

# Senza Sordino

Official Publication of the International Conference of Symphony & Opera Musicians

Volume 30, No. 2

15

December 1991

## Rochester Philharmonic Orchestra Musicians Honor Music Teachers

In the spring of 1992, the musicians of the Rochester Philharmonic will present the fourth annual RPO Musicians' Awards for Outstanding Music Educators. The awards were created in 1989 to recognize and honor outstanding music educators annually in each of the following four categories:

Classroom Music Specialist, grades K-12;  
Choral Director, grades K-12;  
Band Director, grades K-12;  
Orchestra Director, grades K-12.

The concept of an awards program arose in 1988 from a casual meeting with the owner of a local music store. We discussed the mutually perceived isolation between performing orchestral musicians and the world of music education in the Rochester public, parochial, and private schools. We concluded that there ought to be some way to encourage symphony musicians and music teachers to develop a greater understanding of each other's commitment to music, and for both to become more involved in supporting their common interests. If the prestige of the Philharmonic musicians within the community could be harnessed to focus public attention on the activities of local school music teachers, and likewise, if teachers could be made more aware of the value of the Philharmonic as an educational resource, then both groups could benefit.

With a growing national focus on education, the idea of a high-profile awards program in which professional musicians paid public tribute to outstanding music teachers seemed the most likely way to generate enthusiasm, goodwill, and support, not only among musicians and teachers, but throughout the rest of the community.

An awards committee consisting of two musicians from the RPO and a cross-section of ten music educators from throughout the Rochester/nine county region of upstate New York was formed to oversee the awards process and to create bylaws, nomination and selection procedures, and a statement of purpose. The local music store agreed to underwrite the committee's expenses for postage, printing of nomination forms and press releases, and cost of the award plaques. The music store also offered to use its distribution network to deliver information and nomination forms to music teachers at their schools throughout the target area.

The award plaques are formally presented to recipients at a subscription series concert each spring. A post-concert reception hosted by the musicians of the orchestra at their own expense provides the opportunity to honor and meet with the award recipients, their families, and their supervisors.

Several weeks prior to the presentation of the awards, a press release with the name and a brief biography of each recipient is mailed to the local media, to area music educators, and to local and state legislators and public officials. Invitations and complimentary tickets to the awards presentation concert are sent to the recipients' supervisors and school boards.

Right from the start, the awards program received the support that had been anticipated. Of the twelve people who were invited to serve on the first awards committee, every single one embraced the responsibility. The committee was made up of distinguished and universally respected musicians and educators whose participation and judgment lent a high degree of prestige and legitimacy to the awards. The committee's dedication made possible a very successful first year for the awards program, and in the two years since, the awards committee has streamlined its operations so that it is able to complete its business in only three or four meetings.

The awards program has grown each year and has received recognition and praise from the U.S. Secretary of Education, from both of the U.S. senators in New York, and from numerous other public officials interested in education. We expect that the RPO Musicians' Awards program will continue to grow and to provide another positive influence on music education and music appreciation in the Rochester area.

*William L. Cahn*  
Principal Percussionist, RPO

*To obtain more information or a copy of the awards committee bylaws, please write to William L. Cahn, Secretary of the RPO Musicians' Awards Committee, c/o the Rochester Philharmonic Orchestra, 108 East Avenue, Rochester, NY 14604.*

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## Concertgoer's Guide Reaps Rewards for Honolulu Symphony Musicians

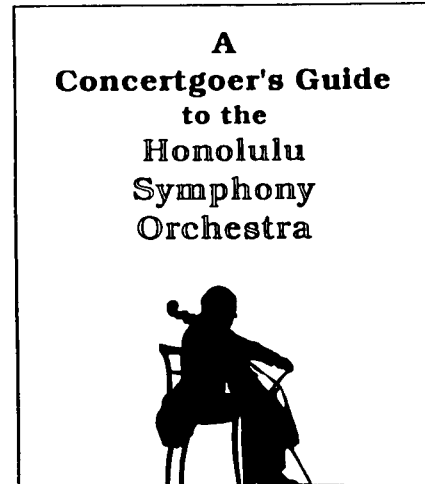
What is a day as a Honolulu Symphony musician like? Do musicians own their own instruments? Why do musicians play in the Symphony? Why does Honolulu need an orchestra? A new publication by the Honolulu Symphony Musicians, *A Concertgoer's Guide to the Honolulu Symphony Orchestra*, answers these questions, and more.

