

Summer  
2021

# The Leading Tone

## Notes From the President

by John Michael Smith, ROPA President

Welcome Summer!

After surveying our ROPA orchestra delegates and Local officers, the ROPA Executive Board made the decision that we were not ready for an in-person annual conference this summer. As a result, the 38<sup>th</sup> annual ROPA Conference will be virtual, as it was in 2020. We have kept the dates approximately the same, July 26<sup>th</sup> – July 29<sup>th</sup>. We know that we can produce a successful virtual conference, and the response to last year's conference was overwhelmingly favorable. The big plus for a virtual conference is that many more ROPA orchestra members, Local officers and friends can attend who might not be able to attend otherwise. Last year over 300 people registered, and our daily attendance often approached 200 participants. We again have amended our contract with the Hilton Orange County Costa Mesa Hotel, and are planning an in-person 39<sup>th</sup> ROPA Conference in Orange County for 2022.

COVID has taken its toll on us in many ways, and the substantial drop in work income has created financial hardship for many musicians and our AFM Locals. The ROPA Executive Board has decided to further reduce the ROPA membership annual dues for the next two fiscal years, 2021-22 and 2022-23. Annual dues will be reduced to 50% of the regular fee, with ROPA full member orchestra dues at \$350, and associate member orchestra dues at \$110. The ROPA Emergency Relief Fund dues that full member orchestras pay will continue to be \$100. Our hope is that this will allow our orchestras' musician associations and Locals to make an easier financial recovery.



ROPA President  
John Michael Smith

It is truly remarkable that so many of our ROPA orchestras were able to pay their dues for this past 2020-21 year. For those orchestras who were not able to collect dues or make payment, it is hoped that this additional break will help so that by the 2023 conference, we will all be completely caught up. The ROPA Executive Board

has also decided not to expel any orchestras during this recovery period for not paying dues, and also will not assess any late fees.

We have a number of pertinent and timely reports and articles in this pre-Conference edition of *The Leading Tone*. There are articles from orchestras who have been all but shut down: the Fort Wayne Philharmonic and Colorado Springs Philharmonic. There are stories of orchestras that have found ways to keep things going: the Binghamton Philharmonic and Erie Philharmonic. There are articles about COVID safety protocols and knowing your rights when you are recorded.

Registration for the conference should be going up on the website very soon, if not already there by the time you read this. We are working with AFM Symphonic Services to hold a Negotiations Workshop for this conference, tentatively set for Wednesday, July 21 and Thursday, July 22. The ROPA Member-at-Large breakout sessions for their orchestra groups will likely be scheduled the week before the conference as they were last year. We have drafts of several resolutions that will be presented at the conference, and we want to get them to you sooner rather than later so that you have more time to think about them, and be ready to offer any changes or additions that you might put forward when they are presented to the membership at the conference.

I often hear people saying "when things get back to normal". However, in the areas of diversity, equity and inclusiveness, we shouldn't want to go back to the way things were! We have had our

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### INFORMATION CENTER

- This newsletter will be posted online at: <http://www.ropaweb.org>
- To subscribe to the ROPA Internet Mailing List, visit <http://groups.google.com/group/ropa-discussion>.
- The list is open to musicians in ROPA member orchestras, and AFM Local officers for those orchestras.

## If There Are Mics, Know Your Rights!

By Amanda Swain, ROPA Vice President and Delegate,  
Houston Ballet Orchestra and Houston Grand Opera Orchestra

As performing musicians, we all know that streaming and recorded media is a **big deal**, especially in this pandemic year when many organizations have increased their online presence dramatically in an effort to attract audience attention. For symphonic, opera and ballet organizations, our music has largely been produced under the Integrated Music Agreement (IMA) and specific COVID-19 seasonal side letters that relate to expanded media content. These documents are extensive and clearly worded, granting generous rights to both employers and employees. Even with the numerous "freebies" for employers under the IMA, where they are allowed to stream free content within certain limits, there is a danger of misinterpretation that can result in the loss of income for musicians if we are not vigilant whenever there are microphones present. So here is a cautionary anecdote for you!

On May 15, 2021, Houston Grand Opera (HGO) presented a free performance at Miller Outdoor Theatre of "Marian's Song," an opera that tells the story of famed African American opera diva Marian Anderson. There were microphones in the pit to enhance the acoustics of the performance for a large outdoor audience. The musicians were not informed that there would be any streaming or recording of the performance.

A few days later, one of the performing musicians found links to the performance on Miller Outdoor Theatre's Vimeo and other social media channels, discovering that their performance had been livestreamed, recorded and made available to the public.

The orchestra committee was immediately contacted for information regarding the live-streaming and recording of the production. There had been no notification from HGO to



HGO musicians preparing for "Marian's Song." Photo courtesy of Natalie Gaynor.

the committee or the musicians. The orchestra committee began an investigation.

When HGO management was questioned regarding the use of this recorded media, they responded with their interpretation of the IMA's Article VIII. C. 5, which allows for a one-time per season digital release of an event that is free to the public (which Miller Outdoor Theatre performances are) with no further payment the orchestra musicians involved. Apologies were issued for a lack of communication.

While that sounded completely plausible, Article VIII. C. 5 *actually* says, "One time in each season, the Employer may make available on its website or other social media outlets *under its control* (e.g. the Employer's Facebook Page, the Employer's YouTube Channel, etc.), for on-demand streaming, for forty-five (45) days, a concert that was free to the public, with no additional payment to the Musicians."

To the orchestra committee, that was a big red flag as the performance was clearly on third-party websites, which were not under the control of the employer.

The committee made it clear to HGO that they were in violation of the IMA and that a Multi-Platform Release media payment was owed to the musicians. HGO tried again to provide an explanation for their interpretation, stating that HGO had a contract with Miller Outdoor Theatre that limited the terms of use of "Marian's Song." Since HGO maintained control of the material and how it was to be used through a legally enforceable agreement with Miller Outdoor Theatre, they believed they were acting in accordance with the terms of the IMA.

After that communication, it was time to seek a higher power and email Debbie Newmark, the AFM's Director of Symphonic Electronic Media. She confirmed the committee's understanding of the IMA's Article VIII. C. 5, and that what HGO had done was beyond the scope of what was agreed to during the IMA negotiations. According to Debbie, "These free postings were meant for the company's (HGO) website and its social media pages. It was not intended for use by third parties like venue websites or other

collaborating institutions. That is not how the free use of a full performance was meant to be used. This is a free use solely by and for the employer and no one else."

