

OFFICIAL MINUTES
1996 ICSOM CONFERENCE
August 21-24, 1996
Vail, Colorado

Wednesday Afternoon, August 21, 1996

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]
Shari Hoffman
Florence Nelson
Barbara Nielsen

ADDITIONAL AFM GUESTS

Ray Hair, IEB, President, Dallas-Fort Worth Local 72-147
Tom Lee, Vice President, AFM, Secretary/Treasurer, Local 161-710, Washington, D.C.
Tim Shea, IEB
Shirk, Ken, IEB
Steve Young, President, AFM

LOCAL OFFICERS

David Brewer, Cleveland Local 4
Mary Landolfi, New York Local 802
Bill Moriarity, IEB/New York Local 802

Joseph Shifrin, Washington, D.C. Local 161-710
Richard Totusek, Los Angeles Local 47
Peter Vriesenga, Denver Local 20-623
Ed Ward, Chicago Local 10-208
Jack Wheaton, San Diego Local 325

REGIONAL ORCHESTRA PLAYERS' ASSOCIATION [ROPA]

Andrew Brandt, President

ORGANIZATION OF CANADIAN SYMPHONY AND OPERA MUSICIANS [OCSM]

Evelynne Robitaille, President

OTHER PARTICIPANTS, GUESTS, AND SPEAKERS

Melanie Burrell [Colorado Symphony]
Tom Hall [Conference Coordinator, Chicago Symphony]
Barbara Haig [Publicist]
Brooke Hicks [Louisville Orchestra]
Paul Judy [founder Symphony Orchestra Institute]
Nancy Meir [Business Council for the Arts]
Jacky Michell [Kansas City Symphony]
Jerry Montgomery [Indianapolis Symphony]
Kenshi Morooka [Musicians' Union of Japan]
Marsha Schweitzer [Honolulu Symphony]
Deborah Torch [San Antonio Symphony]
Abe Torchinsky [ICSOM Emeritus]

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	Eva Carol Beck
Chicago Symphony	William Buchman
Cincinnati Symphony	Martin James
Colorado Symphony	Paul Naslund (attending for Helen McDermott)
Columbus Symphony	Doug Fisher (attending for Michael Buccicone)
Dallas Symphony	Bruce Wittrig
Florida Orchestra	Warren Powell
Florida Philharmonic	Geoffrey Hale
Grant Park Symphony	Eva Carol Beck
Hawaii Symphony	Mark Schubert
Houston Symphony	Frederick Edelen
Indianapolis Symphony	Nancy Agres
Kennedy Center Orchestra	Nancy Stutsman
Los Angeles Philharmonic	Camille Avellano
Louisville Orchestra	Clara Markham (attending for Roger Soren)
Metropolitan Opera Orchestra	Larry Wechsler (attending for Marvin Topolsky)
Milwaukee Symphony	Helen Reich

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

James Clute
Glenn Garlick (attending for Carole Bean)
Karl Herman
Jay Blumenthal
Bruce Revesz
Bruce Ridge
Fred Sautter
John Koen
Stephanie Tretick
Blythe Tretick
David Angus
Jan Gippo
Beth Stoppels
Richard Levine
David Sprung
David Ridge
Stephen Tramontozzi
Angel Sicam (attending for Edward Castellano)
Marion Albiston

The **St. Paul Chamber Orchestra**, the **New York Philharmonic**, and the **Cleveland Orchestra** did not attend the 1996 ICSOM Conference.

Buckley recognized William Buchman [**Chicago Symphony**] who paid tribute to Charles Guse. Guse had served many years as the President of the Chicago Local and had passed away a few months before.

Buckley introduced Bill Moriarity. Moriarity reported on the AFM [American Federation of Musicians] pension fund and offered general advice for orchestras which were having problems with or were interested in moving to the AFM-EP [American Federation of Musicians-Employee Pension]. He described the AFM's newly established Health and Wellness Taskforce which is researching and discussing ways in which the union can be more actively involved in musicians' health issues. Moriarity expressed concern about the possible impact on musicians were independent contractor language included in the Federal minimum wage legislation. He reported that representatives from the musicians' union were present at the first meeting of the Labor Party in Cleveland and were working to add arts and culture to the party's platform. Moriarity described the efforts of the IEB [International Executive Board of the AFM] toward putting together a balanced budget. Unfortunately, the AFM only had approximately \$450,000 in bank--enough to fund the Federation for two weeks. He also reported that five locals, Louisville, Atlantic City, Branson, Springfield, Boise, and Miami, had been placed in trusteeship [where control of the local is taken from its officers and placed with a trustee appointed by the IEB] because of financial problems. Moriarity concluded by suggesting that a new approach for restructuring the AFM was needed.

Buckley introduced Abe Torchinsky, administrator of the ICSOM Emeritus program, who explained the requirements of entering that program.

Buckley introduced Evelyn Robitaille, OCSM President [Organization of Canadian Symphony (and Opera) Musicians], who told of the cutbacks in Canadian cultural funding and of the efforts to save the Canadian Arts Council. Robitaille expressed her appreciation to Brad Buckley for his service to the symphonic industry.

Buckley introduced Andy Brandt, ROPA President [Regional Orchestra Players' Association]. Brandt reported that ROPA had two new members with a total membership of 51 orchestras. He stated ROPA and

ICSOM orchestras were facing many of the same challenges and reported on the Sacramento Symphony bankruptcy. He expressed concern over the restrictions placed upon arts organizations by arts councils and philanthropic organizations. He concluded by reading a resolution passed at the ROPA Conference which recognized the efforts and dedication to the symphonic industry of Brad Buckley.

Buckley thanked both OCSM and ROPA for their considerations and their hard work in assisting the lives and working conditions of symphony musicians.

Buckley introduced Paul Judy, founder and chairman of the Symphony Orchestra Institution. Mr. Judy had been a member of the Chicago Symphony board.

Judy explained that he had become interested in developing an institute for symphony orchestras because of his concern that symphonic institutions were in jeopardy. He felt it was necessary to examine new ways of running orchestras. Free market customer revenues will not sustain orchestras, and therefore, new sources of revenues must be identified. Although Judy was concerned about the reduction of government funding, he felt the philanthropic community could pick up the slack.

Judy stated that communities are the principal beneficiaries of the existence of a symphony. If the orchestra fails, the community suffers. He expressed concern about adversarial relationships between managements and musicians and suggested all employees of a symphony need to work to build the economic base of their organization as well as understanding its mission and value.

