

The Tennessee Press

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How should publishers change messaging when their paywalls aren't one size fits all?

Optimizing content limits on a user-by-user basis

CONRAD LUMM
Reynolds Journalism Institute
March 2, 2021

Should publishers communicate content limits to their audiences? The question becomes more pressing as the products that manage paywalls become sophisticated enough to make predictions about who likely subscribers are. We decided to test this idea with the Reynolds Journalism Institute this year in a partnership project where we are experimenting with an optimized wall.

At the Bangor Daily News, a

132-year-old news media publisher covering most of the state of Maine, we implemented our content meter in early 2018, granting visitors eight free pageviews per month at first, and later reducing that number to five and granting increased access on registration. For the past six months or so, we have granted a strict five free pages per user.

At first, our content meter communicated frequently when users were approaching their content limits. With time, we realized that an optimized wall would vary according to what visitors were reading, what devices they were using, how they arrived on the site, and other statistical short-

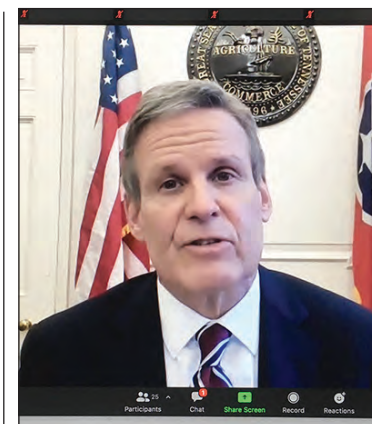
hands for propensity to subscribe.

In other words, an optimized wall should not guarantee a certain number of page views per a period, but weight the number of page views based on the type of content and other factors unique to that individual reader.

Why does a subscription propensity model preclude firm metering practices?

Let's imagine a news website with three content categories, A, B, and C. (By "content categories," we mean the traditional newspaper taxonomic entities – these could mean sports, local news, national news, and so forth.)

See **PAYWALLS** Page 6



TPA photo by Robyn Gentile

Tennessee Gov. Bill Lee used Zoom on Monday, March 1, to give his winter address to Tennessee Press Association members in lieu of this year's TPA Winter Convention, which was canceled because of the COVID-19 pandemic.

Open government is key to honest government

Editor's note: Ken Paulson, director of the Free Speech Center at Middle Tennessee State University in Murfreesboro, wrote this column in recognition of 2021 Sunshine Week, which was recognized as March 14-20.

When government fails, it's the rare public official who says, "Oops. My fault."

That's human nature, particularly for officials in the public eye who may have to run for office again. No one wants to be held directly responsible for letting the public down.

Case in point is the recent catastrophe in Texas, when unexpected winter storms left 4 million homes without power, ruptured pipes and tainted the water supply for many.

Texas' energy grid essentially collapsed. While Texas Gov. Greg Abbott was quick to blame frozen wind turbines, the cause was much more complex than that. To



GUEST COLUMN

KEN PAULSON

truly understand how things went so terribly wrong will require time, study and research.

So, too, with the coronavirus vaccine distribution. In this state and others, residents are frustrated with the slow rollout of vaccines. Is it poor distribution? Politics? A flawed strategy? These are literally matters of life and death.

But how do you get to the truth when public officials so rarely step up to take direct responsibility for failures?

The answer is public records. And public meetings. And access to the information that taxpayers deserve.

States throughout the country have laws that guarantee access to government records and meetings. But the details vary widely and there are many statutory exceptions. New challenges to access emerge every year in virtually every state.

The need to fight for government transparency is reaffirmed each year during Sunshine Week, a national awareness event overseen by the News Leaders Association and keyed to the March 16 birthday of James Madison. The fourth president of the United States drafted the Bill of Rights – including the guarantee of a free press – in 1791.

That journalism connection reflects the role news media play in the free flow of information, but it unfortunately can also leave the public with a sense that Sunshine Week reflects the concerns of a single industry.

To the contrary, access to gov-

ernment information is critical to every American who cares about the quality of his or her community, state and nation.

It's important to see government employees – including elected officials – as the people we hire through our tax dollars to do a good job for all of us. If you run a business or hire a contractor, you wouldn't hesitate to demand a full understanding of how something went wrong. That should be exactly our relationship with government.

Getting that information, though, requires public meetings where residents can ask questions. It also means access to the documents that led to a poor decision. Words on paper can be much more forthright than the dissembling of politicians.

It's critical that we hold government accountable, for better

See **PAULSON** Page 2

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TPAers with suggestions, questions or comments about items in The Tennessee Press are welcome to contact the managing editor. Call Mike Towle, (615) 293-5771; or email editor@tnpress.com. The deadline for the June 2021 issue is May 4, 2021.

Will online sales spell the end of community?

There's a small women's clothing boutique in our town whose owner claims to have 2,400 Facebook followers. It's a claim that begs the question, how does a small-town boutique attract almost 25 hundred followers?

In larger markets most of the specialty stores have professional agencies regularly updating the information on their site. Those web advertising professionals attract followers by offering "dollar off" coupons, special drawings and creative contests to those who becomes a "friend."

But the owner of a one-person shop, already overloaded with buying and checking in merchandise, arranging in-store displays and waiting on customers, has little time to refresh or promote just one site, let alone all the emerging digital offerings. So, were the names purchased from some listing service, provided by one or more suppliers, swapped around in some buyer's group or are they really potential customers?

Selling and buying online has truly become a permanent part of our culture. But what will that trend mean for our communities and more, especially for our community papers? What if, after we're finally free of COVID-19, the buying public continues to buy everything from groceries to furniture online? There will be little to hold a community together. And probably no community paper.

It isn't easy to shop online. I try to buy everything close to home to boost the local economy. Still, there are things I just can't get in Sheldon (Iowa). Over a year ago I contacted a luggage manufacturer seeking a replacement for the fabric divider in a small carry-on. Seven e-mail and six telephone calls later, I finally received my order this month.

More recently I went looking for some travel coffee cups like the one I'd bought years ago while touring



THE COMMUNITY NEWSPAPER

PETER W. WAGNER

a distant state. Mine had finally worn out.

I was able to connect with the manufacturers who directed me to a nearby dealer. After a number of e-mail and telephone exchanges, the dealer sold me four cups, all the same color, because that was the minimum order. I was expected, of course, to pay in advance and shared my credit card information. Two days later the salesperson called back to say the cups I wanted were no longer available. I canceled the order and am hoping for a credit on my next bill.

How will the residents of your community react if online shopping leaves them with no place to buy much more than a carton of milk and a loaf of bread?

A community exists most of all because there is conversation and interaction among the people who live there. Before COVID-19, many of those conversations took place in the grocery store and local dime store as individuals met in the aisles. When local retail declines the entire community declines with it. And so does the community paper.

Local newspapers face a bigger battle than just the salvation of their publication. The entire future of the town depends on the efforts of the newspaper to educate the community on the dangers of digital shopping and the need to "Shop Local."

If hometown families want to have easy, immediate access, acceptable selection and true value right in their community, they are going to have to shop as much as possible in their hometown.

And if local merchants are going

to stay in business, they need to be educated and sold on how the newspaper brings consensus and buyer commitment to the community. We must draw a line and make our voice heard regarding the power and value of newspaper advertising.

In your hometown, for example, your printed newspaper is the most credible of all media. That trust the reader has in your publication is believed by the reader to be true of all that is advertised or promoted within its pages. That can't be said of most commercial or independent digital sites.

Newspapers provide a wide variety of local news, information and weekly-to-the-door delivery that guarantees wide, consistent, in-depth readership.

Newspapers enjoy a longer attention span than any digital website, Facebook or other digital program.

Newspapers drive local residents to local business and services. Newspaper advertising creates "top of the mind" awareness and measurable results.

But most important, newspapers are the glue that hold a community together, creating a positive vision for the future. Without a newspaper, a community will often shrivel and die. Without a thriving business district, newspapers also tend to shrivel and die.

Peter W. Wagner is founder and publisher of the award-winning Sheldon, IA, N'West Iowa REVIEW and 13 additional publications. This free monthly GET REAL newsletter is produced especially for publishers, editors and sales managers who still believe in the value and importance of the PRINTED paper. Contact Wagner at pww@iowainformation.com or (sell) 712-348-355 for information regarding his convention programs and webinars on publishing better papers and enjoying greater profit.

PAULSON from Page 1

or worse. (It's also important to acknowledge when government leaders are doing a good job.)

How can you help? I have two suggestions.

First, keep doing exactly what you're doing at this moment. Read and support your local newspaper. Local journalists, more than anyone else, will stand up for your

right to information. Facebook will not be going toe-to-toe with your mayor.

Second, when you believe government isn't doing its job, demand an explanation. Ask to see the documents. Attend public meetings. And above all, support legislative efforts to make government more transparent.

It's too easy for officials who have failed us to point fingers,

blame the media and wait for their side of the partisan fence to rally to their defense. We deserve better. We all pay taxes to support the work of government. We should get our money's worth.

Ken Paulson is the director of the Free Speech Center at Middle Tennessee State University, a lawyer and a former editor-in-chief of USA Today.

Texas newspapers rise to challenge of even more unprecedented times

STAFF REPORTS
Texas Press Messenger
March 1, 2021

Pandemic-weary Texas newspapers confronted a new disaster Feb. 12-18 as deadly winter storms hammered the state with life-threatening cold, power and water system failures and thousands of miles of treacherous roads.

The storms threatened an already fragile state economy and hampered healthcare systems already sorely taxed by COVID-19.

The Poynter Institute took note of Texas newspapers' work in the face of the disaster, noting that "Texas journalists were wasting no time in demanding answers" about the failure of the state's power grid operated by the Electricity Reliability Council of Texas (ERCOT).

Journalists — particularly those in rural areas — were severely impacted by power outages in their homes and newspaper facilities.

Reporters filed stories and up-

dates online, charging cell phones in their cars or anywhere they could find power. Many printing plants sat idle in the dark as production personnel and publishers scrambled to search for alternatives. Icy roads halted truck deliveries, and mail delivery was stalled.

With print production stymied, newspapers continued to publish online and many lifted paywalls on that week's eEditions. When roads cleared, many newspapers added their missed print editions along with the new ones. Newspapers also took measures to ensure that public notices got to readers when printed newspapers could not be delivered.

