

41st Annual ICSOM Conference
Vail, Colorado
August 20-23, 2003

Wednesday, August 20, 2003

ICSOM chairman, Jan Gippo (St. Louis Symphony) called the meeting to order at 1:00PM MDT and welcomed the delegates and introduced the Governing Board, ICSOM Counsel and Conference Coordinators:

Brian Rood, ICSOM president (Kansas City Symphony)
Michael Moore, ICSOM treasurer (Atlanta Symphony Orchestra)
Laura Ross, ICSOM secretary (Nashville Symphony Orchestra)
Tom Hall, editor of *Senza Sordino* and conference coordinator (Chicago Symphony Orchestra)
Jay Blumenthal, ICSOM governing board member-at-large (New York City Ballet Orchestra)
Paul Ganson, ICSOM governing board member-at-large (Detroit Symphony Orchestra)
Richard Levine, ICSOM governing board member-at-large (San Diego Symphony Orchestra)
Mary Plaine, ICSOM governing board member-at-large (Baltimore Symphony Orchestra)
Leonard Leibowitz, ICSOM legal counsel
Robert Levine, assistant conference coordinator (Milwaukee Symphony Orchestra)

Roll call read by the ICSOM Secretary:

Alabama Symphony Orchestra	Jeff Solomon
Atlanta Symphony Orchestra	Michael Moore
Baltimore Symphony Orchestra	Mary Plaine
Boston Symphony Orchestra	Lawrence Wolfe
Buffalo Philharmonic Orchestra	Robert Prokes
Charlotte Symphony Orchestra	Hollis Ulaky [for Bob Rydel]
Chicago Lyric Opera Orchestra	Linda Baker
Chicago Symphony Orchestra	Rachel Goldstein
Cincinnati Symphony Orchestra	Martin James
The Cleveland Orchestra	Henry Peyrebrune
Colorado Symphony Orchestra	Kenneth Harper
Columbus Symphony Orchestra	Andy Millat
Dallas Symphony Orchestra	James Nickel
Detroit Symphony Orchestra	Brian Ventura
Florida Orchestra	Warren Powell
Florida Philharmonic Orchestra	Jay Bertolet
Fort Worth Symphony Orchestra	Rosalyn Story
Grant Park Symphony Orchestra	Michael Shelton
Honolulu Symphony Orchestra	Mark Schubert
Houston Symphony Orchestra	David Waters
Indianapolis Symphony Orchestra	Nancy Agres
Jacksonville Symphony Orchestra	John Wieland
Kansas City Symphony	Brian Rood
Kennedy Center Orchestra	Nancy Stutsman
Los Angeles Philharmonic	Meredith Snow
Louisville Orchestra	Trevor Johnson
Metropolitan Opera Orchestra	Larry Wechsler
Milwaukee Symphony Orchestra	Helen Reich
Minnesota Orchestra	Paul Gunther [for Julie Ayer]
Nashville Symphony Orchestra	Bruce Christensen
National Symphony Orchestra	Jennifer Cline
<i>New Jersey Symphony Orchestra</i>	<i>not attending</i>
New York City Ballet Orchestra	Jay Blumenthal
<i>New York City Opera Orchestra</i>	<i>not attending</i>
New York Philharmonic	Kenneth Mirkin
North Carolina Symphony	Elizabeth Lunsford
Oregon Symphony Orchestra	Erin Furbee
Philadelphia Orchestra	John Koen [for Robert Grossman]

Phoenix Symphony Orchestra	John Lofton
<i>Pittsburgh Symphony Orchestra</i>	<i>on tour – not attending</i>
Rochester Philharmonic Orchestra	David Angus
Saint Louis Symphony Orchestra	Tina Ward
Saint Paul Chamber Orchestra	Leslie Shank
San Antonio Symphony	Dan Zollars
San Diego Symphony Orchestra	Thomas Morgan
San Francisco Ballet Orchestra	Jeff Budin [for Brian Lee]
<i>San Francisco Opera Orchestra</i>	<i>negotiating – not attending</i>
San Francisco Symphony Orchestra	Cathy Payne
Syracuse Symphony Orchestra	Angel Sicam
Utah Symphony Orchestra	Lynn Maxine Rosen
Virginia Symphony	Rebecca Gilmore Shoup

Jan Gippo introduced additional attendees (some arrived later during the conference):

Bill Foster, ICSOM Electronic Media Committee chairman (National Symphony Orchestra)

OTHER AFM PLAYER CONFERENCES:

Barbara Zmich, president, Regional Orchestra Players Association (ROPA)

Rob McCosh, former president, Organization of Canadian Symphony Musicians (OCSM)

Phil Ayling, president, Recording Musicians of America (RMA)

Phil Yao, Recording Musicians of America – Los Angeles (RMA-LA)

AMERICAN FEDERATION of MUSICIANS:

Tom Lee, AFM president

Harold Bradley, AFM vice-president; president, Local 257, Nashville TN

Florence Nelson, AFM secretary-treasurer

Bobby Herriot, AFM vice-president from Canada

Hal Espinosa, AFM IEB, president, Local 47, Los Angeles CA

Ray Hair, AFM IEB, president, Local 72-147, Dallas-Fort Worth TX

Mark Jones, AFM IEB, president, Local 92, Buffalo NY

Ed Ward, AFM IEB; president, Local 10-208, Chicago IL

Janice Galassi, director, Symphonic Services Division (SSD)

Eric Beers, AFM SSD, contract administrator

Chris Durham, AFM SSD, negotiator

Nathan Kahn, AFM SSD, negotiator

Deborah Newmark, AFM SSD, director, Symphonic Electronic Media

Laura Brownell, director, Symphonic Services Division (SSD) in Canada

OFFICERS OF AFM LOCALS:

Douglas Fisher, president, Local 103, Columbus, Ohio

John Grimes, vice president, Local 9-535, Boston MA

John Lindberg, president, Local 125, Norfolk VA

Jose Martin, president, Local 555, San Juan PR

William Moriarity, president, Local 802, New York City, New York

David Schubach, vice president, Local 47, Los Angeles CA

SPEAKERS and PANELISTS:

Michael Kaiser, president, John F. Kennedy Center for the Performing Arts

Peggy Leibowitz, attorney and “Lenny’s lovely wife”

OBSERVERS and OTHER GUESTS:

Sean Brumble, Kansas City Symphony

Peter Hansen, Indianapolis Symphony Orchestra

Steve Flanter, Honolulu Symphony Alternate Delegate

Scott Janusch, Honolulu Symphony Orchestra committee chair

Tom Kornacker, St. Paul Chamber Orchestra committee chair

Stephen Lester, Chicago Symphony Orchestra Members committee chair

Eric Wicks, Chicago Symphony Orchestra

Alexis Sánchez-Ortiz, observer (elected delegate), Puerto Rico Symphony Orchestra

Diane Moriarity, wife of Bill Moriarity

San Antonio Symphony request to forgive payment of 2002-03 dues [*Motion #1 to forgive San Antonio dues - Mary Plaine/Henry Peyrebruen*] - Unanimous Approval

2002 Conference Minutes were approved.

Jan Gippo, Chairman's Report

Chairman Gippo outlined his activities and travel during the past year beginning with trips to Los Angeles, Cleveland, Chicago and New York in an effort to deal with perceived disenfranchisement by some member orchestras. He spoke about the breakdown of the Electronic Media Forum (EMF) that led to the Electronic Media Summit in Chicago (with thanks to President Tom Lee and our Local officers) and the appointment of a new ICSOM Electronic Media Committee.

His visit to Houston with Len Leibowitz last fall reaffirmed, in his eyes, the viability of ICSOM. Chairman Gippo also spoke of the continued need for communication between delegates and the ICSOM Governing Board. He spoke about ICSOM's participation during the AFM Convention. He briefly discussed ICSOM's relationship with the American Symphony Orchestra League (ASOL.)

Chairman Gippo spoke about the early distribution of conference resolutions to allow discussion prior to the final day of the conference and briefly discussed the status of the 2002 resolutions.

The chairman has identified two issues of importance he wishes to focus on during his tenure: (1) increasing ICSOM's participation in legislative action through increased TEMPO contributions to help promote live music and symphonic music, and (2) musicians developing a true understanding of financial analyses of our orchestras to hold our managers and boards accountable. He expressed his gratitude to the Governing Board members for their work ethic and good will.

Brian Rood, President's Report

President Rood spoke briefly about the Chicago Electronic Media meetings, one of which was an ICSOM President's Council meeting. He thanked Michael Moore for agreeing to serve as Conductor Evaluation Program administrator. He spoke about his attendance at the ASOL Conference and his discussions with former ICSOM officers.

President Rood spoke about Governing Board participation at the AFM convention. He, Jan Gippo, and Jay Blumenthal attended as ICSOM delegates; Len Leibowitz and Paul Ganson attended as guests to assist in lobbying efforts; and Michael Moore, Laura Ross and Mary Plaine attended as Local delegates. Along with successes in dealing with legislation that directly concerned the player conferences, President Rood acknowledged the RMA's contributions and sacrifices in regard to the financial package that was approved. He read the letter from AFM Finance Committee Chair Harry Chanson to the International Executive Board (IEB) that reaffirmed the Finance Committee's commitment for additional funding to Symphonic Services Division (SSD), and he also mentioned efforts to lobby Bill Moriarity and his Committee for input on local officer appointments to the Futures Committee.

