Atlanta Harpist Wins Case; Management Refuses to Comply
by Len Leibowitz, ICSOM Counsel

At the last ICSOM conference in Vail, we reported on a pending arbitration case in the Atlanta Symphony involving the dismissal of harpist Judith Ryan for alleged insubordination.

In an Opinion and Award dated January 23, 1992, the harpist was completely vindicated and granted full reinstatement and back pay for all time lost.

The importance of this case stems from the fact that it is the first case of which we are aware that a musician has been summarily dismissed for insubordination (just cause) for allegedly failing and refusing to follow the Music Director’s instructions regarding the manner in which he wanted a piece to be played, especially under a contract which contains a separate procedure for non-renewal for musical incompetence.

On April 18, 1991, J. Thomas Bucchetti, Executive Director of the Atlanta Symphony, informed Ms. Ryan that she had been fired for “willful, deliberate and inexcusable insubordination” in disregarding the instructions of the Music Director [Yoel Levi] regarding dynamics in Stephen Paulus’ Concerto for Orchestra during concerts on April 11, 12, and 13. Allegedly, in rehearsals for Concerto, Levi told Ryan to perform more softly, which she did, but her cadenza in the April 11 performance was fortissimo. Prior to the April 12 concert, the personnel manager reiterated Levi’s instructions to Ryan, who was accused of playing too loud again in the April 13 concert. Bucchetti alleged that Ryan deliberately disregarded Levi’s instructions regarding performance dynamics and that such disobedience to the Music Director could not be tolerated.

The Arbitrator noted that the employer had been trying since 1985 to fire Ms. Ryan for alleged musical incompetence. She had successfully contested the non-renewal proceedings against her. On May 12, 1987, Bucchetti advised then-Director Robert Shaw to keep a close watch on Ryan. “If she is insubordinate, unprepared or in any way fails to live up to her responsibilities, call her on it, discipline her and keep a written record of the event...”

On October 30, 1989, Bucchetti advised Ryan that non-renewal proceedings would begin due to her musical incompetence: intonation, ensemble with the Orchestra, quality of notes; her failure to respond to corrective counseling; and her unsatisfactory performance at a recent concert. He suggested that she resign. She refused, and was given official notice of non-renewal on January 1, 1990. Upon receiving notice of non-renewal, Ms. Ryan immediately filed a grievance and also filed charges of age discrimination with the EEOC. She was awaiting the arbitration hearing on her non-renewal grievance when she was summarily dismissed for just cause in 1991. On May 2, 1991, Ms. Ryan filed another grievance, this time contesting her just cause dismissal. She claimed that the just cause dismissal was in retaliation for her having filed charges of age discrimination with the EEOC and that the employer was trying to circumvent the non-renewal provisions of the contract. She requested reinstatement with full back pay and benefits.

After reviewing the evidence and the arguments of each side, the Arbitrator found as follows:

... Levi’s opinion that Grievant disobeyed his order to play more softly in the performances of April 11, 12, and 13 was colored by his knowledge that an unsuccessful attempt to dismiss Grievant on grounds of incompetence had been made in 1985-1986; that his predecessor, Shaw, had been advised to get rid of her; that Levi kept a written record of mistakes upon becoming Director, including mistakes in dynamics; and that resolution of a grievance protesting attempting again to dismiss Grievant on grounds of incompetence was pending during the performances of Paulus’ Concerto. These facts lend support to Union’s contention that Management regarded Grievant as incompetent and did not want to await the long drawn-out process of Article V, Section 5. If Levi truly thought Grievant was purposely playing too loudly, he was obligated to initiate a discussion about the matter with her and warn her of the consequences.

