

Senza Sordino

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The Year of Negotiating (Hardly)



To paraphrase the famous old story, it was a dark and stormy year for ICSOM orchestras trying to negotiate collective bargaining agreements. While some of the largest orchestras were able to wend their way through the agenda-laden minefields of collective bargaining in the '90s more or less in one piece, some orchestras that had never before had to dodge incoming fire had significant parts of their seasons amputated while the American Symphony Orchestra League did its best to anesthetize the onlookers.

These unfortunate orchestras were generally victims of both bad management and the contemporary version of the Oedipus complex: gouge out we must. Orchestras that had previously experienced generally decent relations with their managements and boards were faced with draconian demands (strangely enough, several orchestras were faced with demands for concessions that were almost identical) and with a negotiating style which regarded the act of bargaining as in exceeding poor taste and financial reality as whatever managements chose to make it.

- The Kennedy Center Orchestra sustained a very bitter strike against a management that seemed to feel that the only full-time employees ought to be themselves.
- The musicians of The Saint Paul Chamber Orchestra and their board walked to the very brink of bankruptcy over management's proposal that they break the Minnesota Opera musicians' strike and throw them out of what little work they had.
- The musicians of the Honolulu Symphony, shut down for months by a lockout and tired of waiting for their board and

management to propose a more creative solution than a poverty wage for the musicians, helped to start another orchestra and, in a move of breathtaking daring which required years of bridge-building with community leaders to make possible, convinced the state legislature that they, and not the management of the Honolulu Symphony, ought to be the recipients of \$2.5 million in state funding (the management and board of the Honolulu Symphony have decided, vulture-like, to remain in business and wait for the new Hawaii Symphony to fail).

- The musicians of the Milwaukee Symphony finally reached agreement with management on major concessions two months after a three-day job action shut down the orchestra for a January weekend, producing the coldest picket line in orchestral history (8°F *before* wind chill), sustained with the help of hot food and drinks provided by the musicians of the Atlanta and Chicago symphonies. Days after the musicians returned to work, an anonymous donor told the Milwaukee *Sentinel* that she had attempted to make a six-figure donation to the orchestra the previous spring, only to be told by a key board member "not now, because of the sensitivity of the negotiations."

None of these were pretty situations, but there were many demonstrations of how internal solidarity, solid preparation, help from other orchestras, and hard work and imagination could hold their own against some very ugly management strategies. From the musicians of the National Symphony, the Baltimore Symphony, and the Berlin Philharmonic honoring the Kennedy Center Orchestra's picket line, through the Hawaii musicians' premiere of *The Reallocation from the Seraglio*, to the hot pizza and cider supplied to some very cold Milwaukee picketers by the musicians of the Chicago and Atlanta orchestras, musicians in the ICSOM orchestras proved that the basic principles of trade unionism can work even in the nasty '90s.

Robert Levine

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ICSOM Orchestra Settlements 1993-94

Atlanta Symphony

The members of the Atlanta Symphony ratified a new three-year agreement on November 16, 1993.

Length of Season - Remains 52 weeks for all years.

Wages - 1993-94 \$1,030/week (\$53,560/yr)
1994-95 \$1,070/week (\$55,640/yr)
1995-96 \$1,110/week (\$57,720/yr)

EMG - [Was \$75/wk] included, in the above wages, reduced to \$55/wk.

Vacation - Remains at 8 weeks.

Pension - [Was \$22,000] \$23,000 \$24,000 \$25,000

Seniority - Remains \$1/yr in 5-year increments; however, it is now in addition to any other overscale payments rather than absorbed, as in the past.

Doubling/Move up Pay - Doubling increased to 25% of scale per instrument with no weekly maximum. Section string players who sit on the inside first stand for a noneducational service will receive 1/2 of doubling pay.

Severance Pay - Increased up to 60% of salary in last year of work, based on seniority.

Health Insurance - A modified PruCare Plus PPO will be instituted 1/1/94. 90%/10% in network, 70%/30% out of network. A joint committee will evaluate performance of the plan.

Dental Insurance - Orthodontic lifetime maximum raised to \$1,500 [was \$500]

Flexible Spending Plan - FSA to be started to handle deductible, medical, and childcare expenses.

Life Insurance - Increased to \$100,000

Travel Insurance - Increased to \$150,000

Leaves - 3 days paid paternity leave; bereavement leave of 7 days for family member; other leaves liberalized.

Relief - 6 services per contract year for strings (was 2); 6 services for 2nd chair winds and brass (was none).

Auditions/Tenure - Greater input by musicians. Audition pay increased to \$30 for 3 hours; \$50 plus per diem for up to 6 hours; \$80 plus per diem for 8 hours.

Nonrenewal - Completely revamped with more musician input, unique arbitration panel appeals that includes both a musically qualified and a professional arbitrator for artistic and procedural legal issues, respectively.

Touring - Baggage handling in all international cities and large domestic cities; 36-hour period between arrival and 1st concert on international tour; 30-minute pre-concert rehearsals instituted: 3 per week maximum, 1 may be at the overtime rate; all others count (1 or 2 pre-concert rehearsals equals 1 service); numerous restrictions apply. Runout minimum distance expanded from 25-35 miles; improvements in wardrobe trunks; per diem gradually increased to \$55 day, with up to \$11.25 per day additional in cities with populations over 1 million; international per diem tied to GSA rates.

Miscellaneous - Sundays off reduced from 24 to 22 over the life of the contract; women may wear men's attire for evening concerts; increase in the number of purchased services (up to 6 in final two years) at 1/7 of personal scale per service with up to 9 services in a week. In addition, management may book optional, unrestricted services for at least 25 players at 1/8 of personal scale; a concert without intermission cannot go longer than 90 minutes; half the rehearsals after back-to-back educational concerts limited to 2 hours. The Cooperative Committee, composed of musicians, board members, management, and the Music Director, will continue to meet and report to the orchestra in March, 1995.

Addendum - The members of the Atlanta Symphony Negotiating Committee were Bob Jones [President], Stephen Wilson, Carolyn Toll, Richard Deane, Carl Nitchie, Frank Walton, Ted Gurch, and Michael Moore. The orchestra wishes to thank Local 148-462, especially Nick Pennington, Secretary, and John Head, President, for their unwavering support. The orchestra would especially like to thank its Counsel, Liza Hirsch Du Brul, who successfully guided us through two contract extensions and the transition into the administration of our new CEO, Allison Vulgamore.

