

OFFICIAL MINUTES

---

INTERNATIONAL CONFERENCE OF SYMPHONY & OPERA MUSICIANS  
(ICSOM)

CLEVELAND

29 AUGUST - 2 SEPTEMBER 1977



OFFICIAL MINUTES

INTERNATIONAL CONFERENCE OF SYMPHONY & OPERA MUSICIANS  
(ICSOM)

CLEVELAND

29 AUGUST - 2 SEPTEMBER 1977

MONDAY - 29 AUGUST, 1977

B-2  
405

Chairman Irving Segall called the meeting to order at 2:00 P. M.

Secretary Stanley Dombrowski called the roll. Of the 45 orchestras comprising ICSOM, the following 38 sent representatives:

Atlanta	Indianapolis	Phoenix
Baltimore	Kansas City	Pittsburgh
Boston	Los Angeles	Rochester
Buffalo	Minnesota	St. Louis
Chicago	National, Washington, DC	San Diego
Cincinnati	New Orleans	San Francisco
Cleveland	New York Philharmonic	Seattle
Dallas	North Carolina	Syracuse
Denver	Oakland, California	Toledo
Florida	Oklahoma	Chicago Lyric Opera
Grant Park	Oregon	Metropolitan Opera
Honolulu	Philadelphia	New York City Opera
Houston		New York City Ballet

The following were not represented:

Birmingham	Hartford	San Antonio
Detroit	Milwaukee	San Francisco Ballet
	New Jersey	

(The above lists include orchestras whose applications for ICSOM membership were pending and subsequently approved.)

B-2  
445

After announcing timetable changes, the Chairman introduced:

Anthony Granada	President, Local 4, Cleveland
Michael Sigliano	Secretary-Treasurer, Local 4, Cleveland
Lou Naumann	President, Local 2, St. Louis
David Winstein	Vice President (former IEB member), A.F.M.
Ted Dreher	Presidential Assistant, in charge of Symphony Department, A.F.M.

Mr. Granada read a letter from Cleveland Mayor, Ralph S. Perk, welcoming the delegates and declaring "ICSOM WEEK" in Cleveland.

In attendance also were Sam Levine, representing OCSM, and Ralph Mendelson, past ICSOM Chairman.

B-2  
600

The Minutes were approved as corrected.

(MOTION #1)

B-2  
620

Applications for Membership. Applications by the following orchestras were approved:

Oklahoma  
Toledo  
Hartford  
San Antonio  
San Francisco Ballet

(MOTION #2)

Later, the Secretary submitted the application of a sixth orchestra,

Grant Park Symphony (Chicago), whose admission was also approved.

(MOTION #3)

B-2  
745

CHAIRMAN'S REPORT: Irving Segall's keynote was the growth and national recognition of ICSOM. Cited were ICSOM's involvement, by direct membership on panels or otherwise, with the National Endowment for the Arts, the American Symphony Orchestra League, the Women's Associations of Symphony Orchestras, contact with the Major Managers, with Congressman Richmond's office, and with the National Council for the Arts and Education. While the establishment of a national health and welfare plan for symphony orchestras met with no success, ICSOM did have direct input into discussions relating to Public TV, FM Radio Tapes, and Cable TV. Action was also taken in the Orchestra Fellowship Program. ICSOM was, therefore, developing its role as spokesman for the players. But its capacity was only as great as the totality of strength in the delegates. The Chairman stressed the importance of serious delegate choice by each ICSOM orchestra.

B-2  
880

VICE CHAIRMAN'S REPORT: Robert Maisel spoke on his major administrative responsibility, the ICSOM Conductor Evaluation Bank. The files now included evaluations of 176 conductors. He stressed the importance of the program, and the vehicle it provides for musicians to express their musical observations. In doing so, it helps to "block the autocratic power of conductors," and call attention of managements to matters they seem reluctant to acknowledge or discuss with players. The Vice-Chairman pointed to the relative ineffectiveness of Artistic Advisory Groups in this regard, but that musicians should continue to strive for greater influence in areas so important to their general well-being and livelihood. Suggested improvements in the Evaluation

Program were greater orchestra participation, evaluation of resident and assistant conductors, and more succinct collation of the sheets themselves.