President Rood closed by reminding delegates about their duties and responsibilities.

Get-well cards to Richard Totusek and San Francisco Ballet Delegate Brian Lee were available for delegates and guest to sign.

Laura Ross, Secretary's Report

Secretary Ross spoke about her duties facilitating communication within ICSOM, as well as production and distribution (or posting on www.icsom.org) of both conference and governing board minutes. She asked for more assistance from delegates when providing information not only for settlement bulletins but other bulletins. Many orchestras post information on Orchestra-L but do not follow up with bulletins, which are distributed to a much wider audience.

Secretary Ross mentioned her participation during the AFM convention, her attendance representing ICSOM at the ROPA Conference, and post-conference ratification by the orchestras concerning the proposed changes to ICSOM bylaws.

Michael Moore, Treasurer's Report

Treasurer Moore discussed the changes implemented regarding officer accounts, travel and reimbursement policies, and the budget for the past season. ICSOM incurred a deficit last year, partially by forgiving the dues of one orchestra. Spending on important projects and increased costs also contribute to the need to increase dues at this time. The previous dues increase was in 1987. If the dues increase passes, ICSOM will be able to fund the programs needed.

He also addressed reinstating ERF payments that were temporarily suspended, diverting all dues to the general fund. He addressed expenses and asked that dues be sent earlier to minimize cash flow problems.

Tom Hall, Senza Sordino Editor's Report

Editor Hall explained the production collaboration for *Senza Sordino* during the past season. Tom solicited articles from officers and delegates and edited the text, Robert Levine handled typesetting and printing, Laura Ross maintained the *Senza Sordino* mailing list, and Michael Moore billed the subscribers.

Tom Hall spoke about his participation on the governing board during the past season stating that it was an honor to serve with an astonishing group of people. He outlined the theme of the conference – “Getting Back to the Basics and Looking Toward the Future”. Some of ICSOM’s orchestras are perilously close to the precipice. When orchestras are faced by these threats ICSOM members can send money and letters of support. There are questions about the increased participation by musicians in governance, some of which will be addressed during the St. Paul Chamber Orchestra presentation. What will be the future of electronic media? Will the relationship between musicians and their union be a replay of the past – dues increasing but services decreasing? One ICSOM orchestra left years ago and one nearly left this year. Does anyone care? Collective action is the way to accomplish things effectively. ICSOM must act at the highest possible level together. When our members negotiate provisions that compromise other orchestras, collective action fails. If an orchestra doesn’t communicate failures and successes, collective action fails. He reminded the delegates that they need to care about each other because if they don’t, ICSOM will fail and orchestra musicians will suffer. He urged the delegates to affirm their collective action.

Member-At-Large Reports

Jay Blumenthal discussed the Governing Board’s goal to heal the institution, the effect of board member resignations during the previous season, the improved communications (conference calls, e-mails, posted minutes of all phone calls, and the creation of Media-L and Delegate-L), and ICSOM’s role in the AFM convention. ICSOM was able to assist in defeating a resolution that would have changed the current practice of Locals paying for the annual expenses to send a delegate to the ICSOM conference to covering expenses every other year; of reducing the proposed dues increase to the AFM of .25% to .05%; participation on a Futures Committee, and acknowledgement that SSD is understaffed and under-funded. ICSOM was unsuccessful in assuring the appointment of a symphonic representative as an AFM-EPF (pension fund) trustee. ICSOM musicians need to be better educated about the importance of the AFM convention.

Paul Ganson joined the Governing Board in late December. His first ICSOM Conference was 35 years ago in Detroit as the Dallas Symphony delegate. Since then salaries have increased by 10 times but others things have not changed at all. He asked that the delegates evaluate how ICSOM is doing and decide if things should be done differently to meet with the challenges we face.

Mary Plaine expressed her pleasure participating on the best Governing Board she has ever served on. She urged orchestras facing problems to contact the Governing Board to better understand the issues. Members-at-Large contact the delegates from time to time, but delegates should also be contacting MALs. Delegates must also report back to their orchestras and locals. For ICSOM to champion musicians’ rights delegates must share their knowledge. Mary stated she would not seek re-election.

Richard Levine spoke about the reassigning of orchestras to MALs and about the need to increase delegate participation in addressing the problems facing our industry.

Keynote Speaker Bill Moriarity, President, Local 802, New York City

President Moriarity spoke about his trade-union background, his belief that those who do the work are the equals of those who finance the work, and the fear that if we do not communicate with our new members about their importance that we could return to a time when the lives of those who attended union meetings were in jeopardy. He mentioned the tensions between our musicians and the AFM by pointing out that it is the job of a player conference to advocate for its members even though budgetary restraints may cause conflict when the AFM cannot meet all their needs.

Moriarity spoke about the financial package approved at the 2003 AFM Convention. He explained how the Joint Law & Finance Committee reconciled all the resolutions and recommendations to formulate the final proposal that will radically change the way the AFM will be funded in the future. He said the convention solidified the AFM much more than it has been in the past, pointing out that the AFM has a difficult balance to maintain servicing a membership where the majority of the membership does not work consistently in the industry while still providing services for those who do. He spoke about how the additional monies should be spent since there is a need to increase the size of the staff to meet the needs of those working under Collective Bargaining Agreements (CBAs) in Electronic Media and Symphonic. The player conferences will advocate for increased change, while the IEB will not have all the money necessary, especially since they must also provide services to encourage collective activity.

Moriarity spoke about solidarity and the decline in the trade-union movement with its loss of membership and influence, also pointing out that the National Labor Relations Board (NLRB) is not our friend. The union has become

complacent and is now working to increase its influence and membership. The pervading attitude these days is entrepreneurial, and workers are suffering economically as deregulation and other means remove protections as businesses grow. He pointed out that there is solidarity among corporate leaders because they believe the same things and act in the same manner. He mentioned negotiations when time and again he faced the same lawyers who were representing different clients with the same demands. Moriarity also spoke of his current work with Michael Kaiser as San Antonio mediators. Even in San Antonio he was facing the same law firm. Our solidarity is all that will stop them. The government won't help; those who will help are the AFM and its locals, and ICSOM and its orchestras.

He touched on the problems facing our industry concerning job security, the AFM pension fund, and health insurance costs. We don't know what the future will bring except the guarantee that things will change. We must be in the forefront of those changes and in the faces of management, forcing them to hear us. He agreed that Ron Bauers' ideas about understanding our finances are important but what we do with that information afterward is up to us.

President Moriarity closed by stating that he is not running for re-election in Local 802 and that he has enjoyed his working relationship with the player conferences and musicians.

Mary Plaine and Robert Levine, *ICSOM Directory Report*

Robert Levine will take over production of the directory. Production will remain the same however there has been discussion about changing the mailing options, possibly to bulk mailing to every member.

ICSOM Emeritus Report

Abe Torchinsky has been the administrator but is stepping down. Michael Moore read a letter from Abe. Mary Plaine has agreed to take over the position. She discussed criteria for emeritus status and how to apply.

The following resolution (#16) for Abe Torchinsky was unanimously approved [*Motion #2/Governing Board*]:

Whereas, The ICSOM Emeritus Program has been one of the most meaningful of all ICSOM programs; and

Whereas, Abe Torchinsky proposed the creation of the ICSOM Emeritus Program in 1983 and has served as its administrator since its inception; and

Whereas, Abe Torchinsky's sensitivity and devotion to retired orchestra musicians is a model for everyone to emulate; and

Whereas, Abe Torchinsky has now announced his decision to step down as ICSOM Emeritus administrator after twenty years of dedicated service; therefore, be it

Resolved, That the ICSOM officers and delegates at the 2003 ICSOM conference express their profound admiration and gratitude to Abe Torchinsky for establishing and serving the ICSOM Emeritus program and wish him well upon his retirement from the post as ICSOM Emeritus Program administrator; and, be it further

Resolved, That the ICSOM Emeritus Program be renamed the Abe Torchinsky ICSOM Emeritus Program.

A plaque to be sent to Abe Torchinsky was read and displayed.

Membership Committee Report

The membership committee (Laura Ross-chair, Jay Blumenthal, Brian Rood) recommended accepting the Puerto Rico Symphony as an ICSOM orchestra. Membership was approved unanimously by the delegates. Local 555 President Jose Martin thanked ICSOM. Delegate Alexis Sánchez-Ortiz was seated with the delegates.

Janice Galassi, Director of Symphonic Services Division (SSD)

Director Galassi spoke about the activities in SSD this year, including the planning of and the participation in the two Chicago meetings concerning electronic media and the troubled orchestras. She spoke of SSD's working relationship with AFM Legislative Director Hal Ponder and its work for TEMPO. Orchestras are facing problems. They are dealing with negative press, while others are forming new orchestras (San Jose, Tulsa Philharmonic, Colorado Springs) to replace the old ones while some of our other orchestras continue to be successful. She spoke about former executive directors working with re-forming orchestras in Colorado Springs and Savannah as well as the problems in San Antonio and the Florida Philharmonic, where management has been unwilling to do its part to keep these orchestras in business. Musicians are being asked to help solve problems they did not create. Some orchestras have followed a collaborative model where changes include increased musician participation in artistic and personnel issues. Questions abound about where our own lines should be drawn: how many committees do we want to serve on; do we want to be full members of the board and raise funds; do we want to *be* management? We do not live in vacuums; managers are talking, and we need to be talking too.

