

Spring 2012

The Meaning of Union

Membership: the Key to Union Power

- The power of any local union, or the entire American labor movement for that matter, lies within its membership.
- It is not just the number of union members alone that makes the difference.
- Union POWER comes from an informed and involved membership that is willing to engage in public and private shows of SOLIDARITY!

Ignorance is NOT Bliss

- Our members come to the union having been exposed to those ugly union stereotypes their whole lives.
- The story of how organized labor humanized the employer/employee relationship as it evolved from its roots in the master/servant and master/slave relationship is also UNTOLD.
- How many of our members have an understanding that labor unions were this nation's first successful anti-poverty program?
- How many understand that organized labor is our nation's oldest, largest, and most successful institution fighting for economic and social justice?
- How many members know that labor unions are the **only** institutions sanctioned by law to negotiate on behalf of employees over wages, hours of work, and other terms and conditions of employment?
- How many members know that the power of any union lies in its number of informed and involved members who are willing to engage in public and private shows of solidarity?

-John Kretzchmar, 2010 ROPA Omaha Conference

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The Leading Tone

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ROPA

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<http://www.ropaweb.org/forms/elist.php>.
The list is open to musicians in ROPA member orchestras, and AFM Local officers for those orchestras.

Why do Musicians Organize for Collective Bargaining?

by Janice Galassi

There is probably not a single group of people more interested in continuing to hone and ply their craft than symphony musicians. These folks have spent a lifetime and a substantial amount of money on lessons, practicing, attending a conservatory or music school, and to vie for a position in any number of orchestras on a national and even international basis. The major investment they have in their instruments and equipment goes without saying. It is often interesting to see these individuals driving old cars, living in unimpressive housing and perhaps not dressed in designer clothes – but they often have incredible sound systems in their homes and an astounding music library and/or CD collection. This is what these folks do – it is how they live.

It is not uncommon to survey these people and find many responses with the handwritten note: “I just want to play.” That is quite true. This is primarily what they want to do. So what spurs them to develop an interest in having a union contract and take valuable time away from their avowed preference to organize for collective bargaining?

Among all the orchestras, theater pits, dinner theater groups and brass bands the AFM has organized, not one, not so much as a single group has organized around dissatisfaction with compensation. Meager compensation might certainly be on their list of reasons to organize, but fairness, equity and being treated with professional dignity has always topped the list of musician concerns.

As a rule, the number one reason for organizing is mistreatment at the hands of our garden variety music director. Cronyism, absence of any rules or selective enforcement of some sort of “orchestra policy” or “musician handbook” generally fuels an organizing effort. The smartest musicians do not sit idly by watching the music director pick off their colleagues one by one, getting closer and closer to their particular chairs. The smartest ones see the handwriting on the symphony hall walls long before that, and take action as soon as they see what appears to be a trend.

Others watch fearfully, quaking in their chairs as colleagues are targeted to the right and to the left of them. Sometimes these folks think that the way to win the affections of the music director is to kiss up, ingratiate themselves as much as possible, and hope for the best. However, as we all know, such a relationship is transient at best, and only lasts as long as the relationship itself, or until a child with more golden hair takes the envied position of class pet. Even so, it is very sad if professional musicians believe that their professional workplace should be in direct proportion to their ability to pucker up and purr. Fortunately, most musicians understand that this dynamic is not the way to establish a professional workplace.

Even well written orchestra policies or handbooks (the best ones are modeled after union contracts anyway), are often management creations, heavily weighted in their favor, and usually unenforceable. If management simply changes its mind about enforcing a provision,

musicians find themselves generally helpless. Worse, such a policy statement often gives musicians the illusion that they are afforded some sort of protection, which is only discovered as false when they try to force management to uphold its terms. To do so, musicians have to contemplate hiring their own legal counsel and passing the hat to pay for it.

Most musicians, certainly experienced and professional musicians, know the answers to these questions. The best resolution is for musicians to be represented by their respective AFM locals. The establishment of fair and equitable terms and conditions of employment is best achieved for professional musicians by organizing for collective bargaining. However, organizing is a specific and methodical process that should not be attempted by anyone who is not a trained organizer. For any musicians who may play in such groups, the Organizing and Education Department of the AFM stands ready to offer assistance.