Armed with the words of the AFM's media guru, the committee emailed HGO management one more time in hopes that a settlement could be reached without filing a grievance. HGO had the good sense to listen, and they agreed to issue each musician a Multi-Platform Release media payment for the streaming of "Marian's Song."

The moral of the story here is to ask questions whenever there are microphones out, even if they just appear to be there for audio enhancement. Talk to your orchestra committee. Know how the IMA is being utilized. Double-check your paycheck explanations to make sure you were compensated correctly. Do not just take it as a given that management is adhering to the IMA. Do your own research. Know your rights!

**SAVE THE DATE! 2021 ROPA Conference**  
**Monday, July 26th – Thursday, July 29th**  
 Negotiating Orchestras Workshops: Wednesday, July 21st and Thursday, July 22nd



Photo courtesy of Sharon Jones

## What's Happening in Colorado Springs?

By Ann Rule, Delegate, Colorado Springs Philharmonic

It was the spring of 2019, a few months before our contract (CBA) was to expire in July. None of us could yet imagine the depth of the challenge we would soon face. However, we could anticipate that negotiations for a new contract could be difficult, so we distributed leaflets and engaged conversations with patrons in the lobby before and after our concerts in May. The leaflet featured a graph showing 85% growth in the total budget of the Colorado Springs Philharmonic (CSP) over the previous 10 years, starkly contrasted with 14% growth in musician compensation. Messages also were included that celebrated success and thanked patrons for their support.

Negotiations commenced led by Orchestra Committee (OC) Chair Jeremy Van Hoy, bass trombone, and Local 154 President Sarah Wilson, cello, with the assistance of AFM negotiator Todd Jelen. The 2019-20 season started without an agreement, under a play-and-talk extension. The orchestra wore green "Share the Growth" buttons on our concert black, inspiring engaging questions from the audience. Lobby leafletting and patron conversations continued throughout the fall, with increasing numbers of audience members sporting their own green buttons. As talks continued, the matter was submitted to mediation. A five-year agreement was reached in February 2020 after 14 long months of talks and was signed by management on April 2, 2020, after the pandemic had forced the first service cancellations.

Our last live concert was presented on February 27 and featured Itzhak Perlman performing the Beethoven Violin Concerto. March saw the first concert cancella-

tions. CSP President and CEO Nathan Newbrough messaged musicians that the Union and OC had agreed to "bank" the cancelled services that were part of the guarantee for use at a later date. At that time the CSP was still committed to meeting payroll for contracted players with guarantees, for the remainder of the season supported by donations and a Payroll Protection Program loan. Musicians stepped in to call and write patrons, to

July and August saw continuing attempts to reach agreement on a concessionary side letter for the 2020-21 season. Proposals were exchanged and discussed with the aim of providing both economic relief and flexibility for the manner in which concerts might continue. Then management started taking illegal and disturbing actions, marking the beginnings of a long dispute that is still active a year later.



Colorado Springs Philharmonic members on a Musician March.  
Photo used with permission

provide virtual performance content for CSP social media channels and to participate in zoom "Interludes". These hour-long chats and living room performances hosted by the Music Director were well received. We also agreed to waive fees for regular radio broadcasts of CSP archival concert recordings to air on our local non-profit classical music radio station. It felt good to connect with our audience and support our orchestra during such an uncertain time. These agreements were formalized in a side letter, ratified by the musicians early in July 2020.

Management initiated meetings between musicians of the OC, Artistic Advisory Committee (AAC), Music Director (MD), Musician Board representatives and the Board Executive Committee. The day after the first meeting, the CSP Board voted to impose unilateral changes to the CBA via resolution. All concerts were canceled through December 31st, without payment, citing the CBA force majeure for service cancellations. This was messaged directly to the entire orchestra in an email from the CEO including a pledge to initiate robust health and safety measures, schedule ensemble concerts and utilize livestream or broadcast. A desire to talk with each musician was expressed by the CEO to solicit ideas and thoughts for what is possible. Calls began to be scheduled soon thereafter, and while a few calls were held, musicians agreed to decline further requests by referring management to the OC. A

grievance was filed contending that the cancellation of scheduled services due to force majeure was unduly invoked, and that other provisions of the CBA were unilaterally modified. Talks with management continued, and subsequent offers were proposed by management which were illegally contingent on the permanent (with prejudice) withdrawal of our grievance, and proposed changes to the CBA which were to extend beyond a single season side letter, and were not necessary to craft a flexible and innovative response to the pandemic.

Talks continued in September until management issued a “last, best and final” offer followed by our first missed payroll on September 15th, and a counter offer from the musicians accepting the SAME FINANCIAL TERMS offered by the Board, while preserving all other terms of the existing contract. Temporary concessions of 70% or more might have been acceptable, but permanent and precedent-setting changes to the CBA were not. Both offers were rejected by the respective parties. Another grievance was filed contending that the cancellation of services due to force majeure did not remove the obligation of payments associated with our minimum service guarantee, specified elsewhere in the CBA. Rather than continue talks, the board canceled the remaining four years of the contract in its entirety, citing another force majeure clause, claiming that the series of concerts and rehearsals provided for under the terms of the CBA could not continue. Ensemble services were offered to musicians the very next day. The musicians decided that until an agreement was made, no work would be accepted.

Many actions followed, branded as “Press Play”, and intended to demonstrate that concerts were possible. We performed a popup concert on the front lawn of our hall for a limited audience.



Pop-up concert photo above courtesy of Barb Van Hoy; musician blood drive photo below used with permission

Weekly Zoom meetings of the entire orchestra commenced. Committees were formed for Media, Action and Outreach. Musicians wrote letters to the board to inform them of the importance of a contract and service guarantee. Members of Local 154 supported us by sharing ideas and writing letters to the editor. A [website](#) and petition were setup along with a [donation button](#) to complement our existing [Facebook](#) page. A volunteer musician-run and produced recording project was executed which further demonstrated the ability for rehearsals and concerts to continue. A blood drive was also held.