000  
D-1

SECRETARY'S REPORT: Stanley Dombrowski gave a resumé of his work for the year. The matter of producing the ICSOM Minutes, the most taxing responsibility, was to be given a new approach: that of experimentally enlisting the services of a court stenographer and/or transcriber. Funds were already allocated for this work. In order to make the Motions from the meeting more immediately available after the Conference meeting, the Secretary asked that motions be clearly conceived and WRITTEN, with the names of the maker and second to the motion. Random exclamations of "SO MOVE" in the midst of discussion were not usable since such a "motion" could not be accurately recorded nor voted upon. Mention was made of the noticeable interest in the ICSOM Directory by outside parties. The matter was also noted subsequently by the Chairman, but no action was taken regarding the various considerations advanced.

D-1  
090

REPORT, EDITOR, SENZA SORDINO: Henry Shaw opened with his financial report. He thanked contributors to SENZA and made the annual plea for more written material from delegates. He cited the broad interest, nationally, in ICSOM's journal, but voiced some doubt in its survival over the long term if musicians continue to neglect their rights as well as obligations to contribute to it.

D-1  
228

TREASURER'S REPORT: John Palanchian noted that the Emergency Relief Fund (ERF) is now a "more viable weapon" in contract negotiations at its current level (c. \$41,000). However, limits were proposed concerning ERF loans to individual orchestras:

- (1) Maximum amount, \$4,000.00, interest-free for one year; subject to 5-1/2% per annum thereafter.
- (2) Eligibility requirements to be that ICSOM dues and all outstanding debts be paid prior to the granting of an ERF loan.

Exhaustive discussion followed, resulting in MOTION #4 which effectively adopted these guidelines.

MOTION #5 - Approved the Treasurer's Report.

MOTION #6 - Approved reports of the other officers.

D-2  
170

COUNSEL'S REPORT: Leonard Leibowitz made a renewed call for new contracts from orchestras — at least 10 copies sent to Counsel's office. Also needed were copies of all arbitration awards — an extremely important matter, as I. Philip Sipser noted later, since these awards were not available in any legal publication and yet were extremely valuable to lawyers working with orchestras, and to ICSOM in determining future policy. Sipser reminded delegates of the "black book," or ICSOM KIT, which was formulated and distributed by his office at considerable expense to delegates two years ago. The compilation was assembled in 3-ring binder format for the express purpose of adding the new arbitration awards as they occurred.

STRIKE FUND REPORT: Ted Dreher gave pertinent figures in his Strike Fund Report, copies of which were later distributed to the delegates. The most telling of those figures were the following:

31 July 1977

Total Income to Strike Fund to date	\$598,744.45
Total Amount Paid in benefits	<u>584,503.00</u>
Balance	\$ 14,241.45

Orchestras not yet having fully paid current dues were noted. In subsequent discussion, it was found that ten orchestras had voluntarily arranged for automatic payroll deduction to expedite dues payment. Messrs. Maisel and Mendelson, Strike Fund Trustees, and Counsel Sipser all pointedly echoed the theme, "no man is an island unto himself" — in advocating the benefits of Strike Fund participation, particularly the less tangible benefits. Obviously, participation strengthened the hand of negotiators; it provided tangible protection for the members of the orchestra. Less obvious were the effects a striking orchestra had on other orchestras, in some cases, its eventual settlement achieving a standard for those others. In addition to having one of the highest benefit amounts compared to such funds in other unions, the AFM fund is not depleted by administrative expenses (those being borne entirely by the Federation), and it is supported by a \$250,000 guarantee should its level fall below zero. A tape copy is suggested for those especially interested in details of the above discussion.

TUESDAY - 30 AUGUST, 1977

E-1  
415

A General Workshop Session on Collective Bargaining was headed by both members of Counsel. While presentations on this subject have been given in preceding years, the topic and expertise with which it is presented makes it prime material for delegates. The tape should be heard in its entirety. The two-hour session also included a talk on the selection, composition, and function of orchestra committees.