Buffalo Philharmonic (11/93)

The members of the Buffalo Philharmonic reached an agreement in November to amend the final year of their agreement as follows:

Length of Season - [Was 46 (39 work/4 vacation/3 S.U.B. weeks)] 37 weeks

Wages - \$775/wk

EMG - \$25.50/wk + a one-time media payment of \$781.44

Vacation - 4 weeks (up to 3 may be rotating)

Health Insurance - If the cost of health insurance increases more than 10% above the current cost, the musicians will pay the additional amount.

Sick Leave - During the first year of employment, a musician will have 1 week of sick leave for use in the event of illness and an additional 7 weeks for serious illness or injury. After the first year of employment, a musician will have 4 weeks of sick leave and an additional 4 weeks for serious illness or injury.

Miscellaneous - Changes in peer review system; changes in leaves of absences. Requests for personal days must be made no less than 7 days in advance. If a paid holiday falls during a musician's vacation, the musician shall receive one holiday at another time. Musician committees will be established to meet regularly with each management department.

Buffalo Philharmonic (6/94)

The members of the Buffalo Philharmonic ratified a new 18-month contract on June 27, 1994 after the cancellation of the balance of their 1993-94 season.

Length of Season - [WAS 37 (1993-94) minus the eleven cancelled weeks] 37 weeks in 1994-95.

Wages - [WERE \$800.50/wk + a one-time payment of \$390. There was to be another payment of \$390 which was not honored.]

1994-95 \$780.50/week, contingent upon the orchestra maintaining an operating deficit of less than \$25,000. If deficit exceeds this amount per quarter, wages are reduced by 1 week's amount over the length of the agreement. This reduction could occur every quarter or potentially a loss of 4 weeks of pay during the term of this agreement. Any quarterly surplus will be split 80-20 (musicians/management).

EMG - Unchanged

Vacation - [WAS 4 weeks] Becomes 3 weeks

Seniority - Unchanged

Pension - Unchanged

Health Insurance - [WAS a choice of 4 fully-paid plans (HMOs and indemnity)]
Now the same four choices are available but management's maximum contribution is the average of the two lowest cost plans, with the remainder of the premium paid by the musician.

Sick Leave - [WAS up to 8 weeks]

Remains 8 weeks for major illness and less than 8 weeks for other than major illness [details still being worked out].

Working Conditions - Concept of "Stand-by musicians" introduced (musicians who are rotated off must be available to work if called in). Reduced the minimum size for a split orchestra from 30 to chamber-sized groups as small as 3.

Miscellaneous - One major change is in Board membership for musicians: there used to be 3 musicians on the Board with none on the Executive Committee. Now musicians will constitute 50% of the Executive Committee and these musicians will chair key committees (Artistic Advisory, Nominations Committee, and Vice Chairperson of the Board of Directors.)

Reduced personal days from 3 per season to 1. Payroll was changed from weekly to by-weekly.

Addendum - The members of the Negotiating Committee were Roger Macchiaroli [Chair], Clementina Flesher, Paul Bresciani, Florence Myers, Laurence Trott, Colin Smith, and Joel Becktell. The members of the orchestra would like to thank Local 92 and President Mark Jones and their attorney, Richard Furlong. The orchestra would also like to thank Florence Nelson, Brad Buckley, David Angus, and all the ICSOM representatives who provided the orchestra with invaluable information as well as advice and support during this process.

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1993-94 Settlements

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Cleveland Orchestra

The members of the Cleveland Orchestra ratified a new three-year agreement on October 2, 1993.

Wages – [Were \$1,200/week]
 1993-94 \$1,250/week
 1994-95 \$1,300/week
 1995-96 \$1,350/week (half year)
 1995-96 \$1,410/week (half year)

Radio – 26 weeks at 6%.

Vacation – Remains 9 weeks

Pension – [Was \$27,000/year] As of 11/1/95, pension becomes \$36,000. Retiring musicians are not frozen at \$36,000, but will receive increases negotiated in next trade agreement.

Seniority – [Was \$6/wk per year of service] Becomes \$8/wk in third year per year of service at five-year intervals.

Health Insurance – Super Blue Plus [PPO] -- in network reimbursements of 90% - 10% medical - 100% hospital and out of network 80% - 20% medical and hospital. Out of pocket maximum \$500/\$1,000 in network and \$750/\$1,500 out of network. Implement a \$50 deductible for all emergency room use unless admitted to hospital or result of an accident.

Disability Insurance – Increase maximum benefit to 60% of individual weekly salary to a max of \$1,080/wk.

Per Diem – All domestic locations becomes \$70/day

Addendum – The members of the Cleveland Orchestra Negotiating Committee were Ralph Curry [Chair], Al Couch, James Darling, Richard Weiner, and Ron Whitaker. The members of the Cleveland Orchestra would like to thank Local 4 and President David Brewer. A special thanks goes to the orchestra's attorney Leonard Leibowitz.

Florida Philharmonic

The members of the Florida Philharmonic ratified a one-year agreement on September 8, 1993.

Length of Season – Remains at 40 weeks

Wages – [Were \$26,450] \$27,375 [Principals receive 33.3% overscale and assistant/associate overscale is 10%.]

Vacation – Remains at 2½ weeks

Pension – Remains at 5% to AFM-EP

Health Insurance – AV-MED (HMO) 100% coverage with no deductible. Co-payments are \$350/single and \$700/family per year. [NEW] Prescription coverage added.

Dental Insurance – [NEW] Dental insurance added with premiums paid by management.

Disability Insurance – [NEW] Long-term disability insurance will be in place by December 1, 1993.

Instrument Insurance – Management will pay string players \$100 and wind players \$75 toward the cost of their own instrument insurance premiums.

Sick Leave – [Was 9 days] Becomes 21 services cumulative (no cap).

Auditions – Auditions committees will now be paid. Committees composed of six players. Music director will only be involved in finals. Candidate must receive four votes and one must be the music director's.

Working Conditions – Breaks increased to 20 minutes. Cap of three runouts per week with penalty pay if there are more than three.