A new round of mediations was held in November, in which we showed our willingness to work toward a solution in good faith. Ultimately, we offered management an extraordinarily high degree of flexibility in regard to performances throughout the term of the pandemic, and for a period of six months afterward. Our offer was refused, and we were left with no option but to refer the illegal cancellation of our CBA to independent arbitration. Additionally, we decided to limit management’s options by filing unfair labor practices, and by placing Newbrough and the CSP on the International Unfair List.

Most recently we scheduled two concert series for June and July, every Tuesday at a bandshell in a city park and Friday evening at a coffee lounge adjacent to the park. Various ensembles are scheduled to perform through the generosity of MPTF, and local sponsors. Musician marches were held downtown in June at First Friday Art Walk and Sunday morning a week later. We were joined by CSP patrons, other members of Local 154 and Lesley Thompson, President of the Colorado Springs Area Labor Council, to inform citizens of Colorado Springs with leaflets, kazooos, cowbells and instrument cases to raise general awareness of and support for our mission to restore our contract. Plans for other actions are underway while we await decisions by the NLRB and arbiter.

We have made ridiculously generous offers to provide temporary relief due to economic challenges presented by the pandemic. Management has rejected them all, insisting that long-term concessions and a new CBA are required to survive. The only logical conclusion we can comprehend is that the epic tragedy that is the pandemic is being shamelessly and needlessly used to illegally invalidate our CBA. Here’s hoping we prevail. Thank you for your support.

## The WVSO Returns to Live Performance

By Karen Barker Ferren, Delegate, West Virginia Symphony Orchestra

On June 6th 2021, the WVSO performed Symphony Sunday at Appalachian Power Park. This was the first in-person concert since COVID-19 shut the country down. Until June 2021, all concerts in the past year were recorded and presented by a reduced orchestra over the internet. Symphony Sunday is a traditional celebration at the end of the symphony season. This year it was a celebration of the anticipated re-opening to a full season of symphonic

concerts at the Clay Center in Charleston, WV – our performance home.

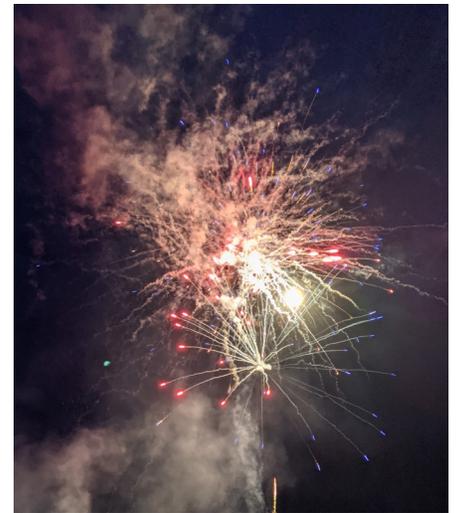
The event began at 6 p.m. with string students performing. Instruction in string instruments is provided as a joint venture between the WVSO and Kanawha County Schools. This was followed by a program by the West Virginia Youth Orchestra (WVYO), conducted by Robert Turizziani, the principal clarinet of the WVSO.

At 8 p.m., the WVSO took to the field and performed a program of baseball tunes, pops, classical selections and Sousa marches. The concert ended with the “Stars and Stripes”, played as fireworks burst in the sky above.

It was an exciting and joyous evening for the performers and the audience, and a welcome return to something resembling normalcy.



Clockwise from left: L to R: James Chamblin, Operations Associate, Larry Loh, conductor and Joe Tackett, Manager and President of the WVSO.; the WVYO; fireworks at the conclusion of the concert. Photos courtesy of Karen Barker Ferren



Do you have news about your orchestra?  
 An article to submit?  
 A letter to the editor?  
 We'd love to have you contribute  
 to the *Leading Tone*!  
 Submit articles to Sharon Jones at  
[bellsauf@gmail.com](mailto:bellsauf@gmail.com)

*The Leading Tone* is the official voice of ROPA and reflects ROPA policy. However, we do appreciate and encourage the contribution of articles and letters by others. These submissions may cover topics on which ROPA has no official position; the opinions expressed therein are solely those of the author(s) and not necessarily of ROPA, its officers or members.

## Binghamton Philharmonic in the Time of COVID-19

*By Sarah Chandler, Delegate, Binghamton Philharmonic*

The Binghamton Philharmonic Orchestra (BPO) has not worked as an orchestra since the pandemic began. Thankfully, our new Executive Director has found creative ways to offer work to musicians in smaller ensembles and in safe settings. Last summer, the BPO launched "Concerts on Every Corner," a series which sent musicians into underserved areas, including city parks, school lunch pickup areas and the local zoo. The goal was to reach a population that doesn't

have much exposure to live music. Musicians were encouraged to select repertoire by underrepresented composers (e.g., African American, women, LGBTQ) to honor their five-year strategic plan promoting a "society culture of inclusiveness." IBM sponsored an initiative whereby listeners could receive a voucher for free concert tickets as a part of BPO's "Musical Gifts" program. The "Concerts on Every Corner" series will continue this summer.

The BPO also presented "Social Gathering Concerts," an indoor chamber music series during the 2020-21 season. Musicians performed for socially distanced audiences in venues like the Doubletree hotel and local temples and churches. The BPO also is launching a summer chamber music series. Three ensembles will perform in July and August, in Binghamton and in rural locations in the region. One ensemble will be outdoors while the others will perform in smaller indoor venues.



Clockwise from top left: a violinist performing a "Concert on Every Corner"; two percussionists presenting a "Social Gathering Concert"; Sarah Chandler performing a "Concert on Every Corner." Photos courtesy of the Binghamton Philharmonic

## Fort Wayne Philharmonic to Resume Concerts After More Than a Year of Silence

*By Dennis Fick, Delegate, Fort Wayne Philharmonic*

On May 21, with the assistance of a federal mediator, Local 58 of the AFM reached a short-term agreement with the Fort Wayne Philharmonic that expires in August of 2022. The agreement guarantees 35 weeks of work between June 22, 2021 and May 31, 2022. When a “Furlough Off-Set Payment” is added to the wages, the total income for each musician exceeds that of any previous 12-month period in the history of the orchestra. It comes with temporary concessions in scheduling limitations, so that instead of 33 contiguous weeks in the winter season, we will have 28 non-contiguous weeks, plus seven weeks this summer. (Traditionally, we have about one week of work in the summer.) We also temporarily forego our three weeks of paid vacation.

