

OFFICIAL MINUTES
ICSOM Conference
August 23-26, 2000
Louisville, Kentucky

Wednesday, August 23, 2000

Robert Levine [ICSOM Chair/Milwaukee Symphony] called the meeting to order at 1:00 p.m. He greeted the delegates and introduced the following:

INTRODUCTIONS AND WELCOMES

Chairperson Levine welcomed the delegates to Louisville 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 Marsha Schweitzer

MEMBERS AT LARGE

Jay Blumenthal
Michael Moore
Mary Plaine
Charles Schlueter

LEGAL COUNSEL

Leonard Leibowitz

OTHER PARTICIPANTS, GUESTS, AND SPEAKERS

Nancy Agres [Indianapolis Symphony]
Ron Bauers [Professor of Accounting, University of Nebraska]
Mary Ann Berens [Indianapolis Symphony]
Paul Boulian [Partner, Lodestar Associates]
Brad Buckley [ICSOM Chair Emeritus/St. Louis Symphony]
Steve Causey [Louisville Orchestra]
Tom Hall [Chicago Symphony]
Gary Hanson [Associate Executive Director, Cleveland Orchestra]
Louise Harris [Louisville Orchestra]
Steven Haywood [Indianapolis Symphony]
David Horn [Louisville Orchestra]
John Paul Lindberg [Virginia Symphony]
Clara Markham [Louisville Orchestra]

Brian O'Connor, [RMA]
Melinda Odle [Louisville Orchestra]
Laura Ross [Nashville Symphony]
Sarah Reed [Louisville Orchestra]
Henry Shaw [ICSOM Editor Emeritus]
Roger Soren [Louisville Orchestra]
William Thomson [Locus Media, Professor, University of Louisville]
Heidi Tracy [Louisville Orchestra]
Judy Wilson [Louisville Orchestra]
Fred Zenone [ICSOM Chair Emeritus/National Symphony, ret., Vice-President, Symphony Orchestra Institute]

AMERICAN FEDERATION OF MUSICIANS

SYMPHONIC SERVICES DIVISION

Florence Nelson, Director
Chris Durham
Janice Galassi
Sara Honen
Deborah Newmark
Nathan Kahn

ADDITIONAL AFM GUESTS

Steve Young, President, AFM
Tom Lee, Secretary/Treasurer, AFM Executive Board member, D.C. Local 161-710
Ed Ward, IEB, President, Chicago Local 110-208
Barbara Nielsen, Special Assistant to the President

LOCAL OFFICERS

Doug Fisher, President, Columbus Local 103
Mary Frank, Secretary-Treasurer, Jacksonville Local 444
Teresa Gafford, Washington, D.C. Local 161-710
Peter Graves, President, Miami Local 655
Mark Jones, President, Buffalo Local 92
Michael Largenticha, President, Honolulu Local 677
Bill Moriarity, President, New York City Local 802
Joe Shifrin, President, Washington, D.C. Local 161-710

OTHER PLAYER CONFERENCES/INTERNATIONAL UNIONS

Ann Drinan, President, Regional Orchestra Players' Association
Francine Schutzman Organization of Canadian Symphony Musicians
Bob Wearn, Assistant General Secretary, British Musicians' Union

ROLL CALL

Secretary Lucinda-Lewis called the roll of the 48 ICSOM member orchestras. Delegates were present to represent the following orchestras:

Atlanta Symphony	Michael Moore
Baltimore Symphony	Mary Plaine
Boston Symphony	Charles Schlueter
Buffalo Philharmonic	Robert Prokes
Charlotte Symphony	Hollis Ukaly
Chicago Lyric Opera	Linda Baker
Chicago Symphony	Rachel Goldstein
Cincinnati Symphony	Martin James
Cleveland Orchestra	Scott Weber
Columbus Symphony	Michael Buccicone
Dallas Symphony	Bruce Wittrig
Detroit Symphony	Craig Rifel
Florida Orchestra	Warren Powell
Florida Philharmonic	Andy Lewinter [for Geoffrey Hale]
Grant Park Symphony	Carol Beck [for Kevin Case]
Honolulu Symphony	Mark Schubert
Indianapolis Symphony	Rick Graef
Jacksonville Symphony	Dale Gosa
Kansas City Symphony	Brian Rood
Kennedy Center Orchestra	Nancy Stutsman
Los Angeles Philharmonic	Lyndon Taylor
Louisville Orchestra	Trevor Johnson
Metropolitan Opera Orchestra	Larry Wechsler [for Marvin Topolsky]
Milwaukee Symphony	Helen Reich
Minnesota Orchestra	Mina Fisher [for Julie Ayer]
National Symphony	Jeff Weisner
New Jersey Symphony	Robert Wagner
New York City Ballet Orchestra	Jay Blumenthal
New York City Opera Orchestra	Bruce Revesz
New York Philharmonic	Bill Kuyper
North Carolina Symphony	Bruce Ridge
Oregon Symphony	Robert Naglee
Philadelphia Orchestra	John Koen
Phoenix Symphony	Blythe Tretick [for John Lofton]
Rochester Philharmonic	Erin Hannigan
St. Louis Symphony	Jan Gippo
St. Paul Chamber Orchestra	Brenda Mickens [for Herb Winslow]
San Antonio Symphony	Beth Stoppels
San Diego Symphony	Richard Levine
Syracuse Symphony	Angel Sicam [for Walden Bass]
Utah Symphony	Marion Albiston

