

# Senza Sordino

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## Everything Is Up to Date in Kansas City by Brian Rood, ICSOM President

When I joined the Kansas City Symphony (KCS) in 1995, my father, an accomplished amateur musician in his own right, often inquired whether “ev’rything’s up to date in Kansas City,” a reference to the musical, *Oklahoma!* Little did any of us know in 1995 what would lie ahead for the fourteen-year-old orchestra and our community.

The KCS was borne out of the ashes of the former Kansas City Philharmonic, an important major orchestra for many decades. One of the guiding principles of the new KCS was to balance budgets. Deficits of any amount were not to be allowed and there would be no lines of credit. Through the generosity of the local banker and philanthropist R. Crosby Kemper Jr., a new endowment emerged and quickly grew to ten million dollars. Initial KCS annual budgets were approximately one million dollars. This meant that a KCS musician earned just ten thousand dollars annually those early years, with few benefits—a far cry from the nearly thirty thousand dollars under the Kansas City Philharmonic.

The KCS succeeded and grew while maintaining balanced budgets. However, another guiding principle early on was that the “union” would not be recognized, at least not right away. Maybe later, the musicians were told but not at the beginning. Months turned into years, and, all the while, KCS musicians were denied the benefits of collective bargaining, including compensation and working conditions comparable to our industry peers. Yet, rather admirably, the musicians remained loyal members of the American Federation of Musicians and even permitted work dues to be withheld from their paychecks.

In 1995 a remarkable local philanthropic leader came forward to lead the KCS. Mrs. Barnett C. (Shirley) Helzberg Jr., a champion of the arts and education in Kansas City, became the KCS board chair. Shirley quickly created a culture of cooperative governance and musician empowerment while steadfastly adhering to the guiding principle of balanced budgets. Mrs. Helzberg continues to lead by example with extraordinary donations, sponsorships, and gifts of

tremendous magnitude to support the KCS and our musicians. The board also hired a new executive director, Roland Valliere, and a new personnel manager, Dave Clark. Both contributed immensely to the Symphony’s growth over the next several years, as did the many staff, board members, music directors, and musicians who spent valuable years with the KCS family.

September 16–17, 2011 will be remembered as perhaps the most important dates in the history of the KCS. On those days, musicians, staff, board members, and classic music lovers alike enjoyed the grand opening gala of the Kauffman Center for the Performing Arts, now the home of the KCS.

The Kauffman Center for the Performing Arts (KCPA) is simply an incredible sight to behold. Equally impressive, if not more so, are the incredible acoustics of the concert hall. The architect for the KCPA was Moshe Safdie, and the acoustician was Yasuhisa Toyota. The KCPA is a nearly 285,000-square-foot building, with two main performance halls adjoined by a large glass-encased multi-level lobby that serves both halls. The lobby, named the Brandmeyer Great Hall, affords spectacular day and night views of the Kansas City skyline.

The larger performance hall is the Kauffman Theater, named for Ms. Julia Irene Kauffman’s mother, Mrs. Muriel Kauffman. The Kauffman Theater is the home of the Kansas City Ballet and the Lyric Opera of Kansas City. The KCS is the pit orchestra for both resident companies.

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Photo by Bruce Ridge  
The Kauffman Center for the Performing Arts in Kansas City.

## Chairperson's Report by Bruce Ridge



One late night during this summer's ICSOM Conference in Detroit, delegates gathered informally in the chairman's suite to watch the documentary *Music Makes a City*. This beautiful film describes how the Louisville Orchestra was founded 74 years ago by the visionary mayor Charles Farnsley, who realized that the orchestra could lift the city out of the long Great Depression punctuated by devastating floods.

Mayor Farnsley believed in the concept of Confucianism that held that a city of high culture, with happy citizens, will attract wealth, business, and power. The Louisville Orchestra went on to commission 120 works of American composers and to perform 400 world premieres. The orchestra has broadcast the name of the city of Louisville throughout the world, and the greatest musicians in any country own recordings of this famed orchestra.

