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Eastern Music Festival Faculty Artists Unionize

by Anna Kate Mackle, *The Florida Orchestra*

During the summer of 2023, the Eastern Music Festival (EMF) faculty artists voted in favor of representation by the Charlotte Musicians' Association (American Federation of Musicians Local 342).

Founded in 1962, EMF is a five-week summer music festival for high school and college students, located in Greensboro, North Carolina. There are currently 61 faculty artists and approximately 280 students. Each week, the faculty teach private lessons, guide chamber music rehearsals, coach orchestra sectionals, and give masterclasses. In addition to our teaching responsibilities, we also perform on a weekly chamber music series and in the faculty orchestra under Music Director Gerard Schwarz.

For years, EMF had operated like a union organization without actually being one, with previous managements sitting down with the faculty Orchestra Committee each summer to address concerns and resolve issues. Things changed, however, when our current management came into power a decade ago; they still met with the OC each summer, but they continually failed to address the primary issues for the faculty such as pay, workload, job security, and housing costs. Consequently, those issues remained unchanged or, in some cases, grew worse. Faculty artist wages are only \$200 more than ten years ago, while our workload has increased substantially. We do not receive any travel stipend to get to EMF each summer from our homes around the world, and while all staff, counselors, interns, and conductors receive free room and board, we do not; the cost of on-campus housing for my husband and myself at EMF comes out of our pockets and is higher than our mortgage payment at home.

In 2021, EMF management used pandemic restrictions as an excuse to fire fifteen faculty artists with assurances that the dismissals were temporary and that these faculty artists would be invited back the following year. These faculty artists, some of whom had worked at EMF for decades, were never invited back, and instead were replaced in the faculty orchestra by students and interns. We found it particularly disturbing that of the fifteen fired faculty artists, nine were women and three were people of color.



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Even as faculty numbers have diminished, student enrollment surged, creating higher workloads for those of us who remain. Some faculty artists now teach two to three times the number of students we did pre-pandemic, and there are no longer enough of us to coach all of the student chamber ensembles.

We also have no tenure protection. Management refers to faculty artists as “seasonal employees” who only work for five weeks during the summer, even though we are expected to spend considerable time throughout the year making sure the festival will run smoothly. We are required to recruit students, create student audition requirements, coordinate auxiliary instrument acquisitions, plan masterclasses, listen to live auditions, evaluate audition recordings, and prepare student part assignments—all before the festival begins. In 2024, more than 800 students auditioned, all of whom were evaluated by the faculty. We receive no pay for any such activity during the year, nor is there any guarantee we will even be asked back for the upcoming summer for which we are expected to be actively recruiting during the fall.

At the beginning of the summer of 2023, management told us that our paychecks would be delayed until we all submitted new payroll paperwork. Only the faculty artists' pay was impacted; the staff got paid on time. Faculty members immediately began to approach the OC about the need to unionize, not only to improve our pay and working conditions but also to provide a framework for the entire organization to function and communicate better. Over the next few weeks, OC members spoke personally with the rest of the faculty artists to gauge the interest in unionizing, and the response was overwhelmingly enthusiastic. The OC met with Rochelle Skolnick, Director of the AFM Symphonic Services Division, printed authorization cards, and called a faculty meeting, during which we discussed the various ways management had been ignoring and treating us with disrespect for the past decade. A majority of the faculty signed authorization cards on the spot, and by the end of the festival, 90% had been turned in.

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Chairperson's Report

Where We Go From Here

by Keith Carrick

For the past few weeks, I have found myself grappling with mixed emotions over the recent election results—profound disappointment, fear, and, frankly, exhaustion at the thought of the challenges ahead.

I won't use this space to offer reassurance. Historically, Republican administrations have not been kind to organized labor or workers' rights. We don't know what the future holds; we'll need to take each day and each issue as it comes, dedicating more of our time to prepare for whatever may lie ahead.

