

November 5, 2008

Dear PSO Musician,

This is to update you about the status of the recent PSO representational election that was mandated and supervised by the National Labor Relations Board. The election was held as a result of your overwhelming desire that improved wages, benefits, uniformly applied work rules and job security be fairly and constructively achieved with our help through the collective bargaining process. Unfortunately, due to the actions of the PSO, the election is not yet over.

Just as the ballots were to be counted on October 1, 2008, the NLRB sequestered the ballots and agreed to consider Alice Hobbs' final appeal against the decision to hold the election. Here again, we see PSO fighting hard in a clumsy, last-ditch attempt to avoid a fair election and deny musicians the right to workplace representation.

By attempting to overturn the NLRB's decision to allow you to vote, *Alice and her surrogate orchestra spokespersons* hope to maintain the system of favoritism they now enjoy. It is obvious that they are afraid a fair, enforceable agreement would end their unilateral control over your services and would correct many of the inequities that now exist – where musicians are left to beg individually for solutions to their problems, and where Alice and Hector profit handsomely at your expense.

But the election was held. When will we know the outcome of the vote? Probably not until next year, because of Alice's attempt to thwart electoral justice with the long, drawn-out process of an appeal. Here's why.

The National Labor Relations Board is comprised of five members appointed by the President of the United States. Currently, there are three vacancies on the Board. While the two sitting members can certainly decide an appeal if they both concur on an issue, they would not be expected to agree on the Plano case because one of the two existing members is anti-union with a bias toward employers, and the other is pro-union and protective of the rights of workers.

Thus, an NLRB decision to affirm or deny Alice Hobbs' appeal will not come until sometime in 2009, after President Obama has filled the remaining three open seats on the Board. Since President Obama has said that his administration will make the protection of workplace democracy a high priority, we expect that a newly reconstituted National Labor Relations Board with three new Obama appointees will reject PSO's flatfooted attempt to maintain strict employer control over your services as musicians while denying you the right to chose Union representation.

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In the meantime, with PSO having deliberately thrown your election results into the netherworld of next years' governmental bureaucracy, Alice, Hector and their promoters have postponed the day that they will have to face the collective power of an orchestra that has begun to question a model of paternalism designed to benefit those at the top and the interests of a chosen few.

They think they are more important than you are. The longer they can make you wait for fairness, the more they can line their pockets, feather their own nests, and improve their own positions.

While the counting of the ballots is on hold during Alice's ill-fated appeal, here are a few things you can do to pass the time:

- Ask for a list of gigs and small ensembles that Alice books, the musicians that comprise them and the amount received by each musician for each gig. Who decides how each group is chosen and how much are the musicians paid?
- Ask whether students are treated more favorably than non-students under PSO's unilaterally imposed attendance policy.
- Ask about the PSO musicians who were invited to attend a recent "retreat" at PSO expense. Who were the musicians and why were they chosen to join management for a weekend of fun and refreshment?
- Ask why some foreign students performed PSO services without pay, as SMU officials testified.
- Ask why Alice and Hector receive the best pay and benefits of all suburban orchestra management employees when PSO musicians do not enjoy the same status.
- Ask why the orchestra's percentage of budget has declined to an all time low when PSO's annual budget has nearly tripled over the last ten years to \$1.5 million.
- Ask if Alice and Hector expect you to work *UNDERSCALE* with no benefits for services in the new 2100 seat Main Hall of Plano's Arts Park, *while they pay themselves top dollar?*

Despite this unnecessary delay, we will be monitoring the developments in Alice Hobbs' appeal to discount your recent NLRB's representational election and will advise you immediately when we receive word of its outcome. If we can be of service to you in any way, please let us know.

Sincerely and fraternally yours,

Raymond M. Hair, Jr.
President
AFM Local 72-147