Many of the delegates watching the documentary that evening were moved to tears, I think not only because of the beauty of the film and the music, but also due to the injustice currently being perpetrated against the orchestra by its management and board.

Throughout this year the management of the Louisville Orchestra, Inc. has constantly threatened its great musicians with the prospect of being replaced entirely by a new group of musicians, and it set a final deadline of 5:00 p.m. on October 31—a true Halloween trick. But as despicable as this action is, and as undignified as it is to issue threats, the management didn't even wait for the deadline before spreading a flyer across the country that proclaimed a "National Call for Applications" for "permanent positions" for "qualified symphonic musicians looking for permanent employment to replace musicians who are on strike."

Not only is such an attempt to replace an ICSOM orchestra unprecedented and destructive, but the ad itself is inaccurate. The musicians of the Louisville Orchestra are not on strike. Rather, they have been dismissed in the midst of a negotiation for failing to accept an ultimatum that was issued despite the involvement of the Louisville mayor's office in mediation.

ICSOM immediately issued a statement, titled "Urgent: Do Not Accept Work From the Louisville Orchestra, Inc.," which said in part:

[T]he Louisville Orchestra, Inc. has begun recruiting replacement musicians. . . . Both the Louisville Orchestra, Inc. and the Kentucky Opera have been placed on the American Federation of Musicians' (AFM) International Unfair List, and accepting work from these two groups could generate fines and penalties.

But it is not just the Unfair List that should deter anyone from accepting this work—the fact is that it would simply be wrong to do so.

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

[www.icsom.org](http://www.icsom.org)

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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  
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## Louisville

(continued from page 2)

Any musician accepting such work would not be serving the cause of art in America, or serving their career and family. Musicians accepting work as replacements would be taking food out of the mouths of fellow musicians, as well as depriving them and their children of health insurance.... Any musician accepting such work would be building a career on quick sand.

The symphonic musicians of North America perform as a united network of friends. It is crucial that we stand together on this issue, not only for the musicians of Louisville, but for the future of musicians everywhere.

ICSOM's statement went on to urge that we all spread the message about this egregious action, saying:

Please post this message in your studios, and please send it to your students everywhere, as well as the colleagues in your orchestra.... Post it on your Facebook pages. Spread the message everywhere that musicians of ICSOM, ROPA, and OCSM will always stand together.

Musicians all across the world did indeed spread this message. Immediately the word began spreading on Facebook, Twitter, and websites across the world. It was posted by the AFM on its website, as well as on the websites of countless locals across the country. Local 802 President Tino Gagliardi sent an e-mail blast to all Local 802 members, and the AFM also sent the notice, along with a message from Symphonic Services Division Director Jay Blumenthal, to every member. Our friends at FIM (Fédération Internationale des Musiciens, or International Federation of Musicians) posted it internationally and spread the word to its members. ROPA and OCSM posted it to their news lists, musicians in every orchestra shared the message with their colleagues, and it appeared on countless message boards, instrument forums, and internationally read blogs. From what we can tell, it appears to have been re-posted on Facebook alone well over 1000 times.

As terrible as the situation is in Louisville, it none the less was gratifying to watch as our urgent message was spread so quickly around the world. The tools available to ICSOM through the Internet and social networking make it all the more amazing to think of what ICSOM's founders were able to accomplish without such tools. As we approach our 50th anniversary in 2012, it is overwhelming to think of the results that those who went before were able to achieve. Before the Internet, and before social networking, ICSOM chairs had to place hundreds and hundreds of phone calls to send such an urgent message. Today, with the assistance of our united network of members and friends, a message of such urgency can be spread with the click of a mouse. The fact that our visionary founders were able to unify so many orchestras back in 1962, without word processing, Twitter, or even ready access to Xerox machines, is just remarkable.

In spreading the message about the importance of educating young musicians about the destructive nature of these proposed replacement auditions, we did reach out through more traditional tools as well, placing calls and writing to many of the nation's most prestigious

music schools. ICSOM officers, along with Jay Blumenthal and in coordination with many AFM local presidents, spoke to as many leaders of music conservatories as we could reach. Alumni of music schools wrote to their alma maters. It was indeed heartening to hear unanimously that the advertisement from the Louisville Orchestra, Inc. would not be posted at their schools, and almost unanimously that their students would be actively discouraged from taking any such audition.

