



1993 ICSON CONFERENCE
Park City, Utah



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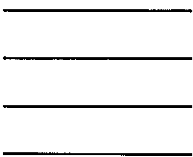
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OFFICIAL MINUTES
1993 ICSOM CONFERENCE
August 18-22, 1993
Park City, Utah

Wednesday Afternoon, August 18, 1993

The Conference was called to order by Chairperson Brad Buckley at 1:00 p.m.

INTRODUCTIONS AND WELCOMES

Chairperson Buckley welcomed the delegates to Park City and introduced and welcomed the members of the Governing Board, American Federation of Musicians [AFM] officers, and guests, including the following:

GOVERNING BOARD OFFICERS

President David Angus
Secretary Lucinda-Lewis
Treasurer Carolyn Parks
Senza Sordino Editor Deborah Torch

MEMBERS-AT-LARGE

James Clute, Michael Moore, Charles Schlueter, Stephanie Tretick

LEGAL COUNSEL

Leonard Leibowitz

AMERICAN FEDERATION OF MUSICIANS

SYMPHONIC SERVICES DIVISION

Lew Waldeck
Wayne King
Bill Creelman
John Trembath (Canada)

ORCHESTRA SERVICES PROGRAM [OSP]

Karl Bawel
Marilyn Rife
Kathy Hunt
Frances Morgante

ADDITIONAL AFM GUESTS

Steve Young, Vice President, AFM
Tom Lee, IEB, Secretary/Treasurer, Local 161-710, Washington, D.C.
Ken Shirk, IEB

LOCAL OFFICERS

David Brewer, President Cleveland, Local 4
Richard Renna, President, Local 2-197, St. Louis
Fred Dobelbower, President, Local 568, Phoenix
Charles Guse, President, Local 10-208, Chicago
Richard Totusek, Vice President, Local 47, Los Angeles
Joseph Shifrin, President, Local 161-710, Washington, D.C.
Brad Eggen, President, Local 30-73, Minneapolis/St. Paul
Jack Hook, Secretary-Treasurer, Local 40-543, Baltimore
Florence Nelson, Vice President, Local 802, New York City
Joe Parente, Secretary, Local 77, Philadelphia
Esther Fors, Secretary, Local 104, Salt Lake City
Sue Ellen Hershman, Local 9-535, Boston

REGIONAL ORCHESTRA PLAYERS' ASSOCIATION [ROPA]

Diane Merrill, President

ORGANIZATION OF CANADIAN SYMPHONY AND OPERA MUSICIANS [OCSM]

John Thompson

ICSOM EMERITUS

Abe Torchinsky

OTHER PARTICIPANTS, GUESTS, AND SPEAKERS

Bill Roehl, labor consultant
Tom Hall (Chicago Symphony), ICSOM Conference Coordinator
Barbara Jaccoma, assistant to Leonard Leibowitz
Nancy Agres (Indianapolis Symphony)
Douglas Fisher (Columbus Symphony)
Marion Godfrey, Pew Charitable Trusts
Richard Hackman, Harvard University
Erin Lehman, Harvard University

ROLL CALL

Secretary Lucinda-Lewis called the roll of the 45 ICSOM member orchestras. Delegates were present to represent the following orchestras:

Alabama Symphony
Atlanta Symphony
Baltimore Symphony

Boston Symphony
Buffalo Philharmonic
Chicago Lyric Opera
Chicago Symphony

Michael McGillivray
Michael Moore
Mary Plaine (attending for Charles Underwood)
Charles Schlueter
Lois M. Carson
Barbara Haffner
William Buchman

Cincinnati Symphony
Cleveland Orchestra
Colorado Symphony
Columbus Symphony
Dallas Symphony
Detroit Symphony
Florida Orchestra
Florida Philharmonic
Grant Park Symphony
Honolulu Symphony
Houston Symphony
Indianapolis Symphony
Kennedy Center Orchestra
Los Angeles Philharmonic
*Louisiana Philharmonic**
Louisville Orchestra
Metropolitan Opera Orchestra

Milwaukee Symphony
Minnesota Orchestra
National Symphony
New Jersey Symphony
New York City Ballet Orchestra
New York City Opera Orchestra
New York Philharmonic
North Carolina Symphony
Oregon Symphony
Philadelphia Orchestra
Phoenix Symphony
Pittsburgh Symphony
Rochester Philharmonic
St. Louis Symphony
St. Paul Chamber Orchestra
San Antonio Symphony
San Diego Symphony
San Francisco Ballet Orchestra
San Francisco Opera Orchestra
San Francisco Symphony
Syracuse Symphony
Utah Symphony

Martin James
Scott Weber
Helen McDermott
Michael Buccicone
David Battey
Laurence Liberson
Warren Powell
Geoffrey Hale
Eva Carol Beck
Mark Schubert
David Garrett
Michael Borschel
Gregory Drone
Camille Avellano
Richard Erb
Rebecca Cole
Larry Wechsler (attending for Marvin
Topolsky)