Miscellaneous – Travel: compensation went up to \$700 per year per musician. Each musician will be assessed 1 sick service to be put into a pool to be used for emergency situations by colleagues.

Addendum – The members of the Florida Philharmonic Negotiating Committee were Don Nelson [Chair], Tim Conners, Carol Simmons, Tom Hadley, Leslie Bahler, Stuart McDonald [OSP Steward], and Geoffrey Hale. The members of the orchestra would like to thank the AFM Orchestra Services Program for its support during the negotiations and special thanks to attorneys Liza Du Brul and Tom Olcott.

Grant Park Symphony

The members of the Grant Park Symphony ratified a new three-year contract in September 1993.

Length of Season – Remains at 10 weeks

Wages – 1993-94 \$770/wk [3.5%]
 1994-95 \$793/wk [3.0%]
 1995-96 \$813/wk [2.5%]

EMG – [Was \$63.43/wk] 6 radio broadcasts or sub. special services for 3.5% across the board.

Pension – AFM-EP [Was 8%]
 1993-94 8.5% 1994-95 8.5% 1995-96 9.0%

Health Insurance – Cash payment in check [Was 3.85%]
 1993-94 5% 1994-95 5% 1995-96 5%

Sick Leave – [Was 4 services] 6 services of personal/sick leave cumulative

Seniority – Experience increment
 4-8 seasons 1% of scale
 9-14 seasons 2% of scale
 15-20 seasons 3% of scale
 Over 20 seasons 4% of scale

Working Conditions – 2 week notice for repertoire change. 2 consecutive days off for 5 weeks. No Sunday rehearsals. Only 1 week with 4 nights consecutive per season. Only 1 night rehearsal per season. Only one rehearsal can be used as sub. special service.

Miscellaneous – Tightened up requirements for notification to audition committee. Procedure for replacements and advisory secret vote. Unpaid seasonal sabbatical leave every 5 years [was 7 years]. One week leave (unpaid) every 3 years [was 5 years]. Closed circuit video monitors for live audience viewing. Limited media taping and use permitted for news, magazine, or advancement of tourism not promoting a product or service. Reproduction taping is permitted for archival, grantmaking, or study purposes. Study tapes to be loaned to conductors,

guest artists, and composers must be rendered unusable for commercial purposes by inserting a period of silence each minute and by imprinting a legend on video portion. Minority chair (provided by outside funding) in addition to contracted members. Minority committee to recommend minority players as temporary subs.

Addendum – The members of the Grant Park Symphony Negotiating Committee were Brian Ferguson [Chair], Joel Cohen, Neal Berntsen, Richard Hoffman, and Eva-Carol Beck. The members of the orchestra would like to thank Local 10-208, officers Charlie Guse and Ed Ward, and other members of Local 10-208 who attended bargaining secessions. They would also like to thank attorneys Michael C. Greenfield and Pat Collins.

Kennedy Center Orchestra

The members of the Kennedy Center Orchestra ratified a new two-year agreement with the Kennedy Center and a new five-year contract with the Washington Opera.

Length of Season – [Was BALLET 9.5 weeks/OPERA 18 weeks] Become BALLET 8.5 weeks/OPERA 18 weeks for both years. (Musical shows remain at 8 weeks and Opera remains 18 weeks for five years)

Wages – [Were BALLET \$1134.91/(7 perf.) + \$415.13/(12.5 hours reh.)] (MUSICALS \$910/(8 perf.) OPERA 10 weeks at \$777/wk (18.5 hrs) + 8 weeks at \$588/wk (14 hours)]

Becomes BALLET and MUSICALS two-year freeze
 1993-94 OPERA 10 weeks Freeze; 8 weeks Freeze
 1994-95 OPERA 10 wks \$795.50 (18.5 hrs) 8 wks \$602 (14 hrs)
 1995-96 OPERA 10 wks \$851 8 wks \$644
 1996-97 OPERA 10 wks \$869.50 8 wks \$658
 1997-98 OPERA 10 wks \$925; 8 wks \$700

Vacation – [Was 4%] Becomes 5% (Opera in 1997-98)

Seniority – \$25/wk after 5 yrs. \$50/wk after 10 yrs. \$75/wk after 15 yrs. (Opera seniority increases delayed until 1996-97)

Pension – [Was 7%] 1996-97 7.5% AFM-EP

Health Insurance – [Was 4% of payroll to trust fund for HMO or Indemnity] Washington Opera: 1994-95 5.0% 1996-97 5.5% 1997-98 6.0%

Sick Leave – 4 services for BALLET 3 services for OPERA OPERA becomes 3 days in 1994-95 and 5 days in 1995-96

Working Conditions – Alternative Service: To the extent that the services of musicians who are beneficiaries of the guarantees are not called during the weeks of ballet and/or musical shows, those musicians may be required to perform alternative services.

Addendum – The members of the Kennedy Center Orchestra Negotiating Committee were Greg Drone [Chair], Melanie Mattson, Craig Ryan, Margaret Thomas, and Frank Carnovale. The members of the orchestra would like to thank Local 161-710 and its President Joseph Shifrin. Special appreciation goes to the orchestra's attorney Leonard Leibowitz.

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The Virtual Labor Organization

ICSOM has begun several new services that use the mother of all wirehead toys, the Internet. The first is an electronic newsletter entitled (with apologies to all Mac users) *DOS Orchestra*. This newsletter, which appears weekly, contains news about professional orchestras which might be of interest to orchestra musicians. Subscriptions to *DOS Orchestra* are free (except for any costs that the recipient's Internet service provider imposes to receive mail) and available to anyone with access to Internet e-mail.

Articles that have appeared in *DOS Orchestra* to date include news about a number of orchestras' labor negotiations, including Chicago, Cincinnati, Florida Philharmonic, Houston, Pittsburgh, and Savannah, items about both musician and staff personnel changes in orchestras, the continuing saga of Myung-Whun Chung and the management of the Paris Opera, the issuance by the Chicago Symphony of tax-exempt bonds to help finance their capital facilities program, the opening of a storefront on the infobahn by the New Zealand Symphony Orchestra, and a speech by New York Philharmonic executive director Deborah Borda on the state of the orchestra business and what can be done to improve matters. By press time, fourteen issues had been sent over the ether to over 150 subscribers on three continents, as well as to the AFM BBS.