We very nearly failed to reach agreement. As previously reported, the Philharmonic had tried to use the COVID-19 pandemic as a pretext for vast changes that would have diminished the orchestra and devastated musician income, a maneuver leading to an Unfair Labor Practice charge that was to go to trial on June 2nd. For several months we musicians have been engaged in numerous organized activities intended to bring our story to the public and in turn bring public pressure to bear on the Philharmonic. I reported on many of those activities in the previous edition of *The Leading Tone*. Then on May 1st, celebrated as Labor Day in much of the world, we had a “May Day Rally to Restore Music.” This was a major event in our city with hundreds of people in attendance to hear remarks by civic leaders and labor leaders, including the keynote speech by AFM President Ray Hair. ROPA President Mike Smith joined the rally to speak, as did IC-SOM President Paul Austin. Musicians from other orchestras also came to Fort Wayne to support us at the rally. (You can read more details in the June edition of the *International Musician*.)

Meanwhile, we organized a letter-writing campaign and received over 1,200 letters of support from members of the community, which we passed on to Philharmonic

leadership. We compiled the letters into a scroll which was unfurled on the courthouse lawn in the center of the city on May 21st. That same day we also released a statement signed by all musicians stating that we would not vote in favor of a contract that contained permanent cuts. May 21st was the last date scheduled for contract negotiations, and it also was the date of a self-imposed deadline for agreement set by the Philharmonic, claiming that after that they would not have time to plan for concerts, thus exposing the poorly kept secret that they had no plans in place to resume giving concerts. During a long day of talks, all issues were resolved except for the length of future winter seasons. The Philharmonic was demanding that the season be cut permanently to 28 weeks, and we were agreeing to a short-term cut to 28 weeks while insisting on maintaining 33 winter weeks in the future. After several hours, the Philharmonic offered to add a one-time “Furlough Offset” payment of \$4,000 for each full-time contract musician and \$2,000 for each per-service contract musician. They had offered such payments in previous meetings, starting at \$500/\$1,000, then upping it to \$1,000/\$2,000. We had tried without success to get them to put that money into scheduling additional weeks. When the offer was increased to \$2,000/\$4,000, the negotiating team knew that we had to bring the proposal to the musicians for their decision.



Photo courtesy of Dennis Fick

Our agreement is short-term and will bring us back to negotiations next year. We know that management will likely want to maintain the shortened season for the future and cut our salaries accordingly. We are stuck at our 2019 basic salary of \$26,000, which is only slightly more than the basic salary of \$24,856 in 2009, and that’s after 12 years of inflation. We need to see improvement in our compensation, so it is likely the next negotiation will be difficult again. The board and management both need to embrace the vision shared by the community for a vibrant and robust orchestra. We musicians will continue to tell our story to marshal the support of the community which will be needed to achieve a fair and just bargain.

(Fort Wayne, continued on page 10)

## Address to Fort Wayne Phil May Day Rally – May 1, 2021, Allen County Courthouse Green

by John Michael Smith, ROPA President

I bring greetings to you from the 93 member orchestras of the Regional Orchestra Players' Association, a Player Conference of the American Federation of Musicians of the United States and Canada. With nearly 6,000 AFM musicians, ROPA stands with you in your struggle to survive and thrive in these adverse circumstances, where it appears the Fort Wayne Philharmonic has used the coronavirus pandemic as an opportunity to reset the table in regards to the terms and guarantees of past Collective Bargaining Agreements.

About seven years ago, I attended a similar rally to this one in Minneapolis for the Minnesota Orchestra, which at the time had been locked out for a year. The management and board of the orchestra decided to take advantage of being out of the concert hall for a renovation to try and gain huge concessions from the orchestra musicians. And right across the river in Saint Paul, a similar lockout had taken place, where the Saint Paul Chamber Orchestra made the decision to downsize the already small 30+ musicians of that orchestra, for a new, more sustainable "model". Older musicians were offered severance packages to leave, eliminating many of the positions they held. Feeling unvalued and with threats of dismissal, many players took the money and left. That orchestra is not the same orchestra as it was 10 years ago. And pretty much the same board of directors and leadership is still in place.

The opposite happened in the Minnesota Orchestra. A groundswell of community support rose up in support of the musicians. The musicians of the Minnesota Orchestra remained united throughout the lockout, doing their own concerts and developing and working with the new community support, largely from outside the orchestra's board and supporters. That orchestra today has a new focus and vision of itself, and many new board members and leaders that have joined the organization as a result of awakening their activism. Orchestras often come out

stronger after a difficult time; I hope that this will be the case this time.

A pandemic "force majeure" has been used to halt the activities in only a very few ROPA orchestras around the country, most notably and egregiously the Fort Wayne Philharmonic and the Colorado Springs Philharmonic. But the majority of our orchestras have continued to remain visible and present in their communities, through small ensembles performing under COVID guidelines, a new wealth of online media through streaming, and to a lesser extent through archival TV and radio broadcasts. What I noticed online for the Fort Wayne Philharmonic are radio programs about orchestral music hosted by the Music Director and Associate Conductor, and currently programs featuring works played by orchestras from around the world, not the Fort Wayne Phil.

A rally like this is important; it lets the community know that you will not go quietly into the night; it shows that you respect the music making by these musicians who perform for this community. This orchestra has a long history as a cultural gem; and it has a thriving youth orchestra program. There are obviously many members of the community that value this orchestra and what it provides the community.

For comparison, I chose some ROPA orchestras of similar financial size to the Fort Wayne Phil: the Memphis Symphony, the Hartford Symphony, the Tucson Symphony and the Rhode Island Philharmonic:

- Memphis Symphony – performing outdoor concerts with small ensembles; distanced and masked;
- Hartford Symphony – streaming chamber music programs;
- Tucson Symphony – streaming musician talks and performing small ensemble performances;

- Rhode Island Philharmonic – streaming small orchestra ensembles and musicians of the orchestra streaming solo performances and interviews.

And many other ROPA orchestras and companies are doing a variety of things. I just finished recording a completely staged opera, *Albert Herring*, by Benjamin Britten, with my organization, the Minnesota Opera. It's a chamber opera, so it calls for a small orchestra and small cast. It will be streamed online beginning May 22.

There is wonderful new media technology that orchestras can use to get their music out to their communities. So many orchestras, opera and ballet companies are all doing something to stay vital in their community. They didn't shut it all down. There are ways to continue to do the art we love, even with the challenge of this pandemic.