Robert Levine
James Clute
Robert Blatt
Karl Herman
Jay Blumenthal
Bernadette Zirkuli
William Kuyper
Bruce Ridge
Christine Perry
John Koen
John Lofton
Stephanie Tretick
David Angus
Robert Silverman
Herb Winslow
Beth Stoppels
Richard Levine
David Bartolotta
Tom Heimberg
Kelly Leon-Pearce
Angel Sicam
Roberta Zalkind (attending for Larry
Zalkind)

**The Louisiana Philharmonic attended the 1993 ICSOM Conference as an observer, not as a member orchestra.*

A motion to appoint Richard Totusek Conference Parliamentarian carried. [Motion #1/ Chair]

Chairperson Brad Buckley welcomed representatives of the Salt Lake City Local 104.

Buckley introduced IEB [International Executive Board] member Tom Lee who represented the American Federation of Musicians.

Lee recalled the events of the 1991 AFM Convention where the financial condition of the AFM had been the focus and some of the economic solutions which had been implemented since. Some of the activities and accomplishments of the AFM cited by Lee were an **increase in Special Payments**; the **distribution of a handbook to local unions**; the **allocation of \$300,000 for recruitment and organizing**; the **passage of dark legislation** [*dark* dates are recordings which are made without AFM guidelines or sanctions]; and **legislation to require payment for broadcasts** which was being sought. The AFM was exploring the possibility of making health, life, instrument, and liability insurance available to all members. The AFM had been supporting **worker replacement legislation** in Congress and promoting legislation which would **prevent military bands from replacing civilian musicians**. Lee suggested that the AFM need to renew its efforts to develop stronger political organizing and lobbying techniques.

Buckley introduced ROPA President Diane Merrill who reported on some of the issues discussed at the ROPA conference.

Buckley introduced OCSM Treasurer John Thompson, who described some of the problems facing Canadian orchestras, and OCSM's intention to create a video to promote symphony musicians and the industry.

CHAIRMAN'S REPORT

Buckley reported on the participation of ICSOM and the AFM in the Phonograph and Audio Visual contract negotiations. He summarized ICSOM's involvement in the sponsorship and publication of a new book on music medicine which was edited by Deborah Torch and reported that ICSOM had already received \$1000 in royalties.

AFM Convention

Brad Buckley, David Angus, and Jim Clute represented ICSOM at the 1993 AFM Convention. Some of the bylaws affecting symphony orchestras adopted at the convention were: **local unions must have all media language in contracts approved by the AFM prior to ratification**; **personnel managers will no longer be allowed to participate in contract ratifications**; **proxy votes will no longer be allowed in contract ratifications**; and **musicians may not make tapes which replace live musicians**. There was a ten dollar raise in dues and 1/2 % increase in the dues on media wages. **Dues paid to the AFM by OSP orchestras was increased to 1%**. **Strike fund requirements were changed from 60 musicians to 50 musicians with only half required to earn at least \$15,000 annually**. **The two strike fund trustees will come from ICSOM and the alternate from Canada**. Buckley stated that the ongoing financial problems of the AFM had made it impossible for it to financially help the local union in Birmingham, Alabama.

Buckley described the *Wolf Report* and *Americanizing the American Orchestra*, two reports sponsored and distributed by the American Symphony Orchestra League, as counterproductive to the interests of musicians and the symphonic industry.

Buckley read two letters, one from the committee chair of the **San Antonio Symphony** thanking ICSOM for promoting the organizing project for San Antonio's musicians, and the other from a **New York City Ballet Orchestra** musician complaining about the inclusion of the so-called *St. Louis Clause*

[a union security provision found in several orchestra labor agreements requiring the payment of all union and orchestra dues as a condition of employment] in that orchestra's new contract.

PRESIDENT'S REPORT

In addition to his written report [see **President's Report/ Officers' Reports/Delegate Manual**], David Angus reported on the status of two of ICSOM's member orchestras. The **Florida Symphony** [Orlando] had gone completely out of business and was not expected to reorganize. The **Louisiana Philharmonic** had resisted any effort to make it into a ROPA-type orchestra and requested another extension of its ICSOM membership privileges. Last year, Louisiana received all mailings and other services from ICSOM, and its membership dues forgiven. Angus recommended that the same consideration be extended to the Louisiana Philharmonic this year.

A motion to continue to send the Louisiana Philharmonic Orchestra ICSOM bulletins and *Senza Sordino* and to forgive its membership dues for 1993 carried. [Motion #2/Chair]

CONDUCTOR EVALUATION REPORT

Program administrator Tom Hall recommended **using the letter of indemnification** in the *Delegate Manual* [see **Conductor Evaluations, Delegate Manual**] **when requesting conductor evaluation information**. The same letter is needed when an orchestra receives a report of the results of a conductor evaluation from Wayne State. He cautioned against orchestras using ICSOM's conductor evaluation forms for their internal evaluations. Hall encouraged orchestras to do evaluations on all conductors. Conductors may not be given or shown any conductor evaluation information. This policy extends to music directors who may be serving on search committees. If an orchestra's management shows evaluation material to a conductor, the letter of indemnification should protect both ICSOM and the orchestra from reprisal.