I have continued to monitor the online conversation, especially on the instrument forums. There were messages that concerned me, and there were messages that inspired me. On the negative side, I read statements like "Not only is it (accepting replacement work) not wrong, but it is an opportunity" and "good work if you can find it." But on the positive side, each posting that I read that might seem to indicate someone was considering taking these auditions was met with a message urging them not to do so, calling for solidarity, and educating the message board about the facts. There was easily a 5 to 1 ratio in support of the Louisville musicians. That is encouraging. It was also great to see the discussion was overwhelmingly positive in nature without a lot of name calling. Especially when reaching out to young students, we need to educate and not intimidate.

One posting did stand out to me though, when someone wrote, "I'm also saying that I can't blame a musician go [*sic*] gets an opportunity these days, even a stinky one." While this person would seem to be indicating that he or she would understand musicians replacing other musicians, the signature tag was ironically "Together We Are Invincible."

This experience demonstrated that we have come a long way in developing our use of the Internet and social networking, and we have come even a longer way in educating all generations of musicians about the importance of unity and understanding the field in which we work, perform, and live. But it also demonstrated that we have even farther to go.

For the musicians of Louisville, every member of ICSOM stands with you. We hope that soon a solution can be reached that will allow the orchestra to continue its service to the people of Kentucky.

Every member of ICSOM can continue to help. Keep spreading the word that no musician should audition for a replacement orchestra anywhere, and remember that funds to assist the musicians in Louisville are still needed. ICSOM issued *Calls to Action* for both Louisville and Syracuse earlier this year, and any contributions to both groups will help those musicians care for their families.

We must stand together to create a better future for the arts in America. John Lennon said: "A dream you dream alone is only a dream. A dream you dream together is reality." A better future is achievable for musicians everywhere, and we must not hesitate to dream great dreams simply because they are hard to achieve. Together, we can take one step closer to realizing our dreams by stopping the effort to replace the musicians of the historic Louisville Orchestra.

## Kansas City

(continued from page 1)

The second performance hall is Helzberg Hall, named for Mr. and Mrs. Barnett C. Helzberg Jr. The KCS is the resident organization of Helzberg Hall. Many other performing arts groups also perform regularly at the KCPA.

Both Ms. Kauffman and Mrs. Helzberg continue to emphasize that the Kauffman Center was built for the masses—for arts lovers throughout Kansas City and for visitors to our city from around the world. For example, the KCPA graciously opened its doors one rainy Sunday afternoon and invited everyone to tour the Center and enjoy performances in both halls, all free of charge. Ms. Kauffman stood at the entrance when the doors opened at noon and could still be seen shaking hands and greeting everyone in line at closing time five hours later. Around twenty thousand people were initially expected. Even with the rain, estimates are that more than fifty thousand actually made their way to the KCPA.

Mrs. Helzberg addressed the audiences in Helzberg Hall prior to each performance during the KCS's classical series opening weekend. Shirley asked the audience members to imagine that they were coming downtown to hear the Symphony in *their* own hall, with *their* surname on the hall itself. If they were the Smiths, then they were coming to Smith Hall to hear the Symphony. She and Barnett truly wish for everyone to feel that Helzberg Hall is their own.

Those KCS classical series opening concerts were two of the most memorable events of my life. Due to an injury I was not able to be on stage with my colleagues, but I was grateful to be in the audience to hear our Symphony in this new, beautiful, and acoustically spectacular hall we now call home.

On Saturday evening, Susan Martin, our brilliant attorney/negotiator and close friend, brought her family to enjoy the opening. Sunday afternoon we were honored to have ICSOM Chairperson Bruce Ridge join us for the performance. Susan and Bruce met with KCS musicians prior to both performances during informal meet-and-greet sessions held backstage. Many musicians came to my home Sunday evening to visit with Bruce and enjoyed homemade KC BBQ pulled pork. Bruce stayed over Sunday night and addressed the orchestra during an opera rehearsal on Monday.