The walls of my home in Salt Lake City are adorned with medals and memories of family members who have lived in this country for generations, raised families here, and served the idea of America, even when this nation didn't always serve them. I mention this not to trivialize our current moment or romanticize any period in our history but to affirm my identity as an American. I have never been ashamed of that identity and won't disavow it now. Some might say I'm free to leave if I don't like the election results. But this is my home. I don't like what's happening, and I'm not leaving.

The idea of "America" has always been a noble fiction. In its best moments, the idea has been a force for good; in its worst, equally destructive and cruel. The America we thought we lived in may have changed, and the future is uncertain. Yet the America we want is still worth fighting for, even if that fight sometimes feels futile.

ICSOM cannot fix our political system. We can't make political parties more competitive or empathetic. Our power to protect vulnerable neighbors or defend democracy is limited. While these tasks are essential, they are not tasks ICSOM can fulfill.

What we can do—and what we do best—is advocate for and defend our colleagues. We have the power to stand together, regardless of what any administration tries to do, and protect those we work with every day.

For much of American history, labor rights weren't protected by law. Before 1935, most states did not protect the right to strike, and labor actions were often met by employer violence. At the Battle of Blair Mountain in 1921, striking coal miners were even attacked by the U.S. Army. Today, the National Labor Relations Act (NLRA) is our primary legal protection, but our rights as workers don't stem from any law. The rights to respect, dignity, safety, fair pay, and collective bargaining aren't bestowed by any person or government—they are inherent to any group that collectively stands up for fair treatment. We must summon the courage to stand up for our orchestras, not only for ourselves but for the rights of our colleagues.



Scott Jarvie



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When I first served on negotiating committees, nationwide protections for same-sex marriage didn't exist, yet we still bargained for rights for same-sex couples in our contracts. We must continue to secure good healthcare and protect our members' medical privacy. We must also advocate for the vulnerable races, genders, and nationalities among our members. While we can't control what happens in the world beyond our orchestras, we can influence what happens within them. Let's use that collective power.

Resilience will be our greatest challenge. Over my years in orchestras, we've weathered wars, the Great Recession, a pandemic, political turmoil, and countless labor disputes. It's exhausting, and it's okay to temporarily step away to regain your strength. We are surrounded by people who will continue the work until we're ready to step back in. That's a key part of solidarity: knowing that we can rely on each other and that we don't stand alone.

We can't predict what lies ahead or whether we will ultimately successfully preserve our rights, but there is dignity in the struggle. Our best chance is to stay vigilant, stay strong, and stick together. 

President's Report

The Power of Each Voice

by Nicole Jordan

In my first *Senza Sordino* column, I outlined my journey to the ICSOM presidency. That journey, if you remember, was an unexpected one, borne from my experiences in the industry that ranged from little things that didn't work optimally to others that became complete roadblocks. Onstage, we come together to turn silence into beautiful sounds. For two (or so) hours, we set aside our individual selves and the myriad experiences that make us different to become one organism (an ensemble) and make art—in solidarity, in harmony. Week in and week out, we change lives through the beauty we create. However, when so many things happen offstage that can create such pain points for so many of us, they affect who is visually represented on our stages, aurally represented in our repertoire, and who we show up as individually in our respective workplaces.



Jeff Rothman

Before jumping into the deep end of the leadership pool and expanding my frame of reference, I found myself frustrated with what I was seeing and experiencing in the various spaces I have been in. From my beginnings as a music student to my present as a gainfully employed musician, that frustration never seemed to evaporate, only grow—eventually growing into anger. Whenever I was treated poorly or unfairly, experienced untoward or unsavory behavior (and trust me, I have got some real doozies, as I am sure you do as well) or

when I saw others experiencing those things, I always wondered who kept allowing these things to happen. When I first entered the workplace those questions expanded to the following:

- Why is no one saying or doing anything?
- How is this industry surviving in such chaos and dysfunction?
- Where is the committee/union?
- Where is management and why/how are they allowing this workplace to operate like this?

