



The Dallas/Fort Worth MUSICIAN

Vol. 12, No.2

The Dallas/Fort Worth Professional Musicians Association • www.musiciansdfw.org

April, May, June 2003

Convention adopts energetic refinancing plan

Delegates to the AFM's June International Convention adopted legislation expected to raise \$1.1 million annually in new money beginning in calendar year 2004. The measure requires a reallocation of AFM resources to improve aid to casual club-

date musicians and will commission a study the AFM's future.

The omnibus measure, intended to address numerous pending resolutions

and recommendations concerning AFM finances and casual club-date co-funding, was submitted to the Convention by the

(See *CONVENTION ADOPTS* on Page four)

2003 DUES REMINDER

SEMI-ANNUAL DUES

\$52.00 if paid in July

\$57.00 if paid in August

\$62.00 if paid in September

Help your Union achieve its legislative goals by including a \$5 TEMPO contribution when paying your dues. TEMPO assists deserving political candidates running for the U.S. Senate and House of Representatives who are sympathetic to the needs of musicians and the AFM.

DUES ARE PAYABLE TO AFM LOCAL 72-147.

PAYMENTS MAY BE MAILED TO:

1939 Stadium Oaks Court, Ste. 110
Arlington, Texas 76011

DSO musicians ratify extension

Members of the Dallas Symphony Orchestra have ratified a one-year extension to their current collective bargaining agreement which expires August 1. The extension maintains all existing wage, pension and benefit levels and provides for continued discussion and immediate implementation after agreement on a wide range of non-economic items such as rehearsal order, dress rehearsal rules and audition procedures.

The key feature which led to the musicians' approval of the extension was

the Dallas Symphony Associations' agreement to bear and be responsible for any additional increase in health insurance premium expense during the extension year of up to 18% of current health insurance premium costs.

Local 72-147 and the DSA additionally agreed to modify existing contract language in a number of non-economic provisions, such as those covering grievance and arbitration, non-discrimination and season schedules to conform to past practice and for clarification purposes.

Members of The Unions' negotiating team included Phil Graham, Matt Good, Betty Patterson, Mary Reynolds, Scott Walzel, Ray Hair, and Local 72-147 attorney Bill Baab.

Get a page for your Band at www.musiciansdfw.org

Local 72-147's booking/referral service, AFM Entertainment, can help promote your group through a new web-based marketing tool located at the Union's website - www.musiciansdfw.org.

Go to www.musiciansdfw.org, click the AFM Entertainment button, click the band listings, select a specific style, and you'll find a list of bands offered for prospective engagements by the Union's booking/referral service.

Potential music purchasers browsing the Union's roster are now able to view photos, see and hear music clips of Union groups, view song lists and peruse biographical information.

Local 72-147 is now offering its members the opportunity to post music and video files, photos, song lists, and bios of their groups at the Union's web

site to enhance the booking and referral process.

To take advantage of this unique new e-commerce opportunity, members are encouraged to send a CD-ROM to the Union office containing the following data:

1. MP3 music files in Wave or AIFF format, mono, 30 seconds or less in length, maximum of five files.

2. Photo in jpg format, 100k maximum file size, 300x200 pixels maximum resolution.

3. Song lists and biographical information in Microsoft Word.

For further information about getting a page for your band, contact Holly or Mike at the Union office.



PROFESSOR D, shown above can be seen and heard at www.musiciansdfw.org. Click on AFM Entertainment, view our current roster and go to the show and dance style index button. Click there, and then click on Professor D. Pictured left to right are members Scott White, James Wallace, curly Moore, Lisa Boudreaux, Brent Nance, Scot Knight, John Houser and Rodney BOWENS.

THE PRESIDENT'S MESSAGE

95th Convention took steps toward unity

The 95th AFM Convention, held in June in Las Vegas, was one for the record books – and I don't mean just Vegas heat. After attending nine previous conventions going back to 1983, and participating through various roles, on the Law and Finance Committees, as a committee chairperson and as a Federation Officer, I had thought I would be well prepared to endure the grueling three day convention, which is preceded by seven days of committee and conference meetings. An AFM Convention is a convention of convention you would think. Well, not exactly.