Mr. Judy answered the following questions:

Mary Plaine [Baltimore Symphony] discussed the problems of working cooperatively with the Baltimore Symphony management which had spent several months demanding cuts from its musicians. **Judy** responded that the issue of trust is something which requires significant study but felt orchestras needed to find ways of establishing trust. One way was information sharing.

Plaine indicated that Baltimore Symphony documents had been shared, but the sides disagreed about their interpretation. She questioned whether both sides shared the same visions and goals. **Judy** stated that many institutions display self-destructive attitudes.

Jan Gippo [St. Louis Symphony] asked how a cooperative atmosphere could exist in an environment where the employer rejects musicians' input. **Judy** felt such rejection could be tied to a deep institutional memory problem on boards of directors. He also suggested there tended to be a wide-spread philosophy of rotation of executive positions on boards. Consequently, there is often no consistent direction or leadership. He criticized decision-making in many institutions and recommended that issues be discussed openly.

David Sprung [San Francisco Ballet] asked who owns an institution? Each component of an organization's structure believes that it owns the institution. He also stated that musicians and management have opposing interests. **Judy** responded that these organizations are held in trust for the community. He believed the financial health was the central, common interest of all elements of a symphony organization.

Camille Avellano [Los Angeles Philharmonic] questioned the qualifications of many who manage and run symphony orchestras. **Judy** felt the lack of competent leadership in symphonies needed serious study. He also

felt orchestras conduct business too much by tradition rather than by good, general business practices. Almost no advanced management training exists in the symphonic industry. Judy felt the high quality of artistry was the reason most symphony orchestras were still functioning.

Geoff Hale [**Florida Philharmonic**] stated that musicians play to make a living. He questioned the priorities of boards, and whether boards are concerned about the value of the orchestra to the community. **Judy** expressed incredulity over the existence of orchestras in certain areas. For such institutions to survive, they must rely upon earned income and public funding. When community support diminishes, the institution will be negatively impacted. He felt orchestras had to increase their value to the community.

Bill Morarity [**Local 802**] stated that he had attempted to be innovative and pursue a different approach but had not been successful. **Judy** suggested that it took a number of people in all levels of an organization to effect change. When innovative institutional efforts show success, more institutions will follow suit.

Karl Herman [**New Jersey Symphony**] indicated that the cooperative relationship between the New Jersey Symphony management and musicians had helped solved problems. He said that some of the orchestra's musicians refused to be involved in any aspect of the organization except the artistic. **Judy** responded such orchestras had to capitalize on the willingness of those who agree to be involved in other areas of the organization.

Charles Schlueter [**Boston Symphony**] stated while managements tend to be untrained in music, they don't mind imposing their artistic opinions on musicians, but then reject the musicians' opinions on issues and conditions the musicians have to work under.

Judy's address appeared in *Harmony* magazine, the publication of the Symphony Orchestra Institute.

Buckley asked for approval of the **1995 ICSOM Conference Minutes**. After two corrections, the minutes were approved as submitted.

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

Chairman's Report

Buckley described the responsibilities of the chairmanship of ICSOM and how it had changed over the years. ICSOM governing board members must put in many more hours each day because the field has become more complex and musicians' problems more difficult. He reported on the following situations:

Louisville The local union had to be put in trusteeship because of serious financial problems and because of problems with the Louisville Orchestra. Buckley acknowledged the efforts of the Louisville Orchestra committee.

San Diego ICSOM and AFM representatives went to San Diego to participate in a rally at the Republican National Convention. The Trustees of the Strike Fund voted to extend the benefits of the San Diego Symphony musicians by eight weeks. Buckley spoke of the importance of the Strike Fund to an orchestra like San Diego.

Symphony Orchestra Institute Buckley felt the Institute's mission was to bring an objective, academic, perspective to the symphonic field, but said it was inevitable there would be times the Institute and ICSOM

would disagree.

Breda survey ICSOM would neither encourage nor discourage anyone from filling out the Breda survey.

Freeman survey ICSOM had been asked to participate in a survey on management/labor relations. The governing board had felt there were problems with some of the questions in the survey and would speak to Freeman about the areas of concern.

Phonograph negotiations Buckley said ICSOM's presence and participation in the phono negotiations had increased over the years. He felt that the information developed from the media sessions during last year's conference had proved invaluable to ICSOM's phono committee. **ICSOM had recommended the limited pressing ceiling be raised from 5000 to 10,000 copies.** The record manufacturers wanted to make opera recordings of symphony orchestras the same cheaper rate as regular opera recordings. There had also been a management proposal for service conversion. Manufacturers had refused to negotiate other parts of phono agreement until the negotiations of the symphonic section were concluded. The final proposal was to freeze symphony recording wages for three years while other parts of the recording industry would receive a raise. The Union said no. **Rehearsals for recordings at 50% of the rate will now be allowed.** Chamber music recording rules were also relaxed. **The new agreement will allow as few as 16 players to record under name of a symphonic institution.** A side letter to the agreement called for a subcommittee which would investigate alternative ways of paying the two-hour minimum. Symphonic recordings are 2% of the overall recording market, down from 4% five years ago. Buckley suggested that ICSOM, the AFM, and the RMA [Recording Musicians' Association] start preparing now for the next phono negotiations. Two weeks after the negotiations concluded, EMI and Decca canceled their symphonic recording contracts. Buckley was not convinced that lowering recording rates would increase recordings for orchestras. He predicted that the next negotiations would be very difficult.

A copy of the phono agreement will be sent to all ICSOM delegates by the AFM.

Audio Visual [AV] agreement Buckley stated that the AV agreement was created to enable managements to deal with all kinds of audio visual possibilities and provided for international rates for such media. Ballet and opera orchestras use this agreement more than any other musical groups. Manufacturers have said there are no revenues to share. Consequently, there are no proposed wage increases. Buckley will continue to participate in the AV negotiations.

AFM Buckley explained the background and history of the restructuring of the AFM five years ago and how it had increased the Symphonic Services Division's [SSD] ability to serve symphony orchestras. ICSOM will cosign a resolution which will create a new structure for locals similar to the player conferences. It will be known as the Local Conferences Council. Buckley said restructuring the AFM was about money. Local unions receive the majority of local dues monies. He suggested the possibility of bringing regional locals under one district service center which would provide all clerical and membership services.

Musicians' Performance Trust Fund [MPTF] Funding for radio broadcasts of symphony orchestras had never before been possible. Buckley had spoken to John Hall, administrator of the MPTF, and learned that it was possible to use MPTF funding for NPR [National Public Radio] broadcasts. Buckley predicted that the MPTF will be in jeopardy at next phono negotiations.