Janice Galassi is AFM Director of Organizing and Education.

The establishment of fair and equitable terms and conditions of employment is best achieved for professional musicians by organizing for collective bargaining.

Unemployment Benefits for Symphonic Musicians Challenged in Virginia

by Jay Blumenthal

On Monday, January 23, 2012 the Richmond Symphony management and AFM Local 123 (Richmond) began collective bargaining negotiations for a successor contract. At the opening session, Richmond Symphony Executive Director David Fisk advised the negotiating team that a piece of legislation was pending in the Virginia General Assembly that would deny unemployment compensation benefits to symphony orchestra musicians. House Bill 1254 was sponsored by Del. G. Manoli Loupassi, R-Richmond. The musicians were deeply concerned and angered about this mean-spirited, targeted attack on all symphonic musicians in Virginia, especially when they later learned it had been proposed by their own management. If passed, it would severely impact musicians' ability to support their families and seemed likely to embolden legislators in other states to introduce similar legislation. If this occurred, it could have adverse consequences for all symphonic musicians.

The stakes were high and swift action was required. Musicians in the Richmond Symphony and Virginia Symphony mobilized with committees obtaining the actual language of HB 1254. The AFM contacted Hal Ponder, Director of Government Relations at the AFM's national legislative office in Washington, DC who in turn alerted Virginia AFL-CIO President Doris Crouse-Mays. Local 123 and Local 125 (Norfolk) contacted Jon Axelrod (attorney for both locals). ICSOM Chair Bruce Ridge and ROPA President Carla Lehmeier-Tatum urged musicians to vote in a poll (used to gauge public opinion) on the website of the *Richmond Sunlight*, an independent organization dedicated to tracking the VA General Assembly. Ridge also wrote to the media expressing opposition to the bill. Chief Negotiator Chris Durham wrote directly to Loupassi explaining how the bill was being used as a negotiation tactic and requesting that he reconsider his support of the bill.

During an SSD-initiated conference call, President Crouse-Mays mentioned the existence of a potential federal conformity issue with the bill. Symphonic Services

Division Legal Counsel Rochelle Skolnick began researching the potential conformity issue in the hopes it might aid in our opposition to HB 1254. It was not long before Skolnick hit pay dirt. "FUTA" (named for the Federal Unemployment Tax Act) is an employer-only tax. Employers are entitled to a credit against their FUTA tax for amounts they pay into a state unemployment compensation system. However, that tax credit is

The positive result serves as a reminder that our strength comes from collective action.

jeopardized if state unemployment law fails to conform with certain federal requirements, including coverage for employees of non-profit corporations (like symphony orchestras) on the same basis as other employees. It appeared that if HB 1254 were to pass, it would adversely affect all Virginia employers.

Richmond Symphony Orchestra Negotiating Committee Chair Richard Serpa and Orchestra Committee Chair Stacy Markowitz became the point-people organizing local efforts to defeat the bill in Richmond. Tom Reel, Virginia Symphony Alternate ICSOM Delegate, organized efforts in Norfolk. Each rallied their re-

spective orchestra musicians, studied and disseminated talking points and communicated the action plan. Key to the plan was appearing at the sub-committee hearing on the bill. Just prior to the sub-committee hearing, a legislative staffer asked Rich Serpa and Stacy Markowitz if they were professional lobbyists, to which Serpa replied, "No, I'm a tuba player!" The staffer said, "Well, you guys are better organized than most of the lobbyists we see coming through here."

Meanwhile, Doris Crouse-Mays worked tirelessly in her advocacy for musicians, coordinating input from multiple sources and arguing persuasively against HB 1254. When sub-committee legislators learned of the federal conformity problem, support for the bill diminished rapidly. In the end, the bill was indefinitely tabled, effectively killing it.

Many people participated remotely, helping to harness the power of the AFL-CIO, while others served on site as the ground force. Working together, we achieved a successful outcome. The positive result serves as a reminder that our strength comes from collective action. Each of us has an important role to play. Together, "we" are the Union.

