

Lone Star Review

2013 Centennial Roundup!

The 100th Anniversary TCMA Conference is just under 100 days away! On March 20, 2013, the Conference begins with a Golf Tournament at the Bear Creek Golf Club just minutes from the conference hotel. Associate Director, **Larry Martin**, and former TCMA Member **John Crocker** have teamed up to host the golf tournament. Details and registration information are located on the **TCMA 2013 Conference** web page.

Following the golf tournament will be a Vendor Reception at the hotel. Dinner is on your own Wednesday evening. This would be a terrific time for vendors and attendees to spend some time together before the conference.

President Bill Campbell has a terrific agenda of speakers for the program that begins on Thursday morning, March 21, 2013. The program agenda with a list of the speakers and presenters is posted on the **TCMA 2013 Conference** web page. Thursday afternoon will include the ever popular Vend-O-Rama. Register with each vendor for your chance to take home some cash and prizes just for visiting the Vendor Display Tables.

A special evening of celebration is planned for Thursday evening March 21, 2013, at the Glass Cactus Club at the Gaylord Texan Hotel. There is a live band each night and we will have a special reserved area overlooking the lower floor. There is shuttle service to the Gaylord Hotel from the Glass Cactus located on the outskirts of the Hotel property. We will have dinner/appetizers and a cash bar will be available.

Friday morning begins with our final presenter followed by the annual Carrier of the Year Luncheon honoring the 2013 Carriers of the Year. At the close of the conference, TCMA will begin its second 100 years!

This is truly a once-in-a-lifetime event to be a part of a centennial celebration for a professional association. Every effort has been made to keep the costs to a minimum while having the conference at an affordable location. Your conference fee **includes** your hotel accommodations for two-nights and meals for the conference. If you are flying into to the Dallas Fort Worth Airport the hotel is located just nine miles from the airport. The hotel provides free DFW Airport shuttle service.

Mark your calendar now and make plans to be in Fort Worth, Texas, March 20-22, 2013, for the celebration of TCMA's first 100 years.

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2013 TCMA Golf Tournament



Bear Creek Golf Club
3500 Bear Creek Court
Dallas, TX 75261

Just South of DFW Airport

[TCMA Golf Registration Form](#)

Shotgun start 12:30 pm, Wednesday, March 20, 2013
\$65.00, includes greens fee, cart, lunch and other goodies

2013 Membership Renewal

TCMA By-Laws require the Secretary to mail membership renewal notices each November for the following year.

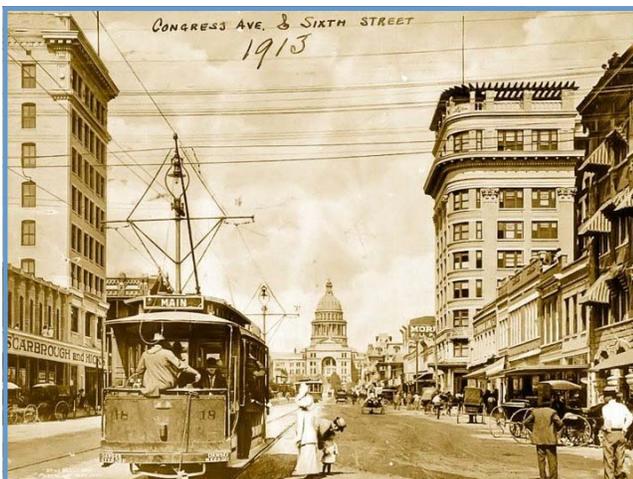
Membership renewal notices will be arriving soon at your desk via the US Mail.

Your membership fee enables the Association to provide you with a quarterly newsletter as well as supporting the Carrier of the Year Competition.

A special offer will be made to our Vendor members this year to cover membership, a newsletter ad and buyer's guide ad with one payment. Look for the Vendor packets to arrive in December 2012. Access for the Buyer's Guide online order form is now available. **[Click here!](#)**

PayPal has a new feature allowing TCMA to send you a customized invoice with a link to the TCMA PayPal site to pay your invoice. If you are interested and would like a special invoice please let our Secretary know at tcma@texascma.org

Don't forget! You can **renew online** and use your credit card to pay for your membership and other services provided by TCMA.



Austin Texas 1913



2013 TCMA 100th Anniversary Conference

March 20-22, 2013

Wednesday

100th Anniversary Golf Tournament

Thursday/Friday

1 1/2 day Conference with industry speakers

Thursday night celebration

Glass Cactus Club, Gaylord Texan Hotel

Plus lots of surprises!

