

# Senza Sordino

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## ICSOM Conference 1993: No Picnic in Park City

It was perhaps the first ICSOM Conference blessed with its own on-site metaphor. Right outside the back door of the Resort Center in Park City was an Alpine Slide, a concrete chute down the mountainside which presented the intrepid ICSOM delegate with the choice of a rapid downward slide under some measure of control or losing control and making a mess of sled and rider by the side of the chute. Those delegates from orchestras faced with this year's demand du jour, the 15% concession, felt uncomfortably at home attempting to negotiate the downward slide while remaining in one piece. All that was missing was an Alpine Slide Onlookers League. Perhaps it is a good harbinger for the future that no ICSOM delegate actually wiped out, at least on the Alpine Slide (there were reportedly some close calls at the barbecue restaurant in town).

It was a tribute to the spirit of the delegates and the orchestras they represent, as well as to the ICSOM Governing Board and Conference Coordinator Tom Hall, that the grim news from some of the ICSOM orchestras negotiating or renegotiating this year did not actually set the tone of the conference. Chairman Brad Buckley delivered an address, *ICSOM, The ASOL and Orchestras in Crisis*, describing the role of the American Symphony Orchestra League and the current spate of negative publicity about the orchestra field stemming largely from the ASOL's two most recent reports, the Wolf Report and *Americanizing the American Orchestra*.

Richard Hackman and Erin Lehman of Harvard University presented a paper entitled *Mobility and Leadership in American and European Orchestras*, which summarized a multi-year study comparing American and European orchestras and which came to some fascinating conclusions. Unlike most presentations of research papers in the social sciences, it was also a wonderful performance. Marion Godfrey, of the Pew Charitable Trusts, gave a speech on the view from the funding community, the increasingly active role foundations are taking in making cultural experiences more broadly available, and the dilemmas caused by that new role (*Foundation Trilogy*, page 7). Bill Roehl delivered an inspiring address on orchestra organizing, and Len Leibowitz once again presented his ever-popular workshop on negotiations, this year focusing on "The Role of the Committee in Negotiations."

Elected by acclamation for two-year terms were the incumbent members-at-large: Charles Schlueter (Boston Symphony), James Clute (Minnesota Orchestra), Michael Moore (Atlanta Symphony),

and Stephanie Tretick (Pittsburgh Symphony). Deborah Torch, who had served for eight years as editor of *Senza Sordino*, submitted her resignation in order to pursue projects to follow her first venture into publishing (Richard Norris, M.D. *The Musician's Survival Manual: A Guide to Preventing and Treating Injuries in Instrumentalists*. San Antonio: ICSOM). Chairman Buckley presented her with a plaque honoring her years of service to ICSOM. Robert Levine (Milwaukee Symphony) was elected to fill the remaining year of her term.

The Conference passed resolutions

- denouncing attempts by various managements to pit one orchestra against another, as in Washington D.C. between the Kennedy Center Opera Orchestra and the National Symphony, in Minnesota between the Minnesota Opera Orchestra and The Saint Paul Chamber Orchestra, and in Florida between the Miami City Ballet Orchestra and the Boca Pops Orchestra, and urging the American Federation of Musicians (AFM) and its locals and members to repel any such attempts;
- urging the delegates to the next AFM Convention to recruit and elect women and minorities to the International Executive Board (IEB);
- urging the IEB to direct the AFM Symphonic Services Division (SSD) to create a complete collective bargaining agreement database readable on-line by February 1, 1994;

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**Text by Robert Levine**  
**Photos by David Garrett**

## ICSOM, the ASOL, and Orchestras in Crisis

Address to the Conference by Bradford D. Buckley, ICSOM Chairperson

Most members of ICSOM orchestras have at least some awareness of the existence of the American Symphony Orchestra League (ASOL), but, until the past two years, were not very conscious of its activities. Since 1992, however, the League has vastly increased its public profile with the release of two highly controversial documents, *The Financial Condition of Symphony Orchestras*, which was released during the ASOL Convention of June 1992, and *Americanizing the American Orchestra*, released in June 1993. These two reports, the result of an ASOL project called "The American Orchestra: An Initiative for Change," have received widespread publicity both within the field and in the national media. The reports propose such massive changes in the way American symphony orchestras operate that they demand the full attention of ICSOM, its member orchestras, and the thousands of ICSOM musicians who will be most affected by such changes.

Before I comment on the reports themselves, though, I would like to provide some background on the League and its activities, as well as provide some history regarding ICSOM's non-involvement in the making of the two reports discussed above. The American Symphony Orchestra League describes itself as "founded in 1942 and chartered by Congress in 1962. (It) is the national service organization for symphony orchestras and symphony orchestra personnel – conductors, managers, trustees, musicians, and volunteers." The institutional structure of the League is much like that of professional orchestras, with a volunteer board supervising a paid staff. The League is funded by dues paid by individual and institutional members, including its member orchestras, revenue from its annual convention, grants from the National Endowment for the Arts (NEA), and contributions solicited from individuals, corporations, and foundations. Orchestras with budgets of between \$125,000 and \$4,125,000 pay dues of 0.2% of their total expenses, with a cap of \$4,125. Orchestras with larger budgets pay dues of 0.1% of their total expenses, with a cap of \$16,500. The ASOL received a grant of \$185,000 from the NEA for fiscal year 1994. By comparison, the largest grant made to an orchestra by the NEA that fiscal year was \$243,000.

The League provides a variety of services to symphony orchestras, most of which seem to be directed at administrators and trustees. For example, the League collects and publishes financial statistics on orchestras, but only began sharing this data with orchestra musicians in 1992. The League offers an extensive list of publications relating to volunteers and orchestra staff. One such publication, *The Trustees' Role in Labor Relations*, states that "coping with labor relations in symphony orchestras has been more difficult, more expensive, and more time-consuming than ever before... This

is due in large part to the increasingly prominent role played by the national musicians' union, the American Federation of Musicians." It goes on to state that "what has evolved, then, is the union on a national scale casting its net over a much larger group of orchestras than ever before and pressing its demands more aggressively, in terms both of the breadth of the issues it wants covered by contract and the additional costs it wants the orchestra to absorb. This militancy has taken its financial toll on many orchestras." It then speaks wistfully of the days when "orchestra agreements had frequently been accomplished by a management meeting or two with a committee of the orchestra's musicians and then confirmed with a handshake." This is a document that should be read by all negotiating committees and indeed all orchestra musicians who want to know how the people on the other side of the negotiating table are encouraged to view them and their union.

Another League function is to provide legal advice to orchestras. Recently the law firm retained by the ASOL issued an advisory opinion that orchestra musicians would not be covered by the new federal Family Leave Act, recently passed by the Congress and signed into law by President Clinton, on the grounds that orchestra musicians were not full-time employees under the language of the Act.

One service that many musicians believe that the ASOL **has** provided to the field is the assessment team, known colloquially as the "SWAT Team," which can be brought in to provide expert recommendations to help the boards and staffs of troubled orchestras. This concept actually originated at liaison meetings held between ICSOM and orchestra managers.

Although the League states in its own literature that it provides services to "conductors, managers, trustees, musicians, and volunteers," ICSOM has had trouble identifying the services that the ASOL provides to musicians. However, it certainly would be helpful to musicians and the field as a whole if the League provided the leadership and vision that could enable orchestras to survive and flourish. Let's examine what the League is doing in this regard.

Two years ago the League embarked on a project called "The American Orchestra: An Initiative for Change." This ongoing project is funded by the Andrew W. Mellon Foundation, the Pew Charitable Trust, the Ford Foundation, the Rockefeller Foundation, and the National Endowment for the Arts.

The first phase of this project was a report compiled by the Wolf Organization from financial statistics provided by the League.

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## Crisis

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Entitled *The Financial Condition of Symphony Orchestras*, it purported to demonstrate that American symphony orchestras have financial problems and called for a “new paradigm.” This report was presented at the 1992 League convention, as were responses by Deborah Borda, Managing Director of the New York Philharmonic, John McClaugherty, President of the West Virginia Symphony Orchestra, and Peter Pastreich, Executive Director of the San Francisco Symphony Orchestra. No orchestra musician or organization representing musicians was asked to respond. The League’s release of this report created a storm of negative press about symphony orchestras nationwide, ranging from articles entitled “Here Come a Fleet of Titanics” to cartoons showing a dinosaur skeleton holding a tuba.

The second phase of this project consisted of the League convening so-called “Issue Forums” on “Cultural Diversity,” “The Relationship of Musicians and the Orchestra Institution,” “The Concertgoing Experience,” “The Orchestra as Music Educator,” “The Changing Nature of Volunteerism,” and “Developing Orchestra Leadership.” Noticeably absent was a forum on the competence and education of orchestra staffs. Each of these forums would then submit a report to the ASOL National Task Force Steering Committee, which was charged with the oversight, direction, and preparation of a document encompassing all these reports. In November of 1992, Deborah Borda, Henry Fogel, Executive Director of the Chicago Symphony Orchestra, and Neil Williams, a member of the ASOL Board of Directors, met in Chicago with ROPA President Diane Merrill and ICSOM President Dave Angus, Chairman Emeritus Fred Zenone and Chairman Brad Buckley to discuss how to structure a forum on the relationship of musicians to the orchestra institution. During the course of a five hour meeting we reached agreement on the following points:

- the forum would be jointly convened by ICSOM, ROPA, and the Orchestra Manager Liaison committees;
- a facilitator would be jointly agreed upon;
- a subcommittee would meet in advance to frame issues so that participants would have a working paper in hand with sufficient time to prepare for the forum;
- ICSOM and ROPA would present a list of participants from their membership, the managers and League would come up with a list of manager and board member attendees, and we would jointly agree on other participants;

- the report of this Issue Forum, unlike the other Issue Forum reports, would **not** be rewritten by the League National Task Force Steering Committee;
- funding would not be provided by the League.

Around the end of February I received a copy of a letter from Neil Williams dated January 20 (the original letter had apparently been lost in the mail). In this letter, Mr. Williams informed me that the League had a schedule to meet, and, as alternate funding could not be arranged in time to meet that schedule, the League intended to convene an issue forum on the relationship of musicians to the orchestra institution on March 28-29. He further stated that he welcomed my personal participation as well as my suggestions for other participants. I replied that ICSOM would be unable to participate, as the schedule did not leave time to frame issues and make written materials available in advance to the participants. I also reiterated ICSOM’s position that suspicion of the League would cause many orchestra musicians to question the credibility of any conclusions reached by a project funded by the League. Subsequent events have confirmed the validity of our concerns and the wisdom of our decision not to participate in the Issue Forum.

The ASOL National Task Force released a document entitled *Americanizing the American Orchestra* in time for the 1993 ASOL convention. The document states that “the seven chapters of this report reflect the deliberations of 156 people who participated as members of the National Task Force for The American Orchestra: An Initiative for Change.” Since ICSOM was not represented at any of the issue forums, I cannot comment on the accuracy of this statement, although musicians who were present proposed many corrections to the draft documents, only some of which were incorporated into the final version. I can comment on the accuracy of statements like the one made on page three of the report, which states that “while flourishing throughout 150 years of dramatic change in the United States, American orchestras have remained close to their European roots, and held fast to the missions and organizational structures shaped by their founders.” This is an astonishing statement when one considers that American orchestras have not always flourished, that our organizational structure has changed substantially in the last few decades, and that the governance, operations, and funding of American orchestras have always been radically different from European orchestras.

As the next phase of “The American Orchestra: An Initiative for Change” project, the League is proposing to secure funding to

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## Bruce Wade Remembered

Bruce LaRue Wade, a violinist with the Baltimore Symphony Orchestra, died May 4, 1993, from complications due to AIDS. Bruce played his last concerts with the orchestra in December of 1992. Bruce had also performed with two other ICSOM orchestras. He played professionally with the Grant Park Symphony for nine summers and with the Milwaukee Symphony Orchestra during the 1972-73 season. In the summer of 1973 he auditioned successfully for the Baltimore Symphony Orchestra, where he completed his twentieth season this year.

Bruce began studying the violin with Marilyn Garner, who retired recently from the Seattle Symphony. He also studied with Harry Nordstrom, formerly with the Minnesota Orchestra, David Moll of the Chicago Symphony Orchestra, and Samuel Thaviu, former concertmaster of the Pittsburgh Symphony Orchestra.

For almost two decades, Bruce gave generously of his time to assist with all BSO auditions. He was the person who helped the candidates while on stage, sincerely trying to make them feel both welcomed and as comfortable as possible.

Bruce had an enormous knowledge of recordings and a vast knowledge of the orchestral repertoire. His passion for music was limitless. He was a constant inspiration to us all. He was totally dedicated to his craft, and always gave 100% during concerts, both physically and emotionally. During his last weeks, friends kept a radio turned on by his bedside so that he could continue to listen to music until the very end.

David Zinman, Music Director of the BSO, said of Bruce, "music and the orchestra were his whole life. His death is an irreplaceable loss to the orchestra." Craig Richmond, a violinist with the BSO, said that Bruce was "the total orchestral violinist. Bruce lived, ate, and drank music. He could never get enough." Violist Jeffrey Stewart spoke for the entire BSO organization when he said "the orchestra was Bruce's family, and we all loved him."

Both as a piccoloist fortunate to play next to Bruce, and as a person lucky enough to call Bruce my dear friend, I shall always miss him.

Laurie Sokoloff  
Baltimore Symphony

## Crisis

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implement the highly experimental and systemic changes recommended in *Americanizing the American Orchestra*. This is disturbing not only because ICSOM, as well as many influential critics of the arts in America, find the recommended changes to be profoundly wrong-headed, but because the ASOL, for the first time, is now putting itself forward as a conduit for funding our orchestras. What does the League bring to the party?

The League brings leadership and vision that has provided the field with a service organization that:

- cannot interpret the data it collects;
- requires substantial payments from our institutions while raising funds from the same sources in competition with our institutions;
- demonstrates an amazing lack of understanding about the concerns of performing artists;
- has started a project which is supposed to address critical issues facing the orchestral field today, but which has created a torrent of negative press about symphony orchestras and a document with a jingoistic title that creates the erroneous impression that American symphony orchestras are non-American, racist, elitist organizations, subject to continuous and unrelenting labor strife, which present concerts for ever-diminishing audiences.

We and our member orchestras need to disassociate ourselves from this report, while simultaneously stating that we are willing to participate in intelligent and intellectually robust attempts to define institutional partnerships, in helping provide the public with accurate information about our orchestras, and in supporting a constructive examination of the role our art has in our culture.

Orchestra musicians are not the only ones distancing themselves from the League's negative and flawed attempts to address issues in our field. Edward Rothstein, chief music critic for the *New York Times*, ended a long article on *Americanizing the American Orchestra* that appeared on July 11 in the *Times* by simply stating "this report is a disgrace." Perhaps the most fitting epitaph on the efforts of the ASOL comes from the conservative critic Samuel Lipman in an article entitled *Who's killing our orchestras?* in *The New Criterion* of September 1993. Referring to Rothstein's article, he wrote "... so great is this disgrace that it provides ample grounds for the dissolution of the American Symphony Orchestra League. The League clearly does not have in mind either the interests of our beloved symphony orchestras and their audiences or the future of great music. One recalls the words of Leopold Amery (quoting Cromwell) to Neville Chamberlain in 1940 that brought Churchill to the prime ministership: 'You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go!'" — Ed.

## The Three Editeers

*Senza Sordino* editors past and present: (left to right) Tom Hall (1982–86) Debbie Torch (1986–93) Robert Levine (1993–



Photo by Zambo

## 25 symphonies doomed to die

By Delos Smith

NEW YORK – (UPI) – Among events forecast for the 1970's you can now include the demise of the some 25 symphony orchestras maintained in middle-size American cities out of civic pride in local culture.

The forecaster was a research organization without aesthetic commitments and interested only in monetary outgo and income and other telltale statistics. Its conclusion was that in the '70's local philanthropy will no longer be able to meet inevitably mounting deficits.

The forecast was a projection from detailed studies of income-outgo of nine orchestras, those in Atlanta, Baltimore, Dallas, Houston, Kansas City, Louisville, Minneapolis, Pittsburgh, and Seattle, by the Midwest Research Institute of Kansas City.

Its study indicated \$1 million a year was the most any orchestra could expect to raise in subsidizing funds from all sources and even this figure is "optimistic." By projecting the rate of deficit increases during the 1960's into the 1970's the statisticians arrived at their conclusion of doom.

It specifically set the demise of the Atlanta and Houston symphonies for the early '70's, that of the Baltimore and Dallas orchestras for the mid '70's, and of the Seattle Symphony for the late '70's.

Shortages of money also caused Dartmouth College and Stanford University to cancel their summer music festivals this year.

The orchestras have one alternative to "going out of business," the report said. That is to "reshape" – either by reducing the size of orchestras from 100 to 90 musicians or by shortening seasons. Either would be extremely difficult.

"In past years, as long as the musicians were underpaid and the service income was nearly equal to cost, the economical anachronism of the large symphony orchestras remained hidden," the report said.

"Now, in an age of near socialism, with musicians unionized and asking for proper compensation in return for skilled services, the economic crisis of the symphony orchestra is becoming painfully evident."

Symphony orchestras, the report said, have "become frozen in shape and structure, ceasing to evolve. Consequently the American symphony orchestra has become an unwieldy and inflexible bureaucratic and financial nightmare."

In "Pollyanna-like fashion" they're "still hoping for a light in the wilderness." Further grants from the Ford Foundation, for instance. These grants will "hardly register in the widening gap between income and expenses," the report said.

The idea of two cities sharing one orchestra is not likely to be workable, it found. Nor is that of "community arts funds." It considered hope for federal government subsidies to be a vain one, in view of the "overwhelming social and economic problems" with which government must cope.

The study was made for the Kansas City Performing Arts Foundation which undertakes to support, among other civic cultural endeavors, the Kansas City Philharmonic. Its crisis is immediate. By shortening its current season it met pay demands of musicians but this postponed the showdown until next season when musicians will expect to be employed for a longer season at the same or increased pay.

The study did not include the orchestras in the largest cities – those in Boston, New York, Philadelphia, and Chicago. But it "presumed that an analysis of these orchestras would show a similar picture with respect to performance income and cost."

(1970)

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## Letters to the Editor

Dear Ms. Torch:

There appears a prominently displayed editorial comment in the June 1993 issue of *Senza Sordino* which I find at least puzzling and at most unconscionable and outrageous.

I would appreciate hearing from you concerning the exact meaning of the statement "that his (Robert Levine, Milwaukee Symphony Orchestra ICSOM Delegate) resume includes having played in six different ICSOM orchestras is best explained by the fact that he is a violist."

Many of my colleagues in the Philadelphia Orchestra viola section and I have only played in this one ICSOM orchestra since before ICSOM. Many of us were instrumental in the establishment and maintenance of ICSOM. As the Associate Principal of our section,

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**Letters**

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I have a certain amount of exposure to the applicants for positions in our section, and as seldom as there are openings here, have never had the impression that violists are any more transient than those belonging to any other instrumental group. Nor would I suggest in print that any other section is subject to such characterization, even were I to hold such an opinion, which I of course do.

Viola jokes have become as commonplace in our little esoteric society as ethnic and racial jokes are prevalent out there in the real world. They are initially funny but remain destructive and reliably expose the covert hostility of the teller. I believe that such excremental dropping has no place in *Senza Sordino*, the "Official Publication of the International Conference of Symphony and Opera Musicians."

My request for a response to this letter is not merely rhetoric. I offer you a challenge not only to answer me, but to respond publicly in the next issue of this publication. The membership of ICSOM includes more than 550 professional violists, many of whom will be interested to read your response.

JAMES FAWCETT  
Philadelphia Orchestra

*Robert Levine replies:*

I thought it only fair to write the requested response to this letter myself. Although the small blurb about me in the June 1993 issue of *Senza Sordino* was written in the third person, it was written by me and not Debbie Torch.

I am truly sorry that I touched a nerve with this little editorial aside, especially with my colleagues in the Philadelphia viola section.

