

Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

VOLUME 34, NO. 1

January 1996

Prodigal Returns The AFM-EP Fund

Former AFM president J. Martin Emerson called it “the AFM’s best-kept secret.” Hostile contractors, resistant to paying pension benefits to their musicians, have called it a “union slush fund.” Sixteen ICSOM orchestras, as well as many ROPA and OCSOM orchestras, depend on it for future pension benefits. So what is it?

The American Federation of Musicians and Employers’ Pension Fund, to give it its full name, is a multiemployer pension plan. Such a plan, according to *Fundamentals of Employee Benefit Programs* (Employment Benefit Research Foundation, 1990), is “typically an employee pension or welfare plan that covers the workers of two or more unrelated companies in accordance with a collective bargaining agreement. Contributions to support such plans are negotiated at the initiative of a labor union or a group of labor unions representing the workers of a number of companies... the workers are usually engaged in the same kind of employment.”

All multiemployer pension plans are set up under Section 302(c)(5) of the Labor-Management Relations Act of 1947. This law requires that the plans be governed by a board of trustees made up of employer and union representatives, each having equal representation. The operation of multiemployer pension plans is governed by applicable regulations of the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA). These regulations set standards for fiduciary responsibility and govern disclosure and reporting requirements, vesting, benefit accrual, and other matters.

The AFM-EP Fund was set up in 1959 as part of a collective bargaining agreement between the AFM and the recording industry. It was initially open only to musicians who worked for recording companies, but has since become open to all working AFM musicians and AFM staff. The Fund has grown dramatically in the past decade. In 1983 the Fund was worth \$288 million. By June of 1995, the Fund was worth \$912 million.

The Fund is governed by fourteen trustees; seven from the employers and seven from the union. The trustees of the AFM-EP have historically chosen to hire staff to administer the plan and to retain a number of investment counselors to manage the Fund’s assets. The Fund’s current Administrator, M. Delores Thrower, is a Certified Public Accountant. She came to the AFM-EP Fund in 1993 from the

Directors Guild of America—Producer Pension and Health Plans, where she was Assistant Administrator and Controller.

Is it safe?

The AFM-EP Fund, unlike some of our orchestras’ own pension funds, has no unfunded liability. This means that, even if all contributions ceased tomorrow, the Fund has sufficient assets to pay all the present and future benefits due to vested participants. In addition, certain vested benefits of the Fund are insured by the Pension Benefit Guarantee Corporation, a Federal agency. Moreover, Federal law protects multiemployer pension plans such as the AFM-EP Fund from the risk of an employer withdrawing from the plan or reducing its contribution. It does so by imposing “withdrawal liability,” a legal obligation requiring such an employer to pay for its share of the plan’s unfunded liabilities.

In addition to these protections, the Fund is audited annually, and also undergoes an annual actuarial valuation.

The fourteen trustees of the Fund are held to very rigid fiduciary rules of financial integrity and performance by ERISA and the Taft-Hartley Act. ERISA states that fiduciaries (in this case, the Fund trustees) must act “with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.” According to *Fundamentals of Employee Benefit Programs*, “a fiduciary who violates ERISA’s standards may be personally liable to

continued on page 2

In This Issue

Conductor Evaluations: Why Bother?..	3
Disability and Taxes	4
1995-96 Wage Scale Chart	5
1994-95 Recording Sessions	6
The Old Pro’s Nest	7
A Parabolic Editorial	8
Newslets	10

AFM-EP Fund

continued from page 1

cover any losses resulting from failure to meet responsibilities and may be required to return any personal profits realized from his or her actions. Additionally, fiduciaries may be liable for the misconduct of other fiduciaries, if they know about such misconduct.”

What's in it for me?

Put simply, the answer to this question is “\$4.00 per month per \$100 contributed.” This looks like an astounding annual return of 48%. The actual equivalent return on investment is harder to calculate, but is more on the order of 9%, depending on the assumptions used. This is because the \$4.00 per \$100 figure is irrespective of when the money was contributed. Joint-survivorship benefits, where a spouse who survives a deceased participant continues to receive benefits, are somewhat lower, as might be expected. Participants and their survivors are guaranteed at least 100 months of benefits if the participant dies after age 59, whether retired or not. In addition, a vested participant can begin receiving a lower level of retirement benefits as early as age 55, even if he or she continues to work. Comparing this benefit level to the benefit levels of a given orchestra's plan is a job for a professional actuary, not a part-time editor, but a number of orchestras have had the calculations done for them and found the results put the AFM-EP Fund in a very favorable light indeed.

In addition to the pension benefit, the AFM-EP Fund provides some insurance benefits as well, notably disability and death benefits if either event happens before a participant has retired and begins receiving benefits.

There are some subtler benefits to participation in the AFM-EP fund. One is security. Unlike some orchestra pension funds, the AFM-EP Fund is both fully funded and not under the control of people who may be trying to minimize an orchestra's expenses. Participation in the Fund also has advantages for orchestra managements. An orchestra participating in the AFM-EP Fund has essentially shuffled

off the immortal coil of future pension obligations onto the broad shoulders of the Fund's fourteen trustees. Its only obligation for its musicians' pension is to write a check for a pre-negotiated amount and mail it to the Fund.

