

Senza Sordino

Official Publication of the International Conference of Symphony & Opera Musicians

VOLUME XXIV



FEBRUARY 1981, NO. 3

AT LONG LAST A K.C. PHILHARMONIC CONTRACT

by Gertrude Phalp,
Kansas City Philharmonic

By a vote of 53 to 14, the musicians of the Kansas City Philharmonic on January 17, 1981 accepted the terms recommended by a fact-finding committee appointed by Mayor Richard Berkley to resolve the impasse in the orchestra negotiations. The threatened loss of \$350,000 in Missouri Arts Council Funding was probably the major impetus to both sides to settle now.

The proposal by the management prior to Sept. 21 had been to cut the season from 37 weeks back to 30 weeks for each of 3 years at wage scales of \$325, \$340, and \$355. Management did not move from this position until Dec. 5, when a summer season of 10 weeks was proposed with non-paid breaks between winter and summer seasons of 7 weeks in the spring and 5 weeks in the fall.

On Dec. 22 the orchestra rejected the "final offer" of the Associations' by a vote of 48 to 19. The mayor then intervened with recommendations for a solution. The orchestra failed to ratify those recommendations by a 2/3 majority. The orchestra then pre-ratified a contract accepting all terms proposed providing the base scale was raised \$25 over that offered in each year or 3 weeks were added to the length of each season. The Association rejected our pre-ratified contract and on Jan. 8 announced cancellation of the rest of the winter season.

A new group "Concerned Citizens for a Philharmonic Now" was organized and held a mass meeting the following Sunday evening where approximately 450 attended. This group solicited donations by telephone and raised \$24,000 in less than a week. They met with the mayor, the Board, the fact-finding panel and persuaded them that there was a mandate from the community to get the orchestra playing again.

The mayor then appointed a 3 member fact-finding panel of distinguished citizens to recommend a solution using the "final offer" of the Association and the "pre-ratified" proposal of the musicians as the basis for review and recommendations. The number of weeks or the \$25 per week pay were the only issues not resolved. The fact-finding panel issued their recommendation for an additional 1 week to be added the first season, an additional 2 weeks the second season and an additional 3 weeks in the third season. As stated earlier, the recommendation was accepted by the musicians Jan. 17 and accepted by the Association a few minutes later. Rehearsals began Tuesday, Jan. 20.

Terms: 3 year

Season length: 1st year - 19 week winter season, 11 week summer - total 30
2nd year - 32 week winter season, 10 week summer - total 42
3rd year - 33 week winter season, 10 week summer - total 43

Salary 1980-81 - \$330 + \$10 EMG an increase of \$35 a.b. annual - \$10,200
1981-82 - \$350 + \$10 EMG an increase of \$20 a.b. annual - \$15,120
1982-83 - \$390 + \$10 EMG an increase of \$40 a.b. annual - \$17,200

Pension: Management's contribution to increase from 5% to 6% of total contracted wages.
Vacation: 1 week 1st season, 2 weeks 2nd and 3rd seasons.

Audition Committees are now specified per instrument group.

Concessions were made in scheduling, job security, and electronic media.

In conclusion, the orchestra's resolve to stay out until a liveable wage was offered and until the regressive proposals were withdrawn, have been partially realized. The longer season is certainly a step in the right direction with wage scales still lagging behind. Hopefully, the new organization "Citizens for a Philharmonic" will be instrumental in improving the outlook for the future.

THE FLORIDA SYMPHONY A NEW BEGINNING

by James Higgins,
Chairman, Players' Committee

The 1979-80 season for the Florida Symphony was a crisis and a turning point. During a year of unrest, problems, and sometimes no pay checks, the Orchestra managed to survive and faces a future with more optimism than at any time in its 30 year history.

A group of business leaders, lead by Mr. James Fenner came to the aid of the Orchestra in late spring. While many weeks of hard effort on their part lead to a promise of future solvency for the Orchestra, it was, in the final analysis, up to the players.

This current season was to be the final year of a three year contract although it became evident that the conditions set forth for the year could not be realized. The players finally agreed to amend their contractual agreements. The decision did not come easy to many players, but the decision was based upon faith in Mr. Fenner, the new Symphony Board, and our new manager Robert Gross. While each player has agreed to a substantial cut in salary, the general mood in the Orchestra is of optimism for the future. We are based in Orlando, one of the fastest growing cities in the nation, and do believe that an aggressive promotion campaign, fund drive, and progressive management will provide the musicians in the Florida Symphony with a promising future to anticipate.