There is no orchestra, and no viola section, that I hold in higher regard than theirs. The comment was frankly just my light-hearted (and perhaps light-headed) solution to the problem of having to explain my professional credentials without seeming to boast of them. I did not go on to state, as I could have, that I had served as principal of three of the six ICSOM orchestras in which I have played (Oklahoma City, The Saint Paul Chamber Orchestra, and now Milwaukee), nor that I have also been a member of a string quartet of major stature, the Orford Quartet. I hope it is now appropriate to give more details of my professional career, given that I will be editing *Senza Sordino* this season.

I have always suspected that viola jokes stem more from envy than hostility. In the orchestras in which I have played, the viola section is generally the most harmonious section, the one most populated by reasonable human beings, and the one with the sanest attitude towards the job, as well as being one of the strongest sections musically. If I have now jumped from the frying pan into the fire, I should say that this is meant as no offense to my non-violist colleagues. I do know that, on those occasions when I tell a viola joke or laugh at one, I am not motivated by animus towards the instrument or towards those who play it. My only feelings towards the viola are gratitude for the success it has brought me and frustration that I will never play as well as Pinky Zukerman.

We don't tell viola jokes much in Milwaukee any more. We are far too busy desperately trying to fight off the ASOL Death Star that seems to have suddenly appeared in our skies. I would suggest that any orchestra not currently looking down the barrel of that orchestral doomsday machine spend more energy preparing to deal with its inevitable appearance in their skies and less energy worrying about peripheral issues such as this.



Photo by Zambo

**ICSOM Governing Board**  
*Stephanie Tretick*  
*Michael Moore*  
*James Clute*  
*Lucinda-Lewis*  
*Charles Schlueter*  
*Brad Buckley*  
*Robert Levine*  
*Shin Moriya*  
*David Angus*  
*(Mr. Moriya, from the Musicians' Union of Japan, was a guest of the Conference)*

## The Foundation Trilogy: Patronage, Philanthropy, and the Modern Arts Funder

“When Brad Buckley invited me to speak at this conference, he asked me to talk about what foundation arts funders are thinking about these days,” said Marion Godfrey of the Pew Memorial Trusts in her address to the ICSOM Conference. She continued by saying “the Pew Trusts share with almost all other national arts funders... a strong interest in strengthening links between cultural organizations and the communities they serve, and a particular concern that the resources of cultural organizations be as accessible as possible to as many members of the community as possible.”

Historically, she stated, foundations were likely to support the major cultural institutions in their communities without requiring much more than “that they continue to be the good stewards of canonical art.” More recently, foundations have begun to focus far more on the goal of making cultural experiences more broadly available. This change, she said, “represents a profound change in philosophy both about the role of the arts in our society and about the role of philanthropy in relation to the arts.” She went on to state “funders... find themselves in a paradoxical situation as a result of this change; the type of grantmaking that is suitable to, and truly supportive of, the creation and the preservation of art is not particularly effective in making sure that that art is widely available. Conversely, the kind of grantmaking that seeks to induce cultural organizations to broaden their reach is not necessarily helpful to the art itself. Because this type of grantmaking is essentially corrective in its point of view, it implies that art itself is something that needs to be corrected, or alternatively that it is a role of art itself to correct things that are wrong with our society.”

She illustrated this paradox by describing an evening she had recently spent at “the outdoor home of a major orchestra,” when she found herself sitting behind two couples who, except for one of the gentlemen, spent their entire evening reading or snoozing. “If this music was as transcendent as I experienced it, why was it not interesting to those privileged and presumably knowledgeable folks who sat next to me in the good seats? And what about those behind us on the lawn? Were **they** sleeping?” (*And you thought the mosquitoes made that impossible- Ed.*) “Were they reading or chatting, and was there anything wrong if they were? Were they listening? And what should I, as a grantmaker, be doing to make sure that more people, especially young people, come and listen?” She described this as a twentieth-century question that probably was not one that disturbed the sleep of those princes and dukes that paid for the creation and performance of music before the modern era. She said “it is also the kind of question that motivated the ASOL to create a Task Force... that led to *Americanizing the American Orchestra*, and that motivated a number of national trusts, including the Pew Charitable Trusts, to provide funding for it. It is the kind

of question that points up the distinction... between patronage and philanthropy.” Patronage “is a closed system” that “establishes a relationship between patron, artist, and artwork. This relationship is often... manifested in support for a cultural institution that produces or presents the art works of interest to the patron... Public audiences have frequently benefited from this arrangement, but serving the public has not necessarily been a priority of the patronage system.” Philanthropy, by contrast, “looks outward and seeks to promote the well-being of people or communities... dispensing their funds in the public trust, philanthropies have increasingly sought to discharge their meliorative responsibilities in ways that will provide the greatest good to the greatest number.”

She described the dilemma of the arts funder as being caught between the fact that the arts are one of the things that do work in our society and the fact that there are things wrong with the “cultural delivery systems” that do need to be fixed, as evidenced by the growing deficit problems of performing arts groups and the shrinking access to organized cultural experiences for children. She said that her twelve years as a theater staffer had taught her that “the voices of artists are to be valued, listened to with great respect, and supported generously,” but that she remained troubled by the question of the foundation’s role “in making sure that the message of the arts is widely disseminated,” and the extent to which foundations should try to restructure the arts organizations to make that happen. “Herein lies the dilemma: should funders support the things that are great about orchestras, or should they fund the things that need to be fixed?”

She went on to deliver the bad news: that a recent study of arts funding by the Foundation Center suggested that, within overall arts funding, support for orchestras will remain static or decline. She said that there is a perception among grantmakers and grantees alike that orchestras “are the best funded of all types of arts organizations.” She said as well that there is a perception that larger, more established arts organizations receive more than their share of the pie at the expense of newer and smaller organizations and programs. She stated that the fact that grant dollars for the arts are unlikely to increase soon “puts additional pressure on grantmakers to increase the effectiveness and productivity of their grantmaking. At the same time, we must recognize that there are limits to the ability of philanthropy to effect systems change of any kind, including change in the behavior or structure of cultural systems. The most delicate part of our dilemma is finding ways of being active, not passive, supporters of both what is good in art and what needs to be changed in the systems that support art, without becoming arrogant in our belief that it is we, the foundations, that make change happen.”

## No Picnic

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- protesting the discontinuation of the toll-free line to the AFM SSD electronic bulletin board, and urging the reinstatement of this service;
- formally requesting the AFM President and the IEB to relax the payment requirements for civic and community promotional material to the extent of permitting individual orchestras to decide by majority vote whether to accept either a lower payment or no payment at all for the use of the sounds and likenesses of the orchestra in such civic promotional audio and/or visual material;
- strenuously urging the President and/or IEB to take any and all measures provided in the AFM Constitution and Bylaws to see to it that the Executive Board of Local 802, AFM, enforce the union security clause of the New York City Ballet Orchestra's collective bargaining agreement;
- in response to the threatened cancellation of the Utah Symphony's upcoming season in the second year of a five-year collective bargaining agreement, urging the Board and management of the Utah Symphony to expend all possible efforts to fulfill their obligation as prescribed by, and agreed to in, the collective bargaining agreement;
- urging the approximately one-third of the membership of the Utah Symphony who do not belong to the AFM to recognize the

need for solidarity with their colleagues in the orchestra and elsewhere and join the AFM forthwith;

- directing that ICSOM not hold its annual convention in a state or city which has a law limiting the civil rights of any person.

It is a measure of how far ICSOM has come in 31 years that no delegate even felt the need to move to declare the Conference a no-smoking zone; the handful of smokers in attendance dutifully stepped outside into the clean mountain air to light up without being asked.

On the last night of the Conference, many of the delegates once again rode the Alpine Slide, and this delegate at least took heart from the other part of the metaphor; not only the fast and frightening ride down under the bright lights, but also the slow ride up the mountain under an incredible night sky, gently swaying in the breeze. One is as real, and as possible, as the other.

### Fill it up

*ICSOM Secretary Lucinda-Lewis frugally refueling her computer at the self-serve pump. "After all," she said, "I know it doesn't need any oil."*



Photo by Zambo

### ICSOM Governing Board

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### ICSOM Orchestras

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# Senza Sordino

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## Full Court Press: The Orchestra Newsletter

One of the many double-edged privileges of being an ICSOM delegate is receiving lots of reading material from other orchestras. Without question the most interesting documents from other orchestras that arrive in this delegate's mailbox are the newsletters that orchestra musicians publish themselves.

As the existence of the First Amendment demonstrates, the freedom of the press can be an incredibly powerful tool to bring about change. The desktop publishing revolution has made this incredibly powerful tool available to any person or group with a few hundred dollars and sufficient energy and time. The orchestra newsletter can be a potent weapon in an orchestra's battle to win respect in its community, hold its management and board accountable for the well-being of the institution, and maintain solidarity within its ranks.

There are three possible audiences for an orchestra newsletter. A newsletter can speak to the community of people who care about its survival, it can speak to the community as a whole and promote the orchestra and its musicians, or it can simply speak to those within the institution. Obviously, these three audiences are not mutually exclusive, but like most other human endeavors, the orchestra newsletter functions best when driven by a clear mission and purpose. This article will examine three examples of the art of the orchestra newsletter. They were chosen both because each has a different purpose and because many ICSOM delegates have ready access to them and can make them available to their orchestras.

### Fireworks over Diamond Head

Perhaps the best known example of the orchestra newsletter as a genre, and certainly the best example this writer knows of the newsletter both as an organizing tool and a way of holding the power structure accountable to the community for its actions, is the newsletter of the musicians of the Honolulu Symphony, *The Bugle*. It was conceived originally as a way of keeping informed an orchestra that is widely dispersed over the mainland during the summer shutdown period, and began publication in March 1986, six months before the orchestra's 1986 strike. Marsha Schweitzer, Associate Principal Bassoon of the Honolulu Symphony and editor of *The Bugle*, describes its purposes as follows:

- to serve as the voice of the Honolulu Symphony Musicians (HSM) and to place the positions of the HSM on the record;
- to communicate with orchestra members during the off season;
- to inform musicians and the public of current events involving the Honolulu Symphony and/or its musicians;
- to provide an historical record of significant events over the years (useful when turnover within the institution is rapid and thus the institutional memory short);
- to set the record straight during times of confrontation.

Schweitzer claims that there are some other positive effects from publishing *The Bugle*. She feels that it serves to demonstrate that orchestra musicians are not merely note machinists, but creative intellects able to integrate language, analytic ability, and the graphic arts as well as music to benefit their communities, their orchestras, and themselves.

Another effect she feels is important is that *The Bugle* provides a degree of catharsis to the musicians, who see their point of view in print and widely distributed within the community as a whole. *The Bugle* presents the story of what is happening within the Honolulu Symphony in a way that the mass media are neither interested in, nor capable of, doing. This is especially important in a labor dispute, when the musicians are battling not only their board and management but often the entire power structure of the community, which usually includes the mainstream media outlets.

The contents of *The Bugle* will vary widely, depending on the *continued on page 4*

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Text by Robert Levine

## Symphonic Ecology: The Demise of Orchestrus Rex

by Lucinda-Lewis

There is certainly no shortage of animals in danger of extinction these days. Wildlife advocates have difficulty keeping up with the growing list of endangered species. Unfortunately, there is one endangered species not found on any list; but then, it's not exactly an animal. Some refer to this species as a dinosaur whose evolution stopped years ago. In reality, the species is known as Orchestrus Rex, a large symphonic beast whose time of reckoning, according to some influential analysts, has come.

More than two hundred years ago, Orchestrus was transplanted from its more familiar Central European habitat, where it was loved and cared for by the populace and had an adequate food supply upon which to exist. European Orchestrus continues to thrive today. From the beginning, the North American Orchestrus attempted to exist as had its European ancestor. It quickly found a harsher environment and has been imperiled by a less caring populace and scant food supply. With a diet rich in high calorie money — state and federal art council grants, philanthropic and foundation gifts, and corporate donations — this once-regal beast has seen its food supply dwindle, and its keepers have begun to tire of the constant search for sustenance. There are those who would suggest that this archaic creature cannot be saved. Others posit that it can survive only if it can shrink in size, exist on less, and is able to adapt to its modern environment.

The American orchestra is undeniably in trouble. Whether it is actually facing extinction is debatable. Premature death notices have plagued the symphonic industry since the turn of the century, and yet orchestras continue to survive.

One of the earliest exposés of the financial problems of an American orchestra appeared in *Fortune Magazine* in 1935. The ominous headline, *Symphony Finance*, served as a caveat of the New York Philharmonic Symphony Society's difficult financial condition: "Beethoven would be appalled to know. . . every time the Philharmonic Symphony Orchestra of New York performs his Fifth

Symphony, the cost is just under \$3,000 (\$32,319 in 1993 dollars) . . . of that amount, a round \$650 will be pure unadulterated deficit. Reduced to its lowest terms, the deficit means . . . every time anyone spends \$2 for a seat . . . in Carnegie Hall, he gets something that costs some \$3 to produce."

While the Philharmonic experienced success early on, it faltered for the first time in 1898, with the sudden death of its conductor Anton Seidl. Box-office reaction set in immediately and "a few years after the turn of the century, the Philharmonic went in the hole for the first time. It has been there ever since." By 1909, the Philharmonic was so deep in the waters of its deficit that a group of wealthy New Yorkers finally stepped in with help. Then, in 1911, the Philharmonic received a \$900,000 bequest from the estate of Joseph Pulitzer and immediately began to expand its season and touring. Everyone thought that Pulitzer's \$900,000 bequest (\$13,300,714 in 1993 dollars) would put the Philharmonic on easy street forever. Unfortunately, its deficits deepened, and the orchestra's wealthy guarantors found it increasingly difficult to make up the difference. Finally, in 1934, in the depths of the Great Depression, the Philharmonic was forced to turn to the public. The public appeal raised \$500,000 (\$5,520,773 in 1993 dollars) and kept the orchestra safe until 1937, but its underlying problems remained unsolved.

Paramount among the concerns of the New York Philharmonic Symphony Society was the quality of the orchestra. All those associated with the Society insisted upon having the very best ensemble. Unfortunately, there seemed to be no way to accomplish that and achieve a balanced budget.

"Is there no way of bringing the Philharmonic's budget into actual balance? This budget actually represents a drastic pruning job," said *Fortune*. "Only by rigorous economy, then, has the Philharmonic made even this budget possible . . . Any further operation would inevitably cut too deeply into the most vital organ of all — the musicians' payroll. With smaller salaries it is extremely doubtful if the orchestra could hold its fine players. Most of them could increase their incomes right now if they were willing to leave symphony work for the more lucrative fields of broadcasting, popular records, and movie recordings."

Even in 1935, orchestras realized the need to expand the size of their paying audience. One possibility for increasing the audience was wired radio (developed by Bell Labs) in the home and in the concert hall. In the home, wired radio would resemble today's cable television, with subscribers paying extra for special radio concerts and static-free reception. In the concert hall an audience could hear

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Lucinda-Lewis is Principal Horn of the New Jersey Symphony Orchestra and Secretary of ICSOM. The fact that she has been with the New Jersey Symphony for many years is not explained by the fact that she is not a violist.

## Orchestra Rex

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a concert performed hundreds of miles away in another city over loudspeakers with special amplifiers and electrical equalizers. Of course, at the time, no one wanted to make any predictions about the financial potential of wired radio because “science had twice been seen coming to the financial rescue of orchestras — once with phonographs and again with radio broadcasts — and twice she has produced flops.”

According to Oliver Daniel’s *Stokowski*, all orchestras during the Great Depression had financial difficulties. In 1932, the Philadelphia Orchestra saw its subscriptions drop by 15%. “The alarmed board met and actually considered the dissolution of the orchestra.” In May, 1933, the musicians were asked to accept a 9% pay cut, but refused to cooperate in sharing the deficit. Eventually, the musicians did accept a small cut.

In 1970, the New York *Times* published an article (reprinted in the October 1993 issue of *Senza Sordino*) entitled “25 Symphonies Doomed To Die.” Among the twenty-five orchestras predicted to bite the dust during the 1970’s were: Atlanta, Baltimore, Dallas, Houston, Kansas City, Louisville, Minneapolis, Pittsburgh, and Seattle. The harbinger of this bad news was the Midwest Research Institute of Kansas City, which had studied the income/outgo of the aforementioned nine orchestras and concluded that “local philanthropy in the 1970’s will no longer be able to meet inevitably mounting deficits.” The report went on to state, in essence, that there was no way to save these orchestras.

Of the orchestras designated for demise in the Midwest Research Institute study, only the Kansas City Philharmonic no longer exists. (One wonders whether the effects of being entirely too close to a group of such positively-thinking consultants may have played a role in its demise. — *Ed.*) Even that one casualty of the failure of “local philanthropy . . . (to) meet inevitably mounting deficits” arose from the ashes a few years later in the phoenix-like form of the Kansas City Symphony.

In 1992, along came the Wolf Report. Commissioned by the American Symphony Orchestra League, the Wolf Report is a rather imposing document — a scientific-looking tome, with multiple volumes, charts, graphs, and crunched numbers, all of which describe a symphonic industry past its prime and in financial disarray. It has the look and feel of an economic impact study capable of describing the source of every dime of orchestral deficit. Dr. Thomas Wolf attempts to lend more credibility to his mighty opus by pointing to his musical lineage as a sure sign of his expertise, unlike the rest of us musical mongrels who have known all along that American orchestras are in trouble.

The Wolf Report clearly implies that symphony debt has been a crippling problem for only about the last twenty-five years and is

largely the result of collective bargaining. But according to *Fortune*, the New York Philharmonic was in serious financial trouble by 1909, long before its season became 52 weeks or before the musicians had quality medical or pension benefits, paid vacation, or indeed any employee benefits at all. The Wolf Report could have served to identify new solutions for the age-old problem of symphonic debt. Unfortunately, Dr. Wolf chose to round up the usual suspects and propose the same hackneyed solutions considered sixty years ago.

If we are to learn any lesson from our orchestral ancestors, it is that symphonies have historically spent more than they have earned, and that is the principal reason why orchestras exist in red ink. Of course, orchestras are hardly the only institutions in our society of which that is true; virtually all non-profit institutions granted non-profit tax-preferred status by the Internal Revenue Code, such as private schools and universities, museums, land conservancies, hospitals, and many other institutions, face the same ongoing problem. As a society, we have traditionally had difficulty understanding that non-profit organizations are neither businesses nor charities. They exist neither to make money for their owners nor to feed, clothe, and house their indigent employees. Rather, they exist to perform functions that society has deemed necessary but which, by their very nature, do not generate enough earned income to support the performance of that function.

There is no single reason for the disparity between spending and earning — many elements comprise the problem, and opinions are as numerous as the consultants. Dr. Wolf can place some of the blame on orchestra labor contracts, but the fact remains that musicians began to improve their lot through collective bargaining only about thirty years ago, while the symphonic “crisis” is more than eighty years old. We have seen several orchestras throw out their labor agreements and accept cutbacks in weeks and wages that have not resulted in the long-term financial stability of those orchestras, but only deteriorating artistic quality. The musicians of the Alabama Symphony Orchestra accepted draconian cuts, only to see their employer go belly-up and their collective bargaining agreement buried with indecent haste by a Federal court. Other orchestras have accepted concession after concession over the years, only to find their managements coming back to them with proposals for even deeper concessions that they swear will permanently solve the orchestra’s financial problems and “put the orchestra’s house in order.”

There is probably no one universal solution to orchestral red ink. Solutions to a symphony’s financial problems will be unique to each individual orchestra. The public, interestingly enough, never seems to be surprised to hear that its local symphony, ballet, or opera company is mired in the waters of red ink. In spite of that red

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## Newsletter

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current relationship between the musicians and the management and board. "Sometimes," Schweitzer states, "*The Bugle* is directed mostly to the musicians, sometimes to the public, sometimes to the board. We know it's been effective when it makes the bad guys angry."

In addition to articles on the orchestra's situation, a calendar of chamber concerts involving Honolulu Symphony musicians appears in most issues (the November issue listed fourteen concerts). Hotline numbers and classifieds are also featured.

One feature of *The Bugle* that appeared on a regular basis before the current labor dispute was the "Progress Meter." Rather like the famous clock on the cover of *The Bulletin of the Atomic Scientists* that measured the number of minutes before nuclear midnight, the Progress Meter was a large dial printed in each issue that measured the board's progress towards a given goal in a very graphic way.