The Houston Symphony, Colorado Symphony, San Francisco Symphony, San Francisco Opera and San Francisco Ballet orchestras were not represented.

Levine asked if there were any corrections or changes to the 1999 minutes. There being none, the 1999 ICSOM Conference minutes were approved as submitted.

Officers' Reports

Secretary's report and President's report were submitted in writing.

Marsha Schweitzer [Editor/Honolulu Symphony] requested articles from the delegates on events in the field. She requested that orchestra musicians make *Senza Sordino* available to their students and that they encourage local colleges and libraries to subscribe. Levine said that *Senza Sordino* is also available on ICSOM's web site.

Stephanie Tretick [ICSOM Treasurer/Pittsburgh Symphony] reported that 14 orchestras had not paid their \$200 contribution toward the Simon fund.

Counsel's Report

Counsel's annual report was submitted in writing. Leibowitz spoke of the Internet negotiations and discussed the reorganization of ICSOM which was necessitated by requirements of the IRS.

Symphonic Services Department [SSD] Report

Director Florence Nelson expressed concern over symphonic labor agreements which exceeded 3 years and urged that such orchestras continue to monitor financial statements of their associations. Nelson has been appointed international director of symphony orchestras by FIM. She announced that the beta version of all AFM wage charts from the first to the present would be available soon. She reported on the status of the ongoing Atlanta Ballet strike. Student scabs had been hired by the Atlanta Ballet Orchestra. The Ballet had been attempting to hire foreign musicians to replace the striking ballet orchestra members. The AFM was working to prevent visas being issued. [SSD provided media handouts to the delegates]

Levine acknowledged the work of the SSD staff.

ICSOM Directory Report

Mary Plaine [ICSOM Member at Large/Baltimore Symphony] reported on the *ICSOM Directory* and explained the method for reporting additions and changes and announced the deadline.

Emeritus Program Report

Abe Torchinsky [Philadelphia Orchestra, ret.], program director, was not in attendance. Marsha Schweitzer explained the requirements for joining the ICSOM Emeritus Program.

AFM Strike Fund Report

David Angus [ICSOM President/Rochester Philharmonic] reported on the changes in the AFM Strike Fund. A copy of the Strike Fund information was provided for the *Delegate Manual*. He also reported on the fund balance and investment strategies designed by Omninvest.

British Musicians' Union

Levine introduced Bob Wearn of the British Musicians' Union [BMU]. Wearn described the severe financial problems of British orchestras and explained how the British Arts Council funds orchestras. Originally, the Arts Council required that regional orchestras be full time. The cost of supporting so many full-time orchestras became so expensive, that the Arts Council began cutting funding. He attributed the demise of some smaller British orchestras to the reduction of Arts Council support. Wearn predicted the first orchestra strike in Britain since the 1980's would occur in the coming year. He spoke of the problems presented by foreign players coming into Britain replacing local musicians. In conclusion, Wearn advocated an international meeting of symphony musicians.

In response to a question about British musicians' impression of American orchestras, Wearn indicated that British orchestras were very interested in how American orchestras are run and how they are privately funded, as well as their wage and benefit structures.

Membership Committee Report

Secretary Lewis presented the Membership Committee report and described the requirements for membership. The members of the Membership Committee were Lucinda-Lewis, David Angus, and Jay Blumenthal. Two orchestras, the Nashville Symphony and the Virginia Symphony, had applied for ICSOM membership. The Nashville Symphony met all of the requirements for membership with 72 full-time members who earn approximately \$25,000 and whose members are all AFM members in good standing.

A motion that the Nashville Symphony be granted ICSOM membership carried unanimously. [**Motion #1/**Membership Committee]

The Virginia Symphony met the majority of the requirements for membership with 52 full-time members who earn approximately \$25,000 and whose members are all AFM members in good standing. The Membership Committee felt that ICSOM membership would greatly assist the future efforts of the Virginia Symphony in collective bargaining.