Buckley gave his parting farewell as ICSOM Chairman and thanked the delegates.

Counsel's Report

Leibowitz reported on the Sacramento Symphony situation. Sacramento musicians had been threatened with Chapter 7 bankruptcy [complete dissolution of the organization]. The musicians had rejected the final proposal. Leibowitz was asked to negotiate with Ralph Criviso to hammer out a settlement. The new proposal from management was not much different than the rejected offer. The Sacramento Symphony filed for bankruptcy the next day.

Leibowitz discussed the new rules governing private pension plans which are less than 90% funded and explained the underfunded liability impact on those plans. Orchestras which might be considering moving from their privately funded pension plans to the AFM-EP, must first pay off their existing plan before they can move. Leibowitz questioned the wisdom of continuing private pension plans in symphony orchestras.

A motion to retain Leonard Leibowitz as ICSOM Counsel and increase his retainer to \$30,000 carried. [Motion #2/Koen]

Symphonic Services Division [SSD] Report

Buckley introduced Florence Nelson, Director of Symphonic Services. Nelson thanked Brad and Carolyn Buckley on behalf of SSD and presented them with gifts in appreciation of their contributions to ICSOM and symphony musicians. She announced that the Vienna Philharmonic will soon begin admitting women musicians. She expressed concern over the National Arts Stabilization Committee which was demanding fiscal responsibility by downsizing and cutbacks. Nelson recommended that musicians include their local unions in orchestra business by notifying the union of grievances and other problems and meeting with the local board at least twice a year. She also suggested that orchestras discuss negotiating expenses with their locals a year ahead of time. She advised that orchestra committees find out what their memberships want; to create a grievance notebook and keep a record of issues which need to be addressed during contract negotiations; to take time to reach a consensus; and to hold a ratification meeting on any modification of the contract. Nelson stated that only union member are allowed to attend union meetings and to vote on union contracts. She also said that personnel managers who are playing members of the orchestra are not allowed to attend meetings, but the orchestra committee must inform the personnel manager about all issues. Playing personnel managers may vote. She cautioned musicians to be careful in negotiating personal service agreements. Such agreements should only include those items which are excess of the collective bargaining agreement and should include arbitration as a means of mitigating a grievance relating to the violation of the agreement. She encouraged ICSOM orchestras to utilize the SSD. Nelson advised musicians who are serving on a cooperative committee with management to avoid negotiating contract issues. She said that orchestras should not engage in any electronic recordings without the appropriate signatory employer and documentation; otherwise musicians' pension and special payments will not be credited. EMGs [Electronic Media Guarantees] are supposed to be in addition to salary. Each low-cost recording projects must be voted on individually by secret ballot. Nelson encouraged ICSOM delegates be members of their orchestra committees.

Nominating Committee Report

Camille Avellano presented the recommendation for nominations for the five executive offices of ICSOM, chairman, president, secretary, treasurer, and editor of *Senza Sordino*. The other members of the Nominating

Committee were Richard Levine [San Diego Symphony] and Tom Hall [Chicago Symphony]. Avellano reported that there had been one request from a delegate to nominate a representative from a pit orchestra. The Nominating Committee had been unable to identify anyone from a pit orchestra who was willing or eligible to run. Buckley asked for further nominations from the floor. Nominations remained opened.

Thursday Morning, August 22, 1996

After the roll of member orchestras was called, Buckley requested additional floor nominations for executive officers. No additional nominations were offered. Nominations remained opened.

Job Security Workshop

Leibowitz characterized *job security clauses* as the most important provision in a collective bargaining agreement. In most cases, job security is represented by two words: *just cause* [a legal term meaning reasonable cause or cause]. About half of all dismissal cases are disciplinary or *just cause* cases. Leibowitz recommended that *just cause* clauses should not offer a definition of the term or allow termination to be the only remedy. He went on to explain that defining the term *just cause* can take away an arbitrator's ability to apply his own interpretation.

Leibowitz provided several arbitration awards involving the termination of musicians. One case concerned a non-core violinist of the Syracuse Symphony who had auditioned and won a position in core orchestra. Although she had played as a regular, non-core player for 14 years, she was put on probation. She was terminated during the probationary period because she refused to take another audition. Leibowitz said probation is generally understood to mean a person has no rights or privileges; however, that would not be the case were the termination capricious or arbitrary. He suggested the only acceptable exchange for giving up *just cause* protection in a contract was a peer review clause.

Leibowitz said *just cause* should not be confused with artist cause [non-renewal]. Artistic cause must be initiated by music director. He advised that orchestras' peer review committees should be composed of elected orchestra members only. Peer review members are not limited to making decisions on artistic issues alone. They can also determine whether the contractual procedure was correct and fair. Contract deadlines for non-renewals are very important and must be upheld. Frequently, the non-renewal of a player can be overturned for a failure to follow the procedure. He stated that peer review committee members are protected from retaliation.

Arbitration decisions can be challenged in court only if there was corruption in the original decision or if it can be shown that the arbitrator did not understand the nature of the case. An arbitrator will always believe and trust the musical judgement of a music director. Conductor arrogance is one way to defend against non-renewal.

There was a discussion about various non-renewal provisions in symphony contracts. Leibowitz discussed the North Carolina Symphony non-renewal clause and described it as the best provision of its kind.

Leibowitz was asked whether a probationary player can be fired during his probation for nonmusical reasons as was the case recently with six Atlanta Symphony musicians. He responded that the legality of the firing depended on whether the decision to fire the musicians had been arbitrary or capricious.

Thursday evening August 22, 1996

The meeting was called to order at 7:30 p.m.

Computer Committee Report

Michael Moore [Atlanta Symphony] reported on computer issues, described the AFM orchestra contract data base, *DOS Orchestra* and the AFM computer bulletin board.

Conductor Evaluation Report

Tom Hall [Chicago Symphony], program administrator, reported that more orchestras had participating in the Conductor Evaluation Program this year. He recommended that delegates read the *Delegate Manual* entry on Conductor Evaluations to learn how to utilize the program correctly. Hall announced that he will not continue as administrator.

Buckley stated that Paul Judy has proposed analyzing the Conductor Evaluation information, its effectiveness, and value to ICSOM. Buckley urged orchestras to participate in the program by filling out evaluations.

David Angus [ICSOM President/ Rochester Symphony] announced that Bill Buchman [Chicago Symphony] will assume the position of Conductor Evaluation program administrator.