The art and music that the Fort Wayne Philharmonic musicians make is by your community, and for your community. To quote former ICSOM Chair Bruce Ridge:

"Through uniting together and reaching out to our communities, we can and will ensure that the arts continue to thrive, and we will enrich the lives of our audiences while inspiring the next generation of musicians".

In closing: We are stronger together. What hurts one of us hurts us all.

Orchestras remind us of our humanity; please help this great orchestra heal and move forward!

## Report from the ROPA Equity, Diversity and Inclusion Workgroup

by Casey Bozell, Delegate, Portland Opera Orchestra and Oregon Ballet Theatre Orchestra

Much time was spent in the last two meetings of the EDI workgroup reviewing the NAAS audition and tenure guidelines, compiled earlier this year by a panel of musicians, union officers, orchestra administrators and music directors. The complete guidelines can be found at <https://www.sphinxmusic.org/national-alliance-for-audition-support>, under the "Additional Resources" tab at the bottom of the page.

Overall, the workgroup had a lot of support for the guidelines, and we're looking for ways to implement them in our orchestras. There was one item which sparked a lot of discussion, involving hiring BIPOC musicians with the intention of putting them in a sort of ambassador role. We believe this should be completely voluntary on the part of the hired musician.

Another discussion: solidifying our language as a mission statement. Here's our current draft:

"The ROPA EDI Workgroup strives to move ROPA forward in the areas of awareness, education and activism for racial and cultural diversity. We work and communicate together to recognize and counteract implicit bias, create a culturally diverse and equitable work environment and promote systemic change within our industry."

Our workgroup goals include:

- becoming a central, reliable resource for the benefit of all ROPA orchestras;
- recommending and helping to implement best practices of hiring musicians, music directors, administrators and board members to effect change at every level;
- working with ROPA orchestras to achieve measurable ways of diversifying repertoire and programming, and targeting educational, outreach and community programs.

The point has come up multiple times in our meetings that the role of diversity should begin with the management and the board of the orchestra. Finding concrete examples in our ROPA orchestras of diversity and inclusion leading to more community engagement (and, therefore, potentially more donations) is the next step on our list. A presentation to bring to orchestral managements with these examples seems like a good move, but we are well aware that there are many unwilling ears to such a proposal. Proving that these initiatives can positively affect budgets is an uphill climb in this pandemic-driven economic climate, but we are all determined to keep searching!

A special thanks to Lovie Smith-Wright for offering her experience and expertise during these conversations. She's helped guide us in tremendous ways. If you are looking to join in on the EDI workgroup meetings, please send an email to [caseybozell@gmail.com](mailto:caseybozell@gmail.com) to be put on the list. All are welcome.

(Notes from the President, continued from page 1)

eyes and ears opened over the past year to the systemic racism and white supremacy that have been ingrained in this country since its beginning. And even with all the events, awareness and focus on racism in these many months,

we continue to see the evidence of it almost daily in the news. We need to own up to what has been, and move forward in a positive direction. The ROPA EDI Workgroup, created at last year's annual conference, is looking at

how ROPA musicians can make a difference in our orchestras and organizations in moving in the right direction. But we can all do something every day to make that difference. We are stronger together!

(Fort Wayne, continued from page 8)

We started negotiating this deal in June of 2019. We began with the help of Chris Durham, who was our lead negotiator and counselor since 1994. His premature death was a heavy blow to us, his friends and collaborators. We have been fortunate to benefit from the skills and energy of Todd Jelen who stepped in to help us at a critical time. Todd has been indispensable and indefatigable, attending almost all of our committee meetings (which have been

more numerous than ever thanks to Zoom) and offering guidance and experience. His leadership was key to our success in organizing ourselves for all of the work that has been necessary. Todd has helped us to stay focused on the central issues as we have been buffeted by the loss of our work due to the pandemic, and by the heavy-handed tactics of our employer. We have also benefitted greatly from the legal and bargaining assistance

of Rochelle Skolnick as we were confronted by the unjust and savage tactics of our management. The flow of information from ROPA has helped us keep abreast of how others are dealing with shared challenges and reminds us of the larger community of musicians of which we are a part. Our survival and success to this point is owed to many people, all of whom are musicians and our brothers and sisters in the union.

## Glimmerglass on the Grass: Getting Back to Work After COVID

By Katrina Smith, Delegate, Glimmerglass Opera Orchestra

The musicians of the Glimmerglass Festival are eagerly anticipating making music together again, albeit in the highly unusual format necessitated by current circumstances. Glimmerglass is fortunate in owning a venue surrounded by an abundance of lawn space, which will be utilized this year by moving the audiences outside for what is being dubbed "Glimmerglass on the Grass." A major donor funded construction of a new outdoor stage, and tickets are being sold as "squares" on the lawn for groups of up to 4 or 6 people. The initial offerings sold out quickly, and more are being made available as New York state relaxes its rules for large gatherings.

The orchestra will be in its own pod on-stage inside the opera house, masked, distanced and amplified out to the audience. (Fingers crossed for excellent sound engineers!) Performances will be 90 minutes without intermission, and will use smaller ensembles. This was a crucial fulcrum of our negotiations for a COVID

side letter, as one of the key articles in our CBA requires original orchestrations and a minimum number of string players to be used for all mainstage productions; yet it was evident that this year neither large ensembles nor long operas would be safe, and that that clause would have to be suspended. Management's initial proposal would have left 12 of our musicians without any work whatsoever, and we wanted to find a way for **everyone** to be working. Therefore we decided to build on last summer's concept of parity, when we took management's offer of 25% of each musician's expected compensation for the cancelled season, pooled it together, raised the amount a bit and had it divided equally between all contracted players. For this year, we proposed hiring all contracted musicians and making use of a rotation system, including principal players, so that the work would be distributed as equitably as possible. All musicians will receive at least the weekly salary guarantee (reduced slightly for this year only), and any additional ser-

vices will be spread around as evenly as possible.

Additionally, the Festival agreed to extend the current CBA for a year; the new expiration date will be the end of the 2022 season. The orchestra ratified this side letter overwhelmingly on March 26.

