership Renewal Notices

The TCMA By-Laws require the Secretary to send membership renewal notices each November for the succeeding year.

Enclosed with your *Lone Star Review* is the membership renewal notice. Please return it with your payment by March 15, 2006.

TCMA Board Election In April

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, April 25, 2006, followed by the actual vote of the membership.

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. There will also be an election for a Membership Director that serves for one year.

The TCMA By-Laws are online at www.texascoma.org.

In Memoriam

Former TCMA Presidents, **Al Miller** (1980) and **Albert Vaughan** (1982) passed away within a day of each other in late November 2005. Both men were retired from their respective newspapers. Albert Vaughan was circulation manager and then publisher of the Greenville Herald Banner.

Al Miller served as TCMA President in 1980 when the conference met in Laredo, Texas. At the time, Al was working at the Abilene Reporter-News.

Our Newest Members!

Christopher Walz	Route Smart Technology
Richard Petcher	Automated Solutions
Judy Rogers	Kerrville Daily-Times
Mariano Calderone	Houston Chronicle
Patrick Johnson	Austin American-Statesman
Jana Dobson	Austin American-Statesman
Susan Marvin	Harris & Baseview

Win Cash at the Conference!

The number of promotional display entries that are judged at the conference have declined over the last several years.

The TCMA Board of Directors did not want to eliminate the competition but the lack of entries in the contest gave the board an opportunity to try something new.

As an experiment, each newspaper conference attendee that brings some type of single copy point-of-purchase, a



home delivery promotional piece or a Newspaper in Education promotional piece, will be entered into a drawing. The total amount of cash that will be given away will be determined by the number of entries that are received. Your materials can be loose as all of the materials received will be posted on a large core board for all of the attendees to view.

Your entry must be submitted at the time you register at the conference on Monday, April 24, 2006. Come on down to South Padre on Monday so you can participate in this new contest.

Watch for your registration packet in early March for additional information.

TCMA Lone Star Review Sponsors

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