

Senza Sordino

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52 to 52

Friday, September 14, 1990

When the members of the Philadelphia Orchestra met to discuss management's "final offer" for a new contract, feelings for and against the offer seemed rather evenly divided. No one realized just how evenly.

Monday, September 17, 1990

1:00 P.M. Voting took place at the offices of Local 77. The votes were counted and re-counted. For the first time in the orchestra's history, the result was a tie: 52-52. The members' committee was not sure how to proceed. They consulted union officials and checked the union bylaws, but found nothing about what to do in the event of a tie vote. It was finally concluded that a simple majority of the votes cast was necessary to ratify the contract. Thus, the contract was not accepted, and the orchestra was on strike.

6:30 P.M. The orchestra committee met with management and was told that management was not prepared to make any changes in the contract offer.

7:30 P.M. A meeting of the entire orchestra was called to order by the committee and attorney Leonard Leibowitz. The situation was discussed for three hours. There was still some confusion, but one fact remained clear: the contract had not been ratified.

10:30 P.M. Strike committees met to plan strategy, and the press was informed that pickets would be in place at the Academy of Music the following morning.

11:00 P.M. The committee informed management that concessions would have to be made to avoid a work stoppage.

Midnight. Management made two changes in the contract

offer. Deductibles in Blue Cross and Blue Shield coverage would be lowered from \$250 to \$200 per individual and from \$500 to \$400 per family. Major Medical deductibles would be similarly reduced. The stop loss limit would also be lowered from \$2500 to \$2000 per person and \$5000 to \$4000 per family. Pension benefits would be raised from \$860 to \$900 a month per year of service (after 35 years).

Tuesday, September 18, 1990

1:00 A.M. The orchestra's "phone tree" was activated to notify all members that there would be a meeting at 9:00 A.M.

9:00 A.M. Orchestra members gathered as the press waited outside. The first rehearsal of the season was scheduled to begin at 10:30, and Music Director Riccardo Muti and soloist Yo-Yo Ma waited anxiously.

11:30 A.M. After much soul-searching and discussion, the meeting ended and the orchestra members walked to the offices of Local 77 to vote, dodging reporters and television cameras.

12:30 P.M. The result of the vote was announced. The contract was ratified, 58-48.

1:30 P.M. The first rehearsal of the season began.

8:30 P.M. The opening concert was a gala affair with formal dinner parties before and dancing after. The volunteer committees for the Philadelphia Orchestra had worked for months to make the season's opening a festive occasion, and had spent many anxious hours awaiting the outcome of the negotiations. That evening, champagne flowed as the 1990-91 season opened on schedule.

Julia Grayson, Philadelphia Orchestra ICSOM Delegate

Florida Symphony Tribute to Bernstein

Throughout four weeks of work stoppage, the musicians of the Florida Symphony Orchestra had been remarkably resilient when faced with unavoidable financial hardships, the lack of any reasonable offer from management, cancellation of health insurance, attempts by management to circumvent the negotiating committee, and threats by the board to cancel the season. But what the musicians truly missed was the opportunity to do what they do best — bring good music to the community.

The recent death of Leonard Bernstein, a man whose creative ideas so profoundly affected our musical lives, left everyone with a personal sense of loss. This, coupled with the FSO musicians' desire to perform for our community, led to "A Tribute To Leonard Bernstein," the Florida Symphony Orchestra Musicians benefit concert on November 25, 1990. The program

consisted of music from "On the Town," Serenade for Violin, String Orchestra, Harp and Percussion (1946), Divertimento for Orchestra, and Symphonic Dances from "West Side Story." A tremendous boost was given to us by Glenn Dicterow, concertmaster of the New York Philharmonic, who graciously agreed to donate his services for the Serenade. Maestro John Covelli, of Binghamton and Palm Beach, agreed to give up a precious Thanksgiving weekend at home in order to join us.

The concert was a rousing success and received a standing ovation. It was wonderful to pay homage to Leonard Bernstein and to play fine music for an appreciative audience once again.

