

# Senza Sordino

Official Publication of the International Conference of Symphony and Opera Musicians

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## The 2011 ICSOM Conference

by Laura Ross, ICSOM Secretary

Two years ago, Detroit Symphony delegate Dave Everson, on behalf of DSO musicians and Local 5, proposed Detroit as the location for the 2011 ICSOM Conference. The proposal was met with great enthusiasm by the 2009 ICSOM Conference delegates. As happy as they were to travel to the home of one of our esteemed orchestras, they were also glad that Dave's invitation gave credibility to the recent practice of scheduling the location of ICSOM Conferences farther in advance than had sometimes occurred.

On Labor Day in 2010, prior to the recent strike in Detroit, Chairman Bruce Ridge, President Brian and Secretary Laura Ross marched in solidarity with Detroit Symphony and Local 5 musicians. Not wanting to waste an opportunity, they also used the trip to begin looking for the conference hotel. The Hyatt Regency Dearborn was selected. It turned out to be an ideal location for the 2011 ICSOM Conference, which ran from August 17 through August 20.

The gallant musicians of the Detroit Symphony had recently come through a six-month strike that, although ending with a settlement that did not include many of the most punitive proposals originally put forward by Detroit's board and management, was responsible for the loss of a number of their members. But none of that deterred them in the least from hosting an incredible conference. Many DSO musicians participated in and attended the conference, including Cathy Compton, the force behind the current ICSOM conductor evaluation program, who helped coordinate a tour and brief concert by DSO musicians on stage at Orchestra Hall. Hearing the Bach Orchestral Suite No. 3 was a real treat for delegates and guests. Following the concert, dinner was provided in the Musicbox at the MAX.

Each year the ICSOM governing board meets for a full day prior to the conference to discuss issues, review the conference agenda, and meet with various guests and presenters. The board met with University of Michigan musicology professor Mark Clague to

discuss a second orchestra summit in Ann Arbor, Michigan planned for next winter during a residency by the San Francisco Symphony Orchestra. The board also met with George Cohen, the current Federal Mediation and Conciliation Service (FMCS) director and former AFM general counsel, as well as the newly appointed AFM Symphonic Services director, Jay Blumenthal. Tuesday evening, ICSOM's general counsel, Susan Martin, led the negotiating orchestra session. As always, this session proved to be an important and informative discussion. Wednesday morning, prior to the official start of the conference, the ICSOM governing board hosted a new-delegate breakfast that gave attendees a brief introduction to ICSOM and the conference agenda.

Following the roll call and introduction of guests, the delegates adopted a resolution dedicating the conference to the memory of former ICSOM chairman Fred Zenone. Zenone's National Symphony colleague, Bill Foster, gave a moving tribute that was followed by some brief words of thanks from Patricia Zenone, who attended as ICSOM's honored guest.

Chairman Bruce Ridge and President Brian Rood shared their views on the state of the orchestra industry. (Their remarks, along with Bill Foster's Zenone tribute, adopted ICSOM resolutions, Sphinx information, and other conference materials may be found at [www.icsom.org/conferences/2011](http://www.icsom.org/conferences/2011).) Following lunch, delegates returned to hear the entertaining yet important message from George Cohen. In his role as FMCS director, Cohen urged delegates and local officers to consider collaborative discussions with management about subjects of mutual importance, citing some of the health insurance discussions he has overseen in the automobile industry, as well as others. A panel presentation about Detroit's six-month strike included Detroit Symphony musicians Joe Goldman, Haden McKay, and Dave Everson, who were joined by Local 5's president, Gordon Stump, Secretary-Treasurer Susan Barna Ayoub, Joel LeFevre of SSD, and Judy Doyle from Save Our Symphony. A panel of ICSOM orchestras in various stages of bankruptcy closed the first day of the conference. Speakers included Steve Flanter (Honolulu), Trevor Johnson (Louisville), Eric Carlson (Philadelphia), and Patricia Sharpe, Victoria Krukowski, and Jon Garland (all from Syracuse). The mixer at Orchestra Hall was a welcome treat after a taxing day.

AFM President Ray Hair addressed the delegates on Thursday morning and introduced the new AFM Symphonic Services Division director, Jay Blumenthal. Blumenthal, a former New York City Ballet delegate and ICSOM member-at-large,

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## Chairperson's Report by Bruce Ridge



When the complete archive of *Senza Sordino* was posted on the ICSOM website, I spent hours reading through issue after issue. It is clear just from that source that no person had a greater influence over the gains of orchestral musicians during the past fifty years than Leonard Leibowitz.

I found a 1974 entry from my own orchestra, long before I joined, which said, "We feel the sense of solidarity and pride we have discovered is a direct result of the inspiration of Len Leibowitz." I'm certain that at one point or another, every orchestra in the country might have been able to make such a statement. Perhaps no single person has ever been a more dedicated influence or a stronger advocate for musicians in the field of symphonic music in America.

He was brilliant, inspiring, legendary, charismatic, witty... and frustrating.

Lenny was a New Yorker through and through. He never re-set his watch from New York time, no matter where he was in the world. I was never with him even one day when he did not complete the *New York Times* crossword puzzle, always in ink.

He had one of the fastest minds I have ever known, and one of the quickest wits. One time I failed to understand a legal concept he was trying to explain to me, and in apologizing for my follow-up questions I began with, "Please indulge my ignorance, but..." and before the sound of my words could taper he interrupted with, "Bruce, I have been indulging your ignorance since I met you."

He was a legend. It was exciting to be by his side. When he teased you, it made you feel part of an exclusive club. When he complimented you, he made you feel brilliant. He could write amazingly quickly. At one ICSOM conference, we asked for a last minute resolution calling for AFM unity during a time of difficulties between two other groups in the union. Within two minutes he had produced a full resolution on yellow legal paper, beautifully worded, and written in pen without a single crossed out word, like a Mozart score. I went back afterwards to find the torn paper, and I have it right beside me as I am writing this.

During his tenure with ICSOM, he was known simply as "DILC"—Distinguished ICSOM Legal Counsel.

Everyone has their favorite Lenny story. Mine might be the time when we were in New York, on 48th Street around midnight in an April chill. I was staying at a hotel there, and he was trying to get a ride up to 86th Street. It was raining, and the black cars-for-hire were circulating after the Theater crowd had dissipated.

One car pulled up and Lenny said, "86th Street, how much?"

The driver answered, "Fifteen dollars."

(continued on page 4—see LEONARD LEIBOWITZ)



A Player Conference of the  
American Federation of Musicians of the  
United States and Canada, AFL-CIO

www.icsom.org

### Orchestras

Alabama Symphony Orchestra  
Atlanta Symphony Orchestra  
Baltimore Symphony Orchestra  
Boston Symphony Orchestra  
Buffalo Philharmonic Orchestra  
Charlotte Symphony Orchestra  
Chicago Lyric Opera Orchestra  
Chicago Symphony Orchestra  
Cincinnati Symphony Orchestra  
The Cleveland Orchestra  
Colorado Symphony Orchestra  
Columbus Symphony Orchestra  
Dallas Symphony Orchestra  
Detroit Symphony Orchestra  
Florida Orchestra  
Fort Worth Symphony Orchestra  
Grant Park Symphony Orchestra  
Honolulu Symphony Orchestra  
Houston Symphony Orchestra  
Indianapolis Symphony Orchestra  
Jacksonville Symphony Orchestra  
Kansas City Symphony  
Kennedy Center Opera House Orchestra  
Los Angeles Philharmonic  
Louisville Orchestra  
Metropolitan Opera Orchestra  
Milwaukee Symphony Orchestra  
Minnesota Orchestra  
Nashville Symphony Orchestra  
National Symphony Orchestra  
New Jersey Symphony Orchestra  
New York City Ballet Orchestra  
New York City Opera Orchestra  
New York Philharmonic  
North Carolina Symphony  
Oregon Symphony Orchestra  
Philadelphia Orchestra  
Phoenix Symphony Orchestra  
Pittsburgh Symphony Orchestra  
Puerto Rico Symphony Orchestra  
Rochester Philharmonic Orchestra  
Saint Louis Symphony Orchestra  
Saint Paul Chamber Orchestra  
San Antonio Symphony  
San Diego Symphony Orchestra  
San Francisco Ballet Orchestra  
San Francisco Opera Orchestra  
San Francisco Symphony  
Syracuse Symphony Orchestra  
Utah Symphony Orchestra  
Virginia Symphony

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## Resolutions Adopted at the 2011 ICSOM Conference

### Resolution 1: Frederick Zenone Conference Dedication

**WHEREAS**, Frederick Zenone was known as a visionary and a transformative leader in the orchestra industry; and

**WHEREAS**, As a cellist and representative from the National Symphony Orchestra, Fred served ICSOM for four years as Eastern area vice-chairman, followed by two years as ICSOM vice-chairman, and finally for six years as ICSOM's fifth chairman from 1980 to 1986; and

**WHEREAS**, During his tenure Fred built coalitions and expanded communication with the American Federation of Musicians, the Major Orchestra Managers Conference and American Symphony Orchestra League; and

**WHEREAS**, These alliances were far reaching and led to major policy and legislative actions, including the development and adoption of the Code of Ethical Audition Practices, the requirement that all symphony, opera and ballet orchestra collective bargaining agreements be submitted to orchestras for ratification, and the requirement that Locals cover the expense to send one delegate to the annual ICSOM Conference; and

**WHEREAS**, Fred also served on ICSOM's electronic media committee and was involved in the creation of the Symphony, Opera, Ballet Audio-Visual (AV) Agreement which revolutionized media for symphonic orchestras; and

**WHEREAS**, Due to the expansion of the role of chairman during his tenure, Fred oversaw the reorganization of the governance structure of ICSOM to make it more responsive to its member orchestras; and

**WHEREAS**, To this day delegates are reminded of their duties with these words by Fred Zenone: "We have been designated by our orchestras as leaders and activists. ICSOM asks us to affirm and reaffirm that position throughout the year. We are the voice in our orchestras of American orchestra musicians united on a national level. We are the persons who must constantly examine the effect our orchestra's action will have on other orchestras. Each of us must be a leader, an organizer, a conduit of information, the conscience of a movement of caring and involved and active musicians who insist on improving the institutions through which we produce our art." and

**WHEREAS**, Fred's development of a "SWAT team" was invaluable in assisting orchestras during difficult situations, and his desire to help improve the quality of work life for musicians continued even after he retired from the National Symphony in 1999, including serving on the board and as president of the Symphony Orchestra Institute and as a consultant, presenter, and facilitator; and

**WHEREAS**, Fred's death on October 22, 2010, left a void within the entire orchestral industry as musicians and managers across the U.S. expressed their distress and sadness over the loss of someone who made such a difference for so many; therefore, be it

**RESOLVED**, That the 2011 ICSOM Conference hosted by the Detroit Symphony and held in Dearborn, Michigan, be, and hereby is, dedicated to the memory of Frederick Zenone as just a small token of the admiration, respect and affection of the tens of thousands of musicians who were affected by his generosity and vision.