CON SORDINO COUGH REQUESTED

From a program book of the Festival Hall in London.

During a recent test in the Hall, a note played mezzoforte on the horn measured 65 decibels of sound. A single uncovered cough gave the same reading. *A handkerchief placed over the mouth when coughing assists in obtaining a pianissimo.*

NORTH CAROLINA SIGNS AFTER ONE WEEK STRIKE

On Sept. 26 the North Carolina Symphony ratified a new 3-year contract and ended a one-week strike, the first in the orchestra's 49-year history. Although our economic gains were not outstanding, we felt we made a significant step in proving that we could conduct a successful strike in a severely anti-union state, especially since we had practically no strike fund (our eligibility for the AFM Strike Fund having come too late for us to earn benefits this year).

Our major gains were in two areas, season length and artistic direction. The central issue of the strike had been management's refusal to commit itself to extending our 40-week season by any more than two weeks in 1983 (and we are, by law, ineligible for unemployment benefits). We reached a compromise whereby a joint orchestra-management study team will explore the feasibility of staging up to four weeks of a summer season in 1983. The committee's recommendation will be binding, and we will be paid as follows: *full salary for any of the four weeks in which we work, half salary for any remaining weeks.* Based on our own research, we are confident that our season will be 44 weeks by 1982-83; indeed, we are almost certain to have at least a one-week extension of the current season, which will make up for the week lost during the strike.

Another major issue was our need for more strings. Management's refusal to offer even *one* more player by the 3rd year, coupled with our concern that our ongoing search for a new Artistic Director — presently a very cooperative venture — might be undermined by a prolonged strike, brought us to a second compromise. We dropped our demand for more strings, and they agreed to make the selection of an Artistic Director *mutually agreeable* to orchestra and management. We're confident that whoever we agree to for the position of Artistic Director will make expansion of the string section his or her first priority, and, needless to say, such artistic control by an orchestra is rare, if not unique, in this country.

Among other features of the new contract are:
WAGES — (previously \$345) 1980-81, \$380; 1981-82, \$415; 1982-83, \$450.

UNIFORM & INSTRUMENT ALLOWANCE — \$125 in 81-82; \$170 in 82-83.

RETIREMENT — management's contribution to increase in 3rd year from 2½ to 3% of base salary; plan of our choice.

PER DIEM (meals only) — increased to \$22.

LIFE INSURANCE — increased to \$15,000 double indemnity.

DISABILITY — instituted a long-term disability program paying ½ salary from 91st day until age 65.

SENIORITY PAY — increased slightly.

The strike was notable for the cordial relationship we kept with management and for the high level of publicity we maintained, including articles in the *New York Times* and *Seattle Post-Intelligencer* and spots on the CBS and NBC news. One of our most successful tactics was to keep our public profile high with regular presentations of chamber music — accompanied by leaflets and speakers — at malls, sites of canceled concerts, etc. Perhaps both the high and low points came when we hired a bus to travel 2½ hours to Winston-Salem, where our canceled concert was to be replaced with a recital by our scheduled soloist, John Browning. We surrounded the hall with music and pickets, *but Browning crossed the line, in spite of our protests, and qualified himself for this year's "Sherrill Milnes Anti-Unionism Award."*

Our thanks go to our many colleagues who sent letters and telegrams of support, to Dick Southwick and Russ Olsen of Local 500, to counsel Lenny Leibowitz, and to the Negotiating Committee — David Lewis, Robert Anderson, Patricia Banko, Michael Cyzewski, Jimmy Gilmore, Gerald Nelson, and Greg Vaught.

Greg Vaught
 NCSO ICSOM Representative

1980-81 SYMPHONY WAGE CHART

Most orchestras that guarantee income for recordings or other electronic services, pay such income in weekly increments. To facilitate comparison, the weekly salary in such orchestras are broken down into two figures. It should be noted that various other orchestras are active in the Electronic Media field, though no guarantee is provided by contract. This activity is not reflected in the annual guaranteed salaries of those orchestras on this chart.

