

TCMA Annual Conference March 2009

Wow! When TCMA secured the 2009 Conference site last summer who knew the economy would take a tail spin as it has in the last five months.

The TCMA Board of Directors has met several times regarding the conference and we decided the conference must go forward! What better time to meet and discuss ideas to keep our circulation growing. I've been called the eternal optimist but I really believe much can be gained by attending the TCMA Conference in San Antonio.

President Andy Nelson (*Dallas Morn-*

ing News) has assembled a line-up of speakers that will help every newspaper manager and director in these difficult times. The problems we face as an industry will not necessarily go away when the economy improves.

Dealing with rack ordinances is going to be a challenge and a Larry Martin will address this issue.

Circulation retention and acquisition will always be on the front burner and Mark Medici will address this issue.

With the new Presidential admini-

stration, employers and employees are in for a change in the workplace. TCMA Counsel, Mike Zinser, will be in San Antonio to address how the proposed changes in the workforce will effect your newspaper's operation.

Helping your readers find value in the newspaper is a topic that will also be presented by Kim Holiday and Cheryl Jackson.

TCMA knows you may not be able to commit to three days in San Antonio. There are various conference options available. Go to www.texascma.org for more information.

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Special points of interest:

- Membership Renewal Notices due March 15, 2009
- Join TCMA online at www.texascma.org
- 2009 Conference
March 9-11, 2009
San Antonio Texas

TCMA Lone Star Review

TCMA Membership Update

Included with this newsletter is your membership certificate for 2009, provided you renewed or started a new TCMA membership for this year.

Misplaced your renewal notice?

The 2009 Membership Renewal notices were mailed in November. If you have not responded yet, it's not too late to renew your 2009 TCMA Membership. Enclosed is a "Last Chance to Renew Notice." Or you can renew online on the Membership page at www.texascma.org.

Carrier of the Year Awards

On Tuesday, March 11, 2009, the 2009 Carrier of the Year Award Banquet will take place as part of the 2009 Annual Conference in San Antonio, Texas.

This year's winners will receive a commendation from the Governor of Texas, Rick Perry. The finalists were awarded \$200.00 in December 2008. The winners will receive an additional \$300.00 from TCMA.

After the Conference, the videos used in the judging will be posted on the TCMA Carrier of the Year web page. In addition, the videos will be uploaded to the *YouTube* Internet web site. The previous two years, 2007 and 2008, are also posted on *YouTube*. There will be links to the *YouTube* site on the TCMA COTY web page.

At the suggestion of a TCMA member, the TCMA Board agreed to open the TCMA Carrier of the Year web page for nominations year round. If you have a carrier you would like to nominate for next year's competition, you can go to the TCMA COTY web page and make your nomination online. You do not have to wait until the actual competition begins. The board hopes you will avail your self to this new tool for nominating your deserving carriers. Encourage your district managers and distributors to use the online site to nominate their carriers. When the competition begins the COTY Chairperson will contact you to be sure your nominee is currently a carrier with the newspaper.

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Membership Update



Do we have many of the emails are bouncing back. If you have your email address? During the last several weeks TCMA has been sending announcements vital to you but

any email or other changes on your membership application or renewal notice.

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our emails send your address—new or corrected to tcma@texascma.org. I will reply back that I received an updated address. You can also make

any email or other changes on your membership application or renewal notice.

—J W Smith, Secretary

Our Newest Members

Gary Reach
David Brown
David Wood
Rick Cahill
Larry Serrano
Phil Gutierrez
Craig Green
Rick Howard

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WELCOME

San Antonio Conference

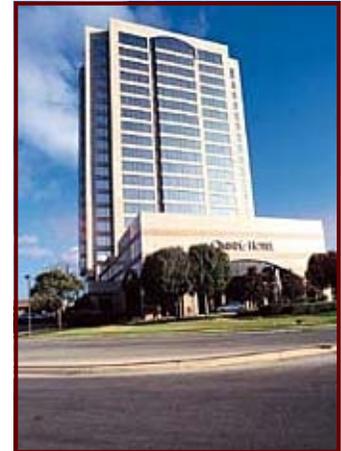
Make plans NOW to be in San Antonio on March 9-11, 2009, for the 2009 TCMA Annual Conference. *The San Antonio Express-News* will be our host newspaper.

We will be meeting at the Omni at the Colonnade. The Omni Hotel is providing us with a conference rate of \$115 for a

single and \$125 for a double. The hotel has complimentary parking. The Omni is just minutes away from downtown on I-10 at the Wurzbach exit.

Go to the Conference page on the TCMA web site for links to the hotel and a link to the San Antonio Convention Bureau. This will be an excellent

city for you to bring your spouse and spend the weekend before the conference. There is always something to do in San Antonio. Use the handy link to the Omni site from the TCMA web site to make your reservations online. Registration is also available online.



*Omni at the Colonnade
San Antonio, Texas*

Buyers Guide Distribution

TCMA Members attending the 2009 Conference will receive their copy of the 2009 Buyer's Guide. Members who cannot make it to San Antonio will receive the Buyer's Guide by US Mail in mid-March.

The Buyer's Guide con-

tains the program agenda for the conference, a list of TCMA members, the by-laws, and commendations of the Carrier of the Year winners.

The ads from our supporting vendors are an important part of the Buyer's Guide. Keep the

guide near your phone when you are needing supplies or services. Be sure the person who is in charge of buying decisions gives our vendors an opportunity to make a bid! They need our support!

2009 Conference Sponsors

In order to attract newspaper managers and directors to the TCMA Conference, our vendors help reduce your cost by sponsoring our event. This years sponsors are:

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Employee Free Choice Act (EFCA)



L. Michael Zinser
Founding Partner
The Zinser Law Firm

One employee shared with management that if the organizers showed up again, he was “either coming to the door naked or with a gun!”