### Resolution 2: Christopher Durham

**WHEREAS**, Christopher Durham has had a long career serving the American Federation of Musicians and orchestras in the United States and Canada for more than twenty years; and

**WHEREAS**, Chris has an impressive track record negotiating numerous orchestra and theater contracts in his capacity as Symphonic Services Division (SSD) Negotiator; and

**WHEREAS**, Chris has served as a remarkable union leader and advocate for orchestral and freelance musicians everywhere; and

**WHEREAS**, During a very difficult period of financial upheaval, Chris was appointed to serve as Director of SSD; and

**WHEREAS**, During his tenure, Chris began implementation of, and made available, desperately needed services to orchestras and their orchestra and negotiating committees, which include a more user friendly Wage Chart program that allow construction of comparison spreadsheets for negotiations, informational webcasts on topics of interest, and review of all SSD documents for future access on a protected website; and

**WHEREAS**, Chris now returns to his first love and profession he excels at, that of full-time SSD negotiator; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference take this opportunity to thank Christopher Durham for his service as SSD Director, and express their appreciation and admiration for his extraordinary work, and wish him great success in his future efforts as a negotiator and advocate for musicians everywhere.

### Resolution 3: Friends of Detroit Symphony, Louisville Orchestra, Syracuse Symphony, and Honolulu Symphony

**WHEREAS**, The 2010-2011 orchestra season has been fraught with anger and unnecessary job actions against orchestra musicians; and

**WHEREAS**, A few orchestras were particularly affected, most especially the Detroit Symphony which was forced to undergo a six month strike, the Louisville Orchestra which filed for Chapter 11 bankruptcy in December of 2010, the Syracuse Symphony that abruptly ended the orchestra's 50th anniversary season by filing for Chapter 7 bankruptcy in mid-April of 2011, and the Honolulu Symphony that saw their Chapter 11 bankruptcy convert to a Chapter 7 "liquidation" bankruptcy; and

**WHEREAS**, Throughout these trying times our musical community once again stepped forward to assist those musicians who most needed assistance and support; and

**WHEREAS**, The extensive list of friends and the orchestras they assisted include:

**Conductors**—Grant Cooper (Detroit and Syracuse), Joseph Silverstein (Detroit), Gerhardt Zimmermann (Detroit), Christopher Confessore (Detroit), Emily Freeman Brown (Detroit), Kevin Dewey (Detroit), Clark Suttle (Detroit), Kenneth Kiesler (Detroit), Eduard Perrone (Detroit), Randol Bass (Detroit), Uriel Segal (Detroit and Louisville), Jason Seber (Louisville), Jeffrey Reed (Louisville), Heather Buchman (Syracuse), and Daniel Hege (Syracuse);

**Guest Artists**—violinists Joseph Silverstein (Detroit), Sarah Crocker (Detroit), Elaina Duitman (Detroit), Mark Kaplan (Louisville) and J. Patrick Rafferty (Louisville), pianists James Tocco (Detroit) and Barbara Nissman (Detroit), guitarist Stephen Mattingly (Louisville), vocalists Peiyi Wang (Detroit), Nicole Greenidge (Detroit), Glenn Miller (Detroit), Christopher Vaught (Detroit), Lisa Agazzi (Detroit), Karl Schmidt (Detroit), Karin White (Detroit), Steve Green (Louisville), Janet Brown (Syracuse) and choir Vanguard Voices (Detroit);

**Composers**—Paul Brink, Ray Horton and Otto-Werner Mueller (all Louisville);

Retired President of the Cincinnati Symphony Steve Monder and ICSOM's good friend JoAnn Falletta, who serve as advisors to the musicians of the former Honolulu Symphony and the newly established Symphony Exploratory Committee as they begin anew as the Hawaii Symphony Orchestra;

The musicians of the National Symphony Orchestra AKA "Musicians from our Nation's Capitol Orchestra" who performed side-by-side with musicians of the Louisville Orchestra AKA "Musicians from a Major orchestra across the Ohio River from Jeffersonville, Indiana" during a concert benefiting Louisville musicians' "Keep Louisville Symphonic" effort to demonstrate that Louisville can sustain a 71 member full-time orchestra;

Members of The Cleveland Orchestra who performed a joint concert with Members of the Detroit Symphony that include Mark Atherton, Phil Austin, Charles Bernard, Lisa Boyko, Max Dimoff, Scott Dixon, Elayna Duitman, Mark Jackobs, Alicia Koelz, Amy Lee, Jesse McCormick, Frank Rosenwein, Lyle Steelman, Brian Thornton, Carolyn Warner, Richard Waugh, Beth Woodside and Robert Woolfrey;

Detroit Symphony musicians Emmanuelle Boisvert, Hai Xin Wu, Kim Kennedy Kaloyanides, Alexander Mishnaevski, Phillip Dikeman, Patricia Masri-Fletcher, Robert Williams, Donald Baker, Karl Pituch, Ted Oien, Kevin Good and Stephen Anderson, who served as soloists during Musicians of the Detroit Symphony Orchestra concerts;

The Stoney Creek Grand Chorus and conductor Brandon Ulrich from Stoney Creek High School Rochester Hills, L'Anse Creuse High School-North Select Ensemble and conductor Evey Simon from L'Anse Creuse High School-North, and violinist Margaret Starr, the Groves High School Symphony Orchestra and conductor Paul Shaver from Groves High School, who performed with Members of the Detroit Symphony Orchestra; and

**WHEREAS**, Sometimes these gestures of support and thanks are assumed to receive local recognition alone; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference take this opportunity to offer their heartfelt thanks and gratitude to those wonderful and talented musicians who care so deeply for those who perform in the orchestras that accompany them as soloists, who perform their compositions, and who give life to the repertoire we all dedicate our lives to performing together.

(continued on page 5—see CONFERENCE RESOLUTIONS)

## Leonard Leibowitz

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Lenny said, “Ten bucks.” And the driver just moved on. The scene then repeated itself numerous times.

We stood there in the rain for twenty minutes until Lenny got one of those cars to take him home for ten bucks.

For someone who was so constantly generous with his time and himself, he could also be very private. For several years I urged him to write a book about his life, and even tried to help him get started. I told him that he would end up liking the book a lot better if he wrote it than if I did. But he was at times hesitant to review his personal history.

Eventually we got close enough that he would tell me some things about his life. He had a brother who was an artist that died young, and his father had been a photojournalist for the *New York Times*. His father covered the sports beat and the Yankees, which is where Lenny’s life-long love for the pinstripes began. As a kid he would go to work with his father, and occasionally hang out in the dugout at Yankee Stadium, meeting some of the greatest players in baseball history. His knowledge of baseball was encyclopedic, and in some ways the best place to talk with him was at a baseball game. The last game I saw with him was the Minnesota Twins vs. the Texas Rangers, in August of 2007, and I still have both our tickets stubs (tickets he was somehow able to make me buy of course!)

One night we were going to meet at a restaurant in San Francisco, but he was a little late. He came down and said he had been watching ESPN Classic on the hotel cable system, and they were showing a boxing match from the fifties. In the old film, he saw his father at ringside taking pictures, and he just couldn’t stop watching.

It seems poignant that I find myself writing this on a night when the Yankees were knocked out of the playoffs for this year.

In 2005 I wrote an article about Lenny and a 5:00 a.m. e-mail exchange between the two of us. We were debating economics and the arts, and Lenny wrote one of the most profound appeals for beauty I may have ever read, certainly from a lawyer and not a poet. He wrote:

I wish that there would be no need for the artist to justify governmental and corporate support of great music by arguing its value in financial terms as if it were a commodity, like pig futures, or any other kind of “business.” Wouldn’t the artists be better equipped to demonstrate the intrinsic values of refreshment of the human spirit, the recognition of beauty, and the contribution to nurturing and raising truly civilized and cultured men and women that are the real assets of art? Shouldn’t it be the business leaders, e.g., our own board members, and other interested individuals, corporate and governmental figures, who report on the economic impact of the arts to their business? After all, they are supposed to be the experts, indeed, the “trustees” of the financial health of the community. As the old business slogan goes, “If it’s good for General Motors, it’s good for America.” If that is true, ought it not to be those running “General Motors” to tell us what impact music and other visual

and performing arts have made, and continue to make, to the fiscal common good? But instead, in today’s North American Society, it has become the artists themselves who must be the sales personnel of their art form in the context of its economic value rather than the intrinsic value of their passion, their talent, and their ability to take the rest of us down the paths to some of life’s finest moments.