The *Concertgoer's Guide* was conceived after the 1986 strike. The orchestra's 1990 media committee chairman, Paul Barrett, noted that data collected by the media committee had educational value independent of any work stoppage, and suggested that the material be compiled in a way that it could be disseminated to the general public whether or not a strike occurred. The musicians knew that other orchestras, including Rochester, Colorado Springs, and Richmond, had produced such educational booklets, and the *Concertgoer's Guide* was patterned along similar lines.

The production of the *Concertgoer's Guide* was a real team effort. Media committee members Scott Janusch and Greg Dubay did the writing, typing, and layout; Sheryl Shohet and Marsha Schweitzer did proof-reading; Mark Schubert took the photos; Mike Gorman recruited volunteer salespeople; and Dianne Wachsmann supplied the sales outlets. Last but not least, AFM Local 677 provided unlimited use of its computers, copier, fax machine, and office staff.

About 1000 copies of the *Concertgoer's Guide* have been sold so far, and orders continue to come in from HSO concert patrons, HSO board members, school music students, college libraries, and volunteer organizations. About forty were sold at the ICSOM conference, so almost every ICSOM delegate now has one. The *Guide* has literally reached around the globe, having been purchased by a member of the U.S. Consulate in Switzerland!

*Marsha Schweitzer*  
*Senza Sordino Assistant Editor*



by the  
**Honolulu Symphony Musicians**

*including:*

*...over 60 informative pages on the lives and work of the orchestra musicians*

*...85 photographs and biographies to help you get to know the players*

*...the history of the orchestra...letters from guest artists...a day in the life of a symphony musician...and more!*

## Asleep at the Helm?

An article titled "Occupation-Related Physical Problems of Conductors" which appeared in the 1987 spring-summer issue of the Conductors' Guild *Journal* yielded some surprising statistics. For example, "Performance-related sleeplessness was a common complaint . . . There were 24 conductors . . . who suffered sleeplessness both before and after performance. None reported sleeplessness during performance."

On the subject of accidents, the article disclosed that "3 podium accidents were reported: one involved a fall, another a slip, another a splinter from a baton. Musical accidents were, of course, frequent."

## Strike Fund Trustees Meet

The trustees of the AFM strike fund met in New York on November 4. Melanie Burrell and I (filling in for ICSOM chairperson Brad Buckley) represented ICSOM.

At this meeting, revised eligibility guidelines for orchestras were adopted. Under the old criteria, an orchestra had to have at least 60 members, all of whom earned an annual minimum salary of at least \$15,000. The new, liberalized guidelines allow for a 50-piece orchestra of whom at least 25 core players must earn the \$15,000 minimum.

Troubled orchestras facing termination or season cancellation may be eligible for up to eight weeks of strike fund benefits, even if there is not a clear strike or lockout situation. Coverage may be extended if negotiations resume within the eight weeks.

*David Angus*  
*ICSOM President, Rochester Philharmonic Delegate*

## “Fat” Ballerina vs. Management “Heavies”

Despite explicit contract language on the topic of dismissal, there have been many instances of abuse in American orchestras. Managements sometimes try to shelter improper firing practices by blurring the distinction between “just cause” and “artistic” reasons for dismissal.

A classic example of such a scenario occurred a decade ago concerning Ms. X, during her second year as a dancer with the American Ballet Theater (ABT). Although the details of her case are specific to dancers, the principles are entirely germane to orchestras.

During the ABT’s 1980-81 season, Assistant Artistic Director Charles France spoke several times with Ms. X about her weight, which was felt to affect the visual impact of her performances. France ultimately warned that failure to slim down would result in fewer appearances for her. Each time, Ms. X acknowledged the problem and promised to address it. She was never given any written memorandum documenting the problem or explaining how much weight she should lose.