The reality is that every AFM Convention has its own unique blend of critical issues to be debated, and a different cast of participants – the elected delegates – who drive the debate. A two-year convention interval breeds a certain diversity of setting due to a turnover in delegates attending. The 95th AFM Convention aptly demonstrated that this Union's endless internal struggle over money, power and influence has not abated.

When you have a new and energetic AFM administration freshly elected from the 2001 Convention asking for new money combined with local officers and rank and file player representatives demanding additional services and greater accountability for funds already being paid, you have controversy.

Toss in a couple of resolutions seeking to boost the AFM's receipts from recording and symphonic work, mix that up with an election of International Officers and you have a Convention with potential to get red hot – and I don't mean the Vegas heat.

In the deliberations leading to the adoption of the AFM's new financial plan, this 95th Convention got hotter than a two-dollar pistol.

The AFM's ongoing struggle within itself and its failure to find a lasting resolution to its financial problems has, in many respects, mirrored this Union's search for unity. Those who do the paying want more say in how the money is spent. Those who do the spending defend themselves and ask for more money. There is wrangling over resources and how those resources are allocated. There is feuding over who does the allocating.

And as the AFM has struggled, it has gotten smaller and more expensive. In 1989 the AFM had 190,000 members and an annual budget of \$4.5 million. Today, we have 100,000 members and an annual budget of \$9 million. Half as many members sending in twice as much money, and still the old problems persist.

While past convention efforts to refinance the AFM have resulted in a shrinking union, the 2003 Convention may have adopted a plan that could make this union stronger and more unified.

Of the \$1.1 million in additional revenue contemplated by the new money plan, \$700,000 will be paid by recording musicians who receive distributions from the AFM's Phono and Film Special Payment Funds. The Funds, negotiated as part of the AFM's Sound Recording Labor Agreement and Motion Picture – Film Agreement, paid more than \$60 million dollars to participants last year.

Both Special Payment Funds – Film and Phono – were created in 1961 after agreement was reached with Los Angeles musicians for the AFM to require record and film companies to pay 50% of monies due to MPTF into the new Funds. Since the time of their inception, no dues or assessments of any kind were ever imposed on Fund distributions.

For nearly 40 years, Fund distributions – now totaling more than \$60 million annually – were dues free to participants. Now, in a different era from that in which the funds were born, those who benefit most from negotiated Union agreements will pay more – from .05% to 5% of Special Payment Fund distributions.

With the contraction in symphonic employment brought on by a decline in endowment equities, difficulties in raising unearned income and union-busting management practices designed to roll back musicians' pay in a weak economy, symphonic work dues payable to the AFM has declined by 10%.

To make up for the revenue decline, Federation symphonic work dues, paid locally by musicians of the Dallas and Fort Worth Symphony

Orchestras, will increase by .05% of scale to .55%. The aggregate revenue increase from all symphonic dues sources Federation-wide will amount to about \$175,000.

Here again, those who benefit the most from negotiated Union agreements will pay a little more – from 50 to 75 cents each week here in Dallas-Fort Worth.

The \$2 annual per capita dues increase approved by the Convention is more symbolic than meaningful, raising only about \$200,000 in the first year. The symbolism is manifested by the fact that every AFM member will share in Federation refinancing. Since the overwhelming majority of the AFM's 100,000 members are unemployed, those who are presently unable to benefit from negotiated Union agreements will have the lowest additional amount to contribute.

By placing the burden of new Federation financing on those who benefit the most – those who are gainfully employed under negotiated Union agreements – the Convention has clearly moved away from big new increases in per capita dues as were adopted in 1991, 1993, and 1997. The effect of those huge increases was a reduction in AFM membership by nearly 100%.