There is not one musician working in an American orchestra today, of any generation, who doesn’t owe a part of his or her livelihood to the work of Lenny Leibowitz. Lenny was ICSOM Counsel until 2010, but the benefits won for musicians by Lenny’s tireless efforts and commitment to the art of music continue. That will remain true for years to come. Of course, there were difficulties too. No man is perfect, and larger than life figures come with flaws. It doesn’t benefit the memory of any man to portray him as a saint. But in my mind and my heart, I remember Lenny tonight at his very best—and his best was more than we had the right to ask of anyone.

Goodbye Lenny. Thank you for everything. I wish I could have seen you just once more.



**Leonard Leibowitz**  
December 15, 1938–October 3, 2011

## Conference in Detroit

(continued from page 1)

was warmly welcomed. Symphonic Services Division staff members and SSD labor counsel Rochelle Skolnick gave presentations on a variety of subjects. Following a member-at-large luncheon with their assigned orchestra delegates, Shari Hoffman spoke about the successful collection of symphonic royalties through the AFM & AFTRA Intellectual Property Rights Distribution Fund. Afterward, the presidents of each of the player conferences—TMA (Tom Medel), RMA (Marc Sazer), OCSM (Matthew Heller) and ROPA (Carla Lehmeier-Tatum)—addressed the delegates. American Federation of Musicians and Employers’ Pension Fund (AFM-EPPF) union trustees Laura Ross, Brian Rood, and Bill Moriarity gave a comprehensive presentation about the state of the pension fund, including a demonstration of the new AFM-EPPF Pension Estimator.

After a much needed break (Thursday is traditionally the busiest day of the conference), Susan Martin entertained and educated delegates and guests with a “Delegate Duel” that challenged individuals and

teams to test their knowledge of recent labor law decisions that affect our workplace. That evening, breakout groups covered the Integrated Media Agreement, internal organizing and governance, and branding orchestras in the community and building relationships with boards.

Friday morning began with a brief presentation from *Labor Notes* staff writer Jane Slaughter that was followed by a report from Gail Kruvad about the status of the New York City Opera. Afterward, Bruce Simon, who currently represents Local 77 and the musicians of the Philadelphia Orchestra as their bankruptcy attorney, gave an informative, timely, and sobering presentation to the delegates about the bankruptcy process.

Sphinx Organization founder Aaron Dworkin and its artistic director, Afa Sadykhly Dworkin, were a highlight of the conference when they spoke about the successful projects they are working on to assist and promote minority musicians in the orchestra industry. One dollar of the dues for each ICSOM musician helps to underwrite the Sphinx Organization’s senior-level award winners each year, so we can say with pride that many ICSOM orchestras have featured those winners in concert.

As delegates and ICSOM officers prepared to begin the annual town meeting, elections were completed as Brian Rood, Laura Ross, Matthew Comerford, and Cathy Payne, who all ran unopposed, were re-elected as, respectively, president, secretary, and members-at-large.

Saturday morning, following a report by Lovie Smith-Wright about the activities of the AFM Diversity Committee, delegates adopted 23 additional resolutions (the conference dedication on day one being the first), which can be found starting on page 3. Kansas City was selected as the site of the 2013 conference, and Los Angeles was chosen for the 2014 conference. (Chicago was named the site of the 2012 ICSOM Conference at an earlier conference.) As the conference ended, gratitude was expressed to the musicians of the Detroit Symphony, Local 5, and to President Gordon Stump and Secretary-Treasurer Susan Barna Ayoub for their hospitality, their friendship, and their remarkable solidarity.

The planning has already begun for the grand celebration of ICSOM’s 50th anniversary, to be held August 22–25, 2012 at the Westin Michigan Avenue Chicago hotel, in the same city where ICSOM’s formative meetings were held in May 1962. ICSOM’s founders were, to paraphrase ICSOM’s bylaws, dedicated to supporting the promotion of the welfare of, and the betterment of the livelihood of, the orchestral performer; to representing, promoting, protecting, and advocating the interests of orchestras and of their future, current, and retired musicians; to assist and support orchestras and organizations in their efforts to better the lives of professional musicians and serve the art of music; and to collaborating with other organizations to further the interests of the corporation and its members.

ICSOM is as important and as necessary today as it was 50 years ago. ICSOM is about communication, support, and advocacy. The 2011 ICSOM Conference in Detroit exemplified all of that and more.

## Conference Resolutions

(continued from page 3)

### Resolution 4: Musicians Who Did Not Cross the Detroit Symphony Orchestra Picket Line

**WHEREAS**, The Detroit Symphony Orchestra (DSO) strike during the 2010-2011 season was prolonged and covered most of the regularly scheduled concert season; and **WHEREAS**, DSO management attempted to reschedule already engaged guest artists to perform as solo acts rather than cancel those concerts entirely; and

**WHEREAS**, The first of these rescheduled engagements by Sarah Chang led to a nationwide and public campaign as musicians from around the United States and Canada reached out with requests that the DSO musicians’ strike be honored; and

**WHEREAS**, Sarah Chang, along with the Canadian Brass, Bobby McFerrin, Take6, the Brass Band of Battle Creek and Bowfire Holiday Heart Strings all announced they would honor the DSO musicians’ strike; and

**WHEREAS**, These actions displayed support not only for Detroit Symphony musicians, but for all orchestra musicians who share their talent as accompanists and collaborators with these and many other artists; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference held in Detroit, Michigan, express their enormous respect and gratitude to Sarah Chang, The Canadian Brass, Bobby McFerrin, Take6, the Brass Band of Battle Creek and Bowfire Holiday Heart Strings for their courage, their understanding, and their integrity for refusing to sabotage the Detroit Symphony Orchestra musicians as they fought to save their livelihoods during their protracted strike.



### Resolution 5: Condemning the Use of Bankruptcy Filing

**WHEREAS**, A number of orchestra managers and boards have lost sight of their duties as trustees and overseers of the public institutions they serve, especially in regard to the proper running, funding and management of their organizations; and

**WHEREAS**, Some boards and managers have made such poor and shortsighted leadership decisions as to have their leadership capabilities compared to failed institutions like Lehmann Brothers and others; and

**WHEREAS**, These same managers and boards have failed to understand that their actions and decisions, while having no impact on their own personal livelihoods, directly impact the employees whose jobs are on the line, and the patrons who love and support these institutions; and

**WHEREAS**, The current political climate has fostered overt criticism aimed directly at unions who are blamed for the mishandled decisions of these same trustees, as well as a refusal to understand that the failure of these institutions begins at the top; and

**WHEREAS**, The rash of unnecessary bankruptcy filings on behalf of orchestras like the Honolulu Symphony Orchestra, Louisville Orchestra, Syracuse Symphony Orchestra, New Mexico Symphony Orchestra and the Philadelphia Orchestra, have allowed these boards and managers to shrug off any responsibility and repercussions for the destruction and bad decisions they have wrought; and

**WHEREAS**, While these orchestras confronting bankruptcy will have to deal with the very long-term effects these actions inevitably cause, these same boards and managers will face few personal repercussions; therefore, be it

**RESOLVED**, That the Delegates to the 2011 ICSOM Conference condemn the cowardly actions of these and any other institution’s boards and managers who choose to use bankruptcy as a weapon rather than participate in honest and open dialogue with their musicians and constituents and with their community at large.



### Resolution 6: A Call for Dialogue

**WHEREAS**, The reports, actions and rhetoric of numerous boards and managers toward their musicians and their organizations over the past few years have created a negative perception of our symphony, opera and ballet institutions; and

**WHEREAS**, Recent bankruptcy filings and punitive negotiating tactics by some boards and managers have focused even further attention on the lack of true leadership and willingness to find real solutions; and

**WHEREAS**, These acts and others like them negate the fact that many orchestras, opera and ballet companies are doing just fine, and are identifying ways to address how their role in American life is changing as patrons and audiences consider their personal finances; and

**WHEREAS**, There are some managers and boards who have embraced innovative ideas and solutions; and

(continued on page 11—see CONFERENCE RESOLUTIONS)

## Employment Rights in a Virtual World

by Susan Martin, ICSOM General Counsel

*During the “Delegate Duel” at the Detroit ICSOM Conference, delegates were challenged to address a number of hot topics in the legal arena. One of these topics involved the use of social media. In the future I hope to address other issues that may affect your day-to-day handling of grievances, negotiations, and enforcement of the collective bargaining agreement.*

Not surprisingly, the explosion of social media has had an impact on the workplace. Social media is transforming the way employees communicate and air workplace grievances. Employees increasingly communicate about wages, hours, and terms and conditions of employment on the Internet. Equally unsurprising is the fact that employers have often tried to curb employees’ Internet activities.

Depending on the content of the communication and the intended recipients, an employee’s use of social media as a means of communicating information regarding wages, hours, and other conditions of employment may constitute protected concerted activity. When an employer becomes aware of information or the content of specific communications involving a current employee and takes action as a result, actual and potential legal implications arise. The NLRB is beginning to address these issues and has decided, or the General Counsel has issued advice, in at least 14 unfair labor practice cases involving social media within the past year. From these cases it is now clear that employees’ social media communications *can be*, but not always are, protected concerted activity. Although the medium is different, the rules of the game remain essentially the same with respect to the types of activities that are protected under the National Labor Relations Act (NLRA).

Our top five takeaways from these cases are listed here and explained in more detail below:

1. Social media activity must be “concerted” to be protected;
2. Airing of individual “gripes” that don’t rise to the level of grievances under the collective bargaining agreement may not be protected;
3. Internet postings may be protected even if they contain offensive language or aren’t quite accurate;
4. An employer cannot have a blanket policy that completely prohibits employees from engaging in what the employer unilaterally deems to be an inappropriate discussion on the Internet or from taking and posting pictures or using company logos on the Internet; and
5. An employer can have a policy that all *official* inquiries need to go through the employer’s media contacts.