Another new service is the orchestra musician mailing list, which will be open to ICSOM, ROPA, and OCSM musicians only. A "mailing list," in Netspeak, is a floating discussion group that communicates through e-mail. Messages sent to the mailing list are distributed to all subscribers, who can reply back to the list as well. Subscriptions to the mailing list are also free.

Like the man who was surprised to discover that he had been speaking prose his entire life, many ICSOM musicians may be surprised to hear that they are already connected to the Internet. The Internet is becoming sufficiently ubiquitous that it is actually hard to avoid. Subscribers to any of the major commercial online services, such as America Online, Compuserve, Prodigy, Delphi, and GENie, can access Internet e-mail through their service. The new AFM electronic bulletin board will offer an Internet e-mail gateway, as do many local computer user group bulletin boards.

All members of the ICSOM governing board are now online. Addresses are listed in the information box on the last page of *Senza Sordino*. To send a message to the entire governing board, address it to "governing.board@icsom.org."

To subscribe to *DOS Orchestra*, send a message "subscribe DOS <your name>" (no quotes) to: dos@icsom.org. To subscribe to the orchestra musician mailing list, send "subscribe orchestra-l <your name>" (no quotes) to: orchestra-l-request@icsom.org. For back issues and an index of *DOS Orchestra*, send a request, stating which issues are requested, to dos@icsom.org.

Letters to the Editor

Recent events in symphony orchestras have left me wondering how best to protect our musicians from economic assaults. To be sure, even when we're unified, as our colleagues in Honolulu are, saving our orchestra and our jobs is a huge undertaking. The answer lies in being prepared and ready to mount a strong campaign if necessary. By the time concessions are proposed, it is far too late to start organizing.

The ICSOM Conference every year presents workshops on negotiating and grievance handling. These workshops are important, but in many cases they are not reaching the right people. The people who will be dealing with these issues are orchestra committee members. Each orchestra committee member needs training to understand their legal duties of fair representation. They also need to know some history to put everything in perspective. Emergency "who to call" lists and information about when to engage an attorney should also be provided.

ICSOM should publish a document for each musician explaining their rights of fair representation by both the committee and the union. Each musician also has responsibilities to both entities—to attend meetings, to express opinions, and to support the people they've elected to represent them.

Beyond this, musicians serving on Board committees must be trained so that they understand their role in keeping the orchestra committee informed of what's going on. Finance committee members must be taught to understand the financial documents they are being given. By the time the orchestra committee begins negotiations, it should have been receiving regular financial reports from the finance committee representatives for the past several years. Those finance committee members should be monitoring the situation all along, asking financial questions, and reporting their conclusions — not just during negotiations. If things are getting out of hand at any time, the orchestra committee will then have time to raise questions, organize a public campaign, hire a lawyer, and fight, instead of taking concessions because they don't know what else to do. It is only recently that musicians have been sitting on Board committees. The challenge is to prepare them so they can use their new power effectively for the benefit of their colleagues.

I believe that it's time for some serious discussion to take place about starting a training program sponsored by ICSOM. I think we have to form close bonds with the member orchestras long before trouble emerges, so they will have the strength and leadership to resist economic attacks.

I propose that ICSOM establish training programs and/or provide manuals for the musicians in each ICSOM orchestra, with special emphasis on the musicians serving on orchestra committees and the orchestra's board of directors and board committees.

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How to Cook a Conductor

Ingredients

One large Conductor, or two small assistant conductors
 Ketchup
 26 large garlic cloves
 Crisco or other solid vegetable shortening (Lard may be used)
 1 cask cheap wine
 1 lb. alfalfa sprouts
 2 lbs. assorted yuppie food, such as tofu or yogurt
 One abused Orchestra

First, catch a Conductor. Remove the tail and horns. Carefully separate the large ego and reserve for sauce. Remove any batons, pencils (on permanent loan from the Principal Second Violin) and long articulations and discard. Remove the hearing aid and discard (it never worked anyway). Examine your conductor carefully—many of them are mostly large intestine. If you have such a Conductor, you will have to discard it and catch another. Clean the Conductor as you would a squid, but do not separate the tentacles from the body. If you have an older Conductor, such as one from a Major Symphony Orchestra or Summer Music Festival, you may wish to tenderize by pounding the Conductor on a rock with timpani mallets or by smashing the Conductor between two large cymbals.

Next, pour 1/2 of the cask of wine into a bath tub and soak the Conductor in the wine for at least 12 hours (Exceptions: British, German and some Canadian Conductors have a natural beery taste which some people like and the wine might not marry well with this flavor. Use your judgment). When the Conductor is sufficiently marinated, remove any clothes the Conductor may be wearing and rub it all over with the garlic. Then cover your Conductor with the Crisco. using vague, slow circular motions. Take care to cover every inch of the Conductor's body with the shortening. If this looks like fun, you can cover yourself with Crisco too, removing clothes first.

Next, take your orchestra and put as much music out as the stands will hold without falling over, and make sure that there are lots of really loud passages for everyone, big loud chords for the winds and brass, and lots and lots of tremolos for the strings. (Bruckner might be appropriate). Rehearse these passages several times, making certain that the brass and winds are always playing as loud as they can and the strings are tremolo-ing at their highest speed. This should ensure adequate flames for cooking your Conductor. If not, insist on taking every repeat and be sure to add the second repeats in really large symphonies. Ideally, you should choose your repertoire to have as many repeats as possible, but if you have a piece with no repeats in it at all, just add some, claiming that you have seen the original, and there was an ink blot there that "looked like a repeat"

to you and had obviously been missed by every other fool who had looked at this score. If taking all the repeats does not generate sufficient flames, burn the complete set of score and parts to all of the Bruckner symphonies.

When the flames have died down to a medium inferno, place your Conductor on top of your orchestra (they won't mind as they are used to it) until it is well tanned, the hair turns back to its natural color and all of the fat has dripped out. Be careful not to overcook or your Conductor could end up tasting like stuffed ham. Make a sauce by combining the ego, sprouts and ketchup to taste, placing it all in the blender and pureeing until smooth. If the ego is bitter, sweeten with honey to taste. Slice your Conductor as you would any turkey. Serve accompanied by the assorted yuppie food and the remaining wine with the sauce on the side.