Jerry Weiss, Florida Symphony Alternate ICSOM Delegate

Union Services to ICSOM Orchestras

by Brad Buckley,
ICSOM Chairperson

* Notes

Orchestra	Work Dues		Lawyer	Strike Fund	Conf Exp	ICSOM Dues	Comm Exp	Shop Stwr
	%	\$ Amt x 1000						
Alabama	4 *	48.8	YES	YES	YES	YES	YES	#
Atlanta	3 *	134	YES	YES	YES	NO	P	P
Baltimore	2.5	113.6	YES	YES	YES	NO	NO	YES
Boston	1	60	YES	NO	YES	YES	YES	YES *
Buffalo	1	26	YES *	NO	NO	NO	NO	#
Chicago Lyric	3	61.2	YES	NO	YES	NO	NO	UNPD
Chicago	3	180	YES	NO	YES	NO	NO	UNPD
Cincinnati	2.75	132	YES	YES	YES	NO	NO	#
Cleveland	2*	114.1	P *	NO	YES	NO	NO	#
Columbus	2	47	YES	YES	YES	NO	NO	#
Colorado	3	22.7	YES	NO	YES	NO	NO	YES
Dallas	1.5	63.2	P *	NO	YES	NO	NO	#
Detroit	3	151.6	YES	YES	YES	YES	YES	YES
Florida Orch	3 *	31.1	YES	#	YES	YES	YES	YES
Florida Sym	1.75	21.2	YES	NO	YES	NO	N/A	YES
Grant Park	3	16.1	YES	#	YES	NO	N/A	UNPD
Honolulu	4.50	57.2	YES	NO	YES	YES	YES	YES
Houston	2.25	79.1	YES	NO	YES	NO	NO	#
Indianapolis	2.5	75	YES	NO	YES	YES	P	#
Kennedy Center	2	29.9	YES	#	YES	NO	N/A	#
Los Angeles	2.75	148	YES	NO	YES	NO	N/A	#
Louisville	2.5	40.2	NO	NO	YES	NO	NO	YES
Met Opera	3	270	P *	YES *	YES	NO	YES	#
Milwaukee	1	34	P	NO	P	NO	YES *	YES
Minnesota	2.5	138.9	YES	YES	YES	YES	YES	#
N. Carolina	1	19.4	YES	NO	P	NO	NO	UNPD
National	2	106.4	YES	NO	YES	NO	NO	#
New Jersey	2	34	YES *	NO	YES	NO	NO	UNPD
New Orleans	2.5	31.9	YES	NO	YES	NO	NO	#
NY Phil	3	157	YES	YES *	YES	NO	YES	UNPD
NYC Ballet	3	77.4	P *	YES *	YES	NO	YES	#
NYC Opera	3	62.5	P *	YES *	YES	NO	YES	#
Oregon	3 *	53.1	YES	NO	YES	YES	P	#
Philadelphia	2.5	213.6	YES	YES	YES	NO	P	#
Phil Orch Fla *	3	48	YES	#	YES	NO	YES	YES
Phoenix	3	22.5	YES	NO	YES	NO	P	YES
Pittsburgh	2.5	131.3	YES	NO	YES	NO	NO	UNPD
Rochester	1	21	P	NO	YES	NO	P	#
San Antonio	1.5 *	25	YES	NO	YES	NO	YES	YES
San Diego	3	52.5	YES	NO	YES	NO	N/A	YES
SF Ballet	1.5	15.6	YES	#	YES	NO	YES	YES
SF Opera	1.5	43.1	YES	YES	YES	NO	YES	YES
SF Symphony	1.5	108.9	YES	YES	YES	NO	YES	YES
St. Louis	3	152.1	YES	NO	YES	NO	NO	#
St. Paul	2.5	38	YES	YES	YES	YES	YES	#
Syracuse	1	16.5	YES	NO	YES	NO	NO	#
Utah	2.5	55.6	YES	NO	YES	NO	NO	YES