**Rule #1: Only concerted activity is protected.**

To qualify as protected concerted activity, the activity must be engaged in with or on the authority of other employees, and not

solely by or on behalf of the employee himself. Activity also may be protected in circumstances where individual employees seek to initiate or induce or prepare for group action and where individual employees bring truly group complaints to management’s attention.

For example, in a case involving an ambulance service, an employee asked for and was denied union representation after being told to prepare an incident report regarding a customer complaint about the employee’s work. The employee posted about the incident on her Facebook page and co-workers commented on the posting, which led to further negative comments. The employee was suspended and later fired because the postings violated the company’s Internet policies which prohibited employees from making disparaging remarks when discussing the company or supervisors and from depicting the company in any media without the company’s permission. The NLRB concluded that the employer violated the NLRA when it fired the employee, finding that the employee engaged in protected activity by discussing supervisory actions with co-workers on her Facebook post and by exercising her *Weingarten* rights and protesting the denial of her *Weingarten* rights to union representation. The NLRB also concluded that the employer’s policy was overly broad because it prohibited an employee from engaging in protected activity.

In another case, the NLRB found that employees were using social media to engage in protected activity where an employee working at a sports bar and restaurant complained on her Facebook wall that she had tax liability at the end of the year and that the owners were incorrectly withholding taxes. She posted that the owners “could not even do tax paperwork correctly.” Other employees and even customers commented and “liked” her Facebook post and the employee was subsequently fired. The NLRB found that the employee was engaging in protected concerted activity by complaining about a term and condition of employment—the employer’s administration of tax withholdings.

In contrast, where a reporter was tweeting criticisms related to his public safety beat and did not make any comments about the newspaper that employed him, the NLRB held that the employer lawfully fired an employee for making “unprofessional and inappropriate” tweets to a work related Twitter account. The employee criticized a local television station and posted tweets that were critical of his paper’s copy editors but did not discuss any of these concerns with his co-workers. In another case, an employee at a facility for homeless people made a post on Facebook that described and made fun of her clients at the facility. There was no evidence that any co-workers saw or commented on the Facebook posting, nor was there any evidence that she was seeking to induce or prepare for group action. A former client complained to the facility and the NLRB determined that the employee was lawfully fired.

**Rule #2: Airing of individual gripes with a supervisor or a co-worker may not be protected concerted activity.**

Concerted activity is protected; however, putting individual gripes about a co-worker or supervisor on the Internet may not be. The

NLRB has held that if an employee’s Facebook postings are an expression of an individual gripe, and not concerted activity, they are not protected. For example, a retail store disciplined an employee for posting comments that were critical of a local store manager. The employee complained that he had been harassed for mispricing or misplacing merchandise. Although co-workers made supportive comments, the NLRB held these kinds of posts were not protected concerted activity because the posts contained no language suggesting that the employee sought to initiate or induce co-workers to engage in group action but rather expressed only frustration regarding the employee’s individual dispute with his assistant manager over mispriced or misplaced items.

**Rule #3: Internet postings can be protected even if they use offensive language or aren’t completely accurate.**

As everyone knows, language on the Internet isn’t quite the same as language most employees would normally use when speaking to an employer. In many of these cases employees have used offensive language to discuss their supervisors and employers. As long as the postings are not disruptive to work, they are generally protected even if they contain swearing or sarcastic language. In order to lose protection under the NLRA, the posts must be characterized as “opprobrious.” None of the social media cases or advisory opinions in the last year has considered the employee’s conduct and language at issue to be “opprobrious,” although colorful language and insults have been used.

In addition, the NLRB generally found in social media cases that alleged defamatory conduct did not lose the protection of the Act’s right to engage in protected concerted activity. The NLRB has held that an alleged defamatory statement will not lose its protected status unless the statement is “not only false, but maliciously false.” For example, in the case discussed above where the sports bar and restaurant employee complained that her employer could not even do tax paperwork correctly, the NLRB said it was not even convinced the statements were false, much less maliciously false, and concluded that they were protected.

**Rule #4: An employer cannot have a blanket policy that chills protected rights.**

Several cases involved a blanket Internet policy prohibiting action like posting about the employer’s business, posting photographs, or using a company’s logos. The NLRB has held that the employer’s policies in these cases were overly broad and violated the National Labor Relations Act. In these social media cases, the NLRB has held that an employer violates the NLRA when it maintains a work rule that would “reasonably tend to chill employees” in exercising their rights to engage in protected concerted activity. The NLRB first considers whether the employer’s Internet policy explicitly restricts protected concerted activities, in which case it would violate the National Labor Relations Act. Even if a policy does not explicitly limit such activities, an employer’s social media/Internet policy may still be unlawful if (1) employees would reasonably construe

the language of the policy to limit protected concerted activities; (2) the policy was promulgated in response to union activity, or (3) the policy has been applied to restrict the exercise of protected concerted activities.

The NLRB has found that policies that prohibit the use of logos or photographs would restrain an employee’s exercise of rights to engage in protected activity. For example, the NLRB has stated that employees could not be prohibited from posting pictures of picketing employees in front of the employer’s premises or other protests involving terms or conditions of employment because this would chill employees’ free exercise of their rights to engage in protected concerted activity.

**Rule #5: An employer can have a policy that all official inquiries need to go through the employer’s media contacts as long as the employer doesn’t prohibit protected concerted activity.**

The NLRB has held that an employer’s policy that required all official external communications to go through the public affairs office, that prohibited employees from using cameras in the store or parking lot without permission, and that required employees to respond to media questions by stating that they were not authorized to speak for the employer *did not* violate the NLRA. The NLRB said the policy alone could not be read as a blanket prohibition against engaging in protected concerted activity. Although the employees were required to respond to media inquiries in a certain way, the required response did not convey the impression that employees could not speak out regarding the terms and conditions of their employment. Also, the NLRB read the prohibition against using cameras in the workplace as only dealing with how to respond to news inquiries and found that it did not appear to apply to personal cameras. It therefore concluded that the media policy would not chill employees’ protected concerted conduct.

Employers have a duty to bargain about media policies impacting the rights and responsibilities of employees. If the employer has a unilaterally promulgated policy, this may be a contract violation or an unfair labor practice. In the absence of a policy, a good rule of thumb would be to exercise common sense before pushing the “Send” button. When in doubt, seek advice before posting or tweeting.

*Senza Sordino* is the official voice of ICSOM and reflects ICSOM policy. However, there are many topics discussed in *Senza Sordino* on which ICSOM has no official policy; the opinions thus expressed in *Senza Sordino* are those of the author(s) and not necessarily of ICSOM, its officers, or members. Articles and letters expressing differing viewpoints are welcomed.

Images of the 2011 ICSOM Conference  
Photographed by Eric Arbiter, Houston Symphony



## San Francisco Symphony Turns 100

by Cathy Payne, ICSOM Member-at-Large

When the San Francisco Symphony celebrates its centennial this year, it will be a season to remember. An ambitious eleven months of concerts, programs, and events, as well as expanded education programs and media initiatives, will invite the entire region to join in on the festivities. The season will also accentuate the vibrant role of the American orchestra in our communities, in part by welcoming six other major American orchestras to our stage.

“In marking the orchestra’s first hundred years, this season is the moment to define what this orchestra will be for its next hundred,” said John Goldman, president of the SFS. “We celebrate the role our Symphony plays, not just in the lives of those who enjoy our distinctive brand of music-making here at home, but in sharing this great art form with the world and in celebrating its impact on all of our communities.”

The first performance of the San Francisco Orchestra, as it was originally called, took place Dec. 8, 1911, and featured works by Wagner, Haydn, and Tchaikovsky. Fourteen hundred people attended the inaugural concert, with 61 musicians performing and \$220,000 in donations collected from 2,400 community members. Today, the SFS has 104 musicians, an annual operating budget of \$65 million, a \$230 million endowment, and an unusually active and dedicated board of directors with deep philanthropic ties to the city.

To celebrate the SFS’s history, its emergence as a major American orchestra, and its unique spirit, Music Director Michael Tilson Thomas will present a revival of the orchestra’s groundbreaking American Mavericks Festival in March 2012. It will include commissioned world premieres by John Adams and Mason Bates and appearances by soprano Jessye Norman, vocalist and composer Meredith Monk, the St. Lawrence String Quartet, and pianists Emanuel Ax and Jeremy Denk. Thomas and the orchestra will also celebrate the musical roots and heritage of San Francisco in May 2012 with a week of semi-staged concerts of music from the Gold Rush era, titled “Barbary Coast and Beyond.”

“When we started planning this four years ago, we settled on a few general principles,” said Brent Assink, executive director of the SFS. “We wanted there to be an ‘only in San Francisco’ aspect—that gives us things like ‘Mavericks’ and the Barbary Coast concert. But we also noticed that other orchestras, when they hit a big milestone, would often leave home—maybe go on a big tour. And we didn’t understand that. Who is more interested in our 100th season than the audiences at home? So we decided that when you have a major birthday, you invite your friends over.”

Six major American orchestras will be extending their birthday wishes in person, with the orchestras of New York, Boston, Chicago, Los Angeles, Cleveland, and Philadelphia participating in an unprecedented series of two-concert residencies in Davies Symphony Hall during the centennial season. Each orchestra will bring its own commissioned works by composers including Thomas Ades, Magnus Lindberg, and Elliot Carter. In addition to the two-concert programs, the board and staff of each visiting orchestra will also participate in public discussions about the role of symphony orchestras in contemporary life.

Former music directors Edo de Waart and Herbert Blomstedt will return to the podium for concerts, and special Living Heritage media projects include a definitive book on the SFS’s history, a one-hour documentary film, and a media-rich interactive website that delves into the SFS’s digital audio and video archives. Expanded music education programs that mark the centennial season include comprehensive support for every San Francisco public middle school and high school with an instrumental music program, providing music education not just for elementary school students, but also students in grades 6–12 in San Francisco public schools; the formation of a new Community of Music Makers Program to foster amateur music-making for SFS concertgoers, with the creation of an amateur orchestra and chorus that will perform in Davies Hall; and a partnership with the University of California at Irvine’s Center for Computer Games and Virtual Worlds to develop a new interactive children’s music website utilizing the latest in gaming technology for *sfskids.org*.