"As a journalist . . . one thing that did not escape my notice was the dogged determination of Texas journalists. We may not be able to print or deliver papers but by gosh, we will report the news," Marshall News Messenger Editor Wyndi Veigel wrote in her column Feb. 20.

"My friends and colleagues in the industry are beyond tired

this week as they have relocated, battled, provided 24/7 news coverage and shivered along with everyone else. It's what we do and our passion, but we are all tired of snowflakes."

"Journalists aren't comfortable being the story," Texas Tribune editorial director Stacy-Marie Ishmael said in an interview with the Washington Post, "but the pandemic turned all of us into the story because, by definition, every single person has been affected in some way — although some more than others."

"With local journalism in general, people are seeing the value of having people who are experiencing the thing writing about the thing," said the Tribune's chief product officer, Millie Tran, who developed a text-message service within 24 hours.

As the state thawed and print editions resumed, journalists joined their communities in dealing with the lingering impact of the power outages and damaged water systems, as well as broken

pipes in homes and businesses. Newspapers turned to reporting on efforts to repair damaged systems and restore water service, while publicizing local distributions of bottled water and food supplies in areas where store inventories were depleted due to stalled deliveries.

Newspapers also celebrated the resilience of their residents, many taking time to point out the selfless efforts of individuals, churches and organizations in their communities that stepped up to help their neighbors. And on the lighter side, there were invitations to post pictures of kids and snowmen that quickly populated social media pages.

As the weather improved, Texas journalists didn't let officials off the hook for the failure of the state's power grid and continued to ask hard questions about preparations for the future.

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FOR YOUR CALENDAR

April 2021

- 5-9: Women in Journalism Workshop 2021 (virtual), presented by Reynolds Journalism Institute.
- 15: TPA Foundation Grant Application deadline
- 16: TPA "Spring Break" Zoom Coffee Break 8:30 a.m. Central/9:30 a.m. Eastern
- 30: Deadline to submit nominations for the Tennessee Bar Association's 2021 Fourth Estate Award.

May 2021

- 11-27: 2021 International News Media Association (INMA) 91st Annual World Congress of News Media. Zoom meeting will feature 15 hours of programming spread over six modules. <https://www.inma.org/>
- 17-21: 2021 Investigative Reporters and Editors (IRE) Data Boot Camp for Educators Online. Includes hands-on training on spreadsheets. IRE membership required. Virtual event. Visit <https://www.ire.org/events/> for more information.

June 2021

- 14-18: Investigative Reporters and Editors (IRE) Conference. Training sessions will be recorded and available for attendees on demand for up to one year on the conference platform. Virtual event. Visit <https://www.ire.org/training/conferences/> for more information.

September 2021

- Sept. 30-Oct. 2: National Newspaper Association's 135th Annual Convention and Trade Show, Hyatt Regency, Jacksonville, Fla.

October 2021

- 14-17: Fall National College Media Association Convention 2021, offered in conjunction with Associated Collegiate Press, New Orleans, LA, Sheraton New Orleans

June 2022

- 23-25: Tri-State Press Convention June 23-25, 2022 Arkansas • Mississippi • Tennessee, to be held in Memphis

NEWS & MOVES

Bartlett named editor of Daily Herald, Advertiser News

Veteran journalist Kerri Bartlett has been named editor of the Columbia Daily Herald and the Advertiser News of Spring Hill.

A native Tennessean who grew up in the Memphis suburb of Bartlett, she brings the perfect mix of reporting, editing and leadership experience to this important role.

Prior to joining The Tennessean a year and a half ago as a reporter in Williamson County, Bartlett was the top editor of the Williamson Herald for four years. She was the assistant editor at the publication for two years prior to that. Earlier in her career, she spent a year and a half with the Commercial Appeal in Memphis as community editor, which included specific oversight of the Cordova Appeal edition.

"With about nine years total of editing experience, she has the hands-on skills and tactical know-how required of a small-newsroom leader," said



Bartlett

Michael A. Anastasi, Vice President and Editor of The Tennessean and Editor of the USA TODAY Network's South Region. "Her time in Williamson will serve

her well in neighboring Maury County and border town Spring Hill."

Bartlett said she was thrilled and honored to accept the job, which had been vacant since previous editor James Bennett left the organization in late September 2020.

"Columbia is a charming town with rich history and a welcoming atmosphere, which are reasons why many people, like myself, are moving to Maury County. Just next door, Spring Hill, one of the fastest-growing towns in Tennessee, has also set the stage as an exciting and family-friendly place to be in this region," she said. "I am looking forward to continuing the great hometown and in-depth coverage

that these special places in Middle Tennessee deserve."

During her time as the children's reporter in Williamson, Bartlett has shed light on important issues such as poverty, hunger and homelessness. A particular focus this year was her coverage of ongoing racial discrimination in Williamson County Schools, past and present.

She holds a master of science degree from the University of Memphis and a bachelor's from the University of Tennessee in Knoxville. Besides her time in journalism, Bartlett spent about five years working as a school counselor, which has provided the foundation of her expertise in education.

To reach her, send an email to KBartlett@gannett.com.

The Columbia Daily Herald
 Dec. 4, 2020

Adams Publishing names Wolfe to Regional role

Matthew Wolfe has been named Regional Audience



Wolfe

Development Marketing Director for the Adams Publishing Group's Tennessee/Western North Carolina Region. In his new role, Wolfe will be responsible for sup-

porting all 20 newspapers in the region with circulation sales and retention. Wolfe will be based out of Rogersville, TN, where he is also the General Manager of the Rogersville Review.

Wolfe has been in the newspaper business for almost 20 years, starting his career as a part-time newspaper carrier.

Wolfe's passion for delivering and selling newspapers as well as his meticulous work ethic led circulation management at The Palm Beach Post to hire him as a sales and distribution coordinator in 2006. In 2008, Matthew's career accelerated and he moved on to hold such titles as audience development manager in Ander-

What makes the best kind of headline for an ad?

Imagine the editors of a prestigious news organization sitting around a conference table discussing a breaking story. The story is written and all they need is a headline to convey its importance to readers. Someone says, "I've got it. Let's use one word: 'Look.' We can give it more impact by making the two o's look like eyeballs." Everyone nods in agreement, and the headline runs.

Sounds ridiculous, doesn't it? But something similar must be happening in advertising conversations, because 'Look' has been a popular headline for years.

Popularity doesn't equal effectiveness. Even though it's frequently used, "Look" is one of the worst headlines you'll ever see. It's a product of lazy writing. It communicates nothing of value to readers.



AD-LIBS®

JOHN FOUST

The headline deserves more respect than that, because it is the most important part of an ad. Research shows that four out of five readers do not get further than the headline. Unfortunately, this means that only 20 percent of the people who read an ad headline will read any of the body copy.

In other words, headlines have a lot of weight to carry. Pick up any newspaper – or go to any online news site – and you'll find article

headlines that reveal the subjects of those articles. As a result, you can make split-second decisions on whether or not to read more.

Doesn't it make sense that the same should apply to advertising headlines?

The next time you write an ad headline, ask yourself three questions:

1. Does the headline tell readers what the ad is about? If your ad is selling banking services, say so in the headline. If you are selling kitchen remodeling, say so. If you are promoting furniture, say so.

We read at a glance. If readers can't determine quickly what an ad is about, they'll skip it completely.

2. Does the headline promise a benefit? There are several types of headlines: (1) those that promise

a benefit, (2) those that provide news, and (3) those that surprise readers or arouse curiosity.

While each type is capable of winning readership and selling products, benefit headlines have been shown to be the most reliable choice. Just about every buying decision we make is driven by real or perceived benefits. That's why it's a good idea to create benefits-oriented advertising – and then put the major benefit front and center in the headline.

3. Is the language believable? Without believable language, our first two questions are not worth answering. Consider a hardware store ad which is headlined, "Fantastic savings on the world's best lawnmowers." To answer our first two questions, the ad is about lawnmowers and the benefit is that

customers can save money. But the puffery kills the message.

Copywriters should avoid exaggerations and unsubstantiated claims in advertising. No one believes sweeping boasts like "fantastic," or "superior" or "best ever."

The right answers to these three questions can put your next ad in the top 20 percent. And you'll increase your chances of creating an ad that is worth a "look."

(c) Copyright 2021 by John Foust. All rights reserved. Foust has conducted training programs for thousands of newspaper advertising professionals. Many ad departments are using his training videos to save time and get quick results from in-house training. E-mail for information: john@johnfoust.com

Papers can't depend on retail advertisers to survive

PETER W. WAGNER
N'West Iowa Review
April 1, 2021

Publishers looking to reboot their markets following the pandemic need to recognize the retail sector is no longer their best revenue source.

The recent demise of one Minnesota newspaper, the Warroad Pioneer, is well documented in the April issue of Reader's Digest magazine.

I have personal knowledge of the Pioneer story because I spent two days working with Warroad Pioneer publisher Rebecca Golden in 1999, speaking for her with the community on how she and local businesses might thrive. Warroad, like much of America, is a small community. The region is known for its great fishing, internationally acclaimed hockey stars and an excellent high school hockey team.

The community has a decent number of small retail businesses for its size, but many of them depend on the tourist trade, not the local residents, to exist. The local supermarket distributes its weekly preprint in an out-of-town shopper and the only new car dealer, once a regular major advertiser, is investing most of its dollars into online advertising.

Golden published a good paper. It was well written and nicely designed. But her dependence on retail advertising was her Achilles' heel.

It wasn't that the majority of local stores didn't want to support her, they just thought they didn't need to advertise to locals they believed were already "loyal" customers. Most didn't understand how important a local paper is to holding a community together. Warroad's local businesses either forgot, or were never taught, the importance of TOMA (Top of Mind Awareness) and the marketing axiom "Seventy-five percent of your customers live within 25 miles of your front door."

All across America newspapers and free-circulation publications are facing the same situation. Most national and regional chain stores, once a lucrative source of revenue, have deserted smaller communities. The small, local boutiques that replaced them are often poorly informed regarding the reach of digital advertising, too tightly financed to afford traditional advertising and are more of a hobby for the owner than a business. So where does today's publisher turn for new revenue? And what can a paper's ad manager do to increase the company's bottom line?

In our mostly rural communities, we've turned to the service providers, local manufacturing firms and once overlooked professionals as fresh revenue sources. Locally owned banks and credit unions as well as full-service insurance

OPINION

agencies are good examples of service providers that continue to be excellent potential advertisers.