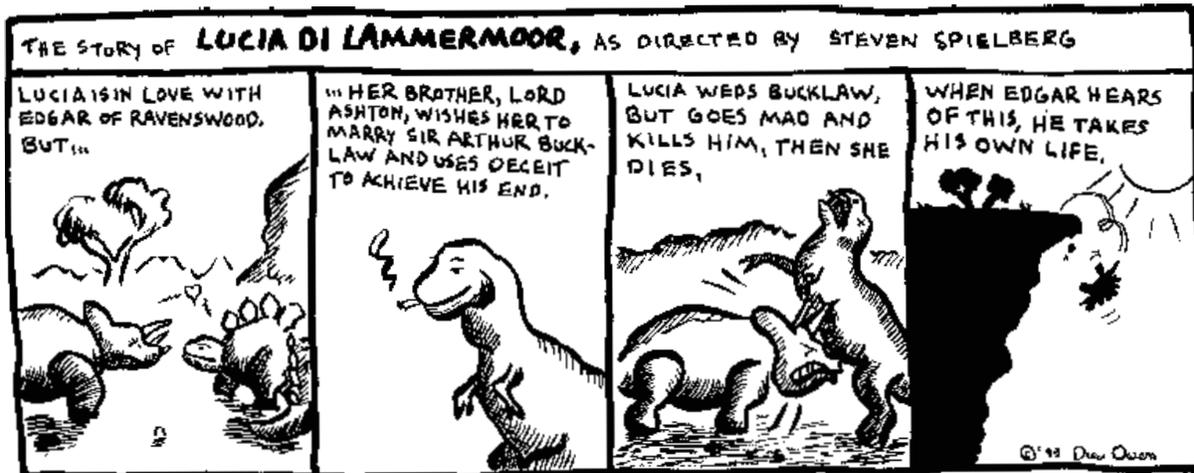
Entry into the Fund

For an orchestra with no pension program, entry into the AFM-EP is quite easy, and basically consists of negotiating management's contribution (only employers, not employees, can pay into the Fund) and signing a participation agreement with the Fund. For an orchestra with an existing defined contribution program, it could be as simple as negotiating with management that management's “defined contribution” go to the AFM-EP rather than the company currently acting as custodian of the accumulated pension moneys.

Things are not so simple for an orchestra with a defined benefit pension plan already in place, especially if that plan has an unfunded liability and will need to be fully funded. The Fund will not accept monies from an existing pension plan, whether it is fully funded or not. Even in that situation, though, an orchestra and its management may decide that fully funding the existing program, freezing it in place, and switching to the AFM-EP could produce a significant improvement in the musicians' pensions. In this situation, the Fund will transfer vesting from the old plan to the AFM-EP, which is to say that a musician fully vested under the old plan will immediately be vested in the Fund.

Nobody but the musicians of a particular orchestra, their local union, and their professional counsel is competent to say what is the ideal pension program for that orchestra. But it is clear that the AFM-EP is a program that currently meets the needs of many ICSOM orchestras, and is worthy of examination by any orchestra not completely happy with their current program.

Robert Levine



(thanks to Drew Owen, Louisiana Philharmonic)

Conductor evaluations: why bother?

by Tom Hall

Relations with conductors have always been a concern of orchestra musicians, and ICSOM has addressed this matter since its very beginnings in 1962. A committee was even appointed at the September 1963 conference to draw up a code of ethics for conductors. Such a code was approved at the 1967 conference, but the hope that it would become part of AEFM bylaws was unrealized. However, a conductor evaluation program was formulated and approved at that same conference. At first, results were hand-tabulated by member orchestras and conveyed to a Rapid Communication Center for dissemination. In 1982 we instituted computerized tabulation and data storage. The program currently provides over 2,500 evaluations on more than 500 conductors.

Each year at the ICSOM conference, I present a report on the conductor evaluation program. In preparing these reports, I consult the staff at Wayne State University in Detroit, where our conductor evaluation forms are tabulated and where the results are stored in the WSU computer for access by member orchestras. This year I had an unpleasant surprise: the number of ICSOM orchestras sending in evaluation reports had dropped dramatically, from about half of ICSOM's membership in previous years to about one-third in 1994-1995. Why had a substantial number of member orchestras declined to participate in this program? I asked that question at the conference. Most of the answers were not new; I've heard them from some orchestras which have never been actively involved. Here are some of the reasons given and my replies to them.

The form isn't perfect. It doesn't give orchestra members a chance to vent verbally, to write down criticisms. The form quantifies, and artistic evaluations are qualitative. It's not the purpose of the form to give orchestra members a chance to provide extended critiques or to blow off steam. The primary purpose of providing forms has always been to offer musicians a way to provide their collective subjective opinions and objective appraisals of conductors to help managements reach decisions about engaging guest conductors or music directors for member orchestras. If all you want to say is that a conductor was pretty good and you want him/her back, you need fill out only those questions on the form. And if you want a better form, don't hesitate to make some constructive suggestions to your delegate or to me.

We don't see the results. This is a democracy, and the voters have a right to know the results of their vote. There is good reason why results may not be posted or shown to the orchestra at large: orchestras must be protected from legal action by conductors charging defamation. The question of whether the compilation and distribution of conductor evaluations might make the union or its members answerable in any suit for libel arose when the program was adopted in 1967. The answer today remains as it was articulated then by

ICSOM legal counsel: proper and limited use of the evaluations is necessary to keep ICSOM and its members free from any liability. In clarifying what was proper and limited, counsel recommended that statements about conductors be neither recklessly nor maliciously made, that opinions about conductors be distributed only to persons having a common interest in those opinions, and that requests by management for evaluation information be made in writing with an assurance of indemnification.

