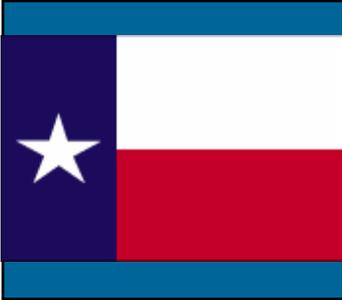


February 2007

TEXAS CIRCULATION  
MANAGEMENT ASSOCIATION

# TCMA Lone Star Review



## Austin in May

**TCMA President Dolan Stidom** is busy working on the program for the May conference in Austin, TX. He has selected **Ron White** as the keynote speaker. Before you say, "Who is Ron White?", let me tell you he will help you personally and professionally. Ron is a master in memory skills. Using humor, excitement and passion, Ron will show us how to Improve our Memory and Double our Sales. The seminar will be fun, professional and educational. You will be laughing and you'll have a great time. And you will walk away for some tangible skills that will increase your productivity and your performance at work. Take a look at Ron's web site at [www.memoryinamonth.com](http://www.memoryinamonth.com) for more information.



Ron White

Mike Zinser is scheduled to bring us up to date on legal issues confronting the newspaper industry. ABC's Theresa Perry will be giving highlights from the recent ABC Board Meeting. This session alone will be beneficial due to the changes to be considered by the ABC Board in March.

Over the next few weeks, Dolan will be putting the final touches on the program. The Austin American-Statesman, our host newspaper, met with the TCMA Board during the February 2007, Board meeting. **Amy Poe** and **Stephanie Sayles**, Circulation staff members, will be planning the President's Dinner on Monday night.

The last time TCMA met in Austin was in October 2000. Austin is a central location with easy access via car or air, as the Omni hotel is just a few miles from the airport. The Board and the Austin paper are doing everything to make this conference a success.

Be sure to watch for your registration packet that will be mailed in mid-March. There will be special pricing options that will make attending the conference a bargain for your newspaper. Be sure to make your hotel reservations now as the deadline for the conference rate at the Omni is Sunday, April 15, 2007. Check out page four of this issue for more conference information.

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# THE ZINSER LAW FIRM

TCMA Legal Counsel

This month we will report on a newspaper carrier case in Oregon, an NLRB subpoena issue in Tampa, and another NLRB case upholding management's right to give a wage increase to avoid unions

## Oregon newspaper delivery exemption prevails

*News Review Publishing Co.* won a recent victory in a case before the Oregon Employment Appeals Board ("Board"). After a hearing, the Board held that a former home delivery newspaper carrier was not entitled to recover unemployment benefits based on the period of time that she was an independent contractor delivering newspapers. The Board found the carrier to be exempt by statute.

The exemption for newspaper delivery in the Oregon Unemployment Compensation Act is one of the strongest state newspaper delivery exemptions in the U. S.:

Employment' does not include service performed by an individual: (1) In the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution. (2) In the delivery or distribution of newspapers whose remuneration primarily consists of the difference between the amount the individual pays or is obligated to pay for the newspapers and the amount the individual re-

ceives or is entitled to receive on distribution or resale thereof

ORS § 657.080. The Oregon exemption is a model for other states, and the *News Review* case exemplifies the benefits of such a strong exemption.

*Editor's note:* The Zinser Law Firm represented *News Review*.

## NLRB subpoena scope is limited

In an Order dated December 5, 2006, the National Labor Relations Board severely limited a subpoena served on *The Tampa Tribune*. The Company had terminated an employee in the pressroom for calling the Vice President of Operations a "stupid fuc\*\*\*\* moron." Prior to the hearing, the Tampa Regional Office of the NLRB had served a subpoena on *The Tampa Tribune*, seeking all instances of discipline of all employees of the newspaper, and seeking to review the personnel files of those disciplined. The Employer petitioned to revoke the subpoena; the Administrative Law Judge granted the petition.

On a special appeal, the NLRB reversed the initial decision of the ALJ but severely limited the subpoena. In commenting on the subpoena, the Board stated, "However, it appears that these paragraphs may cast an overly broad net by requesting information concerning employees outside of the alleged discriminatee's bargaining unit." The Board limited the scope of the subpoena to the pressroom bargaining unit

and similarly situated employees who engaged in the same or similar conduct as the discharged employee.

The Regional Office subpoena was, without question, a fishing expedition. The relevant inquiry is whether other pressroom employees have been disciplined and/or discharged for engaging in the loud and profane use of language directed at a supervisor.

The Zinser Law Firm represented *The Tampa Tribune*.



[www.texascoma.org](http://www.texascoma.org)

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**If you submit a Hot Idea with your 2007 Conference Registration, you could win a \$100.00 Visa Gift Card. Start putting the finishing touches on your most successful sales idea now! Details will be included with the Conference Registration packet.**

## TCMA Membership Update

Included with this newsletter is your membership certificate for 2007, provided you renewed or started a new TCMA membership for this year.

**Jerry Weinerth, President of APhoneCard-Guy.com**, is providing a 2007 TCMA Membership card that will also include a free phone card.

This is the third year that Jerry has provided these cards. When you are at the conference, be sure to let Jerry know you appreciate the card when you stop by his booth.

Watch your mail for your membership card scheduled to arrive in the next few weeks.