Assuming arguendo [for the sake of argument], however, that Grievant did play too loudly during the performances of April 11, 12, and 13, the evidence fails to demonstrate that disobedience of the order to play more softly was “willful, deliberate, excessive or inexcusable.” It is to be noted first that Grievant’s disobedience was not excessive. It was of the same kind and on a single Concerto. Further, in addition to directing Grievant to play more softly during the April 9 rehearsal, Levi asked her if she was going to play bar 1 to 1000 exactly the same. This admitted vague and ambiguous question, while arguably referring to dynamics, was interpreted by Grievant as also applying to tempo. Myor Rosen’s [former harpist, New York Philharmonic] testimony that this phrase could relate to playing like an automaton was not contradicted. Grievant’s interpretation of 1 to 1000 as referring, at least in part, to tempo is a plausible explanation of why she asked Paulus [the composer] on April 10 about playing it more soloistically. It is mere speculation to infer that Grievant’s discussion with Paulus indicated a deliberate-ness in her not playing more softly. Similarly, this overlap-

Continued on page 4
### 1991-92 Wage Chart of ICSOM Orchestras

<table>
<thead>
<tr>
<th>Orchestra</th>
<th>Weeks</th>
<th>Annual Minimum Salary</th>
<th>Pension</th>
<th>Average Services Weekly</th>
<th>Vacation Weeks</th>
<th>Relief Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama*</td>
<td>42</td>
<td>21,420</td>
<td>1.6% 403b</td>
<td>7</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Atlanta*</td>
<td>52</td>
<td>46,800</td>
<td>8</td>
<td>3</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Baltimore*</td>
<td>52</td>
<td>52,390</td>
<td>8% EMW</td>
<td>7-8</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Boston</td>
<td>52</td>
<td>61,360</td>
<td>24,000</td>
<td>9</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Buffalo</td>
<td>46</td>
<td>34,066</td>
<td>31</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Chicago Lyric*</td>
<td>21</td>
<td>24,465</td>
<td>7-8</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Chicago*</td>
<td>52</td>
<td>58,310</td>
<td>8% DCP</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>52</td>
<td>54,600</td>
<td>17,000</td>
<td>16</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Cleveland</td>
<td>52</td>
<td>59,280</td>
<td>23,000</td>
<td>9</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Colorado*</td>
<td>38</td>
<td>21,660</td>
<td>5% DCP</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Columbus</td>
<td>46</td>
<td>35,650</td>
<td>8% DCP</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dallas*</td>
<td>52</td>
<td>49,140</td>
<td>20,880</td>
<td>10</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Detroit*</td>
<td>52</td>
<td>58,776</td>
<td>20,000</td>
<td>7</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Florida Orch</td>
<td>38</td>
<td>20,007</td>
<td>3% 403b</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Florida Phil*</td>
<td>39</td>
<td>23,800</td>
<td>5% EMW</td>
<td>8.5</td>
<td>1.5</td>
<td>0</td>
</tr>
<tr>
<td>Florida Sym</td>
<td>39</td>
<td>21,879</td>
<td>300 403b</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Grant Park</td>
<td>10</td>
<td>7,725</td>
<td>8% EMW</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Honolulu*</td>
<td>42</td>
<td>25,570</td>
<td>5% EMW</td>
<td>8</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Houston*</td>
<td>52</td>
<td>45,760</td>
<td>18,000</td>
<td>8</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Indianapolis*</td>
<td>53</td>
<td>42,390</td>
<td>54</td>
<td>8.5</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Kennedy Center*</td>
<td>23</td>
<td>24,794</td>
<td>7% EMW</td>
<td>11</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Los Angeles*</td>
<td>52</td>
<td>60,320</td>
<td>96</td>
<td>8</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Louisville*</td>
<td>45</td>
<td>22,547</td>
<td>250</td>
<td>4</td>
<td>18</td>
<td>5</td>
</tr>
<tr>
<td>Met Opera</td>
<td></td>
<td>35,000</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Milwaukee*</td>
<td>47</td>
<td>41,948</td>
<td>45</td>
<td>8</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Minnesota*</td>
<td>52</td>
<td>55,770</td>
<td>23,000</td>
<td>8</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>National</td>
<td>52</td>
<td>55,250</td>
<td>23,000</td>
<td>8</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>New Jersey*</td>
<td>28</td>
<td>21,280</td>
<td>7% EMW</td>
<td>7</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>New Orleans*</td>
<td></td>
<td>21,840</td>
<td>7% EMW</td>
<td>7</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>NYC Ballet</td>
<td>29</td>
<td>29,000</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NYC Opera*</td>
<td>26</td>
<td>26,100</td>
<td>8% EMW</td>
<td>5.5</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>New York</td>
<td>52</td>
<td>61,880</td>
<td>35,000</td>
<td>8</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>North Carolina*</td>
<td>43</td>
<td>26,789</td>
<td>7% 403b</td>
<td>8</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Oregon*</td>
<td>43</td>
<td>27,795</td>
<td>7.25% EMW</td>
<td>7</td>
<td>2.5</td>
<td>0</td>
</tr>
<tr>
<td>Philadelphia*</td>
<td>52</td>
<td>61,360</td>
<td>900</td>
<td>8.5</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Phoenix*</td>
<td>38</td>
<td>23,630</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pittsburgh</td>
<td>52</td>
<td>60,320</td>
<td>25,000</td>
<td>8</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Rochester</td>
<td>49</td>
<td>35,084</td>
<td>8% DCP</td>
<td>8</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>St. Louis*</td>
<td>52</td>
<td>51,480</td>
<td>20,000</td>
<td>8</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>St. Paul Chamber*</td>
<td>40</td>
<td>42,800</td>
<td>8%</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>San Antonio</td>
<td>39</td>
<td>24,570</td>
<td>3% EMW</td>
<td>7</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>San Diego*</td>
<td>36</td>
<td>24,490</td>
<td>5.5% EMW</td>
<td>8</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>SF Ballet*</td>
<td>21</td>
<td>20,458</td>
<td>9%</td>
<td>6.5</td>
<td>$</td>
<td>0</td>
</tr>
<tr>
<td>SF Opera*</td>
<td>23</td>
<td>42,370</td>
<td>8-10</td>
<td>$</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>San Francisco*</td>
<td>52</td>
<td>60,320</td>
<td>28,000</td>
<td>8</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Syracuse*</td>
<td>44</td>
<td>25,512</td>
<td>7.52</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Utah*</td>
<td>52</td>
<td>31,252</td>
<td>8% EMW</td>
<td>8</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