Jay Blumenthal is AFM Symphonic Services Division Director and Assistant Treasurer.

The Union in Wichita

The Musician's Union has given me a voice in securing adequate working conditions and workplace safety. Through the benefit of collective bargaining, the union has made it possible for me to feel secure in my job and level of pay. The union provides a legally binding grievance and arbitration system to enforce these contracts.

The union, however, is only as strong as its collective membership. That is why even in "Right To Work" states, union membership is needed so that everything gained by past contracts is not lost. We can not afford to go back to the time of very low wages, unsafe working conditions and a lowering of professional respect and standards.

-Dennis Danders, Wichita Symphony

The Union in Houston

I remember being twenty years old and going on my first ballet tour. It was 1977. I learned very quickly that the Collective Bargaining Agreement (CBA) was our protection, and it gave the musicians and management guidelines. At the time what I did *not* understand was the importance of the Union in getting these protections and guidelines.

Over the years of playing in the Houston Ballet Orchestra and the Houston Grand Opera Orchestra, and serving on orchestra and negotiating committees, I have seen first-hand many benefits of the Union. When I have participated in negotiations, I wondered what I would be making per service if I had to negotiate my own salary. I wondered how long rehearsals would run. I wondered if I would ever have a day off. I wondered if physically I would be able to survive the rigorous schedule that Management would expect of me. I wondered if I would also have to answer phones or make telemarketing calls. I also think about the audition process and think that there would probably be no screen or warm-up room.

With the guidelines of the AFM, I know that I will have at least a ten-minute break every hour I rehearse. I know I already have a base wage scale, and I know that there are guidelines for numerous working conditions. I also know that most auditions will be behind a screen.

Without the Union, I am curious about how safe my work environment would be. In the orchestra pit, would there be boards lying about and dangerous electrical wiring everywhere and dirt being swept from the stage into the pit during intermis-

sions? And what about the stairs into the pit? In my CBAs I have protection from all of these hazards.

And then there is the scenario of the guest conductor who decides to fire musicians. What protection would I have if I was not protected by the Union and the CBA?

I see the results of my union predecessors in how far they have brought my orchestras because of their willingness to

I see how powerful a group of people can be when they fight for a common goal of better pay and benefits and working conditions.

fight for fair wages and working conditions. They fought hard to improve things for themselves and for the next generations of musicians. I see how powerful a group of people can be when they fight for a common goal of better pay and benefits and working conditions.

I see how the local Union helps the orchestra committees by giving them legal aide, guidance, and support. I see how the local Union helps individual musicians with grievances and arbitrations. I have seen my Local Union board save jobs because they fought to give their members fair representation under the United States labor laws. The grievance and arbitration process goes beyond the AFM. This process is given to us by the AFL-CIO. It's pretty amazing to know that all of this is in place for an individual who is a Union

member.

It's impressive to see how the AFM helps musicians by providing negotiators and labor lawyers, media language so that we get paid for our recorded material, lobbyists in Congress fighting for legislation that protects our musical product. I see how the AFM is fighting to protect our pension so that we all might be able to retire someday.

I have learned that there is more to my job than playing my instrument. I see the importance of being knowledgeable about the benefits that the Union provides for me because of the efforts of my union colleagues in my orchestras, city, and country.

My Local offers a CPAM card (Center for Performing Arts Medicine) that helps me see doctors if I have an injury or illness that prevents me from playing my instrument. We have a very strong credit union that can give loans for cars and instruments. I can be a Union Plus credit card holder and receive benefits such as travel discounts, mortgages, and AT&T discounts. Also, liability insurance and instrument insurance is available. Plus I am vested in the AFM Pension Fund. I know I will have money for retirement.

The Union is made up of all of us together. We all want the same things: job security, benefits, fair pay, safe working conditions, and fair treatment. If you aren't a member, then your union work dues are not there to help pay for the benefits that the Union provides. Being united makes us strong. All of us participating makes us even stronger.

