

Senza Sordino

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EMPLOYERS MAY FAIL TO REMIT MONEY DEDUCTED FROM WAGES

Because several ICSOM orchestras have reported management delinquency in transferring payroll deductions to appropriate agencies, we asked ICSOM legal counsel to advise our members about what to do in such situations. Thanks to Liza DuBrul for researching this topic and preparing this article.

It is a shameful fact of some employment relationships, including those of some orchestras, that employers make deductions from musicians' pay, yet fail to remit the deducted money to the proper parties. Such deductions may include those for social security, income tax withholding, union dues, pension, and strike fund and welfare fund contributions.

Such actions by employers are illegal under federal and state law and also violate collective bargaining agreements which require making such deductions. More important, the undiscovered failure of an employer to make the appropriate contributions to the Social Security Administration can lead to a loss of Social Security credit on a musician employee's account that will only be felt many years after the failure, at a time when it may no longer be remediable.

What should you do?

One way to ascertain an employer's pattern of paying deducted funds is to ask your local union if your employer remits dues promptly. If not, or if you believe that remittance of union dues may not mean remittance of other funds, you should check your Social Security account.

To check whether the proper deposits and earnings records have been made by an employer to a Social Security account, you should obtain form SSA-7004 or form SSA-L137 from your local Social Security office or from the Social Security Administration, Central Records Operations, 6401 Security Boulevard, Baltimore, MD 21235 (telephone 301-876-6450). An earnings request can be made without a form if it is signed and contains your full name (and any variations under which you may have been paid), address, Social Security number, date of birth, and calendar quarter (period of time) for which you seek coverage information. It takes between 2-4 months to receive information from the Social Security Administration.

If you are told that money you earned was not reported, you should request correction of your earnings record. Contact your local Social Security office and take copies of the relevant years' tax returns and IRS W-2 forms to carry this out. The request for correction must be in writing; must state the record is incorrect; must state the period in question; should describe and have attached to it any evidence that the Social Security Administra-

tion record of earnings is incorrect (employer's records, IRS W-2 forms, union records, certified copies of federal or state income tax returns, findings of state unemployment agencies, and your personal records of employment); and must be signed.

Promptness in requesting correction of earnings records is important. Such requests must be corrected within 3 years, 3 months and 15 days after the year in which wages for which Social Security credit is sought were paid. Because processing takes time, requests for correction should be filed within 2-2½ years after the year for which correction is sought. Requests may be made after this period to conform Social Security records with tax returns, to make corrections as the result of a Social Security Administration investigation begun within the time limit, to correct errors obvious on the face of Social Security Administration records themselves, or to add wages paid for a period in which no part of the earnings from that employer are entered on Social Security Administration records. If your request is denied because it is made after the time limit and does not fit into any of the exceptions, an administrative hearing may be requested to obtain correction; counsel should be retained to research the individual situation and to handle the hearing.

If you find that your employer has failed to pay your Social Security money correctly or on time, it would be appropriate and advisable to inform your colleagues (so that all employees' records may be corrected) and to look into other deductions and contributions your employer is required to make.

You should know that if your income taxes are withheld, are noted on check stubs and employer's tax records, and yet are not remitted to the IRS, you will still be credited with having paid such taxes. The Treasury Department will investigate and act, through the United States Attorney's Office, on non-payments by employers, for which there are penalties. These penalties are not enforceable by employees; however, investigations may be sparked by inquiries involving entire bargaining units.

Consult your local union, counsel, and the AFM Symphony Department if you learn that Social Security funds have not been remitted properly so that other deductions and payments can be checked and the funds sought and obtained as quickly as possible. Arbitration may be the best and quickest means of correcting employer failure to remit dues and fund contributions.

We hope the foregoing will help you ascertain and correct any deduction and payment problems. If you have specific questions relating to problems treated in this article, please do not hesitate to contact us.