Orchestra	Weeks	Weekly Salary Plus E.M.G.	Annual Guaranteed Salary
Alabama	30	280.	8,400.
Atlanta	48	{ 395. + 15 405.	19,920.**
Baltimore	46	{ 380./38 wks. 410./8 wks.	17,720.
Boston	52	600. + 20.	32,200**
Buffalo	48	{ 365. 385.	18,000.
Chicago	52	600.	31,200.
Cincinnati	52	485. + 20.	26,260.**
Cleveland*	52	{ 525. 545.	27,820. ¹
Dallas	52	435. + 15.	23,400.**
Denver*	39	345. + 15.	14,040.**
Detroit	52	{ 510. 540.	27,840.
Florida	26	292.60	7,607.60
Grant Park*	9½	{ 432. + 240. 510.	4,656.**
Honolulu	35	320.	11,220.
Houston	52	435. + 15.	23,400.**
Indianapolis	45	405.	18,225.**
Kansas City*	30	330. + 10.	10,200.**
Los Angeles	52	{ 520. + 57. 530.	30,264.**
Louisville	37	127.43	4,715.
Milwaukee	50	420.	21,000.
Minnesota	52	{ 465. + 25. 495.	26,260.**
National	52	{ 510. 520.	26,780.
New Jersey	23	400.	9,200.
New Orleans	40	431.20	17,248.
New York Phil.*	52	600. + 65.60 ¹	34,612.**
North Carolina	40	380.	15,200.
Oakland	113 services	\$48 per service	5,514.
Oklahoma	31	302.50	9,377.50
Oregon*	38	{ A cont. 198.56 B cont. 284.30	{ 7,545.28 10,803.40
Philadelphia*	52	{ 540 ¹ + 30. 560. ¹	30,160.**
Phoenix*	28	{ 230. 245.	6,750.
Pittsburgh	52	510. + 10.	27,040.**
Rochester	48	405. + 15.	20,160.**
St. Louis	52	460. + 40.	26,000.**
San Antonio	36	300.	10,800.
San Diego	29	375.	10,875.
San Francisco	52	520. + 25.	28,340.**
Seattle	44	395. + 5.	17,600.**
Syracuse	42	302.	12,684.
Toledo	40 to 180 services	@28.50	
Utah*	52	400. + ?	20,800.
Chicago Lyric	17	550.	13,000. approx.
Kennedy Center Opera	30	{ 465. musicals no guarantee 550 Ballet/Opera	
Met. Opera*	44 ¹	572.50 ²	25,190. ³
N.Y.C. Ballet*	25 ¹	500. ²	11,500. ³
N.Y.C. Opera*	28 ¹	500. ²	17,000 ³
San Francisco Ballet		{ 80 perf. @ 76.50 80 hrs. reh. @ 15.00	7,320.

LEGEND FOR SYMPHONY WAGE CHART

**Annual Guaranteed Salary includes Electronic Media Guarantee or Recording Guarantee.

- Cleveland* — 1) Annual wage from March 80 to March 81.
 Denver* — Only 29 weeks due to strike, however orch. will receive a minimum salary of \$360 a week for 39 weeks.
 Grant Park* — Figures are for 1979-1980 season.
 Kansas City* — Season and annual salary reduced due to strike.
 New York Phil.* — 1) N.Y. Phil. guaranteed \$1000 in recordings and \$2412.80 for 52 broadcasts.
 Oregon* — A cont.-155 services; B cont.-205 services yearly.
 Philadelphia* — 1) Plus \$10 per week for string players (rotation pay).
 Phoenix* — Season and annual salary reduced due to strike.
 Utah* — E.M.G. clause still being negotiated.
 Met Opera* — 1) Plus 7 weeks Supplemental Unemployment Benefit. 2)-3) Does not include rehearsal pay above contract allowance.
 New York City Ballet* — 1) Includes two weeks Supplemental Unemployment Benefit.
 New York City Opera* — 1) Plus 6 week tour. 2)-3) Does not include rehearsal pay or \$1400 in Supplemental Unemployment Benefit.

RECORD PIRATE DRAWS JAIL TERM AND FINE

In the April issue of *Senza Sordino* we printed an article concerning an individual named George Tucker, indicted for wire fraud and copyright infringement, the result of trading in counterfeit tapes and records.

