

OFFICIAL MINUTES  
1994 ICSOM CONFERENCE  
August 17-21, 1994  
Vail, Colorado

*Wednesday Afternoon, August 17, 1994*

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

**INTRODUCTIONS AND WELCOMES**

Chairperson Buckley welcomed the delegates to Vail 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 Robert Levine

**MEMBERS-AT-LARGE**

James Clute, Michael Moore, Charles Schlueter

**LEGAL COUNSEL**

Leonard Leibowitz

**AMERICAN FEDERATION OF MUSICIANS**

**SYMPHONIC SERVICES DIVISION**

Florence Nelson  
Diane Merrill  
Nathan Kahn  
Wayne King  
Paul Frank

**ORCHESTRA SERVICES PROGRAM [OSP]**

Janet Chapple  
Marilyn Rife  
Stuart Macdonald  
Colin Smith

**ADDITIONAL AFM GUESTS**

Mark Tully Massagli, President, AFM  
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  
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.  
Joe Parente, Secretary, Local 77, Philadelphia  
Bill Moriarity, President, Local 802, New York

#### REGIONAL ORCHESTRA PLAYERS' ASSOCIATION [ROPA]

Andrew Brandt

#### ORGANIZATION OF CANADIAN SYMPHONY AND OPERA MUSICIANS [OCSM]

John Gowen

#### OTHER PARTICIPANTS, GUESTS, AND SPEAKERS

Lew Waldeck  
Bill Roehl, labor consultant  
Joel Wachs Councilman, City of Los Angeles  
Patricia Polach, attorney  
Tom Hall (Chicago Symphony), ICSOM Conference Coordinator  
Barbara Jaccoma, attorney  
Ray Abernathy  
Kenneth Albrecht [Louisville Orchestra]  
Jim Moffit [Honolulu Symphony]

#### 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  
Cincinnati Symphony  
Colorado Symphony  
Columbus Symphony  
Dallas Symphony  
Florida Orchestra  
Florida Philharmonic  
Grant Park Symphony  
Honolulu Symphony  
Houston Symphony  
Indianapolis Symphony

Vendla Weber  
Michael Moore  
Mary Plaine (attending for Charles Underwood)  
Charles Schlueter  
Robert Hausmann  
Laura Deming (attending for Barbara Haffner)  
William Buchman  
Martin James  
Helen McDermott  
Michael Buccicone  
Bert Truax  
Warren Powell  
Geoffrey Hale  
Eva Carol Beck  
Mark Schubert  
David Garrett  
Michael Borschel



Kennedy Center Orchestra  
 Los Angeles 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  
 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

Mealanie Matteson  
 Irving Geller  
 Roger Soren  
 Marvin Topolsky  
 Helen Reich  
 James Clute  
 Robert Blatt  
 Karl Herman  
 Jay Blumenthal  
 Bernadette Zirkuli  
 William Kuyper  
 Bruce Ridge  
 Fred Sautter  
 John Koen  
 John Lofton  
 David Angus  
 Robert Silverman  
 Tom Tempel  
 Beth Stoppels  
 Richard Levine  
 David Sprung  
 Tom Heimberg  
 Raymond Froehlich  
 Angel Sicam  
 Barbara Scowcroft

The Cleveland Orchestra, Detroit Symphony, and the Pittsburgh Symphony were on tour and not represented at the Conference. The Louisiana Philharmonic, which attended as an observer last year, was also not present.

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

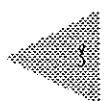
Buckley asked if there were any changes or corrections to the 1993 ICSOM Conference Minutes. There being none, they were accepted as submitted.

Buckley introduced Tom Hall, ICSOM Conference Coordinator.

Buckley introduced OCSM [Organization of Canadian Symphony and Opera Musicians] representative John Gowen who described the two national OCSM video projects and thanked the ICSOM Orchestras which had sent letters of support to the Toronto Symphony.

Buckley introduced AFM President Mark Tully Massagli.

Massagli spoke about the legislative concerns and activities of the AFM during the past year such as **home practice studio legislation** and **performers' rights legislation**. Unfortunately, AFM legislative interests are low priority in Congress. Massagli described the **AFM-EP** [Employer Pension and Welfare Fund of AFM] fund as in excellent financial shape with a maximum benefit of \$4 per month for each \$100 of contribution. Musicians in other pension plans could join the EP, but the AFM cannot roll over existing pension monies into the EP. Massagli expressed his sadness over the resignation of Symphonic Services Director Lew Waldeck, but was enthusiastic about the appointment of Florence Nelson as Waldeck's replacement.