With new money, the Convention charged the AFM with new responsibilities. The AFM will be required to quadruple its resource allocation toward programs designed for casual club-date musicians – from \$25,000 annually to \$100,000.

Most importantly, however, the AFM will conduct an introspective study of itself through a newly created entity aptly named the Futures Committee. Appointed by the AFM President but empowered to meet and deliberate independently of the Federation's Executive Committee, the Futures Committee was charged by the 2003 Convention to "review the relationships between the Federation, the Locals and their members with a view toward

achieving the most effective membership representation." After the Committee submits its report to the IEB on January 1, 2005, it may submit its own resolutions to the 2005 Convention, a power hitherto unrealized by any AFM committee, except the IEB.

In approving this far-reaching and forward-looking financial and self-study package, the Convention agreed with the measure's framers, the Joint Law and Finance Committee, who, in the Futures Committee, created an opportunity for an independent dialogue to develop and grow between Federation Officers, Local Officers and Players Conference representatives.

The fact that the work of the Futures Committee will occur during the calm and relatively peaceful interval between conventions rather than in the panic and sleepless chaos of one is most encouraging.

Perhaps it will be the Futures Committee that will come forward with new, energetic ideas to capture imaginations and move toward the building of unity throughout the Federation, from the bottom to the top.

None of these convention-endorsed actions would have ever been possible without the resolute efforts of the Joint Law and Finance Committee, twenty-eight of the finest individuals I've ever served with, and their chairpersons, Bill Moriarity of New York Local 802 and Harry Chanson of Local 308, Santa Barbara.

At the June Convention, when the smoke began to clear, it was obvious there had been some productive doing. I was also pleased to find that I had been successful in my bid for re-election to the AFM's International Executive Board.

AFM President Tom Lee and Secretary-Treasurer Florence Nelson are two of the best International Officers the Federation has ever had, and I'm looking forward to working with them, with Vice-President Harold Bradley, newly elected Canadian VP Bobby Herriott and other Federation Officers and staff in an effort to promote unity throughout the American Federation of Musicians.

Contrary to the actions of many of its predecessors, the 95th AFM Convention may have taken some real steps toward unity. Only in unity will this Union find strength.



Ray Hair

NOTES FROM KEN . . .

95th Convention a Success

Just returned from the 95th Convention of the American Federation of Musicians, which was held in Las Vegas. This was the second time I have had the opportunity to attend the Convention. It is the first time I've had the opportunity to serve on a committee – the Good and Welfare Committee. For me this was even more of a learning experience that the previous Convention I attended, even though I had a good idea of what to expect the second time around.

First off let me offer my heartiest congratulations to our own President Ray Hair. Ray was not only reelected to the International Executive Board of the AFM, but was the top vote getter. Obviously, Ray possesses the confidence and trust of a sizeable portion of our national Union. For those of us who have worked with Ray we know what an asset he will be to the AFM.

One of the most memorable parts of the Convention was listening to the various guest speakers who had been invited to be in attendance. Secretary-Treasurer of the AFL-CIO, Rich Trumka, gave a most inspirational speech concerning their ongoing efforts on

behalf of member Unions everywhere. It was even more impressive when later I learned the story of how he literally risked his life to take back control of, for the rank and file, the Miners Union of which he is a member.

It has always been interesting to me how much we have in common with Unions everywhere. Our job site and what we do may be different, but not the principles which guide us. However, we are fortunate not to have had to risk our very lives for fairness.



KEN KRAUSE

Union Presidents from the Stage Hand's Union, Actor's Equity, and AFTRA were also seated on the dais and given an opportunity to speak. Each received recognition from the AFM for their actions of solidarity in working with Local 802 during the recent strike on Broadway, by honoring their picket line. An important coalition has been formed thanks to the efforts of Local 802 President, Bill Moriarity of New York. It was clear that each of those Union

leaders understood how it is in the best interests of all the various Unions to continue to work together.