F-1  
475

ADDRESS BY ADRIAN GNAM, NATIONAL ENDOWMENT FOR THE ARTS. Mr. Gnam, formerly an oboist with the Cleveland, Cincinnati, and American Symphony Orchestras, and former faculty member of the Cincinnati Conservatory, now assists Dr. Walter Anderson at the N.E.A. He enumerated the various problems the N.E.A., as well as the artistic institutions which they support face — not the least of which is the small size of the N.E.A. budget. He rationalized the latter by speaking of it, nevertheless, as a "catalyst" — since N.E.A. "challenging grants" are often the motivating factor generating community financial support, as well as attendance and public relations. However, in discussion, he admitted to problems: funds were being spread in varied directions, from folk-art to ASOL Management Training Seminars; while 18 Challenging Grants were given in New York City alone, not one, for example, was awarded to the state of New Jersey. He was queried often about

the Richmond Bill — but because the N.E.A. cannot espouse pending legislation or involve itself politically — he refrained from even a personal position. On question from Bob Maisel, he agreed that the budgetary percentage to symphony orchestras has probably decreased, notwithstanding the rise from \$1.5 million seven years ago to the \$6.2 million current allocation. On question pertaining to sabbaticals, and the contractual provision in St. Louis, (and whether or not the NEA could eventually provide funding for them), Sipser noted that, in France, sabbaticals are paid for by: 1) Employer-employee collective bargaining, 2) the State, 3) the Municipality. Interesting.

G-1  
109

Congressman Ted Weiss from New York, whose impressive credentials are many, addressed the delegation on the subject of mandatory retirement which he strongly opposes. He called attention to the Pepper-Findlay bill, then still in the House Rules Committee, which would increase the mandatory retirement age in the private sector to age 70 and eliminate it entirely for Federal employees. The above bill would effectively reform the Age Discrimination in Employment Act of 1967 (ADEA), which, while prohibiting employers from not hiring prospective employees for reasons of age, nevertheless permitted them to forcibly retire all employees at 65. Congressman Weiss said that there were no valid evidences that supported mandatory retirement — that, indeed, even the American Medical Association (AMA) sided with legislative attempts to end it. He pointed to the feeling in some union circles that older workers deprived younger ones of jobs — but countered by saying that youth employment must not be insured by the joblessness of older employees. In music, he cited the inequality of enforcement of mandatory retirement — with conductors becoming octogenarians while musicians are forced to retire at 65. Congressman Weiss spoke of the bill he himself introduced in collaboration with Henry Waxman, which was to be incorporated into the above Pepper-Findlay Bill (HR-5383) as an amendment. That Weiss-Waxman amendment closed a former loophole in ADEA, section 4f(2), which could forcibly retire workers because of seniority provisions or employee benefit plans negotiated into contracts. Early retirement — on a voluntary basis — would not be affected. Whoever conceived age 65 as a time to forcibly retire workers? Bismarck did, according to Weiss, in 1860-1870, by arbitrarily choosing the figure.

G-2  
083

Barry Nicholsberg, an aide to Congressman Fred Richmond, then addressed the meeting and thanked ICSOM for its support, even its part in conceiving, HR-1042 — the Richmond Bill. He wanted to generate support — in the form of 1 million letters — to get the Bill out of committee, and to answer any questions pertaining to the Bill. Every arts union in the country endorsed HR-1042. About 100 legislators co-sponsored the Bill; the IRS, and the Treasury Department supported its concept; the GSA (Government Services Administration) and OMB (Office of Management and Budget) will conduct their own surveys. The National Council for Arts and Education is a strong and active supporter. Strangely, however, the American Symphony Orchestra League (ASOL) has been absent in the line of supports, and a number of speculations as to why this was so emanated from the floor and from Mr. Nicholsberg himself. Arts and Education, incidentally, were the two largest deficit problems among non-profit institutions — \$1 Billion and \$3 Billion respectively.

H-1  
126

Bob Jones, Portland, Oregon, moderated the Workshop for Metropolitan Orchestras.  
This Workshop synthesized ideas arising from a preliminary meeting of smaller orchestras earlier. Some problem areas were the (1) limited population and/or geographic restriction, (2) the "encroachment" of larger, more established, orchestras via regular "runout" or "series" concerts, (3) difficulty of obtaining leave for auditions, (4) the abuse of accepted audition procedures, (5) touring conditions affording less "off" time because of increased travel times and lack of "associate" principals, (6) the difficulty, from within orchestra ranks, of changing from a part-time to full-time work concept. Counsel Sipser asked whether the NLRB should assert jurisdiction over orchestras with budgets lower than \$1 million — and pointed to the type of "weapon" filing a charge with the Labor Board represents — particularly against a smaller orchestra management.