The productions will include two condensed operas (*Il Trovatore* and *The Magic Flute*); an adaptation of Offenbach's *La Perichole* for a New Orleans jazz ensemble; a recorded premiere of an opera to be released at a later date under the provisions of the IMA; and two concerts: one of musical theater songs, the other, called "Gods and Mortals," presents arias and instrumental music from Wagner's operas. There will be an additional offering without orchestra: a play with music about the founder of the National Negro Opera Company, Mary Cardwell Dawson.

Now we just hope the weather gods will smile on us!

## The Elgin Symphony Orchestra Gets a New CEO

By Sharon Jones, Delegate, Elgin Symphony Orchestra

Big changes are afoot with the Elgin Symphony! First, we have a new CEO. After reviewing over 25 resumes and interviewing three finalists, our search committee, made up of two board members and four musicians, recommended Marc Thayer for the job. Mr. Thayer comes to us from Nashua, New Hampshire, where he was Executive Director of Symphony NH. He was also the Executive Director of the Monteux School and Music Festival, a summer school for orchestra conductors and musicians in northern Maine. Originally trained as a violinist, Mr. Thayer offers a wealth of experience, having

worked with the St. Louis Symphony as Vice President for Education and Community Partnerships (CP) and as Co-Founder and Manager of the Iraqi Unity Arts Academy, managing summer music festivals throughout the Middle East. The committee additionally was impressed with his fluency in Spanish, as Elgin has a substantial Latino population that the ESO would like to engage on a greater scale.

Our next challenge is to find a new Music Director. Andrew Grams, who joined us in 2013, announced his resignation the fall before the COVID pandemic struck. He

graciously extended his time with us in order to conduct a few summer concerts in 2020 and 2021, as well as engage in Zoom events with patrons and musician guests. Until that vacancy is filled, the ESO's 2021-22 season will feature a slate of guest conductors, including three women, the most women conductors the ESO has had in one season.

We musicians would like to extend our thanks and best wishes to our departing CEO, Erik Malmquist, who has secured the incredible job of Casting Director for the Bavarian State Opera.

## 2021 ROPA Conference Resolutions

In response to feedback from the 2020 conference, ROPA is providing drafts of this summer's conference resolutions. This will allow time for delegates to review them, seek input from colleagues and be

prepared to discuss them at the conference. If there are suggestions regarding the language of these resolutions or other resolutions to submit, there will be a special legislative committee meeting open to

all delegates on Monday afternoon, July 26th. At this meeting, we will finalize the language of the resolutions, which will be presented to the full conference later in the week.

### Resolution Nº. 1

**Subject:** *Resolution Remembering Chris Durham, Founder of ROPA*

#### Chris Durham Resolution

Whereas, On August 22, 2020, Chris Durham, founding member of the Regional Orchestra Players' Association ("ROPA") passed away; and

Whereas, Chris Durham was a violinist, unionist, contract negotiator, conservationist, family man and friend to all; and

Whereas, Chris Durham was a leader in the American Federation of Musicians of the United States and Canada ("AFM"), having been one of the youngest local vice presidents for Local 103 in Columbus, Ohio at the age of 25, and having worked in the Symphonic Services Division as negotiator and briefly as Director since 1989; and

Whereas, Chris Durham helped to found ROPA, served on the ROPA Executive Board and attended every ROPA conference from 1984-2019; and

Whereas, Over the years, Chris Durham personally assisted many ROPA orchestras in the successful negotiations of their Collective Bargaining Agreements, supported their labor actions, and was a champion of ROPA orchestras; and

Whereas, Chris Durham was a mentor and friend to many of the approximately 6,000 musicians who play in ROPA orchestras; and

Whereas, ROPA is grateful for Chris Durham's immeasurable contribution to the growth of unionism, solidarity and the resulting increase in wages and working conditions for ROPA orchestras, and saddened by the loss of this formidable force in our industry; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") will remember Chris Durham as a founding member and key contributor to ROPA's mission; and, be it further

*Resolved*, That ROPA hereby expresses its condolences to Chris's wife Lisa and their son Jacob and to all who mourn his loss; and, be it further,

*Resolved*, That ROPA pledges to honor Chris's memory as we work to fulfill our purpose, to promote the interests of our Member Orchestras and their musicians, to enhance communications among those orchestras and with the Federation, its Locals and its Conferences, and to pursue the general welfare and artistic well-being of our members.

**Submitted by:** The ROPA Executive Board

### Resolution Nº. 2

**Subject:** *Resolution Condemning the Management of the Colorado Springs Philharmonic for Failing to Bargain in Good Faith*

#### Colorado Springs Philharmonic Resolution

Whereas, In April of 2020, the musicians of the Colorado Springs Philharmonic, members of the Regional Orchestra Players' Association ("ROPA") represented by Local 154 of the American Federation of Musicians of the United States and Canada ("AFM"), entered into a five-year Collective Bargaining Agreement ("CBA") with the Colorado Springs Philharmonic Orchestra ("CSPO"), which included wages and working conditions that were fairly and lawfully bargained for; and

Whereas, At the end of the 2020-21 season, the CSPO abruptly and unlawfully cancelled the CBA, leaving the musicians without work or pay, and placing blame on not being able to present performances during the COVID-19 pandemic, despite having bargained return to work safety protocols and with full knowledge that venues were open with safety measures in place; and

Whereas, the CSPO then planned to present performances, and offered work to the musicians of the Colorado Springs Philharmonic without the protections of the CBA and on a per-service basis, rather than fulfilling the guaranteed service minimum salary provided for in the CBA; and

Whereas, On August 17, September 1 and October 2, 2019, Local 154 of the AFM filed grievances and on March 5, 2021, Local 154 filed an Unfair Labor Practice against the CSPO; and

Whereas, On March 6, 2021, the AFM placed the

Colorado Springs Philharmonic on the International Unfair List; and

Whereas, on May 11, 2021, Region 27 of the NLRB informed Local 154 that it had found merit in the ULP charge alleging unlawful unilateral changes in terms and conditions of employment and direct dealing with musicians and would be issuing a complaint against the CSPO absent settlement; and

Whereas, A Neutral Arbitrator has been selected to decide whether the CBA was lawfully cancelled, and in the meantime, the CSP has offered no work in the 2021-22 season to the musicians even though the threat of the COVID-19 pandemic has been severely diminished and the orchestra's primary concert hall is open without any restriction on audience capacity; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby stands in solidarity with the Musicians of the Colorado Springs Philharmonic and commends their fortitude in the face of adversity; and, be it further;

*Resolved*, That ROPA hereby condemns the Colorado Springs Philharmonic Orchestra ("CSPO") for using the COVID-19 pandemic as an excuse to cancel the Collective Bargaining Agreement ("CBA") they agreed to and to keep its musicians from earning a living during a global crisis; and, be it further;

*Resolved*, That ROPA urges the CSPO to honor the CBA and bring the musicians back to work immediately.