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DIET AND DRUGS IMPLICATED IN HEARING LOSS

by Karla Holland-Moritz
San Diego Symphony Orchestra

According to a recent *New York Times* article, hearing loss can result from atherosclerosis, the accumulation of cholesterol-laden deposits in arteries, including those which supply the ears. Atherosclerosis reduces blood flow to the auditory nerve and hair cells in the ear. Several studies have suggested that by switching to a low-fat diet such hearing loss can be curbed and perhaps even reversed. In a Finnish study, more than 4,000 participants placed on a fat-controlled diet for six years had fewer heart attacks and greater hearing acuity than those who continued to eat a high-fat diet. When the diets of the two groups were reversed, the group now on the high-fat diet experienced hearing losses, while hearing improved in the low-fat diet group.

Ototoxic drugs have a deleterious effect upon the organs of hearing and balance. Several ototoxic drugs interact with noise exposure, producing greater damage than that caused by the drug or noise alone. Although research is limited in the areas of ototoxicity and interaction of noise with ototoxicity, existing studies provide musicians with guidelines for exercising caution in using these drugs.

Musicians should consult their physicians about possible ototoxic effects of drugs. Where possible, ototoxic drugs should be avoided and alternate, non-ototoxic drugs considered.

The following are ototoxic agents:

- *Salicylates*: aspirin, Bufferin, Anacin.

Tinnitus (ringing in the ears), high-frequency loss, and occasional vertigo are common features of salicylate intoxication. Even if severe, the ototoxicity is usually reversible, but permanent hearing loss has been reported. Interaction of aspirin with noise has been observed, with effects greatest when aspirin is taken before exposure to noise.

Hearing loss appears to be related to the level of salicylic acid in the blood plasma, although the amount which produces hearing loss varies greatly from person to person. Tinnitus usually develops only when serum salicylate levels are greater than 200 mcg/ml and generally occurs at levels greater than 300 mcg/ml. The usual level for pain and fever control is 30-100 mcg/ml. The usual level for use as an anti-inflammatory agent is 150-300 mcg/ml. However, tinnitus has been known to develop in sensitive individuals taking only two aspirin. As the dose is increased, a higher percentage of the population develops symptoms. At a high enough dose, everyone would experience tinnitus and hearing loss.

- *Antibiotics*: neomycin, streptomycin, kanamycin, gentamicin, amikacin, tobramycin, sisomicin, netilmicin, vancomycin, minocycline, polymyxin B, ristocetin, viomycin, erythromycin, chloramphenicol, colistin (polymixin E). Neomycin and kanamycin have been shown to be interactive with noise.

- *Diuretics*: ethacrynic acid (Edecrin), furosemide (Lasix). Rapid onset of hearing loss is a frequent feature of high-dose, rapid intravenous administration of these drugs. Hearing loss after oral administration has been reported. Hearing loss is usually transient, but permanent loss has been reported, more often with ethacrynic acid than furosemide.

- *Miscellaneous Drugs*: quinidine, chloroquine, lisplatin, atropine, nalfon and indocin, novocaine, barbiturates, morphine.

- *Chemical Ototoxic Agents*: aconite, alcohol, aniline dyes, arsenic, benzene vapors, camphor, carbon disulfide, carbon monoxide, oil of chenopodium, chloroform, gold, hydrocyanide, iodine, iodoform, lead, mercury, nitrobenzol, tobacco.

The above article was prepared in consultation with, and from material supplied by, Dr. John H. Mills, Department of Otolaryngology at the Medical University of South Carolina, and Dr. Ronald H. Miller, San Diego Cardiac Center. The author and editor thank them for their assistance.

MUSIC MEDICINE PUBLICATIONS AVAILABLE TO MUSICIANS

Sforzando! Music Medicine for String Players, an informative booklet containing selected proceedings of the June 1984 Illinois-American String Teachers Association conference, is available from ASTA at a cost of \$7.95 per copy. Articles include "Occupational Injuries of String Players," by Dr. Richard Lederman; "Beta-blocking Drugs in the Treatment of Stage Fright," by Dr. Alice Brandfonbrener; "A Psychoanalytic View of Performance Anxiety," by Dr. Sanford Weisblatt; and others. A panel discussion of the care and prevention of string players' injuries is transcribed.

Information is available from ASTA publications chairman Robert H. Klotman, Music Building, Indiana University, Bloomington, IN 47405.