This careful control of evaluation information, including its not being shown to the orchestra at large, is therefore reasonable and prudent. Leaks to the press are a major concern. The publication of evaluation information in any periodical or paper with a circulation outside the limited professional sphere might be protected under the right of the press to make "fair comment" on public figures, as long as such comment has relevance to the person's public character or performance, but there are many differing views as to how far the press can go in this regard.

Not enough people in our orchestra participate. Well, let's face it: advocacy for collective action has always been and still is difficult. Obviously, the more musicians and the more orchestras that regularly and conscientiously fill out the forms, the more valid and significant the results, but even if only part of your orchestra fills out the forms, the results have some usefulness, and even if only a few musicians want to fill out the forms, it's only right and fair to let them have their say.

We use our own form. OK, but that doesn't help other orchestras who want your opinion. And where is the fairness in having access to other orchestras' data when you won't provide your own? Also, using your own form doesn't eliminate the legal problems. The idea that using your own form means you can show the results to orchestra members with impunity is spurious.

There's no point in evaluating established conductors, especially our own music director. They have "arrived." With the exception of music directors in our largest orchestras, music directors do guest conduct around the country; other orchestras may want to consider your views on your music director. And suppose (as has happened in many orchestras) relations deteriorate or become divided and the management and the players want a review of the music director. If all of a sudden a conductor evaluation form appears for the music director, the evaluation becomes an isolated event which doesn't show in continuity or development of opinion over time. If problems develop with a music director, his/her evaluations by other orchestras are going to be less relevant than your own orchestras views. A suggestion of long standing is to evaluate your music director at least once a year.

continued on page 4

Conductor Evaluations

continued from page 3

Our management doesn't care what we think, or what musicians in other orchestras think. So what else is new? Of course that is regrettable, but other managements and musicians in other orchestras may care what you think, and your opinion may make a difference elsewhere in whether a conductor is engaged or not, and that in turn may affect whether your management continues to engage those conductors.

You do get our information, but we find it more efficient to send in many reports at once or even after the season is over. Don't wait! Other orchestras need your information, and they may need it quickly. A case in point occurred this season. A member orchestra sought information on several conductors who had recently conducted other ICSOM orchestras. Because evaluations were not yet available, that orchestra had to undertake informal surveys of individual members in the other orchestras, relying on individual opinions which may or may not have been representative of the orchestra as a whole.

A goal of ICSOM since its inception has been increased musician involvement in the decisions that affect their professional lives. Few aspects of our professional life are more significant than who stands on the podium. The ICSOM conductor evaluation program was instituted to provide musicians with an opportunity to collectively provide their input on this important issue. Sure, there are frustrations and disappointments when our views are ignored or rejected; that's life. The question remains: when it comes to judgments about how good or bad a conductor is, and about whether he or she should appear with our orchestras, do we want to have our say or not?

Tom Hall is a member of the Chicago Symphony Orchestra and coordinator of the ICSOM Conductor Evaluation Program.

ICSOM's Internet services continue to grow. *DOS Orchestra*, ICSOM's more-or-less weekly newsletter about professional orchestras, currently has more than 750 subscribers in 10 countries. *Orchestra-L*, ICSOM's Internet mailing list for professional orchestra musicians and related unionized professionals, has around 70 participants in more than 45 orchestras in 7 countries. Subjects discussed have included the economic impact of the arts, sound levels on stage, the absence of women from the Vienna Philharmonic, audition problems, bowings for Gilbert & Sullivan operettas, musician participation on boards, conducting standards, and breaking news from the Internet about orchestras.

To subscribe to *DOS Orchestra*, write to: dos@icsom.org
To subscribe to *Orchestra-L*, write to: orchestra-l@icsom.org

Pay now or pray later?

Many, if not most, ICSOM orchestras provide their musicians with long-term disability ("LTD") insurance as part of a partially contributory or non-contributory benefits package. Most musicians would bristle at the idea of paying all or part of the premium (or even the taxes on the premium) for such LTD insurance—especially since the odds are that few of them will ever take advantage of the benefits.

But think again. A recent *New York Times* article reminds us that, if the employer makes the entire premium payment for LTD insurance, the benefits for those employees who do need them will be fully taxable as ordinary income at a time when the employee will need every dollar. If, however, the employee pays all of the taxes on the premium, the benefits are then received tax-free. If the premiums are split between employer and employee, then the benefits are taxable only to the extent of the premium split, e.g. 50-50, then only 50% of the benefits are taxable.

Thus, according to the *Times* article:

"the cost is low for these group policies, about \$3 to \$3.50 a year for every \$1,000 of insured salary. For a person earning \$60,000 a year, the annual premium would come to around \$200," says Marjorie Rolan, Senior Vice President with People Management, Inc., a human resources consulting firm in New York. If the employee is single, the federal income tax would be about \$150.

But if the worker became disabled without having paid that tiny levy, the tax would loom large. If the employee receives a typical 60% of his base salary in disability benefits—rarely do the policies pay more than 50% or 60% of the base pay—that would bring in \$36,000. Taxes would gobble up about \$7,000 of that, leaving the worker with \$29,000.

Since most employers will have little reluctance in agreeing to let the employees pay the premium, or even the taxes on the premium, those orchestras concerned about this could probably make the changes during the term of the collective bargaining agreement without waiting for the next negotiation. But because of the nature of group policies, the entire group will have to agree to do it one way or the other (majority rules).

