

## Minutes 2015 ROPA Conference Toledo, OH

Tues, July 28 – Thurs, July 31, 2015

### **Full Members**

Akron Symphony Orchestra  
Albany Symphony  
Allentown Symphony  
Ann Arbor Symphony  
Arizona Opera Orchestra  
Atlanta Ballet Orchestra  
Atlanta Opera Orchestra  
Austin Symphony Orchestra  
Boulder Philharmonic  
California Philharmonic  
California Symphony  
Canton Symphony Orchestra  
Chattanooga Symphony & Opera Orchestra  
Colorado Springs Philharmonic Orchestra  
Dallas Opera Orchestra  
Dayton Philharmonic  
Duluth Superior Symphony Orchestra  
East Texas Symphony Orchestra  
El Paso Symphony  
Elgin Symphony Orchestra  
Erie Philharmonic Orchestra  
Fort Wayne Philharmonic  
Fresno Philharmonic Orchestra  
Harrisburg Symphony Orchestra  
Hartford Symphony Orchestra  
Houston Ballet Orchestra  
Houston Grand Opera Orchestra  
Huntsville Symphony Orchestra  
Illinois Philharmonic Orchestra  
Kalamazoo Symphony Orchestra  
Knoxville Symphony Orchestra  
Las Vegas Philharmonic  
Lexington Philharmonic  
Long Beach Symphony Orchestra  
Los Angeles Opera Orchestra  
Madison Symphony Orchestra  
Michigan Opera Theatre Orchestra  
Minnesota Opera Orchestra  
Mississippi Symphony Orchestra  
Monterey Symphony  
New Mexico Philharmonic  
Oakland East Bay Symphony  
Omaha Symphony Orchestra

Orchestra Iowa  
Pacific Symphony  
Palm Beach Opera Orchestra  
Pasadena Symphony  
Pittsburgh Opera Orchestra  
Reading Symphony Orchestra  
Richmond Symphony  
Santa Barbara Symphony  
Santa Rosa Symphony  
Sarasota Orchestra  
South Bend Symphony  
Southwest Michigan Symphony Orchestra  
Spokane Symphony Orchestra  
Symphony Silicon Valley  
Tacoma Symphony Orchestra  
Toledo Symphony Orchestra  
Tucson Symphony Orchestra  
West Virginia Symphony  
Wichita Symphony Orchestra  
Wisconsin Chamber Orchestra

### **Associate Members**

Flint Symphony Orchestra  
Glimmerglass Festival Orchestra  
Green Bay Symphony Orchestra  
Hudson Valley Philharmonic  
Lincoln Symphony Orchestra  
Milwaukee Ballet Orchestra  
Pittsburgh Ballet Orchestra  
Tri-Cities Opera  
Tulsa Opera Orchestra

### **Member Orchestras Not Represented**

Binghamton Philharmonic  
Delaware Symphony Orchestra  
Eastern Connecticut Symphony  
Eugene Symphony  
Hollywood Bowl Orchestra  
Lansing Symphony  
Memphis Symphony Orchestra  
New Haven Symphony Orchestra  
New West Symphony  
Portland Opera Orchestra  
Portland Symphony Orchestra  
Rhode Island Philharmonic  
Shreveport Symphony Orchestra  
Southwest Florida Symphony Orchestra

July 28, 2015

### **Proceedings**

ROPA President Carla Lehmeier-Tatum warmly welcomed the Delegates and attendees and called the Conference to order at 9:00 a.m., Tuesday, July 28, 2015. The opening proceedings were held at the Grand Plaza Hotel in Toledo, OH. President Lehmeier-Tatum introduced the ROPA Executive Board: Vice-President Nancy Nelson, Secretary Karen Sandene, Treasurer Donna Loomis, Members-at-Large, Karen Barker, Naomi Bendorf-Frisch, Taylor Brown, Janice Galassi, Mike Smith and Steve Wade.

### **Quorum**

Secretary Sandene performed the Roll Call, and determined that there was a quorum, with 72 orchestras represented; 63 Full Members and 9 Associate Members.

### **Welcoming Addresses**

Al Tapin, President of AFM Local 15-286 welcomed the delegates.

Merwin Siu, Artistic Administrator for TSO, Principal Second Violin -Toledo Symphony

Scott Boberg, Director of Programs, Toledo Museum of Art

Emilie Sargent, Secretary/Treasure of AFM Local 15-286

### **Marc Folk – Ohio Citizens for the Arts**

Marc Folk discussed the importance of advocacy for the arts, stressing the need to curate our language to our audiences. He also spoke of the importance of creative place-making and stressing the economic importance of the arts to our legislators.