WARNING: Due to environmental toxins present in conductor feeding areas, such as heavy metals, oily residue from intensive PR machinery manufacture, and extraordinarily high concentrations of E.coli, cryptosporidium, and other hazardous organisms associated with animal wastes, the Departments for Conductor Decimation (DCD) recommend that the consumption of conductors be limited to one per season. Overconsumption of conductors has been implicated in the epidemiology of a virulent condition known as "Bataan fever." Symptoms of this disorder include swelling of the brain, spasms in the extremities, delusions of competence, auditory hallucinations and excessive longevity.

(Thanks to David Borque of the Toronto Symphony for uploading this recipe to the AFM BBS.)



Maestro Dessert à Juste

Drawing by Karen Smith, Milwaukee Symphony

Settlements

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Los Angeles Philharmonic

The members of the Los Angeles Philharmonic ratified a new three-year agreement on October 1, 1993.

Length of Season – Remains 52 weeks.

Wages – [Were \$1,240]

1993-94 \$1,240/\$1,300 [\$66,040/yr]

1994-95 \$1,320/\$1,380 [\$70,200/yr]

1995-96 \$1,400/\$1,450 [\$71,400/yr]

EMG – Remains \$2,000/season

Vacation – Remains 9 weeks plus 1 week for strings and second winds

Seniority – [93-94 remains at previous levels: (after 5 years and at 5 year increments) \$15, \$30, \$45, \$60, \$75, to a maximum of \$75]

Beginning in 1994-95 5 yrs/\$20 10 yrs/\$35 15 yrs/\$50 20 yrs/\$65 25 yrs/\$80; Maximum of \$80

Health Insurance – Remains with Kaiser (HMO) with no changes. Indemnity coverage is still 70%, 90% with PPO. Deductibles raised from \$200/\$400 to \$300/\$600. Added outpatient utilization review. Changed to slightly more “managed” PPO network. Copay for prescription drugs increased from \$1 to \$5.

Instrument Insurance – String instrument and bows - \$150,000 [was \$100,000] Woodwind, brass, or percussion - \$35,000 [was \$25,000]

Sick Leave – Remains at 12 weeks plus 2 weeks for each year of employment in excess of 5 years to a maximum of 26 weeks.

Touring – Increased free time following extended periods of travel. New limit on number of days allowed for length of tour. Limit on number of services allowed during first seven days of any tour. For current music director, 4 acoustic rehearsals/wk on tour at 30 minutes (otherwise, 3 rehearsals at 20 minutes). Residency clause - 7 nights in one location, only 1 runout, 7 services per week - eighth can be bought. Tour life insurance increased to \$350,000 [was \$300,000]. New section dealing with non-hotel accommodations on tour.

Per Diem – Breakfast \$15; Lunch \$20; Dinner \$33

Miscellaneous out-of-pocket expenses: Domestic \$20; Foreign \$25.

Auditions – Expanded audition panels for violin auditions. Increase in pay for audition panel duties to \$25 per hour [was \$15]

Working Conditions – All Hollywood Bowl season weeks shall have 7 services with 3 days off. During four of those weeks, the days off shall be consecutive (Friday, Saturday, and Sunday).

Miscellaneous – Sabbatical leave eligibility changed to 7 years [was 12 years]. Media article rewritten and includes provisions for archival taping and payment for local and foreign broadcasts. Two discretionary days off per season. Separate Negotiating Committee created.

Addendum – The members of the Los Angeles Philharmonic Negotiating Committee were Boyde Hood [Chair],

Michael Nutt, Camille Avellano, Byron Peebles, and Gloria Lum. The members of the orchestra would like to thank Local 47 and Vice President Richard Totusek for their help during the negotiations. Special thanks goes to the orchestra’s attorney Leo Geffner and pension trustee Roland Moritz.

Louisville Orchestra

The members of the Louisville Orchestra ratified these changes in their master agreement on April 5, 1994.

Length of Season – 1993-94 [WAS 45 weeks] 44 weeks
1994-95 [WAS 45 weeks] 40 weeks.

1995-96 Presently, the third year of the contract is unchanged from last May’s settlement.

Wages – [Were to \$593.51]
becomes \$596.41 on 6/1/94

EMG – Unchanged

Vacation – Same, but end-of-season buy backs (\$20 per unused personal service) eliminated for 1994-95.

Pension – Unchanged

Health Insurance – Unchanged

Seniority – Unchanged

Per Diem – [NEW] Meals provided only with approval of Players’ Committee.

Miscellaneous – Added 2 musician seats (elected by the orchestra) on the board for 2-year staggered terms. LOPC chairperson invited to participate in senior staff meetings.

Addendum – The members of the Louisville Orchestra Negotiating Committee were Don Gottlieb [Chair], Sue Carroll, Anita Tucker, Diana Morgan, Dallas Tidwell, Rebecca Cole, and Dave Horn [union steward]. The members of the orchestra would like to thank Local 11-637 and its president, John Roy, for their support.

Milwaukee Symphony

The members of the Milwaukee Symphony ratified a new three-year agreement on March 3, 1994.

Length of Season – [was 48 weeks]

1993/94 41 weeks

1994/95 42 weeks

1995/96 44 weeks

Wages – [were \$960/wk]

1993/94 \$960/wk, including \$17.50 EMG

1994/95 \$995/wk (no EMG)

1995/96 \$1,020/wk (no EMG)

Vacation – [was 6 weeks] 5 weeks per season, with 2 weeks chosen by the individual musician.

Pension – [was \$50/mo/yr, no maximum]

1993/94 \$50 per month per year of service

1994/95 \$50 per month per year of service

1995/96 \$52 per month per year of service

Health Insurance – New point-of-service plan; with no deductibles or co-pays if using in-plan providers, but higher deductibles or co-pays out of plan than previously. Includes vision and mental health riders and \$1,500 payment per year for musicians who have other insurance and choose to opt out. Management continues to pay premiums for both single and family coverage.

Other Insurance – New FSA program, increases in life and disability insurance.

Working Conditions – new restrictions on evening rehearsals without chorus, two-service days, outdoor performances, rehearsals on days of performances, services during opera weeks, and number of different programs done in one week.