A question was raised about the propriety of admitting orchestras which fail to meet the required number of players. Lewis responded that ICSOM bylaws allow the Membership Committee the latitude to consider and recommend an orchestra which may not meet all of the requirements if the applying orchestra has made a substantial case that ICSOM membership would benefit it.

It was also suggested that the bylaws be modified to reduce the number-of-players requirement. It was asked whether the new orchestras with fewer than 60 members could be encouraged to continue to increase their numbers. Angus responded that many long-time ICSOM orchestras still have fewer than 60 players.

A motion that the Virginia Symphony be granted ICSOM membership carried unanimously. [**Motion #2/**Membership Committee]

Levine introduced OCSM governing board member Francine Schutzman. Schutzman spoke of the different employee and tax classifications of musicians in Canada. Canadian Arts Council funding of orchestras requires a balanced budget of the recipient orchestras. Many orchestra managements balance their budgets by cutting musicians' wages and benefits. She reported on the fragile condition of the Toronto Symphony, which

is almost out of money and has no conductor or executive director. Kitchner-Waterloo is on strike to protect 17 positions in the orchestra.

Conductor Evaluation Report

Levine introduced Tom Hall [Chicago Symphony], who reported on the Conductor Evaluation Program in the absence of Bill Buchman [Chicago Symphony]. Hall expressed concern that only about half of ICSOM orchestras actually participate in the program and submit conductor evaluations.

Nominating Committee Report

Hall also presented the report of the Nominating Committee. The other two members of the Nominating Committee were Herb Winslow [St. Paul Chamber Orchestra], chair, and Debbie Torch [San Antonio Symphony]. The Nominating Committee placed into nomination the names of Robert Levine [chair], David Angus [president], Lucinda-Lewis [secretary], Stephanie Tretick [treasurer], and Marsha Schweitzer [editor]. In keeping with the requirements of ICSOM bylaws, Hall asked for additional nominations from the floor. There were no additional nominations. Nominations remained open.

Chairman's Report

Levine reported on the activities of ICSOM during the past year. He discussed the end of the local trusteeship in Louisville and the accomplishments of the musicians of the Louisville Orchestra. Levine stated that the governing board had been discussing the subject of how ICSOM has changed and what ICSOM's future purpose and responsibilities should be. He described ICSOM's past accomplishments and all of the changes in the field which came about as a result of ICSOM's efforts. Levine outlined several areas of responsibilities of ICSOM: **Advocacy** for symphonic musicians to the field and to society; **Representation** of symphonic musicians within the AFM, Strike Fund, national media agreements; **Providing Information** of all kinds to orchestras; **Advice** through direct contact with members and at conference through workshops and other presentations. He spoke of the unspoken and implicit negative bias ICSOM has had toward managements and toward the AFM and questioned whether this was always the most productive attitude and argued for the open discussion and resolution of such biases. He spoke of several areas which ICSOM had not addressed, such as musician/conductor relationships and diversity. He expressed concern that conference information was not getting back to member orchestras. Levine asked whether ICSOM needed to take positions on issues which may not be popular with its membership; should communications be done over the Internet; should ICSOM do more networking; should ICSOM lead the field; does the field need three player conferences or player conferences at all; should there be more membership input; where are the future leaders of ICSOM? In conclusion, he stated that the current times were good for orchestras, but that the orchestra industry was cyclical by nature, and that we needed to prepare for the next downturn.

Thursday Morning, August 24

Levine introduced Tom Hall, who asked for additional nominations for the five executive offices. There were no new nominations. Nominations remained open.

Presentation: *Bargaining by the Numbers*

ICSOM Counsel Leonard Leibowitz introduced Ron Bauers, who made a presentation on interpreting the financial condition of a symphony association. [Accompanying documents were provided for this presentation.] Bauers stated that the best financial data on an orchestra are its **annual audited reports**. Audited reports are prepared by an objective third party, and the auditors must be given access to any information they request. He said that an orchestra's **990 tax returns** are not as good because they do not contain cash flow and can be prepared by anyone, including someone in management. **Management reports** are also not good because they contain financial assumptions and are not reliable. Only examining the complete report, including the auditor's report, will be beneficial. It is most important for the audited report to contain an opinion. If it includes a **disclaimed opinion**, or a **going concern paragraph**, it indicates a serious problem. Bauers explained the areas covered in an audited report and how to analyze the information.