Transcripts of music medicine presentations given by physicians at the 1985 ICSOM conference are being sent to ICSOM delegates by ICSOM president Melanie Burrell. Drs. Hunter Fry, Richard Lederman, Jonathan Newmark, Stuart Schneck, and John White made up what one distinguished physician called the finest panel assembled for a music medicine symposium in 1985. A transcript of the question-and-answer session is also being provided.

A LETTER TO THE EDITOR

Dear Mr. Hall:

I would like to direct the blame [for damage from high sound levels] from the brass and percussion sections to the very bad quality of modern, atonal, eternally dissonant pieces written by people with no talent for harmony or for writing a decent melody.

The worship of atonality and constant dissonance is the most stressful element the poor musician faces daily. I have played in countries around the world with hundreds of musicians. I have not met anyone anywhere who sincerely likes dissonance.

It is ridiculous to say that Beethoven, Wagner, Verdi, and others were also misunderstood at their first performances. Such optimism on the part of untalented composers and the snobbish ignorant critics who approve them is absolutely false and unjustified. Music like this has no future beyond the one-time-only first performance.

I sincerely believe that most of the stress that victimizes musicians is a result of rehearsing and performing this "music."

Let's lay the blame where it really belongs!

Adrian Boiangiu, violist
New Orleans Symphony

1985-1986 SYMPHONY WAGE CHART

This chart is based on information supplied by ICSOM delegates. The first column of figures below shows the minimum weekly wage (scale) followed, where applicable, by the minimum weekly wage for players with maximum seniority pay benefits. A plus (+) indicates that such career-service increments are paid in addition to any over-scale payments; a minus (-) indicates that this pay is absorbed into any other over-scale payments. The second column expresses these figures as annual wage guarantees. Electronic media guarantees are not calculated in the chart data. For more detailed information, consult ICSOM bulletins and the annual AFM wage chart.