Others include locally managed hospitals and medical facilities, home construction and sales organizations, privately owned colleges, universities and regional community colleges. The city itself, the local chamber of commerce, community celebrations and annual event organizations as well as the economic development director also are emerging sources for new advertising dollars.

These are major dollar advertisers who understand that the local newspaper is key to creating community and a spirit of consensus. Without a strong, united community those businesses have a limited future with a declining number of clients, students, employees and attendees. It also will lead to a diminishing tax base. These resources have the deep pockets and good reason to underwrite the future of their hometown paper.

But it doesn't stop there. Local, smaller professionals from the fancy-cuts men's barbershop to local CPA and law firms are becoming good community supports and local paper advertisers.

Still, harvesting those new

dollars requires creativity and a commitment to more one-of-a-kind special sections and numerous weekly community support pages.

Special projects and sections which draw strong support from the first group of advertisers include tabloid or multi-page salutes to law enforcement officers, volunteer or city firefighters, health-care workers (including the EMT volunteers) in your area and even the members of your local FFA and 4-H chapters.

Other ideas include "(Town Name), An All-American City" and "All Roads Lead To (Town Name)."

The "All-American City" project features articles about nationally recognized people — military, political, religious, business leaders — born in your community as well as nationally known products, practices and cultural changes that originated in your town."

"All Roads Lead To" is a guide of exciting experiences that can be found by driving into your community via key highways located on each side of town.

Both sections, and many others like them, have been well received and supported by local-minded businesses that appreciate sections that promote the history, fun and value of living in their town.

We do a different approach to the annual summer series in our

N'West Iowa REVIEW each year. The multiweek series usually includes coverage of 12-14 communities in our four-county area.

The smaller businesses on the second list — as well as many traditional advertisers — are excellent prospects for regular monthly pages that provide a consistent, contracted advertising package at an economical predetermined cost. Some such pages include 6-pacs, 8-pacs, monthly professional page, our Home Improvement page, the "I believe in (your town)" sponsored page and our A to Z Business Directory.

Even more exceptional dollars are available by selling an unlimited number of once-a-year salute pages promoting everything from Easter Sunday church service schedules to homecoming courts to annual celebration ideas.

So, take a big breath and put a smile on your face. There continues to be a strong future for community papers. We simply need to direct our attention to the advertisers that believe in the community and the value of the hometown paper. It will require hard work and fresh thinking, but the survival of the printed paper is well worth the effort.

Peter W. Wagner is founder and publisher of the award-winning Sheldon, IA, N'West Iowa REVIEW and 13 additional publications.

Former colleagues effusive in praise for Headrick, former Post-Athenian editor

SUBMITTED
The Daily Post-Athenian
March 19, 2021

A longtime member of The Daily Post-Athenian who is no longer with us, Doug Headrick, served as the editor of The DPA for 30 years. He passed away on Saturday, March 6.

Headrick's interest in the newspaper business began early, as he was a part of The East Tennessean, a student newspaper at ETSU.

Once Headrick graduated from college with journalism and English degrees, he began his professional journalism career in 1975 at the Sevier County News-Record (now The Mountain Press) and also held positions at the Johnson City Press, Wakulla (Fla.) News and Bristol Herald-Courier. Then, in 1985, he came to The DPA as the managing editor. Two years later, he was named the paper's editor and served in that role until 2017.

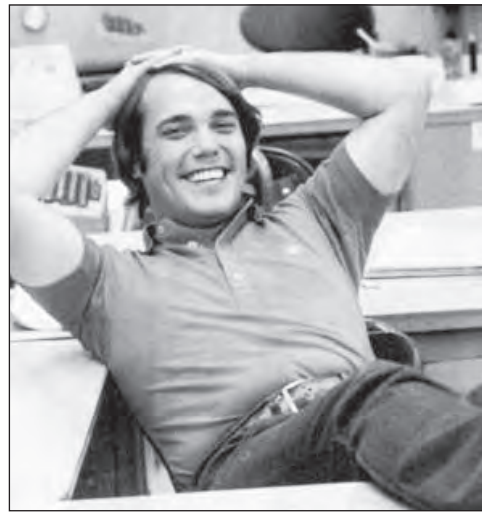
Headrick is still remembered fondly by both current and former members of The DPA:

"Doug was truly a one-of-a-kind person and a great newspaper man. He gave me my chance to work at The DPA almost 18 years

ago when I had no experience, and helped me develop from the newsroom clerk into a reporter," said current DPA staff writer Andy Brusseau. "He was a mentor and a friend who guided me professionally and helped me through some personal hardships. I was truly saddened to hear the news that he passed away. Doug will be missed by all who knew him."

Former DPA employee Shannon Sayne said. "I didn't really know Doug on a personal level until about 2010. Then one day, this gruff personality came to me, and I realized he was quite funny and not as harsh as I once had thought. Over the next seven years, we became friends. He was in my corner when times were rough and I in his. When we were displaced from The DPA office and worked remotely from the basement at SouthEast Bank, he was my cubicle buddy. I brought him a desk fan and floor fan to keep him comfortable, because he was always hot."

Current DPA Advertising Specialties member Sheila Watson also noted that Headrick's unique characteristics will stand out for her as well. "I worked with Doug



Submitted photo

Doug Headrick, who served as editor of The Daily Post-Athenian for 30 years, passed away in March. But he lives on in the many fond memories of his DPA co-workers as expressed here.

for more than 20 years," she said. "Every day I would ask him how he was doing and his answer was always the same, 'fat and sassy.' Doug always treated me with respect and was willing to help me in any way he could. Although we worked in different departments,

he was always honest, professional and witty. From his colorful Christmas pants to our conversations in the grocery store, he was my friend and he will truly be missed."

Current DPA Special Projects/Events Director Tina Huckabey also recalled a favorite saying of Headrick's in looking back on her time working with him.

"I have a lot of fond memories of Doug Headrick," Huckabey said. Every day he would ask me 'How are you?' I would respond with, 'I'm fine Doug, how are you?' and he would say 'Middlin', Middlin'. He apparently liked all of my food dishes, because every

month on our office 'goody day' he would come find me and ask me what food I brought for the occasion. Doug Headrick was a good man and I am honored to have worked with him over the years."

Another former DPA staffer who

shared memories of Headrick is Autumn Hughes, who recalled Headrick's ability to work with the public. "I was so sorry to hear of Doug's passing — it was such unexpected and sad news," Hughes said. "Doug and I worked together for nearly 20 years, and during

Also see Headrick's obituary on page 9

that time I learned so much not only about the job of news reporting, but also about how to relate to people and the issues that matter to them. One lesson I learned from him is to simply listen when people have something to say."

Hughes emphasized Headrick's ability to connect with others, even when they may not enter in the best mood. "More than once I heard Doug talk to a person who called or came to the office upset about an issue — after listening until the person had their say, he then often used humor to help defuse a tense situation," she said. "Doug had a way of talking to a

See **HEADRICK** Page 11

NEWS & MOVES from Page 3

son, S.C., at The Independent-Mail and also in Burlington, N.C., at The Times-News. From 2014 through 2020, Wolfe held several positions with McClatchy, starting with single copy manager and then senior home delivery manager at The News and Observer in Raleigh, N.C., regional director of audience engagement and retention in Kansas City, Mo., and finally director of retention, representing all of McClatchy's markets. Matthew and his wife Kimberly have two children, Matthew Jr., and Maci Lynn, living at home. They also have three adult children who reside out of state. They have one grandchild, Mason, and are expecting a second grandchild in July.

"There is not only a deep commitment to quality local journalism in Adams Publishing Group, but a true commitment to the communities we serve," he said.

Paul Mauney, regional president of APG for Tennessee, Western North Carolina and Virginia said that he was thrilled to have Matt's

level of experience and expertise joining the region. "Matt and I worked together for several years at the Burlington (NC) Times-News so I am very aware of his capabilities, strong work ethic and commitment to our readers and viewers. He brings extensive experience in acquisition and customer retention and although he's only been on board for a few weeks, is already making a significant impact in the communities we serve."

Submitted
 March 15, 2021

Clark named by Adams to advertising position

Richard Clark has been named Regional Advertising Director for the Adams Publishing Group's Tennessee/North Carolina Region. In his new role Clark will be



Clark

See **NEWS & MOVES** Page 8

Coda Ventures is TPA's newest associate member

During the Concurrent TPA Board of Directors Meeting and Business Session on Feb. 18, the Board approved an associate member application from Coda Ventures.

If that name sounds familiar, it is because Coda Ventures performed a readership study for Tennessee Press Service during the summer. That data was released to TPA members in August. Coda Ventures can also provide a newspaper

with specific data for its market for a reasonable fee. Several member newspapers have done just that.

The cost to a member would be \$300 and includes:

- One market report
- One audience report
- Five category specific sales sheets (you can pick the categories that make the most sense for your market)

According to its website, "Coda's

expertise includes a highly creative team of newspaper industry experts, the latest survey technology, and a proven track record of turning marketing and media research into revenue."

If you are interested in having this information for your market specific, please contact Marianne Grogan at marianne@codaventures.com or (615) 645-0202.

TN Bar Association seeks Fourth Estate award nominations, \$250 prize

The Tennessee Bar Association is now accepting nominations for its Fourth Estate Award, which honors Tennessee-based journalists who have shown exemplary courage in reporting on justice and the law.

For the first time this year, the winner will receive a \$250 honorarium in addition to recognition during the Tennessee Bar Association Convention in June.

For more information about the

award and submission process, visit tba.org. Nominations must be submitted by April 30, 2021.