Buckley read a letter from Deborah Torch resigning as Editor of *Senza Sordino*. Torch will continue to serve as a special consultant to ICSOM.

COUNSEL'S REPORT

In addition to his written report [see **Legal Services, Delegate Manual**] Leonard Leibowitz described the problems with employer-dominated unions [where the employer attempts to create unelected committees to avoid the union] and stated that the National Labor Relations Board [NLRB] had ruled against them. Leibowitz recounted ICSOM's involvement in the tax case involving the **home studio deduction**. The Supreme Court recently disallowed that deduction. Leibowitz cautioned that no language in orchestra contracts reflecting the employer's failure to provide practice space will make this deduction allowable.

SYMPHONIC SERVICES DIVISION REPORT

Lew Waldeck reported on the difficult situations facing several orchestras. He asked that Symphonic Services be notified immediately when an orchestra is threatened with bankruptcy.

He suggested that orchestras check their contract language and determine whether it allows the

musicians to refuse to cross a union picket line. Symphonic Services compiled and distributed a manual on cooperative [self-run] orchestras.

Leibowitz had drafted sympathy strike clause language for inclusion in symphony labor agreements. He also mentioned that employee rights under the *Family Leave Act* should apply to symphony musicians, but no definite ruling had been made. The problem was the requirement that an employee work at least 120 hours per week.

Wayne King reported on the AFM intention to change the format of the **Wage Chart**.

ICSOM Directory

Buckley advised the delegates of the possibility of printing the *ICSOM Directory* every year and asked Robert Levine [Milwaukee Symphony] and Richard Levine [San Diego Symphony] to explain the cost and requirements of printing the *Directory* each year. Robert Levine stated that it cost \$7000 to print the *Directory* and suggested that printing it every year would make it easier.

After a brief discussion, a motion to print the *ICSOM Directory* every year was defeated. [Motion #3/Clute]

STRIKE FUND REPORT

David Angus reported on the changes in the **Strike Fund**. Strike Fund benefits would cover eight weeks in a threatened bankruptcy or cancellations. Benefits would resume upon the return to negotiations. Angus asked that orchestras check their Strike Fund information [see *Strike Fund, Delegate Manual*] for accuracy.

Angus said that a number of **Utah Symphony** members had resigned from the union, and the Strike Fund Trustees were asked if nonunion members could collect. A decision had been reached that **nonmembers could collect Strike Fund benefits if they had paid Strike Fund dues**. Angus also stated that the possibility of increasing the weekly Strike Fund benefit would be explored in the future.

Michael McGillivray [Alabama Symphony] thanked the AFM for its speedy handling of the **Alabama Symphony** musicians' Strike Fund benefits.

Buckley asked Tom Lee if the AFM could solicit donations for the Alabama Local from all local unions.

NOMINATING COMMITTEE REPORT

The members of the **Nominating Committee** were Mike Buccicone, Tom Hall, and Sandy Schwarcz. Buccicone reported on the results of the Nominating Committee's efforts and asked for nominations from the floor for the four, two-year positions of **Member at Large** and the position of **Editor of Senza Sordino** whose terms will expire next year. The Nominating Committee unanimously recommended the four

incumbent Members at Large, Jim Clute, Michael Moore, Stephanie Tretick, and Charlie Schlueter for reelection and recommended Robert Levine to fill the position of Editor. Nominations remained open.

Thursday Morning, August 19, 1993

The meeting was called to order by Chairperson Buckley and the roll called at 10:00 a.m.

Buckley announced that the Governing Board unanimously recommended **retaining Lenny Leibowitz** from the firm of Leibowitz, Belson, Perlman, and Szuflita be retained as ICSOM Counsel.

A motion to retain Leonard Leibowitz from the firm of Leibowitz, Belson, Perlman, and Szuflita as ICSOM Counsel carried. [Motion #4/Chair]

A motion to increase Leibowitz's retainer by \$1000 to \$27,000 plus his expenses carried. [Motion #5/Chair]

CHAIRMAN'S SPECIAL REPORT

Buckley discussed the American Symphony Orchestra League and the problems the release of its two major reports, the *Wolf Report* and *Americanizing the American Orchestra*, had caused the symphonic industry. The two League reports were funded by several large foundations and had generated a storm of negative press about symphony orchestras. Buckley pointed out that the parts of the *Wolf Report* which were favorable to musicians were never given equal public focus by the League.

He explained that the League's charter defined it as a service organization for the industry, including representing musicians. Its administrative structure is similar to that of an orchestra's. League funding comes from membership and individual dues, corporate and foundation contributors, and the National Endowment for the Arts. Annual orchestral membership dues are based upon the individual budget of each member orchestra.

