

**OFFICIAL MINUTES  
1995 ICSOM CONFERENCE  
August 16-20, 1995  
Vail, Colorado**

Wednesday Afternoon, August 16, 1995

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 Stephanie Tretick  
Senza Sordino Editor Robert Levine

**MEMBERS-AT-LARGE**

James Clute, Michael Moore, Charles Schlueter, Mary Plaine

**LEGAL COUNSEL**

Leonard Leibowitz

**AMERICAN FEDERATION OF MUSICIANS**

**SYMPHONIC SERVICES DIVISION**

Chris Durham,  
Laura Brownell [SSD/Canada]  
Florence Nelson  
Barbara Nielsen

**ADDITIONAL AFM GUESTS**

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

## **LOCAL OFFICERS**

Albrecht, Richard [Kansas City Local ]  
David Brewer, President Cleveland, Local 4  
Bill Moriarity, President, Local 802, New York  
Joseph Shifrin, President, Local 161-710, Washington, D.C.  
Richard Totusek, Vice President, Local 47, Los Angeles

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

Andrew Brandt

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

Evelyn Robitaille

## **OTHER PARTICIPANTS, GUESTS, AND SPEAKERS**

Jos# Bergher [Caracas Symphony]  
Liza Hirsch DuBrul [Attorney]  
Richard Hackman [Department of Psychology, Harvard University]  
Barbara Haig [Publicist]  
Wayne Horvitz [former Federal mediator]  
Erin Lehman [Department of Psychology, Harvard University]  
Francis Saunders [Cellist, London Symphony Orchestra]  
Abe Torchinsky [ICSOM Emeritus]  
Michael Tichness [former executive director, San Diego Symphony]  
David Horn [Louisville Orchestra]  
Clara Markham [Louisville Orchestra]  
Jerry Montgomery [Indianapolis]  
Jacqueline Michell [Kansas City Symphony Orchestra]  
Sin Moriya, [Musicians' Union of Japan] DAUGTHER's NAME??

## **ROLL CALL**

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

Atlanta Symphony	Michael Moore
Baltimore Symphony	Mary Plaine (attending for Charles Underwood)
Boston Symphony	Charles Schlueter
Buffalo Philharmonic	Robert Hausmann
Chicago Lyric Opera	Richard Hoffman
Chicago Symphony	William Buchman
Cincinnati Symphony	Martin James
Colorado Symphony	Paul Naslund (attending for Helen McDermott)
Columbus Symphony	Michael Buccicone
Dallas Symphony	Bruce Wittrig

Florida Orchestra	Warren Powell
Florida Philharmonic	Geoffrey Hale
Grant Park Symphony	Eva Carol Beck
Honolulu Symphony	Mark Schubert
Houston Symphony	Frederick Edelen
Indianapolis Symphony	Nancy Agres (attending for Michael Borschel)
Kennedy Center Orchestra	Gregory Drone
Los Angeles Philharmonic	Camile Avellano
Louisville Orchestra	Roger Soren
Metropolitan Opera Orchestra	Marvin Topolsky
Milwaukee Symphony	Helen Reich
Minnesota Orchestra	James Clute
National Symphony	Carole Bean
New Jersey Symphony	Robert Wagner
New York City Ballet Orchestra	Jay Blumenthal
New York City Opera Orchestra	Bruce Revesz
New York Philharmonic	William Kuyper
North Carolina Symphony	Bruce Ridge
Oregon Symphony	Fred Sautter
Philadelphia Orchestra	Emilio Gravagno
Rochester Philharmonic	David Angus
St. Louis Symphony	Robert Silverman
San Antonio Symphony	Beth Stoppels
San Diego Symphony	Richard Levine
San Francisco Ballet Orchestra	David Sprung
San Francisco Opera Orchestra	Tom Heimberg
San Francisco Symphony	Tramontozzi, Stephen (attending for Ramond Froehlich)
Syracuse Symphony	Marie Lange (attending for Angel Sicam)
Utah Symphony	Marion Albiston

The St. Paul Chamber Orchestra and the Phoenix Symphony did not attend the 1995 ICSOM Conference.

a motion to appoint Richard Totusek as Conference Parliamentarian carried. [Motion #1/Clute].