Galassi expressed her thanks to those who advocated more staffing and financing at the AFM convention. SSD is thinly stretched, with Chris Durham, Nathan Kahn and Janice negotiating for 25 orchestras. Eric Beers deals with

airline problems, Nadine Silvester is overwhelmed, and Debbie Newmark needs an assistant. Laura Brownell handles Canada all by herself.

She spoke briefly about a few successful organizing campaigns and encouraged the delegates to work to achieve solidarity in our orchestras, with our colleagues, and with other unions.

Nominating Committee Report

Nominating Committee Chair Herb Winslow's report was read by Nancy Agres, who served on the committee along with Trevor Johnson. They placed four names in nomination for Member-at-Large:

Paul Ganson (Detroit), Jay Blumenthal (New York Ballet), Richard Levine (San Diego), and Nancy Stutsman (Kennedy Center). They place the name of Michael Moore (Atlanta) in nomination for the 1-year term as Treasurer, and Sam Bergman (Minnesota) in nomination for the 1-year term as *Senza Sordino* Editor.

Jan Gippo thanked the committee members for their work and opened the floor for additional nominations. There were no additional nominations at this time. Nominations remained open.

Thursday, August 21, 2003

Announcements included the departure of AFM Secretary-Treasurer Florence Nelson, due to her mother's illness.

Roll call (included newly seated Puerto Rico Symphony Orchestra)

Jan Gippo informed the delegates of Herb Winslow's resignation as a trustee of the AFM Strike Fund.

AFM Strike Fund Report

ICSOM Strike Fund Trustee Dave Angus's report included a reminder that Strike Fund rules are laid out in the AFM bylaws, Article 20 Section 13, and that changes to these rules require changing AFM bylaws. The past year was challenging since the trustees are charged with interpreting who can collect benefits and when. In one case, an orchestra took issue with the trustees' interpretation of the rules when the orchestra continued to play with no pay. Angus stated that the Strike Fund is not intended as unemployment compensation; it is a tool to get a contract. If an orchestra doesn't get paid, the management has an obligation to make payment at some time. He said, however, that if it is ICSOM's intention to change the strike fund rules, they have to be changed at an AFM convention.

Angus stated that the trustees have a fiduciary responsibility and must pay only when appropriate. He went on to report that financially this past season was bad, the fund had \$2.6 million as of the end of June. \$365,000 came in but over \$800,000 was paid out. In 1999, benefits were increased and a tiered system was instituted. If the fund goes below \$1,000,000, orchestras will be assessed an additional 50% of their premium immediately and the following year it would be a 150% premium in perpetuity.

Angus answered questions dealing with how the fund is invested (conservatively), and the possibility of clarifying some of the "gray areas" in determining payment during lockouts.

Jan Gippo announced that ICSOM must elect a new trustee to replace Herb Winslow. The Governing Board recommended Brian Rood. Nancy Agres nominated Brian Rood that was seconded by Leslie Shank. Brian Rood was elected by acclamation.

Dave Angus also spoke briefly about a program the Eastman School offers for leadership training and professional training via the web. Eastman is offering these courses free of charge to members of ROPA and ICSOM orchestras.

There were no additional nominations for Governing Board positions; nominations remained open.

Orchestra-L report

Robert Levine explained his duties as webmaster for ICSOM and answered questions and comments from delegates and guests concerning cross list posting and verification of status for participants on Orchestra-L.

He noted that an Orchestra-L policy will be posted periodically (see Saturday minutes.) A disclaimer will be included at the end of all postings except those that come directly from the ICSOM Governing Board. Subscribers sending articles and messages for posting will also be identified.

ICSOM Legal Counsel Report – Leonard Leibowitz

(see Legal Counsel Report in Delegate Manual)

Leibowitz – fondly known as Distinguished ICSOM Legal Counsel AKA DILC – outlined what he characterized as "one of the worst years [he] has ever had." Board fundraising seems to be defined as taking money out of musicians' pockets. Managements and boards in Louisville, San Antonio and the Florida Philharmonic were incompetent and lethargic. He pointed out that some good managers have been able to negotiate terms that are less beneficial financially

than those of the previous contract, but they have also agreed to reinstate all financial terms from that previous contract by the end of the new contract.

He pointed out that during these incredibly stressful situations, heroes emerged - leaders who stepped forward in very tough times. He specifically cited the contributions of Trevor Johnson in Louisville; Dan Zollars and Craig Sorgi in San Antonio; and Jay Bertolet, who was the voice of reason, and Geoff Hale in the Florida Philharmonic. He also mentioned Bill Moriarity's contributions to Broadway and his successful coalition building.

Back to Basics – The ABCs of CBAs – Leonard and Peggy Leibowitz

(see handout)

Peggy Leibowitz provided an arbitrator's point of view concerning contract language interpretation and intent in relation to grievance and arbitration. The intent of the language at the time of negotiations is what an arbitrator looks for. She discussed the steps an arbitrator will go through to make a decision: words, evidence of intent, and past practice.

Len Leibowitz pointed out that if the language is clear, past practice doesn't matter to the arbitrator.

He discussed the various clauses and suggested language in a collective bargaining agreement, also pointing out previous problems and issues orchestras have faced. He answered questions from delegates about their specific contract language. He also said that if either side wants to break past practice, it must state during bargaining that the particular past practice is over and must be negotiated.

[Grievance & Arbitration and Job Security covered on Friday evening.]

Barbara Zmich, ROPA President

President Zmich extended greetings from ROPA and spoke about the success of ROPA's recent conference, where it became clear to her that recent problems our orchestras are facing are due to troubled managers and troubled boards. She thanked ICSOM orchestras for their donations and support of their ROPA colleagues this past season, and she spoke about the need for good communication as well as ideas to reach out to the general public.

Rob McCosh, OCSM Past President *(Rob McCosh's speech reprinted in October 2003 Senza Sordino.)*

Rob McCosh sent greetings from newly elected president Francine Schutzman and spoke about the funding problems Canadian orchestras are facing, the lack of endowments and bad managers and boards.

Phil Ayling, RMA President

President Ayling spoke about his work with the rest of the Player Conference Council this season and the importance of building coalitions, pointing out that we are stronger when we work together even though our jobs are different. He said the player conferences are a necessary resource for the AFM and they support the majority of our AFM colleagues.

Tom Lee, AFM President

President Lee spoke about the importance of being active in addressing the present government administration's agenda through contact with legislators and active participation in national elections. He spoke about some of the issues AFM Legislative Director Hal Ponder, AFM Vice-President Harold Bradley and SSD contract administrator Eric Beers have been dealing with this past year. These issues include instruments on airlines, Copyright Arbitration Royalty Panel (CARP), piracy, and the effects of media consolidation. He urged that musicians become involved in controlling their destiny by helping to elect legislators who will address their issues. Locals are raising more TEMPO money and, unlike most other constituencies, the AFM has members in every district in the country.

President Lee also discussed the AFM emergency resolutions passed at the Convention, the working relationships with the AFL-CIO and many of their constituent unions (including the Broadway coalition), and recent public relations initiatives. He said the delegates to the AFM Convention confirmed how important it is to have a well funded, active, responsive union. He said the increased dues will go a long way to funding SSD, which is stretched, and are also needed to fund important meetings like the two held in Chicago this past year. The AFM needs to defend its members. He closed his remarks by recognizing the SSD staff for its incredible work.

Conductor Evaluation Report

Michael Moore (administrator) discussed improved reporting by Wayne State University, and he noted a change in policy concerning reporting results orally to musicians following an evaluation. Delegates were cautioned about the amount of information they report to the musicians. The hope is to increase the use of forms and the databank.

The report and its recommendations were adopted

There were questions and comments concerning use of internal forms, about the questions and answers on the current form, possible alternatives to fill out the form, liability, reasons to use the forms and databank, access to the bank and results, and who should receive the information.

Electronic Media Committee Report

Bill Foster (chair) expressed his delight with the new committee (Steve Lester, John Koen, Laura Ross, Paul Frankenfeld, Rich Weiner, Fiona Simon, along with *ex officio* members Jan Gippo and Brian Rood) and expressed his admiration for his predecessor, Brad Buckley.

He reported on the mission of the committee and its process and procedures, which include posting all minutes approved by the committee. He spoke about Media-L, established for posting articles and minutes, but which has not been as successful in the participation by subscribers on other topics. He asked all orchestras to appoint a media-savvy participant to Media-L and for other issues as required from time to time.

Foster discussed the results of the EMF tallies, the different participation rates within each conference and the process to receive a private copy of the results. He discussed the extension to the Symphony-Opera-Ballet Audio-Visual Agreement and the appointment of a new National Oversight Committee that includes AFM representatives Bill Foster, Steve Lester, Jennifer Munday (ROPA), Janice Galassi and Debbie Newmark (both SSD). He discussed some of the topics being evaluated by the ICSOM Media Committee.

Foster spoke about the committee's task to look at self-produced recordings – Limited Pressing and Radio to Non-Commercial are the promulgated agreements currently used. Some managers agree to sign these existing agreements while other managers try to change some terms, which makes the committee believe that it should explore the idea of negotiating a national agreement. However, the committee can't address it until it knows much more. People have strong opinions and are very open to listening to the various viewpoints. It is important to decide but progress is slow.