Buckley described some of the efforts undertaken by ICSOM and the League's Major Managers' liaison one of which resulted in the creation of management assessment teams; however, the League had done little to actively promote the implementation of the recommendations of these teams. ICSOM and ROPA had been invited to participate in the planning stages of the League's issue forum which resulted in agreements on procedural issues. Because the League failed to acknowledge the previously agreed-upon areas of concern, ICSOM and ROPA refused to be involved in the final issue forum held in Baltimore in March, 1993.

Buckley questioned the premise and recommendations of *Americanizing the American Orchestra* suggesting that its findings were simplistic, and some were already being employed.

There were several comments from the floor from those who had participated in the League's issue forum [Christine Perry (Oregon Symphony), Doug Fisher (Columbus Symphony), and SueEllen Hershman (Boston Local)] critical of the League's intent and handling of the forum. Other comments questioned the League's use of its two reports suggesting that its primary interest was to promote board and management agendas.

Buckley recommended that musicians should be encouraged not to participate in any League functions, but felt an organized boycott would be counterproductive. He also suggested several actions ICSOM could pursue which would help counter the negative press generated by the League report such as: **requesting the AFM relax some AV [Audio/Visual] rules to allow for videos which show orchestras in a positive light; a one dollar ICSOM dues increase to help underwrite the expenses of minority-group instrumentalists; and exploring the possibility of combining MPTF [Music Performance Trust Fund] monies with foundation monies for special educational projects.**

BILL ROEHL PRESENTATION

Organizing to Meet Challenges

Roehl outlined the organizing project he had developed for the **San Antonio Symphony** where more than half of the orchestra was new. He related some of the problems between San Antonio and its local union and with the AFM. Roehl described the activities musicians need to undertake to be a successful bargaining unit including: **new membership orientation; one on one canvassing; and informational surveys, newsletters, and luncheons.** He also advocated **national and local union involvement in problem solving.** Roehl said the AFM was in crisis from top to bottom and needed strong leadership and was critical of the union's failure to recruit new leadership. Roehl recommended that a woman should be elected to the IEB [International Executive Board (AFM)].

Buckley introduced Abe Torchinsky, Administrator of ICSOM's **Emeritus Program**, who explained the requirements for membership and reminded the delegates to submit the names of their retirees for inclusion.

Thursday Evening, August 19, 1993

Buckley introduced Richard Hackman and Erin Lehman of Harvard University, who made a presentation of the results of their **cross-national study of symphony orchestras.** Among the topics covered in their study: **player satisfaction and career issues; gender-related issues within orchestras; leadership and organizational issues; the similarities and differences between American, West German, British, and East German players; and gender composition of orchestras.**

According to Hackman, **American unions have contributed to the entry of women into the symphonic industry.** East Germany was next, followed by Great Britain and West Germany. In the U. S., Regional orchestras have the greatest number of women players. Hackman and Lehman demonstrated the various changes in symphony orchestras as women entered their ranks. The study indicated that views of employment-related issues were the same between men and women players.

Hackman stated that orchestral and ensemble quality was directly related to an orchestra's resources, financial strength, and facilities.

Friday Morning, August 20, 1993

Chairperson Buckley called the meeting to order and roll was called at 10:00 a.m.

Buckley asked for further nominations for the positions of Member at Large and Editor of *Senza*. There were no further nominations from the floor. The four incumbent Members at Large were elected by acclamation, and Robert Levine was elected by acclamation as *Senza* Editor.

Buckley introduced Marion Godfrey, Program Director of Culture at the Pew Charitable Trusts. Godfrey described the goals and objectives of Pew as similar to those in the corporate world: to encourage organizational improvements; to serve the public better; and to strengthen the relationship between arts organizations and the community.

Pew Charitable Trusts gave a grant to the American Symphony Orchestra League **to study the field and to help learn how to better promote symphonic music in the American culture.** The League's 1993 report, *Americanizing the American Orchestra*, resulted from this funding. Godfrey said she had heard a lot of dissatisfaction from major symphony managers about the report.

Godfrey expressed concern over a survey by the National Cultural Alliance which indicated that 68% of those surveyed said the arts were not a part of their lives, although the majority felt that the arts were important. Godfrey considered shrinking arts education opportunities for children the most serious problem.

According to Godfrey, **orchestras receive 7% of all arts dollars and are the best funded of all arts organizations.** Funders favor older, well-established organizations. She felt it was unlikely that orchestra funding would increase in the near future and recommended that **orchestras should continue to try to expand their support.** She said that foundations were interested in **diversity and education and preferred putting money into special projects than into operational funding.**

There were several questions and comments from the floor critical of the American Symphony Orchestra League's use of Pew funding for the *issue forum* project. Godfrey responded that she **agreed with ICSOM's reasons for not participating in the League's project.** She said that foundations were becoming more involved in auditing the use of funding. Pew was convinced that the funding given to the League had been used appropriately. Godfrey felt that grant givers should consult all the constituents of any industry affected by the grant.