The most crucial part of the Convention had to do with the restructuring of how we will all pay dues to be used by the AFM office in New York. The AFM has reached a point where it has already cut expenses to the bare bones. It was essential that we come up with a way to increase revenues on the national level. A much-needed infusion of over 1 million dollars annually to the AFM's coffers was brought about after much hard work (including late nights) by the Law and Finance Committees, and a great deal of discussion on the floor. Over the next four years our per capita dues will increase by \$2.00 each year. There will be an increase in symphonic work dues of .05%. And those receiving annual checks from the Special Payments fund will begin paying work dues on those earnings based on a tiered structure.

To sum it up there is going to be something required from each of us, but mostly from those whose earnings are the greatest and who most benefit from their Union membership. To have achieved this plan at this time is not only vital for the Union's coffers, but hopefully will lead to an even greater solidarity on the whole, as we cannot fail to recognize that we're all in this together.

Please feel free to give our office a call if you have any change in mailing address, e-mail address or phone number. Have a wonderful summer!

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The Dallas/Fort Worth
MUSICIAN

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Suit filed against Sambuca Jazz Cafes

Local 72-147 attorneys will ask a Dallas court to award member Mike Drake and his sidepersons \$2,550.00 in salary due from Sambucas Jazz Cafes for confirmed engagements that would have been performed in June, July and August of 2003.

According to Drake, Sambucas' management employees Jayme Spurgeon, Scott Callan, and Rick Wells cancelled his jazz trio engagement at the Addison club at 5:15 PM on June 19, just three hours before the show.

Drake had refused to agree to Sambuca's last minute demand that his jazz trio play country/ western and dance tunes to a sold-out black-tie private party without additional compensation.

Drake and his trio had previously agreed to perform publicly at Sambucas Addison on June 19 at the usual nightclub rate of pay – almost 50% less than the prevailing area standard for musicians performing private parties.

Ten days later, as Drake and legendary jazz keyboardist Dave Zoller were setting up to play a scheduled date at Sambucas Deep Ellum, they were met by Spurgeon who refused to allow them to perform that evening as previously agreed. She informed Drake that all of his future Sambucas dates were cancelled.

"Jayme Spurgeon said I had been dropped from Sambucas' play list because of the June 19th engagement and that I would never be allowed to play there again," said Drake.

Because Mike Drake and his sidepersons on the Sambuca's engagements are all members-in-good-standing of Local 72-



MIKE DRAKE, shown above, center, will be assisted by Union attorneys in an effort to collect salary due from Sambucas Jazz Cafes. Also shown are members Kent Ellingson, left, and James Driscoll, right.

147, the Union will provide and pay for attorneys to assist in obtaining the salary amounts due.

Complaints about Sambucas' predatory practices toward professional musicians are nothing new. Last year, musicians engaged for holiday club-date work arrived at the Addison location to find the terms of engagement unilaterally changed, the club closed to the public, with corporate entities having rented the club for private parties.

(See SUIT FILED on Page five)

CONVENTION ADOPTS — — (Continued from Page One)

AFM's International Executive Board at the request of the Joint Law and Finance Committee.

Despite having operated in the black during the past several years, the AFM expects to suffer a decline in income next year due to a stagnant economy that has crippled important segments of the entertainment industry and has driven online piracy of recorded music to an all-time high.

The \$1.1 million in new income for the AFM will be realized through increases in per capita dues, payments from musicians who receive distributions from Phono and Film Special Payments Funds, and from a reallocation of work dues currently collected on recording new use and AFM-negotiated touring employment.

Beginning in 2004 the AFM's \$25,000 annual budget for assisting locals with programs benefiting casual club-date musicians will rise to \$100,000. Programs eligible for such assistance include traveling claims, contract guarantee funds and local or Federation-sponsored online booking and referral services.

Local 72-147 is now pioneering the development of union-sponsored online booking and referral through its AFM Entertainment pages at www.musiciansdfw.org.