Foster said that Electronic Media Guarantees (EMGs) and Service Conversion have become very big issues this committee must address. CBAs have a great deal of variety in language and terms. We need to educate ourselves to figure out if there are solutions or recommendations. These subjects were raised in the new St. Paul Chamber Orchestra (SPCO) negotiations. AFM bylaws require that media language be approved by the AFM prior to ratification but SPCO language was difficult to understand. The AFM believed the new language was service conversion, so St. Paul agreed to remove it. The AFM's ruling was incorrect in interpretation and the result of these discussion is Resolution 18A (see Saturday report for text) that is unanimously recommended by the ICSOM Electronic Media Committee. The misunderstanding has been clarified because the compensation was via an EMG, but the extra days were an additional benefit.

There are still concerns about the St. Paul agreement, including the increase of the EMG and reduction of salary. EMGs continue to be controversial because many believe EMGs are service conversion.

There were questions for clarification about Resolution 18A and general comments about EMGs.

Bill Foster concluded by asking that when orchestras are approached for media work, delegates contact him and Debbie Newmark. ICSOM is not signatory to any agreement, the AFM is the signatory. Questions should be directed to Bill Foster, and he will direct delegates and committees to the appropriate places.

The evening session, a dialogue between delegates and governing board about any issues of concern, was closed and no minutes were taken.

Friday, August 22, 2003

Jan Gippo introduced guests from the Colorado Springs Philharmonic: Susan Greene (executive director), Diane Merrill (president, Local 154 and ROPA president emerita), and Alan Isaacson (chief spokesperson)

Roll call with delegates identifying their instrument.

Musicians interested in serving on new ICSOM Legislative Committee: John Koen, Nancy Stutsman, Jenny Cline, Leslie Shank, Helen Reich

Nancy Stutsman issued a challenge for each delegate to donate one day's *per diem* to TEMPO.

Nominations:

Michael Moore – elected treasurer by acclamation

Samuel Bergman – elected editor of *Senza Sordino* by acclamation

Member-at-Large - Henry Peyrebrune was nominated by Cathy Paine (in addition to previously nominated - Jay Blumenthal, Paul Ganson, Richard Levine, Nancy Stutsman)

Nominations were closed.

It was announced that the election of a MAL to serve as AFM convention delegate would follow the election of ICSOM officers.

Michael Kaiser, President of the John F. Kennedy Center for the Performing Arts (*Michael Kaiser's speech reprinted in October 2003 Senza Sordino*)

Michael Kaiser spoke about his role as an arts administrator and his obligation to represent everyone's interests, including an obligation to assure that staff and artists are well paid. He believes that many of the problems are a result of poor management, as many managers have no idea how to create revenue for their organizations. He spoke of his commitment, through the Vilar Institute, to provide more training to arts administrators. He also said he believes that board and staff leaders have been reacting in the wrong way to initial fiscal problems thus making it worse by their knee-jerk reaction to financial problems, cutting artistic programs instead of being more imaginative.

Kaiser spoke about his past experience and his role as a task force member working with Bill Moriarity and the San Antonio Symphony Orchestra (SASO.) He believes that high profile marketing and projects are what will make the SASO succeed, not shutting down for a year. He said aggressive marketing and visibility are key. He also spoke about difficulties managers and boards face with increased costs versus "lack of productivity" (halls with limited seat numbers, limited numbers of concerts to increase revenues), the gradual and deliberate reduction in public relations (e.g., Arts Sections in newspapers have become Style Sections), prohibitive costs for recording, spotty education programs, and the lack of radio and TV space. Kaiser spoke of the need to reevaluate and resolve the oversupply of orchestras in some cities and about the expansion of orchestra salaries and services in cities that may not be able to sustain them by addressing orchestra member education concerning arts administrators and financial know-how, support of artistic projects to increase visibility, relaxing rules for recording that could produce marketing value for outreach, oversupply of services through touring more cheaply, and the need for arts managers and board training.

Michael Kaiser answered questions from delegates and guests on a variety of issues, including **(1)** board and management responsibilities, training and oversight; **(2)** criteria for selecting board members; **(3)** the merit of musicians serving on boards; **(4)** the struggle to fill seasons; **(5)** donations with conditions; **(6)** dealing with concessions, and **(7)** dealing with a dysfunctional board.

He responded: **(1)** We assume managers and board members can be leaders but they, in fact, need training. Strong managers can convince board members that they can learn a great deal. He pointed out that no orchestra spends as much on marketing as big corporations do on parties. In many orchestras problems are caused not by bad management but by bad boards whose members don't have adequate education. They do not understand that our mission is not financial health. **(2)** Board member need to be responsive and generous, as they are charged with general oversight (not running the organization) and financial support, and they represent the orchestra in the community by giving and raising money. **(3)** Some boards have one member with financial resources who is the dominant force. Kaiser believes musicians should sit on boards so they can have some sort of early warning capability to investigate situations before they lead to concessions and bankruptcy. Musicians need to participate because they have a great deal of knowledge and influence that can be used effectively. As for the fear of being co-opted, there will always be tension but most board members genuinely care about the success of the organization. **(4)** Kaiser recommended filling empty weeks with creative alternatives like touring underserved areas. **(5)** Ground rules should be set in advance. If a donor's goal is the same as the organization's it should be considered, but in our case donors should not choose the art. **(6)** Any organization that is dealing with concessions must show how it is trying to fix the problem. **(7)** In San Antonio, even with musicians on the board, the orchestra had no resources left and were backed into a corner. Discussions should have occurred earlier. Kaiser believes a forum for discussion should be built into a contract to deal with problems much earlier, before they lead to concessions.

Kaiser closed by thanking the attendees for their hard work and encouraged them to continue to put pressure on their boards and managers.

Jay Bertolet asked for a point of personal privilege to announce that the Florida Philharmonic had been extended another 30-day grace period in Chapter 11, not Chapter 7.

AFM President Tom Lee announced the appointment of Phillip Yao to replace David Schwartz as the new rank-and-file AFM-EPF trustee. Lee then answered questions from the delegates. Questions and answers covered the following topics: **(1)** recipients of TEMPO funds go to candidates who are in key positions on key committees, and strategic candidates for certain initiatives; it's about issues. Many delegates also asked that AFM Legislative Director Hal Ponder be invited to the ICSOM conference next summer. There was also a request for a yearly report from the legislative office about activities, TEMPO monies spent, etc. **(2)** President Lee addressed concerns about the process used during the AFM Convention to devise the Emergency Resolution. He said the IEB had planned to begin a dialogue with the Player Conferences to discuss ideas for new funding, but proposals were submitted by members that, in the final package, were combined with the IEB's proposal to increase *per capita* dues. He pointed out that many members did not agree with the philosophy that was devised by the Blue Ribbon panel years ago; in most unions, the workers pay for most of the expenses. **(3)** President Lee asked that the PCC and SSD work together to generate good

stories about our industry that can be published and/or turned into press releases. He asked that we write an initial draft as their public relations person is not an actively working musician. (4) He said that the creation of the Futures Committee would help deal with financing the AFM's future, including organizing. There was concern about the loss of 70,000 members since the early 1990's, supposedly because of *per capita* increases, but also because of charges and fines levied on members by their locals and bad PR with members' locals. The question was raised about how dedicated the AFM was to these non-committed members because the union is not only about services provided by a local, it's also about solidarity. Many orchestras pay work dues very much in excess of the services they receive, they have made a financial and emotional commitment to the AFM and that is why they wonder if our money is being used efficiently. Tom pointed out that, with the exception of CBAs, union contracts are with our members and we can't seem to enforce either working for scale or working with members. He said jobs have diminished because there is so much non-union work; those are the people we have lost because they get no benefit from membership.

St. Paul Chamber Orchestra

Orchestra committee chair Tom Kornacker and ICSOM delegate Leslie Shank explained the negotiating process (with Paul Boulian and Fred Zenone as facilitators), and the financial crisis they were facing (management had already eliminated and cut staff jobs and salaries.) No one in the orchestra was happy about the financial package settled upon, but there were changes in the contract that include an increased role by musicians in the areas of artistic control and orchestra governance. These changes include having 3 voting musicians on the Executive Committee of the board and a large say in the personnel decisions (hiring and firing) and artistic vision of the orchestra. Concern was raised and caution was advised in orchestras where employees act in employer capacities.

AFM-EPF Trustee Phil Yao addressed possible changes to the fund and hoped there would be few changes. He thanked the player conferences for their support.

Colorado Springs Philharmonic executive director Susan Greene and chief musician spokesperson Alan Isaacson addressed the problems the musicians faced before their former employer, the Colorado Springs Symphony Orchestra, filed for Chapter 7 bankruptcy. The musicians chose to allow the previous administration to file so they could identify those community leaders who would support the orchestra. Susan Greene said she believed membership on the nominating committee of the board was most important, and she also stated that any orchestra leader who doesn't think the orchestra is most important is part of the problem. She agreed the leadership model is broken, that managers need training, and that many are only stopping off on the way to another orchestra – they do not invest in the community. Managers need commitment and passion. Education of musicians is crucial; they must know what is going on, be proactive, and continue questioning what is going on.

Evening Session

IEB member Mark Jones spoke about not only contributing to TEMPO but also becoming more involved politically by directly supporting candidates for reelection.

Nancy Agres read Sam Bergman's statement since he was unable to attend the conference. MAL statements by Nancy Stutsman, Richard Levine, Henry Peyrebrune, Jay Blumenthal, and Paul Ganson followed.

