

## Legally Speaking: Litigation News From Mike Zinser

### Employer may censor bulletin boards

The National Labor Relations Board held that an employer did not violate the National Labor Relations Act when it censored items the union wanted to post on the union bulletin board. The Board held that there is no statutory right of unions or employees to post notices or otherwise use bulletin boards on an employer's premises. The right to post material bulletin boards may arise out of a collective bargaining agreement.

In this case there was no provision in the union contract giving the employees or the union the right to post items on the bulletin board. The Board then looked to the past practice of the parties. Postings of the union were generally limited to meetings and changes in union representatives but the union posted no controversial material. Further, the employer testified it had maintained the right to limit postings of controversial matters such as the filing of unfair labor practice charges and postings, which are controversial in nature and degrade the employer. The Board held "in the instant case that the unfair labor practice charge and the letter sent by the union official to the plant manager accusing a member of management of threatening to cut off any employees fingers for deleting an original file and the letter regarding alleged creative billing are clearly controversial and inflammatory and lawfully restricted by the employer."

### **FROM THE PRESIDENT: Jim Purdon**

I hope you are all having a prosperous year. With the fast approach of the holiday season, the circulation work load always increases as well as our stress levels. Remember to take some time for yourself and unwind. Hopefully reading this newsletter and comparing notes with other newspapers and activities in MACMA will help relieve some of that stress and let you know that we're all in this together.

We have a very strong network of circulation managers in MACMA that would be happy to share advice and ideas at any time. Feel free to refer to your MACMA Buyer's Guide for a complete membership roster or visit [<http://www.midatlanticcma.org>] [www.midatlanticcma.org](http://www.midatlanticcma.org) soon for a complete listing. The website is still under construction, but will soon be completed, thanks to the hard work of Earle Woodward and his team. Thanks Earle!

Fsevh sj Hmi gxsw Vi tsvx Jvsq Sgxsfiv Qi i xmk

*(Editor's Note: The following article contains highlights of Earle Woodward's report of the minutes of the most recent Board of Directors meeting.)*

The Board of Directors met on October 23<sup>rd</sup>, 2003, in Winston-Salem, North Carolina. Attending were Jim Purdon, Frank P. Mastromarino, Earle Woodward, Tim Howard, Brett Ray, Keith Petty, Gary Finley, Carol Moseley, John Hollenberger, Ray Bruett, Tommy Bridges, Kathy Tolley, and Dennis Lenart.

President Jim Purdon called the meeting to order at approximately 12:18 and thanked everyone for taking time from his or her busy schedule to attend. He also thanked vendor rep Gary Finley for working his schedule so that he could attend.

Earle Woodward read the minutes from the previous meeting, which were accepted as read. President Purdon established that a quorum was present.

Treasurer Carol Moseley reported that as of Oct 22, 2003, MACMA had assets of \$45,776.58. She also reported 3 new MACMA members for a total of 276. Renewal statements for the coming year were to be mailed in September, but due to the hurricane, they will be delayed. As far as our non-profit status is concerned, after checking with our CPA, it was determined that we were fine as far as non-profit, but we will incur taxes on the income from the Buyer's Guide minus the related expenses. The net is taxable.

Program Chair John Hollenberger handed out a proposed "2004 Spring Conference Program" which covered topics from pricing and telemarketing, to interaction with our subscribers and ABC. We would like to ask the ABC rep to zero in on the 3<sup>rd</sup> Party topic. The topic of "Break-Out" sessions was brought up and it was suggested that an ABC workshop could be a session right after the ABC program, where individuals could ask specific questions about other topics. Break Out sessions were discussed positively, with several ideas about how to structure them. A short question and answer period could follow, with handouts. The subject of "Thinking like Radio" or some sort of interactive newspaper promotion was also floated to the group. Vendor Representative Gary Finley brought to the group the idea of allowing vendors to solicit membership for the organization in exchange for credits toward their sponsorships or registration fees. This would really help those vendors that pay their own way. Gary reported that SCMA credits \$20 to each vendor for any new member they acquire. That money could be used to offset registration fees set up fees, etc. The level at which MACMA could credit vendors was discussed, but no decision was made. The Treasurer and Membership chair would cooperate to track new members and credits to vendors. The matter will continue to be discussed and it looked favorable.

Tim Howard reported on the Buyer's Guide. Things are going well. He has made his first mailing to prospective advertisers. The entire Guide is on and CD and Tim is going to mail it to Earle Woodward to be used to set ads for the new web page. He and Dennis Lenart will be visiting new printer prospects before the next meeting.

Entertainment Chair Jennifer Davidson was unable to attend, but sent word that everything was under control and underway.