WEDNESDAY - 31 AUGUST, 1977

I-1  
130

WORKSHOP - PENSION, HEALTH AND WELFARE

Phil Sipser headed this session. Sipser and Pension, words having nearly synonymous meaning at ICSOM, have also been seen and heard together for many years. The former continues to shed light on the latter even to veterans of ICSOM meetings.

Six orchestras, however, still had no pension fund whatever; only one required player contributions to its fund.

Those not familiar with the vernacular of pension dealings, "Trust Indenture," "ERISA," "Vesting," "Assumptions" (e.g., of Yield, of Age), advantages and disadvantages of fixed-income securities as opposed to equities in the fund — or — not familiar with the workings of such funds, as well as the ever-present political aspects of labor-management considerations surrounding them, will find a tape copy of this session REQUIRED MATERIAL.

J-1  
250

MUSIC ASSISTANCE FUND, ORCHESTRAL FELLOWSHIPS

John Palanchian, sub-committee Chairman, gave a status report on this subject. During general discussion, reports were given by Brad Buckley, Stan Dombrowski, and Ralph Mendelson on the experience of the program in St. Louis, Pittsburgh, and New York, respectively. Aside from the moral issue involved, it was pointed out by delegates and counsel that the increased seeking of public funds by orchestras make support of the fellowship program a high-priority matter. The delegates unanimously endorsed an action to that effect. (MOTION #7)  
SEE SUBSEQUENT ADDENDUM.

K-1  
011

MEETING WITH MAJOR MANAGERS

The three representatives of the Major Managers Association were:

Tom Morris	Chairman (Boston)
Oleg Lobanov	(Washington, DC)
Peter Pastreich	(St. Louis)

The meeting came as reciprocal gesture to an earlier invitation from the above organization to ICSOM, to attend a meeting held in New Orleans to see "what was on musicians' minds." Major subjects discussed were the apparent dissatisfaction felt among some working musicians, funding for symphony orchestras, and recording and electronic media. Interlaced among these broad topics, however, were many subsidiary but important items, many of which received frank, sometimes blunt, approach. The matter of orchestra hierarchy, for example, and the by-product caste-system it spawns, received much discussion. The candor which pervaded that and the other subjects must have indeed left the managers with a clearer picture of "what's on musicians' minds."

L-1  
382

WILLIAM USSERY, FORMER SECRETARY OF LABOR

Mr. Ussery, a veteran of 20 years in the Labor Movement, began as a shop steward and ultimately became the 15th Secretary of Labor of the United States. Being a former member of the Cabinet, he found it humorously ironic that his Georgia origin and Labor affiliation could not save him from his eight-year Republican Party identification. He spoke sensitively of musicians' goals as well as frustrations; he made it a point more to listen to the meeting with managers than to speak to the delegates later, he said. With all his empathy, he nevertheless underlined the need to "build bridges," with the adversary, so that common objectives could be realized.

L-2  
090

Chairman Segall briefly described his activity with the National Endowment for the Arts.

L-2  
192

MUSIC ASSISTANCE FUND (ADDENDUM)

In a move to study other means to help minorities, in addition to those of the above organization, and to broaden application to a wider minority group, Richard Erb offered MOTION #8 which carried unanimously. The consequent ad hoc committee provided for and addressing itself to this matter included Richard Erb, Irving Bush, Nancy Griffin, and Ralph Mendelson.

L-2  
447

HEALTH AND WELFARE

The Chairman repeated the Executive recommendation to drop further investigation on an ICSOM National Health and Welfare Plan. Ralph Mendelson moved that the possibilities of an ICSOM-wide pension program be researched. (MOTION #9)

L-2  
515

WORKSHOP: COMMITTEE - ORCHESTRA ADMINISTRATION — ICSOM ADMINISTRATION

Foremost in this discussion was the problem of voluntary dues collection. Very strong opinions pro and con were enunciated regarding the establishment of compulsory and mandatory dues payment. These dues, incidentally, were ICSOM dues and orchestra dues — so whether or not the solution partially lay in a combined assessment or not, collection still represented a problem. Six orchestras actually had dues checked off by the employer; one actually had a five dollar

deduction each week, covering the AFM Strike Fund, Orchestra Dues, and ICSOM Dues. Some other subjects discussed were the importance of having an orchestra treasury, orchestra by-laws (five orchestras operated without by-laws), the establishment of a quorum for meetings, the importance of having more than one committee representative present at meetings with management. The responsibilities of ICSOM delegates — serving as "links in a chain" — was a subject given heavy emphasis. Obviously, little would be accomplished if the delegate's communication with the respective orchestra was not meaningful after the meeting.

