

Lone Star Review

2013 Conference



This will be the **big one!** Next year, our Association will celebrate our 100th Anniversary. TCMA was founded in Fort Worth, Texas, on September 18, 1913. The Association records indicate two men, **Harold Hough**, (Fort Worth Star-Telegram) and **E.C. White**, (Houston Chronicle) met at the Fort Worth Elks Club for the purpose of beginning a state wide Association for Texas Newspaper Circulation Executives. Texas led the way as the first state wide association in the United States.



Fort Worth Elks Club

It is fitting that TCMA return to Fort Worth, Texas, to celebrate our anniversary. The 2013 Conference is planned for the Spring of 2013. We are planning to begin on Wednesday evening with an anniversary celebration and the actual conference will begin on Thursday and conclude with the Carrier of the Year Luncheon on Friday. A pre-conference golf tournament can be arranged for Wednesday afternoon at one of Fort Worth's golf courses.

The plans are still in the beginning stages. We are inviting the former TCMA Presidents and are hopeful many of them can attend.

It is not a surprise that much has changed in the newspaper business since 1913! No one in 1913 could have ever imagined that the Circulation Department would change so drastically. But in reality, the actual delivery and single copy sale of a newspaper is basically done as it was 100 years ago. Just the transportation methods have changed.

Plan now to be a participant in this gathering of Circulation Management professionals. If you know of Circulation Managers who are not TCMA members, now is the time for them to become a member.

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2012 Carrier of the Year Winners

The TCMA 2012 Carrier of the Year Winners were recognized for their achievement at a luncheon held in their honor at the conclusion of the TCMA Conference held in Austin, Texas, March 23, 2012. Each winner was presented a cash award as well as a certificate of honor from the Governor of the State of Texas. During the luncheon attendees viewed a video of each winner's accomplishments. To view the YouTube videos go online to the [COTY](#) web page on the TCMA web site.



The entire group of winners were from the Fort Worth Star-Telegram. The Star-Telegram has an excellent internal carrier of the year program that salutes the best carriers. The winners of the Star-Telegram's contest go to compete in the TCMA Carrier of the Year Competition. Congratulations to the 2012 winners!

Welcome 2012-2013 Board Members

At the close of the 2012 Conference the following TCMA Board of Directors assumed their new TCMA Board positions:



Bill Campbell



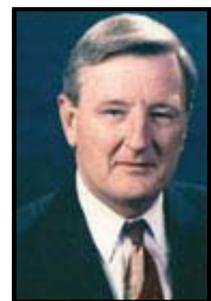
Eric Buck



Jon Wiley



Britni Bird



Larry Martin

Bill Campbell (Tyler Morning Telegraph) serves as President. **Eric Buck** (Longview News-Journal) is President-Elect. **Jon Wiley** (USA Today) joins the board as First Vice President, along with **Britni Bird** (San Angelo Standard Times) as Second Vice President. **Larry Martin** (The Pisa Group) begins his first year as Vendor Representative. **Constantine Efstratiou** (Schermerhorn Bros.) agreed to serve another year as Vendor Representative. **Mike Arnold** (Corpus Christi Caller-Times) will continue as Chairman due to **Marti Christiansen's** resignation.

TCMA Member Wins Pat Taggart Award

San Angelo Standard-Times Publisher **Jeff DeLoach** was named the 2011 winner of the Pat Taggart Award for Newspaper Leader of the Year by the Texas Daily Newspaper Association on Monday, February 27, 2012.

The ceremony took place at the association's annual meeting in Dallas.

"It really says a lot when people who do what you do everyday recognize you individually for your accomplishments. It's a real privilege and an honor, and a little surprising," DeLoach said. "One of the things that's helped us be successful at the Standard-Times is our true desire to help our community grow."

He thanked those in the community who have reached out to the Standard-Times in this effort, especially when it comes to helping local businesses thrive.

A news release from the association called DeLoach's award "one of the most prestigious honors among Texas newspapers." It was given in recognition of the publisher's "community service and outstanding work with the Standard-Times," the release said. "He was instrumental in turning around the newspaper's fortunes after being named publisher."

"The E.W. Scripps Co. is very proud of our team at the Standard-Times. This award acknowledges Jeff's leadership of our newspaper as well as his involvement in the community. It is well deserved," said Darrell Coleman, regional publisher of the four Texas Scripps newspapers and publisher of the Corpus Christi Caller-Times.

DeLoach came to the Standard-Times in December 2009 from the Corpus Christi Caller-Times, where he had served as vice president of advertising and circulation.

