

Senza Sordino

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The American Federation of Musicians A Leaking Ship In Troubled Waters

Question: What do the Titanic and the AFM have in common?

- 1) Both should have watched where they were going;
- 2) Both discovered that an ounce of advance planning is worth a pound of last-minute maneuvering;
- 3) Both should have called for help sooner;
- 4) In both cases, the working musicians on board got drowned.

Correct answers are 1), 2), and 3). We're not sure about 4) yet.

The recent AFM convention, while not having a direct immediate impact on most musicians in ICSOM orchestras, will probably go down in the annals of whatever history the AFM has left as a major-league disaster. The good news is that the notion of work-dues increases on recording work vanished without a trace; the bad news is that the AFM was left somewhere between \$500,000 and \$1,000,000 short of what it needs to operate. The really bad news is that the report and recommendations of the Restructure Committee were strangled in a classic example of back-room dealing, and with them, any hope of dealing with the AFM's systemic problems in the near future.

The delegates to the 1997 AFM Convention faced a barrage of recommendations from the AFM's International Executive Board (IEB) and resolutions from local officers, the Restructure Committee, and the player conferences. The key recommendations from the IEB were financial – to raise per capita dues (those dues that each local pays to the AFM on the basis of membership) by \$12, or from \$46 per year to \$58 per year, and to increase the AFM work dues on electronic media work by 0.25%. The latter provoked furious opposition from the Recording Musicians Association as well as ICSOM. But the recommendation to raise the per capita dues was what provoked the ire of the delegates.

Members of ICSOM orchestras (some of whom pay over \$3,000 a year in dues to their locals) might well have trouble understanding why raising the cost of belonging to the AFM by \$12 per year would cause such a ruckus. The answer is "member retention." Locals are afraid that, if membership dues are raised, members will leave. The locals may well be right, although that does raise the question of just how valuable union membership is to most members of the AFM – or perhaps answers it.

The recommendation put forth by the IEB to raise per capita dues received no visible public support from that group, with the honorable but lonely exception of Secretary-Treasurer Steve

Sprague, whose support came via a videotape made in his hospital room, where he was recovering from chemotherapy for leukemia. What the IEB's recommendation did receive was a merciless thrashing from two members of the IEB itself: Ray Hair, President of Local 72-147 (Dallas-Fort Worth), and Bill Moriarity, President of Local 802 (New York City). They proposed an alternative to the Convention's Finance Committee – an immediate cut of \$800,000 (approximately 10%) in the operations of the AFM – without providing much detail as to where those cuts would be made. Considering the impact such cuts would inevitably have on the operations of the Federation, especially member services in the form of the Symphonic Services Division and the Electronic Media Services Division, such reticence was understandable.

The Joint Law and Finance Committee, under the leadership of acting chair (and newly-elected AFM Vice-President from Canada) David Jandrisch, put together its own package, consisting mostly of a one-time \$10 per capita assessment, to be used mostly for debt reduction, organizing, and moving the AFM's headquarters. Unfortunately, this package eliminated, *without even a vote by the Convention*, virtually every resolution put forth by the Restructure Committee – a move that made a mockery of both the spirit and the letter of the AFM's own bylaws. The Joint Law and Finance Committee's package did casually add a new layer of unelected bureaucracy to the AFM's structure, though – two members of the Joint Law and Finance Committee, chosen solely by itself, to oversee the financial dealings of the IEB.

One measure of the delegates' confusion about where they wanted the AFM to go was that all of the incumbent officers of the

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AFM who chose to run again were re-elected, with the exception of those two IEB members whose proposed cuts were, in essence, enacted – Ray Hair and Bill Moriarity. They were replaced by Ed Ward, President of Local 10-208 (Chicago), and Tammy Kirk, Secretary-Treasurer of Local 94 (Tulsa).

Another casualty of the back-room dealmaking was the resolution put forth by the player conferences that would mandate that SSD and EMSD work dues be used only for those departments. The notion that work dues taken from professional musicians should be used to meet their needs, first put forth by the Blue Ribbon Committee in 1990, is evidently politically incorrect in the AFM's current climate. Ironically, a similar resolution *was* allowed to go to the floor and was overwhelmingly approved: a recommendation from the IEB that musicians who received certain kinds of media income would pay any legal costs incurred in recovering that money. ICSOM and RMA both spoke against this recommendation to the Convention, but the notion of an additional fee for working musicians for legal representation, above and beyond their already hefty work dues, didn't seem to bother anyone else.

What went wrong?

Most important, there was a failure by virtually the entire elected leadership of the AFM to vigorously support its own package. The IEB also declined to back the work of the Restructure Committee, leaving the delegates to the Convention with a very confused picture of where the leadership of the AFM wanted to go.

Second, the Joint Law and Finance Committee essentially hijacked the convention. They did so, moreover, without consultation or testimony from the player conferences or anyone else. All in all, it was a bad day for the concept of democracy within the AFM.