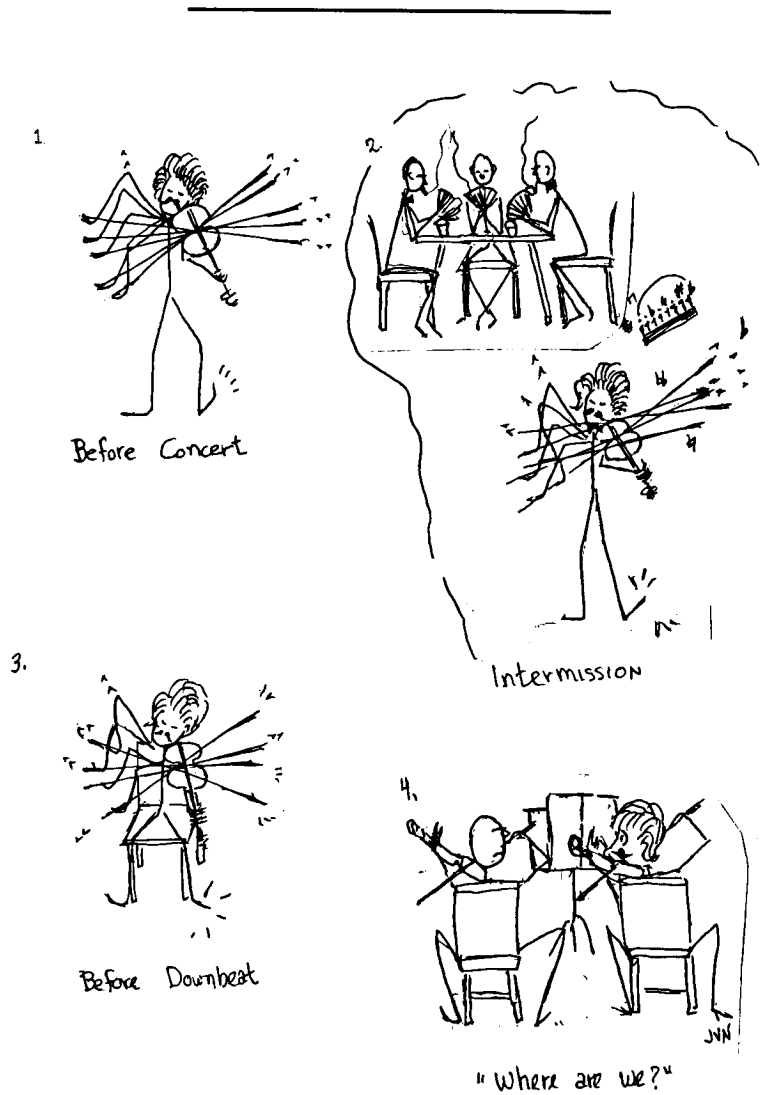
Orchestra	Weeks	Weekly scale— scale + maximum seniority benefit	Annual guaranteed wage — AGW + maximum seniority benefit
Alabama	40	\$425.	\$17,000.
Atlanta	52	638.—663.(-)	33,176.—34,476.
Baltimore	52	610.—630.(-)	31,720.—32,760.
Boston	52	880.—930.(+)	45,760.—48,360.
Buffalo	44	510.—530.(-)	22,440.—23,320.
Chicago	52	880.—915.(+)	45,760.—47,580.
Cincinnati*	52	{715.—755.(-) 745.—785.(-)	37,960.—40,040.
Cleveland	52	840.—900.(+)	43,680.—46,800.
Dallas	52	691.—711.(+)	35,932.—36,972.
Denver	41	677.—687.(+)	27,757.—28,167.
Detroit	52	{780.—800.(+) 840.—860.(+) 388.	42,120.—43,160.
Florida	37	{420. 570.20.	14,774.
Grant Park	9½	406.81	5,416.90
Honolulu	38	{630.—655.(-) 670.—695.(-)	15,459.
Houston	53 (16) (37)	{550.—570.(+) 575.—595.(+)	34,870.—36,195.
Indianapolis	50	{860.—910.(-) 372.40.	28,125.—29,125.
Los Angeles	52	{640. 672.50.	44,720.—47,320.
Louisville	38	{770. 805.	14,151.20.
Milwaukee*	46	{795.—895.(+)	30,187.—30,687.
Minnesota*	52	795.—895.(+)	40,950.—41,250.
National	52	795.—895.(+)	41,340.—46,540.
New Jersey	125	services at \$84.29 @	10,536.25—10,824.25
New Orleans	38	543.12	20,638.56
New York	52	880.—905.(+)	45,760.—47,060.
North Carolina	42½	514.—530.(+)	21,845.—22,525.
Oakland	111	services at \$62.50 @	6,937.50
Oklahoma*	32	380.—419.(+)	12,160.—13,408.
Oregon	42	529.83	22,252.80
Philadelphia	52	880.—915.(+)	45,760.—47,580.
Phoenix	39	450.	17,550.
Pittsburgh	52 (1) (25) (26)	{750.—790.(+) 790.—830.(+) 830.—870.(+)	42,080.—44,160.
Rochester*	49	528.	25,872.—26,400.
St. Louis*	52	780.—820.	40,560.—42,640.
St. Paul	40	**	32,065.
San Antonio	39	480.—515.(+)	18,720.—20,085.
San Diego	45	472.25	21,250.
San Francisco*	52	{845. 855. 515.50—535.50(+) 531.10—551.10(+)	44,200.—45,550.
Seattle	45	{515.50—535.50(+) 531.10—551.10(+)	23,493.90—24,393.90
Syracuse*	43	474.82	20,417.—20,767.
Toledo			
Utah	52	{505. 520.	26,650.
Chicago Lyric	17	830.—846.60(-)	14,110.—14,392.20
Kennedy Center. Metropolitan			
Opera	32 + 4	825.70	26,422.40
N.Y.C. Ballet	26 + 3	700.—738.(+)	18,200.—19,188.
N.Y.C. Opera*	23 + 6	646.—706.(+)	14,858.—16,238.
S.F. Ballet	98	perf. at 124.50 @	14,406.
	90	reh. hrs. at 24.50 @	
S.F. Opera	20 20	860.	24,300.

NOTES ON SYMPHONY WAGE CHART

Note: Opera and ballet orchestra figures do not include rehearsal pay. Metropolitan Opera pay is for 4 weekly performances. Number after + indicates Supplemental Unemployment Benefit (SUB) weeks, not included in annual guarantee. San Francisco Opera annual wage includes guaranteed minimum 85 hours of day rehearsal pay.