Copy for *The Bugle* must be approved by the orchestra committee. The contents were reviewed by the musicians' local attorney at first, but Schweitzer said "our lawyer started to have absolute faith in us," and that step was dispensed with.

*The Bugle* was first produced using Schweitzer's typewriter and rubber cement. It is currently produced with PageMaker, a high-end desktop publishing application, on the local union's PC, with copy outputted to a laser printer. It is printed on the Local's photocopier at no charge to the musicians, although HSM provides the paper. It is published monthly and has a press run of approximately 3,000 copies. 200 copies are distributed in-house and 600 are distributed to those persons and institutions with a direct relationship to either the Honolulu Symphony or the HSM, such as unions, concert presenters, elected officials, and ICSOM and ROPA orchestras. The balance of the press run is distributed to schools, libraries, donors, the media, and interested citizens. Distribution is by mail, utilizing first-class mail for the in-house distribution and bulk mail for the rest of the distribution list, using the non-profit status of the local union to obtain the best postage rates.

### Northwest Orientation

The musicians of the Oregon Symphony Orchestra have produced a newsletter, *Backstage*, for the past two years. It was designed, according to OSO percussionist and *Backstage* editor Christine Perry, as a way for the Orchestra Committee to unify and inform the members of the orchestra and to communicate with the board and hold them accountable for what goes on within the institution. The OSO musicians have had newsletters during previous work stoppages, but, according to Perry, *Backstage* is the first newsletter that was started prior to a labor dispute.

*Backstage* consists mainly of reports from the various musician committees, but also reports on the activities of the board committees on which musicians sit. In fact, musicians on board committees are required to make a report on every board committee meeting they attend, which has proven to be an effective way to both monitor the meetings and to encourage board-musician communication, especially as musician participation in OSO board committee meetings has just begun within the past year or so. Perry reports that after the musician representatives to one board committee reported that there **was** nothing to report, as the committee had not met for quite some time, the staff member assigned to that committee immediately scheduled meetings for the committee. Sometimes even the announcement of an upcoming article will cause staff activity on that subject; according to Perry, shortly after an announcement that an article would appear on the OSO's long-range plan in the next issue, management quickly requested a meeting to discuss the upcoming article, which led to management making a detailed presentation to the orchestra on the long-range plan.

In fact, Perry feels that the impact of the newsletter has been at least as great within management as it has been within the orchestra. It always seems to end up on the management bulletin board, and Perry received complaints from staff members when only one copy was given to the management, so now copies are distributed to the whole staff. This past summer *Backstage* was also distributed to the Board.

Perry said that, although the orchestra committee retains final approval of all copy, it has been helpful for people not on the committee to be involved in the production of the newsletter. When *Backstage* was first published, copy was not reviewed by an attorney, although once negotiations began, the contents of *Backstage* were reviewed by the musicians' counsel, Liza Hirsch Du Brul, before publication.

*Backstage* is published bimonthly on average. It is produced on a Macintosh, using PageMaker and a laser printer. One hundred copies are printed of each issue.

### Staying Upbeat in Texas

The newsletter of the musicians of the Houston Symphony, *Upbeat*, differs dramatically from *The Bugle* and *Backstage* in almost every respect. Its genesis, according to Houston Symphony violist and editor Bernice Beckerman, was a video that was produced in the late 1980's to educate the general public about the musicians during a labor dispute. During the course of negotiations the musicians decided to expand and continue their education and outreach efforts by hiring two writers and publishing a newsletter, using what was

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## Newsletter

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left of the negotiations war chest as the core of a voluntary project fund to pay production and mailing costs. The first issue of *Upbeat* appeared in May 1989.

“When we started out, our purpose was to educate people, because most of the publicity that comes from management is about the Music Director or the guest artists; rarely is it about the orchestra, and even then only about the orchestra as a collective whole. We wanted to tell about the musicians as individuals,” said Beckerman. The first issues focused on the sections of the orchestra; the members of the sections were introduced and the role each section plays in the orchestra explained. “We also tried to bring in things about stress and the mental gymnastics we do,” Beckerman said. The role of orchestra members in music education in the community has also been emphasized.

A regular feature of *Upbeat* has been a series of back-to-back profiles of an orchestra member and some other person connected with the orchestra, such as a member of the board or a reporter on tour with the orchestra. The most recent issue of *Upbeat*, for example, featured profiles of David Wax, Executive Director of the Houston Symphony and a member of the Board of Directors of the American Symphony Orchestra League, and Dick Schaffer, second trumpet of the Houston Symphony and a member of the Board of Directors of the Houston Professional Musicians Association, Local #65-699, AFM. Another regular feature has been a column featuring activities, both musical and non-musical, of Houston Symphony musicians.

*Upbeat* was initially published monthly, but after six months went to a bimonthly schedule, and eventually to its current quarterly schedule. Last year, according to Beckerman, “we discovered that nobody understood what we did as well as we do, so we started writing and producing it ourselves.” In addition to Beckerman and violist Tom Elliot, who produces the newsletter on his computer, there is a newsletter committee of five musicians who decide on the contents of each issue and who have final approval over the contents.

2,500 copies of *Upbeat* are printed per issue. It is mailed to donors who give over \$500 to the Houston Symphony, long-term season ticket buyers, members of the media, elected officials from the Houston area, various orchestra managements, ICOSM delegates, the Texas Commission on the Arts, and others. It is mailed under the Houston Symphony non-profit mail permit, although the postage is paid by the musicians. Because of this arrangement, management does see *Upbeat* before it is mailed, although, according to Beckerman, they have never attempted to censor the contents of the newsletter. If they did, she said, “we’d mail it on our own.”

*Upbeat* is produced on a Macintosh using PageMaker, and printed at a local print shop. The total cost of each issue, including printing, postage, and mail house services, is between \$2,000 and \$2,500. Funds come from an internal project fund, to which approximately three-quarters of the orchestra make voluntary contributions through payroll deductions, and from donations from people who receive *Upbeat*.

Beckerman feels that *Upbeat* has succeeded in raising the level of knowledge about the orchestra in the community and especially within the Houston Symphony board, and has enhanced the image of the musicians as people concerned with the future of the orchestra. She says that they have received a number of letters of support from board members and others. “The fact that we are willing to spend our own money to produce something that creates a positive image of the orchestra has certainly helped. Having just come out of an era of freezes and cuts, we can remind the Board that we did our part,” she said.

### How to Stuff a Wild Newsletter

Probably the single most important factor in determining whether a newsletter will be successful is the editor. The most important requirements for an editor are enthusiasm, energy, judgment, and the trust of the orchestra committee. It is not necessary for the editor to be either the orchestra’s resident computer geek or the best writer among the musicians, although it will be helpful to enlist both writers and wireheads, especially as the latter will most likely be the people with the necessary hardware and software to produce the newsletter.

The most important procedural issue to settle is who has final approval over the newsletter’s contents. This obviously depends on the goal of the newsletter, but whatever the goal, asking a lawyer to check the newsletter for material with possible legal consequences should be considered very seriously. A libel suit will have the approximate effect on the editor’s life and finances of a cruise missile exploding in the back yard, and is something devoutly to be avoided.

The other key decision, both in terms of the newsletter’s goal and its budget, is the size and nature of the distribution list. Printing lots of copies of a newsletter, whether at a union print shop or on your home copier, is relatively inexpensive. Mailing lots of copies is not. If the purpose of the newsletter requires wide distribution, then serious investigation should be undertaken about postage rates for non-profit organizations, as well as the costs and benefits of using a mail house. Don’t assume that the only way to mail your

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## Letters to the Editor

I am disturbed by Bradford D. Buckley's condemnation of the American Symphony Orchestra League's study regarding the American symphony orchestra today. It sounds like he felt he was "left out."

The task force of the *Americanizing the American Orchestra* report represents some of our most respected colleagues. I would like to see you report their side of the story. You spend almost three pages of an eight page periodical on Mr. Buckley's viewpoint without giving space to what may possibly be constructive guidelines for orchestras in trouble.

I would also like the American Symphony Orchestra League be given an opportunity to respond to Samuel Lipman's view of their validity and to your description of them as a "Death Star."

Maybe a synopsis on *Americanizing the American Orchestra* should be given to your readers (ICSOM members) so that they may form their own opinion.

After all, they state in their introduction ". . . the Task Force urges everyone who cares about orchestras to read on and to think about what they have read, discuss it, argue about it, agree or disagree with all of it or part of it, and then take some action in whatever way they can. The music is too beautiful, the people too talented and dedicated, and the institutions too important not to make our best effort to sustain and nurture them for the generations to come."

Or shall we just trash the Task Force and the ASOL?

BRUCE PATTI  
Dallas Symphony

*Brad Buckley replies:*

Mr. Patti seems to have missed the point of my recounting of the sequence of events that led ICSOM and our colleagues in the Regional Orchestra Players Association (ROPA) to choose not to participate in a forum leading to the release of *Americanizing the American Orchestra*. I did not feel "left out," as Mr. Patti claims; the point is that we came to an agreement with the American Symphony Orchestra League (ASOL) concerning our participation in an issue forum, and the League could not (or would not) fulfill their part of the agreement.

Our concerns about the funding of the process by the League and the rewriting of the issue forum reports by the ASOL Steering Committee have been amply borne out by the firestorm of criticism from many quarters (including musicians who participated in the issue fora) which engulfed *Americanizing the American Orchestra* upon its release. As for Mr. Patti's wish to see ICSOM present the League's point of view, I'm sure that he is aware that the League has its own periodical. It is neither necessary nor appropriate for ICSOM to proselytize on behalf of the ASOL.

## Coda

DANIEL MAJESKE

For nearly twenty-one years, I have sat on the opposite side of the stage from Daniel Majeske. I have been listening, watching, and admiring this fine man as he went about his task as concertmaster of our great orchestra.

Dan passed away on November 28, and the wonderful memories that I have of this consummate artist are ones I will cherish forever. His integrity as a musician and a human being was an example for all. He was an honest and loyal man that one could depend on and look up to, both on and off the concert stage.

We will miss Dan very much, but I am so thankful for these past years together.

Stephen Geber  
Cleveland Orchestra

MARGARET HAWKINS

Margaret Hawkins, founder and director of the Milwaukee Symphony Chorus, died of cancer on November 13.

Margaret was a woman of immense knowledge, great musicality, wicked wit, profound personal warmth, and overwhelming emotional honesty. The singing of her wonderful choir perfectly reflected her personality. She played a role within the Milwaukee Symphony that could not be found or even described on an organization chart, and her many friends in the orchestra mourn her passing very deeply.

Robert Levine  
Milwaukee Symphony Orchestra

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## Letters

*continued*

Actions speak louder than words, and the League's actions, which have done so much to present a negative view of the American symphony orchestra, certainly contrast sharply with their statement that "the people (are) too talented and dedicated and the institutions too important not to make our best effort to sustain and nurture them for the generations to come."

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*Senza Sordino* would like to note, as Mr. Patti did not do so in his letter (the only correspondence that we have received regarding Buckley's speech), that his brother, Douglas Patti, is Director of Management Services for the ASOL. — Ed.

## Newsletter

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newsletter is in an envelope with a 29¢ stamp stuck on it; it may not even be the easiest way.

Newsletters can be produced with equipment as low-tech as pen and carbon paper. It is more likely, though, that the orchestra aspiring to produce its own newsletter will want to join the desktop publishing revolution and do it on a computer. With prices for computer hardware continuing to fall as fast as a second-year Music Director's reputation, it now cost less than \$1,500 to purchase a desktop publishing system complete with high-resolution printer and software. Of course, most orchestras have members who already have the necessary hardware; all that may be required is convincing one of them to join the newsletter committee. Another option is to purchase used equipment; depending on where one shops, it is possible to put together a perfectly functional system for half the price of new equipment.

Desktop publishing is one area of personal computing where the Macintosh has not only been technically superior to the PC, but has dominated the market as well. However, there is now some very good software that allows the PC user to produce high quality newsletters. Programs suitable for producing newsletters of considerable complexity, such as Aldus Personal Press, can be purchased for under \$100. Often the software will come with templates for newsletters of various formats, thus easing the design task for the newsletter novice.

Printing a high quality newsletter used to require the services of a typesetter, but can now be done on a high-resolution inkjet printer costing under \$300. An alternative route to high resolution output might be a local copy shop with self-service laser printers available at a per-page rate. Camera-ready copy produced on a high-resolution printer can then be taken to a union print shop for offset printing or photocopying.

By way of comparison, *Senza Sordino* is produced on a Macintosh Centris 610 using PageMaker. Proofs are printed on an inkjet printer, while final copy is printed to film at a local service bureau using an imagesetter at a resolution of either 1200 dpi (dots per inch) or 2400 dpi. The film is then taken to a union print shop, where 5,700 copies are printed, for a total production cost (before mailing) of between \$700 and \$800 per issue.

### Further Reading

The desktop publishing revolution has led to a barrage of books on the subject, and new ones come out daily. An useful guide to traversing the the legal minefields associated with publishing is *The Desktop Publishers' Legal Handbook*, by Daniel Sitarz (ISBN #0-965755-02-0). A style manual is also very helpful to the cub editor; *Words into Type*, by Marjorie Skillin (ISBN #0-13-964262-5), is regarded as a classic.

## Orchestra Rex

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sea, communities seem to want to keep their symphonies, ballet, and opera companies, and there are musicians, boards, and managements who will make heroic efforts to save their institutions. It seems to have become almost a ritual, and our collective lack of business skills is as much a tradition as a flaw. Consider this amusing exchange from the 1936 film, *Mr. Deeds Goes to Town*, starring Gary Cooper in the title role. Mr. Deeds has inherited \$20 million from his uncle. The board of directors of the opera has just elected Mr. Deeds to be its chairman, and the newly elected chairman wants to hear the treasurer's report:

Treasurer:	The Treasurer reports a deficit of \$180,000.
Mr. Deeds:	A deficit . . . You mean we lost that much?
Board Member:	You see, Mr. Deeds, the opera isn't conducted for profit.
Mr. Deeds:	It isn't? What's it conducted for?
Board Member:	It's an artistic institution. The opera isn't conducted like ordinary business.
Mr. Deeds:	Why not?
Board Member:	Because it just isn't a business!

## Mortgage as Missive

The American Federation of Musicians, through its affiliation with the AFL-CIO, offers a program that should be of interest to orchestra musicians approaching negotiations in this era of collective bargaining hardball; the Union Privilege® mortgage program. Not only does this program offer what appear to be competitive rates for financing or refinancing a home, but strike and welfare fund benefits are available as well. The Union Privilege® mortgage program will pay one-half of the principal and interest payments starting in the fourth month of a strike or lockout, and all of the principal and interest payments starting in the seventh month of a strike or lockout for the next three months. There are also disability benefits, special help for first-time buyers, and some discounts on buying and selling a home if done through an affiliated real estate broker. Some restrictions do apply, most notably a minimum period of union membership of one year before the program will pay any part of the principal and interest during a work stoppage.

Not only is this still a good time to refinance, but imagine the look on the face of your orchestra's Finance Director when she finds ninety requests on her desk for salary information from a mortgage provider that pays strike benefits. A better example of doing good by doing well could scarcely be imagined.

For more information, call 1-800-848-6466.

## News that Fits

The AFM Pension Fund has a new Administrator. Delores Thrower comes to the Pension Fund from her current position as Assistant Administrator and Controller of the Directors Guild of America – Producer Pension and Health Plans. She spoke at a membership meeting of the Recording Musicians Association in Los Angeles recently and described her goals for the Pension Fund as the following:

- revamping the AFM Pension Fund computer system;
- making the staff more responsive;
- improving communications with plan participants;
- making Pension Fund documents easier to understand.

Ed Peters, former Pension Fund Administrator, will remain on as an advisor to Ms. Thrower, and will also continue as Administrator of both the Motion Picture and Phonograph Special Payments Fund. ICSOM looks forward to working with Ms. Thrower.

A Presidential Advisory Committee, consisting of the presidents of the five largest AFM locals and representatives of RMA and ICSOM, has been established to advise President Mark Tully Massagli on a range of topics, including finance and the structure of the Federation. ICSOM Chair Brad Buckley will represent ICSOM on the Committee. Buckley and ICSOM President David Angus will also be meeting with the International Executive Board of the

Federation and with the other trustees of the AFM Strike Fund in late December. Buckley will also be meeting with the other members of the Symphonic Services Division Steering Committee and the other members of the Electronic Media Services Steering Committee.

Low Waldeck, head of the AFM Symphonic Services Division, has submitted his resignation to President Mark Tully Massagli, but has agreed to remain until a replacement is hired. Lew has become a legend amongst musicians committed to the labor movement, and this writer hopes that the dogs and ponies for which Lew is justly famous will continue to inspire orchestra musicians for many years to come. Mazel tov, Lew.

ICSOM has agreed to pay a portion of the legal costs incurred in litigating a recent ruling by the Internal Revenue Service, which could apply to orchestra musicians nationally, disallowing instrument depreciations claimed by two members of the New York Philharmonic, Richard and Fiona Simon. Arguments in Federal Tax Court in early December featured a performance by the Simons of the third movement of the Bach double violin concerto. A ruling is expected in approximately three months. An article on the case appeared in the New York *Times* on December 7.

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# Senza Sordino

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## The Legal Underpinnings of the Negotiating Process by Leonard Leibowitz, ICSOM Counsel

While it is true that many musicians in ICSOM orchestras have earned graduate degrees from the school of hard labor bargaining, it is equally true that there is not much knowledge, even within negotiating committees, of the law underlying the collective bargaining process. If you have ever wondered why people on negotiating committees aren't fired for being in the other side's face, or why you can't tell the other side not to bring to the table the **one** management person who has lied to you repeatedly, or why they give you the information you ask for, when it shows them to be less competent than even you suspected, or why your lawyer gets red in the face whenever you utter the words "impassé" or "implement," read on.

The fundamental statute underlying the collective bargaining process in the United States is the National Labor Relations Act (NLRA). This act was passed by Congress and signed by President Franklin Delano Roosevelt in 1935, during the depths of the Depression, when labor disputes were widespread and often ended in violence. The Act recognized the right to form and join unions, to bargain collectively with employers, and to engage in other collective action for employees' mutual benefit and protection. The Act also prohibited employers from interfering with the formation or internal affairs of unions, while also placing some restrictions on the kinds of collective actions in which unions could engage. The Act also created the National Labor Relations Board (NLRB), which monitors representation elections and investigates charges of unfair labor practices.

### Statutory Notice Requirements

Section 8(d) of the NLRA establishes certain statutory notice requirements before a contract can be terminated or modified. If there is a collective bargaining agreement in effect, a party seeking to terminate or modify the agreement must serve a written notice by certified mail, of the proposed termination or modification on the other party at least sixty days before the expiration or modification. The party serving the written notice must offer to meet and confer with the other party to negotiate for a new contract or modify the existing agreement. The notice letter can be given by either the union or the employer. Within thirty days after notice to the other side, the party must also provide notice of the dispute to the Federal Mediation and Conciliation Service (FMCS) and to any state

agency established to mediate and conciliate labor disputes.

Section 8(d) establishes the minimum notice periods. If either party wishes, the notices can be sent out sooner than required, such as 90 days before the modification or termination date. Although the law refers to notifying the other party first, and then the FMCS, it is permissible and common to send out all required notices at the same time. The FMCS has a standard multicopy form that can be used to notify both the employer, the FMCS, and the state mediation agency, if any.

### Strike/Lockout Ban During Notice Period

Section 8(d) prohibits either party from engaging in a strike or lockout until the expiration of the notice periods or the expiration of the contract, whichever comes later. If either party gives the proper notices, both parties are free to engage in a strike or lockout at the termination of the notice period. Thus, if a union gives a sixty and thirty days notice, the employer can engage in a lockout. If the employer gives proper notices, the union can strike at the end of the notice period even though it has not given notice.

The notice requirements apply to midterm modification of a contract, such as a wage reopener, as well as to the contract's expiration.