Buckley introduced the new ROPA [Regional Orchestra Players' Association] President, Andrew Brandt who spoke of the numerous problems facing ICSOM and ROPA orchestras.

Buckley stated that the Governing Board had unanimously recommended retaining Leonard Leibowitz as ICSOM Counsel and increasing his retainer from \$27,000 per year to \$28,000.

A motion to retain Leonard Leibowitz as ICSOM Counsel and to increase his retainer to \$28,000 carried. [Motion #2/Silverman]

#### *Chairman's Report*

Buckley observed that the AFM had made substantial improvements over the last five years but local unions still needed to make improvements in the services they provide their constituents. He encouraged delegates to get involved with their locals.

Buckley expressed concern over the lack of elected status of the orchestra musicians who have been appointed by the American Symphony Orchestra League to its board and felt the League was attempting to bypass elected orchestra representatives.

#### *President's Report*

ICSOM President David Angus augmented his written report [*Delegate Manual/Officers' Reports*] with a few brief remarks.

#### *Treasurer's Report*

ICSOM Treasurer Carolyn Parks augmented her Financial Report [*Delegate Manual/Financial Report*] by explaining an unaccounted for \$949 which she had inherited and the outstanding ERF [Emergency Relief Fund] loan she had attempted to collect from the musicians of the defunct Oklahoma Symphony. Parks suggested writing off the outstanding Oklahoma ERF monies as a bad debt.

A motion to write off Oklahoma ERF loans as a bad debt carried [Motion #3/Parks]

Parks thanked the conference for the privilege of serving.

Buckley presented Parks with a plaque in recognition of her years of service to ICSOM.

Geoffrey Hale [Florida Philharmonic] asked Buckley to explain the \$20,000 ERF loan which was made available to the members of Florida ICSOM orchestras who were victims of Hurricane Andrew in 1992.

Buckley described the emergency circumstances which led to the decision to make ERF monies available to the Florida musicians. Because of the storm, ICSOM was unable to contact any committee representatives of area ICSOM orchestras and therefore, Rosemary Estes was asked to administer the loan money. ICSOM later learned that Estes was a compulsive gambler and had used some of the ERF for gambling. Estes and her husband entered into an agreement with ICSOM to pay back the outstanding loan monies. Two weeks before the 1994 ICSOM Conference, Estes paid off the remaining debt with the exception of \$2500 which had been loaned to a substitute player who had left the country.

Hale explained the damage Estes had done to the musicians of the Florida Philharmonic as a member of their

management's negotiating team.

Secretary Lucinda-Lewis augmented her written report [*Delegate Manual/Officers' Reports*] with a few remarks on settlement bulletin reporting.

*Senza* Editor Robert Levine requested that people send letters to *Senza* about issues of concern and asked for feedback from orchestras. He stated that DOS ORCHESTRA[a computer newswire on national and international orchestra news] was not a substitute for *Senza*.

Buckley introduced Florence Nelson, the new Director of Symphonic Services [SSD] of the AFM.

Nelson acknowledged the efforts and contributions of Lew Waldeck to the field. She outlined her goals for Symphonic Services which included training seminars for orchestra committees and local officers, developing negotiating strategies for orchestras, the availability of model contract language, improving relationships between orchestras and locals, and improving media contract language.

Buckley presented Waldeck with a plaque in recognition of his contributions to the field.

Waldeck urged the delegates to get involved and not to give up.

### ***Strike Fund Report***

David Angus reported that there had been one meeting of the Strike Fund Trustees. Eligibility for Strike Fund membership had changed [see also *Delegate Manual/Strike Fund--ERF*]: orchestras with at least 50 musicians making an annual salary of no less than \$15,000 are eligible to join the Strike Fund. Angus explained that Strike Fund benefits were a tool to help orchestras settle contracts and not intended as unemployment benefits. Strike Fund benefits are paid for the first six weeks of a cancellation or bankruptcy. Angus also reported that more research was needed to explore the possibility of increasing the weekly Strike Fund amount.