## Labor Day Reflections

by Leslie Shank, Saint Paul Chamber Orchestra

Today is Labor Day, and as a member of the Twin Cities Musicians’ Union and a member of the Saint Paul Chamber Orchestra, it feels like a very good day to reflect on what that means. Last week I volunteered for our local at the AFL-CIO booth at the Minnesota State Fair. In spite of it being the hottest day of the week, it was a very enjoyable experience. There were representatives from a variety of unions, such as welders, cement workers, and actors. There was a demonstration by a cement worker who was making a beautiful square imbedded with colorful glass. There was a welder who had a machine that would allow anyone to do some “virtual welding”, with the help of a computer screen. It isn’t easy! Our local invited various performers to come and play. While I was there, the organizer for the Minnesota Twins, Sue Nelson, played and accompanied children who were brave enough to sing “Take Me Out to the Ballgame.” I thought to myself, “What do we all have in common?” We all have pride in our work and want to be the best in our field, whether that be welding or playing in the pit for an opera. Working together we can help each other achieve our goals of being the best we can possibly be.

In the music field it is common to hear from some musicians and management that unions get in the way of the art or that the union creates too many rules that hold us back. Of course, the irony in this way of thinking is that the musicians ARE the union. We have control through collective bargaining to help create a work environment that enables us to do our best. Without this right we would be working three jobs, leaving no time for practice or anything else.

Looking around the AFL-CIO pavilion I realized that we are all after the same things, and that now more than ever, it is important to realize the value of being united over the ultimate goal of excellence in our fields.

## Conference Resolutions

(continued from page 5)

**WHEREAS**, Many managers, staffs and boards are struggling and are looking for positive help and information to help their institutions survive and thrive; therefore, be it

**RESOLVED**, That the Delegates to the 2011 ICSOM Conference issue a call for positive dialogue to offer guidance and leadership direction to those institutions and trustees willing to pursue healthy organizations that serve their communities and foster open dialogue and innovative projects to transform our industry for the better; and, be it further

**RESOLVED**, That ICSOM will work to identify those managers who look for positive action, and will begin a dialogue as soon as possible.



### Resolution 7: Robert Levine

**WHEREAS**, Robert Levine has served the International Conference of Symphony and Opera Musicians in countless ways; and

**WHEREAS**, In addition to serving so ably as former ICSOM Editor of *Senza Sordino*, ICSOM Chairman, and as the creator of ICSOM’s discussion list that later became Orchestra-L, Robert lately has served as Assistant Conference Coordinator of the annual ICSOM conference; and

**WHEREAS**, His assistance since 2004, has been of vital assistance to the ICSOM governing board and to each of our local host orchestra conference coordinators since ICSOM began holding its conferences in different cities each summer; and

**WHEREAS**, Robert has decided to step down from his duties as Milwaukee Symphony ICSOM delegate and as Assistant Conference Coordinator; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference thank Robert Levine once again for his service to ICSOM, express their admiration and gratitude, and extend him every wish for success in his future endeavors.



### Resolution 8: Francine Schutzman

**WHEREAS**, Francine Schutzman has served the Organization of Canadian Symphony Musicians/Organisation des musiciens d’orchestre symphonique du Canada (OCSM/OMOSC) in a number of capacities including National Arts Center Orchestra (NACO) delegate since 1981, as Secretary from 1986 to 1990 and again from 2000 to 2003, as First Vice-President from 1990 to 1994, as Field Representative from 1994 to 2000, and for the last eight years as President of OCSM; and

**WHEREAS**, As second oboist and English horn player, Francine has performed with the National Arts Centre Orchestra (NACO) since 1974, and prior to joining NACO, she was a member of the Savannah Symphony and the Oklahoma City Symphony; and

**WHEREAS**, In addition to her work on behalf of OCSM and her orchestra, Francine also serves the American Federation of Musicians of the United States and Canada as President of the Musicians’ Association of Ottawa-Gatineau, Local 180; and

**WHEREAS**, Francine has continued to serve her colleagues with great dedication, courage and integrity in numerous ways, including as a speaker representing OCSM and the AFM at the Federation International des Musiciens’ (FIM) International Orchestra Conferences in Berlin and Amsterdam; and

**WHEREAS**, Francine’s career of artistic excellence and community service is one that all musicians should seek to emulate; and

**WHEREAS**, Francine stepped down from her position as President of OCSM at the conclusion of the 2011 OCSM conference in Vancouver; therefore, be it

**RESOLVED**, That the delegates and officers to the 2011 ICSOM Conference salute Francine Schutzman, thank her for her dedicated service and long-term, unwavering friendship to ICSOM, and wish Francine the very best as she continues her career as a performer, activist and advocate for musicians everywhere.



### Resolution 9: ICSOM Founder Joseph Golan

**WHEREAS**, Joseph Golan was a member and leader of the Chicago Symphony Orchestra for 49 years, joining the orchestra in 1953; and

**WHEREAS**, Joe was an avowed “trouble maker” as he actively worked to reform the American Federation of Musicians and his own Local 10, the Chicago Federation of Musicians, in the 1950s and 1960s; and

**WHEREAS**, Joe served as chair of the Chicago Symphony Orchestra Committee at a crucial time in history when orchestra musicians around the country were fighting for the basic rights we take for granted today such as orchestra committee recognition, the right to participate in negotiations and ratify those agreements; and

**WHEREAS**, As one of the Chicago Symphony musician representatives in May 1962, Joe was elected to chair the first meetings of what was to become the International Conference of Symphony and Opera Musicians later that year in Cleveland; and

**WHEREAS**, Joe went on to serve as a member of the first “post-Petrillo” Board of Directors of the Chicago Federation of Musicians, Local 10, as first president of the Chicago Chapter of the Recording Musicians Association, and as principal second violinist for 33 years until his retirement from the Chicago Symphony Orchestra in 2002; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference honor and remember the contributions of Joseph Golan as a leader and activist in the struggle to improve and protect the lives and livelihood of symphonic musicians across the country; and, be it further

**RESOLVED**, That Joseph Golan’s contributions to the founding of the International Conference of Symphony and Opera Musicians be further celebrated along with the other founders of ICSOM during the 50th anniversary celebration in Chicago in August 2012.



### Resolution 10: ICSOM Founder Wayne Barrington

**WHEREAS**, Wayne Barrington had a prestigious career in ICSOM orchestras as third horn with the San Antonio Symphony, second horn with the Pittsburgh Symphony, third horn with the Chicago Symphony, and associate principal horn with the Los Angeles Philharmonic, before joining the faculty of the University of Texas – Austin, for 34 years before his retirement in 2000; and

**WHEREAS**, During his tenure with the Chicago Symphony from 1954 to 1964, Wayne was involved in fighting for the right of orchestral musicians to have a voice within their Locals and the American Federation of Musicians; and

**WHEREAS**, Building upon an initial orchestra survey compiled by the Saint Louis Symphony, Wayne was active in the development of the Survey of Wages and Working Conditions, a precursor to today’s AFM Wage Chart for ICSOM Orchestras; and

**WHEREAS**, It was upon completion of the first survey of 26 orchestras that led the Chicago Symphony Orchestra Committee to convene meetings in Chicago on May 12–13, 1962; and

**WHEREAS**, Wayne was elected to serve as secretary of those first meetings of what was to become the International Conference of Symphony and Opera Musicians later that year in Cleveland; and

**WHEREAS**, Wayne Barrington passed away just weeks after his CSO colleague and chair of the May 1962 meetings, Joseph Golan; therefore, be it

**RESOLVED**, That the Delegates and Officers to the ICSOM Conference express their admiration and respect for the contributions of Wayne Barrington in developing one of ICSOM’s most important documents, the Survey of Wages and Working Conditions, which has helped inform orchestra musicians across the United States and Canada in their struggle to improve their wages, benefits and working conditions; and, be it further

**RESOLVED**, That Wayne Barrington’s contributions to the founding of the International Conference of Symphony and Opera Musicians be further celebrated along with the other founders of ICSOM during the 50th anniversary celebration in Chicago in August 2012.



### Resolution 11: Those Assisting Orchestras in Need

**WHEREAS**, In the past few years orchestras around the country have been subjected to the difficulties of the financial recession and many of the results that followed which impacted orchestra budgets and the manner in which managers and boards have reacted to these difficulties; and

**WHEREAS**, Some orchestras have been forced to face far more severe actions by their managers and boards than simple belt-tightening that led to lockouts, strike, shutdowns and bankruptcies; and

**WHEREAS**, Since 2007 ICSOM Chairman Bruce Ridge has begun a series of Calls to Action that have asked orchestras to send financial assistance to help musicians who have suddenly had their health insurance cut off, their jobs attacked and their lives in flux; and

**WHEREAS**, These Calls to Action have raised nearly \$800,000 to benefit musicians in the Jacksonville Symphony, Columbus Symphony, Honolulu Symphony, Detroit Symphony, Syracuse Symphony, Louisville Orchestra; and

**WHEREAS**, ICSOM’s orchestras have also assisted when ROPA issued a similar Call to Action on behalf of the New Mexico Symphony that has raised about \$40,000; and

**WHEREAS**, In addition to ICSOM’s financial contributions, other Player Conferences and AFM Locals have also been extremely generous as well; therefore, be it

(continued on page 13—see CONFERENCE RESOLUTIONS)

## Orchestra Newslets

The **San Francisco Opera Company** completed an immensely successful Ring Cycle in July—the first Ring Cycle in San Francisco since 1999. At a time when the relevance and significance of the art form are being seriously and repeatedly questioned, the measure of this production's success is not confined to the numerous accolades garnered by the company and everyone associated with it, as this Ring Cycle sold 44,055 tickets—99.96% of capacity—and generated over \$7.23 million dollars at the box office.