Buckley asked for further nominations for the executive offices of ICSOM. There were no additional nominations. Nominations remained open.

Media Committee Report

Buckley described the various media agreements which allow orchestras of all budget sizes to record. The SSD had prepared a media booklet which describes all symphonic media. Buckley said all orchestras must conform to the requirements of AFM media agreements. He advised orchestras with questions about media contact SSD's symphonic media expert, Shari Hoffman, and recommended that orchestras not attempt to negotiate special media agreements with their managements.

Shari Hoffman defined a "local" broadcast as one which emanates in a single state. If a broadcast is played on what is called a "repeater" station [satellite station] which is manned by a single person, it is not a local broadcast. There was a question about recording new music for composers' use in getting works published and performed. The AFM allows one tape of the premiere performance to be used for such a purpose. The AFM media booklet contains language regarding personal use tapes. Buckley requested that delegates report on media issue to their orchestra committees and orchestras.

It was reported by one delegate that the orchestra committee did not want to allow an ICSOM conference report. Buckley responded that ICSOM might be able to make contact with the orchestra committee chair to assist the delegate.

Panel Discussion

Advantages and Disadvantages of Cooperating with Employers

Deborah Torch [emeritus *Senza* Editor/ **San Antonio Symphony**] served as moderator, and Melanie Burrell [**Colorado Symphony**], Jim Clute [**Minnesota Orchestra**], Karl Herman [**New Jersey Symphony**], and Martin James [**Cincinnati Symphony**] comprised the rest of the panel.

Torch suggested that musicians who engage in a cooperative relationship with their management must make sure that the other members of the orchestra are properly represented and kept informed. A cooperative relationship has to benefit the players and association alike. She also said that players have to know how their managements view the orchestra. Cooperation without trust will not work.

Clute spoke against cooperating with management. He stated that he had never met a manager he could trust but felt if cooperation benefitted the musicians, it should be done. He defined cooperation with management as anytime the players can get an advantage over management.

Herman felt cooperation was a bad term. He thought a more correct description was cultivating a better relationship with the management and the board to accomplish things which are mutually beneficial.

James described the communication committee in Cincinnati which is intended to increase and facilitate the understanding between the parties. He felt it was important for the musicians to work with management to head off any serious problem well in advance of the actual crisis.

Torch said there were times when smaller orchestras could not afford to take a stand. She felt cooperation was not equal to developing a personal, friendly relationship with management.

Herman recommended that communication between musicians and board/management be controlled. He described the New Jersey Symphony's recent contract renegotiation in which the players chose their own give backs and ultimately did not lose much in the concession.

Burrell described the joint effort of the Colorado Symphony musicians and management to lobby for the passage of a favorable arts sales tax. She stated that it would be difficult to agree with the methods used by the New Jersey Symphony because so many orchestras do not have good managements or boards willing to participate in a true cooperative relationship. One major problem for the Colorado Symphony was the players had created an organization which really didn't need the union. Colorado Symphony players have to accept cuts based upon fundraising shortfalls. Burrell feared that the players' willingness to accept cuts peacefully might be sending the wrong impression to their board.

Lucinda-Lewis [ICSOM Secretary/ **New Jersey Symphony**] recommended that cooperation cannot work for everyone but should be approached cautiously when presented to players honestly.

Richard Levine [**San Diego Symphony**] emphasized the importance of an orchestra entering into a cooperative relationship only if it is mutual.

Buckley described the highly publicized cooperative committee of the New York Philharmonic. There had been conflicting opinions from members of the orchestra as to the success of the committee; however, most felt the committee did not work. He stated that there had been no power balance on the Philharmonic's cooperative committee.

Torch concluded by saying there were no easy answers to cooperation.

Friday Morning, August 23, 1996

A motion to declare former ICSOM Chairperson Melanie Burrell chairperson emeritus carried [**Motion #3/Schlueter**]

ICSOM Directory Report

Robert Levine [*Senza* Editor/**Milwaukee Symphony**] reported on issues relating to the annual publication of the ICSOM *Directory* and thanked Richard Levine for preparing the *Directory* information for publication.

Buckley ask for further nominations for the executive offices of ICSOM. There were no further nominations. The nominations remained opened.

Buckley introduced Steve Young, President of the AFM. Young reported on the activities of the AFM since the 1995 ICSOM Conference. He briefly discussed the four major media agreements which had been negotiated this year: the commercial announcement agreement, the motion picture agreement, the phono agreement, and the television/video tape agreement. He explained that various causes of the AFM's financial problem. The AFM had a reduction in its funding as a result of legislation enacted at the last AFM convention. There had been no growth in membership. The rebate on multiple-membership dues was expected to cost the AFM \$200,000. He expressed concern over the financial future of the AFM and the effect on its staff. He predicted that there would be those at the next AFM convention who demand the AFM tighten its belt by cutting SSD or EMSD [Electronic Media Services Division]. He urged the delegates to speak with their local union presidents and advocate the preservation of these departments. Young spoke of the presidential elections and criticized Republican efforts against the arts and labor. He concluded by encouraging musicians to work together and become better advocates of musicians' concerns.

The following resolution acknowledging the efforts of Steve Young during the phono negotiations was adopted [**Motion #3/Buchman**]:

Whereas, The phonograph Record Labor Agreement is extremely important to symphonic musicians; and

Whereas, Musicians' hard-won gains were under severe attack by the recording industry during the 1996 negotiations; and

Whereas, The union was in the difficult position of defending the Agreement while simultaneously creating recording opportunities, a task which it undertook successfully; therefore, be it

Resolved, That ICSOM commend AFM President Steve Young for his spirited leadership in preserving the Phonograph Record Labor Agreement and the Recording industries, Music Performance Trust Fund and in resisting the efforts of the recording industry to divide the union.

Panel Discussion Troubled Orchestras

Robert Levine [**Milwaukee Symphony**] served as moderator. Richard Levine [**San Diego Symphony**], Deborah Torch [**San Antonio Symphony**], Clara Markham, Marsha [**Louisville Orchestra**], Marsha Schweitzer [**Honolulu**]

Symphony], comprised the remainder of the committee. The labor history of each orchestra was distributed.