-Nancy Nelson, Houston Grand Opera Orchestra and Houston Ballet Orchestra

The Union in Colorado Springs

The seed of unionism started early for me. Raised in an environment of honesty and fairness, standing up for the underdog and fighting bullies seemed the natural thing. Encouraged by an early education from the Lone Ranger, Robin Hood, Zorro, Ninja Turtles, Norma Rae, and a host of others, becoming a union member was the logical choice. In my orchestra I have been a member of nearly every negotiating committee for the last 25 years, and have been the steward for about half that time. I have served on numerous orchestra committees – some easy and some

not so much – but for me it has seemed the best way to stand for justice, safety, equality, and also the means to ask questions like why services are being cut when ticket sales are going up and management's salaries have jumped to the six figure range. Whether it was in restarting our bankrupt orchestra, or in keeping the orchestra we have going, for me it has never been an issue of whether, or why, to be a union member, only of how to wisely use the power we have. All of us collectively make the Union, but it is by working together that we are strong.

-Mary Anne Lemoine, Colorado Springs Philharmonic

The Union in Spokane

Why do I belong to the union? I HAVE to! Washington is a labor state and everyone in my orchestra is a member. It's great! No one in my orchestra seriously objects or complains about having to be a member, and the huge majority are grateful for having AFM representation. Having full membership enables our small local to do a good job representing us.

I first learned of the existence of the musicians' union while in high school. It struck me as odd that such an ethereal activity as music would have a trade union. However, now that I make my living as a performer, I see how a musician's union makes perfect sense. I first joined the AFM primarily for the networking and freelance job referral opportunities.

Since playing with the Spokane Symphony, I've witnessed the union fend off a proposed (post 9-11 stock market dip) 5% pay cut, and inspire subsequent cost of living increases as well as core service growth, as well as negotiate pay freezes rather than cuts

in the post 2008 economic recession. I know that even with union dues taken out, my paycheck is larger than it would be without collective bargaining, and that's not to mention the working conditions and other benefits and protections that a good, enforceable contract provides.

Part of my livelihood still includes playing in other, non-union orchestras. This gives me the opportunity to observe the differences between the levels of professionalism, understanding and commitment by the board, and fair representation of musicians in union vs. non-union orchestras, and I can tell you that working life in every respect is better in a union group.

Professional interests are often the basis of social connections. I spend much of my free time with professional colleagues. A union also helps facilitate, expand, and enrich these social connections which in turn, help nurture the professional life.

-Greg Youmans, Spokane Symphony

"History is a great teacher. Now everyone knows that the labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them."

-Martin Luther King Jr.

The Union in Minnesota

The Union helped me and the members of my orchestra at a critical time in our struggle to exist. We were in negotiations for a new CBA when our management was approached by another orchestra's management, offering to replace our orchestra with their more prestigious orchestra, with both managements being prompted by the management of the venue where both orchestras rent. Being an appealing offer, they left the table.

This created a horrific situation, where through the Union we filed an unfair labor practice and went on strike. The Local was in a predicament, because they represented both groups of musicians, both negotiating for new CBAs, and now one was faced with replacing the other, or face severe financial hardship in their own bargaining.

With the Union's leadership and resources, we were able to organize our strike efforts for maximum effectiveness, create dialogue with the other orchestra musicians, and successfully navigate a negotiation process between two orchestras and an alliance of three management groups. None of this would have been possible if not for the Union.

-John Michael Smith, Minnesota Opera

The Union in Long Beach

Benefits I have received from the union are basic working condition rights I can call on when I need. For instance: getting paid. The union ensured that I would get a payment for my services. We take that for granted. Not long after I joined the union 20 years ago, a violinist friend of mine in England expressed frustra-

tion because there is no time limit or guarantee of a paycheck in that country. After a month or more goes by, if any of them ask a contractor when they can expect their paycheck, they get taken off the contractor's list. That began waking me up to the need for a union, even if not everything is perfect.

When I was younger, didn't know better and just getting started, I did some non union jobs. As a result, I gained an appreciation for the union jobs once I even learned of a union and realized I should join. Union jobs actually give people break times, and a predictable start/stop time. The differences in working conditions are immediately seen.

