

Responding to Reopener Requests
ROPA Conference 2020
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1. Ask yourself: Why are they asking for concessions? Also, what is reasonable?
 - a. Some managements might try to use this crisis to alter your contracts for the long term
 - b. Is it COVID, or is it a power grab?
 - a. Wages
 - b. Work Dues Check-Off
 - c. Extending Management's Rights
 - d. Extending Force Majeure
 - e. Who controls health and safety?
 - c. What management might do
 - a. Claim they must "save the institution"
 - b. Divide and conquer
 - i. Be sure that all sub-committees report to OC and Local and don't deal directly with management
 - ii. Voluntary Promotional Recordings while bargaining is deadlocked
 - c. Cancel the Season/Lock you out
2. Why bargaining alone might not work now
 - a. Little to no leverage when musicians are out of work/want a paycheck
 - b. NLRB not friendly to our interests; any resolution from NLRB will likely come only long after COVID-19 crisis has passed
3. Back to basics of organizing pre NLRA
 - a. Supermajority consensus
 - b. Movement building
4. Power analysis exercise
 - a. How has your group handled grievances?
 - b. Who do musicians go to with problems in the workplace?
 - c. Have we engaged in any concerted activity recently?
 - d. Who do we know in the community?
 - e. What do we know about management's and the board's relationships in the community?

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5. First Steps

- a. Talk with musicians now about what might be at stake and to get the temperature of the group
- b. If management requests a meeting to discuss or “collaborate” on a “plan going forward” that you think might be a request to re-open bargaining:
 - a. Do not commit to anything
 - b. State you will be willing to listen, but your attendance does not indicate a willingness to bargain. Explicitly state that by listening and discussing, union is not agreeing to reopen.
 - i. Listen, and ask clarifying questions about the information given to you
 - ii. Take copious notes
 - iii. Do NOT offer solutions or engage about “what might be possible”
 - iv. Ask if they are requesting to re-open bargaining
 - a. If the answer is “yes”, have them submit, in writing, a request to the Local or authorized bargaining agent
 - v. Leave the meeting after they have finished
- c. If a request to re-open bargaining is made; alert the bargaining team, engage an AFM negotiator or counsel, and schedule a meeting with musicians.

6. Pre-Bargaining

- a. Meet with musicians to discuss management’s plans and start preparing for the worst possible scenario.
 - a. Discuss the necessity of re-opening at all
 - i. Not compulsory
 - a. Reopening requires agreement of Bargaining Agent and musicians
 - b. Some contracts might be ok NOT to re-open
 - i. No Force Majeure
 - ii. Good (limited) Force Majeure
- b. If you decide to bargain, guidelines to follow
 - a. Limit to a side-letter rather than full re-opener
 - b. Sunset clause
 - c. Keep pay as close to 100% as possible
 - d. Equal distribution of remaining work
 - e. Health and Safety
 - f. Applicable media agreements
 - g. Other limited concessions that will expire
 - i. No reason to entertain eroding the contract permanently for only a limited time variance
- c. Member survey

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- d. Create or re-animate organizing/dispute committees
 - a. Start organizing for the worst
 - b. Member survey
 - c. Create campaign strategy
 - d. One on ones with members
 - e. Ally mapping
 - f. Community mapping
 - g. Opposition research
 - h. Plan out concerted activity
 - i. Start simple and escalate as needed
 - e. Reach out to allies in the community
 - f. Reach out to IATSE and other unions in our halls
 - a. Can help with bargaining safety. Also good to know what safety requirements they're bargaining and/or are already in place
 - g. Other unions and allies to help with a potential fight
7. Bargaining
- a. Ensure current contract provisions stay in place for the future
 - b. Ask management "why?" a lot.
 - a. Get them to explain their plans rather than just accept them as presented.
 - c. Government Health and safety regulations should be a minimum
 - a. Should have levers on both sides
 - d. Information requests, use liberally
 - a. PPP funding
 - b. Money spent on hall rental
 - c. Money spent on videographers
 - d. Hall health and safety regulations and procedures
 - e. Projected Budget for 2020-2021
 - f. Financial report for 2019-2020
 - i. What are plans for fund-raising?
 - a. No reason it should be different during COVID
 - e. Estimates of losses due to lower contributions are just estimates, and are often over-estimated.
 - a. Check for recent changes
8. We are living in unprecedented times. Organizing to build power now will both save you headaches, as well as reap dividends in the future.