What was never told to the convention, by the Joint Law and Finance Committee or anyone from the IEB, was that this package does not provide enough money to run the AFM without major cuts. Because no one mentioned this inconvenient fact, no one had to address the issue of where the cuts would come from. But cuts there will be; when chopping between \$500,000 and \$1,000,000 from a budget of less than \$10,000,000, services to working musicians are going to get hit hard – services that cannot be provided by ICSOM and will not be provided by the locals. The elimination of toll-free access to the AFM's electronic bulletin board, one of the AFM's more valuable services to symphony musicians, is only the beginning.

Why should we care?

So, the good ship AFM has hit an iceberg and is beginning to fill with water. Are repairs possible? Are there enough lifeboats for the working folks?

The history of the AFM and its working musicians proves beyond a doubt that working musicians receive what they need from their locals only when there is a strong and active national AFM to make it happen. Without a strong national union able to enforce its bylaws, the professional musicians of the AFM will be as much at the mercy of their locals as they were 35 years ago when ICSOM

was founded, largely in response to abuses of local unions' power over working musicians. Virtually everything that symphony musicians have achieved over the past four decades, in terms of their rights as union members, is at risk if the national union is weakened or goes under. The right to sit at the bargaining table, to ratify collective bargaining agreements, to have negotiating counsel of their choice paid for by their union dues – the basic rights of trade union self-determination, in short – are now up for grabs. So are the services provided by the Symphonic Services Division to *every* local of the AFM with an orchestra.

Without these rights and services, we are time-warped back to 1962, when the Chicago local threatened to deprive the musicians of the Chicago Symphony of the right to work other jobs, and when the musicians of the Cleveland Orchestra had to appeal to Congress to be able to sit at the bargaining table when their labor agreement was negotiated.

Given the hostility with which even the relatively tepid and noncontroversial report and recommendations of the Restructure Committee were met by the 1997 AFM Convention, it is clear that the working musicians of the AFM now need to put together their own vision of how the AFM needs to change. The only way the AFM will survive is by putting the needs of its working members above all else. Convincing the AFM to change to that extent will be one of the more difficult tasks that ICSOM and the other player conferences will have ever undertaken, but the alternative is to sit back and watch while our union is sent to the undertakers. Even if only for its potential to be an effective trade union for professional musicians, the American Federation of Musicians is still worth fighting for.

Robert Levine



AFM Convention Highlights

ICSOM/OCSM/ROPA/RMA-sponsored proposals:

Resolution #41

Action: passed

"... A council shall be formed consisting of one elected representative from each of the then current Locals' conferences, which shall be known as the Locals' Conferences Council (LCC)..."

Resolution #32

Action: passed

"... Eligibility for participation in the Strike Fund shall be limited to Symphonic Orchestras that meet the following criteria: ... at least ~~forty~~ twenty-five musicians being paid an annual salary of \$15,000. ... The Fund shall be maintained and administered by six trustees, ... two of whom shall be selected by ICSOM in accordance with the procedures established by ICSOM."

Resolution #28

Action: killed in committee

"... All Federation Work Dues received under the provision of Article 8 ... shall be dedicated and used exclusively to fund specific services for Symphonic players..."

Resolution #8

Action: killed in committee

"... All members of the Federation ... shall be required to pay dues based on earnings for all ... employment with any Symphonic Orchestra ... with not less than ~~sixty~~ ten musicians performing under a collective bargaining agreement or under personal service contracts for the season..."

Resolution #7

Action: killed in committee

"... In Locals where \$100,000 or more in Federation Electronic Media Work Dues was generated in the preceding year ... 1-1/4% of scale wages shall be due and payable by the Local to the Federation ... In Locals where less than \$100,000 in Federation Electronic Media Work dues was generated ... 3% of scale wages shall be payable to the Federation. Of this amount, the actual cost of the expense of the Local's Approved Electronic Media Department, up to a maximum of 1-1/2% shall be due and payable by the Federation to said Locals..."

Other events of interest:

Elected to the IEB: Tammy Kirk (Tulsa) and Ed Ward (Chicago), replacing Bill Moriarity (New York) and Ray Hair (Dallas).

Two-year special assessment on each member of \$5 per year for AFM debt reduction, organizing, and moving AFM international headquarters.

Strike Fund established for touring musicians working under Federation-negotiated contracts. (The only Restructure Committee recommendation passed by the Convention.)

No increase in electronic media work dues, as a result of intense lobbying by the RMA. (See *Senza Sordino* Vol. 35, No. 3, "Recording Musicians Go On the Record Against Dues Increase.")

1997 ICSOM Conference

August 20 - 24, 1997

at The Antlers

Vail, Colorado

Keynote speaker:

I. Philip Sipsier

Legendary labor attorney and negotiator for many ICSOM orchestras, including the recently striking Atlanta Symphony and San Francisco Symphony.