Conference Registration is open online! [Click here!](#)



Marriott Solana Hotel
5 Village Circle
Westlake TX 76262

Welcome New Members

Joshua Hart
Longview News-Journal

Ryan Webb
Longview News-Journal

1914-2012 TCMA Presidents from Texas Newspapers

Abilene	3
Amarillo	3
Austin	4
Beaumont	5
Big Springs	1
Borger	2
Brazosport	1
Brownsville	2
Bryan	1
Corpus Christi	2
Corsicana	1
Dallas	13
El Paso	3
Fort Worth	7
Gainesville	1
Galveston	5
Greenville	1
Harlingen	3
Houston	16
Kerrville	1
Lubbock	2
Odessa	1
Port Arthur	1
San Angelo	1
San Antonio	5
Sherman	2
Temple	1
Texarkana	1
Tyler	2
USA Today	1
Victoria	1
Waco	3



Zinsergram a/k/a Legal Update

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

The National Labor Relations Board is out of control! In its decision-making processes, it is issuing decisions restricted Employer free speech, expanding employee rights of speech to the detriment of the Employer and working overtime to create new rights due to the widespread use of social media.

Cost Co. Wholesale Corporation – On September 7, 2012, the NLRB, overturning the decision of an ALJ, ruled that the following workplace policy was unlawful:

Statements posted electronically . . . that damage the company, defame any individual or damage any person's reputation, or violate the policies outlined in the Cost Co. Employee Agreement may be subject to discipline, up to and including the termination of employment.

Note that this policy requires that some harm actually occur before a violation will be found. The NLRB ruled that the policy was overly broad and that employees would likely construe the rule as prohibiting them from protesting the Company's treatment of its employees. This is just nuts! This is just another instance of the NLRB trying to make something protected because it applies to online activities.

NLRB Member Hayes dissented in the case.

Carl Knauz BMW – In this case, the National Labor Relations Board ruled that the following "Courtesy" rule was unlawful:

Courtesy is the responsibility of every employee. Everyone is expected to be courteous, polite and friendly to our customers, vendors and suppliers, as well as to their fellow employees. No one should be disrespectful or use profanity or any other language which injures the image or reputation of the dealership.

Adopting an extreme interpretation of the policy, the NLRB ruled that employees would reasonably construe the prohibition against "disrespectful" conduct and "language which injures the image and reputation of the dealership" to prohibit employees' statements that object to their working conditions.

Members Hayes dissented in this case, as well. Member Hayes stated the following:

Reasonably construed and read as a whole, the rule is nothing more than a common sense behavioral guideline for employees . . . Nothing in the rule suggests a restriction on the content of conversations (such as a prohibition against discussion of wages); rather the rule concerns the tenor of any conversation. In short, by its "Courtesy" rule, the respondent sought to **promote civility and decorum** in the workplace and prevent conduct that injures the dealership's reputation—purposes that would have been blatantly obvious to respondent's employees, who depend on a dealership's image for their livelihoods. (emphasis added)

Fresenius USA Manufacturing – In this case, there was a pending NLRB election where employees were seeking to decertify the union. A pro-union employee scribbled vulgar, offensive and threatening statements on several union newsletters left in a break room. The notes included, "Dear pussies, please read!" and, "Warehouse workers, R.I.P."

Female employees complained about the statements. Management then conducted an investigation about the statements. The investigation included questioning the employee who scribbled the offensive



utterances. During that investigation, he lied about making the statements. Later, the Company confirmed the employee's identity and authorship; he was fired for making the statements and lying about writing them.

The NLRB found the discharge to be unlawful. The NLRB said that the offensive comments encouraged employees to support the union in the decertification election. The NLRB ruled, "We therefore conclude that, in writing them, Grosso was engaged in protected union activity . . . Fresenius discharged Grosso for writing those comments.

What about the dishonesty involved? He lied to his Employer during that investigation. Unbelievably, the NLRB ruled that Grosso had a right to be dishonest:

Fresenius' discharge letter to Grosso also cited his false denial of responsibility for the comments, but Fresenius could not lawfully discipline him on that ground . . . Fresenius' questioning of Grosso put him in the position of having to reveal his protected activity, which Board precedent holds an employee may not be required to do where, as here, the inquiry is unrelated to the employee's job performance or the employer's ability to operate its business. . . . As a result, although Fresenius had a legitimate interest in questioning Grosso and lawfully did so, *Grosso had a Section 7 right not to respond truthfully.* (emphasis added)

Bottom line, the NLRB ruled that an Employer's investigation of complaints of sexual harassment (a potential violation of Title 7) is "unrelated to the employee's job performance or the employer's ability to operate its business." This is unbelievable. NLRB Member Hayes dissented in this case, as well:

Notwithstanding their disavowals, my colleagues thereby impermissibly fetter the ability of employers to comply with the requirements of other labor laws and to maintain civility and order in their workplace by maintaining and enforcing rules non-discriminatorily prohibiting abusive and profane language, sexual harassment, and verbal, mental and physical abuse.

Analysis – All of these cases decided by the NLRB are focused on paving the way for union organizers to organize the unorganized. During union organizing campaigns, the union often trains an employee to be extremely provocative in the workplace in order to demonstrate the influence and power of a union. The activities of this employee often cross the line into unprotected conduct, subjecting the employee to discharge. "Civility and order" in the workplace is the enemy of the provocative union organizer. The current NLRB majority has no shame: it will do anything to breathe life into organized labor, which represents less than 7% of the private sector workforce.

TCMA Lone Star Review Sponsors



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