I felt that I was asking some good questions but wrongly assumed that other people were solely responsible for fixing the problems they addressed. After all (remember, we are thinking like me here), why was it my responsibility to fix it? I've been placed in these pre-existing environments (school by choice, work by necessity). I did not create them. While that was absolutely true, in hindsight and looking back on my mindset then, I can honestly say that part of me thought it was not my place to fix any of it. I mean, who am I after all?

However, I know I am not the only one who feels this way. I recognize many of you have felt, and perhaps still do, this way as well. "Who am I?" Being a part of an ensemble is fulfilling, but it can feel isolating in some ways. Being one amongst many. Second, it is easy to feel as though you are just one voice in a sea of them and to assume that no one will care what you—a musician/substitute/librarian/non-titled player (insert noun of choice here)—will think. Or, somewhere along the way the environment made you feel that your voice does not matter. That is far from the truth, though. Each voice, and each person matters, especially if we want things to change.

It is customary to lean on our various orchestra committees to move change in our work environments. We elect a select few of our colleagues per committee to represent our collective interests to the best of their ability. And we trust them to address any violations, complaints, and grievances as they come up. Let's call and spade a shovel here: committee work is arduous work. It takes up long hours, generates endless emails and texts, and comes with seemingly never-ending problems and challenges. And it is thankless. With the varying challenges that pop up in our day-to-day work environments, it can be a lot for those few people who volunteer their time to serve in such a capacity.

But (and take it from someone who serves on many committees outside of this Presidency), you do not need others to vote for you to serve your colleagues and to make a difference. Showing up each day and taking part in the day-to-day culture of your workplace is equally as important as committee work. Committee work is most effective when they truly can represent all voices and perspectives in the body. Yes, the body will not always agree (that is healthy!), but we must create a space for everyone to express how they feel. This, in turn, then allows the committee to find the best pathway forward and to represent the interests of the collective.

Participating in the day-to-day culture of our workplaces can be challenging, especially when we feel the culture or environment is not working for us. Sometimes, it feels healthier to tap out, step away, and let others deal with it. (I have been

Counsel's Report

Rethinking Overscale, Collectively

by Kevin Case, ICSOM Counsel

ICSOM Chairperson Keith Carrick's address at the 2024 ICSOM Conference in August raised an issue that has long flown under the radar in our orchestras: the practice of individually negotiated overscale. Citing the potential for bias and inequity, Chairperson Carrick called for an end to this practice and for orchestras to instead collectively bargain overscale for titled positions in their CBAs. This is the right move for our orchestras.



Myra Klarman

To be clear: ICSOM is not calling for the end of overscale. Far from it. Principals and other titled players have unique and additional duties and must be compensated fairly for that extra work. Nor is ICSOM advocating for cutting anyone's current overscale—as detailed below, existing contracts can be grandfathered. The point is that going forward, overscale amounts should be collectively bargained to ensure fairness and transparency among members of the orchestra.

It is important to be precise about what we mean when we say “individually negotiated” overscale. It does not mean overscale rates that are set forth in the CBA for those orchestras who have such provisions—25% for principals, 15% for assistant principals, etc.. It means a private agreement that a musician—usually a titled player, but not always—negotiates with management. The agreement provides for more favorable terms and conditions of employment than are in the CBA alone. Such a private agreement typically contains additional compensation (overscale) in the form of either a percentage of base wages or a fixed dollar amount, together with other favorable terms such as extra time off, solo guarantees, moving expenses (if the musician just won the job), and other perks.

Such agreements are legal in a unionized workplace. The Supreme Court in *J.I. Case v. NLRB*, 321 US 331 (1944) ruled that individual contracts may provide for more favorable terms than are in the CBA, but no lesser terms. Accordingly, even in orchestras where overscale has been bargained into the CBA, a musician may enter into a private agreement with management for an amount above and beyond the CBA rate, unless the CBA expressly prohibits that. For orchestras where the CBA is silent with respect to overscale, such a private agreement represents the only way a titled player can secure additional compensation.