Robert Levine spoke of the problems of troubled orchestras and wondered in hindsight what ICSOM and its troubled-member orchestras might have done differently to more effectively head off problems. He expressed concern about the attitude of some orchestras' musicians--that their organization will never face a crisis. He said that had been his own belief six years ago. The Milwaukee Symphony has been faced with very difficult problems over the last three years. He warned any orchestra can develop economic problems

Markham described the history of the Louisville Orchestra and how it had come to experience serious, life-threatening economic trouble. The board had failed to raise the monies to pay for the agreements they had negotiated with the musicians. The musicians had been blind sided by the managements' request for concessions two years ago. She said the musicians learned that they had to trust themselves and use all available resources to fight the efforts of their board to downsize the orchestra. She thanked the other ICSOM orchestras for their financial assistance--assistance which allowed them to control the press. Markham felt that the Louisville Orchestra had to change the heart of the community before the it could survive and succeed.

Robert Levine asked if there had been anything the musicians of the Louisville Orchestra could have done differently to head off the crisis. Markham responded that the musicians simply did not expect the crisis. They were totally unprepared. She declared their greatest mistake was their neglect of unionism.

Torch gave a brief history of the recent labor disputes of the San Antonio Symphony. She pointed to a division in the orchestra as a significant contributor to their problems. The local union was falling apart, and there was a contentious relationship between the union and the musicians. The orchestra later entered the OSP [Orchestra Services Program], and the local union was placed in trusteeship. The AFM sent representatives to speak with he orchestra about returning to the local union. She stated that the AFM representatives did more to hurt the situation than to help. ICSOM and the AFM joined together to send Bill Roehl to San Antonio. Torch stated Roehl's visit was very successful. However, the orchestra was still in financial trouble and fatigued by its tenuous economic state. Torch had embarked on an educational campaign with new members to inform them of the labor history of the orchestra. San Antonio had adopted a telephone survey system where committee members called and spoke one-on-one with members of the orchestra to get input and opinions.

Robert Levine asked if the internal organizing project had improved the relationship between the orchestra and board/management. Torch stated that the improvement in their internal relationships had largely been the result of the hiring of a new manager who was easier to work with.

Schweitzer described the Honolulu Symphony as always having been well organize as a result of employing the recommended AFM/SSD techniques for organizing. She acknowledged the efforts of the local union, SSD, and Leonard Leibowitz in assisting the survival of the Honolulu Symphony. She explained that the management's early attempts to cut back the orchestra only solidified the players more. The management had no artistic mission and had allowed fundrasing to become stagnant. The board had allowed its fundraising efforts to be replaced by state funding and failed to identify new sources of revenues. Schweitzer detailed the arbitration awards which the players had won against management. In each case, the orchestra was awarded financial damages which the management refused to pay. Management later paid after interest was assessed by the court. She referred to Music Projects Honolulu, a nonprofit organization created by the musicians, which assisted them in getting their message out to the community as well as providing paid services for the players in the orchestra. Schweitzer stated that an orchestra's failure is never the fault of its musicians.

She suggested that the absence of the organization's artistic mission, management's lack of respect for the orchestra, and the board/management's attitude and use of their power were the reasons for the original failure of the Honolulu Symphony. Schweitzer stated that there was nothing the musicians could have done differently to prevent the collapse of the Honolulu Symphony. Most of what the players did was irrelevant.

Richard Levine began by describing what the San Diego Symphony might have done differently. All of the things the orchestra didn't do sooner, were things no one wanted to do because they weren't popular. He pointed to the Houston Symphony's newsletter as being a very good vehicle of communication with the public, but this communication needs to be established before trouble begins. He also felt that San Diego needed to be more effective in its political lobbying, and local community labor ties should have been developed and cultivated. Levine questioned some of the decisions made by the players such as whether they should have continued to play without pay. He offered some of the historical background of the San Diego Symphony which contributed to the orchestra's demise. There had been no sound business administration of the orchestra. The board and management had frequently entered into contracts they could not honor.

Robert Levine asked if there had been any way for the musicians to predict whether the management could live up to a negotiated contract.

Richard Levine responded that it would be difficult to know without extensive financial analysis of the institution. He defined a troubled orchestra as one in which the structure is bad. Levine felt while players can't control the structure of an institution, they can try to influence it. There had been no broad-based community support in San Diego to turn to when the orchestra entered an economic crisis. Management failed to market the orchestra's concerts, and the board did not seem to be concerned about the management failures. Audiences began to decline as did revenues, and the board did not act to improve what was going on. When Michael Ticknis was hired, the relationship with musicians became better and more opened. Unfortunately, the structure and attitude of the board did not change.

Robert Levine asked if there was anything the musicians should have done to help the board maintain the original vision of the orchestra. Richard Levine responded that there was simply not enough economic support in the community to sustain an orchestra with that vision.

Torch described the similarities between the structures of orchestras and boards. They each have a small number of leaders who do most of the work, and the general membership wants to believe what the leadership is saying.

Richard Levine was optimistic that the San Diego Symphony would be reorganized.

Torch was encouraged by the efforts of their management and board in long-term planning but felt that the musicians had to continue to work to be better organized and strengthen the local union.

Schweitzer felt there were glimmers of hope in Honolulu for the survival of the orchestra.

Lenny encouraged players not to be persuaded to negotiate truncated wages in their contracts. They should always try to negotiate fair and reasonable wages. He suggested that it is preferable to have management come and ask for relief during the term of a contract than to negotiate lesser wages in the first place.

It was asked how an orchestra can address internal labor bias within the ranks.

Schweitzer stated anti-union sentiments is more a problem from the board than within the orchestra.

Torch said although Texas is a right to work state, virtually all San Antonio Symphony musicians are members of the union.

Markham stated that Louisville was nurturing their relationships with other labor organizations.

Richard Levine characterized the anti-labor sentiments within an orchestra as more a desire to just play music.

A question was asked about the impact of musicians who are allies of management and how to control them.

Torch and **Schweitzer** stated that peer pressure was effective in controlling the problem.

Markham stated that this problem had been so significant in Louisville, it helped galvanize the players.

It was asked whether a bad board or bad management had contributed to each orchestra's problems.

Most panel members felt their boards bore the most responsible for institutional problems, although each placed some of the blame on their managements as well.

Richard Levine thanked Brad Buckley, Steve Young, and Florence Nelson for coming to San Diego to assist in their rally and for meeting with the orchestra.

Robert Levine concluded by suggesting that orchestras need a better crisis warning system.

Friday evening 7:30 p.m.

Buckley asked for further nominations for the five executive officers. There were no further nominations. Nominations remained opened.

Strike Fund Report

Buckley reported that the strike fund [a symphony orchestra strike fund administered by the American Federation of Musicians] had two million dollars in it and had been able to provide support for every orchestra engaged in a strike and lockout. He stated that the strike fund was is very strong allowing part of the funds to be invested in high, interest-bearing bonds.