*Seniority is paid in addition to overscale payments except in Atlanta, Colorado, Los Angeles. A 35-year cap was used for ease of comparison.

*Pension amounts are paid per month per year of service in Buffalo, Indianapolis, Los Angeles, Milwaukee, Philadelphia, and Syracuse.

*Pension contribution based on personal salary.

*Pension contribution based on minimum scale.

*Relief weeks or services for strings, 2nd winds.

*Alabama: additional 50% contributory formula: base rate is $500 from musician, $250 from Association.

*Chicago Lyric: vacation pay 12% of yearly salary.

*Chicago Sym: 1 sub + 2 summer programs additional relief.

*Dallas: Rule of 85 applies with 30 years of service.

*Detroit: additional relief of 2vac/vyr/5 yrs seniority, up to 8 vac/vyr. EMG for radio only.

*Florida Phil: 2-tiered orchestra; 16 players earn less than shown on chart.

*Honolulu: 20-yr. cap on seniority.

*Kennedy Center: season shortened by 5-week lockout. Vacation pay 4% minimum scale.

*Louisville: mgt. will match up to $400 of player contribution.

*Minnesota: 1990-91 figures given because negotiations not completed at press time.

*New Jersey: EMG for radio.

*NY City Opera: $1950 pay.

*Oregon: $1616 vacation pay.

*Phoenix: 1 recording guaranteed.