I have personally worked on many of these agreements. I have negotiated one-on-one with managers, and I have consulted in the background with musicians who choose to do it themselves. But as my practice has focused more and more on collective bargaining, I am increasingly uncomfortable with these individual contract negotiations. In collective bargaining, I represent the group of musicians as a whole and try to

secure the best possible terms and conditions for everyone. “Bargaining” for one individual is in tension with that goal, especially because every gain I would be able to obtain for that one musician comes at the expense of the group: every dollar in overscale means less money for everyone else; every extra week of time off in an individual contract usually means that other musicians will work harder or receive less time off; and so on. For that reason, my policy is to decline all requests from individual musicians to negotiate their personal contracts in an orchestra where I bargain for the group as a whole. I see that as a textbook conflict of interest.

But aside from that discomfort and the ethical concerns, there is a larger issue that must be confronted: individual contract negotiations perpetuate inequality and unfairness, for several reasons. First, the outcome of the negotiation is largely determined by how much leverage the musician possesses when they go into that negotiation. That leverage, in turn, rests on factors that usually have little to do with the musician's abilities and talent, or the nature of the position.

For a musician who just won a job, their leverage depends mostly on where they are coming from, as their current situation signals to the employer how generous it must be in order to incentivize the musician to take the job. If a musician comes from a peer orchestra, management may have to offer more favorable terms to lure the musician; but if the musician is coming from a much smaller orchestra or has just graduated from school, management knows the musician is going to accept the position and there is little incentive to offer much of anything. Some musicians also are able to hire an attorney to negotiate on their behalf or are skilled at doing it on their own; others either do not or cannot, which can put them at a significant disadvantage in negotiating.

The result can be that if Musician A wins the job, is coming from a peer orchestra and can hire an attorney, they may end up with a much better contract than if Musician B won the exact same job but is coming from a small orchestra and negotiating on their own.

It is easy to see how more improper factors can infect the process as well. Race, gender, sexual orientation, gender identification—all these can play a role when no objective criteria are in place. That risk is worse for musicians already in an orchestra who are seeking improvements to their individual contract. That is not even a “negotiation” at all—the musician is essentially just asking for a raise. That opens the door for all sorts of subjective factors that depend largely on the musician's personal relationships with management figures: is the musician a “troublemaker” who sticks up for their rights under the CBA; is the musician super-friendly with the music director; is the manager who makes the decision biased (even unconsciously) on the basis of race or gender; and so on.

Keep in mind that there is no duty to bargain in good faith when it comes to individual agreements. That duty exists with respect to collective bargaining only. For individual contracts, a manager can simply refuse to negotiate at all, make a take-it-or-leave-it offer, withdraw offers previously made—all the things they can't do in a CBA negotiation—with little or no recourse. The only real leverage an individual musician has is to not accept the job or, if they are seeking improvements that management is not willing to agree to, leave the orchestra.

That is usually not an option. It is hard enough to win a job in this business as it is, and managements know it.

This can result in dramatic inequities. Players with similar principal positions in the same instrument family, for example, might have very different contracts. To be fair, most managers try to avoid that, especially because when a musician hears that a colleague is making more money than they are, they will often demand the same amount. Of course, there is no obligation for management to agree to that. There also is little transparency when it comes to overscale amounts—in fact, many managers insert confidentiality clauses into individual contracts that would prohibit the musician from telling other musicians how much overscale they are getting. (Such clauses violate Section 7 of the National Labor Relations Act and are unenforceable, but that does not stop employers from trying.) That is why musicians pore over the IRS 990 forms to try to discern what principals are making, an imperfect endeavor at best.