A co-production with the **Washington National Opera**, this Ring Cycle consisted of three full cycles plus one extra *Siegfried* and one extra *Götterdämmerung* performance. It included an international cast and an exciting debut for Nina Stemme, singing her first complete cycle as Brunnhilde. Ms. Stemme made it very clear that she wanted to do her first complete cycle in the role of Brunnhilde with the San Francisco Opera conducted by Donald Runnicles. Both Ms. Stemme and Maestro Runnicles praised the orchestra musicians for their high level of preparation, with Ms. Stemme commenting that she had never heard an orchestra so prepared at the first rehearsal.

Delegate Carla Maria Rodrigues reports that, for the first time ever, the entire opera orchestra was included in the company bow, onstage, at the conclusion of each cycle. “This was both a powerful statement of the work we had done and a significant acknowledgement of the role we play here. The rapturous applause resonating from the War Memorial Opera House when the orchestra appeared onstage was a reminder to all of us, that this art form is very much alive.”



The **Florida Orchestra** (TFO) is embarking on a multiyear cultural exchange with Cuba. Recently, TFO's principal wind quintet visited the island to perform, give master classes at the Amadeo Roldan Conservatory in Havana, and to interact with the Cuban musicians at a rehearsal of the National Symphony Orchestra of Cuba. Stefan Sanderling, music director of TFO, will be conducting in Havana later this season, and Enrique Perez Mesa, the Cuban orchestra's music director will make his U.S. debut conducting TFO in May 2012. There is also a desire to bring Cuban artists to perform with TFO in the near future, as well as plans for the full orchestra to perform in Havana in the spring of 2013.



The **Milwaukee Symphony Orchestra** recently reported that it had achieved a balanced budget for its 2010–2011 season. The MSO began the season with a projected annual deficit of nearly \$3 million and an accumulated debt that would not allow any further borrowing to cover the annual shortfall. After beginning the season last September with an interim executive director, Phoenix Symphony's executive director, Maryellen Gleason, was hired at the end of October and began her duties in January. Together with new board chairman Doug Hagerman and interim director of

development Charlie Krause, the management and board made an ambitious plan to balance the budget in the time remaining until the end of the fiscal year. Their plan was to accomplish this through fundraising and administrative savings, without asking the musicians of the orchestra for any additional contract concessions.

The musicians of the MSO are currently in the third year of a four-year concessionary contract, the third such contract in the past decade. The balanced budget for this year is the starting point of a new Long Range Institutional Plan that seeks to regain credibility in the community and achieve financial stability while maintaining the artistic capabilities of the orchestra. MSO musician Scott Kreger writes that his colleagues applaud the board and management for their positive approach and look forward to working with them to achieve the goals of the long range plan.



After opening their pops series on September 17 with Idina Menzel and their classical series on September 24 performing *Carmina Burana*, **Buffalo Philharmonic Orchestra** musicians performed a benefit concert on September 26 for their neighbors at the First Presbyterian Church.

The church is located across the street from Kleinhans Music Hall and has served as a partner in the neighborhood since Kleinhans first opened in 1940, and it is in need of repairs and renovation. Over the years musicians have used the church for meetings, auditions, and performances—and even for ratifying union contracts. Bassoonist Ronald Daniels, who was recently elected as Local 92's president, and timpanist Matthew Bassett, who also served as conductor for the performance, organized the concert. Over 50 musicians from the BPO volunteered their time on their usual day off to support the cause, joined by BPO librarians and stagehands. \$15,000 was raised that evening for the project.



The **Los Angeles Philharmonic** opened its ninth season in Walt Disney Concert Hall this October with a gala benefit that raised \$3.4 million. According to violist Meredith Snow, LA Phil LIVE will offer the first of three more live, digital theater-casts through NCM Fathom starting on October 9. The second, a combined performance of Mahler Symphony No. 8 with the Simon Bolivar Symphony Orchestra, will be broadcast from Caracas, Venezuela in February 2012. Beginning in January, the LA Phil will launch a new teaching initiative called “Take a Stand” in conjunction with Bard College and the Longy School of Music. The program will grant a masters degree in teaching based on the El Sistema method. Much of the class work will take place within the Philharmonic's Youth Orchestra Los Angeles (YOLA) program. In May, a semi-staged *Don Giovanni*, conducted by Music Director Gustavo Dudamel, directed by Paul Curran, and with stage design by Frank Gehry, will launch a three-year Mozart/Da Ponte Trilogy project.

## Orchestra Negotiations

After the **Buffalo Philharmonic Orchestra's** 75th anniversary season, the musicians returned from their summer break to learn that agreement had been reached for a new contract. The new contract, ratified on September 27, was for an unprecedented five years, ending in 2015–2016. Music Director JoAnn Falletta is currently signed through the same year, which will be her 17th with the BPO.

The agreement allows the musicians to continue their focus on music making while it allows management to focus on continued efforts of fundraising and audience growth. The contract will see the orchestra return to Carnegie Hall for the first time since June 2004, performing at the Spring for Music festival in May 2013. It will be the 23rd performance for the BPO at Carnegie Hall.

The contract offers modest improvements to musician salary, starting at \$43,337 including EMG and rising to \$48,120 in the last year. For a third year in a row now, the weekly salary in the first year of the contract is \$1,084. The musicians will see an overall salary increase, though, due to the reinstatement of one week of vacation that was surrendered in the last contract. The two weeks of vacation pay given up in the last contract will be replaced over the course of the new contract, as well as one more week of work added in the final year. The musicians will continue to contribute a minimal amount toward health insurance in the first year of the contract. They have agreed to contribute up to 50% of the yearly increases in the future years of the contract. The AFM-EPF pension contribution remains at 8.4%.

Delegate Daniel Sweeley reports that the musicians feel very fortunate to have received this contract in these trying times with relative ease. He says that they have worked hard over the years to maintain a positive relationship with both their management and board. Both sides were realistic about achievable goals. After having offered concessions over the last several years to help their management and board stabilize the organization, the musicians feel that their patience and efforts have paid off.



According to John Ferrillo, the atmosphere surrounding **Boston Symphony Orchestra** negotiations was tense, in part because of a two-year pay freeze and the Wall Street gyrations in August. Mel Schwarzwald served as the attorney for the players. The players are grateful for the professionalism, deft leadership, and gentlemanly behavior he brought to the table. As the contract expiration approached, progress remained elusive, and both sides called upon the services of federal mediator Joshua Flax.

The basic financial terms arrived at were excellent, particularly considering the financial climate. Each year of the three-year agreement has a 3% increase in scale. It is notable that management agreed to an upgrade, to \$77,000, of the defined benefit pension plan. Even more notable is the management's and board's clear statement of a long-term commitment to the defined benefit plan. On a more sober note, there is a decided bump up in premium sharing for those in PPO medical plans. Families will now each be paying \$1,300 annually. HMO plans still are offered without premium sharing.

There was considerable discussion of the orchestra calendar, leading to a restructuring of the contract to allow an expansion of the holiday pops season, and an attendant shrinkage of the spring pops. This was seen as a partial antidote for the serious decline in ticket revenue which the spring pops has experienced this past decade.

Without a doubt, the most contentious issue facing both sides was the issue of retiree medical insurance. The Boston Symphony has had a policy of covering the entirety of post-retirement health care, and this will continue for pre-1995 retirees. For the remaining retirees, the support of “Medigap” insurance premium will now be capped annually at \$5,400 per retiree. Although creative ways were found to buy two to three more years of protection for them, they will begin paying an ever-increasing share of that cost. Provisions have been made for active players to assist the retirees in this area, perhaps in the form of benefit concerts.

The other major disappointment for the Players' Committee was in the area of media. The committee attempted to get a commitment to a higher media profile for the BSO, with a media guarantee akin to that of peers in New York, Chicago, Cleveland, Los Angeles, San Francisco, and the Met. That effort did not meet with success.

## Conference Resolutions

(continued from page 11)

**RESOLVED, That the Delegates and Officers to the 2011 ICSOM Conference express their gratitude and thanks to all those who assisted orchestras in need, allowing those musicians to continue their struggles to continue providing concerts to their communities while at the same time assuring financial assistance is available for their members in jeopardy.**



### Resolution 12: To the Success of the New Hawaii Symphony Orchestra

**WHEREAS**, The Honolulu Symphony had a long and storied history of more than 100 years as the state orchestra of Hawaii; and

**WHEREAS**, The board of the Honolulu Symphony chose to irrevocably destroy the Honolulu Symphony when they filed for Chapter 11 bankruptcy, and later Chapter 7 bankruptcy; and

**WHEREAS**, One of the actions of the bankruptcy was to sell the assets of the former Honolulu Symphony, including the musical library and musical instruments; and **WHEREAS**, The musicians of the Honolulu Symphony continued to reach out to the community to identify community leaders who could buy these assets and take on the reins of a new orchestra to replace the Honolulu Symphony; and

**WHEREAS**, The musicians and exploratory committee were blessed to obtain the assistance of two respected experts in the symphonic field—Steve Monder, retired executive director of the Cincinnati Symphony, and JoAnn Falletta, music director of the Buffalo Philharmonic and the Virginia Symphony, and ICSOM's great friend—to guide them in this new endeavor; and

**WHEREAS**, The combination of a newly dedicated board of directors and community leaders give musicians hope that, with truly supportive board members, staff and community, the belief that symphonic music is essential can cause wonderful things to happen; therefore, be it

**RESOLVED, That the Delegates and Officers to the 2011 ICSOM Conference extend their best wishes and support for the success of the newly established Hawaii Symphony Orchestra, and offer their congratulations to the musicians of the former Honolulu Symphony for their steadfast and dedicated work to assure that a professional symphony orchestra continues to serve their communities and the State of Hawaii.**