## Haven't Renewed Yet?

The 2007 Membership Renewal notices were mailed in November. If you have not responded yet, it's not too late to renew your 2007 TCMA Membership.

Newspaper and Associate Members receive the best rates for the conference. If you are new to Texas and received this newsletter addressed to a former employee, now would be a great time to begin your membership in TCMA.

Our conferences are designed to provide NAA quality speakers (many have spoken at NAA) at a fraction of the cost. There is not one session you won't come away from that you will not learn something new. And the networking opportunities abound at the conference and you'll make new friends.

So renew your membership today or begin a new membership. If you need an invoice, send me an e-mail at [tcma@texascma.org](mailto:tcma@texascma.org) and I'll do what it takes to help you start or renew your membership.

## Our Newest Members!

Becky Parasi	Circulation Development
Carman Salvati	Circulation Development
Russell Arbuckle	Wichita Falls Times Record
Tamara Koetter	Wichita Falls Times Record
Keith Vick	Fort Worth Star-Telegram
Phillip Beckman	Fort Worth Star-Telegram
Muffy Reeder	Capitol Marketing Concepts
Frank Hoffman	GP Plastics
Mike Skinner	GP Plastics
Dennis Dobson	Mobile Merchandisers
Adam Bravo	Rack Shop Industries
Jason Fry	Route Smart Technologies
Matt Dipasquele	USA Today
Brian Kelly	USA Today
David Wood	USA Today
Eric Buck	Longview News-Journal

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# 2007 Conference

## Board Election In May

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 May 8, 2007, followed by the actual vote of the membership.

There will be **two elections** at this conference due to the vacancy created when Wendy Stane resigned. The First Vice-President will serve for four years and the Second Vice-President will serve for five years. Not only is serving on the TCMA Board a rewarding experience, you will have a great time working with the other board members.

Officers elected will begin their term immediately following the conference. Officers advance from Second Vice-President, First Vice-President, President-Elect, President, and Chairman. There will also be an election for a Membership Director who serves for one year. If you are interested and need more information call **Dolan Stidom, President, at 817 215 2204.**

The TCMA By-Laws are online at [www.texascma.org](http://www.texascma.org).

### Do we have your e-mail address?



If you are not sure, why not send it to me now at [tcma@texascma.org](mailto:tcma@texascma.org)? This will insure you receive up-to-the minute information about the conference. There is also a special conference e-mail address for questions. Send your inquiries to:

[conference@texascma.org](mailto:conference@texascma.org)

## Omni Landing Page Coming

Within the next few weeks, the Omni Southpark Hotel will be providing a web site landing page for TCMA. There will be a link on the TCMA Conference page that will link you directly to the Omni Southpark Hotel web page. At the landing page will be the program agenda and other highlights about the conference.



You will also be able to make your Omni Hotel Reservations using a special group code that will be provided.

But if you want to guarantee you will have a room, now is the time to call and make your reservation.

The 2007 TCMA Conference will be held on May 7-9, 2007, at the Omni Southpark Hotel in Austin, Texas.

The Omni Southpark is a favorite TCMA hotel. We held our spring seminars at this hotel from 2002 through 2005.

The Austin American-Statesman will be our host for the 2007 conference.

The highway construction that has plagued this hotel is now complete! There is easy access to and from the hotel now that the I-35 and Highway 71 construction is complete.

Reservations are now being accepted for the conference. Hotel rates begin at \$109/night. Call the Omni toll free number **(888) 444 OMNI** or the hotel directly at **512 448 2222**. Be sure and mention you are attending the TCMA Conference at the hotel. **The deadline to make your reservations to secure the conference rate is Sunday, April 15, 2007. That should be an east date to remember!**

# 2007 Carrier of the Year Finalists

## Under 200 Category

Debbie Bradshaw

San Antonio Express-News

Betty Johnson

Fort Worth Star-Telegram

## Over 200 Category

Jonathan Lewis

New Braunfels Herald-Zeitung

Earl Jackson

Fort Worth Star-Telegram

## Single Copy Category

Lois McCormick

Dallas Morning News

Karroll Parker

Fort Worth Star-Telegram

## District Manager/Independent Contractor

Becky Reeder

Fort Worth Star-Telegram

Gary Hecht

Houston Chronicle

During the Carrier of the Year Banquet that will be held at the 2007 Conference, the winner in each category will be presented a check for \$300.00 and a framed certificate from the Governor of the State of Texas. The Carrier of the Year Banquet was moved to Tuesday night last year resulting in improved attendance.

Each Finalist will be presented a check for \$200.00. Be sure to logon onto the TCMA website to see the winners in each category after the conference.

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## Vend-O-Rama Returns

**Steve Weidenheft, Associate Board Member**, has announced the return of Vend-O-Rama. What started as a trial run last year, Vend-O-Rama will be held on **Tuesday, May 8, 2007**, at the Annual Conference in Austin.



After a continental breakfast in the Vendor Room, conference attendees will be given a card with each vendor's name that is in the display room. Attendees will form groups and move around the vendor tables. This ice-breaker gives the attendees and the vendor representatives an opportunity to meet. After each card that is signed by the vendor, the cards will be collected and a drawing for cash prizes will be held at the end of the conference. This event was loads of fun last year and promises to be a great time this year.

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