Alabama: Work dues are 85% of 4%; Local 256-733 remits \$20 per player to the committee fund.
Atlanta: Orchestra pays 4% work dues on national media work.
Boston: Local 9-535 pays committee members \$1000 each.
Buffalo: Orchestra was placed in the Orchestra Service Program (OSP) after this chart was compiled.
Cleveland: Work dues are 3% for other local engagements; Local 4 pays 50% of lawyer's fee.
Dallas: Local 147 pays \$5000 toward the orchestra's choice of attorney.
Florida Orchestra: Is in the OSP.
Met Opera, NYC Ballet, NYC Opera, NY Philharmonic: Local 802 provides a local strike fund with a benefit of \$125 a week; however, the Local does not pay the AFM strike fund assessment for the Met, NYC Ballet, NYC Opera, or NY Philharmonic. Local 802 will pay \$4000 toward the cost of an attorney if an orchestra does not want to use the local's attorney during negotiations.
Milwaukee: Local 8 pays \$500 a year to committee fund.
New Jersey: Local 16 paid \$15,000 and the Federation paid \$5,000 for the orchestra's negotiating attorney.
Oregon: Orchestra pays 3% work dues up to \$225, and 2% work dues after that amount.
Phil Orch Florida: Is in the OSP.
San Antonio: Is in the OSP.

YES = Local union pays for the orchestra's choice of negotiating attorney or a particular service

P = Union partially pays

NO = The union does not pay

UNPD = Unpaid union shop steward

= Orchestra not in strike fund and/or does not have a shop steward

Work dues percentages and dollar amounts were taken from the 1989-90 AFM Wage Chart. Other information was provided by ICSOM delegates.

Union Services

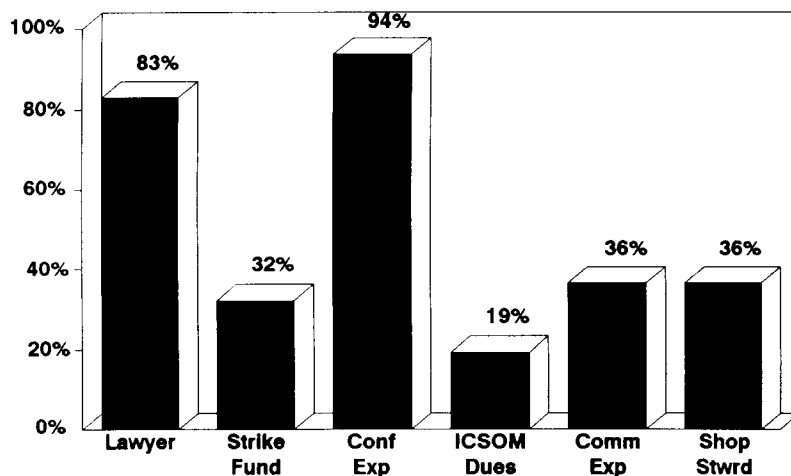
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A Brief Analysis

Boston Local 9-535 provides the most services for the lowest work dues percentage. The Alabama Symphony, the Florida Orchestra (which is in the Orchestra Service Program), and the St. Paul Chamber Orchestra receive the most services for work dues dollars paid.

Buffalo Local 92 provides the least services.

Services Paid by Local Unions



Orchestra Players' Associations

Whose Business Is It?

Whenever money changes hands, business is being done. According to federal, state, and local law, any such business is subject to business regulations and a variety of taxes, depending on the nature of the business and its ownership. This simple fact has motivated several orchestras to explore the subject of formal business organization, non-profit status, and tax-exemption for their players' associations. At the August 1990 conference, ICSOM became formally involved in this exploration.

Just because an orchestra players' association has no formal charter or bylaws does not make it immune to business responsibilities or liabilities. Under normal circumstances, most such associations take in and expend too little money to attract anyone's attention. However, when we go on strike and find ourselves in the news, our benefit concerts receiving wide media coverage and our income and expenses growing, it is likely that some state or federal official will wonder if we are paying taxes on our income and if the money we expend is being properly reported by the recipient. The modern computer revolution, with the help of the required federal Employer Identification Number, has made it easy for governments to keep track of anyone who has a bank account.

The danger of not defining our own business entity now, while relative calm prevails, is that when trouble arises, someone else, such as a government official or the court, will be all too happy to determine for us what kind of business we are. If we are questioned about our compliance on some legal or tax issue, the government will decide what business laws apply to us, hold us to them, and perhaps assess penalties and interest for our past non-compliance. Leaving this determination up to the government is like dying without a will: your money may go where you want it to, but chances are, it won't, and the process will cost a lot.