A key feature of the Convention refinancing plan was the designation of a Futures Committee consisting of three IEB members, nine local officers, and representatives of each Players' Conference. The Committee will review the relationships between the Federation, its locals and their

members with a view toward achieving the most effective membership representation. The Committee is empowered to submit resolutions to the 2005 Convention as it deems appropriate.

The establishment of the AFM's Futures Committee was seen by many delegates as having the potential to reenergize and revitalize the Union.

Another feature of the Convention package, a Standing Oversight Committee, will serve until the 2005 Convention. The three member committee will receive copies of all Federation budgetary materials, attend IEB meetings, provide advice and may consult with Federation auditors.

Two components of the Convention action that will most directly affect Local 72-147 members are those concerning increased per capita dues and symphonic work dues.

Effective January 1, 2004, 2005, 2006 and 2007 for regular and life members, AFM per capita dues will rise \$2.00 each year. Local 72-147 annual membership dues will increase to \$102, \$104, \$106 and \$108 during those years.

Commencing January 1, 2004, for symphonic employment where ½% of scale wages is payable by Local 72-147 to the Federation, Federation work dues will rise to .55%, and increase of .05%. Work dues for musicians who perform services in the Dallas and Fort Worth Symphony Orchestras will increase from 1.5% to 1.55%, representing an actual increase of from 50 to 75 cents per week.

NEW AND OR REINSTATED MEMBERS

(Please clip and save for future reference)

Bass Acoustic
 Joel Bonzo 214-394-5635
 Herman Campbell 903-883-0692
 Tom Hardison 214-503-1885
 Kathleen Jackson 214-339-9585
 Michael Riggs 817-285-7764
 Matt Wigton 940-368-3440

Bass Electric
 Jeevan D'Souza 817-804-0921
 John Houser 310-278-8788
 Scot Knight 972-870-9110
 Tim Menikos 817-992-7945
 Wayne Six 817-490-9341

Clarinet
 Blake Arrington 940-384-1396

Drum Set
 Rob Avsharian 940-380-0620
 Jon Deitemyer 940-382-6074
 Tom Macon 817-535-7964
 Thomas Menikos 817-572-7861
 Brent Nance 972-235-5866

Fiddle
 Merna Heersink 817-683-5202
 Mark Menikos 817-367-0867

French Horn
 Rebecca Stephan 817-457-1557

Guitar, Acoustic
 Steven Jones 817-417-5801
 Raymond Mikeska 254-791-8602
 Derrick Winding 817-419-8420

Guitar, Electric
 Dave Barnett 469-892-1703
 Bill Ham 817-246-8364
 Danny Sanches 817-498-4644
 Niklas Schonbeck 972-733-9963
 Buddy Whittington 817-282-8331

Keyboard
 Elizabeth Menikos 817-367-0867

Oboe
 Elizabeth Steel 817-431-5585

Percussion
 Manuel Coronado 940-458-5053

Jorge Dominguez 972-393-7082
 Mark Surovchak 940-369-9340

Piano
 Stephen Anderson 940-381-0782
 Anthony Calisi 214-689-4600
 James Lassiter 817-284-1312
 Joel McCray 817-371-2305

Production
 Ron Grimes 972-436-8045

Saxophone, Alto
 Rodney Bowns 817-336-8914
 L. Patrick Gage 903-887-4722
 David Lovrien 972-492-2367
 Wayne McKinzie 817-921-0789

Saxophone, Tenor
 Robert Holbert 972-222-5543

Sound Tech
 Greg Pearlman 469-774-8963

Synthesizer
 David Gildden 817-741-2327

Trombone
 James Meyer 817-516-0244
 James Wallace 972-527-9529

Trumpet
 David J. Anderson 972-898-4575
 Warren Hancock, Jr 214-327-6916
 Jonathan Johnson 940-594-3137
 Phillip Johnson 940-384-1815
 Walter Simonsen 940-206-6867

Vibraphone
 Ed Smith 214-340-5420

Viola
 Loren Laing 817-738-3737

Violin
 Helen Chalmers 214-361-6847
 Sessalie Shapley 817-358-1879
 Kathleen Sloan 214-783-1163
 Wen-Yih You 901-818-0693