Touring Conditions – single rooms guaranteed for all tours (previously was with some exceptions for expensive cities), significant improvement in per diem, and new restrictions on scheduling before tours.

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The coldest photo-op in orchestra history:
Milwaukee Symphony musicians picketing in 8°F weather

Settlements

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Miscellaneous – Board of Directors commits to raising an endowment of \$35 million by the year 2000 and to work with the musicians and outside groups to restore summer performance activities and a summer series outdoors in the Milwaukee area.

- Musicians have 1/3 of the seats on any search committee for Executive Director.
- Management agrees to replace musicians on paid or unpaid leave so as to maintain balance of rotation between sections.
- The Artistic Liaison Committee will meet at least twice each season with the Music Director to discuss subscription repertoire.
- Musicians agree to donate two services per season, as an orchestra, for fundraising activities, with the approval of the Players' Council regarding use and scheduling of services.
- Management must inform musicians of their right to have a union representative present at meetings concerning their employment status after every break in the season.
- Musicians will have two non-voting seats on the Board of Directors and all standing committees except Labor Relations.
- Remaining unchanged, despite determined management attempts to diminish or eliminate, were pay for extra and substitute musicians (remains at 100% of per-service scale), musicians' right to choose two of their vacation weeks, and protections against arbitrary dismissal for cause.

Addendum – The members of the MSO Players' Council were Frederick Fuller, Sara Harmelink, William Helmers, Robert Levine (chair), Leland Midgett, Judy Ormond, Scott Tisdell, and Martin Woltman. The members of the orchestra would like to thank Trustee George Sartick, President Don Neitzel and Secretary-Treasurer Robert Couey of Local 8 for their unwavering support. They would also like to thank Marianne Robbins, legal counsel for Local 8, Lew Waldeck and his dogs and ponies, Ronald J. Bauers, who provided valuable financial analysis of the MSO's finances, Barbara Haig, our PR professional, whose efforts won the musicians very positive press coverage, the musicians of the Atlanta Symphony and the Chicago Symphony, who donated hot food and refreshments for MSO musicians picketing in 8°F weather, and the people of the Milwaukee area for giving us support when we most needed it. The Players' Council would especially like to thank Commissioner Ron Sweet of the Federal Mediation and Conciliation Service, whose unstinting work and patience over 6 months of mediation were key to reaching an agreement. Above all, the Players' Council would like to thank Liza Hirsch Du Brul, chief negotiator, whose brilliance and tenacity are beyond praise.

New Jersey Symphony

Due to a large accumulated and operating deficit, the members of the New Jersey Symphony, after the management had downsized and taken a 5% cut, were asked to renegotiate the final year of their contract. The musicians were supplied with an itemized list of musicians' and other costs from which to make informed decisions. As a result, the following new three-year agreement was ratified by both sides:

Length of Season – [Was 29 weeks]

1994-1995 - 31 wks/incl 2 wks vacation/2 wks/2 SUB
 1995-1996 - 31 wks/2 wks vacation/1 wk SUB
 1996-1997 - 32 wks/2 weeks vacation/2 wks SUB

Wages - [Were \$810/wk/incl \$15 EMG]

1994-95 - \$770/incl \$25 EMG 1995-96 - \$770/incl \$25 EMG + COLA (4% cap)

1996-97 - \$850/incl \$25 EMG (increase depends on COLA)

By May 1, 1995, the Symphony may notify the musicians that it will move to a higher wage level as follows:

1995-96 - \$840/incl \$25 EMG

1996-97 - \$870/incl \$25 EMG (All personally negotiated overscale will be lowered by 5% in 1994-95 only)

Effective September 1, 1996, extra or substitute players will be paid no less than the minimum per service salary.

Seniority Pay - [Was \$10/\$15/\$20]

1994-95 - \$9.50/\$14.25/\$19

1995-96 - \$10/\$15/\$20

1996-97 - \$15/\$20/\$25.

Vacation Pay - [Was paid during non-work weeks] Will be paid concurrent with work weeks

Health Insurance - No change in Oxford Health Plan coverage. For 1994-95 ONLY: HMO copay increased from \$5 to \$10, \$50 deductible added to prescription drugs. [NEW] Domestic partner payment \$1500 per contract year. [NEW] \$1500/contract year opt out-of-health plan payment.

Pension - [Was 7% AFM-EP]

1994-95 - 7.5% 1 1995-96 - 7.75% 1 1996-97 - 8% Contributions to employee 403(b) plans shall be made not later than ten (10) days after the end of each month for which such contributions are due.

Working Conditions - Monday shall be free day. If services are scheduled on a Monday, the service shall be paid at 150% of a player's per service amount. Two Mondays in 1994-95 may be scheduled at 100%.

Auditions - 1996-97 audition committee will receive \$10.00/hour [was \$8.50].

Nonrenewal and Demotion

1994-95 - there shall be no non-renewals.

1995-96 - demotions and nonrenewals only if Symphony opts for higher wage level but requires payment of 1 year severance pay.

1996-97 - demotions and nonrenewals return to existing procedure

Travel/Per Diem - Meal allowances suspended through August 31, 1995 except for overnight stays or out-of-state tours. Effective September 1, 1996, payment of \$6 nightly for miscellaneous unvouchered expenses [was \$3].

Effective September 1, 1996, the Symphony will provide single occupancy rooms. Each musician voluntarily sharing a double occupancy room will be reimbursed 1/2 the difference in cost to the Symphony of 2 single occupancy rooms and 1 double room. Beginning in 1996-97, meals increased to \$10/\$13/\$20 [was \$7/\$9/\$17]. Travel overtime suspended through August 31, 1995. Beginning in 1995-96, \$12.00 [was \$9.25].

Leaves/Absence - Musicians may be released from participating in subscription series subject to the following limitation: Musicians may not be released from more than 50% of the subscription sets offered to them.

In 1994/95, all non-subscription work is optional. If a musician elects to perform a set, then he/she must commit to a minimum of 50% of all rehearsals and 50% of all performances thereof. Musicians must make a "best efforts" attempt to give fourteen (14) days advance notice, but not less than (7) days advance notice from the first rehearsal of that set. Summer season attendance shall be optional. In 1996-97, musicians must attend 70% of entire winter season. There are 8 unrestricted unpaid personal days available to each musician.