Buckley introduced ROPA [Regional Orchestra Players' Association] President Andy Brandt. Brandt read a resolution which requested ICSOM's support for developing alternative recording rates for smaller orchestras. He spoke of the struggle and collective actions taken to save the National Endowment for the Arts and described the respective Congressional bills which would restrict lobbying by nonprofit organizations, limit tax deductibility of charitable contributions, and repeal the ban on company unions. He recommended that delegates lobby their representatives to block those proposed bills.

Buckley introduced Steve Young, newly elected President of the AFM. Young addressed the rumor that the AFM was working to replace local orchestras' attorneys with Symphonic Services [SSD] negotiators, stating no such plan existed; but he did say the AFM wanted to hire more negotiators to provide orchestras which needed a professional negotiator with that service. He also announced that Paul Frank had been appointed the head of organizing for the AFM. Young spoke of the new electronic media technologies which will need to be addressed in the upcoming negotiations of the phonograph agreement. He expressed concern over the decline of union memberships which he attributed to the expensive lobbying efforts of employers and stated that the AFM needed more money for TEMPO to launch its own lobbying efforts. AFM is in financial trouble again and is looking for ways to improve its income. Young was concerned that the cost to local unions to address the needs of local symphony musicians would cause some locals to go out of business, recommending the delegates have their orchestras work with their local unions to set budgets for the expenses of negotiating a labor contract. Young asked for continued efforts of AFM members in fighting for the survival of the National Endowment for the Arts.

Buckley Introduced Tim Shea, newly elected IEB member. Shea said he hoped the new IEB would not become part of the problem instead of part of the solution and felt constructive disagreement was healthy.

Buckley asked for the Minutes of the 1994 conference be approved. After a brief clarification, the minutes were approved as submitted.

Buckley reported that the Seattle Symphony Orchestra management had filed an unfair labor practice suit against the AFM challenging the legality of the phono agreement which restricts recording companies from recording nonunion orchestras. He also read a letter from the Seattle Symphony musicians in which the musicians distance themselves from the actions of their management.

Buckley discussed the success of the Louisville Orchestra musicians in their most recent conflict. ICSOM orchestras sent \$30,000 to the Louisville musicians over the last year.

#### Chairman's Report

Brad Buckley pointed to the changes in the symphonic industry and listed the following challenges to orchestras: He posited, what would take the place of the NEA; its usefulness has been severely damaged. He felt ICSOM orchestra members needed to find a way to mobilize and fight its loss. ICSOM orchestras need to consider what kind of partnerships and relationships they will have with their orchestra boards. He stated that musicians should consider what the relationship between orchestras and their unions should be. He asked what form the American symphony orchestra should take and whether ICSOM should participate in the shaping of that form. Buckley felt musicians had to be more proactive in their efforts to improve the symphonic industry as it moves into the next century.

## President's Report/Strike Fund Report

David Angus described the new aspects of the Strike Fund. The Strike Fund benefit amount had been increased from \$100 per week to \$150 per week for 15 weeks. If the fund drops below \$500,000, the Strike Fund dues will increase from \$75 to \$100.

## Treasurer's Report

Stephanie Tretick acknowledged the efforts of Carolyn Parks as the ICSOM Treasurer. She explained the details of the outstanding ERF loans and reported that all dues but Louisville and Hawaii had been paid.

## Editor's Report

Robert Levine described his intention to get Senza published five times a year with an effort to get it out before the printed date. He explained DOS Orchestra and the ICSOM online mailing list.

## Counsel's Report

This was Leonard Leibowitz's 25 consecutive ICSOM conference. Leibowitz spoke of the crackdown of the IRS on independent contractors. He reflected on how times had changed. When ICSOM first began, it was viewed as dual unionism. Today, the AFM leadership attends and participates in ICSOM Conferences.

A motion to retain Leonard Leibowitz as ICSOM Counsel and increase his retainer to \$29,000 carried. [Motion #2/Clute]

Buckley described the issues surrounding the Simons' tax case (Richard and Fonia Simon, members of the New York Philharmonic). The IRS was disallowing the depreciation of their violin bows, claiming the bows were works of art. ICSOM contributed \$10,000 toward legal expenses. The Simons won, but the IRS appealed. The appeal will cost more than \$50,000. A fund was created in New York City's Local 802 for contributions to defray legal expenses for the appeal. Buckley and Leibowitz explained the importance of the case and asked for support for that fund.

## ICSOM Directory

Robert Levine [Milwaukee Symphony] and Richard Levine [San Diego Symphony] asked for Directory information by October 1, 1995, and explained the mechanism for collecting Directory data.