The Bergen, N.J. *Record* reports that George Tucker was sentenced on September 30th to five years in prison and fined \$25,000. The sentence is the harshest ever handed out in a counterfeit recording case according to the Record Industry Association of America.

Jules Yarnell, special counsel to the New York based association said, "the sentence will be a warning to producers and distributors of illegally copied tapes that the courts will no longer slap wrists."

A raid on Tucker's plant in Hasbrouck Heights, N.J. had resulted in seizure of a dozen recording machines used to produce counterfeits from original versions. These were sold for \$3.00 each, or half the legitimate wholesale price because the counterfeiter does not pay royalties to producers, writers or musicians.

The Sam Goody Co. and two of its executives stand indicted on various charges including interstate transportation of stolen property and unauthorized distribution of sound recordings. They were enmeshed in the FBI operation that nabbed Tucker.

Our thanks to Gloria Palanchian for keeping us informed on events as they unfolded in regard to this case.

LETTER TO THE EDITOR

December 23, 1980

Dear Henry:

The November issue of the official publication of the A.F. of M., *INTERNATIONAL MUSICIAN*, contained a notice of openings in the Venezuela Symphony Orchestra. The instructions were that interested parties should send a resume and a photograph.

I was, to say the least, irritated that the I.M. would print such a notice, thinking that this practice was a thing of the past. What purpose, other than discrimination, could such a request serve?

I called Ted Dreher, the President's Assistant and head of the Symphony Department, drawing his attention to the notice and its unacceptability. He immediately wrote to the "Venezuela Connection" in New York. Ted also assured me that no such request would be contained in any future notices.

Sincerely,
 John Palanchian

CORRECTION

In regard to the article on the Pay T.V. Contract with BRAVO which appeared in the December 1980 issue of *Senza Sordino*, it was stated that "no less than 80% of the programs of symphony orchestras produced in the U.S. and Canada shall consist of programs by the U.S. and Canadian orchestras."

The words "Produced in the U.S. and Canada" should be omitted. If this clause applied only to productions made in the U.S. and Canada, it would obviously be meaningless. The fact that it pertains to all productions, regardless of the place of origin, is enormously significant and is the first such guarantee to appear in any of our National Agreements.

John Palanchian,
 ICSOM Media Committee

PHOENIX SURVIVES FIRST WORK STOPPAGE

On November 8, the Phoenix Symphony voted to emerge from the orchestra's first strike, ending a seven-week work stoppage which began as a lock-out, but from the onset was loudly labelled a strike by the local media insisting on making the orchestra more newsworthy (if negatively so) in our right-to-work state that is allergic to union activities.

The drama of the moment on November 8 was not last-minute tense bargaining but rather was amongst the players themselves. Determined and angry, we were agreed on our goals, but not on how to achieve them — a difference that was responsible for our 48 to 35 vote on returning to work.

To larger orchestras the details of our settlement may not appear impressive. However, instead of being the badly factionalized group of four years ago, today our orchestra has unity of direction and solidarity behind its committee, demonstrated by the strike itself and by the unanimous vote given for a health insurance plan to be paid for by all, but currently benefiting only approximately half of the orchestra.

During the work stoppage the committee was buoyed up by the trusting support of the orchestra and everyone was helped by the timely and intelligent letters from friends in ICSOM orchestras, past Phoenix Symphony members and concerned persons from the community. We also had unstinting assistance from Hal Sunday, our union president, and many non-symphony members of Local 586 whose talents helped make our Marathon Concerts on November 8 and 9 the success it was. Our most appreciative thanks to all.

Beyond this we are indebted to the never-failing humor and lively creative mind of our legal counsel, Ron Rollins of Minneapolis, who at one point burst forth with the *10-10-10 plan*, or the "Bo Derek" clause, as we all called it. This innovative suggestion was geared to greatly ease our transition to a daytime orchestra through sharing the financial burden by both management and players of daytime services missed by the few players currently having other full-time jobs. It was welcomed equally on both sides of the table.

The largest gain from the work stoppage itself was the greatly increased awareness in Phoenix, in surrounding communities, and in the state, that there is a professional orchestra here and that it is still sorely in need of better pay. We hope and expect community support for the orchestra will be tremendously increased in the future as a result of our efforts.