Miscellaneous - The Orchestra Committee Chairman and one other contracted musician designated by the Union shall have voice without vote at all meetings of the Board of Trustees (except in executive session), Executive Committee and subcommittees and will be given an opportunity to speak.

No synthesizers or other non-acoustic instruments may be used at any service of the NJSO, unless by prior agreement between the Local and the Symphony.

No tape-recorded music shall replace a live musician(s) at any services of the NJSO.

Unless specifically agreed to between the Symphony and the Artistic Advisory Committee, complete instrumentation of all compositions performed by the NJSO shall be used.

No musician shall be requested to perform musical passages not originally scored by the composer for his/her instrument.

Emergency Financial Reopener/Renegotiations – If the Board of Trustees of the Symphony believes that a financial emergency exists, such that the Symphony cannot continue operations under the terms of the Agreement, the Symphony shall pass a resolution declaring that opinion, then immediately, and after consultation with the Union together with the Orchestra Committee, engage the services of an independent accountant as a consultant to verify the emergency situation. If the consultant agrees with the opinion stated in the Board's resolution, the Symphony and the musicians' representatives shall engage in private negotiations for a period not to

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exceed thirty (30) days. If the initial period of negotiations does not result in an agreement, the parties shall engage a fact-finding and mediation team consisting of one nominee from the American Symphony Orchestra League (ASOL), one nominee from the American Federation of Musicians (AFM) and a third team member selected jointly by the ASOL and AFM team members. The teams shall assist the parties for a period not to exceed thirty (30) days. If the parties do not achieve an agreement during the 30-day mediation and fact-finding period, the team shall provide to both parties its recommendation for a mediated contract settlement. The team's recommendation shall be presented to the musicians and to the Symphony Board of Trustees for ratification votes. If ratification by both parties is not achieved, the existing Agreement shall remain in effect, and the Symphony may take such action as it deems necessary to protect its interests, including seeking protection under the bankruptcy laws of the United States.

Transfer of Assets: It is the intention of the Symphony to continue and to increase, in its discretion and as its finances permit, the scope of its activities as a symphony orchestra as contemplated by the structure of the collective bargaining agreement. However, if the Board of Trustees by resolution duly adopted determines that it shall dissolve the New Jersey Symphony Orchestra, then to the extent permitted by law and subject to its other legal obligations, the Symphony shall turn over and/or cause to be turned over all assets of the New Jersey Symphony and all endowments and related funds to an organization established (or in the legitimate process of establishment) under Section 501(c)(3) of the U.S. Internal Revenue Code, the purpose of which shall be to effectuate the preservation or restoration of the Orchestra. Such transfer of assets shall be subject to the approval of the Union, the members of the Orchestra as well as the Board of Trustees of the New Jersey Symphony Orchestra.

Monitoring Committee – Board Chairperson, Chairperson of Board Budget Committee, Chairperson of Orchestra Committee, and one other musician comprise the Monitoring Committee. This committee will oversee and monitor the terms of the Master Agreement including the reinstatement of all suspended employee benefits and shall have complete, unrestricted access to all financial information, including staffing and salary levels of all personnel employed by the NJSO. All information must be treated confidentially. During fiscal year 1995, no increases in either the number of employees or in compensation to them shall be made without the approval of this Committee.

Addendum – The members of the Negotiating Committee were Robert Wagner [Chair], Vincent Belford, Larry Clemens, Lucinda-Lewis, and Toni Thompson. The members of the New Jersey Symphony wish to thank Local 16 and President Larry Long, the AFM Symphonic Services Division, Ron Bauers, and legal counsel Liza Hirsch Du Brul for all of their support and assistance.

Oregon Symphony

The members of the Oregon Symphony ratified a new three-year agreement on September 8, 1993.

Length of Season – [Was 43 weeks] Remains 43 weeks for all years.

Wages – [Were \$681.05/section \$839.36/principal]

1993-94 \$708.27/Section [\$30,455.70/yr] \$779.10 / Asist. Prin [\$33,501.27] \$872.92 /Prin./Assoc. [\$37,535.34]

Raises in 1994-95 and 1995-96 will be calculated as follows: (Total contractual compensation for tenure track players employed at the beginning of the season) 3% and distribute the raise so that assistant principals will get an increase 10% above section player increase, and principals and associate principals will get an increase 23.25% above the section player increase.

EMG – Remains at \$56.25 per radio broadcast.

Vacation – Remains at 2.5 weeks

Pension – [Was 7.5%]

1993-94 7.5% 1994-95 8% 1995-96 8.5%

Health Insurance – [Was choice of Blue Cross PPO with \$90/\$80 co-pay and \$100/\$200/\$300 0 deductibles or Kaiser.] 1993-94 Musician's choice of OD S PPO with \$90/\$80 co-pay and no change in deductibles, or Kaiser with no changes. 1994-95 and 1995-96 ODS HMO option added with no deductible or co-pay. ODS PPO deductibles increased to \$200/\$400/\$600, and co-pay becomes \$90/\$70. Kaiser co-pay is \$5 per visit and \$5 for prescription. Musicians who have health insurance from another source may choose to opt out of coverage and receive a cash payment of \$1,500 per season.

Dental Insurance – Remains full ODS coverage for musicians and families.

Flexible Spending Account

1993-94 \$250 1994-95 \$300 1995-96 \$350

Domestic Partners – Domestic partners who are legally unable to marry and have no employer-paid group health coverage are entitled to a cash payment of \$1500 per season.

Instrument Insurance – [Was \$350] Instrument insurance/maintenance allowance increased to \$450 per season.

Auditions – New policy adopted which changes audition notification, application, repertoire, selection of audition committee, site conditions and general guidelines.

Working Conditions – If the temperature is more than 78° but less than 80° during any service, the temperature clause provides for a pro rata share of \$500 when the violation occurs at the Symphony's hall. If the temperature in the hall is more than 80° or less than 68°, each player receives a penalty of one half section player scale. During any service outside the Symphony's hall, if the temperature in the hall is more than 80° or less than 68°, each player receives a penalty of one fourth section player scale. The

Association may schedule one concert and a related rehearsal with a guest artist without regard to scheduling limitations once per season and may schedule three additional Saturdays for special revenue producing/audience development programs. The Association may make one local TV broadcast per year without compensation to the musicians.