Buckley stated that all players, union and nonunion, should be listed in ICSOM Directory and that dues are assessed on the number of musicians in each orchestra, not on individual musicians.

## Conductor Evaluation Report

Program administrator, Tom Hall reported on issues relating to conductor evaluations and explained how to acquire extra forms and conductor data. (Information about the conductor evaluation program can be found in the Delegate Manual.) Hall expressed concern on the decline of the number of orchestras which have submitted conductor evaluations this year. Only 14 orchestras had submitted conductor evaluations.

## Computer Committee

Michael Moore explained the computerization of the Governing Board and requested that all official communications from orchestras to the Governing Board should be designated as such. He offered some cautions and recommendations in using ICSOM's mailing list.

## AFM Convention Report

Brad Buckley reported on the AFM convention. Brad Buckley, Jim Clute, and David Angus represented ICSOM. This was the AFM's 100th Anniversary convention. . Buckley explained the changes in the AFM Bylaws which affects symphony orchestras. One bylaw change which was up for approval was that which would restrict an orchestra's traveling into another local's jurisdiction. ICSOM worked to defeat that bylaw. Nonunion musicians in a right to work state may not serve on a union committee or vote on any union issues but may attend meetings in which any issues not relating to the union is discussed.

## Nominating Committee Report

The four positions for Governing Board Members at Large were to be elected. Buckley explained the nomination process and then introduced Camile Avellano. The members of the Nominating Committee were Deborah Torch [San Antonio Symphony], Michael Borschel [Indianapolis Symphony], and Camile Avellano [Los Angeles Philharmonic]. Avellano described the activities of the members of the committee, and on behalf of the members of the Nominating Committee, placed into nomination the names of Michael Moore [Atlanta Symphony], Charles Schlueter [Boston Symphony], Jim Clute [Minnesota Orchestra], and Mary Plaine [Baltimore Symphony].

Buckley asked for further nominations for the positions of Governing Board Member at Large. The nominations remained open.

Thursday a.m. August 17, 1995

Buckley introduced Shin Moriya, representative from the Musicians' Union of Japan. Moriya thanked ICSOM for the invitation to the conference and spoke of the tragic earthquake in Japan this year, expressing appreciation to those American orchestras which performed special concerts for the victims. The Musicians' Union of Japan is

approximately 25 years old and has approximately 6000 members. Its active in the promotion of the interests of the orchestras in Japan. Moriya stated that the orchestras of Japan have many of the same financial challenges which face American orchestras.

Buckley introduced Evelyn Robitaille OCSM [Organization of Canadian Symphony Musicians] President who reported on the condition of orchestras in Canada, many of which are also suffering with financial problems. Canada has a conservative government similar to that of the U.S. which has threatened arts funding in Canada.

### Symphonic Services Report

Buckley introduced Florence Nelson, supervisor of the AFM Symphonic Services Division, who described the activities of the Symphonic Services Division [SSD] over the last year. She reinforced what President Young had stated that SSD was not working to replace orchestras' negotiating attorneys with SSD negotiators. She suggested that orchestras consider asking SSD to provide a seminar before their negotiations. Among other topics she covered were some of the organizing efforts of the AFM, changes in the AFM Bylaws, most notably, the rebate on multiple memberships, required written approval for electronic media, and the limitations placed upon personnel managers attending orchestra meetings. Personnel managers are allowed to participate in contract ratification if they are a playing member of the orchestra and a member of the union. Nelson also told the conference that orchestra contracts are now available on the AFM bulletin board by subject. She reported that there had been more use of the various experimental electronic media, and that AFM had completed a media guide which covered all electronic media agreements. She warned that orchestras needed to be more careful about how their orchestras pay and report pension payments. Electronic media services should be clearly documented so that musicians will be able to receive special payments when it is applicable. Nelson asked that orchestras work with their unions to help control the cost of negotiations. She recommended that committees investigate possible grievances completely and study grievance process in their contracts. She encouraged orchestras to contact their local union and contact SSD with any question about a grievance. Nelson expressed her concern about musicians serving on their orchestra's board and warned that musicians need to be careful about such board participation.

Geoffrey Hale [Florida Philharmonic] mentioned the problem the Florida Philharmonic members had been having getting pension information from AFM-EP. Bill Moriarity, IEB member and Pension Trustee, responded that he was aware of such problem and would try to resolve them. He also explained about the process of applying for and receiving pension payments. Buckley requested that any pension problems orchestras have should also be reported to him or David Angus.