Buckley said the fund had three orchestras which were three years behind in payments, in part, because of an administrative problem and also because the three orchestras no longer wanted to belong to the strike fund. Buckley explained that the AFM bylaws require an orchestra to remain in the fund once it joins. The bylaw was based upon the actuarial assumptions of the fund. To allow orchestras to leave the fund would alter the actuarial assumption. Buckley also pointed out that while some orchestras may never need the fund, other musicians in other orchestras may need it. Therefore, it is essential for all strike fund member orchestras to pay their dues. The administrative problems has to do with determining who collects the strike fund dues--

ICSOM delegates, orchestra committees, or local unions. The AFM will send a letter to each local union stating that it is the responsibility of the local to collect strike fund monies.

Buckley stated that he and David Angus had threatened to resign as trustees of the strike fund over the failure of the AFM to properly administrate the fund. He felt that the AFM, local unions, and the players were each responsible for the failure of the three orchestras to pay. The AFM had decided to require payment on two years of strike fund. Any orchestra musicians refusing to pay will have international charges brought against them.

There was a discussion of specific situations regarding the strike fund. Non-union members may not be covered by strike fund.

Buckley announced that he would be resigning as trustee of the strike fund. David Angus was the other strike fund trustee. The meeting was chaired briefly by president David Angus in order to select a new strike fund trustee.

A motion to designate the newly elected chairperson of ICSOM as the other strike fund trustee carried. [**Motion #4/Buckley**]

Although a vote of the strike fund orchestras was necessary to replace the trustee, **Motion #4** was intended to serve as a recommendations.

Buckley introduce Barbara Haig, a public relations and media expert.

Haig's presentation provided media training and written information for the delegates.

There was an interactive exchange between the delegates and Haig about individual experiences with the media. Haig emphasized the importance of knowing what a reporter is looking for. Unfortunately, the media is more interested in reporting what people want to hear rather than what they need to know. She stated that it was important to have something visual [like a colorful banner at an information picket] to get the point across. Haig recommended that the players have a fact sheet for the press and develop a relationship with a reporter she also recommended avoiding self-promotion.. She said that wire services can disseminate information the fastest. Reporters want a sound bit--a quote, so yes/no answers will not do. Haig said that it is helpful to know what the medias' deadlines are. She offered several recommendations on dealing with the press. Know details and be prepared. Try to predict all questions which might be asked. Keep track of who the reporters are. Don't try to answer questions unless you can answer it. Ask the reporter what issues he wants to cover. Know where and when your interview is going to appear. Determine what kind of interview it will be. Offer to send photos graphics or charts which support the orchestra's position. Don't lie to a reporter. Try to smile in an interview and don't be too serious or confrontational. Give short, concise answers. Don't repeat the negative. The first and last answers are always the most important.

Following her verbal report, she provided a video presentation which included mock interviews which were reviewed and critiqued for demonstration purposes.

Saturday morning August 24, 1996

Roll Call of orchestras

Buckley thanked the Denver local for its contribution toward the expense of the public address system.

Buckley introduced Nancy Meier of the Arts and Business Council, New York City.

Meier gave a brief history of the Business Support for the Arts. Early partnerships between business and the arts were usually individual collaborations. Originally, the Arts and Business Council was made up of influential business people who understood the importance of the arts to the community. Grants for general support comprised the early sponsorships.

The downsizing of corporate America and stockholders asking why businesses were giving to the arts has changed business's support of the arts. Corporations are now giving huge amounts of money to education. Arts support has become more tied to the bottom line and must be justifiable and mesh with overall corporate goals. Corporations have gone from general grants to project grants. The press has not helped by promoting the idea that symphony audiences are getting older, leaving the idea with the business community that more worthwhile investments are advisable. Businesses are changing their support for the arts from altruism to mutual benefit.

Meier stated that there was no way the private sector would replace the lost government monies. She was especially concerned by the lack of support from the for-profit entertainment industry of the non-for-profit sector. The infra structure of the for-profit industry is directly reliant upon the non-profit sector.

She felt that the future relationships between the arts and business would be based upon mutual benefit. Grants for special projects would be the only real corporate monies available to the arts. Businesses are now becoming more demanding of the fiscal responsibility and health of the arts organizations to which they contribute monies. Arts organizations which have large debts are less likely to receive corporate support. Meier spoke of the attacks on the non-profit sector by congress. There was proposed legislation pending in congress intended to prevent the non-profit sector from political lobbying. Reducing the tax deductibility of charitable contributions and increasing the cost of non-profit postage were some of the other things which made doing business for the arts more costly and difficult.

Musicians must become involved in management's side of the whole organization and be included in such issues as administrative overhead and business administration as well as being watchdogs of management. Orchestras must understand that symphony audiences are diminishing and government monies are not going to be replaced. Music programs in schools are being cut back. People are spending their free time in different ways which do not include attending concerts.

Meier spoke of the need to increase the arts in public schools. Business people still want to belong to the boards of prestigious organizations like symphony orchestras; however, rarely do they know anything about how a nonprofit is supposed to operate. The Arts and Business Council is creating a new project on how to be a board member of an arts organization. Meier felt that partnerships of mutual benefit between business and the arts will increase. Organizations must build respect in the business community for the arts, arts managements, and artists. Business employee involvement is very important in creating new audience members. She felt that orchestras would continue to receive monies from corporate America, but probably not as much and not enough to keep pace with the growing costs in the arts community.

Arts can break down communication barriers between different cultures. Businesses are now beginning to see the value of the arts. The Arts and Business Council generates about 10 million dollars in free resources to

the arts community. She said that the American Council for the Arts and Business Council will be merging. The Arts and Business Council was primarily an arts lobbying organization. The arts have to come together and speak with a unified voice in support of the arts.

Gary Steuer will take the place of Nancy Meier who is stepping down as head of the Arts and Business Council. The Arts and Business Council works with organizations at their request. The Arts and Business Council always advises businesses that they must stay out of the artistic product. There is a reluctance in society to acknowledge the true value and economic benefit of the arts.

Buckley introduced Kenshi Morooka of the Japanese Musicians' Union

Moorka, a professional oboist and union officer of the Japanese Musicians' Union, described the history of orchestras in Japan. He said Japanese orchestras have a problem getting support from their communities because classical symphonic music is considered to be foreign music. Orchestral salaries in Japan are very low and therefore orchestral musicians must also teach. Musical instruments and music education in Japan are very expensive. He recommended that all international musicians work to increase the respect for symphony musicians.