Miscellaneous – Increased the maximum number of services which can be subcontracted from 10 to 15. Raise in pay to extra musicians of 3.5%, 4%, 4%. Maternity/Paternity leave provisions. Extension of sick leave and bereavement leave to domestic partners legally unable to marry. Grievance and arbitration procedure. Local media agreement (to conform to AFM agreements). Establishment of study tapes procedure.

Addendum – The members of the Oregon Symphony Negotiating Committee were Chris Perry [Chair], Lajos Balogh, Joe Berger, Todd Kuhns, Tim Scott, and Juan DeGomar, alternate. The members of the orchestra would like to thank Local 99 President Herman Jobelmann.

Rochester Philharmonic

Length of Season – [Was to be 47 weeks in 1993-94]

1993-94 41 weeks
1994-95 42 weeks
1995-96 42 weeks

Wages – [Were supposed to be \$785/\$806/\$836 (\$37,867 per year)]

1993-94 \$773/\$785 \$31,377
1994-95 \$785/\$810 \$33,495
1995-96 \$810/\$840 \$34,650

EMG – [Was to be \$608/yr]

1993-94 \$408
1994-95 \$0
1995-96 \$0

Vacation – [Was to be 6 weeks]

1993-94 3 weeks
1994-95 4 weeks

Overscale – Several categories of overscale caps were added to the agreement establishing maximum overscales for all musicians.

Pension – Remains employer contribution of 5% to defined contribution pension plan. Employer also makes payments into a frozen defined benefit plan.

Flexible Benefits Program – \$12,000 added to benefit credits under the flexible benefits program beginning in 2nd year of contract.

Miscellaneous – Improvements in sick days, instrument insurance, and health insurance for contracted part-time musicians.

Addendum – The members of the Rochester Philharmonic Negotiating Committee were David Angus [Chair], Joanna Bassett, Cherry Beauregard, William Hunt, John McNeill, and David Richey.

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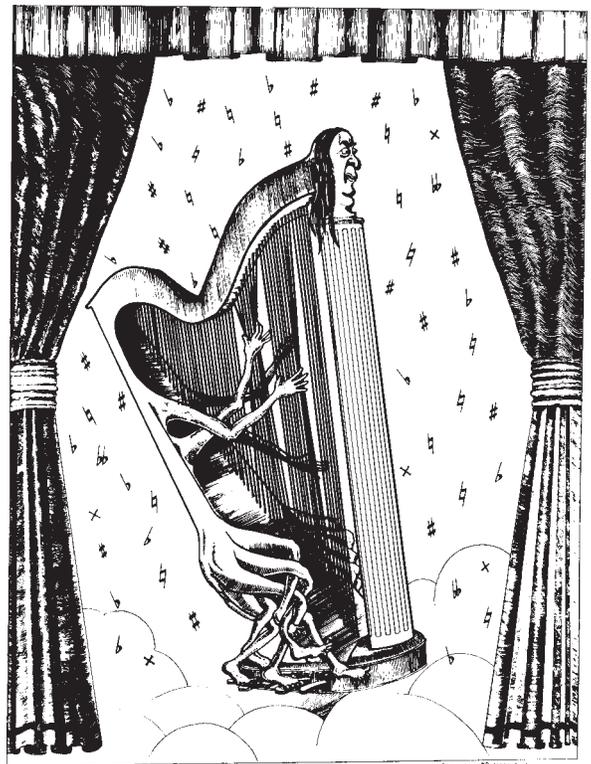
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Errata

Reinhardt Elster, the second editor of *Senza Sordino*, was the only editor whose instrument was not mentioned in the capsule summary of past editors in Volume 32 #4. Mr. Elster was the harpist of the Metropolitan Opera Orchestra. *Senza Sordino* regrets the omission, which was inadvertent, and thanks Danis Kelly, harpist of the Milwaukee Symphony, for bringing it to the editor's attention.



Newslets

A Federal Tax Court ruled 10-7 in favor of two New York Philharmonic violinists who were challenging the Internal Revenue Service.

The decision, which was made on August 22, restored the deduction that Richard and Fiona Simon claimed with respect to their two Tourte bows. The Simons had claimed 21% depreciation on the bows, which cost \$21,500 and \$20,000. The IRS claimed that the bows were works of art that appreciated with the passage of time, while the Simons, represented by Arthur Pelikow of New York City, contended that the bows were tools that were subject to wear and tear and thus depreciable under revisions to the tax code made in 1981.

Judge David Laro, who presided over the trial in December, wrote that the bows "fit snugly within the definition of recovery property" under the 1981 tax code changes. He rejected the IRS's argument that the "useful life" of the bows was impossible to determine and that they were thus not eligible for a deduction. Judge Laro ruled that the Simons did not have to establish useful life, and that the fact that the asset might have value in a separate market was irrelevant.

In a dissenting opinion, Judge Lapsely W. Hamblen Jr. wrote that the majority opinion was "sophistical and wrong" and would create a tax shelter for musicians.

The court also ruled in favor of Brian P. Liddle, a Philadelphia musician who claimed a depreciation deduction on his Ruggeri bass. Judge Laro cited the Simon case as a precedent in his ruling.

The Internal Revenue Service has not decided whether to appeal the Simon case, according to a spokesperson.

Both ICSOM and Local 802 (New York City) of the American Federation of Musicians contributed to the Simons' legal expenses.

Letters

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These ideas are sent in hopes that we can strengthen ourselves. My comments are not meant to be critical of ICSOM. I feel that we have reached a point where we need some new strategies to help our members save themselves from unnecessary sacrifices.

The enemy isn't the management or the ASOL. The enemy is our own ignorance, isolation, and apathy.

CHRISTINE PERRY

Robert Levine replies:

The ICSOM Governing Board is grateful to Ms. Perry for her suggestions, has discussed them at length, and intends to pursue solutions. One project that the Governing Board has already begun, and which will be covered at greater length in a future issue of *Senza*, is a study of the current situation in our orchestras regarding musicians serving on boards and board committees, with the intention of providing some guidelines about how to make musician involvement work for the good of the orchestras and their musicians. We hope that there will be many ICSOM musicians who will provide the Governing Board with ideas and help with this very ambitious project.

Christine Perry is a percussionist with the Oregon Symphony.

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