### Consequences of Late Notice

A union does not forfeit forever the right to strike by failing to meet the notice requirements. It can give the notice late and strike after waiting the appropriate period. For instance, suppose a union gives proper notice to the employer by the sixtieth day, but forgets to give

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## Prepare to Board: Researching Your Employers by Chris Perry

A few years ago, I started collecting news articles and biographical information on the members of my orchestra's board of directors. This article will explain why it's useful to have this information, and how to begin your own board research project.

### Why Ask Who's Who?

- You will find out about the public and corporate personae of your board members.
- If you find a profile story, you may gain some idea of how members see themselves and how their peers see them.
- You may find out how they treat employees in a labor dispute.
- You will begin to recognize power bases within the board. You'll know who works for whom. You may find out who is related by marriage. You'll find out which members serve on other boards together.
- You may see how their businesses work with the Symphony. You will probably have bankers on the board, with whose banks the Symphony has a line of credit. The attorneys may represent the management in negotiations, real estate, and intellectual property matters, the accountants may be on the Finance Committee, and insurance company executives may be providing health as well as other insurance policies. The bankers, attorneys, and accountants, at the very least, give advice and make policy in these and other areas, and are probably your most conservative, and most powerful, board members.

### How To Begin

Here's what I did: at the public library, I started with *Who's Who*. If my board member was listed in *Who's Who in America*, that little paragraph told me which corporation he was the head of, his

Chris Perry is a percussionist with the Oregon Symphony. She has served on the orchestra committee, as chair of the negotiating committee, as ICSOM representative, and as a member of the finance committee of the Oregon Symphony.

history in business, his education and family, and even some of his volunteer board affiliations. In my case, only one of all the board members was in this book, but he was very high up in a large corporation that has several subsidiaries. I then looked up the corporation in Standard and Poor's *Register of Corporations, Directors, and Executives*. I compared the list of officers and boards of directors of all of the subsidiaries, and found four or five of the symphony's board members listed as subsidiary executives and board members. Then I looked up other major corporations in my city and compared the list of symphony board members to the boards and officers of those companies.

I had found quite a few of the members of the symphony's Executive Committee by this time. I knew where they worked and their titles, and could deduce members that obviously worked together. I took this group and looked them up in the computerized newspaper and periodical indices.

Through the indices I found a few profile articles in my local Business Journal. I also found stories in other newspapers about wealthy arts patrons in town – these stories were good background for understanding family wealth and philanthropy connections in the city.

### What Good Is This Information?

From your research, you can compile a list of current board members with a short paragraph about each person, and copies of relevant news clippings. Beyond its use for analysis of powerful people on the board, which is the purpose for which your negotiator may request it, the orchestra committee can provide this information to musicians serving on committees with board members in order to familiarize themselves with the board members before important meetings. The orchestra committee can also offer the information to other unions who need background on their company CEO and board members.

Some sources for this information are:

- *Who's Who in America; Who's Who in the West; Who's Who in the East; Who's Who in the South; Who's Who in the Southwest*, etc. There are also *Who's Who* volumes relevant to certain industries. These will give you information on education, corporate history, any awards bestowed, and a list of corporate and volunteer boards on which the person has served.

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## Prepare to Board

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- Standard and Poor's *Register of Corporations, Directors, and Executives*. Lists of corporate officers and board members.
- Dun and Bradstreet *Million Dollar Directory*. America's leading public and private companies, officers and board members.
- *Biography and Genealogy Master Index*. A consolidated index in several volumes of 3.2 million biographical sketches in 350 biographical dictionaries.
- *Biography Index*. A cumulative index to biographical material in books and magazines.
- Newspaper Index. Several libraries now have this computerized for their local daily newspaper. Just type in the name of your board member, or the company the person works for, and any identifying names associated with him or her (you can do the same for the name of your orchestra, music director, and board president in order to find interesting links and bases for further information searches).
- Periodical Index. Libraries often have this computerized as well. My library has about 1,500 magazines and trade journals indexed on-line. It has our local version of the *Business Journal*, and keeps the last two months of the *Wall Street Journal* and *New York Times* indexed.

There are other reference sources that may be locally available, including databases. Ask your librarian for assistance; the librarian can be exceedingly helpful and knowledgeable, and often has an affinity with workers of other underpaid professions. You, your union or central labor council also can subscribe to computer networks and clipping services.

From all your research, you'll begin to recognize who has the real power on the board and who doesn't. You may be able to ascertain which board members are sympathetic to the musicians, or have the potential to be. Hopefully, the sympathetic ones will have some power on the board (not all of them do). If not, you can help them develop some. Of fifty to sixty board members, only a few are involved in running your orchestra. All try to attend a few one-hour meetings each year and help raise money for the annual fund, but not all have the power to make decisions.

Most of your research should center on the members of the symphony's Executive Committee — the people who make most important decisions affecting your work life.

The American Symphony Orchestra League uses the three-legged stool (*Those that live in glass acronyms shouldn't throw double-edged metaphors — Ed.*) as a description of power sharing in an American

symphony orchestra. The three legs are the Music Director, the Executive Director, and the Board. Through your research, you will get to know the board members well enough to make judgments about how the three legs of the stool work together, and which power sources are fueling your orchestra at the moment.

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## SenzaNet: Take a Byte

*Senza Sordino* is now available online. Thanks to the cooperation of Wayne King, Supervisor of Computer Services for the AFM Symphonic Services Division, electronic versions of *Senza Sordino* will be posted on the SSD computer bulletin board, and can be downloaded by any AFM member with a computer and a modem.

Issues will be available in three formats:

- a "digital paper" version, which can be read and printed by Macintosh computers and PC's running Windows 3.1. This produces an exact replica of *Senza* as it appears on your music stand, minus photographs.
- a "setext" version, which is a hypertext format currently readable only on Macintosh computers.
- a text version, readable on any computer.

To read and print the "digital paper" version, Windows users need to download an .EXE file named "CGMINIVW.EXE" (the "digital paper" file is actually a Macintosh application with a built-in Mac miniviewer). To read the "setext" version, Mac users need to download the "Easy View" application. Both are posted on the BBS. Files are compressed in Stuffit (.sit) format for Macintosh files and ZIP (.zip) format for MS-DOS/Windows files. Utilities to decompress these formats are also posted on the BBS.

Currently, the only issues posted are Volume 32, #1 – 3 (1993-94) and Volume 31, #4 (June 1993). Past issues will be posted when the editor of *Senza* has some free time, which, if his employers decide to reach an agreement with his orchestra, may be before the onset of the next Ice Age.

To become a Senzanaut, call the AFM BBS at (800) 223-6623. The new user will need to set their telecommunications program to 8 data bits, 1 stop bit, and no parity. After logon, they will be guided through a short registration procedure.

## The Old Pro's Book of Handy Hints

by Tom Heimberg

Somehow, over the past thirty-two years of professional music making, I have metamorphosed from an awestruck newcomer into a Respected Old Pro. It happens — sometimes later, sometimes sooner. (you don't have to be old to be an Old Pro!) In the course of this surprising and awesome transformation (yes, I still get awestruck, but for different reasons now) I have developed — as we all do — a collection of tricks and techniques that ease the work of playing classical music.

Here are a few of these devices for your use and enjoyment:

**Rubber bands make great windclips!** Two (or more) good quality bands with a relaxed diameter of 3" to 3½" can be stretched around the stand and the music on both sides of the part. Their grip is tighter at the top than at the bottom (where the lip of the stand takes up extra room), so care is necessary. But once you get the knack of carefully freeing the upper right hand corner when you turn pages, the advantages of this device will be clear: the person turning pages has greater control without needing to use both hands.

If the wind is really strong, conventional clips might still be needed, but even then rubber bands help keep the folder in order.

Of course they can also keep a folder in order even if there is no wind. When there are many short pieces of music in a book — a selection of opera excerpts, or an assortment for a Pops concert — the bands can be stretched around the music and folder without involving the stand. Pit musicians with a large book that doesn't want to stay open will also find them useful.

Carry several on the job. String players can wrap them around a packet of emergency strings (another Handy Hint that is often honored in the breach).

**Old Pros not only have beer bellies but cork guts.** The playing life of all-gut strings can be greatly extended by lightly applying cork-grease to most of their length — the fingering area, not the bowing area — and then wiping it off. Just that additional bit of extra lubrication from time to time reduces wear and gives extra flexibility to the string.

Gut strings without a winding had almost disappeared from orchestra use when I joined the profession more than thirty years ago. But not completely; I used a gut A-string on my viola for seven years, until playing a chamber work of Milhaud requiring lots of A-string

harmonics forced me to use steel. The recent rise in Baroque music specialization should give this device a new field of use.

I learned about cork grease and gut strings from one of my beloved stand partners in the San Francisco Symphony, the late Hubert Sorenson. Hubie was a highly respected professional quadrupler (violin, viola, clarinet, saxophone) who could — and did — mix his symphonic and operatic playing with shows and dance jobs, on all four instruments. (He told me once that he had studied flute, too, but had so much work on the other four instruments that there was no time to to keep it up.) As a wind player he used cork grease on a daily basis, and he used a gut A-string on his viola. This special convergence of knowledge is passed on in his memory.

Wound strings can benefit from special treatment, too. When you clean your fingerboard and strings, try using a solution which blends alcohol with some kind of gentle lubricant (myristate of myristyl, for example — whatever that is!). The cleaning is just as effective as alcohol alone, and the residue leaves the strings and board smooth and comfortably slippery.

I've been using the same bottle of *Williams' Lectric Shave* for this purpose for more than twenty years — a few drops at a time. There is enough left to last for what will probably be the rest of my career — a few drops at a time.

This procedure calls for three cautions:

1. As with cork grease, the substance should be applied well away from the bowed area of the strings (cleaning what Hindemith calls "the arctic regions of eternal rosin" requires straight alcohol).
2. It should probably not be used just before an audition, since the feeling of a lubricated fingerboard is different from usual.
3. Be sure to sniff the stuff first! It's important that you like the fragrance, which will linger for a few days after application. (*is this a viola joke or what? — Ed.*)

I hope these Handy Hints will be of use to you. I hope to share more treasures and pleasures in future issues, and I invite you to join in! If you have devised, developed, discovered or daydreamed any useful techniques, please let me know. This request is open to all colleagues, from any section or with any length of experience (you don't have to be old to be an Old Pro!) Full credit will be given for all submissions used — which may well be all of them.

Just send your cards and letters to: Tom Heimberg, 1656 Ocean View Avenue, Kensington CA 94707. Thanks; I look forward to hearing from you soon.

Tom Heimberg is the ISCOM delegate for the San Francisco Opera orchestra, where he is a member of the viola section.

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30 days notice to the FMCS. If the union strikes without giving notice to the FMCS, it violates Section 8(d). However, if the union realizes its mistake and gives late notice to the FMCS, the union can strike 30 days after giving notice.

### Selection of the Bargaining Committee

Both the union and the employer have a near-absolute right to choose their respective bargaining committees. Neither party can refuse to bargain because they disapprove of someone on the other's bargaining committee.

### The Duty to Provide Information for Bargaining

Unions have a broad right to information relevant to the negotiation and administration of the collective bargaining agreement. This obligation is based on the principle that the employer's duty to bargain includes the duty to provide the union with the information it needs to engage in informed bargaining.

The employer need not give assistance voluntarily so the union must request the information it wants. The information requested must be relevant to the formulation of the union's bargaining position, contract negotiations or contract administration. The union is also entitled to information needed to evaluate and process a grievance through the grievance procedure to arbitration.

### Limits on the Employer's Duty

There are some limits on the employer's obligation to provide information. The union's request cannot place undue burdens on the employer. Unions may have to pay for the employer's administrative expenses (such as clerical and copying costs) when gathering large amounts of information. If substantial costs are involved in gathering the requested information, the parties may bargain over the amount the employer may charge the union. If no agreement is reached, the employer may simply permit the union to have access to the records from which the union can reasonably compile the needed information on its own.

Also, the employer can require the union to state why the requested information is relevant. Usually the employer does not have to interpret the data provided to the union or put it in the precise form the union requests. It need only make the information available. However, if the information requested is computerized or needs explanation to be understood, the employer must put the data in a useable form and give the necessary explanation.

### Right to Profit Information

The union is entitled to financial information about company profits only if the employer pleads he is financially unable to pay a requested increase. This is called "pleading poverty." The union is

not entitled to this particular financial information just because it would assist it in preparing wage demands for bargaining.

### Confidential Data

The Supreme Court has indicated that an employer's legitimate interest in the confidentiality of certain information may prevail over the union's need.

### The Good Faith Concept

The NLRA does not require an employer and union to agree to the terms of a collective bargaining agreement. A party's only obligation is to bargain in good faith with an intent to reach an agreement. If an agreement is reached, either party may require that it be written and executed.

The law does not regulate the contents of an agreement; it only regulates the bargaining process. Each side in the bargaining process naturally wants to get the best contract it can for itself. The law does not require either party to be "fair" or to compromise its position to reach an agreement. Section 8(d) specifically states that neither party can be required to agree to a proposal or make a concession. A party may lawfully bargain for the most favorable agreement possible. An employer whose bargaining power is stronger than the union's can use that power to get a better agreement, so long as the employer intends to reach an agreement. Similarly, a union whose bargaining power is greater than the employer's can use its power to negotiate an agreement more favorable to the union.

Although both the employer and the union may bargain in good faith and intend to reach an agreement, they may eventually reach a good faith deadlock on an issue. A good faith deadlock is a bargaining impasse. The parties may move on to other issues or break off bargaining altogether at that point. The duty to bargain includes the duty to meet at reasonable times and places. But either an employer or a union can refuse to meet if a bargaining impasse has been reached and neither side is willing to change its position. This is not bad faith bargaining.

However, if an impasse is broken by a change in the position of either party or by a change in circumstances, the parties are once again obligated to meet at the request of either side. The NLRB frequently regards a strike following an impasse as a changed circumstance. Thus, if an employer breaks off negotiations before a strike begins, the employer may be required to begin bargaining again if the employees strike.

There is no set amount of time before the parties can reach an impasse. In theory, the parties could reach an impasse after a few minutes of bargaining on a particular matter. That, however, would be unusual. If the parties bargained with the intent to reach

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an agreement and they are deadlocked, there is an impasse regardless of the time taken to reach that point.

The main consequence of the impasse is that the Employer then has the legal right to unilaterally impose, or "implement," the terms and conditions of its last offer to the Union. The Union, of course, can strike immediately, or it can work under the Employer's conditions temporarily or even permanently.

If an employer simply refuses to meet with a union to negotiate an agreement, the employer is obviously not bargaining in good faith as required by Section 8(a) (5). Most employers, however, are more sophisticated than that. An employer who meets with the union, but only goes through the motions of bargaining with no intent to reach an agreement, is using the tactic called "surface bargaining."

How does the NLRB distinguish an employer who is engaging in hard bargaining, which is legal, from one that is bargaining in bad faith? No single factor determines whether an employer or a union is bargaining in good faith with an intent to reach an agreement. Good faith is judged on the totality of a party's conduct. There are, however, certain acts that are usually considered evidence of bad faith bargaining. These include: agreeing on minor bargaining issues, but refusing to give in on any major point (such as agreeing to general contract language but maintaining a fixed position on all major economic issues); refusing to agree to provisions found in most collective bargaining agreements (such as a "just cause" clause or seniority provision); proposing wages and benefits that are no better than those under the prior contract or before the union was certified; rejecting union proposals without making any counter proposals or indicating why the union's proposals are unacceptable; reintroducing proposals which have previously been withdrawn in order to avoid reaching an agreement; and delaying meetings.

No one factor is controlling. An employer may have perfectly legitimate reasons for refusing to have any seniority provisions in a contract or for not offering any wage increase. Whether an employer is engaged in surface bargaining is a matter of overall intent. All factors are considered, including whether the employer has displayed hostility toward the union or engaged in coercive activities.

### Circumventing the Union

An employer violates the duty to bargain under Section 8(a) (5) if he attempts to go around the union during bargaining and deals directly with the employees on their terms and conditions of employment. An employer can lawfully keep its employees informed concerning the employer's bargaining position, the reason for its positions, and bargaining progress. The employer cannot, however, make an offer to the employees that it has not made to the union or attempt to undermine the union's bargaining position.

### Boulware in a China Shop: Take It or Leave It

Can an employer adopt a "take it or leave it" attitude on its bargaining proposals, a technique frequently referred to as "Boulwarism?" Lemuel R. Boulware was chief of labor relations for General Electric for many years and developed the technique bearing his name. Under this approach, the company did extensive preliminary research on its bargaining position. Based upon its research and the union's proposals, the Company devised what it regarded as a "fair but firm" offer which it then presented to the union. The company would listen to whatever counterproposals the union made, would explain its reasons for rejecting them, but would not change its position.

The Board held that this technique was unlawful, but for a very narrow reason. The company not only held to a rigid position at the bargaining table, but also circumvented the union through a widespread publicity campaign to convince the employees that the company's offer was best. The company disparaged the union in its literature. The Board held that it was unlawful for the company to make it appear that union representation was futile by acting as if there were no union at all. Thus, the company's conduct was in bad faith because the totality of its conduct, not just the one technique, indicated that it had no true intent to bargain.

Section 8(d) provides that neither party can be required to reach an agreement or make a concession. Therefore, bargaining techniques close to Boulwarism are lawful, as long as the employer's other conduct does not indicate he has no intention of reaching an agreement.

### Tentative Agreements

During bargaining, either side has the right to keep all agreements tentative until a complete agreement is reached. It is not necessarily bad faith bargaining for either an employer or a union to change position on an item previously agreed to. The Board permits the parties to retract tentative agreements because it understands that a party may agree to particular contract language or certain benefits during bargaining on the assumption that the overall agreement will be acceptable or that it will win some concession from the other side. If the entire agreement falls short of expectations, a party has the right to revise its total proposal. However, it may be evidence of bad faith if a party puts issues already agreed to back on the bargaining table at the last moment without any reason.

The Board has held that an offer remains on the bargaining table, even after the other party has initially rejected it, until it is expressly withdrawn, and that a party can change its mind and accept an offer until it is withdrawn. For example, an employer may propose a package settlement agreement which the union rejects. The parties may then continue to bargain without any progress being made. The

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union can decide to accept the employer's prior bargaining proposal, and the employer would be bound by the proposal, unless it had been expressly withdrawn before then.

Both the employer and the union may make agreements negotiated at the bargaining table conditional on higher approval. Thus, the union negotiators can reach an agreement contingent on membership ratification. The negotiators for the employer can make their agreement contingent on approval by higher management or the board of directors. However, the employer's representative must have sufficient authority to conduct meaningful negotiations to reach a tentative agreement. It is bad faith bargaining if the negotiator continually has to check every major point with someone who is not present.

It is assumed that both the employer and the union negotiators have full authority to reach a binding agreement on their own. If a negotiator's agreements are subject to approval, he must advise the other party of this restriction at the beginning of negotiations. If a negotiator does not indicate the limits of his authority, a party may be bound by an agreement the negotiator reaches even though he exceeded his authority. Neither the employer nor the union is bound by the internal ratification procedures of the other unless it has notice of them or there is a past practice of ratification. For example, if a union's by-laws require that contracts be ratified, but the union's bargaining committee does not tell the employer about this requirement, the union is bound by an agreement the committee reached even though it went beyond its authority.

### Economic Force During Bargaining

The Supreme Court has held that economic pressure is not inconsistent with good faith bargaining. In that case, the union engaged in a work slowdown. The members refused to fill out paper work, reported to work late and left early, and engaged in other harassing tactics to pressure the employer into accepting the union's bargaining position. The Court held that it was not bad faith bargaining for the union to use economic pressure to force the other party to concede. It stated that economic power has a legitimate role in the bargaining process.

Thus, a union has the right to strike or engage in other concerted activity to support its bargaining position. Similarly, the employer has the right to lock out employees in support of its position.

There is a common misunderstanding that a union can only strike if negotiations have reached an impasse following good faith bargaining. That is not so. As long as a no-strike clause is not in effect, a union has the right to strike at any time to force an agreement, even though bargaining is still going on and the parties are not deadlocked. Economic force is not inconsistent with a good faith intent

to reach an agreement, although the agreement sought is one favorable to the union.