Grievance and Arbitration - Len & Peggy Leibowitz

(articles on Arbitration practice and past practice provided)

Len and Peggy Leibowitz discussed issues of job security, recommended contract language, and explained how an arbitrator looks at these issues.

The two forms of job security in our CBAs are non-renewal and "just cause." The real decisions in peer review are whether the music director made the right choice and did it correctly. "Just cause" (or termination for cause) should not have examples in the CBA.

Grievance & Arbitration (G&A) procedures were designed to eliminate strikes, so the selection of an arbitrator is very important. Musicians should find out how the arbitrator conducts a hearing (e.g., are all parties heard?) and if an arbitrator knows how to write an opinion. Labor arbitration is the preferred method of dispute resolution, and arbitrators have broad remedial authority as long as they don't rewrite the contract; the remedy must be drawn from the contract. Arbitration by definition is a private system of dispute resolution whereby a third party neutral (3PN) issues a final and binding decision pursuant to the parties' agreement to arbitrate. (Mediation, on the other hand, is not binding.)

Because G&A was designed to stop strikes, Len recommended exempting sympathy strikes. Language to avoid in a CBA includes automatic renewal without notice ("evergreen" clause), an entire-agreement or "zipper" clause that does away with past practices by stating there are no other agreements than what is in this contract, and *force majeure* (also known as the "Act of God" or cancellation clause.) Len also recommended that any boilerplate individual contracts be

included in the CBA so terms can't be changed. Another important clause is the recognition clause, which defines the bargaining unit and limits management's claim to say it has the right to do things. In arbitration the burden of proof to prove a rule is reasonable is on management. The arbitrator will only look to past practice if CBA language is ambiguous.

Len and Peggy explained the finer points of past practice, who has the burden of proof in an arbitration, and how to argue proven misconduct. They also briefly discussed the National Labor Relations Board (NLRB) *versus* Weingarten, which says that if an employee believes there is a possibility of discipline or discharge, he or she has a right to have representation at that meeting. Not allowing such representation is a violation of the National Labor Relations Act (NLRA).

Saturday, August 23, 2003

Roll call and balloting for Member-at-Large.

Brian Rood announced to the delegates that investigation is ongoing to identify a national healthcare alternative. The Governing Board will report back.

The following Resolution (#1) to increase ICSOM dues was adopted. [*Motion #3/Governing Board*]

Whereas, ICSOM has expanded its activities, including participation on committees such as the Electronic Media Forum (EMF) and the Health Insurance Task Force, and has established greater communications among Governing Board members and between the Governing Board and the constituent orchestras; and

Whereas, Such activities and expanded communication entail significant increased costs; and

Whereas, In addition to these expanded activities, the normal costs of conducting business have risen greatly since the last dues increase in 1987; therefore, be it

Resolved, That Article VIII, Section 3, of the ICSOM Bylaws be amended and that ICSOM dues be increased, effective 2003, as follows:

Delete the following language:

~~Section 3. Member orchestras shall pay annual dues according to the following schedule:~~

~~(i) Where the guaranteed minimum annual salary is under \$23,000, dues shall be the number of players times \$25, except in those orchestras which, as of November 1987, earned less than \$16,000 per player per year; those orchestras will pay an amount equal to the number of players times \$20, until such time as the minimum annual salary exceeds \$16,000.~~

~~(ii) Where the guaranteed minimum annual salary is at least \$23,000 but less than \$40,000, dues shall be the number of players times \$30.~~

~~(iii) Where the guaranteed minimum annual salary is \$40,000 or more, dues shall be the number of players times \$38.~~

and replace with the following language:

Section 3(a). For each member orchestra, the amount of dues assessed for the fiscal year starting July 1, 2003, shall be the sum of:

1) the number of players guaranteed a minimum annual wage below \$16,000.00 times \$24.00;

2) the number of players guaranteed a minimum annual wage of between \$16,000.00 and \$22,999.99 times \$29.00;

3) the number of players guaranteed a minimum annual wage of between \$23,000.00 and \$39,999.99 times \$34.00;
and

4) the number of players guaranteed a minimum annual wage of \$40,000.00 or more times \$42.00.

Section 3(b). Beginning in the fiscal year starting July 1, 2004, and continuing through the fiscal year ending June 30, 2009, annual dues in each bracket (1-4 above) shall increase at the rate of \$1.00 per player per year.

Section 3(c). For purposes of dues assessment, player shall mean a person (including any librarian in the bargaining unit) actually filling a position and receiving a guaranteed annual minimum wage under the collective bargaining agreement.

Discussion included rationale for the increase, consideration of additional payment brackets, establishing who pays ICSOM dues, a motion that was defeated to amend [*Motion #3 - Michael Shelton/Ken Harper*]Section 3A to read:

4) the number of players guaranteed a minimum annual wage of between \$40,000.00 and \$59,999.99 times \$42.00;
and

5) the number of players guaranteed a minimum annual wage of \$60,000.00 or more times \$50.00.

* * * * *

Members-at-Large election results: Jay Blumenthal, Paul Ganson, Richard Levine, Henry Peyrebrune

* * * * *

The following Resolution (#17) to honor Mary Plaine's service was unanimously adopted. [*Motion #4/Governing Board*]

Whereas, Mary Plaine has served ICSOM as a Governing Board member-at-large since 1994; and

Whereas, Mary Plaine has also been responsible for compiling the information for the *ICSOM Directory* for five years; and

Whereas, Mary Plaine has served ICSOM as a tireless advocate for orchestra musicians across the country with enthusiasm and passion; and

Whereas, Mary Plaine's insight and thoughtful commentary have been invaluable to ICSOM's Governing Board, therefore, be it

Resolved, That the officers and delegates at the 2003 ICSOM conference thank Mary Plaine for her generous contribution and tireless efforts on behalf of all musicians in the United States and Canada and offer her our admiration and best wishes in her future endeavors.

* * * * *

The following Resolution (#2) to reinstate ERF was unanimously adopted. [*Motion #5/Governing Board*]

Whereas, The ICSOM Emergency Relief Fund has been an invaluable resource for constituent orchestras for many years; and

Whereas, In recent years the need for it has increased dramatically as a consequence of the number of orchestras experiencing financial difficulties; and

Whereas, Such needs require appropriate funding; therefore, be it

Resolved, That Section 4(c) of Article VIII be deleted:

~~Section 4.(c) Contributions from the general fund to the ERF, as noted in Section 4(a) above, shall be suspended for an indefinite period. That portion of ICSOM dues that is allocable to the ERF shall be paid into the general fund until such time as it is determined otherwise at the Annual Conference.~~

Discussion included the estimated value of the fund currently (\$224,000.)

* * * * *

The following Resolution (#3) to encourage timely payment of dues was adopted as amended (see below). [*Motion #6/Governing Board*]

Whereas, Dues money is virtually the only source of revenue to ICSOM; and

Whereas, In order to pay its bills in a timely manner, and thereby properly conduct its business, the timely remittance of dues is a crucial issue for the organization; and

Whereas, Too many orchestras fail to remit their dues by the December 31 deadline set forth in Section 6 of Article 8 of the ICSOM Bylaws; and

Whereas, Measures must be taken to encourage timely remittance and to discourage tardiness; therefore, be it

Resolved, That Section 6 of Article VIII of the ICSOM Bylaws be amended by adding the following:

In the event that a member orchestra does not remit its dues by March 1 of a fiscal year, that orchestra's dues assessment shall be increased that year by an amount equal to an additional ~~five dollars (\$5)~~ one dollar (\$1) per orchestra member.

An orchestra unable to pay dues by March 1 due to bankruptcy, work stoppage or other similar occurrence extending to that date will be forgiven such increase at the discretion of the Governing Board.

Amendments:

[*Motion #7 - Michael Moore/Ken Harper*] – An orchestra unable to pay dues by March 1 due to bankruptcy, work stoppage or other similar occurrence extending to that date will be forgiven such increase at the discretion of the Governing Board.

[*Motion #8 - Helen Reich/John Koen*] – Amend to \$1 per orchestra member from \$5.

Discussion included reasons dues are withheld or delayed, that appealing to the Governing Board for forgiveness of a fine is appropriate, putting members and locals on notice that dues must be paid on time, problems with dues collection, and positive comments about the direction ICSOM is now heading.

* * * * *

Nominations for AFM Convention Delegate: Richard Levine, Jay Blumenthal, Henry Peyrebrune

* * * * *

The following Resolution (#4) to raise membership requirement for ICSOM was adopted unanimously. [*Motion #9/Governing Board*]

Whereas, Section 2(a) of the ICSOM Bylaws has remained in its current form for many years; and

Whereas, During those years the salaries of orchestra have generally increased substantially; and

Whereas, In order to maintain ICSOM membership requirements at a level commensurate with the intention of the founders, those requirements should be reviewed and updated as circumstances change; and

Whereas, It now appears that the annual salary requirement of \$15,000 is too low as a measure of carrying out the intention of the founders; therefore, be it

Resolved, That Section 2(a) of Article III (“Membership”) of the ICSOM Bylaws be modified effective August, 2003, by substituting “\$25,000” for “\$15,000”; and, be it further

Resolved, That no current member of ICSOM shall have its membership status adversely affected by this modification.

Article III Section 2.(a) In order to be eligible for membership, a non-member orchestra must be composed of at least 60 full-time members, a majority of whom are members of the American Federation of Musicians of the United States and Canada (“AFM”), and each of whose guaranteed minimum annual wage from playing in that orchestra is at least ~~\$15,000~~ \$25,000.