Zinser Law Firm
Nashville, TN

On December 10, 2008, by a vote of 37 to 5, operations employees of *The Pantagraph* (Bloomington, Illinois) rejected representation by St. Louis Newspaper Guild. The St. Louis-based union had announced at the beginning of 2008 that its goal was to organize all Lee Enterprises-owned newspapers. This election was its first attempt to reach that goal.

In many respects this case is a preview of union organizing as it will occur under the Employee Free Choice Act, if passed. Card signing and organizing was stealthily conducted behind the scenes. Not all employees were contacted. Whoever the union had on the inside was strategically trying to keep the issue from those perceived as pro-company. In order to get some employees to sign a card, the union resorted to coercion and misrepresentation. A primary example is at least one employee was told that he must sign an authorization card or he would be unable to vote in the NLRB secret ballot election. Fearing he would lose his voice, the employee signed a card. He later shared that with management. *The Pantagraph* filed an unfair labor practice charge against the union for this tactic, claiming it amounts to a violation of the National Labor Relations Act. That charge is still pending.

The election petition was filed on July 2, 2008. Management then began the “perpetual campaign,” which lasted through December 10, 2008. Management developed a creative, high communication campaign, which included the following:

- A website called www.theywantyourduesinstlouis.com
- Letters to the home educating employees on various aspects of union representation
- Creative posters, which changed weekly, addressing the issues
- Face-to-face meetings with the employees
- Regularly scheduled management team meetings

The union waged a behind the scenes, door-to-door campaign. Organizers would show up unannounced at employees’ homes in an attempt to sell the union position. Employees complained that they felt “stalked.” At times union organizers would somehow learn that an eligible voter was at a relative’s home and would show up at the relative’s home. The at-home contacts were constant. Employees were interrupted at their homes on weekends. In many respects this backfired on the union. Employees resented this intrusion into their privacy. Management lawfully and accurately informed employees that they had no obligation to allow a union organizer or any other stranger into their homes. One employee shared with management that if the organizers showed up again, he was “either coming to the door naked or with a gun!”

The union tried to create the impression that *The Pantagraph* had unlawfully discharged two former employees. It filed meritless unfair labor practice charges, which the union was forced to withdraw. The union never informed the employees of this fact and continued to represent that their unfair labor practice charges were still pending. The union’s credibility was attacked with a “Liar, Liar” poster reproducing the letters withdrawing the charges from the National Labor Relations Board.

As management’s campaign gained momentum and it appeared the union was

going to face a possible loss, the union resorted to trying to suppress the vote. When the union learned that an employee was going to “vote no,” it asked the employee not to vote. Just be “neutral.” With posters and letters management informed employees that not voting was not “neutral.” Rather, not voting was, in effect, a vote for the union. The employees were urged not to allow a minority to control the destiny of the whole. Upon learning that an individual intended to “vote no,” other voters were told, “You don’t need to vote. You’ve already voted by signing the authorization card.” That was also exposed as a blatant lie.

Management capitalized on the union dues issue. This union’s dues would be 1.6% of pay and an initiation fee equal to 1.6% of one month’s pay. In these recessionary times, that was a high price to pay for the unknown. Management also exposed a key bargaining goal of the union: a so-called union security clause that would force the Publisher to fire any employee who did not pay dues. The union never disavowed that goal.

In a press release dated December 11, 2008, Lee Enterprises said the following:

This overwhelming rejection of these outsiders, especially during challenging economic times, expresses a powerful vote of confidence in our family at *The Pantagraph*,” said Richard Johnston, Publisher. “With a substantially union-free environment, we will have the clear ability to safeguard the most vital elements of the Lee Enterprises culture – direct and open communication, a one-on-one working relationship between employees and supervisors, a climate of trust and teamwork, the ability for all of us to deal with each other honestly and fairly, and recognition of individual achievement.

Vytenis Kuraitis, Lee Vice President for Human Resources, said Lee employees have historically rejected unions. “Over the last several decades, as a result of good working environments, our employees eliminated all unions in 18 locations. The only unions that exist in Lee today were inherited in our more recent acquisitions. The reason is that, throughout Lee, we strive to provide consistently strong, fair leadership so our employees feel no need for union representation.”

On December 12, 2008, the union posted on its website a story about the election that included:

At the time of filing, an overwhelming majority of workers signed union cards so they could gain a voice on the job. Eventually Lee Enterprises could delay a vote no further, with the vicious anti-union campaign resulted in an atmosphere of fear and mistrust and ultimately a vote against collective action.

The situation at *The Pantagraph* is one of far too many examples of why we need to reform U.S. Labor Law. If the Employee Free Choice Act were a law, workers could have made a decision without the employer intimidation paid for by Lee Enterprises and would have an expectation of good faith bargaining and achieving lasting gains on the job.

Under current law, the First Amendment gives all employers the right to communicate the other side of the union representation issue. The bright light of the First Amendment is a powerful educational tool. What the union is really saying is they would like employees to be able to be hoodwinked, in ignorance of all the facts. The union would censor any communication from the other side. Nothing is more cherished and traditional in American life than a democratic, secret ballot election after a vigorous debate on the issues. This union and others would eliminate that. ***The true message here is we must prevent passage of the Employee Free Choice Act.***

Interestingly, the union story does not share the 37 to 5 tally of ballots. To demonstrate that the union’s story is propaganda, the union filed no post-election objections. The management victory was certified by the NLRB.

Editor’s note: The Pantagraph was represented by The Zinser Law Firm.