### Union Bad Faith Bargaining

Although the emphasis has been on employer conduct constituting bad faith bargaining, a union can also be guilty of bad faith bargaining. Suppose a union has a master contract with a multi-employer association that the union wants other smaller independent employers in the same industry to sign. An independent employer suggests a change in the master agreement, but the union insists that all employers sign the same agreement without the change. That may be bad faith bargaining because the union has no intention of engaging in the give and take of bargaining with the employer, just as an employer using Boulwarism tactics has no intention of engaging in true bargaining with a union.

This article, which is intended to give the very basic legal principles underlying the negotiating process, was adapted from *Labor Guide to Labor Law*, Second Edition, by Bruce Feldacker, published by Prentice-Hall, Inc. It is not intended to be an exhaustive treatment of a very complex group of statutes and cases.

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### Product Watch

*continued from page 8*

used for comparison, which ended on December 31, 1988, TIAA-CREF provided the highest bottom-line results: cash accumulation of \$62,539 in the fixed-income vehicle and \$83,405 in the mutual fund. When taken in the form of a life ten-year certain annuity at age 65, the fixed-income vehicle and the mutual fund vehicle would provide a monthly income of \$637.42 and \$762.31, respectively.

If you had contributions to the AFM-EPF of \$36,000 over any period, under the current pension rate at age 65 of \$4 per \$100 of contribution you would receive a monthly income of \$1,440. In addition, the AFM-EPF pension has survivor and disability benefits even before you're vested, if you have one year of vesting credit. And it only takes scale wages (not contributions) of \$1,500 in a year to get a year's vesting credit. If you only had scale wages of \$375 in a given year, you would still earn one quarter of vesting credit, and the vesting period is only five years. It's a very easy plan in which to earn vesting.

*(thanks to Michael McGillvray)*

## Product Watch

### Gloves to Warm the Cockles of Your Tendons.

An article found while surfing the Internet describes a product that has helped at least one sufferer of repetitive stress injuries to the hands. The sufferer is Adam Engst, editor of an online newsletter called "TidBITS;" the product, Handeze gloves. He writes:

"These \$20 fingerless gloves are made from stretch Lycra subjected to a special process called "Med-A-Likra" that expands the individual fibers in a thread, thus reducing the space between threads and working better to hold body heat. The cuffs are double-layer Lycra and help keep the hand in a neutral position while allowing flexibility, unlike wrist braces. The strangest part of the gloves is that they only have four holes for the fingers - the middle finger and ring finger share an opening. The New England Therapeutic Research Group designed the gloves to help relieve pain in three specific ways - by providing warmth, support, and massage. Although ideal for computer users, the company that sells the gloves, Dome, notes that they have been used successfully by musicians, farmers, carpenters, seamstresses, and dentists, along with people in many other occupations susceptible to RSI."

Engst claims that his wife, who suffers from tendinitis, was helped by the gloves as well.

Dome / (800) 432-4352

(reprinted by permission of TidBITS)

### Music May Sooth the Savage Beast, but What's It Doing to Your Lumbar?

ICSOM's first venture into book publishing, *The Musicians' Survival Manual: A Guide to the Prevention and Treatment of Injuries in Instrumentalists*, is available from MMB Music. The book, which was written by Dr. Richard Norris and edited by former *Senza Sordino* editor Deborah Torch, offers information about the anatomy, diagnosis, treatment, and prevention of many injuries that can befall instrumentalists.

MMB Music / St. Louis MO / (800) 543-3771

### Mute Experimental (MX)

A Texas company has announced the development of a practice mute for brass instruments called the Peacemaker Practice Mute. The product is a mute with acoustic headphones. The company claims that the mute "drastically reduces the sound level far below

that of a common straight mute **and** allows the player to hear the sound clearly through the innovative use of headphones... top professionals and students report that the mute does not noticeably affect the playing characteristics of their instrument." Models are currently available for trumpets in various keys, French horn, and tenor and bass trombone. Models are promised soon for euphonium and tuba.

Finally, the answer to *Mars, the Bringer of Deafness*.

Peacemaker Music Products

9722 Railton

Houston TX 77080

### Everything you wanted to know about percussion parts, but were afraid you'd get used for a gong if you asked

A percussionist with the City of Birmingham (UK) Symphony Orchestra, Maggie Cotton, has written a book entitled *Percussion Work Book*. She says "since I was a student some thirty-seven years ago, I have always kept a record of what pieces I have played, what percussion instruments are required, and how many players are needed for each work. This record was indexed and, over the years, has become an invaluable reference book. It is unique; no other orchestra books break down the exact percussion demands."

It must be unique; how many other books can (or would) boast of a "Timpani Appendix?"

M. Cotton / 57 Elmfield Crescent / Birmingham B13 9TL / United Kingdom

### Performers' Pension Fund Really (Out)Performs

Any comparison of different financial products is difficult, and sometimes not even appropriate. So, with that caveat, here's a comparison of the financial performance of the American Federation of Musicians and Employers Pension Fund with that of another type of retirement vehicle, a tax-deferred annuity.

The National Education Association commissioned the consulting actuaries Milliman & Robertson, Inc. to do a comparative analysis of 403(b) (tax-sheltered annuity) products available. They used as a yardstick for comparison a total contribution of \$36,000, made over ten years in monthly amounts of \$300. Over the decade they

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## Letters to the Editor

We, the orchestra committee of the Saint Louis Symphony Orchestra, are writing to respond to an article published in a newsletter entitled *Alternate Fingerings* dated December 1993, and specifically to a paragraph entitled *What's in a Name*.

The article refers to contractual language concerning payment of ICSOM and orchestra dues as being a requirement of maintaining membership in the union, often referred to as the "St. Louis clause."

Quoting from the article:

"the mandatory orchestra and ICSOM dues contract language is often called the "St. Louis clause" because it first appeared in the Saint Louis Symphony contract in 1983. Brad Buckley, a member of the orchestra and ICSOM's chairman, was instrumental in the negotiation of the clause. (What a coincidence!) Unfortunately, the union officers of St. Louis Local 2-197 chose political expediency over union values, and eventually succeeded in silencing all the dissenting voices in the orchestra by moving to get them fired. It's too bad that the name of such an excellent musical ensemble has become associated with such a disgraceful event."

While we find the spirit of this article offensive, it is also factually incorrect. To imply that anyone has been fired from the SLSO as a result of the ICSOM dues or orchestra dues payment language in the contract is pure fantasy. This clause was conceived and carefully considered by the musicians of the SLSO, led by our negotiating team. The officers of Local 2-197 are signatories to the contract acting only on our collective wishes. Brad Buckley was neither an officer of the union nor a member of the negotiating team for this contract, which was ratified in 1982, not 1983 as the article claims.

These misrepresentations and unfortunate innuendoes regarding our contract are regrettable, especially from our colleagues in New York.

We would be delighted to provide further facts about the Saint Louis Symphony and its collective bargaining agreement to anyone who wishes more information.

THE SAINT LOUIS SYMPHONY ORCHESTRA COMMITTEE

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## Newslets

*continued from page 10*

"CSO members had considered donating coffee, cocoa, muffins and such for the musicians, but discovered when they called the Coffee Trader that that commissary function had been usurped by players from the Atlanta Symphony Orchestra.

"An anonymous donor started the trend Saturday, according to David Boxer of the Coffee Trader, who also logged a call from the New Orleans Symphony. Perhaps if the Lawrence Welk Orchestra could supply champagne, it might induce a more congenial atmosphere for the symphony's board to resolve its differences with the musicians."

Starting this issue, *Senza Sordino* sports a slightly more modern look. The major typeface used in *Senza* for many years has been Times Roman, but this issue uses Adobe Minion as its main font. Minion is the work of Adobe Systems designer Robert Slimbach, one of the recognized leaders in digital typeface design. Your comments on both the appearance and content of *Senza Sordino* are not only welcomed, but are liable to be printed.

Violist Markus Wasmeier of Germany won two Gold Medals in the Winter Olympics in Lillehammer during February; one for the giant slalom event and one for the super-giant slalom. It would not be fair, however, to infer from Wasmeier's victories that violists go downhill faster than anyone else; Wasmeier also paints antiques and plays the zitar.

A group of neurologists at the University of Düsseldorf in Germany compared magnetic resonance images of the brains of a group of right-handed male pianists and string players with a control group of right-handed male non-musicians. They found that, in the group of musicians, a brain structure associated with auditory processing was larger in the left hemisphere of the brain and smaller in the right hemisphere than in the control group of non-musicians. The neurologists also found that, among the musicians who had started their training before the age of seven, the corpus callosum, which is a bundle of nerve fibers that connects structures between the two hemispheres, was 10 to 15 percent thicker than in the control group, or even in the group of musicians who had begun their studies later in life. Gottfried Schlaug, one of the neurologists, hypothesizes that early musical training can strengthen and even create neural connections in the brain.

The only remaining problem would seem to be figuring out how to fit "Musicians do it with a thicker corpus callosum" on a bumper sticker.

## Newslets

Florence Nelson, treasurer of AFM Local 802 (New York City), has been appointed director of the Symphonic Services Division of the American Federation of Musicians by AFM President Mark Tully Massagli. Ms. Nelson was ICSOM treasurer for many years before becoming treasurer of Local 802. We look forward to the continuation of a long and productive relationship with Ms. Nelson and Symphonic Services.

On December 29, a Federal District Court in Honolulu confirmed arbitration awards requiring the Honolulu Symphony Society to pay nearly \$400,000 in back pay and benefits owed the musicians of the Honolulu Symphony Orchestra as a result of unilateral cuts imposed by the Society during the 1992-93 season. On another front of the HSO musicians' continuing struggle to be treated as something other than pond scum, the Musicians' Association of Hawaii, AFM Local 677, and the Hawaii Opera Theater have concluded negotiations establishing an orchestra for the Opera Theater, which in past seasons has used the HSO as its pit orchestra. According to *The Bugle*, the newsletter of the HSO musicians, "the conditions agreed to with the Hawaii Opera Theater will bolster the Musicians' efforts to preserve the integrity of the Honolulu Symphony's size and compensation schedule, which have been under constant attack by the Symphony Society leadership for over two years."

As was discussed in the October 1993 issue of *Senza Sordino*, the latest report emanating from the American Symphony Orchestra

League, *Americanizing the American Orchestra*, was released into a firestorm of criticism last spring. Now it appears that some of the major figures in American orchestra management have unleashed their own broadside into the sinking ship *S.S. Americanizing*. Edward Rothstein of the *New York Times* reported on February 20 that "managers of some of the largest American orchestras objected to the way the report was prepared and released, and they argued that some of its conclusions were 'seriously flawed'... their resolution criticizing the report was presented to the [ASOL]." To which we can only say, "better late than never."

Quote of the Bi-month: (Milwaukee Symphony Orchestra Executive Director Joan H. Squires discussing management's proposal to reduce the season from 48 weeks to 41 weeks with a concomitant decrease in 14.7% in annual compensation for the musicians, in comparison with the 7.5% cut taken by her): "[The musicians are] 'not going to be paid less for their work. They're going to work less.'"

Michael Horne wrote, in his column in the *Milwaukee Sentinel* of January 11, that "demonstrating Milwaukee Symphony Orchestra musicians were treated to Edwardo's pizza Sunday as they marched in the bitter cold (*8° F before factoring in windchill—Ed.*) for the third day at the Performing Arts Center. The donors: members of the Chicago Symphony Orchestra, demonstrating in a Dickensian sort of way that music builds bridges between peoples.

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### ICSOM Governing Board

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# Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

VOLUME 32, NO. 4

May 1994

## Middle-aged Ninja Mutant Newsletter: The Complete Index to *Senza Sordino*

☞ It is with both trepidation and pride that we introduce the first issue of *Senza Sordino*. It has been put together against the pressure of both time and limited funds, and no doubt bears the scars of its difficult (one is tempted to say “Cesarean”) birth.

In May, 1962 12 symphony orchestras, was held in Chicago. The first item on the agenda was entitled: “Establishment of a Federation-wide Symphony Newsletter.” A committee was appointed, drafted a recommendation, and its report, together with subsequent action, is printed elsewhere in this newsletter. It is on the basis of the mandate of the Chicago Symposium, then, that *Senza Sordino* goes to press.”

So began the first issue of this publication, which appeared in January 1963 (one could almost write “that is what he said; that is what Bob Coleman said.”) It was nineteen typewritten pages, but what those pages reported presaged many of the issues that continue to provide orchestra activists with plenty to do in their spare time: inter-orchestra conferences, contract negotiations, the dismissal of a musician from the Philadelphia Orchestra allegedly because of his age, a fight to change the relationship between the Chicago Symphony musicians and their local union involving the ouster of the most powerful official in the AFM’s history, the legal battle between the Cleveland Orchestra musicians and their local regarding the musicians’ desire to have the right to ratify their own contract, and a quote from a conductor who, wishing to fire several players, claimed that musicians preferred moving from job to job “like birds.”

Few involved in the decision to establish a “Federation-wide Symphony Newsletter,” as it was called on the agenda of the symposium that was held in Chicago in May 1963, could have predicted its subsequent career, nor that three player conferences, representing over 100 orchestras and close to 10,000 musicians, would eventually emerge from that meeting of representatives of twelve orchestras. Probably not even the musicians who have been a part of *Senza*’s thirty-one year history could have predicted that *Senza Sordino* would become not just essential reading for orchestra activists, or even musicians with too many measures to count or a podium tantrum to endure, but also the most complete history of the growth and professionalization of the art music orchestra in North America during the second half of the twentieth century.

My second-most exciting moment (so far) as *Senza*’s ninth editor was opening the three boxes of back issues that I inherited from Debbie Torch (the most exciting moment was dropping off 5,000 copies of my first *Senza* at the post office). The first issue that came

to hand when I opened the box was one of quite startling relevance to my orchestra’s situation (the issue was Volume 20, Spring 1982, which was entirely devoted to Baltimore’s sixteen-week lockout). The idea came to me, as I rummaged through the mounds of old *Senzas*, that its thirty-one volumes were a treasure chest of information and orchestra history that could be immensely helpful to professional orchestra musicians today, who face the same immense challenges that they always have in bringing dignity and respect to themselves and their profession. I hope that this complete index to *Senza Sordino*, while hardly light reading, will serve as a key that will help to unlock that treasure. Perhaps if we can remember our history we will be, as the philosopher George Santayana suggested, less likely to have to repeat its nastier bits.

A word as to the text of the index: articles are listed by titles, followed by occasional explications by the current editor. Given the immense changes in societal mores and values that have occurred since 1963, a few of the titles will no doubt seem quaint and even offensive to some, but in the interests of historical verisimilitude I felt it better to present the actual titles unbowdlerized by my personal notions of what might be unacceptable to current sensibilities.

This issue contains not only an index to the thirty-two volumes of *Senza Sordino* published to date, but also profiles of its previous editors. Perhaps only someone who has been editor of *Senza* can fully understand how much time, effort, and intelligence has gone into producing this publication since its birth in 1963, but this writer can assure the thousands of musicians who have benefited from that effort that their orchestras would be worse places to work had it not been for the work of these dedicated souls. When the history of the American orchestra is written, these eight musicians will have an honored place in its pages.

Robert Levine  
Editor (the ninth)  
*Senza Sordino*

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Robert Coleman was the first editor of *Senza Sordino*, editing the three issues of Volume 1 (1963). In the span of five months he produced 66 pages of newsletter, an achievement yet to be surpassed by any successor. He was a violist with the Chicago and Dallas orchestras, retiring from the latter in 1992. According to Tom Hall, "Bob Coleman did a great job getting the newsletter underway and publishing the first charts, a big task. The first issues probably contained as much or more information and exchange of ideas than any future issues. To him fell the task of making ICSOM a visible force in the orchestra world, and he met that challenge with courage."

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Reinhardt Elster, who was a member of the Metropolitan Opera Orchestra, edited Volumes 2 and 3 (1963-65). He provided *Senza* with a more polished look and some good editorials and articles on the relationship of orchestra musicians to their managements and union.

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**Sam Denov**, who was a member of the Chicago Symphony percussion section, served as editor for Volume 4 (1965-66). He also served as ICSOM's first Vice-chair from 1963 to 1966, from 1968 to 1969, and as Chair of ICSOM from 1969-70. Denov was active in the union democracy movement that unseated James C. Petrillo from the presidency of the Chicago local. As *Senza* editor, he published four news-packed issues in a very attractive newspaper format, with a masthead of truly startling ornateness. Unfortunately the newspaper format did not survive the discovery that it poked over the top of music stands.

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David Smiley, a member of the San Francisco Symphony viola section, was editor for Volumes 5 - 8 (1966-1970). Smiley gave *Senza Sordino* a format, a masthead, and a "look and feel" that endure to this day. He was elected ICSOM Vice-Chair in 1970 and served until his death in 1973 at the age of 41. Both of his children, Dan and Mariko, are now members of the San Francisco Symphony.

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**Vance Beach**, a cellist with the Los Angeles Philharmonic, was editor from 1970-72 (Volumes 9 - 10). He established a standard of excellence with his writing that has yet to be surpassed, with prose that was both witty and passionate (explaining that tax-sheltered annuities were not simple, he wrote "the government set it up, the government controls it, and the Internal Revenue Service oversees it. How could it be simple?") After resigning the editorship, Beach won election to the position of Secretary-Treasurer of Local 47 in Los Angeles. He died in 1986.

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**Henry Shaw**, a violinist with the Cincinnati Symphony, edited more issues of *Senza* than anyone before or since, 61 issues over ten seasons (1972-82). He also served as Regional Vice-chair for Central Orchestras for three seasons. According to his successor, Tom Hall, "our greatest editor was Henry Shaw. Not only did he serve the longest, he was the first to write some truly important editorials, including 'The Winds of Change' and 'Our Decibel Dilemma.' The first members of an ICSOM Hall of Fame should be George Zazofsky (ICSOM's first Chair) and Henry Shaw."