### **Randall P. Whatley – Cypress Media Group**

Randall P. Whatley of the Cypress Media Group addressed the conference on the importance of messaging and media campaigns. Also discussed was effective communication with board members, past and present. Jane Slaughter – Former Editor of Labor Notes

Barbara Zmich, President-Emerita of ROPA, introduced Jane Slaughter, former editor of Labor Notes. Slaughter discussed strategies that were used during the UPS Strike, the Chicago Teachers Strike, and the fast-food workers Living Wage campaigns.

### **MAL Breakout Sessions**

The ROPA Delegates met with their Member-at-Large and SSD representatives in closed sessions to discuss their orchestra's situations and their members' concerns.

### **Topic Breakout Sessions**

ROPA Delegates returned to the Toledo Grand Plaza Hotel for afternoon groups and were invited to attend two breakout sessions on a variety of topics, which included the basics of Twitter and other social media formats, messaging the successes in our industry, Orchestra Committee 101 and reading budgets.

### **New Delegate Orientation**

The new Delegates attended an orientation hosted by President Lehmeier-Tatum and Vice President Nelson.

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### **Ray Hair – President, American Federation of Musicians**

Ray Hair, President of the AFM, addressed the conference on the topics of Media Convergence and Performance Rights. Among the topics President Hair addressed were the Integrated Media Agreement, performance/media agreements, and how to build power through unity.

### **Officer Reports**

Secretary Karen Sandene delivered the Secretary's report.

Treasurer Donna Loomis delivered the Treasurer's report.

Vice President Nancy Nelson gave her Vice President's report, which covered how new delegates can take the information and energy gained at conference and take it back to their orchestras, serving as advocates to their membership.

President Lehmeier-Tatum delivered the President's Address, which addressed educating new board members and making connections in our communities.

### **Break-out Sessions**

The Delegates attended two sessions of their choice from the following three sessions: 1) Labor Studies Center, Wayne State University: Jackie Daugherty/Building Participation Through Communication, 2) Labor Studies Center, Wayne State University: Dennis Albers/Building New Union Activists, 3) ICSOM Chairman Bruce Ridge and Cypress Media President Randy Whatley/Media Messaging.

### **Labor Studies Center, Wayne State University**

Dennis Albers and Jackie Daugherty of the Wayne State Labor Studies Center led a session on Mobilizing Your Membership.

### **Hartford Rally Update**

Nathan Kahn and Steve Wade gave an update on Hartford. They invited the conference to attend a rally in Hartford on September 9, 2015.

### **Conference Reports**

Representing their various conferences were Maurice Grants (RMA), Liz Johnston (OCSM), George Troia (TMA), and Bruce Ridge (ICSOM).

### **Jay Blumenthal - Symphonic Services Division**

Jay Blumenthal, Director of the AFM Symphonic Services Division, highlighted some key symphonic successes and challenges from this past season.

### **Symphonic Services Division Presentations**

SSD staff members in turn addressed the delegates on the following topics: Todd Jelen, with a look at the history of the labor movement; Laurence Hofmann spoke of the progress on the electronic wage chart; Nathan Kahn stressed the importance of completing conductor evaluations; and Chris Durham on the importance of building long-term relationships.

### **Nominations**

President Carla Lehmeier-Tatum rose to the podium to lead nominations for Vice President. Mary Anne Lemoine, Colorado Springs Philharmonic nominated Nancy Nelson, Houston Ballet and Grand Opera Orchestras. The Conference then elected Nelson by acclamation.

Nominations for Secretary were taken. James Giles, Omaha Symphony, nominated Karen Sandene, Omaha and Lincoln Symphonies for the office of Secretary. The Conference then elected Sandene by

acclamation.

The following people were nominated for four open ROPA Member-at-Large positions (2-year positions):

- Karen Barker, Erie Philharmonic, nominated by Melanie Rapier, West Virginia Symphony
- Janice Galassi, Allentown Symphony, nominated by Bill Olsen, Illinois Symphony
- Mary Anne Lemoine, Colorado Springs Philharmonic, nominated by Maurice Grants, Pasadena Symphony
- Mike Smith, Minnesota Opera Orchestra, nominated by Ann Gilbert, Akron Symphony
- Maya Stone, Huntsville Symphony, nominated by Maurice Grants, Pasadena Symphony

### July 30, 2015

#### **Rochelle Skolnick – Role playing**

Rochelle Skolnick led the delegates in a mock Grievance procedure, “The Curious Case of Charles the Cellist: a Participatory Practicum in How to Represent Musicians in Disciplinary Investigations and Grievances”.