**Submitted by:** Sarah Wilson, Delegate, Colorado Springs Philharmonic, and The ROPA Executive Board

### Resolution Nº. 3

**Subject:** *Resolution Commending Congress for Passage of COVID-Relief Legislation*

#### FFCRA, CARES Act and ARPA Resolution

Whereas, In March of 2020, a global pandemic swept the world, closing large performance venues and putting orchestral musicians out of work; and

Whereas, The resulting lack of work for musicians exacerbated the failing health of the American Federation of Musicians and Employers Pension Fund (AFM-EPPF); and

Whereas, Congress acted quickly to pass the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid Relief and Economic Security Act (CARES Act), which together provided paid sick leave and increased unemployment insurance benefits which were a lifeline to orchestral musicians; and

Whereas, Throughout 2020, the pandemic continued to keep our theaters closed, necessitating further relief; and

Whereas, On March 11, 2021, President Biden signed the American Rescue Plan Act ("ARPA"), which not only provided additional direct payments to unemployed orchestral musicians, such as increased unemployment compensation for traditional and mixed income earners, stimulus payments and direct interest-free loans to artists and venues, but also provided an important and necessary solution to our pension crisis by providing for direct payments to struggling multi-employer pension funds like the AFM-EPPF; and

Whereas, Members of Regional Orchestra Players' Association ("ROPA") and International Conference of Symphony and Opera Musicians ("ICSOM") rely on the solvency of the AFM-EPPF for their retirement; and

Whereas, Members of ROPA and ICSOM, along with AFM staff, participated in multiple campaigns to support the passage of ARPA; and

Whereas, The benefits of the FFCRA, CARES Act and ARPA are instrumental in helping orchestral musicians weather this difficult time; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby thanks each and every musician who took time to contact members of Congress and encourage them to pass ARPA; and, be it further;

*Resolved*, That ROPA commends and thanks AFM staff, including but not limited to Legislative-Political Director Alfonso Pollard, for their hard work and tireless efforts in spreading the word about this important legislation; and, be it further;

*Resolved*, That ROPA commends the United States Congress on the passage of the FFCRA, the CARES Act and especially ARPA, which will have a positive impact on the lives of performing musicians and especially AFM members for years to come.

**Submitted by:** The ROPA Executive Board

#### Resolution N<sup>o</sup>. 4

**Subject:** *Resolution Setting Forth ROPA's Work to Increase Diversity, Equity and Inclusion Amongst its Member Orchestras and in its Mission*

##### Diversity, Equity and Inclusion Resolution

Whereas, Systemic racism affects ROPA orchestras at every level; and

Whereas, Centuries of American orchestral culture has perpetuated racialized hierarchies in performance, education and community outreach; and

Whereas, At the 2020 Conference of the Regional Orchestra Players' Association ("ROPA"), which was held virtually, the Conference Delegates adopted a Resolution pledging to form a ROPA Diversity Committee with the goal of exploring how ROPA can help address this systematic problem; and

Whereas, This committee, the ROPA EDI Workgroup, was formed during the 2020-21 season; and

Whereas, The ROPA EDI Workgroup has defined its mission as:

"The ROPA EDI Workgroup strives to move ROPA forward in the areas of awareness, education, and activism for racial and cultural diversity. We work and communicate together to recognize and counteract implicit bias, create a culturally diverse and equitable work environment and promote systemic change within our industry"; and

Whereas, The ROPA EDI Workgroup has identified several goals, including

- becoming a central, reliable resource for the benefit of all ROPA orchestras;
- recommending and helping to implement best practices of hiring musicians, music directors, administrators and board members to effect change at every level;
- working with ROPA orchestras to achieve measurable ways of diversifying repertoire and programming, and targeting educational, outreach and community programs; and

Whereas, the ROPA EDI Workgroup continues to meet to discuss ways in which ROPA can assist its member orchestras in engaging in this important work; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby applauds and commends the work of the ROPA EDI Workgroup and encourages participation and contribution from all of its members; and, be it further

*Resolved*, that the ROPA EDI Workgroup is dedicated to addressing and counteracting the effects

of these complicated histories and regressive practices with the goal of making the work environment of all ROPA orchestras a safe and equitable place; and, be it further

*Resolved*, That the members of the ROPA Executive Board pledge to support the work of the EDI Work-group and further its work in every possible way.

**Submitted by:** The ROPA Executive Board

#### Resolution N<sup>o</sup>. 5

**Subject:** *Resolution Congratulating the Musicians of the Fort Wayne Philharmonic on the Restoration of their Season*

##### Fort Wayne Philharmonic Resolution

Whereas, When the pandemic erupted in the United States in March of 2020, the Fort Wayne Philharmonic ("FWP") and its musicians, members of Local 58 of the American Federation of Musicians of the United States and Canada ("AFM"), were near an agreement for a successor Collective Bargaining Agreement ("CBA") after 10 months of bargaining; and

Whereas, In April of 2020, the FWP withdrew its bargaining proposal, which included wage increases and other favorable conditions, citing changed circumstances due to the pandemic; and

Whereas, In July of 2020, the FWP announced the furlough of all musicians effective August 31, 2020, using the global pandemic as an excuse to suspend operations and attempt to diminish the pay and working conditions for the musicians of the orchestra; and

Whereas, The FWP also threatened to cut musicians' health benefits, endangering their lives in the middle of a public health crisis; and

Whereas, In September of 2020, the FWP presented a bargaining proposal which sought to completely undermine the size, quality and professionalism of the orchestra; and

Whereas, Several Unfair Labor Practices were filed in opposition to these unlawful practices by the FWP; and

Whereas, The Musicians of the Fort Wayne Philharmonic fought tirelessly against this effort to gut their livelihoods by bargaining in good faith, and engaging in rallies, pickets and other job actions to raise awareness for this unjustified action by the orchestra's management; and

Whereas, For the majority of the 2020-21 season, the musicians remained on furlough without any pay; and

(Resolutions, continued on page 14)

(Resolutions, continued from page 13)

Whereas, On May 1, 2021, a rally was held in Fort Wayne in support of the musicians which drew huge crowds from Fort Wayne and all over the country; and

Whereas, As a result of the above actions, the parties returned to the bargaining table and were able to agree on terms of a one-year contract; and

Whereas, The FWP has now agreed to pay musicians for 28 weeks of work during the indoor season and seven weeks in the summer, which is an increase in total annual weeks from the previous guarantee; and

Whereas, The FWP also agreed to give musicians significant "furlough offset" payments after suffering through a year without pay; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby stands in solidarity with the musicians of the Fort Wayne Philharmonic and commends their fortitude in the face of adversity; and, be it further;

*Resolved*, That ROPA looks forward to the continued growth and prosperity of the Fort Wayne Philharmonic.