Robert Levine gave a report on the ICSOM *Directory* [see also *Delegate Manual/Publications*] and stated that the Governing Board had discussed publishing the *Directory* every year. ICSOM has the funds to publish the *Directory* annually.

A motion to publish the ICSOM *Directory* annually carried. [Motion #4/Richard Levine]

Buckley was asked about allowing advertising in the *Directory* to help defray the cost of publication. Buckley responded that ICSOM did not want to risk having *Directory* used as a mailing list for the advertisers.

There was a motion to add a master list of orchestra players to the *Directory*. [Motion #5/Sprung]

After a brief discussion, Motion #5 was defeated.

### ***Conductor Evaluation Report***

Conductor Evaluation Program Administrator Tom Hall reported on issues relating to conductor evaluations [see also *Delegate Manual/Conductor Evaluations*]. Hall urged people to correctly spell conductors' names so that conductors can be properly identified by the computer. He reminded the delegates of the cautions orchestras



should recognize when applying for evaluation information.

### *Nominating Committee Report*

Christine Perry [Oregon Symphony], Deborah Torch [San Antonio Symphony], and Tom Hall [Chicago Symphony] comprised the Nominating Committee which placed into nomination the names of four incumbent officers [Brad Buckley (Chair), David Angus (President), Lucinda-Lewis (Secretary), and Robert Levine (*Senza* Editor)]. Treasurer Carolyn Parks was the only officer not running again. The name of Member at Large Stephanie Tretick [Pittsburgh Symphony] was placed into nomination for the position of Treasurer. Tom Hall asked for additional nominations from the floor. There were no additional nominations. The nominations remained opened.

Thursday, August 18, 1994.

Roll was called at 10:00 a.m.

Tom Hall asked for further nominations for the five ICSOM officer positions.

There being none, a motion to close nominations carried. [Motion #6/Blatt]

The nominees were declared elected by acclamation.

Buckley asked for nominations to fill the vacated position of Member at Large. Tom Heimberg [San Francisco Opera], Gregory Drone [Kennedy Center Orchestra], Michael Buccicone [Columbus Symphony], Geoffrey Hale [Florida Philharmonic], and Mary Plaine [Baltimore Symphony] were nominated.

In the absence of ICSOM Emeritus Program Administrator Abe Torchinsky, Tom Hall reported on the requirements for inclusion in the Emeritus program. [See also *Delegate Manual/Reference*]

### *Media Committee Report*

Buckley reported that recently negotiated media contracts would be printed and sent to local unions. He also stated that the disputed location recording language had finally been resolved. A project to create a classical MTV, which would allow the broadcasting of the laser disk recordings of symphony, opera, and ballet without compensation, has been approved by local unions. Buckley said that revisions to the limited pressing agreement had been proposed to allow more orchestras to participate and could be done as a regular or location recording. The proposed language would allow one limited pressing recording per year. The proposed changes need to be approved by the IEB [International Executive Board--AFM].

### *Computer Committee Report*

Michael Moore [Member at Large/Atlanta Symphony] observed that the AFM had listened to ICSOM's request to develop a computer system which would read symphony contracts by topic and to reactivate the AFM's toll-free computer bulletin board number. He suggested that more delegates get internet addresses.

Buckley introduced guest speaker Joel Wachs, Los Angeles City Councilman

Wachs spoke of the role of government in the arts and stated that attacks on the National Endowment for the Arts



had increased. He advocated that the arts can and must be used to strengthen the economic base of communities because they provide the incentives for attracting industry and tourism. He observed that the arts in Los Angeles have an economic impact of \$5.1 billion dollars annually and quoted from the New York/New Jersey Port Authority economic impact study which stated that the arts generate \$3 billion in wages and benefits and \$9.8 billion in total economic impact in the New York City area. He emphasized that the arts should not compete with education or social programs but help preserve America's culture and cultural institutions. He felt it was not the arts which had failed in society, rather America has failed to create an environment to allow the arts to flourish. There must be an imperative to make an expanding roll for the arts and arts organizations to become a powerful political force and to make public officials more supportive of the arts.

Thursday Afternoon

Buckley introduced Bill Roehl.

Roehl praised the positive changes made by the AFM during the last five years. He spoke of the problems and benefits of conflict partnership which allows management and labor to focus on mutual problems. Roehl felt that in those instances where musicians were serving on their orchestra's board or board committee, it was important for elected representatives to participate. He advised against giving up weeks or wages to get representation on the board, but felt collective bargaining should be more cooperative and mutually beneficial..