Buckley read the text of a letter which was sent to Michael Borschel [delegate of the Indianapolis Symphony] on behalf of the Governing Board, delegates, and the Conference, expressing condolences over the death of his son.

Buckley requested additional floor nominations for the positions of Governing Board Member at Large. The nominations remained open.

#### Media Committee Report

Buckley stated that in past years, the Governing Board had been reluctant to discuss changes in media concepts, but the needs of orchestras today dictated a review of media guidelines and rates. Buckley addressed the need for new recording rates which make recording available to smaller organization. He also said there were indications the phonograph manufacturers were targeting the rates.

There were concerns expressed from the floor about the effect of reducing the rates on the larger institutions and also over the needs of smaller budget orchestras to be able to record. Buckley stated that there was an indication that lowering the rates would not increase recording activities of orchestras. Currently, there has been no flexibility in the recording rates which would have allowed some recording projects to have happened. This deprives musicians the opportunity to make additional money. Utah Symphony had two projects which could not be done because of the expense.

Buckley stated that ICSOM opposed a sliding scale because of the affect on local contract negotiations. Limited pressings could be increased from 5000 copies to 10,000. Direct royalty recordings would allow the up front rate paid to the musicians to be reduced but would allow the musicians to receive royalties on the sale of the recording. He asked rhetorically if a special rate for budget-priced CDS should be created? Direct institutional sales would allow a symphony to sell its own recordings. These projects would have to be voted on and approved by the musicians and could not be negotiated away by a local union in the contract.

AFM Counsel George Cohen recommended that this be made an experimental project with a time limit placed on its availability to allow for a review of its success or effectiveness.

#### Thursday Afternoon

Buckley asked for additional nominations for member at large. The nominations remained opened.

The discussion of media issues continued. There were questions regarding the Limited Pressing provisions of the AFM. There had been some official discussions to consider raising the Limited Pressing number from 5000 to 10,000.

Buckley characterized the upcoming Phonograph negotiations as potentially very difficult. He stated that there are other members of the AFM which want to record and which are also ICSOM members. The problem presented to ICSOM was how to acknowledge the demands and needs of all of its membership.

There was overwhelming support for keeping the recording rates at the current level. Buckley stated that ICSOM's main objective was to preserve the rates. Having recording "concessions" to negotiate with will help ICSOM preserve those rates.

Leibowitz felt that the delegates had given the media negotiators the parameters to negotiate. He suggested that they consider a motion to recommend that ICSOM and the AFM seek ways to enlarge recording opportunities for the lower budget orchestras while protecting and enlarging the national rates for the higher budget orchestras.

The discussion on recordings was tabled.

Buckley turned the discussion to the issue of musicians' participation on symphony boards. He expressed concern about the legal ramifications of musicians on boards.

Leibowitz addressed the legalities of musicians serving as members of their boards. There would be a potential problem if a musician/board member participated in an action which adversely affects either an individual musician or the collective membership. He stated that many years ago, it was a common practice for the local union president to be a member of the symphony board. ICSOM convinced the AFM to stop that practice.

Several delegates described and explained their relationships with their symphony boards.

### Pension Workshop

Leonard Leibowitz conducted a workshop on pensions in which he described the various kinds of pensions provided for in orchestra contracts. The two basic pension plans defined benefit and defined contribution. Defined benefit is that which describes in some form what an individual employee will receive when he/she reaches retirement. It can also describe a formula, like the Metropolitan Opera plan. AFM-EP is a defined benefit plan. From the employer's perspective, the AFM-EP is a defined contribution plan. In a defined contribution plan, the employer does not have to worry about the investments of the plan. In a defined benefit plan, the employer has to guarantee that he will contribute enough money to cover that benefit. Most of the orchestras continue to have private trustee plans. An orchestra can have a pension plan and also offer a 403(b) plans. The law requires that each employee must receive a summary plan description on an annual basis which describes the plan and what the employee's rights are under that plan. The more important document, actuarial valuation, is an annual report of the actuary to the trustees. Leibowitz recommended that an orchestra's representative get the actuarial valuation report annually. Accompanying the Leibowitz pension workshop were several documents which covered and explained the various kinds of pension plans available to orchestras.

Friday Morning, August 18, 1995

Buckley requested additional nominations for Governing Board Member at Large Drone nominated Geoffrey Hale and Hale nominated Greg Drone. The nominations remained open.