*St. Paul: pension is individually vested annuity.

*San Francisco Ballet: $1637 (8%) vacation pay.

*San Francisco Opera: 4 weeks minimum salary vacation pay.

*San Francisco Symphony: Violas and cellos get 1 additional relief week every other year.

*Syracuse: pension is .004/monthly salary/yr svcs.
### 1990-91 ICSOM Orchestra Recording Sessions

<table>
<thead>
<tr>
<th>Orchestra</th>
<th>2 Hr</th>
<th>3 Hr</th>
<th>4 Hr</th>
<th>Location Hrs</th>
<th>Total Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0.0</td>
<td>6</td>
</tr>
<tr>
<td>Atlanta</td>
<td>0</td>
<td>9</td>
<td>6</td>
<td>0.0</td>
<td>51</td>
</tr>
<tr>
<td>Baltimore</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0.0</td>
<td>18</td>
</tr>
<tr>
<td>Boston</td>
<td>0</td>
<td>14</td>
<td>5</td>
<td>7.5</td>
<td>70</td>
</tr>
<tr>
<td>Buffalo</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Chicago Lyric</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Chicago</td>
<td>0</td>
<td>9</td>
<td>2</td>
<td>53.5</td>
<td>89</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>0</td>
<td>15</td>
<td>0</td>
<td>0.0</td>
<td>45</td>
</tr>
<tr>
<td>Cleveland</td>
<td>0</td>
<td>20</td>
<td>4</td>
<td>0.0</td>
<td>76</td>
</tr>
<tr>
<td>Colorado</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Columbus</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Dallas</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>7.0</td>
<td>22</td>
</tr>
<tr>
<td>Detroit</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0.0</td>
<td>14</td>
</tr>
<tr>
<td>Florida Orch</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Florida Phil</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Florida Sym</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Grant Park</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Honolulu</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Houston</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0.0</td>
<td>9</td>
</tr>
<tr>
<td>Indianapolis</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0.0</td>
<td>13</td>
</tr>
<tr>
<td>Kennedy Center</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>0</td>
<td>6</td>
<td>17</td>
<td>0.0</td>
<td>86</td>
</tr>
<tr>
<td>Louisville</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0.0</td>
<td>13</td>
</tr>
<tr>
<td>Met Opera</td>
<td>0</td>
<td>43</td>
<td>0</td>
<td>0.0</td>
<td>129</td>
</tr>
<tr>
<td>Milwaukee</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0.0</td>
<td>11</td>
</tr>
<tr>
<td>Minnesota</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0.0</td>
<td>9</td>
</tr>
<tr>
<td>National</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>New Jersey</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>New Orleans</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>NYC Ballet</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>NYC Opera</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0.0</td>
<td>18</td>
</tr>
<tr>
<td>New York</td>
<td>0</td>
<td>11</td>
<td>1</td>
<td>5.5</td>
<td>43</td>
</tr>
<tr>
<td>North Carolina</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Oregon</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>0</td>
<td>14</td>
<td>0</td>
<td>3.0</td>
<td>45</td>
</tr>
<tr>
<td>Phoenix</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Pittsburgh</td>
<td>0</td>
<td>7</td>
<td>0</td>
<td>0.0</td>
<td>21</td>
</tr>
<tr>
<td>Rochester</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0.0</td>
<td>12</td>
</tr>
<tr>
<td>St. Louis</td>
<td>0</td>
<td>10</td>
<td>10</td>
<td>0.0</td>
<td>70</td>
</tr>
<tr>
<td>St. Paul Chamber</td>
<td>0</td>
<td>19</td>
<td>8</td>
<td>0.0</td>
<td>89</td>
</tr>
<tr>
<td>San Antonio</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>San Diego</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0.0</td>
<td>10</td>
</tr>
<tr>
<td>SF Ballet</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>SF Opera</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>San Francisco</td>
<td>0</td>
<td>6</td>
<td>4</td>
<td>0.0</td>
<td>34</td>
</tr>
<tr>
<td>Syracuse</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Utah</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>223</strong></td>
<td><strong>64</strong></td>
<td><strong>76.5</strong></td>
<td><strong>1006</strong></td>
</tr>
</tbody>
</table>

Location recordings are made of the orchestra playing live during a concert. The orchestra is paid when the recording is released as a record. This chart shows the number of hours of recording for which each orchestra was paid.