Thursday Afternoon

Presentation: *Bargaining by the Numbers*, continued

ICSOM Counsel Leonard Leibowitz introduced William Thompson, who provided an overview of how musicians can utilize the financial information of their orchestra in collective bargaining and for public relations. [Accompanying documents were provided for this presentation.] Thompson discussed how financial analysis and media strategies were used successfully by the Louisville Orchestra musicians. He suggested that musicians keep a year-by-year, line-item financial history of their orchestras. Thompson said that orchestra committee should always use management's numbers and facts to attack management's negotiating position.

Leibowitz stated that much of this kind of monetary analysis is largely for the benefit or edification of the public or members of the board, and said that Ron Bauers was available to do financial analysis on any orchestra. To have a Bauers' audit done, a letter to SSD from an orchestra's local officer is required. Florence Nelson announced that cost-of-living comparisons and other helpful, relevant financial negotiating information was available on the AFM's website.

Thursday Evening

Thursday evening's session was reserved as an open forum between the ICSOM Governing Board and ICSOM delegates. Because of the confidential nature of the discussion, this session was not documented.

Friday Morning, August 25

Presentation: *ICSOM's Role in the Orchestra Industry*

ICSOM chair emeritus Fred Zenone and Paul Boulian conducted an open forum on ICSOM's role in the symphonic industry.

Zenone began by speaking of the past accomplishments and successes of ICSOM. Boulian asked how or if ICSOM should be involved in the lives of musicians and in the field. Zenone and Boulian posed several interactive questions to the delegates ranging from management-labor relations within symphony organizations to union-member relations.

Friday Afternoon

Tom Hall asked for further nominations for the five executive offices of ICSOM. There being none, the nominees, Robert Levine [chair], David Angus [president], Lucinda-Lewis [secretary], Stephanie Tretick [treasurer], and Marsha Schweitzer [editor], were declared elected by acclamation.

Panel Discussion: *Making Your Local More Democratic*

Members of the panel were Marsha Schweitzer, Stephanie Tretick, Brian O'Connor [RMA, Local 47], Bill Moriarity [President, Local 802 New York City] and Michael Largariticha [President, Local 677 Honolulu]. Leonard Leibowitz moderated the panel.

Moriarity detailed the history of Local 802 in New York City and the gradual democratic evolution of the local through the efforts of its membership. He said that Local 802 regards protecting all working musicians' rights to be the same, regardless of how much or how little a musician works.

O'Connor began by describing a situation that occurred ten years earlier in Local 47, Los Angeles, over a theater contract being negotiated by the local at the time without any input from theater musicians and which was not favorable to the musicians. O'Connor's actions put him in conflict with the local. When the local began attacking him, he sued. The matter was finally settled out of court after a new local leadership had been elected. O'Connor acknowledged the support and help he received from other local members. He said the experience made him much more inclined to work for the union.

Tretick spoke of her experience as a member of the Baltimore local while in the Baltimore Symphony. She described the Baltimore local as well run and collegial. After joining the Pittsburgh Symphony, she became active in the Pittsburgh local and found it to be poorly run and divided. She participated in the effort to rewrite the local's bylaws to bar contractors from serving on the local's board. The Pittsburgh Symphony members made considerable strides to reform their local, and members of the orchestra had become local board members. She said that the working musicians in Pittsburgh continue to be very involved with the local and advocated that all working members be involved in improving the union. Tretick encouraged all delegates to run for AFM convention delegate.

Schweitzer detailed the history of the Honolulu local union. She said the local in Honolulu had been filled with nepotism and corruption. Mark Schubert [Honolulu Symphony] told of how the local had negotiated unfavorable symphony contracts. Efforts to reform the local came from within the local and activists in the orchestra.

Largariticha told of his first experiences with Honolulu Local 677 and how he and Milton Carter worked to defeat the local slate by informing and organizing the membership. He said that the members of the Honolulu Symphony are all very involved in the local. Schweitzer pointed out that there are former Honolulu Symphony members in all but four ICSOM orchestras, all of whom are active in their orchestra committees or locals.

Saturday Morning, August 26

Levine introduced the new president of ROPA, Ann Drinan, who made a few remarks.

Tom Hall recognized the accomplishments and contributions to ICSOM and to the field of former *Senza Sordino* editor Henry Shaw.

Presentation: *Internet Media Agreement*

Levine introduced Brad Buckley [ICSOM chair emeritus/St. Louis Symphony], who explained the new Internet Agreement. [Copies of the Internet Agreement and other related documents accompanied this presentation.] The AFM negotiating committee for the Internet negotiations were Ira Weller [Metropolitan Opera], Pat Daugherty [New York City Opera], Robert Levine [ICSOM chair], Jay Blumenthal [New York City Ballet], Laura Ross [ROPA secretary], Fionia Simon [New York Philharmonic], Bill Moriarity [Local 802], Bill Foster [National Symphony], Florence Nelson and Debbie Newmark [AFM SSD], and Brad Buckley [ICSOM Media chair].

