

## **AFM Strike Fund**

The AFM Symphony-Opera Strike Fund was created in 1970 to address the needs of musicians enduring the hardships of strikes or lockouts. This Fund, long sought by ICSOM, was begun with a \$250,000 reserve loan from the AFM and, as of June 30, 2011, has paid out just under \$8.3 million to 53 different orchestras. More than \$600,000 was paid out during the year ending June 30, 2011 alone. Currently 70 orchestras are members of the Strike Fund.

The Fund is maintained and administered by six Trustees. Three are named by the International Executive Board, and three are active players in participating orchestras, two of whom are selected by ICSOM. The third player Trustee is selected by ROPA and OCSM and alternates on an annual basis. The alternate Trustee participates in all Trustee deliberations. Player-conference Trustees are selected by a procedure established by each conference. Current trustees for ICSOM are David Angus and Brian Rood. Others are Gaylon Patterson (ROPA), Rob McCosh (OCSM), Sam Folio, Joseph Parente and, as of August 1, 2011, Jay Blumenthal.

To be eligible to participate in the Strike Fund, an orchestra must have a collective bargaining agreement providing for a minimum weekly section-player salary of at least \$300 and a season of at least 15 weeks of employment. The number of beneficiary musicians from an orchestra applying to join the Fund shall be determined by the Trustees, and these musicians must accept membership in the Fund by a two-thirds secret ballot vote. Once an orchestra has elected to join the Fund, it must remain in the Strike Fund.

Each beneficiary player in a participating orchestra is obligated to make an annual contribution to the Fund. The amount of the required contribution is based upon a schedule of contribution and benefit levels which is related to the minimum weekly section player salary of the orchestra. After a two-year period of paying premiums, Strike Fund benefits are payable to each individual musician for up to 15 weeks in the event of a strike or lockout, starting in the second week. All Strike Fund benefits are taxable.

Participation in the AFM Strike Fund is not a condition or benefit of membership in ICSOM, but all eligible member orchestras are encouraged to participate. The decisions to reject unsatisfactory offers from managements are inevitably affected by the ability of musicians to feed themselves and their families. No orchestra has such control over its economic or political destiny that it can be assured of never having to endure a work stoppage and its financial hardships. More important, because all orchestras build upon the gains of others, we must all make a commitment to provide the funds necessary to help colleagues when they are fighting for beneficial settlements. For further information on the Strike Fund or applying for membership, contact Deborah Newmark at the AFM offices in New York.

Information about the payment of Strike Fund dues and the collection of Strike Fund benefits is given on the reverse of this page. AFM bylaws pertaining to the Strike Fund are also in this section.

## **Payment of Strike Fund Dues and Collection of Strike Fund Benefits**

Strike Fund dues from participating orchestras cover a span from September 1 to August 31 and must arrive at the offices of the AFM no later than April 1 of that span each year. Dues should be given to local unions, who should immediately forward one check to:

Strike Fund Office  
American Federation of Musicians  
Paramount Building, Suite 600  
1501 Broadway  
New York, NY 10036

Dues should be accompanied by a list of orchestra members and their social security numbers and should be remitted in full at one time, not in smaller partial payments or from individual musicians, which makes accounting difficult. Any variance between the number of musicians as defined in the collective bargaining agreement and those paying premiums must be explained in writing.

In the event of a strike or lockout, delegates should have their local union notify the AFM Symphony Services Division immediately at (800) 762-3444 or (212) 869-1330, ext. 222. The AFM will request a list of personnel and social security numbers. Beginning in the second week of the work stoppage, checks at the appropriate benefit level for each musician will be sent directly to the local union office for distribution to orchestra members and will continue to be sent weekly for the duration of the stoppage or to a maximum of 15 weeks.

Policies regarding responsibilities for Strike Fund dues payments:

- Each participating orchestra is responsible for paying for the total number of chairs as legislated by its master agreement. As to individual payment of dues: such payment is to be made by the actual occupant of the chair. Players on leave pay only for the portion of the season they actually play; the remainder of the payment is to be paid by the actual occupant of the chair for the other part of the season.
- Benefits are paid to the actual occupant of the chair. A player on leave is not eligible for any benefits; the replacement actually playing in the absent player's chair receives the benefits.
- If an orchestra's permanent complement is increased in size, new members must pay one year's dues retroactively and all subsequent payments. The retroactive payment is designed to apply the same conditions to all players, since an orchestra must pay two full years of dues before becoming eligible to receive benefits.