If you have any questions, check with your local insurance broker or legal counsel.

Leonard Leibowitz
ICSOM Counsel

1995-96 Preliminary Wage Chart of ICSOM Orchestras
compiled by Stephanie Tretick

Orchestra	Weeks	Annual Minimum Salary	+Max Seniority (35-yr cap)	EMG	Pension	Average Services Weekly	Vacation Weeks	Relief Weeks
Atlanta	52	54,860	56,940	2,860	25,000	8	8	6 services for strings, 2nd wind/brass
Baltimore		IN NEGOTIATION						
Boston	52	74,360	78,780	none	42,500	8	10	1 of the 10 vacation weeks
Buffalo	32	23,623	24,743	1,417	13,680	8	0	none
Chicago Lyric	28	39,480	40,862	none	8.5% AFM-EP	7-8	14.5% of base	1 opera relief, principal and asst. principal
Chicago	52	75,920	83,226		43,000 7.5	8		2 plus 1 subscription & 2 summer programs
Cincinnati	53	61,750	63,870	2,650	22,000 AFM-EP	8	9	16 services for strings
Cleveland	52	71,760	80,080		36,000	8	9	1 of the 9 may be floating
Colorado	37	23,209	24,689	1,850	7% EP/DCP	8	4	7 personal services
Columbus	46	40,250	41,170	none	5-7% DCP	8	4	6 services personal leave
Dallas	52	54,340	56,420	5,720	23,040	8	8	12 string services
Detroit	46	62,677	64,517	2,000	24,000	8	2	8 services for strings and second winds
Florida Orch	37	24,605	26,085	185	6% AFM-EP	8	3	none
Florida Phil	40	30,262	31,062	none	6% AFM-EP	8	2	12 services strings, prin/2nd ww, 2dn brass
Grant Park		IN NEGOTIATION						
Hawaii	42	30,000	31,260		7% AFM-EP	8	3	none
Houston	52	58,890	60,190	3,640	25,000	8	9	none
Indianapolis	52	50,440	53,560	none	28,800	8	8.5	8 services strings, 1st and 2nd winds
Kennedy Center	26.5	28,459	30,058	none	7% AFM-EP		4%/pers. scale	none
Los Angeles	52	74,100	78,260	2,000	31,500	8	9	1 week strings, 2nd winds and horn
Louisville	40	22,296	22,916	1,560	500/yr EP/403(B)	8	4	7 services
Met Opera	52	70,512	70,512	none	50%	8	9	1 week
Milwaukee	44	44,880	46,272	none	24,960	8	5	2 of 5 floating + approximately 25 services
Minnesota	52	65,780	67,340	2,860	30,000	8	8.5	6 maximum (on seniority) + 7 strings
National	52	61,620	72,020		25,000	8	8	1 week +1 week for strings
New Jersey	31	23,596	24,216	775	7.75% AFM-EP	7	2	none
NYC Ballet	30	38,380	41,005	none	12% AFM-EP	6 perf	4	none
NYC Opera	29	30,305	32,625	none	10% AFM-EP	5	4	none
NY Philharmonic	52	76,960	82,584	none	43,500	8	9	1 of 9 vacation weeks
North Carolina	40	29,800	30,720	none	8% 403(B)	8	4	4 services personal leave
Oregon	43	32,300	32,300	563	8.5% AFM-EP	7	2.5	none
Philadelphia	52	74,360	80,080	6,000	37,500	8	10	1 of 10 vacation weeks + 4 pers. days
Phoenix		IN NEGOTIATION						
Pittsburgh	52	63,960	67,080		25,000	8	10	11th deferred service week possible
Rochester	42	34,650	35,574	none	5% DCP	8	4	none
St. Louis	52	60,840	64,740	none	28,000	8	9	1 of the 9 vacation weeks
St. Paul	36	44,754	46,054	1,200	'93 \$ 403(B)	8	3	1 relief week for all
San Antonio	39	26,130	27,690	none	5.5% AFM-EP	7	3	none
San Diego	37	30,525	32,745	1,655	7% private	8	2	1 vacation week is rotateable
SF Ballet	21	23,236	24,426	1,028	10% AFM-EP	6.5	11% of base	none
SF Opera	25	47,034	47,834	1,623	8.5% AFM-EP	6+reh	4	1 opera every other season for strings
SF Symphony	52	74,360	78,520	1,560	37,000	8	10	3 of 10 float + 1 week alt. seasons/violi/celli
Syracuse	37	21,917	22,321	1,287	0.4% private	7.5	4	none
Utah	52	36,556	38,116	1,040	8% EP/403(B)	8	9	none