(continued on page 14—see CONFERENCE RESOLUTIONS)

## Conference Resolutions

(continued from page 13)

### Resolution 13: Musicians of the Detroit Symphony Orchestra

**WHEREAS**, Detroit Symphony Orchestra (DSO) musicians recognized that negotiations for a successor agreement in 2010 would be difficult due to the financial meltdown that deeply affected Detroit, its suburbs, and the State of Michigan; and

**WHEREAS**, Rather than receiving proposals during negotiations that addressed the financial concerns faced by the Detroit Symphony, which the musicians were ready and willing to deal with, they were forced to deal with issues that included service conversion, a two-tiered payment system, withdrawal of pension, attempts to remove the librarians from the bargaining unit, removal of peer review which would effectively negate the tenure process, and other punitive proposals; and

**WHEREAS**, Implementation of a second, even more destructive proposal that included all these controversial terms, guaranteed DSO musicians would strike rather than work under terms that would destroy the orchestra’s ability to attract top talent; and

**WHEREAS**, In order to achieve an effective dialogue, these proposals should have been withdrawn and serious, honest and meaningful attempts to bargain should have occurred, including when Senator Carl Levin and Governor Granholm called for mediation; and

**WHEREAS**, Musicians across the US and Canada recognized that DSO management’s proposals were yet another attempt to negatively impact orchestra operations and the terms and conditions of employment for musicians; and

**WHEREAS**, Rather than recognizing that changing to a “new orchestra model” will not address ineffective and bad management because it has been demonstrated time and again that successful orchestras, following the same well established operating model, do well because they are supported by dedicated community members and visionary managers and boards; and

**WHEREAS**, Even after settlement and ratification of a new agreement, DSO board and management fail to recognize the incredible damage they have inflicted and continue to inflict on their musicians, which has caused many to leave the orchestra for better working relationships and conditions than are evident in Detroit at this time; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference express their deep and heartfelt thanks to every musician of the Detroit Symphony Orchestra who stood against the heinous and egregious attempts by the management and board of the DSO to introduce and impose their seriously flawed “new orchestra model” proposals; and, be it further

**RESOLVED**, That the DSO board and management be condemned for their poor choices leading up to and causing a six-month strike rather than bargaining honestly and allowing the talented DSO musicians to continue to serve Detroit and its suburbs as they have for more than 100 years.

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### Resolution 14: Support for the *Orquestra Sinfônica Brasileira*

**WHEREAS**, The *Fundação Orquestra Sinfônica Brasileira* (FOSB) of the *Orquestra Sinfônica Brasileira* (OSB) sought and procured a major increase of federal funding in 2010 to develop a world class destination orchestra for the purpose of substantially improving musician salaries; and

**WHEREAS**, In January, 2011, rather than increasing musicians’ salaries, the FOSB ordered that every player submit to artistic re-evaluation by Music Director, Roberto Minczuk, who promised to dismiss everyone who refused; and

**WHEREAS**, The FOSB simultaneously scheduled auditions in New York, London and Rio to replace those dismissed musicians during a five months suspension of the OSB season and attempted to force the OSB Youth Orchestra to replace the suspended professional musicians (in other words, those students’ teachers) during this transitional phase; and

**WHEREAS**, The FOSB ultimately sacked 33 from their complement of 82 musicians, including both officers of the local Rio Musicians’ Union; and

**WHEREAS**, Following months of local and international outcry, and after the Brazilian Labour Ministry and Immigration Board refused to issue work permits to foreign musicians hired to replace those illegally terminated musicians, the FOSB finally began initiating steps to address this injustice when they announced a reduction of Roberto Minczuk’s responsibilities from Artistic Director to that of Staff Conductor; and

**WHEREAS**, A new committee named by the FOSB to assume Roberto Minczuk’s artistic authority has begun in earnest to negotiate with the local union to find a rational and amicable solution to the current crisis; and

**WHEREAS**, An agreement was reached and ratified in early August, to re-integrate all 33 musicians without re-audition, in a newly created Chamber Orchestra that is not under the direction of Minczuk; therefore, be it

**RESOLVED**, That the Delegates to the 2011 ICSOM Conference express their support for their colleagues in the *Orquestra Sinfônica Brasileira* and condemn and deplore the actions of the FOSB Chief Executive and former Music Director as a blatant attempt to destroy the rights and livelihoods of the musicians of the *Orquestra Sinfônica Brasileira*; and, be it further

**RESOLVED**, That, while recent negotiations between the FOSB’s newly appointed Artistic Direction Committee and the local musicians’ union resulted in a newly ratified agreement, a number of sensitive issues remain that should be handled in a fair, equitable and transparent manner; and, be it further

**RESOLVED**, That the FOSB additionally investigate and consider implementation of the same audition, tenure and termination procedures commonly accepted by most major Western European and North American orchestras rather than the oligarchic and arbitrary termination practices demonstrated this year by the Music Director and board.

*George Brown (Utah), Governing Board*

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### Resolution 15: Support for *Orquesta Sinfónica de Guayaquil* (Ecuador)

**WHEREAS**, There has been a great deal of unrest in orchestras in Brazil, Ecuador and Argentina at the end of 2010 and into the spring of 2011; and

**WHEREAS**, In a stunningly similar move to recent actions by the *Fundação Orquestra Sinfônica Brasileira* (FOSB), the Management of the *Orquesta Sinfónica de Guayaquil* (Ecuador) cited similarly unrelated federal laws pursuant to the regular re-evaluation of federal workers, and has ordered mandatory re-auditions of its entire orchestra this September; and

**WHEREAS**, Symphonic musicians in Ecuador work without either the rights guaranteed by a legally binding collective bargaining agreement or the benefits of a musicians’ union to act as bargaining agent; and

**WHEREAS**, Union representation (from non-existent to strong) available to orchestra musicians throughout the Americas appears to be wide ranging and complex; and

**WHEREAS**, ICSOM and the other North American orchestral player conferences’ core principle is to promote and support the rights and welfare of all orchestral musicians; and

**WHEREAS**, The American Federation of Musicians and ICSOM believe the rights of workers of all kinds to join together and act in concert for their mutual aid and protection should be considered inalienable; therefore, be it

**RESOLVED**, That the Delegates to the 2011 ICSOM Conference express their support for orchestral musicians throughout the Americas and the world, and condemn and deplore the actions of the management of the *Orquesta Sinfónica de Guayaquil* as a blatant attempt to abuse and destroy the rights of their musicians; and, be it further

**RESOLVED**, That because the players’ conferences of the American Federation of Musicians—ICSOM, OCSM, ROPA, RMA and TMA—have proven to be such valuable resources for their members, that orchestras in other countries be offered encouragement, resources and support for their efforts to organize their own national conferences tailored to their own regional needs and cultural values.

*George Brown (Utah), Governing Board*

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### Resolution 16: Support for *Orquesta Filarmónica de Buenos Aires* and *Orquesta Estable del Teatro Colón*

**WHEREAS**, The *Orquesta Filarmónica de Buenos Aires* and *Orquesta Estable del Teatro Colón* endured a three-month period when musicians and other staff employees performed without paychecks; and

**WHEREAS**, These employees, including 41 permanent musicians of the *Teatro Colón Orquesta*, were locked out by the Buenos Aires government-backed management; and

**WHEREAS**, In April, the management falsely and publicly accused those 41 musicians of inciting a strike and terminated the contracts of those 41 musicians; and

**WHEREAS**, In June, the General Director of the *Teatro Colón* attempted to sue the eight alleged “spokesmen” during the strike consisting of four orchestra musicians, three chorus members and the theater’s official photographer, for \$15 Million (US) for losses incurred by the *Teatro Colón* as a result of the ongoing ‘strike’; and

**WHEREAS**, The General Director’s suit was ultimately unsuccessful; therefore, be it

**RESOLVED**, That the Delegates to the 2011 ICSOM Conference express support for their colleagues in the *Teatro Colón Orquesta* and all staff employees of the *Teatro Colón*, and denounce these reprehensible actions by the management and General Director of the *Teatro Colón*; and, be it further

**RESOLVED**, That the management and General Director of the *Teatro Colón* be urged to identify responsible and amicable solutions to this disastrous situation that has unnecessarily wrought havoc upon the lives and livelihoods of these musicians who went unrecognized by that same management when the musicians and staff employees faithfully performed their duties without pay for three months before their illegal termination.

*George Brown (Utah), Governing Board*

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### Resolution 17: Support for Musicians of the Philadelphia Orchestra

**WHEREAS**, The Philadelphia Orchestra has long been considered one of the world’s finest orchestras with an international reputation that has only grown since Walt Disney featured Leopold Stokowski and the Philadelphia Orchestra in the 1940 film *Fantasia*; and

**WHEREAS**, The Musicians of the Philadelphia Orchestra now find themselves faced with a board and management that have chosen to seek relief of a financial burden caused by their own administration’s poor business decisions; and

**WHEREAS**, Rather than continue to look for equitable solutions, the Philadelphia Orchestra Association chose to file for Chapter 11 bankruptcy in mid-April, 2011; and

**WHEREAS**, While the Philadelphia Orchestra Association claims the burden of their musicians’ pension obligations is a key impediment and reason to file for bankruptcy protection, the Philadelphia Orchestra Association is spending millions of dollars in legal fees which could be put to better use by shoring up those pension obligations; and

**WHEREAS**, The actions of the Philadelphia Orchestra Association’s board and management are incredibly damaging to the orchestra’s reputation, especially since it is well known that the Philadelphia Orchestra Association has endowment assets in excess of \$140 million; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference support the musicians of the Philadelphia Orchestra during a very difficult period in the orchestra’s history; and, be it further

**RESOLVED**, That the Philadelphia Orchestra Association board and management be condemned for their ill conceived, unnecessary and anti-musician bankruptcy filing whereby they are needlessly wasting millions of dollars in legal and financial consultant expenses rather than using their assets and fund raising efforts to live up to their promises and contractual obligations to the musicians and retirees.