There are three basic forms of business organization: sole proprietorships, partnerships, and corporations. Most unincorporated associations are treated as general partnerships by

default, meaning that each orchestra member could be held personally liable for all actions of the partnership. Besides this danger to individual musicians, the lack of formal business organization lends itself to questionable business practices such as inadequate record-keeping, poor financial accounting, and failure to pay taxes, when public ventures such as putting on concerts or selling T-shirts are undertaken. This leads to unreasonable levels of risk and responsibility for our elected committee members, who usually recognize their jeopardy after the fact and only then, if ever, seek professional legal and financial advice. Unorganized orchestra players' associations are also unable to take advantage of the benefits to which they may be entitled as recognized non-profit, tax-exempt organizations. These benefits include exemption from federal and state income taxes and usually from state excise (sales) taxes; non-profit discounts, notably in bulk mail postal rates, in rental rates for some municipal auditoriums, and in the cost of some goods and services; and, most important, for those qualifying for exemption under section 501(c)(3), access to charitable foundation funding and tax-deductible contributions. Many of the normal activities of our players' associations fall within the parameters of non-profit, tax-exempt organizations, and recognition as such could make our job of serving the community and our common interest much safer, easier, and more financially fruitful.

A major difficulty is that there is very little precedent in the public record for associations such as ours. A further complication is that not all orchestra players' associations have exactly the same goals and purposes; some associations prefer to serve only their own members, while others want to pursue a broader public service mission. This difference, which may seem minor to us, is critical to the IRS in determining which Section of Internal Revenue Code would be most appropriate, and therefore, which benefits and restrictions would apply.

A future article in *Senza* will report research currently being done in ICSOM orchestras and will describe more advantages and disadvantages of tax-exempt status.

Marsha Schweitzer, Treasurer, Honolulu Symphony Musicians

Music to Your Ears, But Not to Your Eyes

An agreement reached during negotiations for the 1988-1991 Chicago Symphony Orchestra contract called for a committee of managers, players, and librarians to explore ways of dealing with music which contains errors, is poorly marked, is illegible or difficult to read, or is in some other condition that causes problems to musicians during performance. Such music, and the artistic and financial headaches it creates for players,

conductors, librarians, and managers, have been a recurring problem for the CSO.

The committee articulated an ideal goal: No unacceptable music should be issued for rehearsals and performances. The committee agreed that many constituencies—players, librarians, managers, publishers, composers, soloists, copyists, conductors—bear responsibility and must work to meet the goal.

An Ongoing Dilemma...

In 1982, with the support of ICSOM, CSO percussionist Gordon Peters sent publishers extensive notes on problems and suggested remedies. Publishers were generally unresponsive, unsympathetic, or patronizing.

As the CSO ICSOM delegate, this writer surveyed 47 ICSOM orchestras in March 1989 to find out what they do about music in poor condition; 28 responded.

Although most orchestras have at least occasional problems with condition of music, almost none has contract provisions or established procedures which address this issue, and the few that do find them unenforceable or ineffective in practice. In virtually every orchestra, the library was the first line of defense, sometimes supplemented by the conductor, principals, or a special music review committee. Rejection of unacceptable music rarely went beyond the librarians working with publishers to secure a better set of parts or negotiating a reduction in fees commensurate with local expenses incurred in fixing music. Instances of cancellation of works or changes in program have been rare and isolated. No orchestra had the right to refuse to play; only a few orchestras had ever taken this action, and then only in extreme circumstances.

Management-player action against publishers was restricted to letters of protest. The publishers which offended most often were Presser and Kalmus. Half the respondents to the survey said their orchestra library was adequately staffed. Few orchestras followed any formal guidelines for marking music.

Delegates and librarians noted that rental companies are unresponsive or very defensive about complaints and expect librarians to fix the problems. An effective boycott cannot be accomplished by only one or two orchestras; all major orchestras, or perhaps a coalition of orchestras, managers, librarians, and conductors would have to participate. However, such a boycott would have negative repercussions: animosity rather than cooperation would develop, and publishers, who have a monopoly on copyrighted music, would raise rental costs. Right now, orchestras have no recourse but to accept publishers' terms and to try to make publishers more aware of orchestra needs.