If Ms. Kauffman, Mrs. Helzberg, and other philanthropic leaders had not been steadfast in their pursuit of the dream of a world class performing arts center in Kansas City, the KCPA might well never have been built. While the dream emerged many years ago and was widely discussed in the late 1990s, the economic and political challenges of the early 2000s may have deterred less committed and passionate leaders. During a decade that included the horrific events of September 11, a global financial meltdown and subsequent recession, and the distressing bankruptcies of several orchestras, Kansas City leaders found ways to weather the storm in order to build the performing arts center of their dreams.

There are many other people who deserve recognition for their enormous contributions toward the creation of the KCPA and the KCS's position as a resident organization. American music directors are in

unique positions. When successful, they capture the imagination and attention of a city. Gustavo Dudamel in Los Angeles and Michael Tilson Thomas in San Francisco are two west-coast examples, and Kansas City's version is Michael Stern. Michael is virtually everywhere visiting with donors and those who may not yet know they are about to become donors. He does this while meticulously caring for every artistic detail. Executive directors can make or break the orchestras they manage. I know of no one who works harder or is more dedicated to his orchestra and the art form than our executive director, Frank Byrne. In addition to Mrs. Helzberg, we have an incredible board of trustees at the KCS. Remarkably, four members of the executive committee have been together since 1995.

Anyone familiar with orchestras appreciates how hard staff members work. Yet, they are almost always quite underpaid. As a result, turnover is typically higher than in the for-profit world. It is safe to say, however, that the KCS would not be where it is physically, financially, or artistically without the many staff members who worked for the KCS.

Last, and certainly not least, are the musicians. The ongoing success of the KCS would not be possible without the tremendous contributions of the current and the former members of the KCS and the Kansas City Philharmonic. Every musician that was a KCS/Philharmonic member these past many years deserves to call the KCPA home. Through their lifelong dedication and commitment to incredible artistry and collective solidarity, the KCS has blossomed into a major orchestra that Kansas City may be proud of.

In 1998 the musicians unanimously signed union certification cards. Shortly thereafter the musicians ratified the KCS's first collective bargaining agreement, and Kansas City again had an orchestra within the ranks of America's major orchestras, the AFM, and ICSOM. Wages, benefits, working conditions and governance improved immediately. Prior to the new collective bargaining agreement the KCS offered three tiers of employment, with full-time

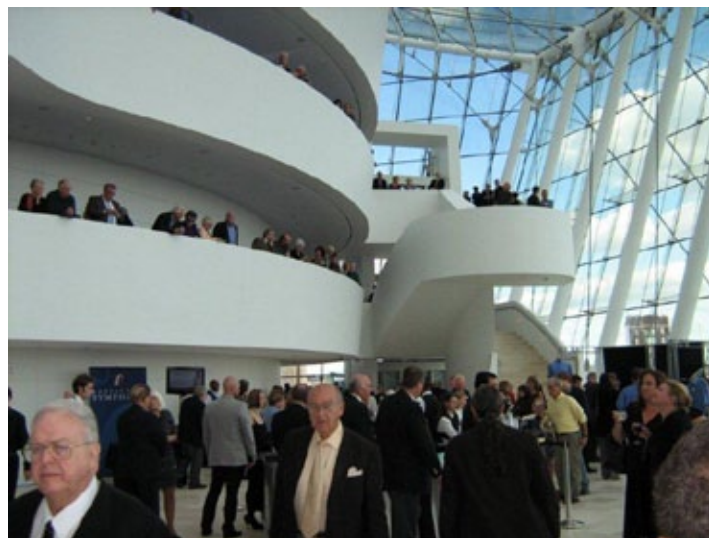


Photo by Bruce Ridge

The impressive glass-encased lobby of the Kauffman Center for the Performing Arts.

contracts offered only to titled players and a few others. Over the next three years everyone's contracts were converted to full-time, and several positions were upgraded to principal overscale per industry norms. For more information on the process involved with the evergreen agreement and negotiation process please refer to [polyphonic.org/harmony/7/KansasCity\\_Evergreen\\_SOI.pdf](http://polyphonic.org/harmony/7/KansasCity_Evergreen_SOI.pdf) and [polyphonic.org/harmony/7/KansasCity\\_Pscript\\_Martin.pdf](http://polyphonic.org/harmony/7/KansasCity_Pscript_Martin.pdf).