Vocalist
 Lisa Boudreaux 972-978-9092
 Christian Coffield 972-223-5809
 Annalisa Curry 972-289-3310
 Ray Davis 940-243-2517
 Rosana Eckert 972-930-0750
 Heather Freeman 469-549-4713
 Karen Johnson 817-874-6849
 James Moore 972-293-3340
 Linda Stoll 972-527-5210

MEMBERSHIP MEETING

August 24, 2003

1:30 pm

Union Headquarters

SUIT FILED --

((Continued from page four))

Private parties routinely bring \$1,000 to \$2,500 and more per engagement for musical groups, rather than club date money of \$300 to \$400 per job.

Sambucas' Deep Ellum engagements usually require musicians to pay up to \$10 to park while performing, an expense further complicating the already unreasonable rate of pay offered to many musicians for such engagements.

Sambucas' proprietor Kim Forsythe has refused to meet and discuss with Local 72-147 issues deemed by talented DFW professional musicians to be critical and important. He will now be forced to discuss them openly and in public before a judge in a Dallas courtroom.

The Richardson Symphony 2003-2004 Season Auditions

September 12 and 13

Positions Available:

- Principal Bassoon
- Bass Trombone
- Section Violin
- Section Viola

Bassoon: Friday, September 12, 6:00 PM

Bass Trombone: Friday, September 12, 8:00 PM

Strings: Saturday, September 13, 10:00 AM

Call Pat at The Richardson Symphony at 972/234-4195 to schedule an audition.

You must also mail your resume to:

Richardson Symphony Orchestra
 ATTN: Auditions
 800 E. Campbell Road, Suite 122
 Richardson, TX 75081

or fax to 972/238-7514

Audition repertoire is available on our website:
richardsonsymphony.org

The Richardson Symphony does not furnish audition music.

Broadway Epilogue

A look back – and the road ahead

BY Leonard Leibowitz

This story originally appeared in the July/August 2003 issue of Allegro, the newspaper of Local 802. It is reprinted with permission.

As far back as the 1970's, when Gerald Schoenfeld began threatening Local 802 with the Moog synthesizer if the union struck over minimums, producers have been seeking some mechanical device to replace live musicians. In 2003 they believed they had found it with the virtual orchestra.

The League claimed it would only use the device if the musicians went on strike.

The union believed, and continues to believe, that if given the opportunity, producers would eventually substitute the technology for all – or “virtually” all – of the musicians in the pit.

In any event, as early as 2001, with the contract expiration approaching and with the issue so joined, both sides prepared for war.

The producers spent hundreds of thousands of dollars on such things as virtual orchestra equipment, operators and public relations firms. They even aligned themselves with non-League companies – Disney, Clear Channel and the Dodgers – in signing a document they called a “blood oath.”

This oath set forth their mutual agreement that they would stick together no matter what. And if the union struck any one of them, they would lock out all musicians at all League theatres.

The union prepared as well. President Moriarity and his staff visited every show and met with every Broadway orchestra in

every pit, explaining 802's preparations and plans, what was expected from the League, and what the union expected from the musicians in each theatre.

He pointed out that this negotiation was going to be principally defensive for the union on the issue of minimums.

The musicians were urged to speak out about the issue – the continuation of live music on Broadway – and to seek the support of actors, stagehands and any other union workers in the theatre.

For almost a year before the negotiations began, Moriarity also visited each of the Broadway unions, asking for their support as well.

The Negotiating Committee engaged in strategic planning with the help of Cornell Labor School. And a well-known public relations firm was retained to plan a public campaign.

Thus, the critical elements for success became:

- Uniting the membership;
- Gaining the support of other unions who had never been willing to support musicians – or each other – in the past;
- Winning audience members' support by educating them about the issue, and what it would mean to the live experience of Broadway if the League was successful in eliminating the orchestra and substituting computers for musicians; and,
- Whether or not a Broadway-sized orchestra was to continue to be guaranteed in the largest theatres.