Unions are not perfect. I am a realist now. However, they are a better alternative to being non-union and getting overworked or even more underpaid. Being in the union has given me a perspective that encompasses more than just a "check under the table". In the union, I can work towards my health insurance and pay a little into my pension.

-Dyrell Weber, Long Beach Symphony Orchestra

The Union in Portland

Joining the union as a young freelance musician afforded me many benefits. One of the benefits was the expectation of standardized working conditions. I could now expect similar work conditions in all of my freelance engagements. Another benefit was the issue of a seasonal contract from orchestras I frequently perform with. This helped me to help organize the guaranteed work that I was offered.

-Richard Kelly, Portland Symphony

Solving Issues Through a Collective Effort

by Carla Lehmeier-Tatum

I was recently asked to participate on a panel discussion entitled "Living a Musical Life—Today's Professional Musician" at the American Orchestra Summit II hosted by the University of Michigan. I thought the following comments I contributed might offer our members a broader prospective of the issues our regional orchestras are dealing with today.

I won my first professional job as a cellist in the late 80's. It was a very exciting time for regional orchestra musicians because symphony boards were building an institutional vision calling for artistic excellence which was to be accomplished by creating competitive wages. Being that I entered the professional symphonic world over twenty five years ago, I wondered how musicians who recently entered the field directly from college felt about the climate in today's orchestras. I sought out a recent graduate from Juilliard. His response was that while he was in school he realized it was very difficult to win a job, however didn't think to question the financial stability of an orchestra when contemplating taking a position. He stated that he never imagined that he would have to worry about keeping a job once he won a position or that he would have to fight to maintain his standard of living.

It is interesting to me that I was asked a similar question last year when I served on a panel of the Federation of International Musicians. During my preparations for this panel discussion, I posted an inquiry to the ROPA Delegates about work situations for symphonic musicians. To my surprise a flurry of responses came in about the change in the musicians' morale and commitment to their organization.

One Delegate wrote, "As the amount of work decreases and the personnel rotates more and more, there is less and less commitment to the organization. You start to get a 'take the money and off to the next gig' attitude. There is dwindling concern for the organization's health. Managements don't seem to understand how bad this type of erosion is."

Another response included this insight: "Producing art has a large psychological and spiritual component: it is not factory

work, or even merely craft. Morale and goodwill play an important role in achieving the desired artistic experience for all – therefore the idea that all we need to do is to get the right personnel to show up at the right time sadly misses the larger picture of what is required for artistic success."

One Delegate shared that "musicians are turning out for auditions in large numbers, but when they realize they cannot afford to work under the pay scale they either play a few concerts and leave or don't accept the position."

All of the comments I received included remarks about the decline in the artistic level as a result of the concessions the musicians have sustained. I posed a similar question last week and received many of the same answers.

"Producing art has a large psychological and spiritual component: it is not factory work, or even merely craft."

One ROPA musician wrote: "I'm one of those with many jobs and have been getting more and more questions about how to get temp work from folks in the orchestra. We're less and less able to focus on being great musicians, as we try to keep up with life. And I am from an orchestra that seems to be doing WELL."

Another comment: "Our orchestra is also a victim of the times, with musicians looking for the best employment wherever they can find it, with the end result being much less commitment to the organization than was ever evident before. With the significant cuts endured by the musicians we also lost much of the commitment to the orchestra that we had all enjoyed before, and of the quality naturally suffers."

Here are remarks from a ballet orchestra musician: "Our situation, where the ballet company is intent on reducing costs by keeping wages and services low, results in our orchestra functioning much like a non-contracted, non-permanent orchestra. This impoverishment of the con-

tracted musicians results in a significant number of our musicians going absent for adversely long durations. Some of our players miss weeks or months at a time, while others are gone for a year or more. This, combined with the sporadic nature of our work as a ballet orchestra, reduces the time we spend together making music, which results in a more difficult task when it comes time to create good performances with few rehearsals. It reduces the time we spend together addressing ongoing issues related to maintaining our collective bargaining agreement. It also reduces the time we spend together engaged in general networking and visiting, which reduces cohesiveness and camaraderie. All of this results in reduced incentive to identify with the orchestra, which leads to concerns about possible degradation of performances and artistic integrity, though I'm happy to report that our orchestra continues to achieve fine performances despite these many challenges."