Success in Kansas City is due to many factors. Clearly, the major factor was a convergence of the right people at the right time. Over the past 15 years board members, staff personnel, volunteers, musicians, and music directors, as well as civic and arts leaders, worked together toward the goals of improving the KCS financially and artistically and to prepare to move into the KCPA. It is important to note that differences have surfaced from time to time among the different constituencies. We resolved those differences by keeping our eye on the prize.

In early 2006, amid the economic uncertainties of the last decade, the KCPA board issued a public challenge calling for \$40 million to be immediately raised in order to assure that ground would be broken. The Musicians' Association of the Kansas City Symphony unanimously supported the challenge request. While everyone contributed a nominal amount, many gave more, and over \$17,000 was raised. We knew this was a drop in the bucket of the KCPA's \$413 million total cost, but we wanted everyone involved to understand that we were on board, too.

We were pleasantly surprised to learn that these contributions entitled us to name five seats in Helzberg Hall. We named two for the Kansas City Musicians' Association, Local 34-627, AFM, one for the emeriti KCS musicians, and one each for two of our fallen colleagues. Their inscriptions are: Veronica Freeman, Cellist, 1973-2004, An English Rose Who Blossomed Here amid a Hundred Musical Friends; Steve Peters, 1954-2005, Bassist, Devoted Son & Dad, Looked for the Best in Others and Gave His Best



Onstage for the opening of the Kauffman Center for the Performing Arts are ICSOM President Brian Rood (*left*) and ICSOM Chairperson Bruce Ridge.

As I write this column, my father and his dear wife are set to travel to Kansas City to experience the Kauffman Center for the Performing Arts for the first time. I look forward to showing him that, indeed, "Ev'rything's up to date in Kansas City." Yet no one thinks "They've gone about as far as they c'n go." We recognize that this tremendous opportunity is not the end of the road but just the beginning.

## A Perfect Example of "Don't Panic" by Christian Woehr, St. Louis Symphony

When it was realized years ago that a \$2.5 million to \$3 million deficit for the St. Louis Symphony wasn't going away by itself, a decision was made to embrace it in a most creative and energizing way. A donor was found who would make up the difference for the next few years, but, on the books and in PR, the deficit still showed. The rational, gradual timeline for eliminating this deficit, by increasing revenue and holding costs, went forward without the waves of panic so prevalent in many orchestral managements. Through it all, the deficit and its timeline were openly acknowledged, giving an impetus to the entire operation which has seemed to work in the most amazing way.

By both getting people accustomed to a deficit and staying positive about growth, President and CEO Fred Bronstein has kept the goodwill of donors, promoted an excitement about the orchestra, and placed new audience members in seats by the thousands.

Here are some numbers from the *St. Louis Business Journal* (Kelsey Volkmann, Web Editor):

- Fiscal 2011 ticket revenue rising 1.5% to \$6.56 million
- Fiscal 2011 contributed revenue increasing nearly 8% to \$9.16 million
- Endowment \$126 million, up \$10 million from fiscal 2010
- Total three-year ticket revenue up 36%, from \$4.84 million to \$6.56 million
- Increase of 17% over 3 years in seats sold, from 165,865 to 194,700
- 12% increase in per-concert average attendance, from 1,522 to 1,708
- Since 2008, annual contributed operating revenue up 18%
- Over 22,000 added to Symphony's audience base

These numbers show that the St. Louis Symphony's "Building Our Business" initiative, which was launched in 2008, is gaining traction and producing positive results even in precarious economic times. All without panic.