**AFM BYLAWS: Article 6, Section 4**  
**(AFM Symphony-Opera Orchestra Strike Fund)**  
**(Revised July 20, 2005)**

The American Federation of Musicians Symphony-Opera Orchestra Strike Fund shall be administered in accordance with the following terms and conditions:

- (a) Participation in the Fund shall be on a voluntary basis by those eligible groups whose players, by a two-thirds vote of the beneficiary musicians determined by the Trustees as described in 4(b), determine to join the Fund. The vote shall be taken by secret ballot. Once a group has in this manner become a participant in the Fund, it must remain in the Fund.
- (b) Eligibility for participation in the Fund shall be limited to Symphonic Orchestras that operate under the terms of a CBA providing for a minimum weekly section player salary of at least \$300 and a season of at least 15 weeks of employment.
  - i. The number of beneficiary musicians from an orchestra applying to join the Fund shall be determined by the Trustees, who shall consult with the orchestra committee and the Local prior to the vote as described in 4(a).
  - ii. The Trustees are authorized to waive the requirements set forth in (1) and/or increase the minimum salary requirement if, in their judgment, conditions warrant the change.
- (c) i. Each beneficiary musician in a participating orchestra shall be obligated to contribute annually to the Fund according to the following contribution schedule, to cover a span between September 1 and August 31, which amount must be paid not later than April 1 of that span.

<b>Weekly section player salary</b>	<b>Annual contribution per beneficiary musician</b>
\$300 to \$599	\$37.50
\$600 to \$749	\$50.00
\$750 to \$899	\$62.50
\$900 and higher	\$75.00

- ii. If the Fund's net assets drop below \$1,000,000.00, each beneficiary musician in a participating orchestra shall be obligated to contribute an additional 50 percent of his or her contribution as set forth in (c)(i)., above. The annual contribution amount shall thereafter be fixed at 150% of the contribution rate set forth in (c)(i)., above, and this Section shall be automatically adjusted in succeeding editions of these Bylaws to reflect that increase. In addition, the Federation, upon the establishment of the Fund, shall make available to the Fund monies up to \$250,000 on a non-interest bearing loan basis. This loan shall be repaid at such times and at such amounts as the Trustees determine is consistent with the Fund's fiscal soundness. The Trustees may also, in their discretion, modify the contribution structure if, in their judgment, conditions warrant the change.
- (d) Strike benefits shall be payable from the Fund only after a strike has been ordered or approved by:
  - (1) the players of a participating orchestra, acting by at least a majority vote or in accordance with some other established written policy requiring more than a majority vote,
  - (2) the Local Executive Board, and
  - (3) the International President or Vice President from Canada, as is appropriate. Strike benefits shall also be payable from the Fund in the event of a lockout.
- (e) Benefits shall be paid for a maximum period of 15 weeks to the beneficiary musician on strike, in accordance with the following benefit schedule, commencing with the second week of a strike or

lockout. However, the Trustees in their discretion may determine that lesser payments or a lesser duration are appropriate or necessary in order to preserve the Fund's fiscal soundness. The Trustees may also, in their discretion, increase the payments or duration, or both.

<b>Weekly section Player salary</b>	<b>Weekly benefit 2<sup>nd</sup>-4<sup>th</sup> week</b>	<b>Weekly benefit 5<sup>th</sup>-10<sup>th</sup> week</b>	<b>Weekly benefit 11<sup>th</sup>-16<sup>th</sup> week</b>
\$300 to \$599	\$75	\$150	\$225
\$600 to \$749	\$100	\$200	\$300
\$750 to \$899	\$125	\$250	\$375
\$900 and higher	\$150	\$300	\$450

- (f) When an orchestra not previously participating in the Fund votes to become a participant in the Fund, the participation must be effected no later than December 15. Strike benefits shall become available to that orchestra on September 1 of the second calendar year following the year in which participation is effected.
- (g) Any request to the Trustees under this Subsection must come with a two-thirds majority secret ballot vote of the orchestra members in support of such request.
  - i. An orchestra making application to participate in the Fund may propose to participate at a higher contribution and benefit level than that for which it would otherwise be qualified, but once its participation level has been established at the higher level, it may not reduce its level of participation.
  - ii. An orchestra already participating in the Fund may propose to participate at a higher contribution and benefit level than that at which it is currently participating. Benefits at the higher level shall become available on September 1 of the second calendar year following the year in which the higher level of contribution is effected.
  - iii. An orchestra participating in the Fund prior to September 15, 1999 shall continue its participation at the highest contribution and benefit level. If such an orchestra would otherwise qualify for participation at a lower contribution and benefit level, upon request by the musicians of the orchestra, the Trustees may permit such orchestra to contribute and benefit at the lower level, provided, however, that such permission to reduce its contribution and benefit level may be given to that orchestra one time only.
- (h) The Fund shall be maintained and administered by six Trustees. Three shall be named by the IEB and three shall be active players in participating orchestras, two of whom shall be selected by ICSOM in accordance with procedures established by ICSOM. The third player Trustee shall be selected by ROPA and OCSM jointly in accordance with procedures established by them. The alternate Trustee shall be selected from the remaining Symphonic Player Conference, and shall be a participant in all of the Trustees' deliberations. Any tie votes of the Trustees may be broken by the International President.

The Trustees shall have full power to establish and promulgate rules and regulations for the Fund's administration consistent with this Section. They shall collect, invest and hold all contributions to the Fund and shall pay and distribute all benefits and payments from that Fund. The Trustees are empowered to take all steps appropriate or necessary to effectuate this Section and to see that the Fund is administered fairly and in accordance with any applicable laws.