And a final comment: "As the orchestra has cut services for each of its productions we increasingly see members of the orchestra who choose to take other work, thus leaving us with an ever increasing number of subs in the orchestra. There tends to be a prevailing attitude of playing the gigs that will pay the most rather than trying to build a reputation for reliability, which takes years of loyalty and dependability to an organization. This attitude affects the ensemble in a negative manner, as the entire orchestra becomes more of a pick-up group than a solid personnel group. There is also a tendency among musicians toward apathy about the orchestra and its future, and about other orchestras as well."

I believe that the issues shared can only be as addressed through an organized collective effort. These efforts should be directed toward changing the perception of some of our symphonic boards of directors that musicians are not viewed as a liability but rather regarded as the invaluable resource worth the continued investment.

Carla Lehmeier-Tatum is ROPA President.

ROPA Musician Spotlight: Johanna Lundy

by Carla Lehmeier-Tatum

Last fall I joined AFM Local 33 when I was performing with the Tucson Symphony. Since that time I have received consistent proactive emails from Local 33 that covered their upcoming activities. One of the intriguing details was a report of strong attendance at their last general meeting. Since the Local has been in existence for just over two years, I decided that it would be interesting to get an insider's perspective from the President of Local 33.

In two years the Tucson Symphony has achieved 89% AFM membership. In a right-to-work state, how did you increase your membership numbers?

"I would have to give a lot of credit to the founding members of the union board. Each year they initiated a membership drive; this past drive increased our membership by 10%."

"One thing I really wanted to mention is how great it has been working with our current Secretary-Treasurer, Sara Fraker. She was in this position the last two years as well and she is doing a great job. We make a great team and we couldn't be doing ANYTHING with the local if that relationship was not so harmonious."

What are the benefits that you have seen since the Tucson Symphony came back to the AFM?

"The benefits that I have seen as a ROPA member and a union member include the resources for negotiations and the networking within the different orchestras and the locals. This has been a tremendous gain for our membership."

Why did you decide to run for office at your local?

"I have always been involved with the union because I felt that the union was important. I decided to run for President because I wanted to see more action in the local membership, especially in a right to work state. I really felt that it was necessary to show tangible benefits for membership as everyone is hurting and watch-



ing their pennies."

"I also had a vision of things that I wanted to accomplish. Last year the local board wanted the community to know that we existed and we decided that we wanted to be featured in the news. We started with a petting zoo at Pima Area

Council Labor Day Picnic which turned into one of the most popular events of the day. I am excited about our project this spring which is the Tucson Youth Music Fair, Exploring Music and Sound. This event will allow our musicians to promote themselves as teachers and will host master classes, sessions on instrument making, a petting zoo. The day will provide an opportunity to bring our local members together and we will be able to promote the union and our referral service. This is a great way for us to reach out to the community in a way that will not cost us anything and we will benefit by sharing a tremendous resource to our community."

What has your focus been since you took office at the beginning of the year?

"We have increased our participation with the Pima Area Labor Council and have experienced mutual respect as we have worked towards supporting their efforts. We hope to assist in the upcoming election campaigning and get a lot of volunteers."

"We are continually expanding our referral service. Our goal is to create a community and encourage a fellowship as the community has not been part of anything like this for the past ten years. If we can develop that, it will mean so much to our music community."

Johanna Lundy is Principal Horn of the Tucson Symphony and President of the Tucson Federation of Musicians Local 33.

"The American Labor Movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all Americans."

-President John F. Kennedy

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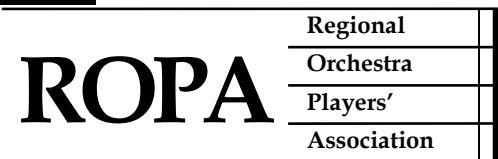
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Lincoln Symphony Orchestra
Milwaukee Ballet Orchestra
Pittsburgh Ballet Orchestra
Tulsa Opera Orchestra



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