There were other comments and criticisms about the League's handling of the *issue forum* and use of *Americanizing the American Orchestra*. Godfrey expressed interest in meeting with those who had additional information about the *issue forum*.

Negotiating Orchestra Reports

In keeping with past practice, the reports of negotiating orchestra were not documented for the minutes.

Friday Afternoon, August 20, 1993

Negotiating Workshop

In keeping with past practice, Lenny Leibowitz's negotiating workshop was not documented for the minutes.

Saturday Morning, August 21, 1993

Chairperson Buckley called the meeting to order and roll was called at 10:00 a.m.

Chairperson Buckley introduced *Senza Sordino* Editor Deborah Torch.

Torch had attended the OCSM Conference in Canada and reported that Canadian orchestras were facing many of the same problems American orchestras faced: cuts in funding, government interference, and a changing role of musicians in orchestras. She expressed concern over the labeling of musicians as uncooperative.

Torch urged that players order a copy of the music medicine book she had edited, *The Musician's Survival Manual: A Guide to Preventing and Treating Injuries in Instrumentalists*, by Richard Norris, M.D. She also reported on her presentation of a paper on orchestra tour medicine she had submitted to the International Conference of Travel Medicine. Her paper was one of six presented at the conference held in Paris, France.

Torch announced her resignation as *Senza* Editor and thanked those who had influenced her as editor. Buckley presented her with a plaque honoring her years of service to ICSOM.

Buckley stated that Torch had outlined several projects which the Governing Board had approved.

A motion to name Deborah Torch director of special projects for ICSOM carried. [Motion #6/McGillivray]

Buckley reported on some of the difficult situations facing orchestras. The **Miami City Ballet** orchestra was a tenured orchestra, but the management wanted the right to subcontract an orchestra with whom it could negotiate a contract or use taped music instead of an orchestra. An unfair labor practice charge was filed by the local union. The management had hired the **Boca Raton Pops** orchestra. Since the Pops wage was comparable to that of the Ballet orchestra's, it appeared the Ballet management was attempting to get rid of the union.

Gregory Drone [Kennedy Center Orchestra] stated that the management of the Kennedy Center had proposed to eliminate the **Kennedy Center Orchestra** in three years and replace it with the **National Symphony**. Drone advised that musicians whose orchestras were in trouble not agree to solve their problems by taking other musicians' jobs.

Herb Winslow [Saint Paul Chamber Orchestra] described the problem the **Saint Paul Chamber Orchestra** had been having in negotiations because the Chamber Orchestra's management wanted to make the Chamber Orchestra the orchestra of the **Minnesota Opera**, thereby displacing the musicians of the existing Opera orchestra.

Buckley stated that the financial condition of the AFM had prevented it from financially helping the troubled Birmingham, Alabama local union [the Birmingham local had suffered severe financial problems as a result of the legal problems and expenses which arose from bankruptcy of the **Alabama Symphony**]. Buckley recommended that \$20,000 from ICSOM's ERF [Emergency Relief

Fund] be loaned to the AFM for one year without interest with the stipulation that the money be given to the Birmingham local. Buckley asked that the \$20,000 be a gift from the AFM to the local.

Geoffrey Hale [Florida Philharmonic] thanked ICSOM for sending \$20,000 to the members of ICSOM orchestras affected by hurricane Andrew in August, 1992.

Buckley explained the need for orchestras to be seen in a positive light and recommended some of the current AFM Audio/Visual rules be relaxed to allow orchestras to participate in promotional videos without additional payment to the musicians.

A motion carried to adopt the following resolution to relax certain AFM Audio/Visual regulations in order to allow orchestras to participate in local promotional videos of a civic nature.

Whereas, The image of symphony orchestras in the United States has been severely tarnished over the last year or two by the publication of a series of negative reports about them; and

Whereas, ICSOM is seeking ways and means to repair that image for the good of the industry and its member orchestras; and

Whereas, One of the ways this goal may be attained is by permitting, and even offering orchestras' inclusions in civic promotions of the communities in which our member orchestras reside; and

Whereas, The current rules and regulations of the AFM prohibit orchestras and local unions from permitting such inclusion without payment to the musicians; and

Whereas, Without denying that under normal circumstances musicians *should* be paid for such inclusions, nevertheless it may be more prudent at this time if some of those reasonable rules and regulations could be relaxed somewhat to permit individual orchestras to lower or even waive payment for such inclusion; now, therefore, be it

Resolved, That the delegates to the 1993 ICSOM Conference hereby make formal request of the President and International Executive Board of the AFM to relax the payment requirements for civic and community promotional material to the extent of permitting individual orchestras to decide by majority vote 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. [Motion #7/Blatt]

Buckley was asked for clarification of what constituted such a promotional video. He responded that anything which was a trade delegation presentation or chamber of commerce-sponsored video about the community, but no more than 2-1/2 minutes for news programs or national news magazines.