Compiled by Brad Buckley

### United We Stand

**New York Philharmonic Musicians Were Prepared for 1991 Negotiations**

Although none of us had any idea in September just how long the negotiating process would last (four months!), I would like to think we were prepared for any eventuality.

Once our season started, the orchestra began meeting regularly. We immediately established a strike fund into which each member contributed $250 to be used as loans for personal emergencies. Through the efforts of Local 802 and the generosity of a local bank, low-interest loans and a deferred-payment plan were made available. As we did not strike, nobody needed to use the loans, and the $250 assessment was returned to each player when our contract was settled.

In an effort to involve and organize our entire membership, we formed several sub-committees, including a media committee, a political committee, an audience support association, an orchestra benefit concert committee, a picketing committee, and a telephone chain.

The newly-formed committees generated many ideas to encourage the public's support. The chamber music committee presented almost 20 different concerts in homes of supporters, including the home of novelist E. L. Doctorow! At each concert, we gave a brief talk to familiarize the audience with our position. The concerts were a wonderful way to introduce ourselves more personally and to increase our exposure in the press. The audience responded by sending the management letters in support of the musicians.

The political committee set up meetings with local, state and federal politicians. (Ideally, this should be done in years before the negotiations.) Although we receive very little funding from government sources, we recognized the importance of establishing ties to the system. The political committee recommended that we begin work on some type of community service program. Thus was born our "Adopt-a-School" program. We established a relationship with a school in Harlem where we continue to donate educational programs at least once a month.

The media committee drew up documents that could be used at our chamber music concerts, distributed to audiences in Avery Fisher Hall, and used as press releases. The media committee met with a representative from the press trade union, who helped us write press releases and coordinate publicity. We found that there were many unions with special skills willing to support us in the event of a strike.

Every two weeks the negotiating team had a lunch meeting with the orchestra. The meetings and a committee newsletter kept the orchestra informed about the negotiations and kept morale high.

Fortunately, we were not forced into a strike, as was the Chicago Symphony last fall. We were able to perform and talk with management throughout our negotiations. It was a lengthy process and there were those in ICSOM who accused us of "do-si-do-ing". We think we achieved our primary goals without being forced into a work stoppage from which lost earnings could never be recovered.

Sherry Sylar

*New York Philharmonic ICSOM Delegate*
Harpist
Continued from page 1

ping of tempo and dynamics
tends to give Grievant an ex-
cuse for not playing as softly
as Levi wanted.

The fact that Grievant
asked Ms. Otten [pianist] to
give a signal regarding
when to start playing
illustrated only Grievant was
having difficulty following
Levi’s directions and shows,
not that she wanted to disobey Levi, but that she wanted
to follow his directions.

The foregoing analyses support the conclusions (1)
that it is doubtful that Grievant played too loudly during the
performances of April 11, 12 and 13 in disobedience of the
Director’s order to play more softly and (2) that even if she
did disobey the order to play more softly, the disobedience
was not, in the words of Article V, Section 6.1, “willful, de-
liberate, excessive or inexcusable.” These analyses make
unnecessary any discussion of whether or not Levi used,
or should have used, hand signals and of the import
of Paulus saying “Bravo,” if indeed he so said, in Grievant’s di-
rection following his taking bows at the end of the perfor-
mances.

Award

The Grievance is sustained. Grievant is reinstated to
the position and status she held on April 17, 1991, with
commensurate back pay.