Old Business

Simon Tax Case Buckley recapped the background of the Simon's tax case. The IRS had attempted to deny the deduction of the Torte bows because the IRS claimed the bows were antiques. The Simons received \$10,000 from ICSOM for the original case in tax court. An appeal was necessary, and the final cost of the appeal was \$50,000. The Simons did not want ICSOM to contribute directly to the cost of the appeal; rather, they wanted ICSOM orchestras musicians to contribute to a special fund set up by Local 802. Buckley stated that this was the single most important tax legislation affecting musicians. Mary Landolfi [local 802] spoke of the efforts of the IRS to overturn the appeal in the Supreme Court. Only \$12,000 has been received for the cost of the appeal. She predicted that the IRS will attempt to audit players in the remaining 49 states and asked delegates to notify her at Local 802 should any player receive a notice of audit regarding the depreciation of musical instrument equipment.

Bruce Wittrig [Dallas Symphony] stated that he was being audited for the depreciation of equipment at the time the Simon's decision was rendered. It saved him thousands of dollars. Wittrig expressed concern over the lack of financial support from ICSOM orchestra musicians on something which was so relevant and important to musicians' taxes. He suggested that this tax break would make American orchestras sound better because American musicians would be able to afford higher-quality instruments.

Leibowitz stated that musicians should be able to depreciate their instruments as long as real estate owners are allowed to take similar deductions.

Buckley asked for additional nominations for the five executive offices of ICSOM.

There being none, a motion to close the nominations carried. [**Motion #5**/Buckley]

A motion to elect the nominees by acclamation carried. [**Motion #6**/Sprung]

The elected officers were: Robert Levine, Chair; David Angus, President; Lucinda-Lewis, Secretary; Stephanie

Tretick, Treasurer; and Marsha Schweitzer, Editor of *Senza Sordino*.

After Buckley recognized the new Chairperson, Robert Levine, with two gifts, he thanked the conference and reflected upon the accomplishments of past ICSOM Chairs.

Jim Clute presented a plaque to Buckley acknowledging his outstanding service to ICSOM and to the field.

Steve Young acknowledged the contributions of Brad Buckley and spoke of his long friendship with him. Florence Nelson presented a plaque from the AFM to Buckley in recognition of his efforts on behalf of symphonic musicians.

Robert Levine read a letter from former chairperson Fred Zenone which recognized the accomplishments of Brad Buckley as ICSOM chair.

Brad thanked Fred Zenone for his kind letter and acknowledged his contributions to ICSOM.

Buckley was also presented with other gifts as appreciation of his long service.

Robert Levine offered a brief statement regarding the transfer of leadership . He stated that he could not replace Brad and would not try to do that. He then appointed Brad Buckley permanent chair of the media committee.

Saturday afternoon August 24, 1996

Levine thanked Tom Hall for his work for the conference and for his efforts to make ICSOM work.

A motion to make Brad Buckley chairperson emeritus carried [**Motion #7/Gippo**]

After a brief discussion, the following resolution calling for ICSOM delegates to be allowed to attending all meetings of the orchestra committee was adopted [**Motion #8/Beck**]:

Whereas, There is no more important aspect of ICSOM than its service as communication vehicle among its constituent orchestras; and

Whereas, That purpose is defeated if its Delegates are not in regular communication with the orchestra committees in those constituent orchestras; and

Whereas, In many instances, the ICSOM Delegate of an orchestra is not a member of the orchestra committee; therefore, be it

Resolved, That ICSOM call upon all of its constituent orchestras in which the ICSOM Delegate is not a member of the orchestra committee to establish a policy whereby the ICSOM Delegate is invited to attend all meeting of the orchestra committee to transmit and to gather the information so valuable to allowing the full value of ICSOM membership to be enjoyed by the orchestra, its members, and the orchestras an members of ICSOM as a whole.

The following resolution encouraging ICSOM member orchestras to seek management support for refusing

to accept substandard printed orchestral parts was adopted [**Motion # 9**/Buchman/Plaine]

Whereas, Professional orchestra musicians are often required to play from printed music which is substandard in its notation and legibility; and

Whereas, Rental parts, especially those provided by guest artists, are frequently unavailable both to the orchestra librarian and the players to prepare ahead of time; and

Whereas, Printed parts of poor quality can lead to wasted rehearsal time, mistakes in performance, and increased stress for the musicians; and

Whereas, Widely available technology allows high-quality printed parts to be produced quickly and easily; and

Whereas, The Major Orchestra Librarians' Association (MOLA) is already working with music publishers, guest artists, and orchestra managements to improve the quality of all printed music; now, therefore, be it

Resolved, That ICSOM support MOLA in its efforts to improve the quality of printed music, and be it further

Resolved, That ICSOM encourage it member orchestras to seek management support for refusing to accept substandard printed parts.

The following resolution recommending the establishment by the AFM of a committee to begin immediate preparations for the negotiations of the next phonograph record agreement was adopted [**Motion#10**/Gippo]:

Whereas, The Phonograph Record Labor Agreement and Music Performance Trust Funds are extremely important to symphony musicians; and

Whereas, The last negotiations were difficult and contentious; and

Whereas, The industry, marketplace, and workplace are changing at a heretofore unheard of speed; and

Whereas, Preparedness and research makes for the greatest flexibility and strength in negotiations; therefore, be it

Resolved, That the delegates to the 1996 ICSOM Conference recommend that the American Federation of Musicians established a committee, composed of Federation officers, local officers, player conference officers, and the Federation public relations department, to begin immediately preparing for the next phonograph record agreement negotiations.

The following resolution calling for ICSOM to forgive the 1995-1996 ICSOM dues of the San Diego Symphony and the Louisville Orchestra was adopted [**Motion #11**/Herman]:

Whereas, The ongoing financial hardships in Louisville and San Diego have stretched their resources to the limit, and

Whereas, In the spirit of extending a helping hand whenever and wherever needed among our members; now, therefore, be it

Resolved, That the membership dues of the San Diego Symphony and the Louisville Orchestra be forgiven for the 1995-1996 season.