Third, that lack of transparency regarding compensation is increasingly recognized as a problem in all workplaces. Several states have now passed laws requiring employers to provide salary ranges for job openings in the application process. In Illinois, for example, beginning January 1, 2025, an employer with more than 15 employees must provide, in the posted job announcement, the expected salary range for the position. That means the employer must disclose the lowest to the highest amount the employer reasonably believes it might pay, as determined by factors including “the actual range of others currently holding equivalent positions.” Moreover, the employer cannot use open-ended phrases like “\$40,000 and up” or “up to \$60,000.”

Read literally, that means an ICSOM orchestra in Illinois—there are three—may no longer be able to advertise a principal position in the *International Musician* and simply state the base salary. The advertisement should state the highest amount of expected, privately-negotiated overscale as well—and the employer must base that amount at least in part on what other “equivalent” principals have in their contracts. Similar laws have recently gone into effect in Minnesota, Maryland, Massachusetts, California, New York, and Colorado (though not all define “pay range” as specifically as Illinois).

In sum, the terms of individual contracts are often based not on substantive qualities like the nature of the job or the musician’s abilities, but on things like the particular musician’s current employment situation, their negotiating skills, whether they use a lawyer, whether they are well-liked by management personnel, and—without a doubt—their race or gender.

For example, there is still a dearth of women in principal roles in ICSOM orchestras. This makes little sense, given that the overall gender balance is fairly even and no one can seriously argue that women as a rule do not play as well. It is almost certainly the result of a bias that holds that women are not capable of “leading” as well as men. If that bias exists in the hiring process—even unconsciously—it almost certainly exists when it is time for a woman to negotiate their contract. The pay gap between women and men in the United States is already a hurdle; any kind of bias against women being capable leaders will only exacerbate it.

Consider the harp. For decades, the only woman in the orchestra was the harpist. It is likely no coincidence that they often received the lowest amount of overscale in the orchestra. Harp is a solo instrument that is quite exposed, requires highly advanced skills, and is used more and more frequently in contemporary repertoire. But even today, I see harpists offered insultingly low overscale compared to other principals.

In my view, then, the practice of individually-negotiated overscale agreements is incompatible with the principles of fairness and equity that ICSOM advocates. However, I have heard the argument that this practice is widely accepted in similar industries like entertainment and sports. That is true. Local news reporters, for example, often work under union contracts that provide minimum rates; but the anchors and sports-desk personalities negotiate more. Sports league CBAs provide for minimum salaries, but of course the more successful players negotiate exponentially more.

That is because they are “stars.” But is that how we view our orchestras—as a handful of “stars” and a cast of supporting players who are less worthy? Some managements perpetuate that view, to be sure, picking and choosing which favored principal players to feature and reward. But is that really an orchestra? Is that a union? I say no.

Further, think of the instances over the past few years involving musicians accused of sexual misconduct. The vast majority involved “stars”—concertmasters, conductors, principal players. That is no accident. Our once and future president even bragged about his ability to commit sexual assault with impunity: “When you’re a star, they let you do it. You can do anything.” I would venture that the vast majority of musicians in ICSOM orchestras do not subscribe to that attitude. So why do we accept it in our orchestras? If we are going to confront the issue of sexual misconduct, much of which is based on power dynamics, why do we maintain a system that accretes power and advantages to certain, favored “star” musicians?

There is another way. Overscale for titled players can be collectively bargained. Many ICSOM orchestras have overscale rates in their CBA; a couple take the next step and actually prohibit any individual agreement that provides for larger amounts. That is the alternative to the prevailing practice of individually negotiated overscale. Orchestras can decide as a group what overscale should be, whether that means the same percentage for all principals or more for certain positions (concertmaster, for example). No one can negotiate more than that amount, no matter where they are coming from, how much the music director likes them, how much they suck up to management, or whether they are a particular gender or race.