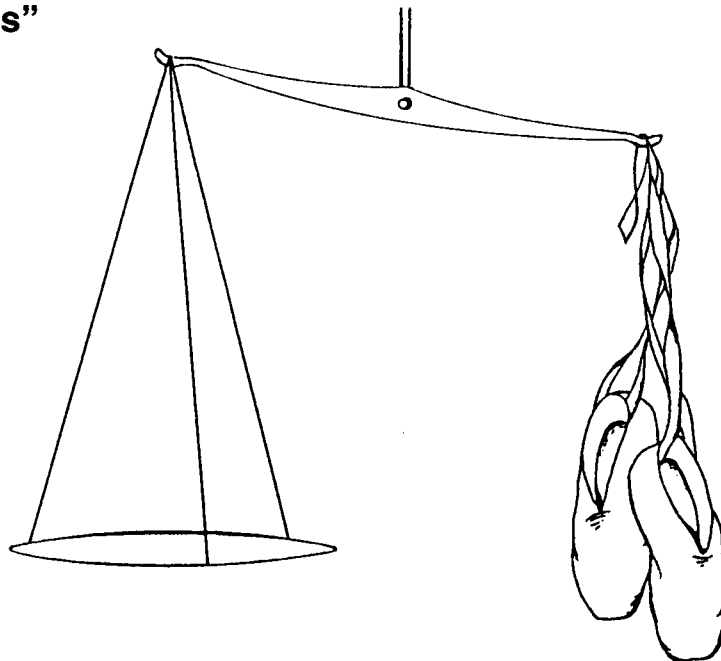
In a meeting with the artistic staff on April 27, 1981, Artistic Director Mikhail Baryshnikov told Ms. X she had been given a great deal of warning and time to correct her weight, all to no avail. He said she had become a bad example whom he no longer wished to have in the company, that he no longer trusted her promises to improve, and that he was terminating her employment with ABT.

The following contract provisions were in effect at the time:

### 40. DISCHARGE, CONDITIONS OF

(a) **For Non-Artistic Reasons-** During the first year of employment, an ARTIST can be dismissed for any reason without recourse. Thereafter, except as provided below, no ARTIST may be discharged except for just cause. If the Union disputes the propriety of the discharge, it may submit the dispute to final and binding arbitration pursuant to the Voluntary Labor Arbitration Rules of the American Arbitration Association.

(b) **For Artistic Reasons-** In the event the artistic director wishes to terminate an ARTIST for artistic reasons only, he shall notify such ARTIST in writing of his desire not to renew his or her contract for the following year. Such notice shall be given no later than eight weeks prior to the end of the then current season. No such notice shall be served unless at least eight weeks prior thereto the Artistic Director shall have served written warning and had a personal meeting with said ARTIST during which the Artistic Director shall explain to the ARTIST exactly what the perceived deficiencies are and shall give the ARTIST the opportunity to correct said deficiencies prior to the service of notice of non-renewal.



Ken Ishii

On May 1, 1981, the employer formally advised Ms. X of her discharge for “just cause,” effective May 3, 1981. She had received no other written notice of the employer’s decision to fire her. A grievance was filed, and the case went to arbitration.

At the arbitration hearing, both the union and the employer agreed that Ms. X was a fine dancer whose weight problem did not impede her ability to perform. ABT had no written or oral policy or rule concerning what its dancers should weigh. Further, ABT acknowledged not knowing how much Ms. X weighed, or how much she should weigh. ABT’s objections had to do with the effect of being overweight on Ms. X’s line and appearance—the quality of her movements, not their execution.

The employer argued that Ms. X’s overweight condition was initially an artistic concern, but became a disciplinary issue and “just cause” for her ultimate dismissal under Article 40(a). ABT further argued that its patient and frequent oral counseling of Ms. X and her repeated promises to improve removed her case from Article 40(b)’s operation and placed it within Article 40(a). To apply Article 40(b)’s rigid, written notice requirement under such circumstances would punish ABT’s patience and reward Ms. X’s lack of personal discipline.