#### **Debbie Newmark – IMA**

Debbie Newmark, SSD Director of Symphonic Electronic Media, spoke on the Integrated Media Agreement.

#### **Nathan Kahn Birthday Celebration**

The Conference wished Nathan a Happy Birthday, singing a parody of “When I’m 64”.

#### **Green Bay Update**

Steve Westergan (ROPA Delegate) addressed the delegates on the process of the musicians putting together a performance season.

#### **Resolutions**

The following Resolutions were approved by the ROPA Conference:

#### **Resolution No. 1 – Supporting the musicians of the Hartford Symphony Orchestra in their fight to maintain fair wages and working conditions.**

##### **Hartford Symphony Orchestra Resolution**

Whereas, The Hartford Symphony Orchestra (HSO) is the second largest orchestra in New England with a 72-year history of classical music performance; and,

Whereas, The musicians of the HSO have demonstrated their willingness to give to the orchestra with many concessions and compromises in three contract re-openers and two contract extensions since the 2007-08 season; and,

Whereas, The musicians of the HSO have been working without a contract since June of 2013; and,

Whereas, The musicians of the HSO, hoping for a long awaited effort to raise money for the Orchestra's endowment, supported the proposed strategic alliance with the Orchestra's home performing venue, the Bushnell Center for the Performing arts in April of 2014; and,

Whereas, The efforts to raise money for the long term security of the Orchestra by the Board and the new management have been postponed and redirected to other initiatives, including digital performance; and,

Whereas, The new management is proposing a contract that would dramatically reduce the service guarantee as much as 40% for the musicians of the Core Orchestra; and,

Whereas, The new management is proposing a contract that would require musicians to be available for services it refuses to guarantee will take place, in particular during weekday afternoons when many musicians must work other jobs in order to make a living wage; and,

Whereas, The new management is proposing to dramatically increase the percentage of services the musicians must perform in order to maintain employment with the Orchestra; and,

Whereas, The Music Director has recently signed a six year agreement with the Orchestra, and management plans to engage an assistant conductor; and,

Whereas, salaries and benefits to administrative staff have increased; therefore, be it

**Resolved**, That the Regional Orchestra Players Association (ROPA), representing 86 American Federation of Musicians (AFM) member orchestras composed of over 7000 American musicians, hereby supports the musicians of the HSO in their efforts to preserve their orchestral institution of great tradition and quality; and further, be it,

**Resolved**, That ROPA urges the management of the HSO to agree to provide a fair and equitable agreement on wages and working conditions so that its musicians can continue to support their families and maintain their high level of performance.

Submitted by: The ROPA Executive Board

**Resolution No. 2: Resolution applauding and celebrating the success of one of our ROPA orchestra for innovative programs supporting the value of the arts and culture in its community.**

**Omaha Symphony Resolution**

Whereas, That due to the ongoing development of the Omaha Symphony's award winning education and community engagement programs; and

Whereas, They have continued to develop such programs; and

Whereas, They have encouraged and supported countless young musicians in the Omaha, Nebraska area; and

Whereas, In addition to their annual sold-out Christmas Spectacular production, Symphony, Symphony Rocks, the Movie Music series and the Masterworks Series, they have produced a highly successful and innovative Family series; now, therefore, be it,

*Resolved*, That the Regional Orchestra Players Association hereby applauds and commends the Omaha Symphony for its creative and innovative support of, and recognition of the value of the arts and culture to the citizens of Omaha, Nebraska and its environs.

**Submitted by:** The ROPA Legislative Committee

**Resolution No. 3: in Recognition and Thanks to the AFM for Wage Chart Support and Funding**

**Resolution in Support of the New Wage Chart Website**

Whereas, The American Federation of Musicians (AFM) produces and publishes Wage Charts which summarize the latest available information on the basic provisions contained in current collective bargaining agreements of the orchestras that are members of the Regional Orchestra Players' Association (ROPA); and,

Whereas, This publication informs and educates ROPA, ICSOM and OCSM musicians and their representatives; and,

Whereas, The publication of these Wage Charts greatly enhances our ability to effectively negotiate our collective bargaining agreements; therefore, be it,

*Resolved*, That the Regional Orchestra Players Association (ROPA) recognizes and heartily thanks the American Federation of Musicians (AFM), AFM President Raymond Hair, AFM Symphonic Services Division (SSD) Director, Jay Blumenthal, SSD Contract Administrator/Communications & Data Coordinator, Laurence Hofmann, and the representatives from the symphonic players' conferences of ROPA, ICSOM and OCSM for creating, supporting and funding the Wage Charts website.