Buckley asked if there was any unfinished business.

There was a motion to forgive the dues of the Hawaii Symphony be forgiven. [Motion #5/Sautter] Motion carried.

There was a motion to forgive the dues of the Louisville Orchestra be forgiven. [Motion #6/Gravano] Motion carried.

Buckley announced that the Philadelphia Orchesatra had sent the Louisville Orchestra \$10,000.

Marie Lange [Syracuse] stated that the reason the Syracuse Symphony players felt that board representation was important for their orchestra was, the history of the institution rests with the musicians and the board needs to see and have personal contact with the musicians.

Buckley initiated the conclusion of the discussion of media negotiations and recording issues. He expressed concern about the difficulty ICSOM faces in the phonograph negotiations. He appealed to the delegates to consider negotiating different provisions which would create recording opportunities for orchestras and give the Media Committee something to bargain with.

There continued to be concern that any provision which might allow recordings at lower rates would adversely affect the larger orchestras.

David Sprung [San Francisco Ballet] offered a motion that the negotiators representing the AFM use their best efforts to maintain the twin concepts of a uniform national recording rate and that all musicians be paid for the project.

The motion was temporarily withdrawn.

The Sprung motion was offered again. [Motion #7/Sprung]

There was a motion to postpone Motion #7 indefinitely. [Motion #7a/Chair]

After considerable discussion, the question was called, and Motion #7a to indefinitely postpone Motion #7 carried.

Mediation Workshop

Buckley introduced Wayne Horvitz, former head of the Federal Mediation and Conciliation Service who joined Leonard Leibowitz in a workshop discussion about the use of a mediator. Horvitz described the history of the Federal Mediation and Conciliation Service. He explained that the process of mediation is entirely voluntary, serves the interests of neither side, and is offered to help assist both sides reach a settlement. He also explained how mediators are assigned and spoke of general issues relating to the mediation process. Horvitz emphasised the importance for a mediator of getting to know the issues and the parties. He felt that mediation was much more necessary today than ever before, because sometimes third parties are able to assist in bringing opposing sides together.

Leibowitz asked about the positives or negatives of submitting something to binding arbitration. Horvitz responded that neither side usually wins. The arbitrator is charged with the responsibility of deciding the issue and management and labor have nothing to say about the final decision. The parties then have to live together through the course of the contract; whereas in a mediated dispute, the parties have more of an ability to negotiate a settlement.

#### Friday Afternoon

Buckley asked for additional nominations for the positions of Governing Board Members at Large. Nominations remained open.

#### Negotiating in the '90s

Buckley introduced Liza Hirsch DuBrul, Michael Tiknis, George Cohen, and Barbara Haig, who jointly participated in a panel discussion about negotiating in the 90's.

Liza Hirsch DuBrul reflected on her experience in the field and acknowledged the importance of the individuality of each negotiation. She explained the structure of successful negotiating. The comfortable pattern of three-year contracts with raises, which were once commonplace, are now becoming more and more rare. She recommended that orchestras need to create an awareness of the musicians in the public and to have solidarity in the orchestra and with the union. She stressed the importance of public relations in the negotiating process and ultimately in the long-term survival of the orchestra. DuBrul itemized the tasks which must be performed by members of the committees in order to conduct productive contract negotiating.

She mentioned the Louisville Orchestra and the problems created by the division among the players. She emphasised how important it was for the success of the Louisville musicians to work together cooperatively.

It is important to know how one's own organization works together--how management works with the board-- how the musicians are perceived by the board. She spoke about musicians serving on orchestras boards. DuBrul stated musicians participating on their boards can be helpful in some situations and a problem in others. She recommended that musicians seek guidance if they are approached to serve on their boards.

She pointed out that there are some financially secure institutions which are still seeking concessions from their orchestras. She encouraged the AFM, local unions and symphony musicians to act to improve relationships between musicians and their locals.

George Cohen spoke of his background in representing labor. Cohen had represented the Major League Baseball Players' Association in its recent injunction against the baseball owner and is now representing the Players' Association of the National Basketball Association.

He said that the growth period of collective bargaining and the success of unions began in the 1960s. The successes of unions and their memberships began a steady decline in the 1970s and the 1980s. Unions are faced with demands for concessions and downsizing. He emphasised the importance of the bargaining committee being credible and being willing to say no.