Buckley was asked about the unelected musicians serving on the board of the American Symphony Orchestra League. Buckley said that orchestra musicians must express their dissatisfaction with the musicians who serve on the League board. Buckley felt more research on the ramifications of musicians serving on orchestra boards was needed.

#### *Committee Administration Workshop*

Leonard Leibowitz, Florence Nelson, Barbara Jaccoma, and Lew Waldeck comprised the Committee Administration Workshop panel.

Leibowitz stated that orchestra committees serve as the arm of the union and must represent all orchestra members equitably. He explained "duty of fair representation" which includes the union's obligation to represent all members of the bargaining unit, even those who are not union members. A union breaches its duty of fair representation if it represents a member arbitrarily, with discrimination or hostility. A union must investigate all grievances thoroughly, but is not required to pursue a grievance without merit.

The panel emphasized that orchestra committees are agents of the union, and the responsibilities of orchestra committees are comparable to those of a union: representing all orchestra members equitably and investigating all grievances completely. Committees should schedule meetings with advanced notice and post an agenda. Meetings should be run according to *Robert's Rules of Order*.

Friday, August 19, 1994

Buckley asked for additional nominations for Member at Large.

There being none, a motion to close nominations carried. [Motion #7/Clute]

Buckley introduced Ray Abernathy who served as the public relations consultant to the American Airlines Flight



attendants during their strike.

Abernathy spoke of the problems of the union movement and described unions as suffering from parochialism and a lack of relevance. He then explained the strategy used by the American Airlines flight attendants to educate and mobilize the public and their coworkers for contract negotiations. Abernathy encouraged unions to use their own public relations to counter management's public prenegotiation claims of poverty.

He recommended that orchestras should take their positions to the public and show what kind of contributions musicians make to the community as well as what their lives are about. Orchestras should seek help from those in the community with political experience. Abernathy suggested that musicians get more involved in running and promoting their orchestras.

Buckley explained how the voting for the position of Member at Large would be conducted.

There was a motion to adopt the following resolution urging **non-elected orchestra representatives** to decline invitations from the American Symphony Orchestra League to serve on its board:

Whereas, The American Symphony Orchestra League (the "League") is an organization which claims to speak for all facets of the symphonic industry, but is in fact is an organization which has served the interests of managements and boards of symphony orchestras; and

Whereas, The League has invited musicians chosen by itself to serve in various capacities within its organization and claims that those musicians truly represent the interests of working musicians; and

Whereas, These actions are a transparent attempt to bypass the elected representatives of the musicians and thereby diminish the effectiveness of those representatives; now, therefore, be it

*Resolved*, That the 1994 Conference of ICSOM strongly urge all organized musicians to decline invitations from the League and instead, challenge the League to communicate through duly elected representatives of musicians.  
[Motion #8/Blatt]

A motion to amend the language of **Motion #8** to read ". . . has *historically* served the interests of managements." carried. [Motion #9/Buchman]

**Motion #8** carried as amended.

### ***ICSOM Counsel Report***

Leibowitz asked for delegates to have local counsels consult with him about grievances or arbitrations. He referred to some of the legal issues ICSOM orchestras had consulted him about over the past year which were detailed in his written report [see also *Delegate Manual/Counsel's Report*]

Attorney Barbara Jaccoma discussed sexual harassment and what orchestra members should do in the event of a charge of sexual harassment. She advised that the orchestra committee should get the person being harassed to make a complaint to management quickly. If player is not satisfied with management's determination, it may be possible to file a grievance using the anti-discrimination language in the contract.



Saturday, August 20, 1994

Elections for Governing Board Member at Large were held at this time. The nominees were Michael Buccicone, Gregory Drone, Geoffrey Hale, Tom Heimberg, and Mary Plaine. The first ballot was to eliminate those receiving the lowest number of votes.

While the ballots were being counted, Buckley discussed the proposed changes in the limited pressing guidelines. The new language would allow an orchestra to make one limited pressing recording each year with the vote of the orchestra and the approval of Symphonic Services. [Currently, an orchestra is allowed to make one limited pressing recording only].