The union maintained that Ms. X was dismissed for artistic reasons, exclusively governed by Article 40(b), and that ABT’s failure to abide by that section’s clear procedure was a contract violation requiring her reinstatement with full back pay.

The history of Article 40, which had been the final item in the 1979-82 contract negotiations, was discussed. During those negotiations, both the management and union had consistently cited “overweight” as an example of an artistic reason for dismissal, covered by Article 40(b), and “missing rehearsals” as an example of “just cause” for dismissal covered by Article 40(a).

## Pension Pointers

In recent years, a couple of new issues related to pension plans have arisen in a number of symphony negotiations. I thought it would be helpful to other negotiating committees to at least be aware of these issues for current or future negotiations.

### “Rule of 85”

In connection with discussions regarding eligibility for the maximum benefit provided by the pension plan, the issue of including a “Rule of \_\_\_” has come up. The “Rule of \_\_\_” (the number doesn’t have to be 85: it could be 80 or 90, etc.) allows you to receive the maximum pension by satisfying the age and years of service requirements despite the absence of achievement of one of the two. To illustrate, if your plan requires both 30 years of service *and* the attainment of the age of 60 to be eligible for the maximum pension, you would suffer a reduction in your monthly benefits if you did not have either or both the age and/or the years of service, even if you were otherwise able to retire. If, however, your plan contained a “Rule of 90” provision, and you were age 58 with 32 years of service, you would qualify for the maximum pension because your age and years of service total 90. Thus, such a “Rule of \_\_\_” is often helpful.

The inclusion of the “Rule of \_\_\_” in your plan will, of course, become more expensive as the numbers get lower. For example, a “Rule of 90” is very inexpensive because it still maintains, in essence, the basic requirements of 60 and 30, which is not an expensive eligibility rule itself.

You will notice, however, a sharp increase in the cost when you propose a “Rule of 85,” which is a basic age 60—25 years of service requirement. Actuarially, the cost of eligibility rules increases as the number of people likely to take advantage of them increases. What should be kept in mind is that the above description of the “Rule of \_\_\_” is not the same as the so-called *normal* “Rule of \_\_\_” in actuariespeak.

The *normal* “Rule of \_\_\_” according to the actuaries is one

which still requires the actual achievement of the requisite number of years of service (even if the age is less); otherwise, there is an actuarial reduction in benefit applied for each year less than the requisite number. Such a “Rule of \_\_\_” is far less useful (and far less expensive) than the *abnormal* one I’ve described above. Pick whatever one you wish (and can get), but don’t make the mistake of accepting a proposed “Rule of \_\_\_” without ascertaining how it works.

### Joint and Survivor Reduction

ERISA, the 1974 Pension Reform Act, requires all covered pension plans to assume that all married beneficiaries have chosen a benefit payment plan which pays the beneficiary’s spouse 50% of the beneficiary’s payments after the beneficiary dies, for the remainder of the spouse’s life. Married beneficiaries, and their spouses, who wish to choose another payment plan (e.g., lump sum, 5 years certain, etc.) may do so, but must sign written authorizations expressly declining the joint and survivor plan.

Those who choose the joint and survivor option will find a relatively small, but significant, decrease in their expected benefit payments because the fund is making the beneficiary and his/her spouse pay for the additional cost in such an open-ended, potentially long-term payout.

As with virtually every other aspect of pension negotiations, this reduction factor can be negotiated out if the employer pays an additional amount into the plan to cover the expense. The cost is not exorbitant, but many musicians and their committees are either not aware of the reduction or think that there is no way to avoid it.

Finally, I suggest full discussion of these issues with counsel and the actuarial consultants.

Len Leibowitz  
ICSOM Legal Counsel



## Marilyn Lauriente Sadly Missed

The Chicago Lyric Opera Orchestra was saddened by the recent death of principal clarinetist Marilyn Lauriente, following her valiant struggle with leukemia. Marilyn served as the orchestra’s ICSOM delegate from 1987-1990. Her activism began in the 1960’s fighting for musicians’ rights, higher salaries, improved working conditions, and local union reform.