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### Resolution 18: Support for Musicians of the Louisville Orchestra

**WHEREAS**, The Louisville Orchestra is on the cusp of celebrating its 75th anniversary in 2011–12 as an illustrious organization that became known as a champion committed to new orchestral compositions; and

**WHEREAS**, This commitment was featured in the documentary “Music Makes a City” which celebrates the long history of commissioning new works that were recorded by the Louisville Orchestra; and

**WHEREAS**, The Louisville Orchestra, Incorporated (LOI) management and board showed a determination to disregard and ignore these landmark occasions, which were major fundraising opportunities, and chose to once again attempt to reduce the size of the orchestra; and

**WHEREAS**, Unlike LOI management, the musicians of the Louisville Orchestra refused to accept that Louisville was unwilling to support a full-time symphony orchestra and formed their own 501(c)(3) organization “Keep Louisville Symphonic” to demonstrate that the city of Louisville would, and should, support a 71 member orchestra; and

**WHEREAS**, These same musicians reached out to educators and others to build new relationships that LOI management ignored; and

**WHEREAS**, The LOI board, believing it was the easy way out of their collective bargaining obligations, chose to file for Chapter 11 bankruptcy in December 2010; and

**WHEREAS**, Due to the persistence of the musicians of the Louisville Orchestra, their collective bargaining agreement was not set aside and the LOI was required to fulfill their obligations through the end of the season; and

**WHEREAS**, The musicians of the Louisville Orchestra have expressed gratitude for the wisdom and guidance of Liza Hirsch Medina as they have navigated throughout this ordeal; and

**WHEREAS**, Negotiations have become quite heated as the LOI has dug in its heels over contract terms; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference express their full support for the Louisville Orchestra musicians in their quest to

retain the size of their orchestra, as they have in the past, even when the entire orchestra accepted painful concessions; and, be it further

**RESOLVED**, That these same Louisville Orchestra musicians be commended and applauded for the unique way they have continued to educate and engage their community in the fight to Keep Louisville Symphonic.

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### Resolution 19: Support for Musicians of the Syracuse Symphony

**WHEREAS**, The musicians of the Syracuse Symphony have served the community of Central New York for 50 years; and

**WHEREAS**, The Syracuse Symphony grew to be recognized as one of America’s greatest orchestras; and

**WHEREAS**, The board and the interim management of the Syracuse Symphony made the destructive decision to shut down the orchestra by filing for Chapter 7 liquidation bankruptcy instead of continuing to work together with the musicians to achieve workable solutions; and

**WHEREAS**, This permanent response to a temporary problem for the orchestra will deprive the citizens of Syracuse of one of their most cherished cultural institutions, as well as deprive these musicians of the opportunity to continue serving their community as members of the Syracuse Symphony; and

**WHEREAS**, The musicians of the former Syracuse Symphony have banded together to form a new organization, known as Symphony Syracuse, that has continued to present great music to the citizens of Central New York throughout the summer months during the 50th anniversary of the former Syracuse Symphony; and

**WHEREAS**, Musicians across the country hope that the courage and commitment of the musicians who formed Symphony Syracuse will inspire their community to restart a permanent AFM affiliated orchestra with a collective bargaining agreement; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference condemn the Chapter 7 bankruptcy filing made by the board; and, be it further

**RESOLVED**, That the musicians of Symphony Syracuse receive accolades and praise, and that the great city of Syracuse be called upon to invest in its future by once again building and supporting a full-time professional symphony orchestra.

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### Resolution 20: Support for Musicians of the New Mexico Symphony

**WHEREAS**, The New Mexico Symphony was founded to serve the citizens of New Mexico in 1932, and has grown to become recognized as a great orchestra and one of New Mexico’s most respected institutions; and

**WHEREAS**, The board and management moved this year to liquidate nearly 80 years of history and community investment in the New Mexico Symphony when they took the orchestra into Chapter 7 liquidation bankruptcy; and

**WHEREAS**, The musicians of the New Mexico Symphony were informed through media accounts and emails that they were suddenly unemployed; and

**WHEREAS**, The musicians of the former New Mexico Symphony have now chosen to continue service to their great community with the founding of the New Mexico Philharmonic; therefore, be it

**RESOLVED**, That the Delegates and Officers to the 2011 ICSOM Conference praise the musicians of the former New Mexico Symphony for their commitment and dedication to their community, and wish them many years of great success as the New Mexico Philharmonic.

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### Resolution 21: Support for Artists of the New York City Opera

**WHEREAS**, In its heyday, the New York City Opera, which was founded in 1943, produced as many as 20 different operas in each season; and

**WHEREAS**, The board of the New York City Opera’s engagement of Gerard Mortier as general manager in 2007, its decision to renovate the David H. Koch Theater (formerly the New York State Theater) and its decision to allow cancellation of much of the season caused severe financial difficulties and dissipation of the endowment; and

**WHEREAS**, Mr. Mortier’s resignation before formally taking over as general manager caused further turmoil; and

**WHEREAS**, The past two years have been reduced to a paltry five opera productions per season; and

(continued on page 16—see CONFERENCE RESOLUTIONS)

## Conference Resolutions

(continued from page 15)

**WHEREAS**, In May it was announced that the New York City Opera would leave Lincoln Center and the David H. Koch Theater and perform in various venues; and

**WHEREAS**, Musicians, singers, unions and opera stars, including Catherine Malfitano, Plácido Domingo, José Carreras, Carlisle Floyd, Sherrill Milnes, Samuel Ramey, Hal Prince and Frederica von Stade, have publicly criticized the move and are openly criticizing the company's stewardship; and

**WHEREAS**, Julius Rudel, the previous company director and principal conductor from 1957 to 1979, who was solicited by the company to support the move from Lincoln Center, condemned the action; therefore, be it

**RESOLVED, That the Delegates and Officers to the 2011 ICSOM Conference show their solidarity and support for the musicians, singers, and other artists of the New York City Opera in their valiant struggle, and condemn the egregious decision by the board and general manager of the New York City Opera to leave Lincoln Center and destroy the long and historic accomplishments of "The People's Opera."**



### Resolution 22: Phil Ayling

**WHEREAS**, Phil Ayling stepped down in December 2010 after nine years of dedicated service as President of the Recording Musicians Association (RMA); and

**WHEREAS**, Phil's term as President was on the heels of an additional twenty-five years of distinguished service in various other offices of the RMA; and

**WHEREAS**, Phil's vast and remarkable knowledge of the recording industry, its musicians and contracts, has made him a valuable asset; and

**WHEREAS**, Even after stepping down as President, Phil has remained an incredible resource to the RMA's constituents; and

**WHEREAS**, During his tenure as President of the RMA, he helped solidify a strong bond of friendship and understanding with the International Conference of Symphony and Opera Musicians; therefore, be it

**RESOLVED, That the Delegates and Officers to the 2011 ICSOM Conference take this opportunity to thank Phil Ayling for all his many contributions to the recording field, which have benefited both RMA and ICSOM members, and to wish him many years of success in his future endeavors as a recording musician and advocate for musicians everywhere.**



### Resolution 23: Vicky Smolik

**WHEREAS**, Vicky Smolik has served the Theater Musicians Association (TMA) for many years as a tireless advocate during her tenure as President of the TMA; and

**WHEREAS**, Vicky has now taken up a new task as an Executive Board member of the TMA; and

**WHEREAS**, Vicky continues to serve as President of Local 2-197 in St. Louis MO; and

**WHEREAS**, Over the years Vicky has been a friend to ICSOM and colleague as a leading member of the Player Conferences Council; therefore, be it

**RESOLVED, That the Delegates and Officers to the 2011 ICSOM Conference acknowledge and thank Vicky Smolik for her support of and assistance to her colleagues in orchestra pits and stages across the U.S., and offer her their best wishes and continued success in her continued efforts on behalf of musicians in St. Louis and elsewhere.**



### Resolution 24: Touring and/or Residency Code of Ethics

**WHEREAS**, The 2005 ICSOM Delegates adopted a resolution urging the Governing Board to form a committee with representatives of ICSOM, ROPA and OCSM, to discuss, debate and to come to a consensus on recommendations to the IEB for the creation and implementation of a "Code of Ethics" for touring and/or residencies to which musicians, Boards and managements of symphony, opera and ballet orchestras may look in order to inform, and influence, their plans for travel to and/or residencies in certain cities at critical times in the lives of the local orchestras in said cities; and

**WHEREAS**, Many orchestra musicians currently face formidable challenges as they fight to survive the rash of bankruptcy filings by managers and boards around the country; and

**WHEREAS**, Article 14, Section 3 of the AFM Bylaws still contains the following relevant language: "[I]n order to prevent unfair competition, the IEB shall have the authority to establish policies and regulations affecting an orchestra 'in residence' outside the home jurisdiction of that orchestra or to restrict an orchestra from performing 'in residence' in the home jurisdiction of another orchestra;" and

**WHEREAS**, There still exists a need for guidelines to protect orchestras, musicians and their communities from the undesirable effects of touring and residencies from outside orchestras; therefore, be it

**RESOLVED, That the Delegates to the 2011 ICSOM Conference restate their support and desire for advocacy in regard to establishing a set of guidelines to protect musicians who are fighting to maintain locally based professional orchestras in their communities, and urge the Governing Board to take action to accomplish the goals set forth in the 2005 resolution to form a committee to discuss and formulate recommendations for a Code of Ethics for touring and/or residencies.**

*Peter de Boor (Kennedy Center), Emily Freudigman (San Antonio)*

*Except as noted, resolutions were put forth by the Governing Board.*