* * * * *

The following Resolution (#5) to encourage orchestras with EMGs that will prohibit rates to be negotiated for rates less than AFM rates was first amended, then referred back to the Governing Board who will discuss and clarify this resolution in consultation with the Media Committee. [*Motion #11/Governing Board; Motion #13/Meredith Snow/Ken Harper*]

Whereas, The Recording Musicians Association is a Player Conference representing colleagues in the commercial recording area who make their living working under AFM national agreements for motion pictures; and

Whereas, There is growing concern that symphony orchestras, especially those with Electronic Media Guarantees in their collective bargaining agreements, will be asked to accept lower payments for electronic media work, especially in non-standard symphonic areas as delineated and defined in the Sound Recording Labor Agreement and the Symphony/Opera/Ballet Audio-Visual Agreement, that could undercut our colleagues who make their income solely from this type of work; therefore, be it

Resolved, That all ICSOM orchestras, especially those with Electronic Media Guarantees in their collective bargaining agreements, be urged to negotiate language into their collective bargaining agreements that will prohibit their managements from selling their services for non-standard symphonic areas for rates which are lower than those of AFM National Agreements.

Amendments:

[*Motion #12 - Henry Peyrebrune/Ken Harper*] – insert the words non-standard symphonic areas for

* * * * *

The following Resolution (#6) to adopt Media-L access restrictions was referred back to GB for further clarification. [*Motion #14/Governing Board*]

Whereas, Media-L was created as an outgrowth of the recent wide-ranging discussions among orchestras interested in the activities of the Electronic Media Forum and media issues in general; and

Whereas, The purpose of Media-L is to create a cyberspace forum for the free and open exchange of ideas relative to various media arrangements, including potential proposals and strategies for future negotiations with orchestra managements; and

Whereas, Such free and open discussion calls for a degree of confidentiality; therefore, be it

Resolved, That access to Media-L be limited to members of the constituent orchestras of ICSOM, ROPA, OCSM, SSD Staff and AFM International and Local Officers, and shall be denied to all management personnel, including all players holding management positions, subject to appeal to the Governing Board, including Personnel Managers.

Amendments - approved:

[Motion #15 - Warren Powell/John Koen] - change "including Personnel Managers" to all players holding management positions.

[Motion #16 - Henry Peyrebrune/John Koen] - insert subject to appeal to the Governing Board.

[Motion #19 - Meredith Snow/Nancy Stutsman] - Refer back to GB for further clarification

Amendments – defeated:

[Motion #17 - Tom Morgan/Paul Gunther] - requests for access will be submitted to the delegate

[Motion #18 – Paul Gunther/Tom Morgan] - insert or media point person who will forward them on to the Webmaster.

Amendment to add RMA and TMA – Dave Angus/Ken Harper – withdrawn

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SUBSTITUTE RESOLUTION 6A [Motion #20/Governing Board]

Whereas, Media-L was created as an outgrowth of the recent wide-ranging discussions among orchestras interested in the activities of the Electronic Media Forum and media issues in general; and

Whereas, The purpose of Media-L is to create a cyberspace forum for the free and open exchange of ideas relative to various media arrangements, including potential proposals and strategies for future negotiations with orchestra managements; and

Whereas, Such free and open discussion calls for a degree of confidentiality; therefore, be it

Resolved, That access to Media-L be limited to members of the constituent orchestras of ICSOM, ROPA, and OCSM; to officers of RMA and TMA; and to SSD Staff and AFM International and Local Officers; and, be it further

Resolved, That, subject to appeal to the Governing Board, access to Media-L shall be denied to all management personnel, including all players holding management positions.

* * * * *

The following Substitute Resolution (#7A) to encourage additional participation by orchestra members was adopted.

[Motion #21/Governing Board]

Whereas, Integral to the central purposes of ICSOM is the concept of inclusion and participation by as many individual members of constituent orchestras as possible; and

Whereas, Section 3 of Article VI already incorporates that concept; and

Whereas, The ICSOM Governing Board wishes to emphasize its importance of that concept; and

~~Whereas, Despite the fact that each member orchestra is allowed only one vote; nevertheless; therefore, be it~~

~~**Resolved,** That all member orchestras be urged to send an Alternate Delegate to the Annual ICSOM Conference; and, be it further~~

Resolved, That ICSOM encourage as many members of constituent orchestras as possible to attend the Annual ICSOM Conference so that more and more members may provide input to the Conference and take home from the Conference the valuable information imparted, as well as meet and share experiences with colleagues throughout the nation.

* * * * *

The following Resolution (#8) to address housekeeping issues in the bylaws was adopted unanimously. [Motion #22/Governing Board]

Whereas, It is important that the ICSOM Bylaws, as the governing document of the organization, be reviewed and updated periodically in order to keep the Bylaws relevant and vital as circumstances warrant; and

Whereas, As a result of such a recent review by the Governing Board and Counsel it appears that certain modifications are appropriate; and

Whereas, A number of the proposed modifications may be classified as "housekeeping", they are herewith listed collectively, and may be modified in one resolution; therefore, be it

Resolved, That the ICSOM Bylaws be modified as follows:

a. Section 8 of Article IV shall be deleted from the Article and be added as Section 2(d) to Article VI, dealing with the duties and responsibilities of delegates.

[No ICSOM delegate shall (1) serve in the position of Personnel Manager or Contractor for an employer; or (2) work in any position where he or she receives any remuneration from contracting or booking musical units (other than a regularly organized one of which he or she is a leader or member).]

b. Section 7 of Article VI shall be amended to read as follows:

When a referendum of all member orchestras is called, each orchestra shall ~~have one vote.~~ conduct the referendum in accordance with its own rules and procedures. Thereafter, the votes shall be tallied with each orchestra having one vote, and a simple majority of those orchestras whose votes have been received by the due date shall prevail. A majority shall prevail.

c. Section 2 of Article IV shall be amended to read as follows:

The officers ~~and Members at Large~~ of ICSOM shall constitute ~~its~~ the Governing Board, ~~which~~ The Governing Board shall meet during the Annual Conference and otherwise as necessary.

d. Section 1 of Article VI shall be amended to read as follows:

Section 1. A regular meeting ("the Annual Conference") of ICSOM shall be held once a year. The location and time for each regular meeting shall be chosen by the voting delegates attending the previous regular meeting during the course of that meeting.

e. Section 6(b) of Article V shall be amended to read:

Section 6.(b) Matters not covered by the Bylaws shall be in the discretion of the Governing Board during the period between duly convened meetings of delegates from member orchestras. The disposition of such matters shall be in keeping with Section 6.(a) above and with the purpose of ICSOM as defined in ~~Article II of these bylaws~~ the FOURTH (A) of the ICSOM Certificate of Incorporation.

f. Section 1 of Article XI shall be amended to read:

Section 1. No amendment shall be entertained which is not consistent with ~~Article II of these bylaws~~ the FOURTH (A) of the ICSOM Certificate of Incorporation.

* * * * *

The following Resolution (#9) to make the bylaws consistent with policy was adopted unanimously. [*Motion #23/Governing Board*]

Whereas, There is an overlap and a redundancy between Article V, Section 5(b), and Article IX, Section 2; and

Whereas, There now exists a separate *Senza Sordino* account; therefore, be it

Resolved, That Section 5(b) of Article V be amended to read:

Section 5.(b) ~~The Editor shall receive sufficient funds from the Treasurer of ICSOM to pay the costs of publication of Senza Sordino, which he/she shall deposit in a bank in a separate account. The Treasurer shall set up an account with sufficient funds to pay the cost of publication of Senza Sordino.~~

And, be it further

Resolved, That Section 2 of Article IX be deleted:

~~Section 2. Senza Sordino shall exist as a non-profit entity with a separate bank account.~~

* * * * *

The following Resolution (#10) to adopt a new procedure of notifying the Secretary of bylaw ratifications as amended was passed unanimously. [Motion #24/Governing Board; Motion #25/Michael Moore/John Koen]

Whereas, The process by which certain amendments to the ICSOM Bylaws are approved is overly cumbersome and in some instances vague; and

Whereas, The particular amendments subject to this procedure are very important, as they relate to Articles II ("Purpose"), Article VIII ("Dues and Finances"), and Article XI ("Amendments to Bylaws"); and

Whereas, The process needs to be clarified and streamlined; therefore, be it

Resolved, That Section 2 of Article XI be amended as follows:

Section 2. Amendments to Articles II, VIII, and XI of these bylaws may be submitted for approval at any regular or special meeting. Within ~~twenty (20)~~ thirty (30) days after the approval of ~~any such an~~ amendment(s) by a majority of voting delegates at such meeting, such amendment(s) shall be referred to the member orchestras for ratification. Within ninety (90) days following the final day of the meeting, the member orchestras shall ~~cast their ballots by registered mail addressed to~~ notify the ICSOM Secretary in writing of the approval or non-approval of such amendment(s). Adoption shall be constituted by two-thirds majority affirmation of those member orchestras voting, but in no event shall ~~such a~~ any proposed amendment(s) to the ICSOM bylaws be deemed adopted unless at least fifty percent (50%) of ICSOM member orchestras have actually cast their respective votes either for or against the adoption of such amendment(s).

Ballots will still be sent to the delegates, notice is what is changed – by fax, mail or e-mail. Results should be reported as ratified or not. Secretary will retain these reports.