Submitted by: The Executive Board of ROPA

**Resolution No. 4: Encouragement of the AFM to design a comprehensive and specialized education program to train AFM leaders with the objective of teaching students in music schools the value of unionism**

**Union Education for our  
Music Training Institutions Resolution.**

Whereas, The Regional Orchestra Players' Association (ROPA), understands that there is a growing need for education among musicians entering the workplace; and,

Whereas, Because Anti-union campaigns have influenced national sentiment against the American labor movement; and,

Whereas, ROPA recognizes that there are a number of locals of all sizes that have created successful presentations for music schools in their jurisdiction that highlight the union and the labor movement; and,

Whereas, ROPA supports the democratic union objectives being sought by the AFM and its local unions; AFM locals that have presented union seminars for music students that have generated new members who are educated, interested and involved in their respective locals; therefore, be it,

*Resolved*, That the Regional Orchestra Players' Association (ROPA) encourages the American Federation of Musicians to design a comprehensive and specialized program for university, conservatory, and high school students that would train all AFM field staff, local officers and player conference delegates with the objective of having many trained AFM educators to go out into universities, conservatories and other schools to aid in the education objective; and, be it further,

*Resolved*, That ROPA encourages the AFM and its locals to establish a dialogue with the National Association of Schools of Music (NASM) about a future that would include

coursework about the American Federation of Musicians and the American Labor movement.

**Submitted by:** The Executive Board of ROPA

**Resolution No. 5: Support for the AFM and discouraging Right-to-Work Beck Fi-Core Status.**

**Resolution Rejecting Beck (Fi-Core) Status**

Whereas, Membership in labor unions has been, and continues to be the greatest power of workers, through collective bargaining, to secure favorable wages, safe working conditions, and fair labor practices from employers; and

Whereas, Workers in "Right-To-Work" states (states that do not require union security agreements) have wages that are 3%-17% lower than workers in free-bargaining states [\*] ; and,

Whereas, Workers in right-to-work states enjoy lesser health care benefits and are less likely to receive pension benefits through their employers than workers in free-bargaining states; and,

Whereas, Workplace fatalities are 54% higher in right-to-work-states than in free-bargaining states; now, therefore, be it,

*Resolved*, That the membership of ROPA deplors the efforts of any entity that, by promoting right-to-work or Beck (Fi-Core) status, seeks to undermine the power of labor unions to negotiate for the benefit of all workers; and, therefore, be it,

*Resolved*, That the membership of the Regional Orchestra Players Association (ROPA) reaffirms its support for the AFM in promoting the value and benefits of union membership, and supports its efforts and actions to expand union membership; and, therefore, be it,

*Resolved*, That it is the sense of this 31st ROPA Conference, that workers who chose right-to-work or Beck Fi-Core status, do inadvertently undermine the power of labor unions and reduce the negotiating power of their co-workers; and further, be it,

*Resolved*, That ROPA encourages all workers to join the union.

\* [according to the Bureau of Labor Statistics, the Economic Policy Institute, and the AFL-CIO]

Submitted by: The ROPA Executive Board



**Resolution No. 6: Resolution commending Ohio State Legislature and the Ohio Citizens for the Arts for fiscal support of, and recognition of the value of the arts and culture to the residents of the State of Ohio**

**Ohio State Legislature and the Ohio Citizens for the Arts Resolution**

Whereas, The Ohio State Legislature has recommended an increase in funding for the arts and culture through the release of the state budget recommendation for the fiscal years 2016 and 2017; and,

Whereas, This budget increases the Ohio Arts Council's General Revenue Fund appropriations from \$11,349,204 in 2015 to \$11,972,050 in 2016 (a 5.5% increase) and to \$12,472,050 in 2017 (a 4.4% increase over 2016); and,

Whereas, the budget proposes increasing the Ohio Arts Council's subsidy (grant-making) line item by 5.2% from \$9,700,000 in fiscal year 2015 to \$10,200,000 in fiscal year 2016, and further increases to \$10,700,000 in 2017, an increase of 4.9% from fiscal year 2016; and,

Whereas, The budget proposals are a substantial investment in the arts and culture of the State of Ohio through the Ohio Arts Council; now, therefore, be it,

*Resolved*, That the Regional Orchestra Players Association (ROPA) hereby congratulates and highly commends The Ohio State Legislature and The Ohio Citizens for the Arts for their grassroots efforts in support of, and recognition of the value of the arts and culture to the residents of the State of Ohio.