M-2  
272

#### ELECTRONIC MEDIA REPORT

The Media Report was divided into three sections: Public Broadcasting TV, FM Radio Tapes, and Phonograph Recording. Since ICSOM is the most directly representative body for symphony and opera musicians, the organization, via its executive committee, felt it imperative to have some direct voice, or "input," in the negotiation of national agreements which affected members of its constituency. Unfortunately, such was not the case. Clear resentment emerged from being excluded from the actual negotiations. While, for instance, certain ICSOM recommendations from the previous year (PBTv) had their effect in greater restriction of replay in column "B" — the outright elimination of the two-column pay-scale did not materialize. Section III-B(2) of the former agreement (essentially an escape clause from agreed upon provisions in the event of the need for "large forces") was eliminated, and a pay raise of 15% was achieved in the two-year contract, applicable to both columns, Fred Zenone reported.

N-1  
006

The FM Tape problem remains. Chairman Segall, speaking on this matter, lamented the lack of progress in establishing national uniformity in pay-scales and conditions. The AFM response to ICSOM efforts was that too many local agreements existed, resulting in extreme diversity and binding commitments, making it impossible to set national standards in this area. ICSOM delegates felt that many of these locked-in agreements — particularly where the already small payment was put into a pension plan, and/or where any recompense whatever was based on whether or how well the tapes sold — were distinctly unfavorable. Bert Siegal (Cleveland) felt that "up front" money was the only meaningful method of payment. Brad Buckley (St. Louis) reminded ICSOM that the tapes constituted "PR" for smaller orchestras. Interesting though different arrangements were detailed by delegates from large as well as small orchestras, involving "up front" money.

N-1  
640

In phonograph recordings, the then coming negotiations were in prime focus. The Chairman fully acknowledged the receptiveness of the AFM in this area, in contrast to the above two spheres of media activity. The matter of "Special Sessions," however, soon took on gargantuan proportion. Case histories from Pittsburgh, Los Angeles, Boston, and St. Louis showed the ludicrous extent to which the national contract had been abrogated. In one case, a management construction had it that as many as 80 players constituted a "Special Session"; and in another, a letter was read, from the Federation to a constituent local, giving tacit approval to record apparently without regard to the contractual

two-hour guarantee. Heated discussion followed, resulting in MOTION #10 and MOTION #11, opposing the "Special Sessions" concept written into certain individual agreements. A letter was immediately sent to President Davis advising him of the above action and requesting a meeting forthwith.

Discussion on other points included a system of profit-sharing, or separate royalty arrangement, the general use that has (or has not) come of the "4th hour" for the recording of special or chamber music repertoire, and the suggestion to increase symphonic scale by the same percentage as commercial scale (MOTION #12). It was pointed out also that monies from the Special Payments Fund do not accrue to musicians making recordings under "recording guarantees" as they do in regular recording sessions. It was also moved (MOTION #13) that ICSOM support its position taken in the last negotiations regarding scale for opera recordings.

P-1  
098

Mailgrams were requested by Jean Berkenstock (Grant Park Symphony) from ICSOM and its member-orchestras, supporting the Chicago Park District's music shell plans. The communications were to be addressed to Michael A. Bilandic, Mayor of Chicago, and Julian Levi and Miles Berger of the Chicago Planning Commission.

P-1  
192

Reports on Negotiations were made by:

Melanie Burrell	Denver
Richard Erb	New Orleans
Jan Gayer	North Carolina
Marylouise Nanna	Buffalo

Before adjournment for the day, it was established that a majority of delegates preferred the five-day format, with evenings free, to the former four-day conference schedule.