Michael Tiknis asked rhetorically what happens when a symphony board doesn't raise the money to pay for the cost of the contract and wondered where all the passion for the music had gone. He had asked some of the boards for whom he worked whether they had gotten on the board to find creative ways to pay the musicians less or whether there was something about the institution which attracted them. He recommended that the musicians find out who is on the board and what their position in the community is. He considered this to be an essential part of the negotiations. The board's finance committee oftentimes determines what is possible for the management to offer during negotiations. He suggested that most board members join a board because they genuinely want to improve the quality of something in their community. Tiknis said that board members are uncomfortable with the musicians. Musicians are unlike any other employees they come into contact with. He asked how much world-class was worth. Is the organization and the board organized enough to be able to raise the money. The successful operation of any orchestra includes the success of the board in fundraising.

Barbara Haig considered the most import part of negotiation is communication. She advocated open, honest communication between board, management, and musicians. She recommended that orchestras hire local public relations assistance, someone who knows the local community. Haig felt that media training was valuable for musicians and recommended that the musicians should not give the public a laundry list of their negotiating positions.

Tiknis suggested that there was a more organized effort on the part of managements to explore what was legally allowable and what was not in dealing with labor.

Haig recommended that orchestra musicians could probably locate a qualified public relation expert by asking local reporters

Cohen suggested that musicians needed to begin to do their research on identifying board individuals and agendas should begin well in advance of the contract expiration.

Saturday, August 19, 1995

Elections were held for the four positions of Governing Board Member at Large. The six candidates were James Clute, Greg Drone, Geoffrey Hale, Michael Moore, Mary Plaine, and Charles Schlueter. Buckley asked AFM representatiaves to handle the ballot box and tabulate the ballots Tom Hall [Chicago Symphony] chaired the election process. After explaining the process for voting, the delegates cast their ballots.

Buckley offered additional information on the Seattle Symphony unfair labor practice charge against the AFM. As of August 19, 1995, no injunction against the AFM had been granted. If Seattle wins, the signatory companies would be allowed to record nonsignatory groups at a lower rate.

Those elected for the positions of Member at Large were: Michael Moore, Mary Plaine, Charles Schlueter, and James Clute.

Buckley introduced Richard Hackman, who, along with Erin Lehman, Jos# Bergher, Francis Saunders, Lee Yeingst, and Leonard Leibowitz participated in a panel discussion on international cooperatiave [self-run] orchestras.

Richard Hackman defined the term cooperative orchestra as it applies to both domestic and foreign orchestras. He introduced Lee Yeingst who spoke about the dissolution of the Denver Symphony and the creation of the Colorado Symphony.

Lee Yeingst [Colorado Symphony] described the problems caused by the financial uncertainty and constant cutbacks which faced the musicians of the Denver Symphony. As the Colorado Symphony, the primary goal of the musicians was to run under a balanced budget. Yeingst stated that Colorado is no longer a self-run orchestra and explained the business operation of the Colorado Symphony. He emphasised the difficulties and responsibilities facing the musicians in the Colorado Symphony in keeping their orchestra viable.

Francis Saunders [London Symphony] explained that each new member of the London Symphony is asked to purchase a financial interest in the orchestra. The orchestra is run by a board of directors with 9 musician members the framework for which is in the orchestra's articles of organization.

Jos# Bergher gave a brief history of the Caracas Symphony and explained how the orchestra is funded. He stated that the musicians of the Caracas Symphony did not want

the Venezuelan government to be involved with the management or operation of the orchestra. In response, the government withheld funding for the orchestra causing many problems for the musicians. The orchestra survived largely as a result of the efforts of the musicians and their families.

Leonard Leibowitz described the legal issues involved in a self-run orchestra. He stated that while there is nothing illegal about such orchestras, there are significant, potential legal problems, such as conflict of interest, where the union maintains and continues to be involved in the orchestra. He also expressed concern about the issue of the duty of fair representation which requires the union to represent all musicians equally. He mentioned the Yeshiva University case where the court held that the employees, who ran the business, were no longer employees. Leibowitz was also concerned that self-run orchestras have the potential of being very divisive.

Erin Lehman offered an overview of some of the results of the Harvard study of self-run orchestras and some of the advantages and disadvantages of such orchestras. She suggested that there needed to be more alternative forms of orchestral governance, given the problems with the existing and most common form.

Richard Hackman itemized some important considerations in cooperative orchestras, such as the role of the union; the role of the music director or principal conductor; how resources are provided; what happens to the music while the players are busy running the orchestra; and how to keep the orchestra going when there is no crisis.