After the first ballot for Governing Board Member at Large, Buccicone, Heimberg, and Hale withdrew, leaving Plaine and Drone as candidates. The final ballot elected Mary Plaine to fill the vacated position of Member at Large.

Buckley introduced Steve Young, Vice President of the AFM, Tim Shea, IEB, who demonstrated the new AFM computer bulletin board.

Buckley introduced Patricia Polach, of Bredhof & Kaiser, General Counsel to the AFM.

Polach spoke about collective bargaining agreements and bankruptcy. In 1984, Congress amended the bankruptcy laws in an effort to protect collective bargaining agreements by making it more difficult for companies to reject contracts without court approval. This legislation has not protected collective bargaining agreements, because the courts have been allowing companies to ignore union contracts even before the right to set aside an agreement has been determined. Bankruptcy judges make every effort to protect companies or individuals filing for bankruptcy and therefore do not consider union contracts to be sacred documents. Nor do they consider the needs of employees in their desire to keep a company active in the local economy during a reorganization. It is up to the employees to prove to the court that the filing of bankruptcy is bogus and intended to vacate the collective bargaining agreement.

Polach discussed the Alabama Symphony bankruptcy. An appeal was pending in District Court regarding the bankruptcy court's decision to allow the Alabama Symphony collective bargaining agreement to be set aside. She stated that the musicians might not get anything, even if they win the appeal.

The allocation of all assets is determined by the bankruptcy court, usually in the following order: secured lenders must be satisfied first, then unsecured claims receive the remaining assets. Top priority of unsecured claims is administrative claims (managers, administration costs, and cost of supplies) to keep the organization running. Pre petition employee wages allow for part of wages earned up to ninety days before bankruptcy petition was filed (up to \$2000) to be paid. Any money left over may be paid to employee, but rarely happens.

Chapter 7 of the bankruptcy laws places a business which is going out of business in trusteeship. Under Chapter 11, the employer intends to reorganize with protection from but some plan of repayment to creditors.

Polach emphasized the importance of continuing to talk to management during bankruptcy.

Carolyn Parks reflected on how she had attempted to get letters from ICSOM orchestras urging Congress to clarify the bankruptcy laws and how she encountered disinterest because orchestras did not believe it had anything to do with them.



Saturday Afternoon

*Negotiating Workshop with Leonard Letbowitz*

In keeping with past practice, the Negotiating Workshop is not documented for these minutes.

Sunday Morning, August 21, 1994

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

A motion to adopt the following resolution which would amend ICSOM's bylaws and allow for a special associate membership classification for **foreign orchestras** in ICSOM carried:

Whereas, ICSOM has established and maintained communication with a number of foreign orchestras; and

Whereas, Many of those orchestras have expressed an interest in establishing a more formal relationship with ICSOM; and

Whereas, Such more formal relationships are of great mutual benefit to both the foreign orchestra and ICSOM; now, therefore, be it

*Resolved*, That Article III of the ICSOM Bylaws be amended by adding a new Section 2.(f) as follows:

2.(f). A foreign orchestra may apply for and be granted Associate Membership with the consent and approval of the annual Conference. Terms and conditions for such status shall be established by the Governing Board. [Motion #10/Governing Board]

There was a motion to adopt the following resolution allowing for an amendment to ICSOM's bylaws creating a **suspended status** for member orchestras which fall below membership requirements:

Whereas, During these troubled times, changed circumstances on a local level have caused some ICSOM orchestras to fall below the standards of membership as set forth in Article III Section 2(a) of the ICSOM Bylaws; and

Whereas, Such member orchestras often need time to restructure, reorganize, or otherwise rehabilitate themselves; and

Whereas, The delegates to the 1994 ICSOM Conference wish to help those orchestras during those difficult times and to allow those orchestras to maintain their relationship with ICSOM, now therefore; be it

*Resolved*, That Article III of the ICSOM Bylaws be amended by adding a new Section 2.(e) as follows:

Section 2.(e). If a member orchestra should fall below the requirements set forth in Section 2.(a) above that orchestra may apply to the Governing Board for a grant of suspended status

for a period of time not to exceed\_\_ years. An orchestra granted such status need not pay dues to ICSOM, but shall continue to be carried as a member orchestra, receive *Senza Sordino*, be entitled to send a delegate to the annual Conference, and be listed in the ICSOM *Directory*. For good and sufficient cause, the Governing Board may withdraw such status at any time, subject to an appeal to the next annual Conference. [Motion #11/ Governing Board]

A motion to amend Motion #11 to put a period after the word "status" and strike "for a period of time not to exceed\_\_ years" carried. [Motion #12/Blatt]

A motion to amend Motion #11 to change "send delegate" to *send representative* carried. [Motion #13/Schlueter]

There was a motion to amend Motion #11 to read *subject to the vote of the next conference, shall remain in suspended status*. [Motion #14/Blatt].