Colleagues cited Marilyn’s zest for life, commitment to issues, and artistry. Principal oboist Gladys Elliot commented, “Marilyn’s

deep understanding and poetic rendering of the haunting clarinet solos in *La Traviata* and *Tosca* will linger in my memory forever.”

Carol Beck  
Chicago Lyric Opera Orch. ICSOM Delegate

Those of us who worked with Marilyn at ICSOM conferences add our sense of loss to that of the Chicago Lyric Opera Orchestra.  
—Ed.

## ICSOM Conference: Impressions of a First-timer

I had been a dues-paying member of an ICSOM orchestra for twenty years. I had heard about ICSOM and its work through bulletins, *Senza Sordino*, and Honolulu delegate Mark Schubert's ICSOM reports. I had spoken to several ICSOM leaders and delegates from other orchestras while the Honolulu Symphony was in the process of searching for a new executive director. But I had no experience with ICSOM from the inside. How do these musicians from around the country interact? Do they really learn things at the conference, or do they just socialize?

I found a niche for myself at the conference in several areas. Mark and Lew Waldeck directed me toward delegates from orchestras with problems similar to those we have faced in Honolulu, thinking I might be able to help. In keeping with my position as Assistant Editor of *Senza Sordino*, I helped Debbie Torch gather material for future issues of the newsletter. Information I had compiled on the subject of tax-exempt status for orchestra players' associations also came in handy, as it seems this issue is becoming increasingly important throughout the orchestra world.

There were two events at the ICSOM conference that I found especially moving. The first was the almost ceremonial Roll Call of Orchestras. As I heard the names of ICSOM orchestras being read in alphabetical order—"Alabama, Atlanta, Baltimore, Boston," etc.—a listing of the country's greatest orchestras embodying the nation's finest symphony, opera, and ballet musicians, I became viscerally aware of the privileged circle I was in. What a confederation ICSOM is, represented by this assemblage of delegates! What an honor to be a part of it.

The next emotional moment came during Lenny Leibowitz's negotiation seminar, when the Chicago Symphony delegate, David Sanders, questioned the need to report to the orchestra what the negotiating team's proposals are. "Our orchestra doesn't need to know what the proposals are," he said. "If our committee tells us we have a settlement, fine. If they tell us we are on strike, then we're on strike."

With those words, I was reminded of our recent 16-hour strike in July 1990, when our committee reported to the orchestra that no settlement had been reached and that we would have to walk the picket line instead of playing the first rehearsal of the season. Our orchestra members had picked up their picket signs and headed to the street while the committee returned to the bargaining table. I looked over at Milton Carter, our local president, who was sitting nearby, and saw that his eyes had filled with tears. As we both recognized our own triumph in the words of the Chicago delegate, we knew we were among the few in that room who could personally identify with the harmony of musicians, committee, and union that others have only dreamed of. (Little did we know that the CSO would soon go out on strike over a health care issue that is central to the welfare of all ICSOM orchestras. Their victory is a victory for all of us.)

I learned many things at this year's ICSOM conference, but foremost in my memory is learning of the high regard in which the Honolulu Symphony musicians are held among the national community of orchestras. Mark Schubert, our long-standing ICSOM delegate, is a leader among ICSOM delegates, as evidenced when

he was chosen to head the musicians' negotiating team in the mock negotiations at the end of the conference. The memory of the Honolulu Symphony strike of 1986 is still vivid in the minds of ICSOM delegates, and those of us from Honolulu at the conference—Mark, Milton, and I—were repeatedly asked by other orchestras for advice in preparing musicians for a possible strike, how to deal with the media, and other strike-related questions. ICSOM had clearly gotten the word that "Honolulu knows how it's done."

I was also impressed by the dedication of ICSOM officers, who were inspiring not only in their personal commitment to the entire orchestral field, but also in their depth of knowledge and understanding of the problems we face. We are indeed fortunate to have such a distinguished group of fellow musicians working on our behalf around the country.