Panels:

Restructuring the AFM

Sexual Harrassment and Contract Administration

Striking Orchestras, 1996-1997

Early Settlements and Other Strike Alternatives

Workshop:

Shop Stewards

Plus the ever-popular parties, dinners, mixers, and goings-on at the Hospitality Suite and/or the Hostility Suite, as your mood dictates.

In attendance at the ICSOM Conference, in addition to ICSOM officers and delegates, will be representatives from ROPA, OCSM, the AFM (national and local officers, IEB, Symphonic Services and Electronic Media Services), past ICSOM officers (this year including former ICSOM chair Fred Zenone), and a variety of other guests.

All musicians of ICSOM orchestras are encouraged to discuss with their ICSOM delegate prior to the Conference their feelings on any of the above issues, as well as any other issues that ICSOM may appropriately address.

MMB Music, Inc.

THE MUSICIAN'S SURVIVAL MANUAL:

A Guide for Preventing and Treating Injuries in Instrumentalists

Richard Norris, M.D. (Medical Director, National Arts Medicine Center National Rehabilitation Hospital Outpatient Centers at Bethesda, Maryland.)

This book provides comprehensive information regarding understanding, preventing and treating the occupational injuries and problems of instrumental musicians. *The Musician's Survival Manual* provides valuable information and help for musicians, therapists, physicians and healthcare practitioners. (134 pp, 1993) ST262 **\$19.95**

CONTENTS INCLUDE

- Overuse Injuries: Recognition and Prevention
- Nonsurgical Treatment of Upper Extremity Disorders in Instrumentalists
- Problems in the Neck Region
- Thoracic Outlet Syndrome
- Back and Seating Problems in Musicians
- Shoulder Problems
- Cubital Tunnel Syndrome: Nerve Entrapment at the Elbow
- Carpal Tunnel Syndrome
- De Quervain's Disease: Tendinitis at the Base of the Thumb
- Problems of Flutists
- The "Lazy Finger" Syndrome: Tendon Variations of the Pinkie
- Focal Dystonia (Occupational Cramp)
- Therapeutic Exercise for Musicians
- Returning to Play After Injury
- Stage Fright and more

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Repetitive strain injuries (RSIs) are a group of work-related injuries which result from the overuse of muscles, tendons, and nerves. The most common body parts affected are the back, wrists, shoulder, elbows, neck, and hands. RSIs and crippling back injuries can occur whenever work is repetitious, involves awkward postures or requires heavy lifting.

The AFL-CIO Department of Occupational Safety and Health reports that each year RSIs account for more than 700,000 serious workplace injuries. Studies have estimated the cost per RSI case to be between \$7,000 and \$30,000, and the national cost may be as high as \$20 billion annually.

According to the AFL-CIO, "Ergonomics is the process of changing jobs to fit workers – rather than forcing workers to adapt to jobs involving an unreasonable work pace, poorly designed equipment or too few rest breaks." We are fortunate that two experts in the field of ergonomics and RSIs, Janet Horvath and Ron Sekulski, have independently produced two new chair designs for working musicians. Their "musical" chairs are described on the next two pages.

The ICSOM CD-ROM

One of the first victims of the AFM's forced downsizing was a service that was held in high esteem by many orchestra activists, especially those preparing to negotiate a collective bargaining agreement – free access to the AFM's electronic bulletin board service. The BBS got its start as a service of the Symphonic Services Division, and just within the past two years added a searchable CBA database, a feature that activists had pleaded for at every ICSOM conference in recent memory.

Unfortunately, the International Executive Board of the AFM, faced with the necessity of cutting some serious money out of their budget (and this was *before* the Convention), saw toll-free access to the BBS as a member service that the AFM could do without. ICSOM has responded to the elimination of this service, one that our orchestras *can't* do without, with a new publication – the ICSOM CD-ROM. This CD-ROM, which is usable on any of the major personal computer platforms on the market, contains not only all of the orchestral, media, and theater collective bargaining agreements currently on the BBS, but allows for far easier searching of

those agreements by keyword than does the existing BBS. The CD-ROM also contains all of the volumes of *Senza Sordino* published to date and recent ICSOM bulletins, as well as media boilerplate language and informational material on bargaining compiled by the AFM Symphonic Services Division and provided by them to ICSOM. The software that makes this all possible is Adobe Acrobat Reader, a freely distributable application from Adobe Systems for Microsoft Windows 3.1, Microsoft Windows 95, and the Macintosh OS. Versions are also available from Adobe's Web site for UNIX geeks and MS-DOS fanatics.

Future plans for the ICSOM CD-ROM include adding material from the other player conferences, as well as additional material from the ICSOM archives. A version for libraries and other archives is in the works as well.

ICSOM is providing a complimentary copy of the first version of the CD-ROM to ROPA and OCSM orchestras as well as ICSOM delegates. Additional copies are available for \$10 each to members of ICSOM orchestras and ICSOM Emeriti.