The best practical remedy seems to be a well-staffed and well-equipped library which can make the best of the materials it receives. In fact, one orchestra contractually puts the burden on the library to provide acceptable parts; another puts the burden on management, which presumably relies in turn on the librarians. As one delegate said, "The library has rejected music, but most of the time it works to make it acceptable, including making enlarged copies. They don't put anything on the stands that's unacceptable."

Tom Hall

Some suggestions for action were not possible or practical:

- Musician refusal to perform from printed music in poor condition is proscribed by the no-strike-no-lockout provision of the orchestra's contract. To our knowledge, no orchestra has negotiated the right to refuse to perform.
- Aggressive action against offending publishers and rental agencies is made difficult by the monopoly these institutions hold on copyrighted music. Orchestras are at their mercy.
- A special music-review committee was not established in

At right: Portion of a first violin part showing crowded, hand-written manuscript; torn and taped paper; discoloration and low contrast; copious pencil markings; and an awkward page turn. Fortunately, the publisher left a blank line which musicians used to write in what comes next. Although this edition is still used by many orchestras, numerous mistakes have been corrected by the publisher in a more accurate and legible subsequent edition.
— Ed.

Chicago because the librarians already serve this function, in consultation with CSO players.

The committee's recommendations are specific to the Chicago Symphony, but obviously have some general application to all orchestras:

- The library should continue to review music and anticipate problems, working with each publishing house to secure better parts, purchasing new parts, and improving available music through correcting, erasing, marking, copying, and enlarging until parts are acceptable.
- Librarians, backed by management authority, should continue to seek adjustment of rental fees from publishers who provide inadequate parts.
- The library should be properly staffed and equipped.
- The library should post notices to alert players about any anticipated problems with parts for upcoming services.
- Musicians should mark parts minimally, in pencil only, in standardized ways.
- String principals and librarians should develop more effective procedures for marking bowings.
- Management should develop and enforce condition-of-music provisions in contracts with guest conductors and composers of commissioned works.
- The composer in residence should stress to fellow composers

and to publishers the importance of providing accurate and legible copy.

- The library should attempt to secure pops music well in advance of concerts. When printed music of pops conductors and soloists is unacceptable, management should contact these performers and their managers in an effort to ensure improvement.

Musicians, managers, librarians, and other members of the music community should unite to call attention to this problem and to strongly express dissatisfaction with music that is in unacceptable condition.

To the extent that publishers and rental agencies continue to provide inadequate music, that musicians mark parts profusely and carelessly, that librarians cannot check all parts for accuracy, that composers and conductors take no care to see that music is properly prepared for rehearsal and performance, and that managers are unsympathetic or aloof to these problems, unacceptable music will continue to show up on music stands. To the extent that these constituencies make a genuine effort to address the problem, the more likely a goal of "no unacceptable music" will be attained.

*Tom Hall, Chicago Symphony ICSOM Delegate
Editor of Senza Sordino, 1982-86*



Back by popular demand!

Artists must be current or retired professional musicians. Topics can be anything orchestra-related.

Entries should be hand-drawn, in black and white, and not previously published.

Winners will receive the complete "The Ring of the Nibelung" published by Dell Comics.

Artists should submit enlarged entries which can be reduced for printing.

Judges will be the ICSOM governing board.

Winning entries to be published in *Senza Sordino*.

Cartoons become the property of *Senza Sordino* unless a self-addressed mailing container is enclosed.

Send entries to Senza editor, postmarked by February 14, 1991

Patti Adams (standing on the dot of the "i") plays piccolo with the New Orleans Symphony.

Noteworthy

- An Audio-Visual Contract agreement was reached and will be sent to orchestras for ratification. ICSOM was represented in these negotiations by chairperson Brad Buckley, president David Angus, and Ira Weller (Met Opera Orchestra). George Cohen, general counsel for AFM, was our chief negotiator.
- The Blue-Ribbon Panel appointed by AFM president Marty Emerson has met numerous times, with Brad Buckley and

- David Angus representing ICSOM. Work continues on restructuring AFM services, dues, and membership categories.
- Both photographs in the October *Senza Sordino* were taken by Mark Schubert, Honolulu Symphony ICSOM delegate.
- Marsha Schweitzer (Honolulu Symphony) has been named an assistant to the editor of *Senza Sordino*.

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