ICSOM really is the helpful, powerful, and inspirational organization I was hoping to find. However, ICSOM is only as effective as its member orchestras allow it to be. ICSOM offers incredible advantages to its members, but those advantages cannot be fully accessed until member orchestras overcome the obstacles of ignorance and selfishness within their ranks. ICSOM can help orchestras address these problems, but neither ICSOM nor the AFM can wave a magic wand and make such problems disappear. Each orchestra must develop its own pride, its own resolve, and its own willingness to be good citizens in the community of orchestras. Each orchestra must sacrifice and commit to the good of all symphony musicians, not just address its own specific needs.

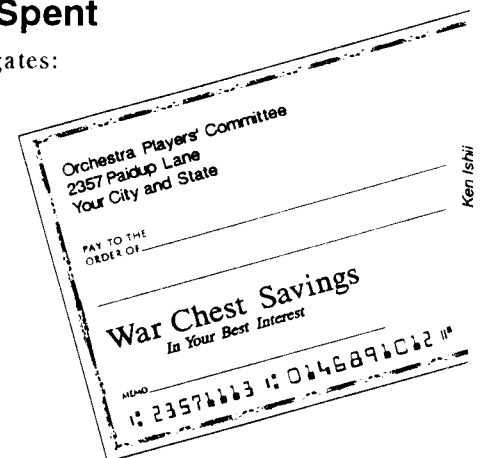
As Brad Buckley pointed out in his opening remarks at the conference, we are in danger of becoming victims of our own success. Many of us have achieved so much in bettering our standard of living that we have become complacent. We must understand that everything we have won so painstakingly can easily and quickly be lost.

Some orchestras have learned their ICSOM lessons well and used the alliance of ICSOM orchestras to full advantage. Other orchestras have yet to recognize even that the ICSOM door is open, let alone glimpse the treasure inside.

*Marsha Schweitzer*  
*Senza Sordino Assistant Editor*

## Money Well Spent

ICSOM Delegates:  
It's time for orchestras to send ICSOM dues to treasurer Carolyn Parks, whose address appears in the Governing Board box on page 6.



**Ballerina**

*continued from page 3*

Examination of the precedent for dismissals at ABT showed that the only two "just cause" dismissals under Article 40(a) had indeed involved missed rehearsals. The one discharge involving overweight as a factor had been pursued under Article 40(b).

The arbitrators found that the several conversations between France and Ms. X could not substitute for her contractual right to written notice of deficiencies. Concern for visual impact and line are aesthetic issues which could not be converted by their frequency to misconduct or insubordination. The ABT's sole objection to Ms. X was artistic, and the company chose the wrong contractual method to vindicate its artistic judgment.

On December 4, 1981, the arbitrators determined that there was no "just cause" for Ms. X's dismissal. She was reinstated, effective to May 3, 1981, and granted "a sum of money including benefits equal to the difference between what she should have earned during the period of her wrongful discharge and what she did earn for services during that period."

At the time of the hearing, Ms. X had already found another position, and she subsequently enjoyed a successful career dancing with a different company.

*Information for this article was provided by Len Leibowitz, and was compiled by Senza Sordino editor Debbie Torch from the opinion and award of the case heard by the American Arbitration Association.*

**As We Go To Press**

- The Kennedy Center Opera House Orchestra has negotiated a two-year contract.
- The Player Conference Council met in Las Vegas on December 17. President David Angus represented ICSOM.
- A music medicine conference presented by the Medical and Chirurgical Faculty (Maryland State Medical Society) will take place in Baltimore January 24-25. In addition to speakers, there will be a panel of jazz, classical, and rock musicians who will discuss career demands and the musician's role in society. For further information, call Susan Harman, (410) 539-0872.
- The 1992 ICSOM conference will be held at Vail, August 19-23. This conference marks the 30th anniversary of the founding of ICSOM.

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Subscription: \$10 per year, payable to:  
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