Robert Levine

The Musicians' Chair

From magnificent orchestra halls to contemporary stages, refined design details have embellished the visual richness of their interior decors. Recent renovations and new construction of orchestra halls have benefited from enhanced aesthetic interiors, but until recently, the musicians' chair has remained relatively untouched by either aesthetic refinement or the scientific knowledge of postural support currently dominating many task chairs.

The musicians' chair needed to be aesthetically resolved to be classically reminiscent without mimicking any style, in order to complement any visual setting as well as the performer. The chair needed to be noiseless in its use. In addition, ease of handling and storage was a consideration.

My goal was to design a single chair exclusively to meet the demanding needs of a variety of musicians – comfortable for the diversity of individual sitting preferences, the range of human sizes and proportions, and the unique positions, body mechanics, and physiological stresses associated with playing various instruments. All of the musicians I surveyed agreed that the physiological comfort of their chairs influenced their performance. Uncomfortable seating is not only painful, but is distracting, and can result in occupational-related fatigue and injuries. Musicians, who are often performing with intense concentration and effort without interruption for many hours, require a chair providing maximum comfort.

My methodology included a thorough literature review of task seating, field observations during service and performance including videotaping (for biomechanical and ergonomic analysis), and completion of a survey by 65 musicians from the Detroit Symphony.

Anatomically, our bodies are structured to be dynamic; we change our position frequently while sitting which maintains blood flow and helps to revitalize and prevent fatigue. Many chairs discourage or prevent ease of movement by their design.

The analysis resulted in establishing the performance and design criteria which included height and seat tilt adjustments (one-handed), back support, beauty, and stackability. These requirements were then incorporated into three prototype chairs which were field tested and evaluated by musicians of the Detroit Symphony. (Feedback was incorporated into refinements enhancing comfort and ease of adjustment.)

Seat height adjustment was identified as critical; we know that if the chair is too high for the musician, their feet are not firmly planted on the stage floor. Consequently, additional energy is expended to sustain a stable posture which can be distracting and fatiguing. Additional consequences include impeding blood circulation in the lower extremities as a result of the front edge of the seat pressing against the back of the leg. (Phlebitis, ischemia and varicose veins can result). The seat height of the Musicians' Chair is adjustable with one hand, allowing on-stage height adjustment. Chairs can be ordered in specific heights for individual use.

The Musicians' Chair seat contour is flat and provides enduring firm support as well as ease of position variations and changes. The seat is upholstered with a breathable synthetic material which wicks moisture and decreases heat build up. The Chair also includes

ample and gracious back support for both small and larger framed individuals. The chair is available in an upholstered back version (not shown) providing additional lumbar support.

The survey responses indicated that a third of the musicians preferred the seat angle tilting forward, a third preferred a horizontal seat, and a third a backward seat slope as in a traditional chair. The angle of the seat, whether horizontal, tilting forward or backward, can be easily adjusted.

The choice of wood for the frame reflects an aesthetic and a desire to take advantage of the inherent quality of the wood to resonate with the vibrations of the music. The finish was selected to sustain long term handling and use.

The musicians voiced an overwhelmingly positive response to the chair's appearance. The Chair conveys a sense of beauty which complements the professional environment, both while in use as well as when unoccupied.

The Musicians' Chair can be ordered on a custom basis for individuals for home use, for small ensembles, and in quantity for full orchestras. The Chair is available in different wood species and finishes. For more information, please contact Partners in Design, Ronald Sekulski, Principal, 2512 Wigwam Road, Harbor Springs, MI 49740 (616)526-8326.

*Ronald A. Sekulski, IDSA
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 MA Ergonomics and Occupational Biomechanics, NYU
 Additional studies at Harvard University*

Mr. Sekulski is a renowned expert in Product Design and Ergonomics with 26 years of experience who has successfully designed furniture and products for many industries, and is the author of numerous articles on design and ergonomics.



Harpists, Cellists, Short Musicians Unite!!

We, the harpists, cellists and shorties of the music world are frequently at a distinct disadvantage. Those of us who, because of our size or instrumental requirements, cannot or do not use back support when playing, are at higher risk of back pain because of the increased amount of static loading on our musculature.

Cellists have the highest rate of back injury (75%), followed by harpists (73%), pianists (69%), double bass players (60%) and violinists (37%). Statistics seem to indicate that the biggest strain is on those instrumentalists who have no back support. Back strain occurs due to deconditioned backs, poor posture, and chairs which are poorly designed. A normal lumbar curve in the lower back is desirable at all times. It is hard to achieve when seated. When one sits, the hips must flex 90 degrees. Since the thigh bone is only able to rotate 60 degrees, the remaining 30 degrees must come from the pelvis, which tilts backwards and flattens the lumbar curve, resulting in a slumped back. This slumping causes the back muscles to contract, which in turn reduces blood flow to the area and puts pressure on the intervertebral discs. This in turn flattens the diaphragm, decreasing air flow. A considerable muscular effort is necessary to counteract this backward tilt in order to sit up straight.