**Submitted by:** The ROPA Executive Board

#### Resolution N<sup>o</sup>. 6

**Subject:** *Resolution Thanking the IMA negotiating committee and especially Deborah Newmark and Rochelle Skolnick for their tireless advocacy on behalf of musicians during the pandemic through their work on the IMA Side Letter Agreement*

#### IMA Resolution

Whereas, In March of 2020, a global pandemic swept the world, closing large performance venues and putting orchestral musicians out of work; and

Whereas, Many member orchestras of the Regional Orchestra Players' Association ("ROPA") thereafter wished to share both new and archived content through streaming platforms in order to keep their musicians working and in front of their audiences; and

Whereas, The sharing of orchestral media content through streaming platforms is governed by the

Integrated Media Agreement ("IMA"), which is negotiated between the American Federation of Musicians of the United States and Canada ("AFM") and the Employers' Media Group ("EMG"); and

Whereas, Members of the EMG expressed their desire for leniency on the terms of the IMA during the pandemic; and

Whereas, After countless hours of negotiations and meetings with the AFM IMA negotiations committee, which includes AFM staff and rank-and-file musicians, including members of the ROPA Media Committee, an IMA side letter was developed which allowed orchestras to more widely create and distribute streaming content in exchange for guaranteed wages and benefits to the musicians; and

Whereas, AFM Symphonic Services Director and Special Counsel Rochelle Skolnick and AFM Director of Symphonic Electronic Media Deborah Newmark worked tirelessly to draft the IMA side letter, implement its terms and get it ratified by many orchestras around the United States; and

Whereas, The IMA side letter has allowed ROPA orchestras to provide work, wages and creative outlets for their musicians during this difficult time; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby applauds the work of the Integrated Media Agreement ("IMA") negotiating committee in developing and agreeing to the IMA side letter; and, be it further;

*Resolved*, That ROPA hereby and sincerely thanks Rochelle Skolnick and Deborah Newmark for their dedication and service to our musicians.

**Submitted by:** The ROPA Executive Board

#### Resolution N<sup>o</sup>. 7

**Subject:** *Resolution Urging Congress to Pass the PRO Act*

#### Protecting the Right to Organize ("PRO") Act Resolution

Whereas, On March 9, 2021, the United States House of Representatives passed the Protecting the Right to Organize ("PRO") Act, a bill which

"expands various labor protections related to employees' rights to organize and collectively bargain in the workplace"; and

Whereas, the PRO Act, if passed, would provide several important expansions to Federal Labor Law which would benefit the union musicians of the Regional Orchestra Players' Association ("ROPA"), such as:

- Unions would lawfully be able to collect contributions towards the cost of representation from non-members in right-to-work states;
- It would be unlawful for Employers to coerce employees into attending anti-union meetings;
- Elections for union representation could occur at a location other than the place of employment, including remotely and via the internet; and

Whereas, The PRO Act would benefit all workers in the United States, which in turn would improve wages and working conditions for all, including members of ROPA; and

Whereas, Members of ROPA and the International Conference of Symphony and Opera Musicians ("ICSOM"), along with AFM staff, have supported the passage of the PRO Act through efforts such as phone banking and direct contact with Congress; therefore, be it

*Resolved*, That the Regional Orchestra Players' Association ("ROPA") hereby thanks each and every musician who took time to contact members of Congress and encourage them to pass the PRO Act; and, be it further;

*Resolved*, That ROPA commends and thanks AFM Staff, including but not limited to Legislative-Political Director Alfonso Pollard, for their hard work and tireless efforts in spreading the word about this important legislation; and, be it further;

*Resolved*, That ROPA urges the United States Senate to pass the PRO Act, which will have a positive impact on the lives of performing musicians and all working Americans.

**Submitted by:** The ROPA Executive Board

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<sup>1</sup> <https://www.congress.gov/bill/117th-congress/house-bill/842>



Regional Orchestra Players' Association





A conference of the American Federation of Musicians, AFL-CIO

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## ROPA Member Orchestras

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Boise Philharmonic  
Boston Ballet Orchestra  
Boulder Philharmonic  
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Cape Symphony  
Central City Opera Orchestra  
Chattanooga Symphony & Opera  
Orchestra  
Colorado Springs Philharmonic Orchestra  
Dallas Opera Orchestra  
Dayton Philharmonic  
Delaware Symphony Orchestra

Duluth Superior Symphony Orchestra  
East Texas Symphony Orchestra  
Elgin Symphony Orchestra  
Erie Philharmonic Orchestra  
Eugene Symphony  
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  
Lansing Symphony Orchestra  
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Memphis Symphony Orchestra  
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New Haven Symphony Orchestra  
New Mexico Philharmonic  
New West Symphony Orchestra  
Oakland Symphony  
Omaha Symphony Orchestra  
Opera Philadelphia  
Oregon Ballet Theatre  
Orchestra Iowa  
Pacific Symphony  
Palm Beach Opera Orchestra  
Pasadena Symphony Orchestra  
Pittsburgh Opera Orchestra  
Portland Opera Orchestra  
Portland Symphony Orchestra  
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Rhode Island Philharmonic  
Richmond Symphony  
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Santa Rosa Symphony  
Sarasota Orchestra  
South Bend Symphony  
Southwest Florida Symphony Orchestra

Southwest Michigan Symphony Orchestra  
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Toledo Symphony Orchestra  
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Tri-Cities Opera Orchestra  
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