The body consented to the following substitution:

*. . . For good and sufficient cause, the Governing Board may withdraw such status at the next annual conference, subject to appeal.*

After a brief discussion, Motion #14 to amend Motion #11 carried.

Motion #11 carried as amended.

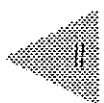
A motion to adopt the following resolution acknowledging the financial and moral support by various orchestras and musicians of the musicians of the **Kennedy Center Orchestra** carried:

Whereas, The highest and most complete expression of trade unionism and collective action is the solidarity to brothers and sisters in times of trouble; and

Whereas, The needs of our professional musical community often requires sacrifice by some to strengthen the larger community, and these sacrifices must be marked by all; and

Whereas, During last fall's strike, the musicians of the Kennedy Center Orchestra received both financial and moral support from the International Conference of Symphony and Opera Musicians and its several orchestras to wit members of the National Symphony Orchestra refused to cross their colleagues' picket lines forcing the cancellation of several performances at financial cost to themselves and donated their paychecks for one week of services to a relief fund for the members of the Kennedy Center Orchestra. The musicians of the Baltimore Symphony forced their management to move an important performance from the Kennedy Center and then joined the striking musicians on the picket line. The musicians of the Philadelphia orchestra forced the postponement of a concert at the Kennedy Center rather than cross the picket line, and the musicians of the New York City Opera and New York City Ballet orchestras contributed financial help; now, therefore, be it

*Resolved*, That this annual meeting of ICSOM recognize and honor the actions of the musicians in the National Symphony, the Philadelphia Orchestra, the Baltimore Symphony, the New York City Opera and the New York City Ballet Orchestras as well as the actions of the many individual musicians who joined the picket line or contributed financial assistance and further acknowledge the support of the Berlin Philharmonic Orchestra and



the financial and spiritual aid of the Theater musicians and Theater Committee of AF of M Local 802; and be it further

*Resolved*, That ICSOM call upon musicians everywhere to remember that the aid rendered to any orchestra supports us all. [Motion #15/Matteson]

There was a motion to adopt the following resolution from the Philadelphia Orchestra regarding **model contract language**.

Be it *Resolved*, That the delegates to the 1994 ICSOM Conference strongly endorse the incorporation by all ICSOM orchestras into their collective bargaining agreements the following provisions:

1. A music director shall be prohibited from firing any musician in either the first two years or last two years of his direction.
2. After two years the musician shall be called in and told specifically what the music director feels is wrong in regards to the musician's playing and what the music director would like to be done differently. If the problem still exists after a reasonable time, eight months to a year, to change style or improve technique, some action may be taken. [Motion #16/Koen]

John Koen [Philadelphia Orchestra] read a letter from Frank Kaderabek, principal trumpet of the Philadelphia Orchestra.

A motion to amend **Motion #16** to read . . . *Music Directors shall be prohibited from initiating the dismissal procedure against any musicians in either the first two years or in the last year of their direction.* . . . carried by unanimous consent. [Motion #17/Kuyper]

There was a motion to amend **Motion #16** to change the word "year" to *season*. [Motion #18/Koen]

After a brief discussion, a motion to call the question carried. [Motion #19/Blatt]

A motion to amend **Motion #16** to replace "after two years" with . . . *as the first step in a dismissal procedure*, carried by unanimous consent. [Motion #20/Buchman]

A motion to amend **Motion #16** to strike last sentence carried [Motion #21/Chair]

A motion to amend **Motion #16** to put at the end of the last sentence . . . *reasonable time allotted before any further action is taken* carried. [Motion #22/Moore]

A motion to indefinitely postpone **Motion #16** was defeated. [Motion #23/Richard Levine]

A motion to table **Motion #16** and have Koen resubmit it carried. [Motion #24/Sprung]