Muscles work best mechanically when at their mid-point of normal range of movement, or when they are in neutral position. Awkward postures, including fixed or constrained body positions, are undesirable since they load the joints in an uneven or asymmetrical way. During static positions the muscles are in a prolonged state of contraction. No "work" is externally visible, yet in static positions blood vessels are compressed, and blood does not flow normally. Oxygen is not replenished and waste is not removed. We

cannot continue a static effort long (such as holding an outstretched arm or maintaining posture) before fatigue sets in and eventually pain.

Static effort is much more strenuous than a dynamic movement. If this static effort is repeated daily, damage to tendons, ligaments and discs may occur. Muscles subject to static work need twelve times longer to recover from fatigue. Now we know why it is much more difficult and fatiguing to play slowly and softly! A bent head is an example of static load. When the head is bent forward or backward, or to either side, it is a lifting task. The head weighs about 15 pounds. This supporting of the head constricts the muscles of the neck and shoulder area, obstructing blood flow. The stress is exacerbated if arms are extended forward or if the torso is bent forward. Tight neck and shoulder muscles compress surrounding nerves, many of which extend down the arm, and can cause disc problems. Reducing blood flow to the head can also cause headaches and eye strain.

Cellists, keyboard players, and short musicians are often unable to use the backs of their chairs due to the depth of the seat. We typically sit on 6 inches to 9 inches of seat, and only when a substantial number of rests occur can we scoot back in our chairs to avail ourselves of the back rest. Harp benches and piano stools have no backs whatsoever, and it becomes extremely tiring to sit through hundreds of bars of rest and entire movements without a back rest.

In collaboration with the Wenger Corporation, the international music equipment manufacturer, I set out to design a new chair prototype. The "short seated" chair seat is less deep and the back is substantially lower than what is now available. It is possible to sit back while playing. This may be philosophically alien to most cellists and harpists, but this addition to your postural repertoire could save your back. Of course, one can continue to sit forward when needed on 6 inches of this chair, as one would on any chair, and use the back to rest, in this case not requiring a major adjustment in body position.

The seat can be made to lean slightly forward for cellists, and the height of the chair can be customized to individual specifications. The "short seated" chair prototype was tested by several musicians of the Minnesota Orchestra and other local performers. The chair is quite small, light, and portable. It is done in the standard black upholstery to conform with other Wenger chairs.

For inquiries and orders contact Mr. Michael Smedstad, Director of Marketing and Product Development, The Wenger Corporation, 555 Park Dr., P.O. Box 448, Owatonna, MN 55060. Phone (507) 455-4100 Ext. 278, Fax (507) 455-4258 or 1-800-733-0393 Ext. 278. Leave a message on voice mail.

For comments please write me at the Minnesota Orchestra, 1111 Nicollet Mall, Minneapolis MN 55403, or E-mail: 2445@msn.com.

The cost of the chair is approximately \$250.00. For the initial shipment, projected delivery date is fall 1997.

*Janet Horvath
cellist, Minnesota Orchestra
director, "PLAYING (LESS) HURT"
Conference and Lecture Series*



Cello chairs compared – The new Wenger cello chair (foreground) is shorter and has an even lower back than its predecessor (background).

Rhapsody In Bluegrass, Part II

Louisville Musicians Find the Key to Change Without Striking

Second in a Continuing Series

As ACT I ended, the Louisville Orchestra musicians, with their advisors and supporters, were struggling to break through the facade of management's doomsday financial projections. It was tough going, but the musicians' quietly informative media campaign was beginning to bear fruit in the community, and the bastion of board resistance was weakening. Louisville Mayor Jerry Abramson called upon Henry Fogel, Chicago Symphony Executive Director, to bring the parties together. . .

ACT II

(Chicago, Illinois, 1995)

Scene 1: THE MAY 1995 SETTLEMENT

Two days of intense negotiations in Chicago coordinated by Henry Fogel didn't settle the disputes between the two sides. The orchestra's board presented an offer which dictated the loss of 25 full-time musicians, threatening that if the musicians didn't yield, the existing contract would be canceled. If further negotiations for a new contract failed, management would unilaterally impose a contract to its liking on the musicians.

The musicians refused to budge, despite the board's threats of arbitrarily revoking the existing contract, and management relented on its downsizing ambitions and offered the musicians 67 full-time positions instead of the 45 to which it had, up to that moment, steadfastly held. But the musicians' one non-negotiable item was 70 musicians. Just before the board's deadline was due to expire in early May 1995, Clarita Whitney (who, you will remember from ACT I, had raised \$80,000 from the community for the benefit of the orchestra) offered to use the money she had raised to hire the three extra musicians, thus completing the financial package.

A deal was struck, and a new contract signed. This contract, although officially lasting two years, contained a reopener which provided for renegotiation of several issues at the end of the first year (May 31, 1996): salary, the number of full-time musicians, and the board's 7-week notice of termination clause.