Buckley stated that ICSOM needed to counter the negative press generated by the American Symphony Orchestra League and its two published reports. He stated that the Governing Board recommended amending Articles II, VIII, and X of ICSOM's Bylaws to permit a one dollar dues increase to help underwrite the expenses of a minority-group instrumentalists.

There was a motion to adopt the following amendment to ICSOM's Bylaws:

Section 8. In addition to the dues amounts set forth above in Article 3 (a), (b), or (c), each member orchestra shall pay the number of players times \$1, to be segregated by the treasurer and kept in a token fund which, together with the interest generated shall be used exclusively to provide payments of expense money to one or more members of ethnic groups currently under represented in American orchestras, including but not limited to African Americans, Hispanic American, or native Americans studying at *bona fide* music schools to be classical instrumentalists. The procedure for the selection of recipients of these monies shall be determined by the governing board. [Motion #8/Clute]

A motion to amend Motion #8 to change the word *segregate* to **set aside** was dropped by unanimous consent. [Motion #9/McGillivray]

A motion to amend Motion #8 to change the word *segregate* to **kept by** carried. [Motion #10/Tretick]

A motion to amend Motion #8 to strike the word *currently* carried. [Motion #11/Buchman]

A motion to amend Motion #8 to change the word *token* to **separate** carried. [Motion #12/Plaine]

Motion #8 carried as amended.

Buckley introduced Dennis Dreith of the Recording Musicians' Association [RMA].

Dreith reported that the RMA had been unable to reach agreement with the motion picture producers about rates for low-budget films and television recording.

MEDIA COMMITTEE REPORT

Buckley reported on the results of the **Phonograph and Audio/Visual contract negotiations**. With the exception of the **3% increase** given to the industry, there were no changes in other terms and conditions. 28 ICSOM orchestras recorded last year with over \$8 million in recording wages paid.

William Buchman [Chicago Symphony] described the on-going problem between the **Chicago Symphony** players and their management over the issue of **location recordings**. Buckley stated that the contract language was clear, and that the AFM should enforce the language.

Media Forum

Buckley said it was difficult to represent media issues with such a large and diverse group where many different needs existed. American orchestra musicians are paid more for recordings than any other musicians. Over the years, many different schemes had been suggested to deal with the recording rates.

Service conversion was the most common technique used by orchestras to reduce the cost of recording. Service conversion had never been sanctioned by the AFM. Buckley stated that the offer of low-cost rates had not brought record manufacturers to the doors of American symphonies.

Roberta Zalkind [Utah Symphony] stated that the **Utah Symphony** did not get involved in *dark* dates, and the musicians were asking for a special recording allowance for orchestras with budgets of \$10 million or less.

Esther Fors [Secretary, Local 104] explained the two written proposals distributed by the Utah Symphony members which would remove some of the restrictions from limited pressing provisions of the AFM.

Michael McGillivray [Alabama Symphony] suggested such a provision might cause some orchestras to try to keep their budgets below \$10 million.

Herb Winslow [Saint Paul Chamber Orchestra] and Rebecca Cole [Louisville Orchestra] stated that their orchestras had budgets of less than \$10 million and were making recordings under the Phono agreement. Relaxing the restrictions for orchestras with budgets of \$10 million or less would reduce their orchestras' recording wages.

Sunday Morning, August 22, 1993

The meeting was called to order by Chairperson Buckley and roll was called at 9:45 a.m.

Buckley stated that the Supreme Court had recently disallowed the home practice studio deduction, and that no language in orchestra contracts reflecting the employer's failure to provide practice space will make this deduction allowable.

A motion carried to adopt the following resolution urging the AFM to introduce and sponsor legislation to amend the Internal Revenue Code so as to reinstate the home practice studio deduction for musicians:

Whereas, A recent decision of the U.S. Supreme Court appears to have terminated the home practice studio deduction which musicians have enjoyed in the past; and

Whereas, ICSOM believes that said decision is logically flawed and unduly harsh on musicians who clearly need either to rent or to set aside a portion of their homes for the purpose of practicing their art; now, therefore, be it

Resolved, That the delegates to the 1993 ICSOM Conference urge the AFM to introduce and sponsor legislation to amend the Internal Revenue Code so as to reinstate the home practice studio deduction for musicians. [Motion #13/Heimberg]

Buckley explained the problems experienced by the **New York City Ballet Orchestra** in its attempts to enforce the orchestra's union security clause [*St. Louis Clause*]. Buckley stated that the clause had been upheld by the NLRB on two separate occasions, but the executive board of Local 802 refused to enforce the clause, and the AFM had done little to require the local to enforce it.