Submitted
 March 30, 2021

Update your staff receiving The Tennessee Press by sending an email to rgentile@tnpress.com

TPAF grant request application deadline

April 15

The Tennessee Press Association Foundation is accepting grant applications for consideration at its summer meeting. Contact cdaniels@tnpress.com for the application

PAYWALLS from Page 1

Sitewide, the publisher makes 50% of its revenue from advertisements and 50% from subscriptions – but with significant variances among content categories:

- Category A: 50% subscriptions, 50% ad revenue
- Category B: 75% subscriptions, 25% ad revenue
- Category C: 25% subscriptions, 75% ad revenue

So, a better content meter for that publisher would weight pages accordingly:

- 1 page in content category A is worth 1 pageview
- 1 page in content category B is worth 1.5 pageviews
- 1 page in content category C is worth .5 pageviews

If the publisher’s meter was set at four (notional) pageviews, an optimized meter might allow for any one of these experiences to reach the paywall:

1. Page A1 (1) + page A2 (1) + page A3 (1) + page A4 (1) = WALL
2. Page B1 (1.5) + page A1 (1) + page B2 (1.5) = WALL
3. Page C1 (.5) + page C2 (.5) + page C3 (.5) + page C4 (.5) + page C5 (.5) + page C6 (.5) + page C7 (.5) + page C8 (.5) = WALL
4. Page A1 (1) + page B1 (1.5) + page C1 (.5) + page B2 (1.5) = WALL

In experience 2, the publisher is likely to maximize revenue because the reader hits the paywall faster, prompting them to subscribe earlier. In experience 3, the reader is less likely to subscribe, and so the publisher maximizes revenue by giving the reader as much room to accrue ad impressions as possible while still preventing permanent free-riding.

Content type will not always be the most significant factor in propensity to subscribe, so to maximize revenue from ads and subscriptions at the same time, publishers can use other propensity data (implicitly in the form of revenue mix ratios), basing their model on device, acquisition channel, and other dimensions to create as fine-grained a system as their technical capabilities allow. Using a propensity model with an optimized content meter, a pageview isn’t a pageview, but a variably weighted quantity of what the reader can access on

your news site.

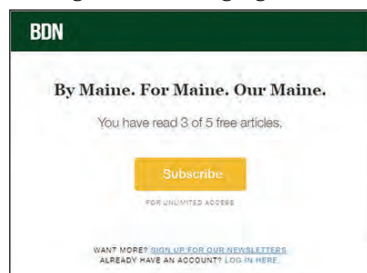
Even for a rudimentary propensity model like the one outlined above, publishers might ask: How should we communicate our meter to visitors if we don’t have all the relevant data about how that user will behave over time yet, and can’t say how many pages the user will be allotted?

On the first pageview in any session, publishers don’t know what link the visitor will click on next, or what their second article will be (if there is one), so an optimized meter precludes a set pageview budget in at least some cases.

Using our content meter provider Piano’s tools, we set up an experiment to test three models of content meter communication against each other to address this problem:

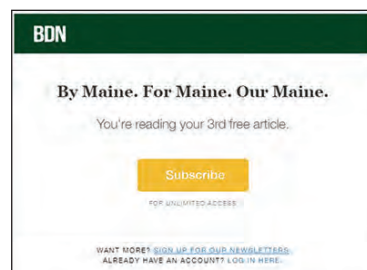
1. Forward Count

This method is the traditional content meter communication method (“You have read 1 out of 5 stories for the month,” and similar). This method may induce budgeting behavior (a reader thinking, “I’ve read one story, so now as long as I only read 4 more over the next 30 days, I still don’t need to subscribe”). This was our control – it’s how we’ve always managed our messaging.



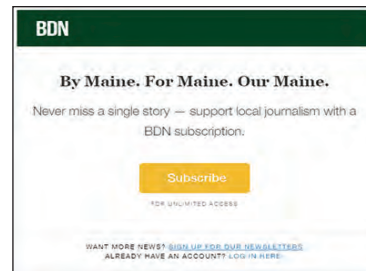
2. Backward Count

This method communicates the number of articles already read, placing an implicit emphasis on the reader’s relationship with the publisher (“You have read 4 stories so far this month,” and similar.) This method stresses the reader’s affinity with the publisher without communicating a fixed content limit.



3. No Count

In the experiment, we used this method to emphasize the value of local journalism without discussing reader consumption or communicating when the reader will hit a paywall. We were curious about how avoiding discussion of either prior or remaining pageviews would impact conversions and revenue.



In our meter setup, at the end of each subscription experience, users can either click through to a subscribe page that includes annual and monthly options, or they can purchase an annual subscription directly from wall messaging.

Over a 23-day testing period, we logged several million impressions in total across the three sets of messaging.

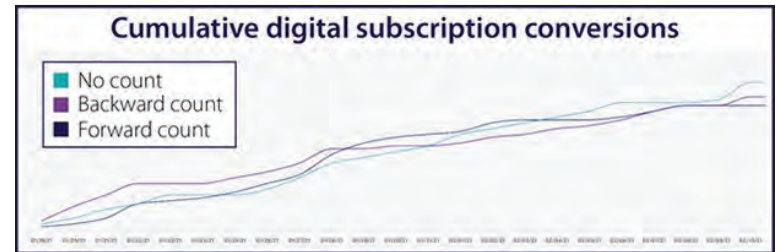
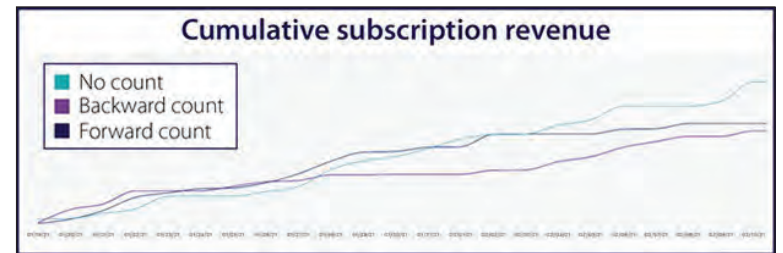
Revenue outcomes

In terms of cumulative revenue earned by messaging type, No Count came out on top, out-earning Backward Count messaging by 57% and Forward Count messaging by 41%. Piano calculates that there is a 79.31% Bayesian probability that No Count messaging will earn more subscription revenue than the other two, and it’s very unlikely to lose money compared to the other two messaging strategies we tested.

Conversion outcomes

Each messaging style was displayed to users in roughly similar numbers, but in terms of raw conversions, the three messaging styles performed roughly in line with each other – there was less difference between the three options in conversions than in revenue, but No Count was still the winner, exceeding Backward Count’s conversion total by 10.8% and Forward Count by 18.6%.

The Bayesian probability of No Count converting more users than either of the other two messaging strategies over a longer period of time is only 53.05%, which is not bad, but hardly a lock.



Where did site users convert?

Each potential subscriber saw a set sequence of four messages with a Subscribe button (leading directly to annual subscription), but each page that prompted a meter message also had a Subscribe button outside of the modal window that allowed for purchase of a monthly subscription (or print, purchases of which we did not gather data on through Piano).

For the No Count messaging strategy, 13.7% of subscribers subscribed before hitting the paywall beyond which they couldn’t read anymore, while for Backward Count, only 4.3% did; for Forward Count, 7% did. No Count may help move conversions to earlier in the user’s journey through the site, but this result is well within the margin of error, so more data is needed.

What does it mean?

One of the reasons we undertook this multivariate test was to answer the question, “What happens if we couldn’t communicate content limits anymore?” Will no longer clearly messaging pageview limits hurt us?

For one thing, we found that on average, across all three experiences, hitting the wall was itself the single-most-important factor in inducing users to subscribe (though, as mentioned, it was a little less important when we didn’t signal when that would happen).

We think there’s some evidence that even if it generates a similar number of conversions, values statements that implicitly communicate a paywall (while precluding content budgeting) spurred a higher average spend per subscrib-

er than allowing users to budget, or emphasizing how many pages they’ve already read.

Visitors who saw No Count messaging appeared more likely to purchase annual subscriptions than monthly subscriptions. Retention is a separate question, but this cohort’s average spend was 39% higher than visitors who saw Backward Count and 15% higher than visitors who saw Forward Count.

Every market is different, but we don’t think local news publishers who are considering a move to a more flexible content meter should be afraid of putting their revenue at risk if they stop telling site visitors what their content allotment is. In our case, not communicating past pageviews or allowing users to set a content consumption budget seems to drive up subscriber Average Revenue Per User (ARPU), even if it doesn’t profoundly affect likelihood to convert by itself.

So if not messaging a content limit doesn’t lose revenue, then we are free to optimize content limits on a user-by-user basis, without concern that the messaging strategies required in doing so will cost more money than they make us.

With this conclusion in mind, over the coming months we plan to implement and optimize a metering model that weights pageviews using revenue metrics. We’re excited to undertake this project with support from RJI, and we look forward to sharing our findings once we’ve implemented the required technology and gathered data about outcomes.

Conrad Lumm is the product marketing director at the Bangor (Maine) Daily News.

TPA MEMBER COVERAGE SHOWCASE I: The Greeneville Sun

Movie tells story of Imagination Library, benefits local efforts

EUGENIA ESTES
The Greeneville Sun
November 27, 2020

Greene County was chosen as one of the locations last spring to premiere the film, “The Library That Dolly Built” — then came the pandemic.

The Greene County Imagination Library, which had planned to screen the film at the Capitol Theatre, and more than 300 other locations selected for the world premiere had to cancel their plans to show the film due to the coronavirus.

However, the Dollywood Foundation has reworked the film, which was to be released as a free, one-night-only live streaming event on Facebook at 7 p.m. this past Dec. 9. The screening was to be followed by a conversation with Dolly Parton, who also performed a new song for those watching.

The film tells the story of the Imagination Library, which was started by Parton and works through local affiliates such as the one in Greene County to provide books to preschool children around the world.

The Greene County Imagination Library is consistently ranked either first or second in Tennessee for highest percentage of preschool children registered to receive books each month.

“Greene County provides books to 90% of all children under five,” said Ruth Burkey, coordinator of the local Imagination Library affiliate. “We hope this film sheds light on the work we do and the importance of early childhood literacy.”

Telling the story

“The Library That Dolly Built,” tells the story of the Imagination Library, which Parton created to inspire a love for books and reading amongst preschool children. Since its inception in 1995, the Imagination Library has grown into a global endeavor and recently hit a new milestone, giving its 150 millionth book, according to a release from the Greene County Imagination Library about the film. The Imagination Library is currently giving age-appropriate books to 1.7 million children around the world each month.

“I am so excited that we can finally tell the whole story of the Imagination Library,” Dolly Parton said of the film. “It is certainly not



Submitted photo courtesy of Dollywood Foundation

Dolly Parton reads to children at the Library of Congress. The Imagination Library, started by Parton to encourage a love of reading in preschool children, is the focus of a film to be live streamed Dec. 9, which will also be a fundraiser for the Greene County Imagination Library affiliate.

just about me. Our story is the story of children, of families and communities who all share the dream to inspire kids to love to read and to love to learn. My hope is this documentary will encourage more towns, more states and even more countries to jump onboard. One thing is for sure, I think this is the best investment I have ever made.”