The point is that the musicians as a whole, through their bargaining representatives, determine what musicians filling certain positions should make—and those amounts are not based on subjective or improper factors regarding any particular individual. No longer would prospective titled players need to worry about their leverage or their negotiating prowess. Gender, race, and other inappropriate factors would be irrelevant. The musicians as a group, in each orchestra,

Eastern Music Festival *continued from page 1*

At our annual meeting with management at the end of that summer the faculty artists arrived together, wearing black shirts in solidarity. Before management could speak, the OC stood and read a prepared statement announcing our intent to unionize, which was met with prolonged applause from the entire faculty. Then we all walked out.

One week after the festival ended we were notified that management refused to recognize us voluntarily, so we would be forced to hold an NLRB election. Over the next several months we met with AFM Negotiator and Organizer Todd Jelen to learn how management might try to influence our vote, so it was not surprising when we began to receive emails from board members and Executive Director Chris Williams. Ranging in tone from threatening (“It would be unfortunate if we could no longer respond to individual needs”) to disingenuous (“a ‘yes’ vote could change the familial atmosphere of this summer program”), these were obviously meant to scare and divide us, and they urged us to vote “No” no fewer than nine times in the final three weeks leading up to the election. The NLRB election was conducted by mail, and the vote count was witnessed by management and the OC chair via zoom. The election succeeded overwhelmingly, with 90% of the returned votes in favor of unionization.

When negotiations officially began in January, the faculty used management’s own operating document as a template from which to start bargaining a new CBA, but negotiations were bogged down for months by management’s distraction tactics and petty arguments about insignificant details. Their primary demand was, and remains, the “flexibility” to cut the faculty artists from the current number of 61 to 27, which



Faculty Artists (left-to-right) bass trombonist Christopher Davis, tubist Aaron Tindall, trombonist James Justin Kent, bassist Leonid Finkelshteyn (North Carolina Symphony), and clarinetist Natalie Hoe (The Florida Orchestra) picket with signs outside Dana Auditorium during the Eastern Music Festival season in 2024.

would eliminate more than half the faculty artists’ jobs and eliminate the faculty orchestra altogether. It would also destroy the low student-to-faculty ratio that had been the vision of EMF’s founder, Sheldon Morgenstern. The very factors which have made EMF unique among summer festivals would be gone.

As soon as the faculty artists arrived for EMF in June, we created a website and social media pages, formed action committees, and bought matching red shirts to wear to our actions and meetings with management. We greeted and leafleted patrons outside the hall before performances, escalating our message each week, and created contact sheets to be able to keep in touch with our supporters. We handed out hundreds of red buttons with the slogan “Faculty Cuts Impact EMF Students” and held a packed rally and concert at a local church to educate the public about our cause.

Management refused to negotiate with the OC at all during the festival, and repeatedly sent derogatory and blatantly false emails about us to patrons, board, and staff in an effort to turn the public against us. Photos of faculty artists were noticeably absent from EMF’s marketing materials, social media posts, and the faculty/student handbooks, and faculty artist photos were removed from their long-standing positions in the hall lobby. Staff members froze us out, only speaking to us when absolutely necessary, if at all. Lead negotiators from the board and management were witnessed withholding applause during faculty performances, and management called campus security on faculty members who were peacefully holding informational signs outside the hall.

When management learned that we were planning an off-campus rally and concert, they immediately sent a threatening email to the entire staff, forbidding anyone to assist us in any way and to report our activities to them. Then they booked an ice cream truck to visit the campus for the students shortly before our rally was to begin. The students,



Faculty Artists pose outside Dana Auditorium in the summer of 2023 in their red shirts in a show of solidarity.

meanwhile, who had been extremely supportive of the faculty from the beginning, began posting flyers for our rally on GroupSpot, EMF's internal communication app (where staff admins promptly deleted them). Each time the admins deleted a flyer, students would post another one, and they referred to the ice cream truck as "The Great Distraction". On the day of the event, the students got their ice cream from the truck and enjoyed it on the walk to our rally.