1994–95 ICSOM Orchestra Recording Sessions
 compiled by Bradford D. Buckley

Wage Chart Notes	Orchestra	3 Hour	4 Hour	Location Hours	Total Hours
Atlanta: Seniority in addition to overscale.	Atlanta	2	5	0	26
Boston: At least 22 weeks are 5 day weeks.	Baltimore	7	0	0	21
Buffalo: Salary includes \$2,000 signing bonus.	Boston	8	2	0	32
Chicago Lyric: 403(b) option also available.	Buffalo	0	0	0	0
Chicago SO: Radio = 8.5% of scale * 39 weeks 95/96.	Chicago Lyric	2	0	0	6
Cleveland: Additional radio guarantee: 26 weeks at 6%.	Chicago	6	0	37	55
Detroit: Additional relief: 2 services per year per each 5 years seniority, up to 8 services per year. EMG includes radio.	Cincinnati	10	0	0	30
Florida Philharmonic: Salary includes annual "in residence adjustment" of \$700.	Cleveland	7	4	0	37
Kennedy Center: Season under 2 contracts: opera and ballet/musical.	Colorado	0	0	0	0
Los Angeles: Past retiree pension: \$103/106/110 per month times years cap in place when originally retired.	Columbus	0	0	0	0
Louisville: Pension = \$250 AFM-EP + \$250 match to 403(b)	Dallas	12	4	0	52
Metropolitan Opera: Rehearsal pay (not included in base) brings annual salary to approximately \$90,000	Detroit	2	6	30	60
Milwaukee: Pension = \$52/month per years/service; no max.	Florida Orch	0	0	0	0
NYC Opera: Base does not include rehearsal pay.	Florida Phil	0	0	0	0
New York Philharmonic: Salary includes \$20/week overscale for all musicians.	Grant Park	0	0	0	0
North Carolina: Salary + 4.5 optional summer weeks = \$33,150	Honolulu	0	0	0	0
Philadelphia: Pension 93-96 = additional \$5,000 after 31 years service. String bonus of \$20/week.	Houston	5	2	5	28
St. Paul: Pension payment \$ amount same as in 1993.	Indianapolis	0	0	0	0
SF Ballet: yearly contract guarantee = 105 performances + 102 rehearsals.	Kennedy Center	0	0	0	0
SF Opera: Vacation is in addition to 25 season weeks.	Los Angeles	8	5	28	72
Syracuse: Pension is 0.4% of salary per year of service.	Louisville	1	0	3	6
	Met Opera	16	0	0	48
	Milwaukee	0	0	0	0
	Minnesota	0	0	0	0
	National	0	0	0	0
	New Jersey	0	0	0	0
	NYC Ballet	0	0	0	0
	NYC Opera	0	0	0	0
	NY Philharmonic	3	1	33	46
	North Carolina	0	0	0	0
	Oregon	2	0	6	12
	Philadelphia	14	0	0	42
	Phoenix	0	0	0	0
	Pittsburgh	0	0	0	0
	Rochester	1	0	0	3
	St. Louis	1	6	0	27
	St. Paul	0	5	0	20
	San Antonio	0	0	3.5	3.5
	San Diego	0	0	0	0
	SF Ballet	0	0	0	0
	SF Opera	10	0	30	60
	SF Symphony	3	3	0	21
	Syracuse	0	0	0	0
	Utah	0	0	0	0
	Totals	120	43	175.5	707.5

Handy Hints, Volume III

The cards and letters have been coming in. Several colleagues have responded to the request for Handy Hints with contributions that show (yet again!) how inventive and thoughtful our membership is.

Walter Maddox of the Detroit Symphony was the first to write:

“for the past thirty-four years I have used the following treatment on my violin fingerboard: I bought a can of SIMONIZ PasteWax for cars back in 1960 (still have it!). After cleaning the fingerboard with alcohol...I apply a thin coating of SIMONIZ to the top 2”-3” of the fingerboard, let dry about a minute, then wipe off. Rosin will not stick to this area for about 2 months, then redo. Any good paste wax will do (Johnson’s Floor Wax, etc.)”

Walter’s 1960’s SIMONIZ was from the days when pure Carnuba Oil was used in those products. Nowadays we all have to be careful label readers—about everything. After getting Walter’s card I researched a faint memory and found a colleague who says he did once Simoniz his whole violin (!) There were no bad effects, but he hasn’t ever done it again.

David Sternbach (you have probably seen his excellent articles on stress reduction in the *International Musician*) offered a nostalgic guide to keeping gut bass strings moist: “at that time [the early 1950’s] we played on gut strings, even down to the A string, and to preserve them he [Sam Suzowski] recommended clipping off the loose ends and (ready for this?) applying mutton tallow to smooth out and preserve the string.”

David recalls that there was more to the mutton tallow than meets the touch: “and you talked about checking the odor of the stuff you were applying! Mutton tallow was definitely an acquired taste—but it did the job.”

David remembers those old times—and his old teacher—fondly: “I loved the tone quality of gut strings: softer, a warmer, richer quality that truly brought out the good woodiness of a fine instrument...a beautiful personal tone color that was so expressive of this kindly man.”

Another recollection about keeping gut strings moist (they really do tend to dry out!) came from David Budd, cellist and unofficial Resident Musicologist with the San Francisco Opera Orchestra, who recalls that an early teacher advised stroking the strings lightly with a Brazil nut.

Now let’s move from strings to mutes. Martin Anderson, a member of the viola section of the New Jersey Symphony, has invented a process that makes an important musical contribution: “are you ever

annoyed (as I often am) by the noise of mutes being put on or taken off by string players? And especially during a GP, involving forty musicians? And especially those rubber mutes that make the BIG squeak?... I have found an answer. Merely rub a little paraffin or candle wax (not beeswax) on a string wrapping between the bridge and the tailpiece of your instrument. Then take the offending mute and place it on that winding in the same way you would put it on the bridge. Do this several times to rub the wax into the contact surfaces of the mute. Now try putting the mute, *con sordino*, on the bridge. Voilà, no more squeak!” (this is not a voilà joke—ED.)

This next one is mainly for violinists and violists, but the general principle probably carries over into uses not yet imagined: are you ever worried that some part of your shoulder pad might touch and scratch the body of your instrument? Maria Carbone of the California Symphony puts *Dr. Scholl’s* (unmedicated!) pads on her shoulder pad for protection.