Since coming to San Angelo, DeLoach has "been active in the community, supporting economic development efforts of the city of San Angelo and Chamber of Commerce and serving on the Rotary Club," the release stated.

The TDNA was founded in 1921 to represent the state's largest newspapers.



TCMA History

Did you know that TCMA published a book in 1948 to be used in Distributive Education classrooms in high schools and junior colleges?

The book, [Newspaper Circulation: Principles and Development of Modern Newspaper Circulation Methods](#), was published after **Jack Calvin** (Houston Post) and **M.A. Browning**, (State Director of Distributive Education in Texas) worked together to develop a training program outline. Subsequently with the assistance of other TCMA members the book was written.

Click on the book below to see the preface online.



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Thank you, TCMA Sponsors

Our vendor sponsors for the TCMA Conference are responsible in helping TCMA keep the registration cost for our attendees affordable. TCMA is proud to recognize and thank our sponsors for their support for the TCMA Conference this year. If you are responsible for purchasing or securing vendors for your company, please give these sponsors and all of our vendors an opportunity to submit a bid to you. If you are not the purchaser please let the person in your company know of our sponsors and vendors:



Welcome Bill Campbell, President

At the conclusion of the 2012 TCMA Conference in Austin, Texas, **Bill Campbell**, became TCMA President for 2012-2013. Bill will be responsible for the Conference Program for 2013.

Bill Campbell joined the TCMA Board of Directors in 2010 as the Second Vice President. In 2011, Bill was First Vice President and did a marvelous job with the Carrier of the Year competition.

Bill works for Tyler Morning Telegraph where he has been a long time employee. Bill participated in a joint presentation with Eric Buck at the 2010 Conference.

Bill and his wife Andrea live in the Tyler area.



Best Wishes, Marti!

Long time TCMA Member and TCMA President, **Marti Christiansen**, began a new chapter in her life as an Independent Contractor for the Austin American-Statesman.

The Statesman changed their home delivery model from District Manager to Independent Contractors effective April 2, 2012.

Marti Christiansen was selected as one of the new Independent Contractors for the Statesman. She has a large area of distribution including the downtown Austin area, San Marcos and the Bastrop areas. Marti's entitled her new company Dash Distribution.



During the 2012 Conference, **Harry Davis**, Vice President of Fulfillment for the Statesman, gave a presentation outlining the reasons why the Cox Newspaper chain is converting to Independent Contractors. Davis spoke at length how the newspaper negotiated with distributors and provided detailed assistance to help the new distributors get off to a good start.

Marti has been an employee with the Statesman for many years and held a variety of positions including most recently as Home Delivery Manager.

Marti had to resign her upcoming Chairmanship as she is no longer a newspaper employee. On behalf of the TCMA Board of Directors, we wish you the best, Marti, and we hope to see you in Fort Worth next year!

TCMA By-Law Amendments Passed

TCMA Members attending the 2012 Annual Conference in Austin Texas, voted to approve the proposed amendments to the TCMA By-Laws and Constitution.

The changes to the By-Laws refer to Article III, Section 3 and Section 5 regarding membership and serving on the Board of Directors. These changes were needed to the By-Laws to put in place what has become a common practice over the years.

The updated By-Laws and Constitution have been added to the TCMA web site.

Welcome New Members

Britni Bird

San Angelo
Standard Times

Gregory Farmer

Wichita Falls Times
Record News

Jon Wiley

USA Today

Jennifer Ricks

Nacogdoches Daily
Sentinel

Gary Reach

TeleReach, Inc.

Clark Wellman

Agilis Systems

Jeff Goss

Texarkana Gazette

Jack Parker

Kerrville Daily News

Matt Milling

Tyler Telegraph

Thomas Broskey, Jr.

GP Plastics, Inc.

Beth Swintek

Brazosport Facts

Larry Martin

The Pisa Group

James (Kit) Yearty

Tom Friedrich

Mark Medici

Hal Lefton

Austin
American-Statesman



Zinsergram a/k/a Legal Update

By L. Michael Zinser
The Zinser Law Firm, P.C.

April is not only the month that your taxes are due. On April 30, 2012, two new rules, promulgated by the National Labor Relations Board, have the potential to dramatically and adversely impact your workplace. On April 30, 2012, your Company will be required to post a road map on how employees can organize a union in your break room. The NLRB has a new rule that requires you to post an official, 11-inch by 17-inch notice. On that same day, the NLRB will slash the amount of time you have to campaign against a union and to communicate to your employees during a union campaign. That time frame will be slashed by more than half. April 30th inarguably will define one of the most eventful days in labor law in many decades.