The film goes behind the scenes of the Imagination Library to show how Parton has partnered with thousands of local community organizations to develop an efficient and effective program for spreading the love of reading. The production was directed and produced by journalism professor and director of Land Grant Films Nick Geidner, and narrated by Danica McKellar.

Imagination Library started as a gift for the children in Parton’s hometown of Sevierville and is now active in all 50 states and five countries. The film also provides a glimpse of the impact the Imagination Library has on people through original interviews with authors, policymakers, Imagination Library staff, recipients and Parton, according to the release.

Woven throughout the film is a biographical sketch of Parton, featuring rare photos and films from her childhood. Unlike most biographies of the performer, the focus is

not her music. Instead, it demonstrates that at every point in her career when she has had success, Parton has come back to Sevierville to give back to the community.

Local efforts

The Dollywood Foundation has also made the live streaming event a fundraising effort for local Imagination Library organizations. Greene County Imagination Library requested that viewers donate \$10, which is the amount that would have been charged for the event last spring.

The donations from the film will be used in the local Imagination Library efforts.

Currently, the Greene County Imagination Library serves just over 3,200 children locally, according to Burkey. Greene County, like all Imagination Library affiliates, are run by volunteers and supported 100% by donations from local individuals, businesses, and through grants.

It costs about \$15 to provide a child with 12 books in a year, Burkey said.

One of the biggest misconceptions about the Imagination Library is that Parton pays for all the books, she said. However, each affiliate is responsible for paying a monthly book bill with the mailing costs covered by the Dollywood Foundation, Burkey added.



File photo, The Greeneville Sun

State Rep. David Hawk looks at “Pass It On” with Oliver “Ollie” J. Gardner in 2019. The toddler was the recipient of the 450,000th book given by the Greene County Imagination Library program.



Submitted photo courtesy of Dollywood Foundation

“The Library that Dolly Built,” a film about the Imagination Library effort, was originally to be screened in Greene County as part of its premiere, but the coronavirus moved the documentary to an online premiere

The Governors Early Learning Foundation matches all donations to the Greene County Imagination Library, which greatly reduces the monthly book bill, she said.

People can get involved in the Greene County Imagination Library in a variety of ways:

- Ask parents of young children if they are enrolled in the program. There is no cost to them.
- Follow/like the organization on

Facebook, Twitter, and Instagram.

- Consider donating to Greene County Imagination Library. Ask employers if they offer a matching donation.

- Talk to friends, church members and club members about Greene County Imagination Library.

- Consider joining its board, which meets monthly to discuss fundraising, registrations and upcoming events.

McNeely succeeds Baldwin as publisher of Daily Banner

STAFF REPORTS
Cleveland Daily Banner
January 31, 2021

35 years of editorial, advertising and managing experience has been tabbed to take the reins as publisher of the Cleveland Daily Banner.

Jack McNeely has served the previous five years as editor and publisher of the Herald-Citizen, a sister newspaper in Cookeville, Tennessee. From 2012 to 2016, he held the same post at the Daily Mountain Eagle, another Walls Newspapers publication in Jasper, Ala.

"I am honored and humbled that my career has brought me to the Cleveland Daily Banner," said McNeely, a West Virginia native. "I look forward to working with a professional and dedicated staff that is committed to enhancing the relevance of this 165-year-old staple in the community."

McNeely made his mark in the

industry by expanding newspaper marketing portfolios while managing expense reductions and consolidations of services.

Last year he was tasked with regional oversight of the Cleveland Daily Banner, the Herald-Citizen and The Daily Tribune News in Cartersville, Georgia. He worked alongside former publishers Ralph Baldwin (Cleveland) and Alan Davis (Cartersville), as each newspaper made significant adjustments to combat pandemic-induced revenue losses.

"To say that the past 10 months have been challenging is an understatement," said McNeely, 54. "We had to make some tough decisions, but today we have better financial footing because of those adjustments."

Since curbing its print cycle to three days a week and implementing a digital-first philosophy, the Banner today reaches more readers than it did prior to the pandemic.



McNeely

"To remain relevant, we must meet our readers where they want to consume our product. More and more, that's online. So, we must cultivate our next generation

of readers and business partners digitally while also maintaining a traditional print presence," said the 54-year-old, who plans to add video production to the Banner's content and advertising offerings.

A U.S. Army veteran, McNeely began his career in 1986 after graduating second in his print-journalism class at the U.S. Defense Information School, then based in Fort Benjamin Harrison, Ind.

As a 19-year-old, he took his newfound love of the inverted pyramid style of news writing and a deep appreciation of photography

and went to work as a sports writer for his local weekly newspaper, the Coal Valley News, in Danville, W. Va.

He then moved on to the Logan Banner, a daily newspaper in the heart of the West Virginia coalfields. From 1990 to 1999, he would work his way up from sports editor to managing editor and eventually general manager.

McNeely served 14 years in the West Virginia Army National Guard. He earned his veteran status following a 10-month active-duty deployment as a mobile public affairs team leader in Bosnia-Herzegovina in 1998.

Shortly after his separation from the military in 1999, he was named publisher of the Morehead News Group in Morehead, Ky.

Then, with Community Newspaper Holdings Inc., he proceeded to hold publisher positions at daily newspapers in Americus, Ga, and Somerset, Ky.

McNeely and his wife, Nora, recently celebrated their 33rd anniversary. They have two daughters, Shaina, 32, of Cookeville, and Brandi, 25, of Birmingham, Ala. They purchased a home in Cleveland and were scheduled to relocate from Cookeville later that week.

As group publisher in the three newspaper markets, McNeely will hold regular office hours at each newspaper. He plans to work from his Cleveland office Mondays, Wednesdays and Fridays, and travel to Cookeville and Cartersville on Tuesdays and Thursdays.

NEWS & MOVES from Page 5

responsible for assisting all 20 newspapers in the region with Revenue growth from major/national accounts, local retail, classifieds and events. Clark will be based out of Greeneville, TN, where he is also the local Ad Director for the Greeneville Sun and the Rogersville Review.

Prior to this, Clark served within Adams PG as interim editor and publisher in Rogersville, TN. Clark's career goes all the way back to a high-school part time job as classified manager for his hometown twice-weekly newspaper in Southeast Alabama. Clark reports, "That's where the ink got into my veins."

Clark served as both student editor and classified manager while getting his bachelor's degree in advertising and public relations from the University of Alabama. He was also inducted into the Journalism Honor Society, Kappa Tau Alpha.

Clark worked in advertising sales and management within the Freedom Communications company at newspapers ranging from free distribution weeklies to mid-sized daily newspapers. Still, Clark is best known around the industry for his classified consulting work at well over 300 different newspapers as president of classified development.

"I loved getting to work with all of the different newspapers, and the opportunity to see so much of

the country, but the 200-plus days a year on the road got to be too much. I had the perfect family life, but I was missing it," Clark said. "Working locally allows me to do work that I love, and never miss another birthday or graduation."

In the local advertising director part of his role, Clark replaces Artie Wehinkle, who retired at the end of 2020.

"Artie has done a great job at the Greeneville Sun, and I am honored to follow in his footsteps," Clark remarked. Paul Mauney, Regional President of APG for Tennessee, Western North Carolina and Virginia said that he couldn't be more pleased with Clark joining APG. "I have known Richard for over 20 years and have firsthand experience witnessing the positive impact of his efforts to grow revenues through his consulting work. He brings a wealth of knowledge and experience with him that is already making an impact in our community newspapers."

Submitted
March 15, 2021

Newspapers excel as our collective 'eyes and ears'

My days of sitting behind an editor's desk have passed, but I'll never lose my newspaper blood. I regularly enjoy my first cup of coffee while scanning newspaper websites to keep current on what's happening in communities.

Public affairs have always been a passion, so I pay particular attention when the broad arena of issues is addressed. The role of newspapers as watchdogs of the dynamics in both the public and private sectors deserved underscoring during Sunshine Week, March 14-20, and its theme, "Your Right to Know."

Some recent headlines:

From the Chanhassen Villager: "Build, invest or tear down are all options for some District 112 elementary schools."

From the Rochester Post-Bulletin: "Court records show troubling past of Wabasha County administrator applicant."

From the International Falls Journal: "Campus officials talk gap years, hopes for fall enrollment."

From the Duluth News Tribune: "Do Duluth's legislative priorities reflect the community's?"



COMMUNITY NEWSROOM SUCCESS

JIM PUMARLO

From the St. Cloud Times: "What are local economists expecting in 2021?"

These headlines, though from Minnesota newspapers, are representative of the breadth of public affairs reports delivered regularly by newspapers.

Some stories are firsthand meeting reports. Some reflect enterprise initiatives. Some are the result of digging beneath the initial set of facts. Some take the additional step of offering editorial perspective.

And they all are delivering news that is valuable but not always readily available to readers.

The examples reflect a personal philosophy. Community newspapers, at their best, are stewards of their communities. The news columns are a blend of stories that people like to read and stories

they should read. The advertising columns promote and grow local commerce. And the editorial pages are a marketplace of ideas.

The news media landscape has never been more fractured. Newspapers have never been more challenged due to the economic impact of COVID-19.

Citizens have 'right to know'

Yet, the need for trained journalists to gather, deliver and interpret the news – the need for citizens' "right to know" – is more important than ever as we navigate the effects of the coronavirus. I remain a firm believer that local newspapers have an advantage in today's crowded media terrain by being the premier clearinghouse of information in your communities. They deliver the news on a range of platforms from print to digital.

The value of trained journalists in collecting and interpreting information is especially important within the context of local public affairs.

Citizens are increasingly chal-

See PUMARLO Page 10

Send your newspaper's news and staff moves to rgentile@tnpress.com and editor@tnpress.com.

OBITUARIES

Douglas Wade Headrick

Douglas Wade Headrick died on Saturday, March 6, 2021. He was born on March 19, 1953, in Sevierville. He was preceded in death by his mother, Blanche Ramsey; his sister, Cheryl Glenn Ramsey Ownby; and his maternal grandparents, Mattie and Walter Ramsey Sr., who raised him after his mother passed away.