Almost everyone knows about using surgical tubing on the feet of Resonans and Kun shoulder pads. The sturdy and dangerous adjustment wire on the back of some models of *Willy Wolf* pads should also be covered. Surgical tubing or the firm plastic tubing that model airplane hobbyists use as fuel lines work very well for this.

The final two contributions that I will list are important. They have to do with making our work easier and safer by adjusting the ergonomics of the instrument.

Ruth Lane of the San Francisco Opera Orchestra now uses a cello with no outjutting C string peg (it uses a tuning key instead). She says, “the first time I saw a cello set-up like this, I thought it looked weird. But I decided to try it—and suddenly realized that I was able to sit straight while holding the cello, without tilting my head, for the first time in my life!”

And John Zorn, Bay Area clarinetist and enterprising editor of *Arts Reach* newsletter, has brought to my attention his new adjustable clarinet thumb rest made by Charles Bay (the contribution is welcome for two reasons: it’s ergonomically important, and it’s from a non-string player. This column is meant to be for everyone.)

Please keep sharing your professional ingenuities, especially the ones that make playing safer for working musicians. If you have devised, deployed, developed or daydreamed any Handy Hints, please let me (and all of us) know about them. All of us Old Pros want to hear from one another. (And remember, you don’t have to be old to be an old pro!)

I hope to be hearing from you. Just write to Tom Heimberg, 1656 Ocean View Avenue, Kensington, CA 94707.

Tom Heimberg is a member of the San Francisco Opera Orchestra.

“Input is futile: prepared to be ignored”

An editorial in the shape of a parable

Musicians' satisfaction with their jobs, or lack thereof, has been the topic of some serious press attention recently. Much of this stems from a recent article by Bernard Holland in the *New York Times* on the recently-concluded New York Philharmonic contract negotiations. As have many other observers, Holland makes a tentative connection between increased musician involvement in the affairs of the orchestral institution and musician happiness. But will involvement in decision-making end, or at least thaw, the winter of our discontent with our jobs? Consider the following parable.

A member of an orchestra (say the principal violist) is asked to serve on a committee evaluating a new computer system for the orchestra's offices. During a series of meetings, the musician, who has an extensive background in the subject, raises some questions about the staff's proposal to upgrade its computer network. Despite the musician coming up with a proposal that would save some money and also enable management to redeploy a staff support person to more productive pursuits than network tweaking, and despite having his recommendation validated by some expert opinions, the staff's original proposal is enacted. Not only is money wasted, but the staff is stuck with a computer network that wastes their time and energy. Now what is wrong with this picture?

The answer is, “nothing.”

Turn the situation around for a minute. Imagine that the orchestra's finance director also happen to be, for example, a very competent amateur violist (no viola jokes, please). Imagine also that this violist-CPA comes back stage and, in the presence of much of the viola section, suggests to the principal violist that the opening of, say, the slow movement of the Beethoven fifth symphony would work much better on a down bow rather than the up bow marked by the principal. What would be the principal's reaction and why?

Well, if I were the principal in question, I suspect I'd be rather upset. Regardless of whether the finance director was right or not (and most violists would prefer the down bow, by the way), the finance director is not responsible for viola bowings. If the conductor doesn't like the finance director's bowings, the principal violist, not the finance director, will incur the wrath of the godlike one. Moreover, one of the few joys of being a principal violist, a small level of autonomy in artistic matters, will have been infringed, and that employee's enthusiasm and performance compromised as a result.

Now turn this situation around again. Whose performance ratings get tanked if the principal violist's computer recommendations turn out to produce a system of twenty desktop lemons networked to five printing turkeys? Almost certainly not the principal violist's (he's in enough trouble over the bowings already). Moreover, one of the few joys of being an orchestra finance director, a small level of autonomy in deciding how to run her department, will have been seriously compromised, as will her interest and enthusiasm.

This is the real problem with most of the experiments in musician involvement in institutional decision-making. Musicians are put on committees to deal with matters for which they have no responsibility (and often little knowledge), while in the one area they do know, music-making, they are allowed no say. Advanced programs of worker involvement in industry give workers considerable control and autonomy in terms of the production process. On some assembly lines, any worker can stop the line to fix a quality problem. What is the equivalent in our business of stopping the line? Certainly not having the worker sit on a marketing committee. Stopping the line on the orchestra plant floor is a musician standing up in the middle of a run-through of a Beethoven slow movement and saying to the conductor, “Kurt, could we do letter ‘A’ again? There was a pitch problem in the winds. Perhaps you could tune the thirds in the clarinets and bassoons.” Likely to meet with favor from Kurt? Likely to be encouraged by managements and boards? Likely to get the musician fired for insubordination? Now you're getting warm.

Musician involvement in the affairs of the institution is no substitute for real involvement in the production process, which is the only kind of worker involvement that has ever resulted in anything positive. It puts musicians who serve on such committees at risk of being viewed as ignorant and naïve by the board and staff on those committees, even if they're not, while often resulting in considerable frustration for the musicians themselves. It is also not a joy for the staff members who report to such committees, who now have one more check on their autonomy and one more group of people to educate. Is this really an improvement over the current situation?