A primary goal was to avoid exposing the public to virtual orchestras. This would have hinged our fate to the musical

discernment of the theatre-going populace – many of whom are tourists from cities where the music they hear at “Broadway shows” is completely or almost completely mechanical.

The potential consequence of audiences accepting virtual orchestras would have been – and continues to be – the death of live music on Broadway.

Thus, the negotiating committee believed that it was essential that a deal be made which preserved substantial minimums – even if reduced – and then locked in those minimums for as long as possible.

The public relations campaign was enormously successful only because the union was able to frame the debate in terms of whether or not live music was to be eliminated from the Broadway musical experience.

In other words, if our campaign had been based only on maintaining 24 musicians – rather than some lesser number – in the large theatres, we would scarcely have gotten the attention of the public.

With the stage thus set, early in February the bargaining began.

After a month of intensive negotiations, the two sides were still far apart. In order to bring the bargaining to a head, the producers made their “last, best and final” offer. Actually, they made two “last, best and final” offers, neither of which was acceptable to the union.

The reason for two offers was that in the event the better offer was rejected, and the producers implemented an offer – as they are permitted to do by law – they would not implement the better offer, but rather the worse one.

At that point the union announced that if the better offer (which, among other items, called for a top minimum of 15 in the largest theatres) did not improve significantly, the musicians would strike after the last show on Thursday night, March 6.

After the union made that announcement, the startling news arrived that both Actors' Equity and IATSE (Local 1) had voted to honor the musicians' picket lines.

At that point, of course, every show but one (“Cabaret,” with a separate contract at the Roundabout) shut down.

After four days of strike, Mayor Bloomberg summoned the parties to Gracie Mansion, and assigned former Schools Chancellor Frank Macchiarola to mediate.

The parties engaged in mediation all
(See A LOOK BACK on page seven)

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A LOOK BACK —

(Continued from Page Six)

night, and, in the morning, a settlement which was not wholly satisfactory to either side was reached.

As in any war, both sides suffered casualties.

From the union's standpoint, the major concessions were that minimums were reduced and the Special Situations clause was expanded.

On the plus side there were the following:

- Not only was the public on the musicians' side, but as one musician said at a union meeting, there was a very real dialogue in this country about live music. The League was perceived as a group of greedy corporations looking to deprive the audience of a live musical experience in order to increase its profits. As in the UPS strike of a few years ago, the musicians were viewed as the good guys, struggling valiantly to salvage their art.
- An historic coalition of Broadway unions was born. For the first time, unions supported each other – which shocked the League. This new power needs to be nurtured and grown.
- Local 802 is the only AFM local with minimums remaining in its theatre contract. (Even when other locals had minimums, the largest number was around 16.)
- Minimums will go no lower for at least the next ten years, despite the inevitable refinement of the technology. Even

then, if the coalition of Broadway unions remains, the producers will know that in the event of a labor dispute they will be shut down.

The general public perception, and certainly that of the labor movement in general, was that the union scored a major victory. Nevertheless, there was disappointment and much criticism of the settlement by many musicians.

Much of the criticism was based on predictions of lost jobs by virtue of the lower minimums and the expansion of the definition of Special Situations.

As for the loss of jobs, history fails to support that prediction. In the last 28 years, the minimums have been reduced three times – 1975, 1993 and now, in 2003.

From 1975, when the first reduction took place, until the next reduction in 1993, the number of musician jobs on Broadway *increased* substantially. And, again, between 1993 and 2003, after another reduction, the number of jobs *rose* dramatically.

Only time will tell if that pattern will be broken this time.

Moreover, the new minimums are inapplicable to currently running shows, many of which will continue to run for the foreseeable future, and thus there will be no loss of jobs there.

In addition, two new shows, "Wicked" and "Gypsy," are opening with orchestras of 24.