He is survived by the love of his life, Tabitha Rupert of Riceville; their cherished daughter, Brittney Rupert (Monkey); a niece, Cassie Ownby Mullins; great-niece, Beth Lipe; great-great-nephew Levi Lipe; and great-great-niece, Lorelei, all of Morristown; and mother-in-law, Tamsey Sneed White of Athens.

Douglas graduated from Sevier County High School in 1971, and then from East Tennessee State University in 1979, earning degrees in journalism and English. During his years at ETSU, he served on the student newspaper, The East Tennessean, in several positions, including editor-in-chief. Under his direction, the East Tennessean expanded from printing weekly to twice a week. He was awarded the Communications Department's Chanticleer Award for Excellence in Editorial Writing in 1977.

He began his professional journalism career in 1975 working at the Sevier County News-Record (now The Mountain Press), followed by the Johnson City Press, Wakulla (Florida) News and the Bristol Herald-Courier. In 1985, he was named managing editor of The Daily Post-Athenian and then became the paper's editor in 1987. He received several professional recognitions for his writings, including first-place awards from the Tennessee Press Association for editorials and personal columns.

Ina Powell

Mrs. Ina Powell, 75, of Jonesborough, passed away on Feb. 16, 2021. The daughter of Walter & Mary Williams Lafield, Ina was born on July 21, 1945, in New Roads, La.

Ina married the love of her life,

Phil Powell, in 1968. She worked in the advertising department for the Johnson City Press for 17 years. Ina enjoyed time with her pet bird, Jazz, loved visiting the beach, and working on her crafts.



Powell

She is survived by her husband of 52 years, Phil, sons and daughters-in-law, Chip and Kelly Powell of Sumter, SC, and Blake and Jodi Powell of Greeneville, TN; grandchildren, Kierstyn and husband Chase Dunlap, Mikayla Powell, Phillip Powell V, Sophia Powell, and W. Garrett Vincent; great-grandchild, Kaydence Bailey, brothers, Walter Lafield and Ray Lafield, and lots of nieces and nephews.

Ina is preceded in death by her parents, Walter & Mary Lafield, and two brothers, W.L. & Glenn Hawkins.

A celebration of life was to be held at Dillow-Taylor Funeral Home on Wednesday, March 17, 2021.

In lieu of flowers, memorial donations may be made to the Powell family at 121 Laurel View Road, Jonesborough, TN, 37659.

*Johnson City Press
March 15, 2021*

Jason Reynolds

Jason Reynolds, a former award-winning reporter for The Murfreesboro Post who included his spirituality and faith in his daily life, died last Friday. He was 46.

He was being treated at a Murfreesboro hospital for double pneumonia for nearly a week. Reynolds had left the Post last month to become the editor of the Shelbyville Times-Gazette.

Reynolds joined the Post staff in March of 2018. He wrote about many topics in Rutherford County, including city and county government, education and the local business community, insisting that the truth be told about those entities.

He also enjoyed writing feature stories about people in the county, especially veterans, church groups, non-profit organization leaders and pet owners. He had a great desire for everyone's story to be heard and he had a passion for giving a voice to those without a voice.

"I have been a newspaper editor

for many years and it is rare to find a journalist like Jason who combined thoroughness, fairness and compassion in every article he wrote," Murfreesboro Post editor Ivan Aronin said. "He had a great talent to write about many complex issues in a very accurate and understandable way.



Reynolds

"Jason was also a truly kind person with a great heart. He developed a caring spirit through his faith that was reflected in his daily life."

Reynolds had worked fulltime for the Shelbyville newspaper from 2012-2018. He previously worked at the Chattanooga Times Free Press. He received a communications degree from the University of Tennessee at Knoxville and an MBA from Bryan College.

Reynolds demonstrated his religious commitment in many ways. His "Followers of the Cross" blog and podcast series featured interviews with Christian authors, musicians and actors.

He and his wife, Holly, were some of the founding members of Seeds Church in Murfreesboro in September of 2017.

Two years ago, Reynolds wrote a story about how many wings Toots restaurant served in a year. He said the story required some investigative reporting so he ate there at least once, possibly twice, that week. There were no reports about how many wings he ate.

He would use mugs with humorous sayings on them while satisfying his consistent need for coffee.

Reynolds also wrote a series of children's books.

"He had an entrepreneurial spirit and enjoyed starting new things and seeing them grow (like the church)," his wife wrote in an email to the Post.

Reynolds is survived by his wife, Holly, and son, Elijah. He raised chickens in the backyard of his Murfreesboro farm and enjoyed reading, traveling, photography and science fiction.

A funeral was scheduled for Saturday, March 20 at 1 p.m. at Jim Rush Funeral Home in Cleveland, Tenn. (Ocoee location).

*The Murfreesboro Post
March 15, 2021*

TPA MEMBER SHOWCASE II:Lebanon Democrat

Superspeedway awaits 'green light'

ETHAN STEINQUEST
Lebanon Democrat
October 8, 2020

Excitement is building for NASCAR's return to the Nashville Superspeedway on June 20, 2021, and the track's staff is looking to make sure it goes the distance.

Flagging attendance originally saw the track close in 2011, but the area's growth in recent years created a surge in interest. NASCAR hosting last year's Champion's Week in Nashville provided another shot of momentum.

"The community has been really

the track but certainly the grounds as opportunities arise when they don't present a conflict with the work that's going on there."

The speedway is currently planning a thorough renovation and hopes to attract more large-scale events after the NASCAR Cup Series race. Employees have been meeting with county leaders to discuss growing the track into Middle Tennessee's premier motorsports and event venue.

"We are definitely excited about the potential going forward," Wilson County Mayor Randall Hutto said. "We've talked a lot about

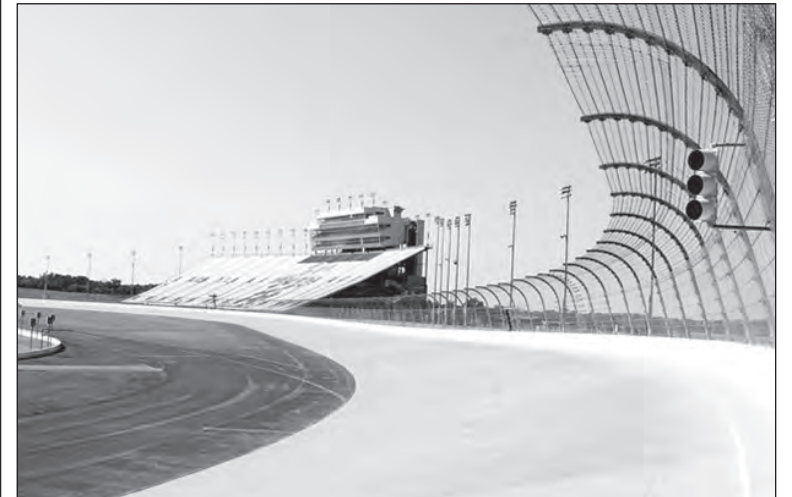


Photo by Ethan Steinquest, Lebanon Democrat

The Nashville Superspeedway plans to reopen for business with a NASCAR Cup Series race on June 20, 2021, and could also play host to community events like drive-in concerts in the future.

supportive of what we're trying to do to reopen the track and make certain that it is here for a very long time," Nashville Superspeedway President Erik Moses said. "We will be looking for opportunities for use of the campus, probably not so much the inside of

what the other 51 weekends mean to them and us, and we're really looking hard at doing something that will make the track a year-round attraction."

Hutto does not expect the track

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Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
February 2021	\$118,321	\$16,736
Year* as of Feb. 28	\$303,527	\$52,366

* The TPS Fiscal Year runs Dec. 1 through Nov. 30

The new administration's assault on management already underway

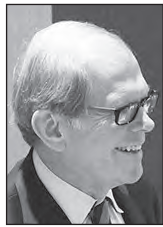
In my last column, I tried to predict what a new Biden Administration would do in terms of a labor agenda. Since writing that article, Joe Biden has been inaugurated as President of the United States. He wasted no time doing the bidding of organized labor.

President Biden fires NLRB General Counsel Robb

Just a few minutes after his noon inauguration on Jan. 20, 2021, President Biden asked NLRB General Counsel Peter Robb to resign. Peter Robb, a lawyer with a management background, was appointed by President Trump for a term due to expire November 20, 2021. General Counsel Robb's term still had ten (10) months to run. When Robb declined to resign, President Biden unceremoniously fired him. In the history of the National Labor Relations Act, an incoming President has never fired the General Counsel of the NLRB prior to the expiration of his term.

The United States Senate confirmed Mr. Robb for his statutory term. President Biden firing him essentially converted him to an Officer who serves at the pleasure of the President. This cannot be what Congress intended when in 1947, as part of the Taft-Hartley Amendments of the National Labor Relations Act, it created the office of General Counsel to be independent of the National Labor Relations Board and to be above politics.

The NLRB General Counsel determines which cases are prosecuted by the NLRB. Obviously, the Biden Administration viewed Peter Robb as an obstacle to immediately pursuing a radical, pro-union agenda.



LEGAL UPDATE

L. MICHAEL ZINSER

Lauren McFerran named chairman of the NLRB

Later that same day, President Biden named Democrat NLRB member Lauren McFerran to be the Chairman of the National Labor Relations Board. In a virtual discussion hosted by Cornell University, Chairman McFerran suggested she would seek to reverse the NLRB's SuperShuttle decision addressing when individuals are independent contractors under the National Labor Relations Act. SuperShuttle had reversed an Obama-era decision which refused to recognize entrepreneurial opportunity as a key factor in the independent contractor test. She also will look to reverse Caesar's Entertainment which ruled that Employers do not have to allow unions to use their email systems for union business purposes.

The NLRB also consists of three Republicans with management backgrounds. They are Member John F. Ring (previously NLRB Chairman), whose term expires on December 16, 2022; Member Marvin E. Kaplan, whose term expires on August 22, 2025; and Member William J. Emanuel, whose term expires on August 27, 2021. One (1) Board member seat is currently vacant. Unless he fires someone else, President Biden will not be able to achieve a Democrat majority on the Board until the expiration of member Emanuel's term on August 27, 2021.

Protecting the Right to Organize Act

On March 9, 2021, the U.S. House of Representatives passed the Protecting the Right to Organize ("PRO") Act by a vote of 225 to 206. AFL-CIO President Richard Trumka called this "a game changer."