MAJOR GAINS OF THE NEW CONTRACT

Wages:

Scale before settlement — \$195 — 34 weeks — 170 services
 Scale at the end of three-year contract — \$305 — 37 weeks
 — 231 services.

Vacation:

One week paid vacation beginning in the second year.

Health Insurance:

\$15,000 available second year or = \$30 per month per subscribing member; \$17,500 available third year.

Grievance Procedure:

Musical dismissal by director is final, unless an arbitrator finds non-renewal was based on non-artistic matters.

Contractually defined audition committee and procedures

Sick Leave and Per Diem increases

Marjorie Yates-Lockwood

Chairperson — Phoenix Symphony Orchestra Committee

— A Contract)

\$425.00 per week (A Contract) for 81-82 [Includes EMG but the details are still not ironed out.]

Non-Renewal:

Musicians' committee participation added, on limited basis (in advisory capacity only). Moratorium on non-renewals during last year of new contract.

Elimination of B Contracts:

Management guarantees to convert all "B" Contracts to full-time contracts over a period of six years maximum. "B" Contracts were a major issue in the negotiations.

Pension:

Currently a 5% annual contribution into the AFM EPW. A three member committee from the orchestra will work with management on terms of a pension plan to supplement the current pension.

Severance Pay — Sick Leave:

As an alternative to severance pay (which in negotiations appeared doomed to defeat), a plan to pay all unused sick leave at the player's individual salary upon leaving the orchestra for any reason was adopted.

Sick leave accrual was increased to 104 services (12 per season).

Management contribution to family health coverage:

Beginning with the second year, management will contribute a minimum of \$10,000.00 annually for family health coverage premiums, to be divided equally among those members on a family plan.

Per Diem:

Increased to \$19.00 per day in 80-81 and \$21.00 per day in 81-82. Hotel is completely paid by management. If that room is not used by the musician, the musician receives \$11.00 per day in the first year and \$12.00 per day in the second year.

These negotiations represented the orchestra's most aggressive effort in its history to bring its situation up to a level equal to that enjoyed by comparable orchestras and to establish a basis for continued artistic growth and player benefits. Many issues were addressed and left unresolved, but the biggest issue raised was that of the professional stability and integrity of the orchestra. For the first time in 30 years management, the board of directors, the community and the musicians had to come to grips with problems and questions and realities heretofore ignored. It is our hope that the negotiations that will begin in one year will build on the past year's experience.

UTAH CONTRACT REFLECTS EFFORT TO ATTAIN PEER ORCHESTRA EQUALITY

by Ben Ivey — Utah Symphony

On Monday, October 6, 1980 the members of the Utah Symphony ratified a new two-year contract by a vote of 57 to 20. This ratification terminated the longest contract negotiations in the orchestra's history.

Beginning with the presentation of proposals to the management in January, the talks progressed through seven months of regular meetings between both sides, two rejections of a management contract, a 30-day talk-and-play agreement, a threatened lockout and a request for mediation by the musicians.

During the 30-day talk-and-play period, management presented to the musicians two options to be accepted by midnight on October 4 or face a lockout: (1) extend the expired contract for one year with a \$25.00 per week pay increase, or (2) accept the three-year contract as proposed. On Monday, September 29, both options were rejected and the musicians proposed continued play and talk with the assistance of a federal mediator. On October 4, the musicians proposed to management that the terms of the 3-year contract be embodied in a 2-year document with a moratorium on non-renewals in the first year and inclusion of the original pay increases sought — 10.6% and 7.7% for the first and second years respectively. Management accepted the two years and the moratorium, but said they could not afford the additional pay increase. On October 6 a meeting of the orchestra was held at 7:30 a.m. prior to the first rehearsal following the play-and-talk period. After a very emotional 1½ hour meeting, the contract was ratified. New salary schedule includes EMG, however details have yet to be ironed out.

Major Term: 2 years

Salary:

\$400.00 per week (A Contract) for 80-81 (were at \$375.00

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SENZA SORDINO is the official publication of the International Conference of Symphony and Opera Musicians and is published six times a year on a bi-monthly basis. ICSOM is affiliated as a conference of the American Federation of Musicians of the United States and Canada, AFL-CIO.

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Subscriptions: A.F.M. Members \$4.00 per year
Non-Members A.F.M. \$7.00 per year