Although it is true that the definition of Special Situations was expanded, it is also true that two of the more glaring abuses of that procedure were eliminated.

The terrible decision in the "Saturday

Night Fever" arbitration which allowed a producer to use actors or singers playing toy instruments to count toward the minimum has been reversed by a new provision specifically prohibiting such practices.

In addition, the contract will now make clear that if producers lose an application for a Special Situation, they may not use "walkers" but must utilize playing musicians up to the applicable minimum.

For our offensive, the union initially presented only six proposals:

- Term of agreement;
- Modest wage increase (5 percent);
- The elimination of the two abuses of Special Situations, as set forth above;
- New and improved health and safety language;
- The setting of minimums for the two newest theatres – the Ford Center and the New Amsterdam;
- Amending the no-strike clause to permit sympathy strikes.

With the exception of the sympathy strike proposal, the union achieved substantially all it sought by those proposals.

As in all negotiations, the negotiation team's most important function is to make decisions. Virtually every such decision requires making predictions. By definition, predictions are subject to controversy and disagreement.

It is to be hoped that in making those predictions the negotiators have as much information as possible – and that they have experience in the bargaining process and in evaluating power relationships. We trust them to act in good faith with the intention of bringing back an offer that is, in their opinion, the best obtainable under the circumstances.

The union team's collective conclusion was that the settlement that was brought back met all of those criteria.

Some members disagree.

But one hopes that fellow musicians ultimately recognize that all of the negotiators did the best they could in the best interest of the members – and that the decisions they made turn out to be the right ones.

Leonard Leibowitz is Local 802 counsel and served as head counsel during the Broadway negotiations.

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new email addresses:

rhair@musiciansdfw.org (Ray Hair)
kkrause@musiciansdfw.org (Ken Krause)
mkenedy@musiciansdfw.org (Mike Kennedy)
jsims@musiciansdfw.org (James Sims)
rmathews@musiciansdfw.org (Rose Mathews)
dfwweb@musiciansdfw.org (Holly Brewer)
info@musiciansdfw.org (general information)

NEGOTIATIONS ROUNDUP

A Capsule View of Talks in Progress

Dallas Symphony Orchestra: DSO musicians ratified a one-year extension to the current collective bargaining agreement, which expires August 31. The contract extension maintains all wages, pension and benefit minimums and requires management to absorb any increased health insurance premium up to 18% of current costs.

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Richardson Symphony Orchestra: RSO management representatives met with the Union twice in July where proposals were exchanged for a successor agreement. The current contract expires August 31. Local 72-147 is seeking wage and pension improvements as well as progressive changes to provisions covering substitute and extra musicians, personnel manager and orchestra librarian.

• • •

Lawton Philharmonic Orchestra: The Union and LPO are scheduled to open negotiations on August 1 toward a successor agreement to the current contract, which expires August 31. The Union will seek improvements to provisions covering rehearsals, audition committees, reseating, substitute and extra musicians, wages, pension and travel allowances.

Texas Chamber Orchestra: TCO and Local 72-147 representatives are expected to meet in September to begin talks toward a new agreement. The current contract expires August 31. The next TCO concert is scheduled to occur in late October.

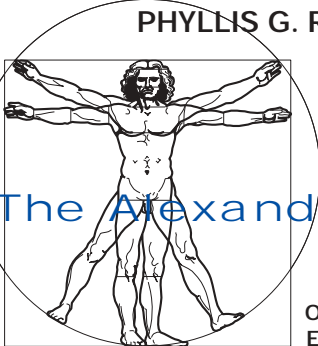
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Garland-Las Colinas Symphony/ New Arlington Philharmonic: Union requests for information from the "Robert Carter Austin Orchestras" which were made in mid-May following organizational players' committee meetings have yet to be received. The Union expects to make progressive proposals toward a new contract in September. The current agreement expires August 31.

PLEASE NOTE new email addresses:

rhair@musiciansdfw.org (Ray Hair)
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mkenedy@musiciansdfw.org (Mike Kennedy)
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