The PRO Act would be the most radical and far-reaching Amendment of the National Labor Relations Act since the Taft-Hartley Amendments in 1947. From a Management's perspective, the PRO Act is a transparent attempt to resurrect a dying labor movement that today only represents 6.2% of the private sector workforce. If passed, the PRO Act would do the following:

- **NLRB Quickie Election Rule** - The PRO Act establishes by statute the Quickie Election Rule that was established under the Obama NLRB. President Trump's appointees to the NLRB had modified the Quickie Election Rule to make it more Employer-friendly.

The whole design of the Quickie Election Rule is to deprive Employers of the First Amendment right to communicate to its employees all of the issues involved in being represented by a labor union. The PRO Act also bans Employer captive audience speeches during union election campaigns – another assault on the First Amendment.

The PRO Act permits elections to be held off company premises and use mail or electronic ballots for voting, increasing the potential for voting fraud.

- **Joint Employer Status** - The Act amends the definition of "Employer" making it easy to find joint employer status. The legislation states, "Nothing herein precludes a finding that indirect or reserve control standing alone can be sufficient."

in gaining access to everyday sources during the pandemic. At the same time, they have the tools that others might lack.

Journalists have relationships with government officials and staffs.

Journalists have been trained in the routine. They know how to flesh out information that is not readily volunteered or available. They know who to contact. They know where to look. They know the questions to ask.

Bottom line, journalists are undeterred in their role as your community's collective set of eye and ears. They thrive on delivering the news; it's their full-time job. Readers can rest assured that editors and reporters will continue to present a full menu of news during the ordinary and extraordinary times.

Sunshine Week is a great reminder that energized newspapers are at the foundation of energized communities.

- **Independent Contractor Status** - As predicted in my last column, the PRO Act changes the definition of "employee" and codifies the California Supreme Court's "ABC" Test that an individual is an employee and not an independent contractor unless:

- The individual is free from control and direction in performing a service, both under the contract and in fact:

- The service is performed outside the usual course of the Employer's business and

- The individual is customarily engaged in an independently established trade or occupation of the same nature as the service performed.

This test will make it virtually impossible to achieve independent contractor status.

This new test would render meaningless the current common law Right-to-Control Test and the good caselaw precedent (St. Joseph News-Press case) the newspaper industry enjoys. The goal here is to make it easy for unions to organize independent contractors.

- **Supervisor Status** - The NLRA is amended to provide that in order to be a Supervisor, the individual must spend a majority of the individual's work time on Supervisory-type duties. That is not the current law.

Current caselaw allows one to be considered a Supervisor if the individual has the authority to "assign" or to "responsibly direct" employees. The PRO Act strikes "assign" and to "responsibly direct" them from the National Labor Relations Act factors of Supervisory authority. Recently, there have been many cases where the NLRB ruled that individuals are supervisors if they have the authority "to assign work" or have the authority to "direct employees responsibly."

The PRO Act and unions seek

to restrict the size and scope of management's supervisory team. By limiting the size of the supervisor team, unions limit your First Amendment right to communicate management's message.

- **Permanent Replacement of Strikers and Lockouts** - The PRO Act bans Employer offensive lockouts and bans the permanent replacement of striking employees. Since 1938, under Supreme Court precedent, Employers have had the right to hire permanent replacements of strikers. The PRO Act would end this right. Additionally, the PRO Act allows intermittent strikes by employees; intermittent strikes under current law are illegal acts of sabotage.

- **Mistaken Classification of an Individual as Independent Contractor** - The PRO Act overturns Velox Express. That case held it was not an independent unfair labor practice charge to have classified someone to be an independent contractor if later it was ruled that the individual was actually an employee. Communicating to that individual that you believed he was an independent contractor under Velox Express is not an unfair labor practice. Under the PRO Act it is!

This is another back-door attempt to stifle management's First Amendment rights.

- **Secondary Boycotts** - Currently, the statute and caselaw makes secondary boycotts illegal. The PRO Act repeals Section 8(b)(4) which prohibits secondary boycotts.

In 1959, following a three (3) year investigation into improper

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PUMARLO from Page 8

lenged to keep abreast of actions of a city council, school board, county board, or any of the numerous other local governing bodies. Then they have to decipher what the decisions, singularly and collectively, mean in their personal and business lives.

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Jim Pumarlo writes, speaks and provides training on community newsroom success strategies. He is author of "Journalism Primer: A Guide to Community News Coverage," "Votes and Quotes: A Guide to Outstanding Election Coverage" and "Bad News and Good Judgment: A Guide to Reporting on Sensitive Issues in Small-Town Newspapers." He can be reached at www.pumarlo.com and welcomes comments and questions at jim@pumarlo.com.

HEADRICK from Page 5

person and working with them to get past what made them upset, so they would be laughing and smiling when they walked out the door, their issue resolved.”

“Doug was a unique person that you don’t forget. He had his own way of doing things, but it obviously worked as he had a long and distinguished newspaper career,” current DPA Sports Writer Scott Power added. “He had a funny sense of humor and he cared about his employees. It was a privilege working for him.”

Whaley and Headrick were colleagues nearly 30 years

Headrick also worked closely with former DPA Publisher Rhonda Whaley for some time.

“I worked with Doug Headrick for almost 30 years and have so many fond memories of him. He loved playing the role of the hard-nosed editor barking orders and always demanding more from his staff, all of this coming from a smoke-filled office,” she said. “His loud voice and constant pacing could be very intimidating, especially to a young girl fresh out of college entering her first job in the newspaper industry. But I quickly learned there was another side to Doug.”

A mutual interest in animals helped the two form a bond, Whaley noted.

“Our shared love of animals made us fast friends and we would often sit in his office and share stories about the adventures of our cats. We also talked a lot about life and our newspaper family,” Whaley said. “He cared deeply for his staff and, although he was always pushing them to do more and to do

it better, he always had their backs whenever a reader or management had a complaint, then he became their strongest supporter. I’m not sure many of his staff ever realized the depth of his loyalty to them, but the rest of us on the management team certainly did.”

Former DPA employee Anthony Dake recalled Headrick opening the door to a career for him.

“Doug Headrick hired me in 2006,” Dake said. “Back then, I was a shaggy-haired kid working at a grocery store. It’s funny, Doug had nicknames for a lot of us and that hair style was what led to mine. It wasn’t long before I became known around the office as ‘Shaggy,’ or ‘Shag.’ Being inexperienced starting in the newspaper business wasn’t easy. However, with Doug, Managing Editor Richard Edwards and Sports Editor Jack Slayton, finding wisdom and guidance came easy.”

Dake added that guidance was important to him as he truly began his career.

“There were also plenty of stories to be told, even if some came around every year. We always listened like it was the first time,” Dake noted. “Doug took a chance hiring me and, little did I know at that time, but that job would be my first ‘career’ job. I’m not sure where I would be today had Doug not taken a chance on that shaggy 21-year-old. I probably never thanked him for what he did, but I’m sure he knew. It was hard to pull one over on Doug Headrick.”

Dake wasn’t the only one that the experienced newsroom of Headrick, Slayton and Edwards made an impact on.

“Working at The Daily Post-Athenian was one of the best experiences of my life, and Doug Headrick was one of the best teachers you could ask for,

both in the newspaper craft and life,” former DPA employee David Stone said. “I learned about leads, transitions, headlines, layout and interviewing, but also accountability. Doug told me, ‘You can’t hold anyone to a higher standard as a journalist if you don’t first hold yourself to a higher standard.’ That was a powerful message for me. When I worked there, it was an interesting time. There were some larger-than-life personalities, with the legendary J. Neal Ensminger, Jack Slayton, Richard Edwards and Doug. All those guys are gone now. This really is an end to an era.”

Former DPA publisher Ralph Baldwin, praised Headrick’s personal and professional tendencies. “Doug Headrick was the best editor I had the privilege of working with in my 50 years in the newspaper business,” Baldwin said. “Doug and I worked together from 1988 to 2008 when I was publisher of The Daily Post-Athenian. He was tough, but fair. Doug cared deeply about the community. He had a soft spot for those that were struggling, and cats.”

Baldwin also emphasized the strength of the editorial staff during much of Headrick’s tenure.

“Doug was leading a superb editorial staff when I began my tenure at The DPA. Richard Edwards and Jack Slayton were key members of that team. We lost Richard and Jack some years ago and now Doug. They were much more than colleagues. They were friends. I miss them.”

As the editor, Headrick was also responsible for much of the story selection and page layout of each edition, as well as ensuring members of his staff turned their stories in by deadline. “Doug was the best mentor. I will always remember him roaming the

newsroom and saying ‘What do you have for me? Deadline is in 10 minutes. What do you have?’” recalled former DPA employee Rosemary Collins Dworak.

‘You always knew where you stood with Doug’

“Doug was the epitome of a newspaper editor, and I greatly value the time I spent working for him,” current DPA Editor Dewey Morgan added. “You always knew where you stood with Doug, and he was always willing to work with his staff as we tracked down leads and pitched story ideas to him. He was an unforgettable personality and I, like all of us, will miss him greatly.”

The process of getting a newspaper to press can sometimes be a chaotic event and Headrick’s presence during that time was remembered fondly as well.

“When Doug came to The DPA, I had only been a reporter for a few months,” former DPA employee David Hill said. “As the deadline each day approached, I can still see Doug’s face turning red, his hands in his pockets rattling his keys and pacing quickly around the office. As the deadline passed, he would return to a much slower gait. He was a true friend with a rare talent and someone I will greatly miss.”

“I worked with Doug for 30 years at The Daily Post-Athenian and considered him a great friend,” added current DPA composing specialist Doris Sylvester. “He was a great guy and a dedicated editor of the newspaper. He took his job seriously and always wanted to be fair and accurate in all aspects of any story.

“I’ll never forget how Doug would pace in front of mine and Kim Thompson’s desk if the pages were

not back to the press by deadline. He always wanted that press to start on time each day so the carriers could get it delivered as early as possible. I sure have missed him and his dedication since he has been gone from the newspaper.”

David Stone also reminisced on Headrick’s mannerisms as the paper was developed and headed to the printer.