FRIDAY - 2 SEPTEMBER, 1977

P-2  
141

Reports on Negotiations (continued):

Marilyn Garner	Seattle
Greg Umber	Phoenix
Paul Brittan	Atlanta
Sandor Balint	Metropolitan Opera
Bert Siegal	(in absence of Milwaukee Delegate)

Q-1  
000

Larry Hartshorn	Kansas City
Donn Schroder	Oakland (California)
Ron Wilkison	Boston
George Teufel	Syracuse
John Gockel	Florida

During these reports, significant point was made of the ratio of budget expenditure for musicians' salaries and total budget. In three orchestras, this percentage was 26%, 28%, and 33.7%. Since the real reasons for such a divergence from the norm (circa 50%) were not always obtainable from managements, and since such divergence was usually found in orchestras having budgets under \$1 Million, a move to lobby for a lower limit (\$250,000) for NLRB jurisdiction emerged. (MOTION #14)

Reverting to Media again, it was moved that ICSOM set guidelines in the area of radio broadcasts (MOTION #15). An amendment to strike the words, (due to) "the failure of the International Federation to act in this area," was defeated, 27-6. The motion carried unanimously.

Q-2  
162

TED DREHER: AFM WAGE CHART

Radio tapes being such an issue, Ted Dreher submitted the following questionnaire to anyone whose orchestra was involved in this activity:

- (1) Do you tape for radio syndication?
- (2) How many tapes are produced annually?
- (3) What is the amount of "up front" money?
- (4) If there is no "up front" payment, what is the ultimate yield annually and to whom does it go?
- (5) How many years have you been making syndicated radio tapes?

An appeal for prompt action in filling out the AFM Wage Chart questionnaire followed, and was echoed by a number of officers on the Executive Committee.

Q-2  
334

Marylouise Nanna (Buffalo) asked for Mailgrams of support to be sent to Harold Laurence, Manager, Buffalo Philharmonic.

Q-2  
380

COUNSEL'S CONTRACT. It was unanimously moved to retain Counsel for another year at the same fee (\$12,000.00). (MOTION #16)

Q-2  
658

OFFICERS' HONORARIA. It was moved (MOTION #17) to increase the Honorarium for Chairman, Secretary, Treasurer, and Editor of Senza Sordino to one thousand dollars (\$1,000.00). Motion carried with one negative vote, 4 abstentions.

R-1  
180

Adjustment of ICSOM dues to members playing in more than one ICSOM orchestra. Discussion of the above matter in principle resulted in defeat of the proposition. Thus it was clarified that a player pays the appropriate ICSOM dues for each ICSOM orchestra in which he is a member, regardless of the number of such simultaneous memberships.

R-1  
200 Support of H.R. 8410, "Labor Law Reform Bill." Counsel produced a resolution of support for the above bill and it was adopted. (MOTION #18)

R-1  
220 Support of H.R. 5383, relating to Mandatory Retirement. Counsel produced a resolution of support for the above bill and it too was adopted (MOTION #19). Essentially the bill (referred to earlier in these Minutes) provided for no mandatory retirement for federal employees, and for raising to age 70 the age which private employers may require employees to retire.

R-1  
350 ELECTION OF REGIONAL VICE-CHAIRMEN.

The following were elected or re-elected as regional officers:

Eastern Orchestras	Fred Zenone
Central Orchestras	Bert Siegal
Southern Orchestras	Larry Hartshorn
Western Orchestras	Melanie Burrell

R-1  
569 SITE FOR NEXT YEAR'S CONFERENCE MEETING.

Three cities were offered for consideration and the site chosen was San Diego, California.

San Francisco	10 votes
San Diego	19 votes
St. Louis	6 votes

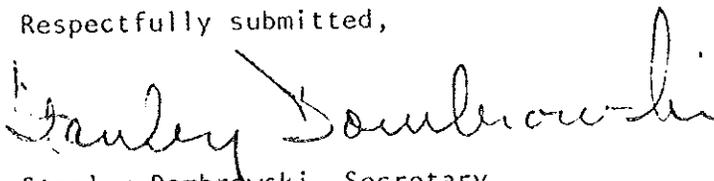
R-1  
580 NOTES OF THANKS.

Ralph Mendelson, former ICSOM Chairman, submitted MOTION #20, which thanked and commended members of the Executive Committee for their work. The motion was approved by general and extended applause.

Raymond Niwa, Chicago, suggested thanks and congratulations to Bert Siegal, Cleveland, for his work as host to the Conference. The delegates responded again, showing their spontaneous appreciation.

The 1977 Conference at Cleveland was adjourned.

Respectfully submitted,



Stanley Dombrowski, Secretary

6 August, 1978