Scene 2: THE FOGEL PROCESS

The acceptance by the board of a plan for an extensive collaborative study of the institution to be undertaken jointly by board and musicians, with Henry Fogel in the role of moderator and advisor, was now imminent. Henry Fogel agreed to lead the joint union/management study of the orchestra's marketing, fundraising program costs and financing. At the outset of the study, the musicians agreed to a press blackout on the Fogel Study for its duration. The results

of this study would dictate whether the institution could pay for 70 full-time musicians, the minimum needed to preserve the orchestra's reputation.

The musicians, many very reluctantly, mustered the faith and determination that the structure of this self-examination, with board and musicians working jointly on committees, would produce real, long-term solutions to the deep-seated problems which the entire institution had previously ignored. This "laying down of arms" for a "lion and lamb" relationship with the board at this time of peak volatility was possible in large part because of the involvement of Henry Fogel, his knowledge of the orchestra world and his gift for clear communication capturing both sides.

The stakes were high, as *Courier-Journal* music critic Andrew Adler noted in his article written immediately after the May 1995 agreement had been forged. "Clearly, the board still intends to restructure the ensemble into its vision of a fiscally secure institution," he wrote. "Whether it's to be 45 full-time and 22 part-time musicians or some other formula, the goal is unmistakable. Unmistakable, too, is the players' resolve to prevent the board from implementing its arrangement. . . There is a sense that both players and management look to Fogel to justify their respective positions."

The musicians, William Thompson (the musicians' public relations and arts management advisor), Liza Hirsch Medina (the musicians' legal advisor), and Ron Bauers (the musicians' advisor for orchestra finances) all got back to work to prepare the musician members of the Fogel subcommittees. They prepared detailed analyses of the Louisville Orchestra's financial performance, and compared it with other ICSOM orchestras as well as with regional orchestras. They located the particular income areas in which the LO was underperforming other orchestras, as well as those expenses that cost the LO more than other orchestras, and set up a sort of "shadow administration" led by the musicians. The musicians on each subcommittee knew those areas in which the largest dollar gains could be made, had specific recommendations to reach those goals, and gave specific financial data to support their ideas and promote discussion when the musicians convened with their board partners in the subcommittees.

Armed with that information, and adding hours and hours of study and hard work over five months, the musician members of the Fogel subcommittees helped discover hundreds of thousands of dollars in added income and reduced expenses that could contribute to the orchestra's bottom-line performance. After Fogel evaluated the reports emerging from the joint study process, he agreed that the orchestra could boost its available revenue by \$508,000 during the 1997 season, and by \$843,000 during the 1998 season.

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Scene 3: MANAGEMENT CHANGES

While the Fogel study proceeded, the orchestra's management structure began to topple. In December 1995, three months into the Fogel study process, LO executive director Wayne Brown announced his resignation, joining nearly his entire staff in leaving the organization. Gregg Gustafson was hired to fill the position of executive director and began his duties on July 1, 1996. The vacancy in the conductor's position, which had left the artistic ambitions of the institution without a strong advocate during the entire crisis, was filled by Max Bragado-Darman.

There were changes within the board, too. Joining the board in October 1996 was a dynamic new board member, Stan Curtis, who had founded "Kentucky Harvest," an extremely successful project organized to help feed the homeless. He was immediately promoted to president-elect of the orchestra's board of directors and given the option to appoint up to 12 new members to the board. He completed his reorganization by adding several new members to the executive committee, thus diluting the power of the previously recalcitrant executive committee members. And the semi-independent committee that controlled the orchestra's endowment was forced to yield on a number of matters, apparently causing some of them to resign, too.

Scene 4: CONTINUED ENGAGEMENT

Despite the hope that the extensive leadership changes engendered, the May 1996 deadline for the contract renegotiations came and went without an agreement. Even after two days of intense negotiations on June 2nd and 3rd, board and musicians remained light-years apart. Although the orchestra's board had been equally represented on the Fogel subcommittees, management still had not formally recognized and adopted the report's findings months after they had been issued. The board's negotiators explained their inability to agree to higher salaries with a giant Catch-22: Corporate donors had promised big donations, but wouldn't give unless the musicians agreed to a contract; yet when the musicians' negotiators asked for salary increases in exchange for signing a contract, management said that wasn't possible because they couldn't count on those promised corporate donations.

Confronted by the management's announcement of falling corporate contributions, the musicians, in collaboration with their advisors, prepared a "Prospectus for Investors" which examined how the Fogel recommendations could be integrated into the management of the organization.

The same musician initiative filtered into the artistic arena as well. The musicians' committee and the musicians on the Artistic Advisory Committee developed and presented a Repertoire Plan for the 1997-1998 season. This plan overshadowed the one presented by music director Max Bragado-Darman, which was filled with chamber works as a *de facto* demonstration that the orchestra could be downsized. Management justified the repertoire choices by claiming that they wanted to eliminate hiring extra players for larger scale orchestral pieces. The musicians' plan contained pieces

that employed virtually all the orchestra's present musicians, while actually eliminating the need for a high number of extra musicians. This plan suggested highly marketable themes into which the pieces could be grouped, many of which were adopted into the next season's subscription concert offerings.