Buckley said that the managers had wanted to make Internet media a subject for local bargaining. The Media Committee insisted upon a national agreement. Instead of using traditional bargaining, facilitation was used, and Paul Boulian acted as facilitator. In response to a question about why the Internet agreement ratification vote was taken so quickly, Buckley responded that the committee had heard that there were several Internet projects waiting to be done. Buckley responded to another question about why the ratification ballots were sent out to musicians during the time when so many orchestras were on vacation or on tour. Considerable information had been publicized, and, prior to the ballots being sent out, orchestra representatives were contacted about the specifics of the agreement. Buckley indicated that he understood the concerns over the ratification and regretted the controversy. He explained that only the institutions which had signed up to participate in the negotiations were sent ballots. Orchestras can work under this agreement if their employers become signatories.

Leibowitz added that the Union has the right under Federal labor law to establish its own ratification rules.

Buckley said that, unlike any other Federation media agreement, the Local Internet Oversight Committees [LIOC] are given a great deal of authority by the Internet Agreement. The Internet Agreement also includes a clause which states that any music recorded under the agreement may not be used to replace live musicians.

General discussion on the Internet media issues followed the presentation. Concern was expressed that the Internet Agreement would have a negative impact on other media agreements.

Buckley address the upcoming Audio Visual Agreement negotiations and said that notes of negotiation session would be posted on the Internet. He emphasized the importance of media information discussed at conference getting back to orchestras and committee chairs.

Levine introduced Henry Shaw, who offered a few remarks about the growth and importance of ICSOM. Shaw received a standing ovation from the delegates, officers, and guests.

Saturday Afternoon

Levine welcomed AFM President Steve Young. Young spoke of the advance of technology and the growing need for comprehensive media agreements. He reported that the AFM was in good financial shape. He predicted that there would be a strike in the Screen Actors' Guild next year which would have a serious impact on the RMA. He also spoke of the negative effect the Seattle Symphony has had on the recording work in Los Angeles. Young also discussed the strikes of SAG and AFTRA. Young urged all AFM members to register

to vote. He also encouraged musicians to contribute to TEMPO*. Young concluded by acknowledging the governing board of ICSOM and the efforts of the staff of SSD.

Panel discussion: *Internet Media Agreement*

Buckley continued the discussion on the new Internet Agreement. The agreement covers symphony, opera, and ballet works [not commercial work] but does not cover Canadian orchestras. It includes online streaming of product or on-demand streaming but does not include audio visual material [only audio], and does not permit the manufacturing of CDS. The Agreement is based upon the concept of shared decision making, risk, and reward. Local rates, higher than those set by the national agreement, may be negotiated locally by the LIOCs. A panel discussion on the agreement followed. Members of the panel were Jay Blumenthal, Brad Buckley, Gary Hanson [Associate Executive Director of the Cleveland Orchestra], Florence Nelson, Debbie Newmark, Robert Levine, and Laura Ross. There was a lengthy explanation of the provisions of the agreement. [ICSOM collected \$1000 for TEMPO during the conference.]

A special presentation was made to Louisville Conference Coordinator Trevor Johnson for his efforts in putting together the 2000 ICSOM Conference.

A special plaque was presented to Leonard Leibowitz recognizing his 30 years of service.

A motion to retain Leonard Leibowitz as legal counsel and to increase his annual retainer to \$34,000 carried. [Motion # 3/Governing Board]

A motion to hold the 2001 Conference in Vail, Colorado was presented. [Motion #4/Governing Board].

After a lengthy discussion about the benefits of holding annual conferences in ICSOM orchestra cities, Motion #4 failed.

A motion to appoint the governing board to accept host proposals and select a site other than Vail carried. [Motion #5/Ridge]

RESOLUTIONS

The following resolution urging orchestras and the AFM to include media language which would prohibit the use of tapes, CDs, or other recorded music to replace live music was adopted. [Motion #6/Governing Board]

Whereas, With the recent dramatic innovations in technology, sound reproduction has become ever better; and

Whereas, Labor disputes involving pit musicians have become more dangerous by virtue of the use of recordings by employers to displace live musicians; and

Whereas, The jobs of pit musicians are in jeopardy as a result of this displacement; therefore, be it

Resolved, That all symphony, opera, and ballet orchestras seek to have their contracts contain a provision prohibiting the use of tapes, CDs, or other recorded music to displace live music; and, be it further

Resolved, That AFM negotiators seek to include in all national media agreements a similar ban on such use.