Xvemnk Glem Jvero Qevxvsq evms vitsvxi h xlex hyi xs e gsrjpxmk  
wq mev xlex {ew jvi sj glevkiOfimk tvi wrxih m Rsvxl Gevsone f}  
VRTEO {i gergiph xli wq mev svkmepp wglihyp h erh {pp vi lvglihyp 2  
Li lstiwx slezi e wnkp gst} wq mev m [mvxsr1Wepq m Neryev}0  
jps {ih f} }ix xs fi errsyrgh wq mew m Nyri erh Sgxsfiv sj ri|x  
}iev2 M {ew higrhi h xlex tsvzrhmk zhi sxeti w sj xli QEGQE xvemnk  
wq meww {syph fi e kvix firijm xs xli svkermexr2 Rsx srp {syph

xli} tvszrhi mzepefð xvevmmk jsv xlsv {ls gsyph rsx exxirh0 fyx  
gsyph eps lið kirivexi vsqi ehhrarepjyrhv2 Ve} Fwixx sjjivih xs  
lið Qv2 Qevxvsqevms jmh e kssh zhis geqive qer2

EFG Glem Fvixx Ve} vitswih xlex xli EFG Wqmev lið m  
Kviirwfsvs hyvnk Eykywx qehi e tvsjm sj (704<42 Li leh wzir  
vtsrvswv erh 79 exxirhiiw2 Li ekem xleroi h Xmq 0Jvero0 erh levð jsv  
xli m ewvwxergi 2

Membership Chair Tommy Bridges reported five new members: two from North Carolina, two from Virginia, and one new Associate member. He will be doing a mailing to non-members in hopes of bringing them into the organization.

Dennis Lenart is serving as chair of both the Membership and New Technologies categories. He provided the board with an updated list of all members, including Associate and Honorary members. Earle Woodward reported that the new website was well under way and provided an address where members could view it while it was under construction. It was asked that we provide a link to other sectionals and possibly some sort of "job search" link.

NAA Liaison John Bernie was unable to attend, but sent information on an NAA carrier of the year award and asked us to send a representative if possible. At the meeting two candidates -- Brianne Moore, representing *The Daily News Record* of Harrisonburg, Virginia, and Bob Blough from *The Sun News* in Myrtle Beach, SC, were offered as candidates in two different categories and both were voted on and accepted as MACMA's entries into the promotion.

Promotion Chair Kevin Hinterberger will be making his mailing and e-mailing fairly soon.

In old business, the subject of starting later on Tuesday morning was discussed again and the measure was defeated. We will start at our regular time.

In new business, the prospect of raising membership fees after this year was entertained and discussed. It will be discussed at the January meeting and hopefully brought before the full membership at the May conference for approval. Ways to promote early registration were discussed. Topics from lower rates for early birds to having a drawing from early registrants were discussed and will continue to be discussed at the next meeting. Discussion was also held about lowering the training seminar fees, or having a "Buy one get one free" registration. Frank Mastromarino will make recommendations.

The theme for the upcoming Spring Conference will be "Embracing Change". Harrisonburg, Virginia, has graciously offered to host the 2005 Spring Conference.

The next meeting of the MACMA Board of Directors will be announced later and will be held in conjunction with a training seminar in January.

The meeting was adjourned at 2:25p.m.

## **How You Can Benefit From Your MACMA Membership**

This is the third of four articles describing the benefits of your MACMA membership. The first article outlined a brief history of MACMA and described how the organization functions. The second gave details about how the annual conference is

put together and the many valuable benefits of attending. This article will explain the value of MACMA training seminars and the annual conference Buyer's Guide.

MACMA seminars are the responsibility of the Training Chair. Frank Mastromarino has done an outstanding job over the past few years putting together top notch Single Copy, District Management, Customer Service, and Sales and Marketing sessions. (MACMA's annual ABC seminar is usually arranged by the ABC Committee Chair.)

Seminars are reasonably priced (in the \$80 range) and are usually held in central North Carolina so as to be accessible to as many members as possible. Seminars are usually scheduled in spring and fall. Last year's Single Copy seminar was held November 8 and more than 45 members participated, representing 22 MACMA newspapers. Issue covered included the independent contractor (buy-sell) agreements; street vendor programs; partnering and third party sales; employee operations; point of purchase promotions; and a session-ending round table discussion.

The most recent home delivery seminar occurred June 20 in Durham and was attended by 63 members who were circulation directors, circulation managers, zone managers, and district managers. Topics of discussion included: home delivery checks and balances; district manager responsibilities; best practices to gain carrier trust and involvement; effective sales management; best practices for district management.

Aside from the obvious value of MACMA's seminars, there is the intangible benefit of widening your network. You cannot over-estimate the value of meeting your compatriots who go through the same daily exercises and face the same daily challenges as you do. Take advantage of the opportunity to learn from their failures and successes by attending as many MACMA seminars as possible.

The Annual Conference Buyer's Guide is another benefit of MACMA membership. The Buyer's Guide is an invaluable desktop tool that you should keep within arm's length. On one hand it's a ready reference source of information about your organization's structure, officers, committee chairs, and membership. On the other hand, it's the tool to use to begin your search for circulation services and supplies. The support of our vendors keeps MACMA alive and the opportunity to do business with our MACMA newspapers keeps our vendor's businesses alive. Be sure to make the Buyer's Guide your primary vendor reference tool.

## **MACMA Member News and Transitions**

**Lynn Griffith** has been promoted to Customer Service Manager of *The Post and Courier* in Charleston.

**Bob Childress** has moved from publisher of Virginia's *Danville Register & Bee* Kentucky's *Owensboro Messenger-Inquirer*.

**Tammy McLellan** of *The Robesonian* in Lumberton, North Carolina, recently attended the Kaspar Sho-Rack mechanism seminar in Shiner, Texas.