There was a motion to adopt the following resolution urging the President of the AFM and/or the International Executive Board to take any and all measures to see to it that the Executive Board of Local 802 enforces the union security clause of the New York City Ballet Orchestra's collective bargaining agreement:

Whereas, The union security clause of one of ICSOM's constituents, the New York City Ballet Orchestra, is almost identical with the clauses of approximately 19 other orchestras in this country; and

Whereas, The legality and validity of these similar clauses, known collectively in the industry as the "St. Louis Clause," has been affirmed in three separate cases before the National Labor Relations Board; and

Whereas, The enforceability of said clauses has also been upheld by two separate Presidents of the AFM; and

Whereas, Despite the latest such ruling by the current AFM President, the Executive Board of Local 802 has refused to enforce the clause contained in the New York City Ballet Orchestra collective bargaining agreement; and

Resolved, That the delegates to the 1993 ICSOM Conference strenuously urge the President of the AFM and/or the International Executive Board to take any and all measures provided in the AFM Constitution and Bylaws to see to it that the Executive Board of Local 802 enforces the union security clause of the New York City Ballet Orchestra's collective bargaining agreement. [Motion #14/Koen]

A motion to amend Motion #14 by striking *AFM Constitution* carried. [Motion #15/Blatt]

Motion #14 carried as amended.

Buckley stated that the numbers of women and minority members of the AFM has increased dramatically over the last few years and should have representation on the Interational Executive Board of the AFM.

A motion carried to adopt the following resolution urging the delegates to the next AFM Convention to recruit and elect women and minorities to the International Executive Board:

Whereas, The ranks of women and minorities in symphony orchestras and in other fields of musical endeavor have been increasing steadily over the years; and

Whereas, Notwithstanding this increasing presence and participation of women and minorities in all aspects of the music profession, there is still no representation of this AFM membership on the International Executive Board; now, therefore, be it

Resolved, That the delegates to the 1993 ICSOM Conference urge the delegates to the next AFM Convention to recruit and elect women and minorities to the International Executive Board. [Motion #16/Plaine]

Michael Moore [Atlanta Symphony] explained the need to have updated contract information on the AFM computer bulletin board and the need for a symphony contract database organized by topic.

A motion carried to adopt the following resolution urging the IEB to direct the AFM Symphonic Services Division to collect and maintain a downloadable version of all current symphonic collective bargaining agreements and create a contract database:

Whereas, ICSOM, OCSM, and ROPA orchestras have an urgent need for instant and timely information; and

Whereas, The AFM Symphonic Services Electronic Bulletin Board has not yet lived up to its potential as a communications and database tool; now, therefore, be it

Resolved, That ICSOM urge the IEB to direct the AFM Symphonic Services Division to collect and maintain a downloadable version of all current symphonic collective bargaining agreements; and be it further

Resolved, That ICSOM urge the IEB to direct the AFM Symphonic Services Division to secure the services of qualified persons in the field to create a complete database organized by contract topic that is readable on-line and make this database available as a feature of the AFM bulletin board by February 1, 1994. [Motion #17/Robert Levine]

Moore stated that the cost-saving measures implemented by the AFM had discontinued the toll-free phone number of the AFM computer bulletin board which had caused members to stop using the board.

A motion carried to adopt the following resolution protesting the discontinuation of a toll-free line and requesting the reinstatement of the 800 service:

Whereas, The AFM computer bulletin board is a vital link of communication between ICSOM delegates, the AFM, OCSM, and ROPA; and

Whereas, ICSOM is actively encouraging its members to avail themselves of this service; and

Whereas, The AFM is providing this link as a repository of all contracts, settlement bulletins, and other documents that delegates, committee chairpersons, and others need 24 hours per day; and

Whereas, The average usage of this service has dropped from 35 calls per day to only 6 calls per day; now, therefore, be it

Resolved, That ICSOM strongly protest the discontinuation of a toll-free line for use by ICSOM, OCSM, and ROPA delegates and officers and strongly request the reinstatement of this 800 service, or that an alternative plan be formulated that will have the net effect of encouraging our delegates and officers to avail themselves of an improved AFM bulletin board. [Motion #18/McGillivray]

Buckley expressed concern over the potential cancellation of the **Utah Symphony's** 1993-94 season and stated ICSOM support for the musicians of the orchestra.

A motion carried to adopt the following resolution urging the Board and Management of the Utah Symphony to expend all possible efforts to fulfill their obligation under the orchestra's collective bargaining agreement:

Whereas, The Utah Symphony has just been threatened with the cancellation of the coming season; and

Whereas, This was to be only the second year of a five-year collective bargaining agreement; and

Whereas, This threatened action demonstrates gross irresponsibility on the part of the Board and Management of the Utah Symphony, in contrast to the magnificent support shown by their audience; now, therefore, be it

Resolved, That the delegates and officers of the 1993 ICSOM Conference, in solidarity with their colleagues in the Utah Symphony, urge the Board and Management of the Utah Symphony to expend all possible efforts to fulfill their obligation as prescribed, and agreed to, by the collective bargaining agreement. [Motion #19./Schlueter]

The word *audience* was replaced with **community** by unanimous consent.

Buckley stated that some managements attempt to cut costs and get rid of uncooperative union by eliminating live music or consolidating orchestras, pitting one group of musicians against another.