The following resolution recognizing the many contributions of late president of Honolulu Local 677, Milton Carter, was adopted. [**Motion # 7/Governing Board**]

Whereas, Milton H. Carter, Jr., President of the Musicians' Association of Hawaii AFM Local 677, although not a symphony musician himself, established a policy in union administration that fully recognized the importance of symphony musicians in the life of the union and was dedicated to completely serving their needs; and

Whereas, Milton valiantly led Local 677 and the Honolulu Symphony Musicians through fifteen years of near-constant struggle, including two strikes, a 2½-year lockout, unrelenting bad faith bargaining and breaches of contract by management, and six landmark labor arbitrations, all decided in favor of the musicians, that established legal precedent to the benefit of all orchestral musicians; and

Whereas, Milton understood the need for community collaborations to fully realize employment opportunities for his members and enhance the quality and security of such employment, and therefore established close and mutually beneficial relationships with the Hawaii State Legislature; the Honolulu City Council; the Hawaii State AFL-CIO; other major unions, in particular, the hotel workers [HERE], longshoremen [ILWU], stagehands [IATSE], screen actors [SAG], and government workers [HGEA, UPW]; and served on the Board of Directors of the IATSE Pension Fund, the Hotel and Travel Industry Federal Credit Union [Local 5 HERE], the Aloha United Way, and the Hawaii State AFL-CIO; and

Whereas, Milton understood that members are served when the interests of the organizations that employ them are served, and therefore actively advocated the cause of the Honolulu Symphony in the community, intensely lobbying for arts legislation at the Hawaii State Legislature and the various city and country councils, advocating and fundraising for the Honolulu Symphony among labor and other community organizations, and generously contributing his own personal funds; and

Whereas, Milton established at Local 677 a style of social unionism that sought to serve all the needs—economic, emotional and spiritual—of his members, and which recognized the worth of musicians not just as workers, but in their totality as precious creative human beings; and

Whereas, Milton's administration demonstrated that the principle of union solidarity, simply and equitably applied, had the power to harmoniously serve the needs of all musicians, symphony and non-symphony alike, and foster true respect and appreciation among all members of the local; and

Whereas, Milton gave unparalleled personal devotion to his members, including his orchestra musicians, as manifested by unlimited commitment of his time, energy, spirit, and money to their health and well-being; and

Whereas, Milton lived a life of humility, dignity, humor, and grace that led by example, commanding unreserved loyalty and devotion from musicians, bringing to musicians the honor and respect of employers, government officials, labor leaders, and all others he touched, and making him not only a brilliant leader, but also a servant of his members; and

Whereas, Milton H. Carter, Jr., suddenly passed away on April 25, 2000; therefore, be it

Resolved, That ICSOM, its member orchestras, and their delegates extend to all the officers, directors and members of the Musicians' Association of Hawaii and to the family of Milton H. Carter, Jr., our deepest

sympathy and condolences, recognizing that Milton's death is a profound loss to all our orchestras and to all of labor; and, be it further

Resolved, That ICSOM shall make a charitable contribution to the Milton H. Carter Endowment Fund of Live Music Awareness, or as otherwise directed by the Musicians' Association of Hawaii, that will help perpetuate the programs that Milton initiated and supported to better the lives of musicians.

It was asked what the amount of the contribution to the Fund. Levine responded that the governing board would examine the issue and make a decision.

The following resolution directing the ICSOM governing board to form a new ICSOM corporation and transfer the assets of ICSOM to ICSOM, Inc., was adopted. [**Motion #8**/Governing Board]

Whereas, The current legal structure of ICSOM has caused ongoing confusion at the Internal Revenue Service (IRS), causing, in turn, the waste of much time in annual explanations by ICSOM officers and ICSOM legal counsel; and

Whereas, The current legal structure does not contain sufficient protection against individual liability of officers and agents of ICSOM; and

Whereas, The Governing Board of ICSOM has recommended that the assets of ICSOM, including, without limitation, its treasury, the Emergency Relief Fund, *Senza Sordino*, and all good will, be transferred to a new corporate entity formed pursuant to Section 501(c)(5) of the IRS Code, and that such new corporation assume all rights and obligations of ICSOM, including its status as a conference of the AFM; therefore, be it

Resolved, That the delegates to the 2000 ICSOM Conference, meeting in Louisville, Kentucky, adopt and ratify the recommendation of the ICSOM Governing Board to form a new corporate entity for ICSOM; to seek and obtain an IRS determination letter approving such corporate entity as a labor organization under Section 501(c)(5) of the IRS code; to transfer all assets, including, without limitation, ICSOM's general treasury, Emergency Relief Fund and Memorial Fund assets, *Senza Sordino*, and good will connected therewith, to the new corporate entity; and to seek approval from the AFM for the transfer to the new corporation of the player conference status of ICSOM.