**Submitted by:** The ROPA Legislative Committee

**Resolution No. 7 - Subject: Resolution commending the U.S. Senate for its recognition of the importance of, and support for arts education.**

**Resolution Commending the U.S. Senate's Support of the Every Child Achieves Act**

Whereas, The law, the No Child Left Behind Act of 2001(NCLB), expired in 2007; and,

Whereas, The United States Senate has not considered K-12 education legislation on the Senate floor since 2001; and,

Whereas, The Senate just passed the Every Child Achieves Act by a vote of 81-17; and

Whereas, This Senate bill contains 11 arts-friendly provisions, and retains the arts as a core academic subject; now, therefore, be it,

**Resolved**, That the Regional Orchestra Players Association (ROPA) hereby moves to heartily commend the U.S. Senate for its recognition of the importance of, and support of the Every Child Achieves Act and inclusion of the provisions in it that support arts education for all students in K-12; and further, be it,

**Resolved**, That ROPA commends all American schools and educators who participate in Every Child Achieves, acknowledging their support of student achievement, in particular as it applies to arts education.

Submitted by: The ROPA Executive Board

**Resolution No. 8: Encouragement of orchestras to classifying musicians as employees, as required by the Internal Revenue Service, instead of misclassifying them as independent contractors.**

**Orchestral Musicians Employee Status Resolution**

Whereas, According to the Internal Revenue Service (IRS), an individual is an independent contractor only if “the payer has the right to control or direct only the result of the work and not what will be done and how it will be done”; and,

Whereas, The earnings of a person who is working as an independent contractor are subject to Self-Employment Tax (tax paid only by the independent contractor (IC); and,

Whereas, if you are an independent contractor, you are self-employed; and,

Whereas, The IRS states that you are not an independent contractor if you perform services that can be controlled by an employer (what will be done and how it will be done); and,

Whereas, This applies even if you are given freedom of action; and,

Whereas, Orchestral employers have the legal right to control the details of how services are performed; and, therefore, be it,

**Resolved**, That orchestral musicians, whether in opera, ballet, symphony, or chamber

orchestras, are not independent contractors as defined by the IRS; and, be it,

**Resolved**, That these orchestral musicians are employees as defined by the IRS; and, be it, further,

**Resolved**, That the Regional Orchestra Players' Association (ROPA) and its 86 orchestras with over 7,000 members believes that American businesses should cease misclassifying orchestral musicians as independent contractors and give them all the legal rights and privileges associated with employee status.

**Submitted by:** The ROPA Legislative Committee

### **Elections**

The Election Committee consisted of Katie Shields, Arizona Opera Orchestra (chair); Ann Gilbert, Akron Symphony; and Debbie Spangler, Symphony Silicon Valley / Oakland East Bay Symphony. Katie Shields delivered the election results; there were no problems.

Member-at-Large Results:

* John Michael Smith, Minnesota Opera Orchestra	49
* Maya Stone, Huntsville Symphony	45
*Janice Galassi, Allentown Symphony	41
*Mary Anne Lemoine, Colorado Springs Philharmonic	37
Karen Barker, Erie Philharmonic	25

\* Elected to a 2-year term

### **Hartford Update**

Steve Wade gave an update of the status of the Hartford Symphony.

### **Audit Report**

The Audit Committee consisted of Teresa Dimond, Los Angeles Opera; Norman Ludwin, California Philharmonic, and Mary Anne Lemoine, Colorado Springs Philharmonic. They determined that the books were in order.

### **Barbara Coventry and Jerry Van Hoy**

Barbara Coventry and Jerry Van Hoy discussed the Ohio Senate Bill 5 as a Union Education Campaign.

### **Site Selection for 2017 ROPA Conference**

Phoenix, Arizona was selected as the site for the 2017 ROPA Conference.

### **Oath of Office**

Nathan Kahn administered the oath of office to the newly-elected ROPA Board.

### **Adjourned**

ROPA President Carla Lehmeier-Tatum adjourned the 2015 ROPA Conference at 3:00 p.m. on Sunday, July 30, 2015.

Respectfully submitted,



Karen Sandene, ROPA Secretary