A motion carried to adopt the following resolution denouncing such management tactics and urging the AFM, all local unions, and all AFM members to reject such initiatives:

Whereas, In these stressful economic times, some orchestra employers have sought to cut costs and rid themselves of uncooperative unions by either seeking to eliminate live music, subcontract musicians, or consolidate orchestras; and

Whereas, Part of the destructive effects of these actions is that it often pits one group of musicians against another as, for example, the situations currently existing in Washington, D.C., between the **Kennedy Center Opera House Orchestra** and the **National Symphony**, in Minnesota between the **Minnesota Opera Orchestra** and the **St. Paul Chamber Orchestra**, and in Florida between the **Miami City Ballet Orchestra** and the **Boca Pops Orchestra**; and

Whereas, The essence of unionism is unity and solidarity, so that all members act together for mutual aid and protection; now, therefore, be it

Resolved, That the delegates to the 1993 ICSOM Conference abhor and denounce such management tactics and urge the AFM, all local unions, and all AFM members to reject such initiatives and repel

any such attempts to divide us, to the end of ultimately destroying us all. [Motion #20/Governing Board]

The word *uncooperative* was removed from Motion #20 by unanimous consent.

Roberta Zalkind described the financial problems of the **Utah Symphony** and the one tenth of 1% tax incentive earmarked for the orchestra. The tax issue failed to pass.

Buckley explained the importance of union solidarity in a troubled orchestra like Utah but pointed out that approximately one third of the Utah Symphony was nonunion.

A motion carried to adopt the following resolution urging the nonunion members of the Utah Symphony to recognize the need for solidarity rejoin the AFM:

Whereas, Approximately one-third of the members of the Utah Symphony are not members of the AFM; and

Whereas, ICSOM and the AFM have expressed and offered their ongoing support for all of the members of the Utah Symphony in their current and any future crises; and

Whereas, Union solidarity has been the only meaningful protection for musicians, as well as for working people everywhere; now, therefore, be it

Resolved, That the delegates to the 1993 ICSOM Conference urge the nonunion members of the Utah Symphony to recognize the need for solidarity with their colleagues, both in the orchestra and elsewhere, and to join the AFM forthwith. [Motion #21/Governing Board]

Esther Fors [Secretary, Local 104] stated that the AFM had allowed the Salt Lake City Local a special budget to hire an organizer. She blamed the loss of union membership from the Utah Symphony on recording issue disputes.

Mark Schubert [Honolulu Symphony] reported on the financial problems of the **Honolulu Symphony**. He said that the orchestra had lost several players to orchestras with lower salaries because those players were tired of the constant problems in Honolulu. The players had been unsuccessful in their attempts to meet with Senator Daniel Inouye. Schubert predicted difficult negotiations ahead for the Honolulu Symphony.

Frances Morgante [Buffalo Philharmonic] gave an update of the ongoing problems of the **Buffalo Philharmonic**. She said it was the fifth time in three years that the orchestra had negotiated.

Buckley expressed concern over the hate mail sent to nonunion members of the **Utah Symphony** who were doing *dark* dates. He suggested that people write the nonunion members and encourage them to rejoin the union.

Gregory Drone [Kennedy Center Orchestra] stated that the Kennedy Center had not lost money on its performances because all performances had been sold out. He characterized the Kennedy Center's desire to eliminate the **Kennedy Center Orchestra** as union busting.

Buckley stated that ROPA had invited ICSOM to have a joint conference in Dallas, Texas next summer. He requested that the Conference empower the Governing Board to explore conference site possibilities.

A motion to empower the Governing Board to chose a site for the 1994 ICSOM Conference carried. [Motion #22/Blatt]

A motion carried to adopt the following resolution preventing ICSOM from holding its annual conference in a state or city which has a law limiting the civil rights of any person:

Whereas, ICSOM strongly supports civil rights protection for all people; and

Whereas, ICSOM ought not spend its dues money on a conference in a state or city which as any law on the books limiting the civil rights of any person; and

Whereas, The refusal to meet in such venues sends the proper and appropriate message from ICSOM; now, therefore, be it

Resolved, That ICSOM not hold the annual conference in a state or city which has a law limiting the civil rights of any person. [Motion #23/Perry]

After a brief discussion, a motion to refer to the Governing Board the issue of the individual civil rights litmus test in site selection carried. [Motion #24/McGillivray]

The **Buffalo Philharmonic** offered to host the 1994 Conference.

Robert Silverman [St. Louis Symphony] acknowledged the many years St. Louis Local 2-197 President Richard Renna had attended ICSOM Conferences. Chairperson Buckley presented Renna with a small token of appreciation.

Richard Erb [**Louisiana Philharmonic**] thanked ICSOM for its continued support.

Deborah Torch thanked Brad Buckley and David Angus for their hard work and many efforts of behalf of ICSOM.

Brad thanked Lenny Leibowitz for his efforts.

There being no further business, a motion to adjourn the 1993 ICSOM Conference carried. [Motion #25/Blatt]

Respectfully submitted,

Lucinda-Lewis, ICSOM Secretary
December 25, 1993