Scene 5: THE 1996-97 NEGOTIATIONS

The musicians' committee's constructive engagement approach began to have some results. In the early talks, the musicians committee persuaded the board to agree to a process called "Fogel II," which would commit the orchestra's management to continuing a periodic joint review of its operations. However, agreement on key issues, especially the number of musicians and salary recovery, became increasingly elusive and obviously frustrating to both sides.

After all the time and effort they had expended to make the Fogel process work, the musicians felt betrayed. In the October 1996 issue of *The Music Stand*, newsletter of the Louisville musicians, committee chair Clara Markham wrote, "Fiscal responsibility is good – the musicians applaud it. However, consciously draining financial resources from the orchestra during the year of musician contract negotiations, and then retrieving those same resources in a subsequent year in which the institution doesn't have to prove penury in order to extract more concessions from the musicians, isn't fiscal responsibility. It's financial chicanery, and not a little mean-spirited, too. . . It's not a partnership when one partner pulls back the company's profits just as the other partner's salary comes due."

Another period of informal talks ensued with no substantial progress being made. Recognizing the need to establish a firm starting point for more meaningful negotiation, the musicians wrote a letter to Gregg Gustafson on November 26, 1996, citing the significant positive shifts in direction and accomplishment of the institution through and since the Fogel study, and quoting Henry Fogel's report, "It is my own very strong personal belief that the revenue is there to support the artistic payroll of the orchestra and that downsizing at this time would be more destructive than helpful to the immediate financial structure." In their letter the musicians stated, "We must all embrace the commitment to 70 full-time positions, find a route to a long-term contract, and help the musicians begin to recover a portion of their enormous salary concessions, which total more than \$600,000 during the past three years." This letter, which also referred to a strike vote unless there was a formal proposal reflecting this commitment by December 2, 1996, yielded the first proposal from the board which contained a commitment to 70 full-time positions.

This was the turning point in the negotiations. The one non-negotiable objective and ideal for which the musicians had stood unified had been attained. But despite this quantum leap and other progress, the negotiations bogged down. The talks about money and other issues were at a standstill. Although sometimes Gustafson seemed to be convinced that the budget could support a salary increase, he couldn't seem to instill confidence among board members that it could work. The orchestra's management took the position that it had made the ultimate sacrifice by abandoning its downsizing ambitions and compromising on the number of full-time

musician positions. Management made it clear that it was up to the musicians to compromise on all the other issues, including the musicians' requested salary increase, which would be their first since the 1992-93 season.

The musicians' committee began to have meetings with executive director Gregg Gustafson. These meetings were not formal negotiating sessions, but did give the musicians frequent opportunities to learn why Gustafson didn't think the orchestra could afford musician raises. Having thus learned the specific financial insecurities that kept Gustafson from agreeing to a settlement, musicians' committee members Ernie Gross and Brooke Hicks tore into the budget again, isolating cost savings to which the musicians could agree and which would free up revenue that could be devoted to the restoration of the musicians' salaries.

Scene 6: BRINKSMANSHIP

Both sides decided to bring in Fogel again for a face-to-face meeting that would either settle the issue or make it clear that the more unambiguous message of a strike would have to be sent to the orchestra's management. The meeting was scheduled for February 4 and 5, 1997, and was one of the rare gatherings of all the major players since the 1995 agreement. Fogel flew in from Chicago, and musicians' attorney Medina from San Diego.

During the first day of talks, minor progress was made on working conditions, but there was virtually no movement on salary. As the second day dragged on, the board's negotiation team still claimed there was no more money available, and the talks appeared to be breaking up. The musicians had already scheduled an orchestra meeting for that evening and were prepared to go on strike. At 4:00 p.m. the musicians' media spokesperson let the media know of the 6:00 p.m. orchestra meeting. Within 45 minutes, management returned with a 4% pay increase that would take place immediately, along with a \$400 bonus that would be paid in September 1997. The two sides tentatively agreed on the package, and both sides presented the tentative agreement jointly to the press at 7:45 p.m.

The musicians' committee spent nearly another month negotiating with Gustafson to formalize the exact language to implement the working conditions improvements that the musicians had worked so hard to win. Finally on March 6, 1997, the musicians ratified the final agreement.

Entr'acte: LESSONS LEARNED

The route that the Louisville Orchestra took to this agreement was long, and filled with very hard work. It takes a lot of **expert help** to take on an institution's board, comprised of the city's leading lawyers, accountants and business leaders. Liza Hirsch Medina proved to be a tremendous strategist and a spectacularly successful negotiation room player. She pointed out the necessity of getting good financial analysis, which Ron Bauers provided, and good media help, which William Thompson provided with a well-designed media plan. His arts management background helped him train the musicians in how to analyze the institution's workings,

which led to effective decisions about transforming the institution into a more productive force.