**1993-94 Wage Chart of ICSOM Orchestras**  
**compiled by Stephanie Tretick**

Orchestra	Weeks	Annual Minimum Salary	+Max Seniority (35-yr cap)	EMG	Pension	Average Services Weekly	Vacation Weeks	Relief Weeks
Alabama	<b>OPERATIONS SUSPENDED</b>							
Atlanta	52	50,700	52,520	2,860	23,000	8	8	6 services for strings, 2nd wind/brass
Baltimore	52	54,080	57,720	none	19,500	8	8	16 services
Boston	52	67,600	72,020	none	26,500	8	9	3 of 9 vacation weeks are floating
Buffalo	37	28,675	29,970	none	13,320	8	4	3 may be rotating
Chicago Lyric	23	29,760	30,560	none	8.25% EPW	7-8	\$ bonus	none
Chicago	52	67,600	74,100	none	40,000	7.5	8	2+1 subscription, 2 summer programs
Cincinnati	52	57,750	58,750	2,250	22,000	8	9	16 services for strings
Cleveland	52	65,000	71,240	1,950	27,000	8	9	1 is floating
Colorado	39	24,180	25,545	1,170	5% DCP	8	4	7 personal services
Columbus	43	34,400	35,260	none	5-7%	8	3	6 services personal leave
Dallas	52	54,340	56,160	2,860	20,880	8	8	10 string services
Detroit	42	53,965	55,645	2,000	24,000	8	8	8 services strings, second winds
Florida Orch	35	20,575	21,800	175	5% 403(b)	8	3	none
Florida Phil	40	28,075	28,075	none	5% EPW	8	2.5	none
Grant Park	10	9,003	9,363	none	8.5% EPW	8	0	none
Honolulu	<b>LOCKED OUT</b>							
Houston	52	53,040	54,340	2,080	20,000	8	9	none
Indianapolis	52	45,370	48,490	none	28,800	8	8.5	8 services strings, 1st and 2nd winds
Kennedy Center	18	28,200	29,550	none	7.5% EPW	11	5%	none
Los Angeles	52	66,040	69,940	2,000	31,500	8	9	1 week strings, 2nd winds and horn
Louisville	44	23,861	24,521	1,716	350 EPW	7	4	at least 9 services
Met Opera	52	61,458	61,458	none	50%	8	9	1 week
Milwaukee	42	40,320	41,712	717	21,000	8	5	2 floating plus approximately 30 services
Minnesota	52	64,480	66,040	1,300	27,000	8	8	6 maximum (on seniority) + 7 strings
National						8	9	1 extra week for strings
New Jersey	29	23,055	23,635	435	7% EPW	7	2	none
NYC Ballet	30	37,208	40,032	none	11%/gr EPW	6 perf	4	none
NYC Opera	29	31,550	33,580	none	10% EPW	5	4	none
New York	52	68,120	72,540	none	40,000	8	9	1 of 9 vacation weeks
North Carolina	43	29,627	30,487	none	8% 403(b)	8	4	4 services personal leave
Oregon	43	30,456	30,456	563	7.5% EPW	7	2.5	none
Philadelphia	52	67,080	72,280	1,500	37,500	8	10	1 of 10 vacation weeks
Phoenix	35	19,347	20,572	none	132	8	2	none
Pittsburgh	52	63,960	67,080	2,080	25,000	8	9	none
Rochester	41	31,777	32,693	408	5% DCP	8	3	none
St. Louis	52	55,640	57,720	none	26,000	8	8	1
St. Paul	34	39,880	41,030	1,200	9% 403(b)	8	3	1
San Antonio	39	23,595	24,960	none	4.5% EPW	7	3	none
San Diego	33	22,770	22,770	1,980	5.5% private	8	2	none
SF Ballet	21	21,482	22,582	950	10% EPW	6.5	10%	none
SF Opera	25	44,185	44,985	1,500	8.5% EPW	6+reh	4	1 opera every other season for strings
SF Symphony	52	66,430	70,330	1,300	28,000	8	10	3 floating
Syracuse	36	21,011	21,405	1,287	10%	7.52	4	some relief during opera weeks
Utah	52	30,125	31,425	1,300	8% EPW	8	9	3 additional unpaid weeks

**1992-93 ICSOM Orchestra Recording Sessions**  
 compiled by Bradford D. Buckley

**Wage Chart Notes**

	Orchestra	2 Hour	3 Hour	4 Hour	Location Hours	Total Hours
<b>Atlanta:</b> Seniority in addition to overscale	Alabama	0	0	0	0	0
	Atlanta	0	4	6	0	36
<b>Boston:</b> At least 22 weeks are 5 day weeks	Baltimore	0	7	0	0	21
	Boston	0	8	6	14.5	62.5
<b>Chicago:</b> Radio = 8.5% of scale: \$5,746 additional assumes 52 broadcasts, may be reduced to 39 or less due to funding cuts.	Buffalo	0	0	0	0	0
	Chicago Lyric	0	0	0	0	0
<b>Cincinnati:</b> Salary figures reflect negotiated 2-week lay-off.	Chicago	0	9	3	37.7	76.5
	Cincinnati	0	11	1	0	37
<b>Colorado:</b> Seniority is not paid in addition to overscale.	Cleveland	0	23	4	0	85
	Colorado	0	0	0	0	0
<b>Dallas:</b> Rule of 85 applies with 30 years of service.	Columbus	0	0	0	0	0
	Dallas	0	9	0	4.5	31.5
<b>Detroit:</b> Additional relief: 2 services per year per each 5 years seniority, up to 8 services per year. EMG includes radio.	Detroit	0	4	4	0	28
	Florida Orch	1	0	0	0	2
<b>Florida Philharmonic:</b> two-tiered orchestra; 10 players earn less than shown. Salary includes annual travel bonus of \$700.	Florida Phil	0	0	0	0	0
<b>Grant Park:</b> Salary includes special services and health & welfare.	Grant Park	0	0	0	0	0
<b>Honolulu:</b> 20-year cap on seniority.	Honolulu	0	0	0	0	0
	Houston	0	1	2	0	11
<b>Kennedy Center:</b> Vacation pay = 4% personal scale. Orchestra only in existence for 12 years; maximum possible seniority is only \$50/week so far.	Indianapolis	0	2	2	0	14
	Kennedy Center	0	0	0	0	0
	Los Angeles	0	8	1	28	56
<b>Los Angeles:</b> Past retiree pension: \$103/106/110 per month times years cap in place when originally retired.	Louisville	0	1	0	6	9
	Met Opera	0	21	13	0	115
<b>Louisville:</b> Pension is yearly figure. Management will match player contribution up to \$450 per year. Relief based on number of services played in previous season.	Milwaukee	0	4	1	0	16
	Minnesota	0	3	0	0	9
	National	0	1	3	0	15
<b>Metropolitan Opera:</b> Pension = 50% of wage during 1 of last 3 years service. Rehearsal scale for 30 weeks = \$36/hour.	New Jersey	0	0	0	0	0
	NYC Ballet	0	0	0	0	0
<b>Milwaukee:</b> Pension based on years of service; no maximum. Additional relief services are rotated services. Master Agreement guarantees 41 weeks; management is offering 42 weeks this season.	NYC Opera	0	0	0	0	0
	New York	0	2	1	24	34
<b>NYC Opera:</b> Plan A Health Benefits Plan, Local 802. Base includes rehearsal pay.	North Carolina	0	0	0	0	0
	Oregon	0	0	0	0	0
	Philadelphia	0	3	4	0	25
<b>New York Philharmonic:</b> Each musicians receives a minimum of \$1040/year overscale in addition to figures in chart.	Phoenix	0	0	0	0	0
	Pittsburgh	0	2	5	29.5	55.5
	Rochester	0	0	0	0	0
<b>North Carolina:</b> 4 weeks of summer are optional.	St. Louis	0	2	6	3	33
	St. Paul	0	8	12	72	144
<b>Philadelphia:</b> Pension = \$1,250/month per year of service to 30 year maximum 93-94 plus additional \$5,000 after 31 years service. String bonus of \$20/week.	San Antonio	0	0	0	0	0
	San Diego	0	2	1	10	20
<b>Pittsburgh:</b> 93-94 terms reflect one-year contract extension.	SF Ballet	0	0	0	0	0
	SF Opera	0	0	0	0	0
<b>SPCO:</b> 1994-97 wages will reflect COLA.	SF Symphony	0	7	3	0	33
	Syracuse	0	0	0	0	0
<b>Syracuse:</b> Pension is 10% of final yearly wage.	Utah	0	0	2	0	8
	<b>Totals</b>	<b>1</b>	<b>142</b>	<b>80</b>	<b>229</b>	<b>977</b>

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**Tom Hall**, editor from 1982 to 1986 (Volumes 21 to 24), is a violinist with the Chicago Symphony. He brought the same calm, balance, sense of order and professionalism to the task of publishing *Senza* that have made him one of the true pillars of ICSOM for over a decade. Among other innovations, he instituted regular reporting of settlement summaries and an annual index. He has also served as Governing Board Member-at-Large, as Conductor Evaluation Program Administrator, as Conference Coordinator, as Nominating Committee member, and as unofficial ICSOM archivist.

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**Deborah Torch**, editor from 1986 to 1993 (the second-longest tenure in *Senza* history), is a violinist with the San Antonio Symphony. She moved *Senza* into the desktop publishing era, an achievement all the more remarkable given the primitive tools available at the time. She also did something no editor had done before: investigative reporting, including a major piece on the decision of the musicians of the Seattle Symphony to leave the AFM. ICSOM Chair Brad Buckley said of Torch, "I would be hard pressed to say which I admired more, her abilities as an editor or her contributions as an Executive Committee member." In addition to the news normally covered in *Senza*, she greatly expanded coverage of the music medicine field, eventually editing a book on the subject (ICSOM's first book publishing venture).

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*(special thanks to Tom Hall for his assistance on this project)*

## A Call For Help

Please help us find a bone marrow transplant.

Alexandra Hysong is a 3 1/2 year-old girl of Philippine/Caucasian descent who has leukemia. She is in desperate need of a bone marrow transplant, which can give her a second chance for life.



If you (or someone you know) are of Asian/Caucasian (preferably Filipino/Caucasian) descent and want to give Alexandra that chance, please contact the National Bone Marrow Program at 1-(800) MARROW-2. Donors must be between 18 and 55 years of age (male or female). Due to Alexandra's racial mix, the pool of potential donor matches is extremely small. Many people are needed to be type-matched in order to be able to find a suitable donor.

BRIAN HYSONG

(Brian Hysong, Alexandra's father, is the bass clarinetist of the New York City Ballet Orchestra.)

## Back Issue Policy

Back issues of *Senza Sordino* are available. ICSOM orchestras may order back issues at no cost, provided that the order is placed by the orchestra's ICSOM delegate. Back issues will also be provided to

## Newslets

ICSOM Chair Brad Buckley and President David Angus will attend the AFM Conference conclave in Las Vegas from June 23 - 26, 1994. This meeting is held because of a AFM bylaw requiring the AFM International Executive Board to meet with the various conferences of the AFM during years in which there is no AFM Convention. Subjects to be covered range from workshops on organizing and computerization to reports on AFM finances and legislative efforts.

*Senza* editor Robert Levine and ROPA Secretary Andrew Brandt met with AFM staff and consultants in Las Vegas on March 21, 1994, at the AFM's invitation, to discuss the AFM's proposed new computer system, which will replace the current SSD BBS as well as the Federation's current internal system.

ICSOM Emeritus musicians for no charge. All others may order back issues at a cost of \$5.00 for the first issue ordered and \$2.00 for subsequent issues ordered at the same time. For many of the older issues there are not sufficient copies available to send out originals; in that case, photocopies will be sent. Please mail, e-mail, or fax requests for back issues to *Senza Sordino* at the address listed below.

In addition to making back issues available in hard copy form, the editor of *Senza* hopes to have the text of all thirty-two volumes online and available for retrieval from the AFM computer bulletin board by the end of 1994.

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Buffalo Philharmonic Orchestra  
Chicago Lyric Opera Orchestra  
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Cincinnati Symphony Orchestra  
Cleveland Orchestra  
Columbus Symphony Orchestra  
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Dallas Symphony Orchestra  
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Grant Park Symphony Orchestra  
Honolulu Symphony Orchestra  
Houston Symphony Orchestra  
Indianapolis Symphony Orchestra  
Kennedy Center Orchestra  
Los Angeles Philharmonic  
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Metropolitan Opera Orchestra  
Milwaukee Symphony Orchestra  
Minnesota Orchestra  
National Symphony Orchestra  
New Jersey Symphony Orchestra  
New York City Ballet Orchestra  
New York City Opera Orchestra  
New York Philharmonic  
North Carolina Symphony  
Oregon Symphony Orchestra  
Philadelphia Orchestra

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# Senza Sordino

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August 1994

## The Year of Negotiating (Hardly)



To paraphrase the famous old story, it was a dark and stormy year for ICSOM orchestras trying to negotiate collective bargaining agreements. While some of the largest orchestras were able to wend their way through the agenda-laden minefields of collective bargaining in the '90s more or less in one piece, some orchestras that had never before had to dodge incoming fire had significant parts of their seasons amputated while the American Symphony Orchestra League did its best to anesthetize the onlookers.

These unfortunate orchestras were generally victims of both bad management and the contemporary version of the Oedipus complex: gouge out we must. Orchestras that had previously experienced generally decent relations with their managements and boards were faced with draconian demands (strangely enough, several orchestras were faced with demands for concessions that were almost identical) and with a negotiating style which regarded the act of bargaining as in exceeding poor taste and financial reality as whatever managements chose to make it.

- The Kennedy Center Orchestra sustained a very bitter strike against a management that seemed to feel that the only full-time employees ought to be themselves.
- The musicians of The Saint Paul Chamber Orchestra and their board walked to the very brink of bankruptcy over management's proposal that they break the Minnesota Opera musicians' strike and throw them out of what little work they had.
- The musicians of the Honolulu Symphony, shut down for months by a lockout and tired of waiting for their board and

management to propose a more creative solution than a poverty wage for the musicians, helped to start another orchestra and, in a move of breathtaking daring which required years of bridge-building with community leaders to make possible, convinced the state legislature that they, and not the management of the Honolulu Symphony, ought to be the recipients of \$2.5 million in state funding (the management and board of the Honolulu Symphony have decided, vulture-like, to remain in business and wait for the new Hawaii Symphony to fail).

- The musicians of the Milwaukee Symphony finally reached agreement with management on major concessions two months after a three-day job action shut down the orchestra for a January weekend, producing the coldest picket line in orchestral history (8°F *before* wind chill), sustained with the help of hot food and drinks provided by the musicians of the Atlanta and Chicago symphonies. Days after the musicians returned to work, an anonymous donor told the Milwaukee *Sentinel* that she had attempted to make a six-figure donation to the orchestra the previous spring, only to be told by a key board member "not now, because of the sensitivity of the negotiations."

None of these were pretty situations, but there were many demonstrations of how internal solidarity, solid preparation, help from other orchestras, and hard work and imagination could hold their own against some very ugly management strategies. From the musicians of the National Symphony, the Baltimore Symphony, and the Berlin Philharmonic honoring the Kennedy Center Orchestra's picket line, through the Hawaii musicians' premiere of *The Reallocation from the Seraglio*, to the hot pizza and cider supplied to some very cold Milwaukee picketers by the musicians of the Chicago and Atlanta orchestras, musicians in the ICSOM orchestras proved that the basic principles of trade unionism can work even in the nasty '90s.

Robert Levine

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## ICSOM Orchestra Settlements 1993-94

### Atlanta Symphony

The members of the Atlanta Symphony ratified a new three-year agreement on November 16, 1993.

**Length of Season** - Remains 52 weeks for all years.

**Wages** - 1993-94 \$1,030/week (\$53,560/yr)  
1994-95 \$1,070/week (\$55,640/yr)  
1995-96 \$1,110/week (\$57,720/yr)

**EMG** - [Was \$75/wk] included, in the above wages, reduced to \$55/wk.

**Vacation** - Remains at 8 weeks.

**Pension** - [Was \$22,000] \$23,000 \$24,000 \$25,000

**Seniority** - Remains \$1/yr in 5-year increments; however, it is now in addition to any other overscale payments rather than absorbed, as in the past.

**Doubling/Move up Pay** - Doubling increased to 25% of scale per instrument with no weekly maximum. Section string players who sit on the inside first stand for a noneducational service will receive 1/2 of doubling pay.

**Severance Pay** - Increased up to 60% of salary in last year of work, based on seniority.

**Health Insurance** - A modified PruCare Plus PPO will be instituted 1/1/94. 90%/10% in network, 70%/30% out of network. A joint committee will evaluate performance of the plan.

**Dental Insurance** - Orthodontic lifetime maximum raised to \$1,500 [was \$500]

**Flexible Spending Plan** - FSA to be started to handle deductible, medical, and childcare expenses.

**Life Insurance** - Increased to \$100,000

**Travel Insurance** - Increased to \$150,000

**Leaves** - 3 days paid paternity leave; bereavement leave of 7 days for family member; other leaves liberalized.

**Relief** - 6 services per contract year for strings (was 2); 6 services for 2nd chair winds and brass (was none).

**Auditions/Tenure** - Greater input by musicians. Audition pay increased to \$30 for 3 hours; \$50 plus per diem for up to 6 hours; \$80 plus per diem for 8 hours.

**Nonrenewal** - Completely revamped with more musician input, unique arbitration panel appeals that includes both a musically qualified and a professional arbitrator for artistic and procedural legal issues, respectively.

**Touring** - Baggage handling in all international cities and large domestic cities; 36-hour period between arrival and 1st concert on international tour; 30-minute pre-concert rehearsals instituted: 3 per week maximum, 1 may be at the overtime rate; all others count (1 or 2 pre-concert rehearsals equals 1 service); numerous restrictions apply. Runout minimum distance expanded from 25-35 miles; improvements in wardrobe trunks; per diem gradually increased to \$55 day, with up to \$11.25 per day additional in cities with populations over 1 million; international per diem tied to GSA rates.

**Miscellaneous** - Sundays off reduced from 24 to 22 over the life of the contract; women may wear men's attire for evening concerts; increase in the number of purchased services (up to 6 in final two years) at 1/7 of personal scale per service with up to 9 services in a week. In addition, management may book optional, unrestricted services for at least 25 players at 1/8 of personal scale; a concert without intermission cannot go longer than 90 minutes; half the rehearsals after back-to-back educational concerts limited to 2 hours. The Cooperative Committee, composed of musicians, board members, management, and the Music Director, will continue to meet and report to the orchestra in March, 1995.

**Addendum** - The members of the Atlanta Symphony Negotiating Committee were Bob Jones [President], Stephen Wilson, Carolyn Toll, Richard Deane, Carl Nitchie, Frank Walton, Ted Gurch, and Michael Moore. The orchestra wishes to thank Local 148-462, especially Nick Pennington, Secretary, and John Head, President, for their unwavering support. The orchestra would especially like to thank its Counsel, Liza Hirsch Du Brul, who successfully guided us through two contract extensions and the transition into the administration of our new CEO, Allison Vulgamore.

### Buffalo Philharmonic (11/93)

The members of the Buffalo Philharmonic reached an agreement in November to amend the final year of their agreement as follows:

**Length of Season** - [Was 46 (39 work/4 vacation/3 S.U.B. weeks)] 37 weeks

**Wages** - \$775/wk

**EMG** - \$25.50/wk + a one-time media payment of \$781.44

**Vacation** - 4 weeks (up to 3 may be rotating)

**Health Insurance** - If the cost of health insurance increases more than 10% above the current cost, the musicians will pay the additional amount.

**Sick Leave** - During the first year of employment, a musician will have 1 week of sick leave for use in the event of illness and an additional 7 weeks for serious illness or injury. After the first year of employment, a musician will have 4 weeks of sick leave and an additional 4 weeks for serious illness or injury.

**Miscellaneous** - Changes in peer review system; changes in leaves of absences. Requests for personal days must be made no less than 7 days in advance. If a paid holiday falls during a musician's vacation, the musician shall receive one holiday at another time. Musician committees will be established to meet regularly with each management department.

### Buffalo Philharmonic (6/94)

The members of the Buffalo Philharmonic ratified a new 18-month contract on June 27, 1994 after the cancellation of the balance of their 1993-94 season.

**Length of Season** - [WAS 37 (1993-94) minus the eleven cancelled weeks] 37 weeks in 1994-95.

**Wages** - [WERE \$800.50/wk + a one-time payment of \$390. There was to be another payment of \$390 which was not honored.]

1994-95 \$780.50/week, contingent upon the orchestra maintaining an operating deficit of less than \$25,000. If deficit exceeds this amount per quarter, wages are reduced by 1 week's amount over the length of the agreement. This reduction could occur every quarter or potentially a loss of 4 weeks of pay during the term of this agreement. Any quarterly surplus will be split 80-20 (musicians/management).

**EMG** - Unchanged

**Vacation** - [WAS 4 weeks] Becomes 3 weeks

**Seniority** - Unchanged

**Pension** - Unchanged

**Health Insurance** - [WAS a choice of 4 fully-paid plans (HMOs and indemnity)]  
Now the same four choices are available but management's maximum contribution is the average of the two lowest cost plans, with the remainder of the premium paid by the musician.

**Sick Leave** - [WAS up to 8 weeks]

Remains 8 weeks for major illness and less than 8 weeks for other than major illness [details still being worked out].

**Working Conditions** - Concept of "Stand-by musicians" introduced (musicians who are rotated off must be available to work if called in). Reduced the minimum size for a split orchestra from 30 to chamber-sized groups as small as 3.

**Miscellaneous** - One major change is in Board membership for musicians: there used to be 3 musicians on the Board with none on the Executive Committee. Now musicians will constitute 50% of the Executive Committee and these musicians will chair key committees (Artistic Advisory, Nominations Committee, and Vice Chairperson of the Board of Directors.)

Reduced personal days from 3 per season to 1. Payroll was changed from weekly to by-weekly.

**Addendum** - The members of the Negotiating Committee were Roger Macchiaroli [Chair], Clementina Flesher, Paul Bresciani, Florence Myers, Laurence Trott, Colin Smith, and Joel Becktell. The members of the orchestra would like to thank Local 92 and President Mark Jones and their attorney, Richard Furlong. The orchestra would also like to thank Florence Nelson, Brad Buckley, David Angus, and all the ICSOM representatives who provided the orchestra with invaluable information as well as advice and support during this process.