‘Hands in his pockets rattling keys and coins’

“Doug was an interesting character. On deadline, he was a short-tempered curmudgeon,” Stone noted. “He would stand behind you with his hands in his pockets rattling keys and coins, grunting, ‘You got that story done yet?’ Off deadline, he was relaxed and funny – but he always had a ‘project’ for staff members who didn’t have stories for the next day. If you missed a deadline or botched a story, he would make you feel like dirt, but he would fiercely defend anyone in the newsroom if they were wrongly attacked.”

Headrick’s assistance to those around him spanned both the newsroom and outside of it, as well.

“We spend a tremendous amount of time with our coworkers. They touch our lives every day. We work together, laugh together, complain to one another, experience successes and failures together, have good days together, and bad days together. Many times we consider our co-workers friends, sometimes we consider them family,” former DPA employee Tom Cogdell said. “This best describes my relationship with Doug for more than 25 years as friends and coworkers. Doug was also my personal editor anytime I was writing a letter or anything important. Doug, you will be greatly missed.”

NASCAR from Page 9

to compete with the Farm Bureau Exposition Center or the James E. Ward Agricultural Center because of each venue’s unique features.

“We’ve been in contact with some people about doing COVID-safe activities at the track, like drive-through events,” he said. “Maybe some concerts and other large-scale events that need a lot of open space to spread out in.”

Whatever the speedway decides to bring in, NASCAR will remain a primary focus. No. 41 Ford

Mustang driver Cole Custer, a top NASCAR rookie in 2020, is particularly excited to compete on the track for the first time.

“I think it’s such a cool stadium, and Nashville’s country music atmosphere really fits in with NASCAR,” he said. “And I think the track is really unique from a lot of tracks we go to. It’s also been a test track we used to go to a lot, and I’ve been there a couple of times.”

Custer test drove the Speedway roughly five years ago and grew up watching its events on TV. He said each driver’s ability to get a

feel for the track is going to be key, especially with COVID-19 preventing practices.

“I think for us, it’s just building on everything we’ve done this year,” he said. “Every single track is different, but you kind of start to see trends . . . as a rookie you don’t get to work through all those things so it’s a little bit tougher, but I think we just have to try and use our notes as best we can from track to track. But it’s definitely been the most different year we’ve ever had in NASCAR.”

The race is also expected to

create new job opportunities in Wilson County as NASCAR fans fill the stadium next year.

“I’ve heard numbers anywhere from 25 to 35 staff,” Carl Danoff, the Speedway’s manager of marketing and communications, said. “We’ve still got a long ways to go, and right now it’s about getting started, assessing everything and figuring out exactly what we want to do.”

Moses said the track has the potential to bring significant tourism dollars into the county alongside those jobs.

“Any of those folks who are certainly coming from outside Middle Tennessee into Wilson County and the surrounding areas, and staying in hotels, eating in restaurants, coming to the track, they’re spending money,” he said. “Those dollars are incremental dollars into our economy and those are going to be helpful to the work we need to do to continue to support this community at large.”

Danoff expects Wilson County to feel that impact quickly once the speedway brings “the spirit of NASCAR” into the area.

Social media abuse costing journalists their own credibility

Of all the threats to the credibility of American journalists today, and there are many, the most damaging may be the result of a purely self-inflicted wound.

The misuse of social media by reporters and editors — particularly on Twitter and Facebook — has made it easy for critics of the media to find fodder to back up claims that journalists are inherently biased.

In many cases, reporters have forgotten or openly flout guidelines drilled into us by professors and mentors to avoid even a hint of bias. Those include: Keeping our opinions to ourselves; refraining from commenting on the news; maintaining a clear separation between news and editorials; letting the published work speak for itself; and allowing people to make up their own minds about issues we cover.

These days, it's easy to find public posts on Twitter or Facebook where a reporter or editor opines either subtly or overtly on issues they cover or topics in the news. They do this for several reasons,



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none of which outweighs the damage they are doing to their own credibility and the public's trust in the media.

It may be to develop a larger audience; they may feel smarter than others; they may try to impress their peers or like-minded readers with their supposed wit; they may even be encouraged by their employers to develop an online "personality."

The level of commentary and unprofessionalism unveiled by journalists on social media has reached epidemic proportions. Journalists tweet or retweet items with swear words; they argue with commenters; they try to be cute or funny or cynical or snarky in text they publish with their

posts; they make petty complaints about access to officials or perceived barriers to doing their jobs.

Some reporters share the work of colleagues or competitors and fawn over one another's work or add a sense of communal commentary. Some reporters can't resist pointing out the supposed hypocrisy of public officials without any real reporting to back it up. Reporters tell jokes or make insider comments about the news or newsmakers.

Readers are more sophisticated in how they access and process news these days, and they see these behaviors for what they are: not news, but opinion. Readers are keen to bylines and know how to find reporters on social media to assess if a journalist is credible or biased. Many media members have made it easy for readers and viewers to classify them or their entire organization as biased. Often, it is simply the impression of bias that is very destructive.

Here are some basic tips to avoid giving away your credibility by misuse of social media:

— **Post only your work.** Don't try to be clever, funny or cynical in the text associated with a post; limit posts to a link to the published piece.

— **Retweeting and post-sharing are perilous.** The caveat many journalists use, "Retweets are not endorsements," or similar language, means nothing to a news consumer trying to evaluate the credibility of a journalist. Retweets are endorsements, no matter what we say.

— **Don't try to be funny.** What is humorous is in the eye of the consumer, and may not translate well in print. Plus, journalists aren't that funny or witty in most cases, so just can the comedy.

— **Don't share colleagues' stories.** By sharing and implicitly endorsing one another's work, journalists are creating a sense of a clique or a pack mentality that many consumers already feel is driving media coverage in one direction or another on complex or controversial issues.

— **Keep personal posts professional.** I may be a social-media

Scrooge here, but revealing too much of your real life or real self on social media opens the door for readers to draw conclusions about your personal views or positions.

— **Stop airing grievances.** It's long understood that news consumers don't care about barriers to getting information or about questions you wanted to ask or did ask and didn't get answered. They just want results; they just want the news.

— **Manage your manager.** If your employer pushes you to create a defined social media personality, don't complain. Instead, just create a personality based on professionalism and impartiality.

— **Employ a simple test.** If you wouldn't say something in your article or broadcast, if something would feel out of place or inappropriate in your published material, then it is not right for social media either. Leave it out.

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ZINSER from Page 10

er activities by labor and many hearings, debates, and negotiations, Congress passed (303 to 125 in the House and 95 to 2 in the Senate) legislation that placed restrictions on economically damaging secondary boycotts. The 1959 law strengthened existing restrictions on this type of activity. It was enacted in 1947 as part of the Taft-Hartley Amendments. The PRO Act would wipe out the restrictions Congress passed in 1947 and 1959 without so much as a hearing on secondary boycotts and why they have been unlawful for over seventy (70) years.

• **Compulsory Interest Arbitration in First-Time Contracts** - The PRO Act requires the parties to bargain collectively for ninety (90) days. If no agreement is reached at the end of ninety (90) days, the parties are required to submit the unresolved issues to an arbitrator who then writes the terms of a two (2)-year agreement. This is called interest arbitration. Under current law, unions are not allowed to insist upon interest arbitration. It is considered a permissive, non-man-

datory subject of bargaining. The PRO Act changes that.

Under the PRO Act, interest arbitrators are to consider the Employer's financial status, size and type of business, employees' cost of living, employees' ability "to sustain themselves, their families, and their dependents" on Employer wages, and the wages and benefits of other Employers in the same business. This is insane! An employee's lifestyle and debt level, rather than the free market, are determiners of wages, hours, and working conditions.

• **Withdrawal of Recognition** - Under current law, if an Employer obtains actual certain knowledge that the union has lost majority support, the Employer can write a letter withdrawing recognition. The PRO Act makes that unlawful, prohibiting Employer withdrawal of recognition absent a decertification election.

• **Limitation on Employer Economic Bargaining Weapon** - Under current law, Employers are permitted to unilaterally impose the terms of the last offer if the parties have reached a bona fide impasse in negotiations. The PRO Act makes that unlawful. The right to unilat-

erally implement a final offer upon impasse is a long-recognized Employer weapon in bargaining. The PRO Act takes that away. This tilts the balance of bargaining power in favor of unions.

• **Employer Email Systems** - The PRO Act overrules current caselaw which says that an Employer has the right to prohibit employees and the union from using its email system for union business. The PRO Act reverses that and allows employees to use Employer email systems for all protected Section 7 activities "absent a compelling business rationale." This demonstrates a lack of respect for private property rights.

• **Unfair Labor Practice Changes** - The PRO Act enhances remedies for unlawful discharges providing for gross backpay (no mitigation required), front pay, consequential damages, and liquidated damages equal to two (2) times the damages awarded. Additionally, damages may be awarded to illegal aliens, reversing a U.S. Supreme Court case holding otherwise.

Board orders are now self-enforcing; under current caselaw, they are not. The Board may seek a civil

penalty of up to \$10,000.00 per day for failure to obey its order.

The law provides for civil penalties of up to \$50,000.00 for each unfair labor practice charge in addition to damages, and double that amount up to \$100,000.00 for unlawful discharge or other serious economic harm to an employee if the Employer has committed similar violations within the preceding five (5) years.

The Act also imposes personal liability on Employer Officers or Directors if they committed the violation, established the policy that led to a violation, or had actual or constructive knowledge and the authority to prevent the violation and failed to prevent it.

Finally, the PRO Act creates a new, private right of action for unfair labor practice charges in Federal District Court where the NLRB dismisses a charge or fails to decide within sixty (60) days. The law allows for the award of liquidated and punitive damages and attorney's fees.

• **Right-to-Work Laws** - The PRO Act would effectively eliminate the right of a state to enact a Right-to-Work law. Currently, twenty-seven

(27) states have Right-to-Work laws. A Right-to-Work law makes it unlawful for a union to even propose language that employees must join and pay dues to the union as a condition of employment. The PRO Act would permit contract terms requiring all employees to pay to the union fees for the cost of representation, collective bargaining, contract enforcement and related expenditures.

According to a Gallup poll, 80% of Americans favor right-to-work laws. It is estimated there are 938,000 private sector employees who are represented by unions but chose not to be members. Only 6.2% of the private sector work force is represented by unions. It is a shame that unions' solution to low membership is not to offer better services at a lower price, but to seek legislation that allows unions to force employers to fire employees if the employees do not join and/or pay money to the union.

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