*For seniority pay in Cincinnati (\$10 per 10 years of service), Oklahoma (\$3 every 3 years), Saint Louis (\$5 per 5 years of service), and New York City Opera (\$1 per year of service), there is no cap on number of years of service; dollar figure provided is based on 40 years of service. Rochester has \$25 per year of service to maximum of weekly salary, paid lump sum. Milwaukee, Minnesota, San Francisco, and Syracuse also pay lump sum annually. Chicago Lyric figure is 2% of weekly minimum.

**St. Paul musicians may opt for payment over 40 or 52 weeks; weekly wages vary.



Joan Atkinson van Nuys, who drew the above cartoon, "The Star," is a violinist with the Youngstown (OH) Symphony Orchestra. In addition to raising three daughters, she has published two romance novels under the pen name of Marianna Essex. Her sister, Betty Lambert, is a violinist with the Chicago Symphony Orchestra.

SETTLEMENT SUMMARIES

Settlements are reported in depth in ICSOM bulletins which are sent immediately to member orchestras; summaries of basic and interesting new provisions are noted in Senza Sordino. Orchestras are encouraged to file and consult bulletins for more detailed information.

Milwaukee Symphony musicians voted December 17, 1985, to extend their current contract for one year to August 1987. A wage increase of \$32.50 per week will be postponed until February 1987, when the current \$640 wage will jump to \$672.50. All administrative staff members will also be subject to a one-year wage freeze.

Oakland Symphony musicians returned to work November 17, 1985, ending a strike begun October 3. 110 services at \$62.50 (\$6,875) are guaranteed the first year, 170 services at \$72.50 (\$12,325) the second year. Weekly wages of \$450 for 30 weeks are slated to begin in the third year; this wage is subject to increase by renegotiation at the end of the second year.

CHICAGO MUSICIANS GIVE PEACE CONCERT

Musicians of the Chicago Symphony Orchestra donated their services in the cause of world peace, performing *Symphony for Survival II*, a concert sponsored by Musicians Against Nuclear Arms (MANA) and other organizations opposed to nuclear weapons. The concert took place at Orchestra Hall on Saturday, January 25, 1986. The musicians had performed a similar concert for the same cause several years earlier.

Joseph Silverstein, noted violinist and music director of the Utah Symphony, performed Mozart's *Violin Concerto No. 5* and conducted the ensemble in Mozart's *Symphony No. 34*. CSO music director Sir Georg Solti led the orchestra in Beethoven's *Symphony No. 7*.

Following intermission the audience was addressed by Joseph Cardinal Bernardin.

THE PERFORMING ARTS LABOR RELATIONS AMENDMENTS

Under current labor laws the majority of musicians performing in nightclubs, lounges, hotels, and catering houses do not have the same rights as other workers. Even if musicians voluntarily join a union and want the union to represent them, establishment owners can refuse to negotiate with, or even meet with, representatives of the union, in effect creating 50 right-to-work states as far as many musicians are concerned.

The majority of members of symphony, opera, ballet and theatre orchestras are much more fortunate and do not suffer from this problem since the National Labor Relations Board has assumed jurisdiction over most of this work. As a result, orchestra musicians have been successful in achieving contracts that provide for pensions, sick leave, health and welfare coverage, unemployment compensation, vacations, tenure, and other benefits to which workers are normally entitled.

Why, then, should orchestra musicians support the Performing Arts Labor Relations Amendments when they would not benefit directly?

The passage of these amendments will benefit each and every professional musician in the United States because it will improve the image and strength of the American Federation of Musicians, which will have a positive impact on negotiating the contracts of all musicians.

The word "union" means joining many individuals into one. It means working together for the common good of the membership. This is an opportunity for every musician to help our profession. No legislation has ever been more important for the future of the professional musician. If we are going to improve the stature of the musician in the eyes of the public, we must be successful in our efforts.

I urge you to take the time immediately to write to your senators requesting support of S.670 and to your congressmen urging support of H.R. 2761.

*Victor W. Fuentealba, President
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