The most disturbing aspect of this case, in addition to
the mistreatment of Ms. Ryan, is that management has now refused to
reinstated Ms. Ryan despite the Arbitrator’s ruling. Their reason for
non-compliance is based on an argument which they presented to
the Arbitrator at the hearing, and which, obviously, the Arbitrator
did not accept. According to the transcript of the hearing, manage-
ment argued as follows:

[MANAGEMENT COUNSEL]: . . . even depending
on the outcome of your decision, should
you decide that the termination was not
for just cause, Ms. Ryan is also under an-
other determination for musical incompe-
tence; and, as such, you would have no
right to reinstate her, because there is
no position to be reinstated to.* I think
you have the authority to grant her some
back pay but not reinstatement. I just
wanted to clarify that at the outset, as
well.

[UNION COUNSEL]: We don’t agree with that
position.

[MANAGEMENT COUNSEL]: Okay.

[THE ARBITRATOR]: That may be a matter of
contract interpretation; it may be a mat-
er of evidence. We’ll just have to hear
it.

Local counsel Bob Grollito is now preparing to have the Award
confirmed in court and will ultimately seek to hold management in
contempt if they refuse to comply with the judgment of the Court.
We will follow this matter and keep you posted.

*The post of harpist is not being eliminated. However, the management contends
that because Ryan’s contract was not renewed in 1990, she had no job to return to.

Worth Noting

- In the December Senza, Carol Beck, Grant Park
Symphony ICSOM delegate, was mistakenly
identified as the Chicago Lyric Opera Orchestra’s
ICSOM delegate. Barbara Haffner is the Chicago
Lyric’s delegate.

- After carefully reviewing all entries, the Governing
Board has decided not to award a cartoon contest
prize this year. Thanks to those who sent cartoons.

---

ICSOM Governing Board

Chairperson
Bradford O. Buckley
St. Louis Symphony
6607 Waterman
St. Louis, MO 63130
Phone: (314) 861-0673

President
David Angus
Rochester Philharmonic
284 Castile Rd.
Rochester, NY 14601
Phone: (716) 271-1730

Secretary
Lucinda Lewis
New Jersey Symphony
4 W. 31st St. #2921
New York, NY 10001
Phone: (212) 594-1363

Member-at-Large
James Clute
Minnesota Orchestra
447 Newton Ave. S.
Minneapolis, MN 55405
Phone: (612) 374-9373

Member-at-Large
Michael Moore
Atlanta Symphony
953 Rosedale Rd. NE
Atlanta, GA 30306
Phone: (404) 875-8622

Member-at-Large
Charles Schlueger
Boston Symphony
60 Newbury Street
Newtonville, MA 02160
Phone: (617) 964-4019

Member-at-Large
Stephanie Trestick
Pittsburgh Symphony
3979 Boulevard Drive
Pittsburgh, PA 15217
Phone: (412) 422-7275

Treasurer
Carolyn Parks
Kennedy Center Orchestra
3730 Brandywine St. NW
Washington, DC 20001
Phone: (202) 995-1874

Counsel
Leonard Lebowitz
400 Madison Avenue
New York, NY 10017
Phone: (212) 593-3310

ICSOM Emeritus Program
Abe Torchinsky
654 Greenshield Drive
Ann Arbor, MI 48105
Phone: (313) 662-8114

Subscription: $10 per year, payable to:
Senza Sordino
Deborah Torch, Editor
2922 Abecern
San Antonio, TX 78247

Senza Sordino is the official publication of the International Conference of Symphony
and Opera Musicians and is published six times a year on a bi-monthly basis. ICSOM is
affiliated as a conference of the American Federation of Musicians of the United States
and Canada, AFL-CIO. Unauthorized reproduction of any part of Senza Sordino is
strictly forbidden. Copyright © 1992. All rights reserved.

Senza Sordino computer operations by Ken Ishi.