Orchestras as institutions don't suffer from too few people making decisions. The exact opposite is true; successful orchestras are *invariably* those with competent and strong executive directors who lead their boards and control their music directors. Leaders need to be held accountable for the success or failure of what they lead, and that means they need real autonomy and authority to get things done, not just “responsibility.” Orchestras where there are multiple power centers contending for mastery are orchestras that are failing or going to fail, because all that gets done is the shifting of blame from one party to the next in an ugly game of hot potato.

This is not to say that for musicians to serve on boards or board committees is totally without merit. Certainly anything the musicians can learn about how their institutions operate is all to the good, especially if the musicians are able to see through the agendas with which the information is often presented to them. The fact that board members and musicians can interact in such committees can lead to both musicians and board members coming to recognize the “other side” as human, certainly a welcome and desirable outcome. Such interaction can also diminish the chokehold that staffs often maintain, whether deliberately or not, on the flow of information within the institution.

continued on page 9

Newslets*continued from page 10*

purpose. Contributions to Local 802's fund, which are fully tax-deductible, should be made payable to "The Council for Living Music / Instrument Fund," and sent to:

Mary Landolfi
Financial Vice-President
Local 802
322 West 48th Street
New York NY 10036



Liza Hirsch Du Brul has accepted the position of San Diego District Director to Representative Bob Filner (D-CA). Du Brul is well-known to ICSOM delegates from her work as ICSOM co-counsel from 1983-90, and is also known to many ICSOM orchestras from having served as their negotiating counsel. Most recently she led a panel at the 1995 ICSOM conference on "Negotiating in the '90s."

In addition to having negotiated contracts for some of the largest ICSOM orchestras, she has been negotiating counsel in some of the most difficult orchestral labor negotiations of the past several years, including Milwaukee, Louisville, and the current situation in San Diego.

In her new position she will act as San Diego chief of staff to Filner, the only Democratic congressman west of Phoenix and south of Los Angeles, and supervise the ten-person staff of his San Diego office.

In a letter to her clients announcing her new position, Du Brul, who is fluent in Spanish, said that it "gives me a chance to use my bilingualism and to weigh in on more and broader issues as we hurl toward the millennium fighting threats against not only collective bargaining, but also many other basic rights and needs pertaining to all of us on the proverbial uphill side which cannot always be addressed within the musicians' union or the labor community in general." She also cited family concerns.

She will continue to represent the Regional Orchestra Players' Association and the musicians of the Louisville Orchestra with the permission of the Counsel to the House Ethics Committee.

As a friend who worked with her for many months on the difficult labor negotiations in Milwaukee from 1992 to 1994, this writer can only reiterate his praise for her brilliance and tenacity. Mazel tov, Liza—may your absence from our trenches not be a permanent one.

Editorial*continued from page 8*

Unfortunately, there are hazards in serving on boards and committees as well, and not just the dangers that orchestra traditionalists delight in highlighting ("committee shopping," bypassing the bargaining committee, *Electromation* and the like). The natural setting for an orchestral musician is not a boardroom, after all, whereas many board members spend their entire working lives in business meetings. Imagine your reaction to the average board member showing up with an instrument to play in your section, and you will see how some board members, at least, are likely to regard you when you're on their turf. Now imagine the board member making a wrong entrance, and you will begin to understand how the odd *faux faux* by a musician serving on a board committee can serve to diminish the respect that board members have for musicians—probably not the result intended or desired by those musicians.

No one should forget that the "American" model of the orchestral institution—a board of community volunteers who raise money and hire professional leadership, a professional staff of experts in their various functions, and an orchestra of musicians employed full-time to provide the community with musical services—has given this country most of the world's greatest (and best-attended) orchestras. This is an achievement that would have seemed unimaginable 50 years ago, and one in which all the participants in the American orchestra business can take pride. Would that we all did. If the Munich Imbibers and the Berlin Bombers each had won four of the last eight Super Bowls (a similarly "unimaginable" achievement), would the Deutschland Football Bund be publishing tracts such as *Germanizing the German Football Team* and recommending that football players sit on owner's boards? More likely they'd be electing Brett Färf and Emitt Schmidt presidents-for-life.

I am profoundly thankful that at least some ICSOM orchestras—mine included, at long last—have competent staffs that know more about managing, marketing, and fundraising than I do. But if your orchestra is not among that favored few and you're serving on a board committee where you really know more than the board members or staff about the subject in question, let's face it—your institution is in deep doo-doo. If they knew what they were doing, they wouldn't need you there, they wouldn't want you there, and you wouldn't want to be there either.

Besides, you've probably got your hands full serving on the dismissal committee for that poor schlemiel who stood up and tried to tell your music director how to rehearse.

Robert Levine

Responses to this editorial are not only welcomed, but are in serious danger of being published.

Newslets

The **Symphony Orchestra Institute** has published the first issue of its magazine *Harmony*. The Institute's founder, Paul Judy, contributed a piece on "The Uniqueness and Commonality of American Symphony Orchestra Institutions," while Erin V. Lehmann, a research coordinator in the Department of Psychology at Harvard University, did a survey of the research literature on symphony orchestras since 1960.

The Institute has informed *Senza Sordino* that it would be pleased to mail to any ICSOM member a complimentary copy of *Harmony* upon that member's request. This request can be made by sending your name, the name of your orchestra, and your mailing address to the Institute in one of the following ways: by fax to 708-446-5760; by letter to P.O.Box 67, Deerfield IL 60015; or by email to symphonyoi@aol.com. As the Institute sent multiple copies to the managements of most of the ICSOM orchestras, you might ask your management if they have any spare copies before writing to the Institute. The Institute has also provided the editor of *Senza Sordino* with one additional copy per ICSOM orchestra, which will be mailed to your orchestra's ICSOM delegate with this issue.