The members of the musicians' professional team emphasized that the musicians would have to **learn many high-level non-musical skills** if the campaign was to be a success. The musicians were trained in all areas of orchestra operations – public relations, finance, marketing, development, and programming. **Extensive research** was done early, and shared with important friends as quickly as possible. Spreadsheets, charts, and financial analyses were produced to answer every relevant as well as every irrelevant question, and when the analyses were presented to other unions, political figures and media leaders, virtually every one of those questions came up. The organization's failings relative to other orchestras were investigated, and ways found to improve management's performance. The musicians' knowledge of the Louisville Orchestra's performance relative to other orchestras was vital in guiding the Fogel study to recommendations that strongly supported the musicians' contentions.

That examination led to suggestions of specific programming, marketing, and cost-control improvements to counter management arguments that they didn't have the money to fund the musicians' proposals. The musicians used raw income and expense numbers from the orchestra's own audited statements and formal budgets to criticize management's financial projections. That kept the musicians' credibility high, and prevented management from casually dismissing the musicians' differing financial projections. The musicians' capacity to counter management's contentions immediately stopped several of management's initiatives in their tracks.

The realization that the first priority of management was to downsize rather than to find the money to restore musicians' salaries made the necessity for a **community partnership** apparent. The highly successful **media campaign**, based on facts, not rumors, brought crucial public support to bear in favor of the musicians' position.

There have been numerous positive changes in the Louisville Orchestra organization, and for the moment the Louisville Orchestra has done an about-face away from downsizing. What has been learned, however, is that **vigilance over the organization can never end**. The so-called "shadow administration" of monitoring the organization's performance was a key to helping establish the musicians' credibility and then effecting true reforms. It is those reforms that brought enough money into the orchestra's coffers to reverse the cuts the musicians had been forced to take. But the disease to which the Louisville Orchestra had fallen victim could return, and the "Fogel II" study was written into the new contract to monitor progress, insure that the suggestions the musicians made will be implemented, and guard against repeating the mistakes of the past.

There is no way the Louisville musicians could have accomplished what they did without having organized themselves into a strong, solid team in the best spirit of unionism. But have you noticed that so far there's been no mention of Louisville's local union? There's a good reason for that, and you'll find out what it is in ACT III (back in Louisville, Kentucky, 1996-1997), appearing in the next Senza Sordino.

Newslets

The Wall Street Journal printed two responses to an opinion piece by Shawn Ritenour entitled “**How Subsidies Kill Symphonies,**” one from ICSOM and one from Mary Landolfi, vice-president of Local 802 (New York). Landolfi wrote “the problem is not too many public subsidies for artists, but too few. A study . . . revealed that every dollar invested by the New York State Council on the Arts in nonprofit theater generates a \$68 benefit to the economy.” ICSOM chair Robert Levine wrote that “Ritenour’s claims . . . are in complete contradiction of the facts. There are far more professional symphony orchestras in the U.S. now than existed before the founding of the NEA, or before orchestra musicians started agitating (in a classic example of grass-roots unionism) for better wages and working conditions. . . It is no accident that American orchestras began to perform better when they started paying better, nor that so many more people attend concerts now that the quality of orchestras has improved.”

Orchestra Newsletter Wins Regional Awards – *The Bugle*, newsletter of the Honolulu Symphony Musicians, and its editor Marsha Schweitzer, have received two awards from the Western Labor Press Association, an affiliate of the International Labor Communications Association (ILCA). Marsha’s editorial “Back To Normal?” from the October 1996 issue of *The Bugle* won First Place for “Best Column/Editorial” in the Newsletter (Mimeo) category, and Marsha also won a Special Award for “Volunteer of the Year.”

The **Louisville Orchestra** has been placed in the AFM Orchestra Services Program (OSP).

The ICSOM Governing Board has approved this year’s slate of ICSOM’s **Mendelson Memorial Awards winners**, providing scholarship assistance to nine minority students during the next year. This year’s awards totalled \$5000: \$4000 allocated for the coming school year, plus an additional \$1000 remaining unused from last year’s allocation. Award winners were determined through a cooperative audition process with the American Symphony Orchestra League (ASOL), which also provides financial assistance to minority students through their Music Assistance Fund. ICSOM President Dave Angus is ICSOM’s liaison with ASOL. This year’s award winners are:

Wade Davis, cello, Brevard Music Festival
 Kazem Abdullah, clarinet, Cincinnati Conservatory
 David Davis, viola, Roosevelt University
 Robert Davis, clarinet, Cleveland Institute
 Mariana Green, violin, Juilliard School
 James Shaw, viola, University of Denver
 Jennifer Snyder, viola, Juilliard School
 Tahirah Whittington, cello, New England Conservatory
 Jeffrey Ziegler, cello, Rice University

The Mendelson Memorial Awards are named for Ralph Mendelson, a violist with the New York Philharmonic and an officer of ICSOM from 1970 to 1974. Mendelson died in 1979, and the Ralph Mendelson Memorial Awards were established in his memory in 1982.

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