The following resolution expressing birthday regards to I. Philip Sipser was adopted. [**Motion #9**/Governing Board]

Whereas, I. Philip Sipser was ICSOM legal counsel for over 15 years; and

Whereas, Phil Sipser has also represented virtually every major orchestra; and

Whereas, Phil Sipser's impact on ICSOM and on the entire orchestral field cannot be overstated: and

Whereas, September 2, 2000, is Phil Sipser's 82nd birthday; therefore, be it

Resolved, That the delegates to the 2000 ICSOM conference express to Phil Sipser their love and admiration and wish him good health and the happiest of birthdays.

The following resolution directing the ICSOM governing board to work with all allies to prevent changes in the federal estate tax laws which are not friendly to non-profit organizations was adopted. [**Motion #10/Governing Board**]

Whereas, The proposed abolition of the federal estate tax may have a calamitous impact on the ability of non-profit organizations to raise money, especially for capital and endowment funds; therefore, be it

Resolved, That the ICSOM Governing Board be directed to work with the AFM, the American Symphony Orchestra League, and any other potential allies to ensure that any changes in federal tax law regarding estate taxes be crafted so as not to undermine the uniquely American non-profit sector, which has done so much to ensure the physical, cultural, intellectual, and spiritual health of all American citizens.

The following resolution directing the ICSOM governing board to work with the other Player Conferences and Symphonic Services to explore the possibility of an international Unity Conference in 2002 was adopted. [**Motion #11/Governing Board**]

Whereas, The 1998 Unity Conference produced numerous opportunities for sharing of information and experience amongst the delegates from the various Player Conferences; and

Whereas, The convening of the three symphonic Player Conferences in one venue at the same time in a second Unity Conference will enable the Player Conferences and the AFM's Symphonic Services Division to maximize the impact of their resources in presenting information and instruction to the delegates; and

Whereas, The convening of such a symphonic Unity Conference would provide a logical opportunity to invite the representatives of orchestras; from other countries to discuss issues of mutual concern in an increasingly globalized cultural and media environment; therefore, be it

Resolved; That the ICSOM Governing Board be directed to work with ROPA, OCSM, and the Symphonic Services Division of the AFM to plan such an event for the summer of 2002; and, be it further

Resolved, that such a plan include not only the logistical details of such a conference, but also a proposed agenda and set of goals; and be it further

Resolved, That such a plan be brought to the 2001 ICSOM Conference for the approval of the delegates.

The following resolution recognizing former ROPA chair Andrew Brandt was adopted. [**Motion #12/Governing Board**]

Whereas, Andrew Brandt served as an officer of the Regional Orchestra Players' Conference for many years, culminating in six years of distinguished service as ROPA's president; and

Whereas, Andrew Brandt worked tirelessly with the leadership of the other Player Conferences of the AFM to improve the situation of symphonic, recording, and theater musicians within the AFM; therefore, be it

Resolved, That the delegates to the 2000 ICSOM Conference thank Andrew Brandt for his service to musicians, congratulate him on the completion of his term as ROPA President, and offer him their warmest wishes upon his retirement from ROPA office.

The following resolution calling upon the AFM to develop educational union programs for conservatory students to appoint a joint task force to study ways of educating music students was adopted. [**Motion #13/Governing Board**]

Whereas, During the ongoing Atlanta Ballet Orchestra strike, the musicians of the Atlanta Ballet Orchestra are currently being replaced by musicians who are students and other; and

Whereas, These replacement musicians may have agreed to accept this scab employment, due to their lack of knowledge or misunderstanding of the American Federation of Musicians; and

Whereas, Nationally, lack of knowledge or misunderstanding of the American Federation of Musicians by conservatory students and entry-level professionals is at an alarming level; and

Whereas, Action is needed to reverse this condition, lest there be serious ramifications for other orchestras, as has happened with the Atlanta Ballet Orchestra; and

Whereas, The American Federation of Musicians must take the lead in developing an effective program to reach out to conservatory students and through its locals; therefore, be it

Resolved, That a joint task force consisting of members of the Player Conferences and the American Federation of Musicians be appointed and convened for the purpose of studying the aforementioned problems and for making recommendations for needed action to the player Conferences and to the International Executive Board of the American Federation of Musicians.