Melanie Burrell [Colorado Symphony] felt that their local union had been rendered ineffective. The union was initially very uncomfortable with the musicians of the Colorado Symphony assuming the fiduciary responsibility for the organization. She explained the dangers of the balanced budget. The board has no impetus to engage in serious fundraising. Burrell related the difficulty of teaching new musicians about the history of the labor disputes which led to the creation of the Colorado Symphony and how that history applies to the current running of the orchestra.

Paul Naslund [Colorado Symphony] detailed some of the situations he had encountered as the newly appointed shop steward of the Colorado Symphony. He felt that especially personnel issues, as they relate to employment, presented the greatest problem for the orchestra. He also spoke of the problem the Symphony has had in getting people to serve on the orchestra committee.

Bergher and Saunders both stated that their respective orchestras do not have a problem attracting members to serve on their orchestra committees. Saunders said that all London Symphony members belong to the union and the orchestra has a good relationship with the union. The London Symphony only gets paid for work the orchestra does, with no weekly guarantee.

Mark Schubert [Hawaii Symphony] stated that the musicians of the Hawaii Symphony had briefly considered becoming a cooperative orchestra, but the concerns over conflicts

of interests, funding, and operating the orchestra led them away from becoming a self-governing organization.

David Sprung [San Francisco Ballet] pointed out that foreign cooperative orchestras have the luxury of receiving large government subsidies. Saunders responded that the British orchestras are receiving less and less from the government. Currently, the London Symphony receives 30% of its budget from the government.

Bergher stated that retirees of the Caracas Symphony, with 25 years in the orchestra, receives 80% of their salary. Retirees also receive cost of living increases. The pension funds are provided by the orchestra, not the government.

Saunders stated that the London Symphony is legally restricted from paying pension. Each player has to set aside his own pension funds and is considered an independent contractor.

#### Saturday Afternoon

##### Membership Committee Report

ICSOM Secretary Lucinda-Lewis, chaired the Membership Committee. The other members of the Committee were David Angus and Jim Clute. Lewis reported that two orchestras had applied for membership in ICSOM, the Fort Worth Symphony and the Kansas City Symphony. (For an orchestra to meet the requirements for membership in ICSOM, it must have at least 60 full-time members, who earn no less than \$15,000, 2/3 of whom are members of the American Federation of Musicians - ICSOM Bylaws [Delegate Manual].) She explained that the Ft. Worth Symphony was not able to meet two of the requirements for membership. The orchestra only had 36 full-time core players who earned at least \$15,000. There were 36 non-core members who earned less than \$14,000. There were also apparently problems between the core and non-core players which concerned the members of the Committee. The Membership Committee therefore did not recommend Ft. Worth Symphony for membership.

Lewis explained that the Kansas City Symphony presented a very unique problem for the Committee. It met all three of the basic requirements for membership, but it did not have a union recognition clause in its contract. The members of the Kansas City Symphony had been trying to negotiate such a clause into their labor agreement without success. It was the recommendation of the Committee that Kansas City be granted membership in ICSOM when it achieved union recognition from the employer. The delegates voted unanimously to accept the recommendations of the Membership Committee.

##### New Business

Buckley read a letter describing the Paul Judy Symphony Orchestra Institute whose board includes Fred Zenone, former chairperson of ICSOM and Richard Hackman, professor,

Harvard University. Judy, former president of the Chicago Symphony board, consulted with ICSOM about the purpose and direction of the Symphony Institute, which is intended to assist the symphonic industry in a number of areas.

Tom Heimberg [San Francisco Opera Orchestra] suggested that ICSOM consider changing its nominating procedure which would allow for the recommendation of more candidates for consideration by the Nominating Committee.

Buckley responded that ICSOM's bylaws do not preclude the Nominating Committee from nominating additional candidates, but the interpretation has always been that the Nominating Committee would nominate a slate. Conference Parliamentarian Richard Totusek confirmed the explanation offered by Buckley.

Geoffrey Hale [Florida Philharmonic] concurred with the suggestion that ICSOM should charge the Nominating Committee with nominating all qualified candidates.

There were other concerns that not enough timely information about the conference and the nominating process. Buckley stated that a nominating bulletin will be put out sooner and will have language corrections in the bulletin which instruct the delegates to give their imput.

There was a recognition of the efforts of the staff of the Antlers Hotel.