There was a motion to adopt the following resolution urging the Governing Board to invite attorney **Liza Hirsch Du Brul** to the annual ICSOM Conferences:

Whereas, It is in the best interest of ICSOM orchestras to have at annual ICSOM conferences access to and the benefit of an exchange of ideas with those who are most influential in union symphonic negotiations; and



Whereas, Liza Hirsch Du Brul, as the chief negotiator for many ICSOM, ROPA, and OCSM orchestras, has contributed greatly to the survival, recovery and well-being of our orchestras; now, therefore, be it

*Resolved*, That the Governing Board of ICSOM invite Liza Hirsch Du Brul to the annual conference. [Motion #25/Richard Levine, San Diego Symphony] (co-makers of this resolution were San Antonio Symphony, Atlanta Symphony, San Francisco Ballet, San Francisco Opera, New Jersey Symphony, Florida Orchestra, Florida Philharmonic, Oregon Symphony, St. Paul Chamber Orchestra, and Milwaukee Symphony)

There was a motion to amend Motion #25 to invite all negotiating attorneys and delete references to Liza Hirsch Du Brul. [Motion #26/Clute]

Buckley stated that it was traditional for ICSOM to pay the way of someone whom it had invited to attend the annual conference.

A motion to amend Motion #25 to add words . . . *at their own expense* . . . was defeated. [Motion #27/Schlueter]

A motion to amend Motion #26 to invite only attorneys of negotiating orchestras was defeated. [Motion #28/Richard Levine]

There was a motion to amend Motion #26 to add the words . . . *at their own expense* . . . . [Motion #29/Clute]

After a brief discussion, a motion to call the question carried. [Motion #30/Clute]

After further discussion, Motion #29 to add the words . . . *at their own expense* . . . carried.

Motion #26 to amend the original Motion #25 by deleting the second paragraph and invite local counsel of choice was defeated.

Motion to indefinitely postpone Motion #25 was defeated. [Motion #31/Blatt]

A motion to amend Motion #25 by deleting the first paragraph and adding . . . *That the ICSOM Conference of 1994 states its thanks and recognition of Liza Hirsch Du Brul for her contributions to our profession and reaffirms the ICSOM policy of open welcome to all attorneys invited by their orchestras for meetings.* [Motion #32/Heimberg]

A motion to call the question carried. [Motion #33/Blatt]

After considerable debate, Motion #25 carried as amended.

A motion to adopt the following resolution urging the AFM to financially help the **Birmingham, Alabama local union** carried:

Whereas, The Alabama Symphony Orchestra and its local union have been engaged in a legal struggle involving a challenge to the propriety of the Board's bankruptcy filing; and

Whereas, The outcome of that litigation will surely have considerable impact on other similar situations in other orchestras; and



Whereas, The legal fees thus far incurred by the Alabama Symphony Orchestra and the local union are extremely high and well beyond the means of the musicians and the local union; and

Whereas, an appeal has been filed which will increase the already heavy legal debt; now therefore be it

*Resolved*, That ICSOM urge the AF of M to subsidize all legal fees incurred from April, 1994, through July, 1994, in connection with the current appeal from the determination of the bankruptcy court. [Motion #34/Governing Board]

A motion to adopt the following revised model contract language for Motion #16 carried:

*Resolved*, That the delegates to the 1994 ICSOM Conference strongly endorses the incorporation into model contract of the following principle:

There shall be clear restrictions on the initiation of dismissal procedures with regard to the beginning and end of a music director's tenure with the orchestra. [Motion #35/Koen]

Motion to hold the 1995 ICSOM Conference in Vail, Colorado carried. [Motion #36/Blatt]

Boston Symphony Delegate and Governing Board Member at Large Charles Schlueter read a letter from the New York City Ballet Orchestra responding to articles in the privately printed newsletter *Alternate Fingerings* about the inclusion of a union security clause in the Ballet's contract.

National Symphony ICSOM Delegate Robert Blatt announced his intentions to step down as the ICSOM delegate of his orchestra after many years of service.

Buckley thanked the delegates, the Governing Board, and acknowledged the AFM's efforts toward improvement.

He asked if there was any additional new business. There being none, a motion to adjourn the 1994 ICSOM Conference carried. [Motion #37/Blatt]

Submitted by ICSOM Secretary Lucinda-Lewis, November 24, 1994