## **A Waiver and a Four-Year Extension for Utah Symphony** *by Larry Zalkind, Utah Symphony*

This has been a time of significant change for the Utah Symphony. After a three-year international search, Thierry Fischer was engaged as our music director. The Swiss-born conductor has inspired the orchestra and reignited enthusiasm for the Utah Symphony throughout the community. He is an energetic and dynamic leader with vision.

It has also been a transitional time for us, as there has been an unprecedented turnover in our personnel. Many players who have been the backbone of the orchestra have either moved on to other jobs or retired. In the course of a little more than three years, we will have hired approximately 25 new players, many in high-profile title positions.

The opening week of our 2011–2012 season coincided with the tenth anniversary of the 9/11 attacks, and the orchestra took on the daunting task of commemorating that event. In front of packed houses and under the leadership of our new music director, we opened these concerts with John Adams' "On the Transmigration of Souls," a work commissioned by the New York Philharmonic and first performed to commemorate the one-year anniversary. The emotional power of this piece was felt throughout the orchestra and the audience; the silence as we left the stage was striking. For the second half we performed a rousing Beethoven 9, and the orchestra had truly taken its audience on a journey from the depths of the tragedy to the strong message of hope.

It was ironic that midway through that first week, as we were rehearsing this program, the musicians were given the startling news that our orchestra faced a staggering deficit and a dire cash flow issue. We were told that, by the end of November, the orchestra would not have the cash to make payroll and that the existence of the Utah Symphony in its current form was threatened. The newly elected orchestra committee began sifting through the very complex issues we faced to formulate a strategy.

For decades our 52-week season has been one of our defining marks. Though we have always been the lowest paid of the group, we also exist in a city with the smallest market base, making our accomplishments as an orchestra all the more remarkable. In 2002, over the objections of the musicians, the Utah Symphony merged with Utah Opera. Despite best efforts, the organization has yet to completely stabilize. The musicians have endured continual concessionary bargaining during the ten-year period since the merger. Early in the merger we negotiated concessions in exchange for bringing in consultants (one of whom produced the well-known Morris Report). Now we were being asked to forgo a pay raise originally scheduled to take effect in 2008. A previous waiver included fundraising goals intended to serve as a catalyst which, when not met, triggered a three percent penalty to be paid during the 2011–2012 season. The payment of that penalty became a painfully emotional issue for both the musicians and the board. At the same time, our management and board had reached milestones in so many areas of the organization, and it was clear we had to move forward.

In facing this new challenge, the orchestra committee decided to negotiate a waiver to the existing agreement rather than open the contract—an approach we had utilized four times previously on this same contract. Our contract would have expired at the end of the 2011–2012 season, and we were dreading the upcoming negotiation. Given the economic climate and the general state of orchestras, we saw huge benefits for both sides to this approach. We preserved our healthcare plan, our defined benefit pension (AFM-EPF) with contributions at over 9% of salary, seniority pay, all current scheduling provisions, and many other benefits of our current contract. As the management had already entered into the early stages of a capital campaign, avoiding a contract negotiation seemed in their best interest as well. We had envisioned adding a year or two to the current agreement, but instead we ended up with a four-year extension.

The organization was looking for ways to cut the deficit and increase cash flow, and musician concessions were one part of a multi-pronged approach to achieving this. We were able to negotiate a first year that did not include any retroactive cuts and, in fact, gave a small annual increase over the previous season's contractual salary. In 2010–2011 (September–August), we had 51 weeks at \$1,189 (\$60,639 annual), including 9 weeks of paid vacation and 1 unpaid week. Before our waiver agreement, 2011–2012 was to have been 52 weeks at \$1,249 (\$64,948 annual), including 9 weeks of paid vacation. Effective December 1, 2011, the base weekly rate will drop to \$1,150 as a result of the waiver. The result will be 13 weeks at \$1,249 and 39 weeks at \$1,150, for a total of 52 weeks at \$61,087. The number of paid vacation weeks will increase from 9 to 10 in 2011–2012.