*continued on page 3*

**1993-94 Settlements**

*continued from page 2*

**Cleveland Orchestra**

The members of the Cleveland Orchestra ratified a new three-year agreement on October 2, 1993.

**Wages** – [Were \$1,200/week]  
 1993-94 \$1,250/week  
 1994-95 \$1,300/week  
 1995-96 \$1,350/week (half year)  
 1995-96 \$1,410/week (half year)

**Radio** – 26 weeks at 6%.

**Vacation** – Remains 9 weeks

**Pension** – [Was \$27,000/year] As of 11/1/95, pension becomes \$36,000. Retiring musicians are not frozen at \$36,000, but will receive increases negotiated in next trade agreement.

**Seniority** – [Was \$6/wk per year of service] Becomes \$8/wk in third year per year of service at five-year intervals.

**Health Insurance** – Super Blue Plus [PPO] -- in network reimbursements of 90% - 10% medical - 100% hospital and out of network 80% - 20% medical and hospital. Out of pocket maximum \$500/\$1,000 in network and \$750/\$1,500 out of network. Implement a \$50 deductible for all emergency room use unless admitted to hospital or result of an accident.

**Disability Insurance** – Increase maximum benefit to 60% of individual weekly salary to a max of \$1,080/wk.

**Per Diem** – All domestic locations becomes \$70/day

**Addendum** – The members of the Cleveland Orchestra Negotiating Committee were Ralph Curry [Chair], Al Couch, James Darling, Richard Weiner, and Ron Whitaker. The members of the Cleveland Orchestra would like to thank Local 4 and President David Brewer. A special thanks goes to the orchestra's attorney Leonard Leibowitz.

**Florida Philharmonic**

The members of the Florida Philharmonic ratified a one-year agreement on September 8, 1993.

**Length of Season** – Remains at 40 weeks

**Wages** – [Were \$26,450] \$27,375 [Principals receive 33.3% overscale and assistant/associate overscale is 10%.]

**Vacation** – Remains at 2½ weeks

**Pension** – Remains at 5% to AFM-EP

**Health Insurance** – AV-MED (HMO) 100% coverage with no deductible. Co-payments are \$350/single and \$700/family per year. [NEW] Prescription coverage added.

**Dental Insurance** – [NEW] Dental insurance added with premiums paid by management.

**Disability Insurance** – [NEW] Long-term disability insurance will be in place by December 1, 1993.

**Instrument Insurance** – Management will pay string players \$100 and wind players \$75 toward the cost of their own instrument insurance premiums.

**Sick Leave** – [Was 9 days] Becomes 21 services cumulative (no cap).

**Auditions** – Auditions committees will now be paid. Committees composed of six players. Music director will only be involved in finals. Candidate must receive four votes and one must be the music director's.

**Working Conditions** – Breaks increased to 20 minutes. Cap of three runouts per week with penalty pay if there are more than three.

**Miscellaneous** – Travel: compensation went up to \$700 per year per musician. Each musician will be assessed 1 sick service to be put into a pool to be used for emergency situations by colleagues.

**Addendum** – The members of the Florida Philharmonic Negotiating Committee were Don Nelson [Chair], Tim Conners, Carol Simmons, Tom Hadley, Leslie Bahler, Stuart McDonald [OSP Steward], and Geoffrey Hale. The members of the orchestra would like to thank the AFM Orchestra Services Program for its support during the negotiations and special thanks to attorneys Liza Du Brul and Tom Olcott.

**Grant Park Symphony**

The members of the Grant Park Symphony ratified a new three-year contract in September 1993.

**Length of Season** – Remains at 10 weeks

**Wages** – 1993-94 \$770/wk [3.5%]  
 1994-95 \$793/wk [3.0%]  
 1995-96 \$813/wk [2.5%]

**EMG** – [Was \$63.43/wk] 6 radio broadcasts or sub. special services for 3.5% across the board.

**Pension** – AFM-EP [Was 8%]  
 1993-94 8.5% 1994-95 8.5% 1995-96 9.0%

**Health Insurance** – Cash payment in check [Was 3.85%]  
 1993-94 5% 1994-95 5% 1995-96 5%

**Sick Leave** – [Was 4 services] 6 services of personal/sick leave cumulative

**Seniority** – Experience increment  
 4-8 seasons 1% of scale  
 9-14 seasons 2% of scale  
 15-20 seasons 3% of scale  
 Over 20 seasons 4% of scale

**Working Conditions** – 2 week notice for repertoire change. 2 consecutive days off for 5 weeks. No Sunday rehearsals. Only 1 week with 4 nights consecutive per season. Only 1 night rehearsal per season. Only one rehearsal can be used as sub. special service.

**Miscellaneous** – Tightened up requirements for notification to audition committee. Procedure for replacements and advisory secret vote. Unpaid seasonal sabbatical leave every 5 years [was 7 years]. One week leave (unpaid) every 3 years [was 5 years]. Closed circuit video monitors for live audience viewing. Limited media taping and use permitted for news, magazine, or advancement of tourism not promoting a product or service. Reproduction taping is permitted for archival, grantmaking, or study purposes. Study tapes to be loaned to conductors,

guest artists, and composers must be rendered unusable for commercial purposes by inserting a period of silence each minute and by imprinting a legend on video portion. Minority chair (provided by outside funding) in addition to contracted members. Minority committee to recommend minority players as temporary subs.

**Addendum** – The members of the Grant Park Symphony Negotiating Committee were Brian Ferguson [Chair], Joel Cohen, Neal Berntsen, Richard Hoffman, and Eva-Carol Beck. The members of the orchestra would like to thank Local 10-208, officers Charlie Guse and Ed Ward, and other members of Local 10-208 who attended bargaining secessions. They would also like to thank attorneys Michael C. Greenfield and Pat Collins.

**Kennedy Center Orchestra**

The members of the Kennedy Center Orchestra ratified a new two-year agreement with the Kennedy Center and a new five-year contract with the Washington Opera.

**Length of Season** – [Was BALLET 9.5 weeks/OPERA 18 weeks] Become BALLET 8.5 weeks/OPERA 18 weeks for both years. (Musical shows remain at 8 weeks and Opera remains 18 weeks for five years)

**Wages** – [Were BALLET \$1134.91/(7 perf.) + \$415.13/(12.5 hours reh.) (MUSICALS \$910/(8 perf.) OPERA 10 weeks at \$777/wk (18.5 hrs) + 8 weeks at \$588/wk (14 hours)]

**Becomes** BALLET and MUSICALS two-year freeze  
 1993-94 OPERA 10 weeks Freeze; 8 weeks Freeze  
 1994-95 OPERA 10 wks \$795.50 (18.5 hrs) 8 wks \$602 (14 hrs)  
 1995-96 OPERA 10 wks \$851 8 wks \$644  
 1996-97 OPERA 10 wks \$869.50 8 wks \$658  
 1997-98 OPERA 10 wks \$925; 8 wks \$700

**Vacation** – [Was 4%] Becomes 5% (Opera in 1997-98)

**Seniority** – \$25/wk after 5 yrs. \$50/wk after 10 yrs. \$75/wk after 15 yrs. (Opera seniority increases delayed until 1996-97)

**Pension** – [Was 7%] 1996-97 7.5% AFM-EP

**Health Insurance** – [Was 4% of payroll to trust fund for HMO or Indemnity] Washington Opera: 1994-95 5.0% 1996-97 5.5% 1997-98 6.0%

**Sick Leave** – 4 services for BALLET 3 services for OPERA OPERA becomes 3 days in 1994-95 and 5 days in 1995-96

**Working Conditions** – Alternative Service: To the extent that the services of musicians who are beneficiaries of the guarantees are not called during the weeks of ballet and/or musical shows, those musicians may be required to perform alternative services.

**Addendum** – The members of the Kennedy Center Orchestra Negotiating Committee were Greg Drone [Chair], Melanie Mattson, Craig Ryan, Margaret Thomas, and Frank Carnovale. The members of the orchestra would like to thank Local 161-710 and its President Joseph Shifrin. Special appreciation goes to the orchestra's attorney Leonard Leibowitz.

## The Virtual Labor Organization

ICSOM has begun several new services that use the mother of all wirehead toys, the Internet. The first is an electronic newsletter entitled (with apologies to all Mac users) *DOS Orchestra*. This newsletter, which appears weekly, contains news about professional orchestras which might be of interest to orchestra musicians. Subscriptions to *DOS Orchestra* are free (except for any costs that the recipient's Internet service provider imposes to receive mail) and available to anyone with access to Internet e-mail.

Articles that have appeared in *DOS Orchestra* to date include news about a number of orchestras' labor negotiations, including Chicago, Cincinnati, Florida Philharmonic, Houston, Pittsburgh, and Savannah, items about both musician and staff personnel changes in orchestras, the continuing saga of Myung-Whun Chung and the management of the Paris Opera, the issuance by the Chicago Symphony of tax-exempt bonds to help finance their capital facilities program, the opening of a storefront on the infobahn by the New Zealand Symphony Orchestra, and a speech by New York Philharmonic executive director Deborah Borda on the state of the orchestra business and what can be done to improve matters. By press time, fourteen issues had been sent over the ether to over 150 subscribers on three continents, as well as to the AFM BBS.

Another new service is the orchestra musician mailing list, which will be open to ICSOM, ROPA, and OCSM musicians only. A "mailing list," in Netspeak, is a floating discussion group that communicates through e-mail. Messages sent to the mailing list are distributed to all subscribers, who can reply back to the list as well. Subscriptions to the mailing list are also free.

Like the man who was surprised to discover that he had been speaking prose his entire life, many ICSOM musicians may be surprised to hear that they are already connected to the Internet. The Internet is becoming sufficiently ubiquitous that it is actually hard to avoid. Subscribers to any of the major commercial online services, such as America Online, Compuserve, Prodigy, Delphi, and GENie, can access Internet e-mail through their service. The new AFM electronic bulletin board will offer an Internet e-mail gateway, as do many local computer user group bulletin boards.

All members of the ICSOM governing board are now online. Addresses are listed in the information box on the last page of *Senza Sordino*. To send a message to the entire governing board, address it to "governing.board@icsom.org."

To subscribe to *DOS Orchestra*, send a message "subscribe DOS <your name>" (no quotes) to: dos@icsom.org. To subscribe to the orchestra musician mailing list, send "subscribe orchestra-l <your name>" (no quotes) to: orchestra-l-request@icsom.org. For back issues and an index of *DOS Orchestra*, send a request, stating which issues are requested, to dos@icsom.org.

## Letters to the Editor

Recent events in symphony orchestras have left me wondering how best to protect our musicians from economic assaults. To be sure, even when we're unified, as our colleagues in Honolulu are, saving our orchestra and our jobs is a huge undertaking. The answer lies in being prepared and ready to mount a strong campaign if necessary. By the time concessions are proposed, it is far too late to start organizing.

The ICSOM Conference every year presents workshops on negotiating and grievance handling. These workshops are important, but in many cases they are not reaching the right people. The people who will be dealing with these issues are orchestra committee members. Each orchestra committee member needs training to understand their legal duties of fair representation. They also need to know some history to put everything in perspective. Emergency "who to call" lists and information about when to engage an attorney should also be provided.

ICSOM should publish a document for each musician explaining their rights of fair representation by both the committee and the union. Each musician also has responsibilities to both entities—to attend meetings, to express opinions, and to support the people they've elected to represent them.

Beyond this, musicians serving on Board committees must be trained so that they understand their role in keeping the orchestra committee informed of what's going on. Finance committee members must be taught to understand the financial documents they are being given. By the time the orchestra committee begins negotiations, it should have been receiving regular financial reports from the finance committee representatives for the past several years. Those finance committee members should be monitoring the situation all along, asking financial questions, and reporting their conclusions — not just during negotiations. If things are getting out of hand at any time, the orchestra committee will then have time to raise questions, organize a public campaign, hire a lawyer, and fight, instead of taking concessions because they don't know what else to do. It is only recently that musicians have been sitting on Board committees. The challenge is to prepare them so they can use their new power effectively for the benefit of their colleagues.

I believe that it's time for some serious discussion to take place about starting a training program sponsored by ICSOM. I think we have to form close bonds with the member orchestras long before trouble emerges, so they will have the strength and leadership to resist economic attacks.

I propose that ICSOM establish training programs and/or provide manuals for the musicians in each ICSOM orchestra, with special emphasis on the musicians serving on orchestra committees and the orchestra's board of directors and board committees.

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## How to Cook a Conductor

### Ingredients

One large Conductor, or two small assistant conductors  
 Ketchup  
 26 large garlic cloves  
 Crisco or other solid vegetable shortening (Lard may be used)  
 1 cask cheap wine  
 1 lb. alfalfa sprouts  
 2 lbs. assorted yuppie food, such as tofu or yogurt  
 One abused Orchestra

First, catch a Conductor. Remove the tail and horns. Carefully separate the large ego and reserve for sauce. Remove any batons, pencils (on permanent loan from the Principal Second Violin) and long articulations and discard. Remove the hearing aid and discard (it never worked anyway). Examine your conductor carefully—many of them are mostly large intestine. If you have such a Conductor, you will have to discard it and catch another. Clean the Conductor as you would a squid, but do not separate the tentacles from the body. If you have an older Conductor, such as one from a Major Symphony Orchestra or Summer Music Festival, you may wish to tenderize by pounding the Conductor on a rock with timpani mallets or by smashing the Conductor between two large cymbals.

Next, pour 1/2 of the cask of wine into a bath tub and soak the Conductor in the wine for at least 12 hours (Exceptions: British, German and some Canadian Conductors have a natural beery taste which some people like and the wine might not marry well with this flavor. Use your judgment). When the Conductor is sufficiently marinated, remove any clothes the Conductor may be wearing and rub it all over with the garlic. Then cover your Conductor with the Crisco. using vague, slow circular motions. Take care to cover every inch of the Conductor's body with the shortening. If this looks like fun, you can cover yourself with Crisco too, removing clothes first.

Next, take your orchestra and put as much music out as the stands will hold without falling over, and make sure that there are lots of really loud passages for everyone, big loud chords for the winds and brass, and lots and lots of tremolos for the strings. (Bruckner might be appropriate). Rehearse these passages several times, making certain that the brass and winds are always playing as loud as they can and the strings are tremolo-ing at their highest speed. This should ensure adequate flames for cooking your Conductor. If not, insist on taking every repeat and be sure to add the second repeats in really large symphonies. Ideally, you should choose your repertoire to have as many repeats as possible, but if you have a piece with no repeats in it at all, just add some, claiming that you have seen the original, and there was an ink blot there that "looked like a repeat"

to you and had obviously been missed by every other fool who had looked at this score. If taking all the repeats does not generate sufficient flames, burn the complete set of score and parts to all of the Bruckner symphonies.

When the flames have died down to a medium inferno, place your Conductor on top of your orchestra (they won't mind as they are used to it) until it is well tanned, the hair turns back to its natural color and all of the fat has dripped out. Be careful not to overcook or your Conductor could end up tasting like stuffed ham. Make a sauce by combining the ego, sprouts and ketchup to taste, placing it all in the blender and pureeing until smooth. If the ego is bitter, sweeten with honey to taste. Slice your Conductor as you would any turkey. Serve accompanied by the assorted yuppie food and the remaining wine with the sauce on the side.



**WARNING:** Due to environmental toxins present in conductor feeding areas, such as heavy metals, oily residue from intensive PR machinery manufacture, and extraordinarily high concentrations of E.coli, cryptosporidium, and other hazardous organisms associated with animal wastes, the Departments for Conductor Decimation (DCD) recommend that the consumption of conductors be limited to one per season. Overconsumption of conductors has been implicated in the epidemiology of a virulent condition known as "Bataan fever." Symptoms of this disorder include swelling of the brain, spasms in the extremities, delusions of competence, auditory hallucinations and excessive longevity.

*(Thanks to David Borque of the Toronto Symphony for uploading this recipe to the AFM BBS.)*



### Maestro Dessert à Juste

*Drawing by Karen Smith, Milwaukee Symphony*

## Settlements

*continued from page 3*

### Los Angeles Philharmonic

The members of the Los Angeles Philharmonic ratified a new three-year agreement on October 1, 1993.

**Length of Season** – Remains 52 weeks.

**Wages** – [Were \$1,240]

1993-94	\$1,240/\$1,300	[\$66,040/yr]
1994-95	\$1,320/\$1,380	[\$70,200/yr]
1995-96	\$1,400/\$1,450	[\$71,400/yr]

**EMG** – Remains \$2,000/season

**Vacation** – Remains 9 weeks plus 1 week for strings and second winds

**Seniority** – [93-94 remains at previous levels: (after 5 years and at 5 year increments) \$15, \$30, \$45, \$60, \$75, to a maximum of \$75]

Beginning in 1994-95 5 yrs/\$20 10 yrs/\$35 15 yrs/\$50 20 yrs/\$65 25 yrs/\$80; Maximum of \$80

**Health Insurance** – Remains with Kaiser (HMO) with no changes. Indemnity coverage is still 70%, 90% with PPO. Deductibles raised from \$200/\$400 to \$300/\$600. Added outpatient utilization review. Changed to slightly more “managed” PPO network. Copay for prescription drugs increased from \$1 to \$5.

**Instrument Insurance** – String instrument and bows - \$150,000 [was \$100,000] Woodwind, brass, or percussion - \$35,000 [was \$25,000]

**Sick Leave** – Remains at 12 weeks plus 2 weeks for each year of employment in excess of 5 years to a maximum of 26 weeks.

**Touring** – Increased free time following extended periods of travel. New limit on number of days allowed for length of tour. Limit on number of services allowed during first seven days of any tour. For current music director, 4 acoustic rehearsals/wk on tour at 30 minutes (otherwise, 3 rehearsals at 20 minutes). Residency clause - 7 nights in one location, only 1 runout, 7 services per week - eighth can be bought. Tour life insurance increased to \$350,000 [was \$300,000]. New section dealing with non-hotel accommodations on tour.

**Per Diem** – Breakfast \$15; Lunch \$20; Dinner \$33

Miscellaneous out-of-pocket expenses: Domestic \$20; Foreign \$25.

**Auditions** – Expanded audition panels for violin auditions. Increase in pay for audition panel duties to \$25 per hour [was \$15]

**Working Conditions** – All Hollywood Bowl season weeks shall have 7 services with 3 days off. During four of those weeks, the days off shall be consecutive (Friday, Saturday, and Sunday).

**Miscellaneous** – Sabbatical leave eligibility changed to 7 years [was 12 years]. Media article rewritten and includes provisions for archival taping and payment for local and foreign broadcasts. Two discretionary days off per season. Separate Negotiating Committee created.

**Addendum** – The members of the Los Angeles Philharmonic Negotiating Committee were Boyde Hood [Chair],

Michael Nutt, Camille Avellano, Byron Peebles, and Gloria Lum. The members of the orchestra would like to thank Local 47 and Vice President Richard Totusek for their help during the negotiations. Special thanks goes to the orchestra’s attorney Leo Geffner and pension trustee Roland Moritz.

### Louisville Orchestra

The members of the Louisville Orchestra ratified these changes in their master agreement on April 5, 1994.

**Length of Season** – 1993-94 [ WAS 45 weeks] 44 weeks  
1994-95 [ WAS 45 weeks] 40 weeks.

1995-96 Presently, the third year of the contract is unchanged from last May’s settlement.

**Wages** – [Were to \$593.51]  
becomes \$596.41 on 6/1/94

**EMG** – Unchanged

**Vacation** – Same, but end-of-season buy backs (\$20 per unused personal service) eliminated for 1994-95.

**Pension** – Unchanged

**Health Insurance** – Unchanged

**Seniority** – Unchanged

**Per Diem** – [NEW] Meals provided only with approval of Players’ Committee.

**Miscellaneous** – Added 2 musician seats (elected by the orchestra) on the board for 2-year staggered terms. LOPC chairperson invited to participate in senior staff meetings.

**Addendum** – The members of the Louisville Orchestra Negotiating Committee were Don Gottlieb [Chair], Sue Carroll, Anita Tucker, Diana Morgan, Dallas Tidwell, Rebecca Cole, and Dave Horn [union steward]. The members of the orchestra would like to thank Local 11-637 and its president, John Roy, for their support.