Amendments:

[Motion #25 – Michael Moore/John Koen] – change 120 days to 90 days

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The following Resolution (#11) to increase DILC's retainer for the next three years was adopted unanimously. [Motion #26/Governing Board]

Whereas, Leonard Leibowitz has served for more than 30 years as Distinguished ICSOM Legal Counsel ("DILC"); and

Whereas, It is time that there be a written agreement setting forth the terms and conditions of his engagement; and

Whereas, Said written agreement need not be negotiated and approved every year at the Conference, as has been the practice; and

Whereas, After arduous and sometimes grueling negotiations between the Governing Board and the DILC a tentative three-year agreement has been reached; therefore, be it

Resolved, That Leonard Leibowitz (aka DILC) be retained for a term of three (3) years upon the following financial terms:

2003-2004	\$3150 per month
2004-2005	\$3350 per month
2005-2006	\$3500 per month

In all cases, reasonable expenses shall be reimbursed in accordance with past practice.

* * * * *

The following Resolution (#12) to establish honorarium for *Senza Sordino* Production Manager, Archivist, and Webmaster was adopted. [Motion #27/Governing Board]

Whereas, Certain necessary administrative functions which had previously been performed by members of the Governing Board have become overly burdensome for any one individual Governing Board member; and

Whereas, It is the Governing Board's recommendation that others who have the time and the expertise to perform these important functions should be appointed by the Board from time to time as circumstances warrant; and

Whereas, There are three (3) functions for which a staff position should be created and compensated by a token honorarium; therefore, be it

Resolved, That the staff positions of *Senza Sordino* Production Manager, Webmaster, and Archivist be created, with the individuals to fill those positions to be appointed by the Governing Board from time to time; and, be it further

Resolved, That the following honoraria be paid to each such individual:

Senza Sordino Production Manager: \$150 per issue, to be paid out of the Editor's honorarium, which shall be increased to \$2000 per annum;

Webmaster: \$750 per annum;

Archivist: \$500 per annum.

Amendments – withdrawn or defeated:

[*Motion #28 - Meredith Snow/Nancy Stutsman*] – refer to the Governing Board for a job description and term length. - withdrawn

[*Motion #29 - Rachel Goldstein/Ken Harper*] – **Resolved,** That the following honoraria shall be paid to each such individual for 2003-2004: - defeated

There was significant discussion about setting time limits and job descriptions. The Governing Board will have the discretion and flexibility setting policies and job descriptions for these positions.

* * * * *

Orchestra-L Policy - DRAFT

Orchestra-L is a project of ICSOM, The International Conference of Symphony and Opera Musicians. It is open to unionized orchestral musicians and related unionized professionals only and is intended as a forum for them to share their professional concerns and to exchange information and ideas.

Two kinds of material are posted on Orchestra-L:

The first is official ICSOM business: settlement bulletins, announcements of new material on the ICSOM website, and other official postings by the ICSOM Governing Board or its designees.

The second consists of postings from list subscribers: questions for the list, comments, news articles, discussion of issues, and similar material. The opinions expressed in these postings on Orchestra-L do not necessarily reflect the opinion or policies of ICSOM or the Governing Board. Any comments or complaints about an Orchestra-L posting should be addressed to ICSOM president Brian Rood at [TBD@aol.com].

To help differentiate between official and unofficial material, all postings from list subscribers, including news articles, must be accompanied by the subscriber's name and affiliation, *i.e.*, orchestra name or other relevant identification data. All unofficial postings will be automatically accompanied by a disclaimer stating that the posting is not necessarily representative of ICSOM policy.

Mail posted to the list by subscribers will not be filtered, censored, or otherwise altered unless the material is deemed irrelevant, grossly inappropriate, untimely, or abusive. A basic level of civility is expected of participants. ICSOM reserves the right to unsubscribe users who abuse the list in any way. Titles of unofficial material are the business of the posting list subscribers and will not be altered.

List Mechanics

Messages are sent to every subscriber on the list by sending the message to Orchestra-L@icsom.org. When a user simply uses the mail reader to "reply" to any message from the list, the reply will go back to the entire list and can be read by all subscribers.

To unsubscribe, send a message to the ICSOM webmaster at rtl@icsom.org.

Robert Levine
ICSOM webmaster
rtl@icsom.org

* * * * *

The following Resolution (#13) to establish honorarium for Conference Coordinator was adopted. [*Motion #30/Governing Board*]

Whereas, The success of any ICSOM Annual Conference is greatly dependent on the services of a Conference Coordinator; and

Whereas, The responsibilities and time involved in properly performing those services is considerable; and

Whereas, It is the least that ICSOM can do to recognize the contribution made by the Conference Coordinator by granting him or her a modest honorarium; therefore, be it

Resolved, That the Governing Board designate each year a person to serve as Conference Coordinator of the Annual Conference; and, be it further

Resolved, That the Conference Coordinator of the Annual Conference be granted an honorarium of \$1,000.

Clarification that host orchestra provides a Conference Coordinator. Tom Hall will not serve if there is a host orchestra Conference Coordinator.

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TEMPO contributions - \$2,362 (includes contributions and clothing sales.)

Voting commenced for AFM Convention Delegate.

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The following Resolution (#14) to establish staggered terms of office for all Governing Board officers was adopted unanimously. [*Motion #31/Governing Board*]

Whereas, The current ICSOM Bylaws contain provision for staggered terms of office for members of the Governing Board; and

Whereas, The system for staggering terms of office would be improved if it applied in a different configuration; therefore, be it

Resolved, That Section 3 of Article IV, be amended to read:

Section 3. All officers and Members at Large of the Governing Board shall be elected for two-year terms at regular meetings of ICSOM. Officers shall be elected in even-numbered years, Members at Large in odd-numbered years. In 2004 and in subsequent even-numbered years elections shall be held at the Annual Conference for two-year terms for Chair, Treasurer, and Editor of *Senza Sordino*, and (for one year only) one-year terms for President and Secretary. In 2005 and in subsequent odd-numbered years elections shall be held at the Annual Conference for two-year terms for President, Secretary, and two Members at Large, and (for one year only) one-year terms for two other Members at Large. In 2006, in addition to elections for Chair, Treasurer, and Editor of *Senza Sordino*, elections shall be held at the Annual Conference for two-year terms for two Members at Large. Election shall be by a majority of the votes cast for any office, with all voting delegates eligible to vote. Elections shall be conducted by secret ballot with the exception of any position for which only one candidate is nominated, in which case the candidate so nominated shall be declared elected by acclamation.

* * * * *

The following Resolution (#15) to honor George Zazofsky with a plaque to be prepared and presented to the Boston Symphony was adopted unanimously. [*Motion #32/Governing Board*]

Whereas, George Zazofsky was one of the founders of ICSOM and its first chairman; and

Whereas, The delegates to the 2002 ICSOM Conference passed a resolution directing the Governing Board to develop an appropriate memorial honoring his years of devoted service to the lives of symphony, opera, and ballet orchestra musicians throughout the US and Canada; and

Whereas, The Boston Symphony Orchestra, of which George Zazofsky was a member for many years, has graciously consented to contribute to this effort; therefore, be it

Resolved, That a suitable plaque honoring George Zazofsky for his contributions to ICSOM and musicians throughout North America be prepared and donated to the Boston Symphony Orchestra for permanent viewing in a conspicuous place on a wall in Symphony Hall, Boston, Massachusetts.

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The following Substitute Resolution (#18A) to establish a definition was unanimously adopted as amended. [*Motion #33/ICSOM Electronic Media Committee; Motion #34 - Bill Foster/John Koen*]

Whereas, The AFM and ICSOM have consistently opposed Electronic Media Service Conversion; and

Whereas, Electronic Media Service Conversion is a complicated concept; and

Whereas, As a result there has been confusion about exactly what the term includes; and

Whereas, There is a need for a commonly accepted definition of Electronic Media Service Conversion; therefore, be it

Resolved, That the definition below be adopted by ~~the AFM and~~ ICSOM and recommended to the AFM; and, be it further

Resolved, That the AFM and ICSOM continue to strongly discourage any Electronic Media Service Conversion.

Electronic Media Service Conversion: the exchange of time off from regular orchestra services in lieu of payment for electronic media services covered by an AFM media agreement. If such media services *are* compensated in compliance with the rates set forth in an applicable AFM agreement, either by payments to musicians or through credit against an electronic media guarantee, *additional* services off are *not* service conversion and not contrary to any stated policy or guideline.

Amendments:

[*Motion #34 - Bill Foster/John Koen*] – delete “the AFM and” add and recommended to the AFM;

Rob McCosh urged continued discussion about converting salary to EMG, and the inclusion of ROPA and OCSM in the dialog.

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The following Resolution (#19) to support the musicians of the San Antonio Symphony and the Florida Philharmonic was adopted unanimously. [*Motion #35/Governing Board*]

Whereas, Symphony, opera, and ballet orchestras throughout the United States have been and continue to be under siege; and

Whereas, Hard-won gains in compensation, benefits and working conditions are being lost; and

Whereas, The struggle to stave off bankruptcy and to maintain a living wage is one that affects each and every member orchestra of ICSOM, ROPA, and OCSM; and

Whereas, The musicians of the Florida Philharmonic and the San Antonio Symphony are currently in the forefront of that struggle; and

Whereas, The musicians of the Florida Philharmonic and the San Antonio Symphony need and deserve support and admiration; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference recognize the pain and value of the sacrifices of the valiant musicians of the Florida Philharmonic and the San Antonio Symphony; express their sympathy, support, and love for their brothers and sisters in these orchestras; and wish them success in their desperate struggle for survival.