The following resolution calling upon the AFM to research methods to enhance the participation of working musicians in the governance of the union was presented. [**Motion #14/Governing Board**]

Whereas, Musicians belonging to the American Federation of Musicians work in a wide variety of circumstances, including freelance musicians, symphonic musicians in large and small orchestras, and recording musicians in every genre; and

Whereas, Musicians belonging to the American Federation of Musicians vary widely in the amount of professional work available to them, ranging from musicians who are able to perform professionally on an intermittent basis to musicians who are able to perform professionally on a full-time basis; and

Whereas, Musicians who work in these varying circumstances have varying needs for union services and varying ideas about the policies and directions that are most appropriate for the American Federation of Musicians is based on the fact that the Federation is composed of over 250 affiliated local unions and is tied directly to the representation of those local unions at the biennial Convention; and

Whereas, The governance structure of the American Federation of Musicians did not specifically provide for the input of the member musicians based on the needs and views they developed in their particular working circumstances; and

Whereas, The Player Conferences were created in order to give working musicians a voice in the union that was specifically tied to their needs and experiences in their particular workplaces; and

Whereas, It is important for the future growth and relevance of the American Federation of Musicians that the varied needs of working musicians be addressed, and the time has come for their participation in the union governance system to be enhanced; therefore, be it

Resolved, That the American Federation of Musicians International Executive Board, in cooperation with the Player Conference Council, research methods to enhance the participation of working musicians in the governance of the union, with the goal of making appropriate recommendations to the 2001 Convention.

A motion to amend **Motion #14** to read: **and, be it further**

***Resolved*, That in no case shall the ICSOM governing board agree to IEB representation on the International Executive Board specifically limited to or intending to represent the specific interests of symphonic, recording, and theater musicians unless all AFM Player Conferences are represented on the IEB and unless their representatives are elected directly by the Player Conferences and not by the AFM Convention. [Motion #15/Weber]**

After a lengthy discussion, **Motion #15** carried.

Motion #14 was adopted as amended.

The following resolution directing the ICSOM Governing Board to propose an amendment to the AFM Bylaws at the 2001 AFM Convention that would bar AFM locals from preventing members or officers from participating in discussions of or voting on issues that directly impact bargaining units of which they are members carried. [**Motion #16/Stutsman**]

Whereas, It is a fundamental premise of union democracy that rank-and-file musicians should have the right to participate in union governance, including the right to serve on the boards of their local and international unions; and

Whereas, The right to participate in union governance is meaningless unless rank-and-file representatives can participate in discussions of, and vote on, issues that directly impact bargaining units of which they are members; and

Whereas, The American Federation of Musicians is widely recognized within the American trade union movement as having moved peacefully and progressively to institute the principles of union democracy; therefore, be it

Resolved, That the ICSOM Governing Board be directed to propose an amendment to the AFM Bylaws at the 2001 AFM Convention that would bar AFM locals from preventing members or officers from participating in discussions of or voting on issues that directly impact bargaining units of which they are members.

There was a discussion about whether a bargaining unit member voting on a matter affecting his orchestra was a conflict of interest.

After considerable discussion, **Motion #16** was adopted.

The following resolution directing the ICSOM Governing Board to study the possibility of tracking top-level managerial staff was adopted. [**Motion #17**/Blythe Tretick]

Whereas, Orchestra top-level managerial staff hold positions of significant importance in orchestras; and

Whereas, It is important for ICSOM orchestras to know the history of prospective top-level managers; and

Whereas, ROPA has a system of tracking top-level managerial staff; therefore, be it

Resolved, That the ICSOM governing board study the possibility of ICSOM tracking top-level managerial staff, including an examination of the system used by ROPA, and report back to the delegates attending the ICSOM conference in 2001.

New business

It was suggested that some of the *pro forma* motions and resolutions could be presented earlier in the conference and follow up information on all resolutions should be made at the next conference.

Levine stated that, while it might be desirable to present some resolutions earlier in the conference, ICSOM bylaws describe the order of business of the annual conference.

There was a discussion about the inaccuracy of some of the entries on the AFM Wage Chart.

There was a question whether there were any orchestras which had rehearsals taped and the tapes later used for non renewal.

John Paul Lindberg thanked the ICSOM Conference for granting membership to the Virginia Symphony.

Levine recognized the efforts of the Governing Board, Secretary Lucinda-Lewis, Conference Coordinator Trevor Johnson, and the Louisville Orchestra committee for their work in preparing the conference. He also thanked Tom Hall for his assistance.

Levine asked for further items of good and welfare. There being none, a motion to adjourn the 2000 ICSOM Conference carried. [**Motion #18**/Chair]

Submitted
November 23, 2000
Lucinda-Lewis
ICSOM Secretary