Two musicians with the New York Philharmonic who won a landmark tax case against the **Internal Revenue Service** won an appeal of that decision by the IRS to a Federal appeals court.

The original decision, handed down in August 1994, restored the deduction that Richard and Fiona Simon claimed regarding their two Tourte bows. The 2-1 decision by the U.S. Court of Appeals for the Second Circuit was handed down on October 13. It leaves the IRS with the options of appealing to the Supreme Court or trying to have the law changed by Congress.

Judge Ralph K. Winter, writing for the majority, found that the bows were tangible business property of a "character subject to the allowance for depreciation." He rejected the IRS's key argument that the phrase required a showing by taxpayers that the property in question has a "determinable useful life" as was required by tax regulations prior to 1981. In examining the legislative history of the Economic Recovery Tax Act of 1981, Winter concluded that "when a coherent regulatory system has been repudiated by statute, as this one has, it is inappropriate to use a judicial shoehorn to retain an isolated element of the now-dismantled regulation." He also wrote that, if the ruling gives "favorable treatment to past investment decisions that some regard as wasteful, such as a law firm's purchase of expensive antique desks," it was nonetheless "not our function to draw subjective lines between the wasteful and the productive."

Some of the Simon's ongoing legal expenses have been underwritten by AFM Local 802 and ICSOM, which is continuing to encourage its members to contribute to a fund set up by Local 802 for this

continued on page 9

ICSOM Governing Board

Chairperson

Bradford D. Buckley
St. Louis Symphony
6607 Waterman
St. Louis MO 63130
Phone: (314) 863-0633
Bradbsn@aol.com

President

David Angus
Rochester Philharmonic
284 Castlebar Rd.
Rochester NY 14610
Phone: (716) 244-2514
DaveAngus@aol.com

Secretary

Lucinda-Lewis
New Jersey Symphony
4 W. 31st St. #921
New York NY 10001
Phone: (212) 594-1636
Lucin38345@aol.com

Treasurer

Stephanie Tretick
Pittsburgh Symphony
3979 Boulevard Drive
Pittsburgh PA 15217
Phone: (202) 966-1874
SGTviola@aol.com

Editor, Senza Sordino

Robert Levine
Milwaukee Symphony
7680 N. Longview Drive
Glendale WI 53209-1862
Voice: (414) 352-5216 Fax: (414) 352-6090
rtl@icsom.org

Member-at-Large

James Clute
Minnesota Orchestra
447 Newton Ave. S.
Minneapolis MN 55405
Phone: (612) 374-9373
JimClute@aol.com

Member-at-Large

Michael Moore
Atlanta Symphony
953 Rosedale Rd. N.E.
Atlanta GA 30306
Phone: (404) 875-8822
Michael_Moore@atlmug.org

Member-at-Large

Charles Schlueter
Boston Symphony
60 Otis Street
Newtonville MA 02160
Phone: (617) 964-4019
CharlyToot@aol.com

Member-at-Large

Mary Plaine
Baltimore Symphony
630 Deepdene Road
Baltimore MD 21210
Phone: (410) 433-6063
mcplibrary@aol.com

ICSOM Orchestras

Atlanta Symphony Orchestra
Baltimore Symphony Orchestra
Boston Symphony Orchestra
Buffalo Philharmonic Orchestra
Chicago Lyric Opera Orchestra
Chicago Symphony Orchestra
Cincinnati Symphony Orchestra
Cleveland Orchestra
Columbus Symphony Orchestra
Colorado Symphony Orchestra
Dallas Symphony Orchestra

Detroit Symphony Orchestra
Florida Orchestra
Florida Philharmonic Orchestra
Grant Park Symphony Orchestra
Hawaii Symphony Orchestra
Houston Symphony Orchestra
Indianapolis Symphony Orchestra
Kennedy Center Orchestra
Los Angeles Philharmonic
Louisville Orchestra
Metropolitan Opera Orchestra

Milwaukee Symphony Orchestra
Minnesota Orchestra
National Symphony Orchestra
New Jersey Symphony Orchestra
New York City Ballet Orchestra
New York City Opera Orchestra
New York Philharmonic
North Carolina Symphony
Oregon Symphony Orchestra
Philadelphia Orchestra
Phoenix Symphony Orchestra

Pittsburgh Symphony Orchestra
Rochester Philharmonic Orchestra
Saint Louis Symphony Orchestra
Saint Paul Chamber Orchestra
San Antonio Symphony
San Diego Symphony Orchestra
San Francisco Ballet Orchestra
San Francisco Opera Orchestra
San Francisco Symphony Orchestra
Syracuse Symphony Orchestra
Utah Symphony Orchestra

Counsel

Leonard Leibowitz
400 Madison Avenue
New York NY 10017
Phone: (212) 832-8200

ICSOM Emeritus Program

Abe Torchinsky
777 W. Germantown Pike #1028
Plymouth Meeting PA 19462
Phone: (215) 277-3981

Subscription: \$10 per year, payable to :

Senza Sordino
Robert Levine, editor
7680 N. Longview Drive
Glendale WI 53209-1862

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. Unauthorized reproduction of any part of *Senza Sordino* is strictly forbidden. Copyright ©1996. All rights reserved. ISSN 1074-7850