### Milwaukee Symphony

The members of the Milwaukee Symphony ratified a new three-year agreement on March 3, 1994.

**Length of Season** – [was 48 weeks]

1993/94	41 weeks
1994/95	42 weeks
1995/96	44 weeks

**Wages** – [were \$960/wk]

1993/94	\$960/wk, including \$17.50 EMG
1994/95	\$995/wk (no EMG)
1995/96	\$1,020/wk (no EMG)

**Vacation** – [was 6 weeks] 5 weeks per season, with 2 weeks chosen by the individual musician.

**Pension** – [was \$50/mo/yr, no maximum]

1993/94	\$50 per month per year of service
1994/95	\$50 per month per year of service
1995/96	\$52 per month per year of service

**Health Insurance** – New point-of-service plan; with no deductibles or co-pays if using in-plan providers, but higher deductibles or co-pays out of plan than previously. Includes vision and mental health riders and \$1,500 payment per year for musicians who have other insurance and choose to opt out. Management continues to pay premiums for both single and family coverage.

**Other Insurance** – New FSA program, increases in life and disability insurance.

**Working Conditions** – new restrictions on evening rehearsals without chorus, two-service days, outdoor performances, rehearsals on days of performances, services during opera weeks, and number of different programs done in one week.

**Touring Conditions** – single rooms guaranteed for all tours (previously was with some exceptions for expensive cities), significant improvement in per diem, and new restrictions on scheduling before tours.

*continued on page 7*



The coldest photo-op in orchestra history:  
Milwaukee Symphony musicians picketing in 8°F weather

## Settlements

*continued from page 6*

**Miscellaneous** – Board of Directors commits to raising an endowment of \$35 million by the year 2000 and to work with the musicians and outside groups to restore summer performance activities and a summer series outdoors in the Milwaukee area.

- Musicians have 1/3 of the seats on any search committee for Executive Director.
- Management agrees to replace musicians on paid or unpaid leave so as to maintain balance of rotation between sections.
- The Artistic Liaison Committee will meet at least twice each season with the Music Director to discuss subscription repertoire.
- Musicians agree to donate two services per season, as an orchestra, for fundraising activities, with the approval of the Players' Council regarding use and scheduling of services.
- Management must inform musicians of their right to have a union representative present at meetings concerning their employment status after every break in the season.
- Musicians will have two non-voting seats on the Board of Directors and all standing committees except Labor Relations.
- Remaining unchanged, despite determined management attempts to diminish or eliminate, were pay for extra and substitute musicians (remains at 100% of per-service scale), musicians' right to choose two of their vacation weeks, and protections against arbitrary dismissal for cause.

**Addendum** – The members of the MSO Players' Council were Frederick Fuller, Sara Harmelink, William Helmers, Robert Levine (chair), Leland Midgett, Judy Ormond, Scott Tisdell, and Martin Woltman. The members of the orchestra would like to thank Trustee George Sartick, President Don Neitzel and Secretary-Treasurer Robert Couey of Local 8 for their unwavering support. They would also like to thank Marianne Robbins, legal counsel for Local 8, Lew Waldeck and his dogs and ponies, Ronald J. Bauers, who provided valuable financial analysis of the MSO's finances, Barbara Haig, our PR professional, whose efforts won the musicians very positive press coverage, the musicians of the Atlanta Symphony and the Chicago Symphony, who donated hot food and refreshments for MSO musicians picketing in 8°F weather, and the people of the Milwaukee area for giving us support when we most needed it. The Players' Council would especially like to thank Commissioner Ron Sweet of the Federal Mediation and Conciliation Service, whose unstinting work and patience over 6 months of mediation were key to reaching an agreement. Above all, the Players' Council would like to thank Liza Hirsch Du Brul, chief negotiator, whose brilliance and tenacity are beyond praise.

## New Jersey Symphony

Due to a large accumulated and operating deficit, the members of the New Jersey Symphony, after the management had downsized and taken a 5% cut, were asked to renegotiate the final year of their contract. The musicians were supplied with an itemized list of musicians' and other costs from which to make informed decisions. As a result, the following new three-year agreement was ratified by both sides:

**Length of Season** – [Was 29 weeks]

1994-1995 - 31 wks/incl 2 wks vacation/2 wks/2 SUB  
 1995-1996 - 31 wks/2 wks vacation/1 wk SUB  
 1996-1997 - 32 wks/2 weeks vacation/2 wks SUB

**Wages** - [Were \$810/wk/incl \$15 EMG]

1994-95 - \$770/incl \$25 EMG 1995-96 - \$770/incl \$25 EMG + COLA (4% cap)

1996-97 - \$850/incl \$25 EMG (increase depends on COLA)

By May 1, 1995, the Symphony may notify the musicians that it will move to a higher wage level as follows:

1995-96 - \$840/incl \$25 EMG

1996-97 - \$870/incl \$25 EMG (All personally negotiated overscale will be lowered by 5% in 1994-95 only)

Effective September 1, 1996, extra or substitute players will be paid no less than the minimum per service salary.

**Seniority Pay** - [Was \$10/\$15/\$20]

1994-95 - \$9.50/\$14.25/\$19

1995-96 - \$10/\$15/\$20

1996-97 - \$15/\$20/\$25.

**Vacation Pay** - [Was paid during non-work weeks] Will be paid concurrent with work weeks

**Health Insurance** - No change in Oxford Health Plan coverage. For 1994-95 ONLY: HMO copay increased from \$5 to \$10, \$50 deductible added to prescription drugs. [NEW] Domestic partner payment \$1500 per contract year. [NEW] \$1500/contract year opt out-of-health plan payment.

**Pension** - [Was 7% AFM-EP]

1994-95 - 7.5% 1 1995-96 - 7.75% 1 1996-97 - 8% Contributions to employee 403(b) plans shall be made not later than ten (10) days after the end of each month for which such contributions are due.

**Working Conditions** - Monday shall be free day. If services are scheduled on a Monday, the service shall be paid at 150% of a player's per service amount. Two Mondays in 1994-95 may be scheduled at 100%.

**Auditions** - 1996-97 audition committee will receive \$10.00/hour [was \$8.50].

**Nonrenewal and Demotion**

1994-95 - there shall be no non-renewals.

1995-96 - demotions and nonrenewals only if Symphony opts for higher wage level but requires payment of 1 year severance pay.

1996-97 - demotions and nonrenewals return to existing procedure

**Travel/Per Diem** - Meal allowances suspended through August 31, 1995 except for overnight stays or out-of-state tours. Effective September 1, 1996, payment of \$6 nightly for miscellaneous unvouchered expenses [was \$3].

Effective September 1, 1996, the Symphony will provide single occupancy rooms. Each musician voluntarily sharing a double occupancy room will be reimbursed 1/2 the difference in cost to the Symphony of 2 single occupancy rooms and 1 double room. Beginning in 1996-97, meals increased to \$10/\$13/\$20 [was \$7/\$9/\$17]. Travel overtime suspended through August 31, 1995. Beginning in 1995-96, \$12.00 [was \$9.25].

**Leaves/Absence** - Musicians may be released from participating in subscription series subject to the following limitation: Musicians may not be released from more than 50% of the subscription sets offered to them.

In 1994/95, all non-subscription work is optional. If a musician elects to perform a set, then he/she must commit to a minimum of 50% of all rehearsals and 50% of all performances thereof. Musicians must make a "best efforts" attempt to give fourteen (14) days advance notice, but not less than (7) days advance notice from the first rehearsal of that set. Summer season attendance shall be optional. In 1996-97, musicians must attend 70% of entire winter season. There are 8 unrestricted unpaid personal days available to each musician.

**Miscellaneous** - The Orchestra Committee Chairman and one other contracted musician designated by the Union shall have voice without vote at all meetings of the Board of Trustees (except in executive session), Executive Committee and subcommittees and will be given an opportunity to speak.

No synthesizers or other non-acoustic instruments may be used at any service of the NJSO, unless by prior agreement between the Local and the Symphony.

No tape-recorded music shall replace a live musician(s) at any services of the NJSO.

Unless specifically agreed to between the Symphony and the Artistic Advisory Committee, complete instrumentation of all compositions performed by the NJSO shall be used.

No musician shall be requested to perform musical passages not originally scored by the composer for his/her instrument.

**Emergency Financial Reopener/Renegotiations** – If the Board of Trustees of the Symphony believes that a financial emergency exists, such that the Symphony cannot continue operations under the terms of the Agreement, the Symphony shall pass a resolution declaring that opinion, then immediately, and after consultation with the Union together with the Orchestra Committee, engage the services of an independent accountant as a consultant to verify the emergency situation. If the consultant agrees with the opinion stated in the Board's resolution, the Symphony and the musicians' representatives shall engage in private negotiations for a period not to

*continued on page 8*

**Settlements**

*continued from page 7*

exceed thirty (30) days. If the initial period of negotiations does not result in an agreement, the parties shall engage a fact-finding and mediation team consisting of one nominee from the American Symphony Orchestra League (ASOL), one nominee from the American Federation of Musicians (AFM) and a third team member selected jointly by the ASOL and AFM team members. The teams shall assist the parties for a period not to exceed thirty (30) days. If the parties do not achieve an agreement during the 30-day mediation and fact-finding period, the team shall provide to both parties its recommendation for a mediated contract settlement. The team's recommendation shall be presented to the musicians and to the Symphony Board of Trustees for ratification votes. If ratification by both parties is not achieved, the existing Agreement shall remain in effect, and the Symphony may take such action as it deems necessary to protect its interests, including seeking protection under the bankruptcy laws of the United States.

**Transfer of Assets:** It is the intention of the Symphony to continue and to increase, in its discretion and as its finances permit, the scope of its activities as a symphony orchestra as contemplated by the structure of the collective bargaining agreement. However, if the Board of Trustees by resolution duly adopted determines that it shall dissolve the New Jersey Symphony Orchestra, then to the extent permitted by law and subject to its other legal obligations, the Symphony shall turn over and/or cause to be turned over all assets of the New Jersey Symphony and all endowments and related funds to an organization established (or in the legitimate process of establishment) under Section 501(c)(3) of the U.S. Internal Revenue Code, the purpose of which shall be to effectuate the preservation or restoration of the Orchestra. Such transfer of assets shall be subject to the approval of the Union, the members of the Orchestra as well as the Board of Trustees of the New Jersey Symphony Orchestra.

**Monitoring Committee** – Board Chairperson, Chairperson of Board Budget Committee, Chairperson of Orchestra Committee, and one other musician comprise the Monitoring Committee. This committee will oversee and monitor the terms of the Master Agreement including the reinstatement of all suspended employee benefits and shall have complete, unrestricted access to all financial information, including staffing and salary levels of all personnel employed by the NJSO. All information must be treated confidentially. During fiscal year 1995, no increases in either the number of employees or in compensation to them shall be made without the approval of this Committee.

**Addendum** – The members of the Negotiating Committee were Robert Wagner [Chair], Vincent Belford, Larry Clemens, Lucinda-Lewis, and Toni Thompson. The members of the New Jersey Symphony wish to thank Local 16 and President Larry Long, the AFM Symphonic Services Division, Ron Bauers, and legal counsel Liza Hirsch Du Brul for all of their support and assistance.

**Oregon Symphony**

The members of the Oregon Symphony ratified a new three-year agreement on September 8, 1993.

**Length of Season** – [Was 43 weeks] Remains 43 weeks for all years.

**Wages** – [Were \$681.05/section \$839.36/principal]

1993-94 \$708.27/Section [\$30,455.70/yr] \$779.10 / Asist. Prin [\$33,501.27] \$872.92 /Prin./Assoc. [\$37,535.34]

Raises in 1994-95 and 1995-96 will be calculated as follows: (Total contractual compensation for tenure track players employed at the beginning of the season) 3% and distribute the raise so that assistant principals will get an increase 10% above section player increase, and principals and associate principals will get an increase 23.25% above the section player increase.

**EMG** – Remains at \$56.25 per radio broadcast.

**Vacation** – Remains at 2.5 weeks

**Pension** – [Was 7.5%]

1993-94 7.5% 1994-95 8% 1995-96 8.5%

**Health Insurance** – [Was choice of Blue Cross PPO with \$90/\$80 co-pay and \$100/\$200/\$300 0 deductibles or Kaiser.] 1993-94 Musician's choice of OD S PPO with \$90/\$80 co-pay and no change in deductibles, or Kaiser with no changes. 1994-95 and 1995-96 ODS HMO option added with no deductible or co-pay. ODS PPO deductibles increased to \$200/\$400/\$600, and co-pay becomes \$90/\$70. Kaiser co-pay is \$5 per visit and \$5 for prescription. Musicians who have health insurance from another source may choose to opt out of coverage and receive a cash payment of \$1,500 per season.

**Dental Insurance** – Remains full ODS coverage for musicians and families.

**Flexible Spending Account**

1993-94 \$250 1994-95 \$300 1995-96 \$350

**Domestic Partners** – Domestic partners who are legally unable to marry and have no employer-paid group health coverage are entitled to a cash payment of \$1500 per season.

**Instrument Insurance** – [Was \$350] Instrument insurance/maintenance allowance increased to \$450 per season.

**Auditions** – New policy adopted which changes audition notification, application, repertoire, selection of audition committee, site conditions and general guidelines.

**Working Conditions** – If the temperature is more than 78° but less than 80° during any service, the temperature clause provides for a pro rata share of \$500 when the violation occurs at the Symphony's hall. If the temperature in the hall is more than 80° or less than 68°, each player receives a penalty of one half section player scale. During any service outside the Symphony's hall, if the temperature in the hall is more than 80° or less than 68°, each player receives a penalty of one fourth section player scale. The

Association may schedule one concert and a related rehearsal with a guest artist without regard to scheduling limitations once per season and may schedule three additional Saturdays for special revenue producing/audience development programs. The Association may make one local TV broadcast per year without compensation to the musicians.

**Miscellaneous** – Increased the maximum number of services which can be subcontracted from 10 to 15. Raise in pay to extra musicians of 3.5%, 4%, 4%. Maternity/Paternity leave provisions. Extension of sick leave and bereavement leave to domestic partners legally unable to marry. Grievance and arbitration procedure. Local media agreement (to conform to AFM agreements). Establishment of study tapes procedure.

**Addendum** – The members of the Oregon Symphony Negotiating Committee were Chris Perry [Chair], Lajos Balogh, Joe Berger, Todd Kuhns, Tim Scott, and Juan DeGomar, alternate. The members of the orchestra would like to thank Local 99 President Herman Jobelmann.

**Rochester Philharmonic**

**Length of Season** – [Was to be 47 weeks in 1993-94]

1993-94	41 weeks
1994-95	42 weeks
1995-96	42 weeks

**Wages** – [Were supposed to be \$785/\$806/\$836 (\$37,867 per year)]

1993-94	\$773/\$785	\$31,377
1994-95	\$785/\$810	\$33,495
1995-96	\$810/\$840	\$34,650

**EMG** – [Was to be \$608/yr]

1993-94	\$408
1994-95	\$0
1995-96	\$0

**Vacation** – [Was to be 6 weeks]

1993-94	3 weeks
1994-95	4 weeks

**Overscale** – Several categories of overscale caps were added to the agreement establishing maximum overscales for all musicians.

**Pension** – Remains employer contribution of 5% to defined contribution pension plan. Employer also makes payments into a frozen defined benefit plan.

**Flexible Benefits Program** – \$12,000 added to benefit credits under the flexible benefits program beginning in 2nd year of contract.

**Miscellaneous** – Improvements in sick days, instrument insurance, and health insurance for contracted part-time musicians.

**Addendum** – The members of the Rochester Philharmonic Negotiating Committee were David Angus [Chair], Joanna Bassett, Cherry Beauregard, William Hunt, John McNeill, and David Richey.

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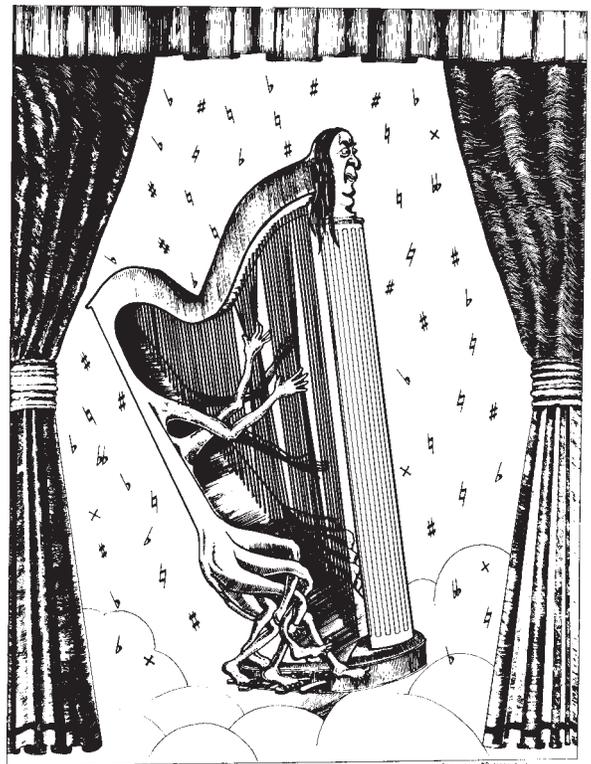
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## Errata

Reinhardt Elster, the second editor of *Senza Sordino*, was the only editor whose instrument was not mentioned in the capsule summary of past editors in Volume 32 #4. Mr. Elster was the harpist of the Metropolitan Opera Orchestra. *Senza Sordino* regrets the omission, which was inadvertent, and thanks Danis Kelly, harpist of the Milwaukee Symphony, for bringing it to the editor's attention.



## Newslets

A Federal Tax Court ruled 10-7 in favor of two New York Philharmonic violinists who were challenging the Internal Revenue Service.

The decision, which was made on August 22, restored the deduction that Richard and Fiona Simon claimed with respect to their two Tourte bows. The Simons had claimed 21% depreciation on the bows, which cost \$21,500 and \$20,000. The IRS claimed that the bows were works of art that appreciated with the passage of time, while the Simons, represented by Arthur Pelikow of New York City, contended that the bows were tools that were subject to wear and tear and thus depreciable under revisions to the tax code made in 1981.

Judge David Laro, who presided over the trial in December, wrote that the bows "fit snugly within the definition of recovery property" under the 1981 tax code changes. He rejected the IRS's argument that the "useful life" of the bows was impossible to determine and that they were thus not eligible for a deduction. Judge Laro ruled that the Simons did not have to establish useful life, and that the fact that the asset might have value in a separate market was irrelevant.

In a dissenting opinion, Judge Lapsely W. Hamblen Jr. wrote that the majority opinion was "sophistical and wrong" and would create a tax shelter for musicians.

The court also ruled in favor of Brian P. Liddle, a Philadelphia musician who claimed a depreciation deduction on his Ruggeri bass. Judge Laro cited the Simon case as a precedent in his ruling.

The Internal Revenue Service has not decided whether to appeal the Simon case, according to a spokesperson.

Both ICSOM and Local 802 (New York City) of the American Federation of Musicians contributed to the Simons' legal expenses.

## Letters

*continued from page 4*

These ideas are sent in hopes that we can strengthen ourselves. My comments are not meant to be critical of ICSOM. I feel that we have reached a point where we need some new strategies to help our members save themselves from unnecessary sacrifices.

The enemy isn't the management or the ASOL. The enemy is our own ignorance, isolation, and apathy.

CHRISTINE PERRY

*Robert Levine replies:*

The ICSOM Governing Board is grateful to Ms. Perry for her suggestions, has discussed them at length, and intends to pursue solutions. One project that the Governing Board has already begun, and which will be covered at greater length in a future issue of *Senza*, is a study of the current situation in our orchestras regarding musicians serving on boards and board committees, with the intention of providing some guidelines about how to make musician involvement work for the good of the orchestras and their musicians. We hope that there will be many ICSOM musicians who will provide the Governing Board with ideas and help with this very ambitious project.

*Christine Perry is a percussionist with the Oregon Symphony.*

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New York City Opera Orchestra  
New York Philharmonic  
North Carolina Symphony  
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Philadelphia Orchestra

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