The following resolution supporting the musicians of the Sacramento Symphony and urging the City of Sacramento, CA, its leadership, and the Sacramento community to direct the board and management of the Sacramento Symphony to cease the current effort to silence the musicians was adopted [**Motion #12**/Richard Levine]:

Whereas, The Sacramento Symphony musicians have made personal sacrifices amounting to over \$600,000 in wage and benefit cuts over the past three years; and

Whereas, The Board and Management of the Symphony are now threatening Chapter 7 bankruptcy unless the musicians make even greater sacrifices; and

Whereas, The musicians are unable to accept any more wage and benefit cuts and are courageously resisting all such proposals even in the face of possible loss of their jobs; and

Whereas, The delegates to the 1996 ICSOM Conference wish to lend their support and encouragement to those musicians; now, therefore, be it

Resolved, That the delegates to the 1996 ICSOM Conference urge the City of Sacramento, its leadership, and especially the Sacramento community, to direct the Board and Management of the Sacramento Symphony Orchestra to cease and desist its current efforts to silence the music in Sacramento, and encourage the musicians to the Sacramento Symphony to stand fast and continue to demand a fair and equitable contract which will permit them both to practice their art and support themselves and their families.

The following resolution urging ICSOM and MOLA [Major Orchestra Librarians' Association] to work together to further mutual interests was adopted [**Motion #13**/ Plaine]:

Whereas, ICSOM is an organization created to provide support for the needs and interests of professional orchestra musicians; and

Whereas, MOLA is an organization created to provide support for the needs and interests of professional orchestra librarians; and

Whereas, There are issues in our professional lives which affect both members of ICSOM and MOLA; therefore, be it

Resolved, That ICSOM and MOLA work together on issues which are of mutual concern.

The following resolution urging ICSOM to go on record as deploring the replacement of professional musicians by students was adopted [**Motion # 14**/ McDermott]:

Whereas, ICSOM recognizes the value of music education and the importance of young musicians performing publicly; and

Whereas, Part of their education should include their understanding of the adverse consequences of students

replacing professional musicians; and

Whereas, There is a situation existing in Beaver Creek, Colorado, in which students are being used by an employer to replace a group of professional musicians who have performed for this employer for over 14 years; now, therefore, be it

Resolved, That ICSOM go on record as deploring the replacement of professional musicians by students and that it urge the AFM, the MENC, and all music schools to advise students to avoid such employment.

Jay Blumenthal [New York City Ballet] explained the problem of enforcing the contractual provision in the ballet contract know as the St. Louis Clause. It had been negotiated into the last contract, but Local 802 has refused to sign the contract with the clause in the agreement and has further refused to enforce the clause.

The following resolution urging all local unions to sign and approve contracts with St. Louis clauses was adopted [**Motion #15/Koen**]:

Whereas, The “St. Louis Clause” is an important part of the collective bargaining agreements of several AFM orchestras; and

Whereas, Dues and assessments make many important functions of orchestra committees financially possible, including, but not limited to strike funds, ICSOM dues, and legitimate orchestra committee expenses; and

Whereas, Union solidarity is undermined by allowing some musicians to avoid paying these not overly burdensome assessments that are paid in good faith by their colleagues; and

Whereas, The delegates to the 1993 ICSOM Conference have already passed a resolution urging the enforcement of this clause where it exists; now, therefore, be it

Resolved, That the delegates to the 1996 ICSOM Conference reaffirm the resolution passed at the 1993 ICSOM Conference urging all locals with orchestras whose collective bargaining agreements include such a clause to enforce this clause whenever necessary.

After a brief discussion, Bill Moriarity, president of Local 802, responded to questions about the failure of Local 802 to sign the Ballet contract. He explained that provision was added to Local 802's bylaws forbidding the inclusion of a St. Louis clause in any collective bargaining agreement. Even though a St. Louis clause had been negotiated into the last agreement of the Ballet, Local 802 had continued to refuse to enforce the clause. Part of the Local's executive board believed the clause to be completely illegal and others believed that the punishment for failure to pay dues [which was dismissal] was too great. The National Labor Relations Board had ruled that it was legal for Local 802 to refuse to enforce the St. Louis clause in the Ballet contract. Moriarity had hoped that the problem of the St. Louis clause would go away after Local 802 agreed to pay all costs of negotiating attorney. He indicated that it had not.

Leibowitz explained that a St. Louis clause was a union security clause which provided for the payment of all dues assessments by a member as a condition of employment.

Koen asked for unanimous consent to withdraw **Motion #15**.

Koen proposed the following new wording for the resolution regarding the enforcement of the St. Louis Clause [**Motion#16/Koen**]:

Whereas, The “St. Louis Clause” is an important part of the collective bargaining agreements of many AFM orchestras; and

Whereas, Dues and assessments make many important functions of orchestra committees financially possible, including, but not limited to strike funds, ICSOM dues, and legitimate orchestra committee expenses; and

Whereas, Union solidarity is undermined by allowing some musicians to avoid paying these not overly burdensome assessments that are paid in good faith by their colleagues; and

Whereas, The delegates to the 1993 ICSOM Conference have already passed a resolution urging the enforcement of this clause where it exists; now, therefore, be it

Resolved, That the delegates to the 1996 ICSOM Conference urge that any local sign and approve collective bargaining agreements for orchestras who have successfully negotiated this clause into that orchestra’s collective bargaining agreement.

Buckley added that originally, Local 802 was told that the Ballet musicians who were refusing to pay their dues didn’t have to be terminated--that there were other ways of enforcing the clause. The Local did not want to listen. He pointed out that the local made no complaint when the non-dues paying members of the Ballet went to an anti-labor organization to get legal assistance in fighting their case.

Young stated that if local 802 agreed to enforce the St. Louis clause, it would trigger a Beck audit. He agreed that this issue would not go away anytime soon.

A motion to end discussion carried [**Motion #17/Stutsman**]

Leibowitz recommended that the term assessments be replaced with the word dues.

the Chair asked for and received unanimous consent for that language change.

Motion #16 was adopted as amended.

Levine asked if there was further new business. There was none

Levine moved that the 1997 ICSOM Conference be held in Vail. [**Motion #18/Governing Board**]

Koen stated that there had been interest in having conference in another site.

It was asked whether the conference dates could be announced earlier. It was explained that conference plans were dependant upon many other issues.

There were discussions about the pros and cons of holding the conference in Vail.

After a lengthy discussion, a motion to call the question carried. [**Motion #19**/Stutsman]

Motion #18 carried.

Marsha Schweitzer thanked the conference and requested input from the delegates for articles for *Senza Sordino*.

Markham thanked ICSOM saying the Louisville Orchestra would probably not exist were it not for ICSOM.

Hall spoke of the troubled situations in ICSOM. He expressed his admiration for the hard work and devotion of those who worked for the interests and represent the troubled orchestras.

Robert Levine ask if there was any further business. There being none the 1996 ICSOM Conference was adjourned.

Submitted November 22, 1996

Lucinda-Lewis
ICSOM Secretary