The following resolution endorsing the inclusion of domestic partner benefits in all future collective bargaining agreements and encouraging the AFM/SSD to prepare and distribute guidelines and model contract language on the same passed unanimously [Motion #8/Wagner, Plaine, Buchman, and Powell]:

Whereas, Domestic partners of most ICSOM musicians are ineligible to receive certain benefits, including but not limited to leave for the illness or death of a partner and partner's immediate family, the choice of beneficiary for the insurance and pension policies, and the ability to have one's domestic partner covered by one's health insurance; and

Whereas, This ineligibility results in a benefit package of lesser value for ICSOM musicians with domestic partners; and

Whereas, ICSOM should be dedicated to eliminating such inequities within its member orchestras; and

Whereas, The issue of domestic partner benefits is often overlooked or ignored in contract negotiations; and

Whereas, Several ICSOM orchestras have already secured domestic partner benefits; now, therefore, be it

Resolved, That the delegates to the 1995 ICSOM Conference endorse the inclusion of domestic partner benefit in all future collective bargaining agreements of their member orchestras; and be it further

Resolved, That these delegates encourage the AFM/SSD to prepare and distribute suggested guidelines and model contract language regarding said benefits.

The following resolution calling upon the board of the Louisville Orchestra and the city of Louisville to investigate and hold accountable all individuals responsible for the distribution of bumper stickers which do not represent the best interest of the Louisville Orchestra carried [Motion #9/Richard Levine]:

Whereas, Bumber stickers were produced which, in letters large enough to read at a distance, stated, "I can't stand classical music," and which, in letter so small as to make them difficult to read even nearby, stated, "Comfortable seats at the Louisville Orchestra;" and

Whereas, These bumper stickers, whether just their large lettering or their entire message is seen, are repugnant, offensive and insulting to classical music lovers everywhere, to classical musicians in general and to the musicians of the Louisville Orchestra in particular; and

Whereas, Such messages are destructive to the classical music field and foster ill will toward classical and therefore contrary to the mission of the symphony orchestras; and

Whereas, Wayne Brown, The Executive Director of the Louisville Orchestra, was purportedly seen distributing thse bumper stickers to patrons at a concert of the Louisville Orchestra; and such action by the Executive Director of any symphony orchestra would be outrageous and grossly incompetent; now, therefore be it

Resolved, The 1995 ICSOM Conference condemns as reprehensible all participation in the production and the distribution of these bumper stickers and calls upon the city of Louisville and the board of the Louisville Orchestra to investigate this incident, to make public their findings, and to hold accountable all individuals responsible.

There was a motion to amend Motion #9 which would strike ". . . and calls upon the city of Louisville and the board of the Louisville Orchestra to investigate this incident, to make public their findings, and to hold accountable all individuals responsible." [Motion #10/Kuyper]

After considerable discussion, Motion #10 to amend Motion #9 carried.

Mark Schubert [Hawaii Symphony] thanked the conference for forgiving the dues of the Hawaii Symphony and reported on some of the issues of the current negotiations.

Clara Markham [Louisville Orchestra] offered some observations about the current problems facing the Louisville Orchestra musicians. She expressed thanks to ICSOM and its Chairperson for all of the assistance and support it has provided to the Orchestra over the last year.

Roger Soren [Louisville Orchestra] augmented the comments of Clara Markham by pointing out that the Louisville Symphony has a newly formed audience association with one thousand members whose mission is to have a full-time orchestra. He also related that the orchestra's new music director had been supportive of the musicians.

Tom Heimberg offered some thoughts on the death of Michael Borschel's son.

The Chair asked for a moment of silence in honor of the Borschel family.

A motion to hold the 1996 conference in Vail, Colorado carried. [Motion #11/Clute]

There was a discussion on the structure of the 1996 Conference, and Buckley suggested the conference be held from August 21 to 24, 1996.

Nelson recommended that each delegate give his/her local union a report of what happened at the ICSOM conference.

Beth Stoppels [San Antonio] read a letter from the committee chairperson of the San Antonio Symphony thanking ICSOM and its Chairperson for their assistance.

Lewis offered appreciation for the efforts of Brad Buckley and David Angus.

Steve Young offered his thanks and support for ICSOM.

Buckley thanked conference parliamentarian Richard Totusek.

Buckley thanked Tom Hall for his efforts in organizing the conference.

Buckley asked if there was any additional business. There being no further business, the 1995 Conference was adjourned.

Submitted November 11, 1995

Lucinda-Lewis, Secretary