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AFM Convention Delegate results required a 2nd ballot due to a tie vote between Richard Levine and Jay Blumenthal.

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The following Resolution (#20) to honor Robert Levine with the title of Chairman Emeritus was adopted unanimously. [*Motion #36/Governing Board*]

Whereas, Robert Levine has served ICSOM and the members of its constituent orchestras in many ways; and

Whereas, Robert Levine has served as ICSOM Chairman and Editor of *Senza Sordino*, and continues to serve as ICSOM Webmaster and ICSOM Archivist; and

Whereas, Robert Levine deserves the highest praise and gratitude from ICSOM musicians; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference express to Robert Levine their respect, thanks, and admiration for his years of service; and, be it further

Resolved, That Robert Levine be awarded the title of Chairman Emeritus, with the hope that he will remain active in ICSOM in whatever capacities he is willing to serve.

* * * * *

The following Resolution (#21) to honor David Angus with the title of President Emeritus was adopted unanimously. [*Motion #37/Governing Board*]

Whereas, David Angus has served ICSOM and the members of its constituent orchestras as ICSOM Governing Board Member-at-Large and, for twelve years, as ICSOM President; and

Whereas, David Angus continues to serve ICSOM as one of its elected AFM Strike Fund Trustees and as a valued advisor; and

Whereas, David Angus deserves the praise and gratitude from ICSOM musicians; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference express to David Angus their respect, thanks, and admiration for his years of service; and, be it further

Resolved, That David Angus be awarded the title of President Emeritus, with the hope that he will remain active in ICSOM in whatever capacities he is willing to serve.

* * * * *

The following Resolution (#22) to honor Lucinda-Lewis was adopted unanimously. [Motion #38/Governing Board]

Whereas, Lucinda-Lewis served ICSOM and the members of its constituent orchestras as All-Powerful ICSOM Secretary (APIS) for twelve years; and

Whereas, Lucinda-Lewis deserves recognition from ICSOM musicians for her many years of dedicated service; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference express to Lucinda-Lewis their respect, thanks, and admiration for her contributions to ICSOM; and, be it further

Resolved, That the title of All-Powerful ICSOM Secretary (APIS) be retired and never again be used by an ICSOM Secretary.

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The following Resolution (#23) to honor Stephanie Tretick was adopted unanimously. [Motion #39/Governing Board]

Whereas, Stephanie Tretick served ICSOM and the members of its constituent orchestras as ICSOM Governing Board Member-at-Large and, for eight years, as All-Powerful ICSOM Treasurer (APIT); and

Whereas, Stephanie Tretick's administration of ICSOM finances and the books and records of the organization were executed with integrity, accuracy, and care; and

Whereas, Stephanie Tretick deserves recognition from ICSOM musicians for her dedicated service; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference express to Stephanie Tretick their respect, thanks, and admiration for her contributions to ICSOM; and, be it further

Resolved, That the title of All-Powerful ICSOM Treasurer (APIT) be retired and never again be used by an ICSOM Treasurer.

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The following Resolution (#24) to honor Marsha Schweitzer was adopted unanimously. [Motion #40/Governing Board]

Whereas, Marsha Schweitzer served ICSOM and the members of its constituent orchestras for six years in the overwhelming job of Editor of *Senza Sordino*; and

Whereas, Marsha Schweitzer contributed mightily to the causes and purposes of ICSOM by the application of her remarkable skills as a journalist and editor and through her passionate zeal as a labor activist; and

Whereas, Marsha Schweitzer deserves recognition from ICSOM musicians for her dedicated service; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference express to Marsha Schweitzer their respect, gratitude, and admiration for her contributions to ICSOM, especially for the maintenance of the high caliber of *Senza Sordino* as an award-winning union newsletter.

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Election results:

MAL AFM Convention Delegate – Richard Levine

Resolution #26 – Henry Peyrebrune – WITHDRAWN

Whereas, Consistency and unity are powerful means of protecting and increasing ICSOM musicians' contractual gains; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference reaffirm the following Resolutions:

Whereas, The use of Electronic Media Guarantees (EMG), has been grossly abused by symphony managers; and

Whereas, EMGs are intended to be an addition to any compensation due for live services; Therefore, be it

Resolved, That the 1998 ICSOM Conference urges the member orchestras of ICSOM to adopt the following policy regarding Electronic Media Guarantees:

- 1) Work to satisfy the EMG must be done within the contracted season length;
- 2) EMGs shall not be negotiated to reduce previously contracted weeks of service;
- 3) EMGs shall be utilized for work of a symphonic nature, not for commercial work such as jingles, theatrical motion pictures, etc.;
- 4) Orchestras shall not redirect any part of previously negotiated scale wages into EMGs.

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Whereas, It is vital for all ICSOM orchestras and classical musicians in general that wage rates for national and international media product be uniform; and

Whereas, There is currently increasing pressure by employers to undermine these uniform rates by creating locally negotiated rates and other terms and conditions which are lower than the uniform rates; and

Whereas, This effort by employers must be resisted by the AFM, ICSOM, ROPA and OCSM; Therefore, be it

Resolved, That the delegates to the 2000 ICSOM Conference urge the AFM, the Player Conferences, and all their member orchestras, to resist any attempt to create locally negotiated rates, terms, and conditions to replace and/or undermine AFM national agreements covering all media projects covered thereby.

[Motion #41 - Henry Peyrebrune/Ken Harper] - The Delegates to the 2003 ICSOM Conference urge each ICSOM delegate to post the 1998 and 2000 resolutions in their workplace. Laura Ross will include these two resolutions in first delegate mailing.

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The following Resolution (#25) to urge the AFM to increase funding to SSD was adopted unanimously. *[Motion #42/ Governing Board]*

Whereas, The Symphonic Services Division of the AFM ("SSD") provides services to symphony, opera, and ballet orchestras which are vital to the matrix of representation of these orchestras; and

Whereas, The ability of SSD to provide those services is severely hampered due to inadequate financial resources; and

Whereas, The lack of proper funding prevents SSD from hiring a sufficient complement of trained staff to provide those services; and

Whereas, A further consequence of the inadequacy of funding is that the current staff is overworked to the point of exhaustion; and

Whereas, At the 2003 AFM Convention the delegates voted to increase the dues of virtually the entire membership, including members of symphony, opera and ballet orchestra; and

Whereas, During the 2003 AFM Convention and subsequent thereto, AFM leadership acknowledged the problems caused by the inadequacy of funding of SSD and promised to rectify the situation; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference urge the International Executive Board of the AFM, in the strongest possible terms, to increase the funding of SSD to the extent necessary to permit SSD to hire and train additional staff as quickly as possible.

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The following Resolution (#27) to address the Eastman School initiatives was adopted. *[Motion #43 – Lynn Rosen/David Angus]*

Whereas, In order to fully understand and appreciate the issues and principles of the labor movement, it is necessary to have at least a working knowledge of labor history and the role of a labor union in a democracy; and

Whereas, Such knowledge could be gained through a program being developed and sponsored by the Eastman School of Music which should include a course in labor history and the place of unions in a democracy; therefore, be it

Resolved, That the delegates to the 2003 ICSOM Conference recommend and urge that the Eastman School of Music include a course in labor history and the role of unions in a democracy; and, be it further

Resolved, That all members of ICSOM orchestras be encouraged to consider enrolling in that course.

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Site Selection for 2004 ICSOM Conference – Lynn Rosen/Salt Lake City, UT and Mary Plaine/Baltimore, MD. Alexis Sanchez Ortiz will be contacted as Puerto Rico had expressed an interest in hosting the conference.

[Motion #44 – Warren Powell/Jay Bertolet] Refer decision to the Governing Board for a formal decision. - adopted

Good and Welfare

Rob McCosh thanked the delegates for their hard work.

Barbara Zmich thanked the delegates.

AFM Canadian Vice-President Bobby Herriot thanked the delegates and officers for his first conference.

Mary Plaine read a letter from Abe Torchinsky

Bill Foster noted that there were alumni newsletters in a few orchestras, and urged individual orchestras to keep in touch with their retired members.

Warren Powell thanked the Governing Board and noted the reunifying of ICSOM.

Scott Janusch thanked the delegates, on behalf of the Honolulu musicians, for the resolution honoring Marsha Schweitzer and expressed his hope that wounds can be healed and she can once again be involved with ICSOM.

Brian Rood thanked Tom Hall for all his assistance.

Jan Gippo was pleased that the rest of the Governing Board joined him in expanding communication. He also expressed the desire that every past member would become involved with ICSOM once again, and also extended his thanks to Tom Hall.

Tom Hall expressed his thanks to ICSOM. He thanked the Governing Board for asking him to serve, and thanked Robert Levine for his assistance. He also thanked Stephanie Willingham and her staff at The Antlers.

Leslie Shank thanked the Governing Board for allowing the St. Paul Chamber Orchestra to speak.

Ken Harper thanked the Lebowitzi for their wonderful presentations.

Robert Levine expressed his enjoyment working with Tom Hall and his admiration for this year's Governing Board.

Michael Moore expressed his thanks to Laura Ross for her work.

5:15PM Adjourned