We will see a small salary increase in each of the subsequent three years, reaching restoration in the final year of the agreement. The agreement also maintains our 52-week season and the additional week of paid vacation during those years. We preserved our orchestra size with the commitment to fill all openings. An important component of this waiver agreement was the creation of a special task force to look at the ten-year history of the organization since the merger with the aim of analyzing the use of resources and looking for ways to improve organizational effectiveness. We hope this task force will create the transparency necessary to understand our past and help direct our future.

From an organizational standpoint, our concessions were supplemented the first year by equal or greater concessions from the staff, a huge contribution by the music director (\$45,000 in direct contributions), and \$70,000 in give-backs from guest artists. By committing to this plan, the board was committing to a significant increase in fundraising. The board voted unanimously in favor of this plan on November 17, and on the same day the musicians voted to support it by an overwhelming majority. It was painful for the players to accept a further four-year delay in a pay raise that was supposed to go into effect in 2008, and was now postponed to 2014, making this a seven-year agreement encompassing four different waivers. Musicians had been anticipating this raise, and it was a long time in coming. At the same time, we may finally be on the road to

## Orchestra Newslets

understanding the unique issues our orchestra faces in order to deal with them effectively. We are positioning ourselves for a better future both artistically and economically.

What we all made clear to our community is that the Utah Symphony is an organization brimming with mutual respect, where all components share the same commitment to our mission and for our future. The following was graciously submitted and eloquently penned by ICSOM Chairperson Bruce Ridge:

The audiences that surround and love the Utah Symphony are fortunate to have this inspiring group of musicians as members of their community. The news of the musicians' new contract settlement is a testament to the musicians' commitment to the citizens of Utah and a demonstration of their love for this historic and world-renowned institution. Not only should the musicians be admired for the excellence they offer to every citizen of Utah, but also for their generosity in supporting musicians everywhere. The members of the Utah Symphony are greatly admired across America and beyond. Through their positive advocacy for music, education, and the business community of Salt Lake City and the entire state of Utah, there can be no doubt that the Utah Symphony will continue to bring acclaim to its city and state from throughout the world, and will maintain its standing as one of the America's greatest cultural institutions for generations to come.

The players sincerely thank our board and staff, who worked so hard and effectively to hammer out this agreement: Pat Richards (board chair), Melia Tourangeau (CEO), David Green (COO), and Steve Hogan (CFO). Thanks to the Utah Symphony orchestra committee whose insightful decisions and leadership created the atmosphere for a successful conclusion: Lynette Stewart (chair), George Brown (ICSOM representative), Rebekah Johnson (union steward), Walter Haman and Larry Zalkind (board representatives), Veronica Kulig (secretary), Peter Margulies (finance), and Leon Chodos (treasurer). Special thanks to the Utah Symphony Waiver Discussion Committee whose creative thinking and hard work led to the agreement: Larry Zalkind, Gary Ofenloch, Rebekah Johnson, Lori Wike, and Pete Margulies (Gary Ofenloch and Larry Zalkind, negotiators). Thanks also to Bruce Ridge, to Local 104 and its president, Mike Palumbo, and to our attorney, Joseph Hatch.

*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.

**San Francisco Symphony's** negotiating committee recently probed the financial arithmetic behind defined contribution pensions. According to Dave Gaudry, negotiating committee chair, management wanted future pension improvements to come from a 403(b) plan while the musicians wished to increase the SFS defined benefit plan. The negotiating committee challenged the assumption that defined contribution plans are less expensive, and a joint study with management to compare the relative costs of the plans was undertaken to measure benefit dollar per contribution dollar. Both sides used independent actuaries, and the results were surprising. At the end of the day, management couldn't find any cost saving at all for a defined contribution plan. The best their actuary could show was that, with identical assumptions, the costs were the same. The musician's actuary went a step further in pointing out that, in fact, the assumptions are *not* identical, and that the defined contribution plan provided a much *lower* benefit for the same contribution dollar. Gaudry says that the reasons for this are simple: longevity risk and investment risk.