Two lawsuits were filed to enjoin the Notice Posting requirement. The first court to rule refused to enjoin the Board's Notice Posting rule. In the second case, there has been no ruling as of the writing of this article.

What the Rule Requires

The Rule, at 29 CFR § 104.202, requires the following of all Employers that are subject to the NLRA:

Posting of prescribed notice to employees in conspicuous places of NLRA rights, NLRB contact information and information on basic enforcement procedures.

Size of notice must be at least 11" x 17" and in a format, font and style prescribed by the NLRB.

Physical posting must be in conspicuous places where they can be readily seen by employees and where personnel rules or policies typically are posted, and reasonable steps to prevent defacing or destruction must be taken.

Where 20 percent of the workforce is not proficient in English a poster in that other language also must be posted; and where two or more non-English languages are spoken by at least 20 percent of the workforce that is not proficient in English, the notice must be posted in the language of the largest of those groups while the smaller must receive a copy of the notice in its language.

Compliant posters in English and other languages can be obtained at <http://www.nlr.gov> or by mail from the Board at 1099 14th Street, N.W., Washington, D.C. 20570.

In addition to physical posting Employers must post the notice electronically on their intranet or Internet site if they typically communicate their personnel policies or rules by those means. An exact copy of the poster or a link to the Board's site entitled "Employee Rights Under the National Labor Relations Act" must be provided. The same rule described above concerning non-English physical notices will apply to electronic notices as well.

The Notice

The NLRB's required notice is very pro-union, focused on employee rights to unionize. The notice makes passing reference to employee rights **not** to join a union and be free from pro-union coercion. The notice contains nothing about Employer rights. Fortunately, all Employers have a First Amendment right to communicate "the other side of the story" to its employees. In 1947, Congress amended the National Labor Relations Act to grant Employers Free Speech rights. Specifically, Congress added Section 8(c) to the law. Section 8(c) states:

The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

Therefore, under the National Labor Relations Act, you have a right to tell the other side of the story in writing. You have the right to inform your employees that they have the following rights:

Oppose efforts by your co-workers to organize a union in your workplace.

Maintain a union-free environment and maintain your right to work directly with your Managers and Supervisors to make your workplace a better workplace.

Never become a member of a labor union.



Refuse to sign an authorization card or a petition.

Refuse to allow union organizers to enter your home.

Under the National Labor Relations Act, you have the right to inform your employees that the Employer has the right to:

Continue to operate its business in the event of a strike called by a union.

Hire permanent replacements in the event a union calls a strike over wages, hours, or working conditions.

Discontinue paying your wages and to discontinue paying health insurance premiums in the event of a strike.

You also have the right to educate employees about Collective Bargaining. You have the right to advise employees of the following facts:

The National Labor Relations Act specifically provides that neither the union nor the Company can be compelled to make concessions or to agree to specific contract language.

Collective Bargaining is risky; in a contract negotiated by a union, the end result could be that you receive more, but your wages, hours, and working conditions could remain the same or they could be **less** than you have now.

Collective Bargaining does not always result in a contract; sometimes the parties are unable to reach agreement, and the result is impasse.

What is Your Action Plan?

The new notice posting rule does not occur in a vacuum. The requirement starts on April 30, the same day that the National Labor Relations Board implements its “quickie election” rule, dramatically decreasing the amount of time you will have to exercise your First Amendment right to campaign. Additionally, the NLRB is making many new decisions involving social media in an effort to make it easier to organize employees. The NLRB also has recently announced its intention to reach out to non-union employees to educate them about their rights to unionize. Today, unions represent only 6.9% of the private sector workforce. All of these activities of the NLRB are a concerted effort to help unions gain a foothold into 93+% of the workplaces that are non-union.

Every Management team should have a prepared strategy on April 30. Hopefully, it will be a strategy that is more than simply tacking the required poster to the wall. Many of my clients are going to follow the law and post the required notice. But they are also going to exercise their First Amendment rights to post a counter notice to tell the rest of the story, to explain the rights of Employers. What is your Management team going to do?

Editor’s Note: If you would like to see an example of a lawful counter poster, please contact Michael Zinser in writing at the following address:

The Zinser Law Firm, P.C.
414 Union Street, Suite 1200
Nashville, TN 37219

Michael Zinser is TCMA’s Legal Counsel

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