Shortly after the students began wearing our faculty support buttons, EMF management warned them that "photographs of students attired improperly will not be published", and students subsequently discovered that EMF was photo-shopping the students' own photos to share on social media, either by removing the buttons or cropping out students who were wearing them altogether. The students openly called out the censorship on GroupSpot and posted before and after photos on their social media pages to publicly shame EMF.

At the final faculty orchestra performance of the season, we held a five-minute moment of silence on stage in front of the audience just prior to the start of the concert. At 7:55 we all stopped warming up, put down our instruments and sat in silence. When the students in the audience noticed, they started to clap and cheer, and then the rest of the audience joined in. For the entirety of those five minutes the audience cheered and applauded us, and when EMF's executive director, Chris Williams, grabbed a microphone and tried to talk he was repeatedly drowned out.

Since EMF ended in July there have been several negotiation sessions with a mediator, but little meaningful progress has been made. We continue to fight to keep faculty artist numbers at current levels, if not increase them, but management continues to insist on drastic cuts, despite a lack of evidence of any financial need for such cuts. They refuse to




Faculty Artists (left-to-right) violinist Dan Skidmore, percussionist Alison Chorn, bassist Leonid Finkelshteyn (North Carolina Symphony), and violinist Uli Speth pass out buttons to patrons during the summer of 2024.

share EMF's financial information with us, but it is clear that some on the board want to eliminate the faculty orchestra. EMF does not need short-sighted cuts; it needs leaders who have the vision and fundraising skills not only to preserve what has made this festival successful for the past 62 years, but to enable it to continue to grow and thrive for decades to come.

To learn how you can support the EMF faculty artists, please visit our website at: www.emffacultyartists.com, and like and follow [emffacultyartists](https://www.facebook.com/emffacultyartists) on facebook and [instagram](https://www.instagram.com/emffacultyartists). 

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there and done that, too, so no judgement from me.) Other times, it feels healthy to step away and start your own things with others you feel care about the same things. (Again, been there and done that, too.) But we all still exist in the same ecosystem until we either retire or choose a different career path. So instead of tapping out, stepping away, starting other things, or letting others deal with it, I challenge each of you to step in and offer the unique perspectives and voices you bring to the table.

Instead of thinking or assuming someone else should do something, recognize that you can be that someone who does something. There are tools out there that can help you, and we, your ICSOM Governing Board, are here in the trenches with and for you. Many hands make for lighter work. 


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would decide how lucrative the titled positions need to be in order to attract the players they need.

This would necessarily be a long-term project, of course. In any orchestra that decides to make this switch, current individual agreements would need to be grandfathered. It is unrealistic to ask any musician to take what could be a significant pay cut. (Interestingly, it would be legal, if unwise, for the employer and the union to agree to eliminate existing overscale agreements: the National Labor Relations Board addressed precisely that scenario in the Buffalo Philharmonic in 1992, in a decision that makes for interesting reading. Contact me if you would like a copy.)

To be clear, it is the choice of each orchestra's membership, through its bargaining representatives, as to whether to make this switch. ICSOM believes strongly in the ability of our orchestra musicians to bargain the terms of employment that are best for their orchestras. We are not interested in issuing top-down edicts. The reasoning and recommendations in this article come out of years of negotiating both collective bargaining agreements and individual contracts, and this is ultimately a change we need in our orchestras; but reasonable minds can disagree.

For my part, I will no longer accept clients to negotiate individual contracts in orchestras. Nor will I consult in the background if someone wants to do it on their own. I will answer questions about the process, but I will no longer advocate in this way.

This is not something I do lightly. I will need to turn down long-time clients and friends. I hope they will understand, but it is their life and their income. Nonetheless, I believe it is the right thing to do. And if nothing else, I hope this starts the conversation. 



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