The longevity problem can be summed up as follows: Individual 403(b) investors cannot assume they will die at the average age of mortality (84 for a man and 86 for a woman). Defined benefit plans can pool this risk, but defined contribution participants must assume they will die much later, say 95, in order to ensure they will not outlive their savings. According to a study by the National Institute on Retirement Security, this lowers the available benefit dollar by 12%.

The investment risk problem stems from the fact that an individual 403(b) investor is predicted to perform more poorly than the professional managers of defined benefit pensions. A side-by-side survey of 2,000 companies done by Watson Wyatt Worldwide showed that, on average, the defined contribution investor historically has made 1% less annual return on investments than their defined benefit counterparts. In San Francisco the average time from retirement for musician is 14 years, meaning this investment problem would cost 14% overall.

The negotiating committee told management that they were not interested in a plan that provides 26% less benefit for the same contribution dollar (12% longevity risk and 14% investment risk). This argument, combined with management's concern over the troubled AFM-EPF, gave the leverage needed to maintain and increase the defined benefit plan, even in the current environment where so many orchestras are being pressured to do otherwise.

The current orchestra contract with **Lyric Opera of Chicago** will expire on May 1, 2012. A comprehensive national search has been conducted to fill the opening left by the retirement of Michael Greenfield, the revered legal counsel of the musicians for more than 45 years. The firm of Moen & Case LLP was chosen to represent the Chicago Federation of Musicians, Local 10-208 and the members of the Lyric Opera Orchestra in contract negotiations for a successor collective bargaining agreement.

## The Lew and Lenny Legacy Fund

Lew Waldeck was a tuba player with the New York City Opera Orchestra who had a pivotal role in the formation of the AFM Symphony Department (now the Symphonic Services Division) and served as its first director. After Lew died in 2004, Live Music Awareness, a 501(c)(3) nonprofit organization with ties to the Musicians' Association of Hawaii, Local 677, established the Lew Waldeck Fund to promote and fund the kinds of labor-related projects and activities that Lew advocated during his lifetime.

With the recent passing of longtime ICSOM and AFM SSD counsel Lenny Leibowitz, Live Music Awareness has renamed and expanded the Lew Waldeck Fund to become the Lew and Lenny Legacy Fund. The mission of the Lew and Lenny Legacy Fund is to inspire, incite and fund progressive union activities and projects within the symphonic and labor communities.

As funds allow, the Lew and Lenny Legacy Fund seeks to engage in projects such as:

- The restoration, enhancement, and duplication of various union-related educational audio and video material of Lew Waldeck
- The filming and the production of a comprehensive video library of historical orchestra growth and struggles, as told by the local labor activists and pioneers
- Assisting meaningful internal organizing projects within orchestras and locals
- Assisting orchestras involved in public relations projects
- Training musicians in developing lobbying/political skills
- Educating incoming symphonic members about subjects such as orchestra labor history and labor in general.

The Lew and Lenny Legacy Fund is currently discussing with ICSOM, OCSM, and ROPA a project that would fund sending one of their representatives each year, on a rotating basis, to a Labor Notes conference, a highly energetic training camp for labor activists. This year's Labor Notes conference will be held in Chicago May 4–6. Further information about Labor Notes and the conference can be found at [www.labornotes.org](http://www.labornotes.org). Anyone wishing to nominate someone to attend the Labor Notes conference or having questions should contact ICSOM Chairperson Bruce Ridge.

ICSOM delegates and members of ICSOM orchestras are encouraged to contribute to the Lew and Lenny Legacy Fund. Those who would like to contribute may do so through PayPal at [www.livemusicawareness.com](http://www.livemusicawareness.com) or may send checks payable to Live Music Awareness to:

Live Music Awareness  
c/o Musicians' Association of Hawaii  
949 Kapiolani Blvd.  
Honolulu, HI 96814

### Correction

The editor regrets an error in the Orchestra Newlets section of the November 2011 issue of *Senza Sordino*. Buffalo Philharmonic Orchestra bassoonist Ronald Daniels should have been named as the recently resigned president of Local 92, not the recently elected president. The interim president, Richard C. Riederer, has been elected as president and will start his term in January 2012.

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