

Spring
2024

REGIONAL ORCHESTRA PLAYERS' ASSOCIATION

The Leading Tone



Notes from the President *by Steve Wade, ROPA President*

ROPA

Regional
Orchestra
Players'
Association

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



May 2024

Planning continues for the 40th Anniversary Conference of the Regional Orchestra Players' Association. Check out the Conference Emails sent recently by ROPA Secretary Karen Sandene for details on what to do next. Many thanks to those who have registered and booked room reservations. It's a good idea to do these things now. We have a very good room rate at \$189/night at an excellent location in Downtown San Francisco. So far airfares remain reasonable, so take advantage of good prices while they last. Our final schedule is still a work in progress, but I can tell you about some of our presenters and activities.

We will have an impressive legal team on hand, including SSD Director Rochelle Skolnick, ICSOM Legal Counsel Kevin Case, and ROPA Legal Counsel Naomi Bensdorf Frisch. They will be presenting on a variety of issues, including tenure processes and sexual harassment. In addition, Samantha Andrew from the League of American Orchestras will give an overview of the Sphinx Orchestral Partners Auditions
(continued on p. 2)

In This Issue:

- ROPA Conference Info
- Conference & Travel Tips
- In Memoriam
- Solidarity In Action
- Pregnant Workers Fairness Act



Check out this link for tips on saving on
airfare:

[https://www.youtube.com/watch?
v=iDjZSxCIOJc&t=13s](https://www.youtube.com/watch?v=iDjZSxCIOJc&t=13s)



(continued from page 1)

(SOPA), and Dr. Jeremy Stanek from Stanford University will speak on health and wellness issues for musicians. Dr. Stanek is a sports medicine physiatrist who specializes in performing arts medicine, sports medicine, and musculoskeletal medicine. He treats musicians, dancers, and athletes of all abilities, and he occasionally serves as team physician for the Special Olympics. We will also present the second annual Nathan Kahn Award, and ROPA Social Media Coordinator Mayu Isom Navarro will talk about the latest issues in social media and how we can best leverage these platforms. On Monday, July 29, the Symphonic Services Division will hold its annual Negotiation Workshop for anyone whose orchestra is negotiating or about to negotiate; and on Wednesday, July 31, AFM President Tino Gagliardi will address the delegates. AFM Local 6 is our host. We would like to thank President Kale Cummings, Secretary/Treasurer Beth Zare, and all of their leadership team for all they are doing for us, including hosting a dinner cruise in San Francisco Bay on Wednesday evening, 7/31. I am continuing to finalize our schedule of presenters. A lot is going on in our industry right now, and it's important that we as a Player Conference respond to the needs of our delegates and member orchestras as

things develop. In the meantime, register and book rooms, and let's look forward to a great Anniversary in San Francisco! *****



Pictured Above:
ROPA Executive Board members
at their mid-year meeting in Chicago, IL.

**Interested in serving as a
Member-At-Large?**
These board positions are open:
-Member-At-Large
(4 positions)
-President
-Treasurer
Talk to any MAL for more information
on serving!

Traveling with your Instrument

by Judy Naillon, *Leading Tone Editor*



Musician on the move? Taking your instrument on your next adventure doesn't have to be a stressful symphony of uncertainty. Here are some tips to ensure your musical companion arrives safely and in tune:

Before You Book:

- **Insurance:** Protect your precious instrument with a proper insurance policy.
- **Airline Research:** Research carry-on and checked baggage fees for musical instruments before booking. Don't hesitate to call customer service if clarification is needed.
- **Measure Up:** Know the exact dimensions and weight of your instrument case.

Booking and Boarding:

- **Priority Boarding:** Consider purchasing priority boarding to increase the chance of overhead bin space for your instrument. Keep copies or a handy screenshot of all receipts!

Be Prepared:

- **Know Your Rights:** Familiarize yourself with the Department of Transportation (DOT) regulations regarding musical instruments as carry-on luggage. Print a copy for reference!
I keep one in my case at all times!
- **Pack Smart:** Limit carry-on items to your instrument and one personal item.
- **Travel Case Essential:** Invest in a high-quality, sturdy travel case to withstand the rigors of travel.

- **Pack it Right:** Remove any unnecessary items from the case and secure your instrument using padding or cushions. Clearly label both the case interior and exterior with your contact information in case of an emergency.

Upon Arrival:

- **Inspect Carefully:** As soon as you disembark, thoroughly inspect your instrument for any damage. I used to forget to do this so now I set a cell phone reminder. If you see any damage be sure to take pictures ASAP.
- **Report Issues:** If your airline mishandled your instrument or violated its policies, file a complaint immediately with customer service before leaving the airport and get a phone number to follow up with a customer service representative in the appropriate department.

For Further Assistance:

- **Airline Complaints:** If you believe the airline violated its written policies, file a complaint with them first. You can also file a separate complaint with the Department of Transportation.

By following these tips, you and your instrument can travel harmoniously together. Remember, a little preparation can save you a lot of trouble and keep the music playing wherever your travels take you, like our 2024 ROPA Convention!

What Musicians Need to Know About the Pregnant Workers Fairness Act

*By Naomi Bendsdorf Frisch,
ROPA Legal Counsel*

The Pregnant Workers Fairness Act, or PWFA, was passed on June 27, 2023. The PWFA requires employers with 15 or more employees to provide reasonable accommodations to employees who are experiencing known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. On April 15, 2024, the EEOC published its final rule interpreting the PWFA, and the related regulations become effective on June 18, 2024. For those who want to learn more, the final rule can be found at

<https://www.federalregister.gov/documents/2024/04/19/2024-07527/implementation-of-the-pregnant-workers-fairness-act>.

Under the PWFA, musicians who are experiencing these limitations may seek reasonable accommodations so that they may continue to do their jobs without endangering their health. Seeking accommodations requires a conversation, or an “interactive process,” but that conversation need not happen in any specific way. It is enough for a musician to simply make their limitation known to the employer. Once the employer knows, it is required to provide an accommodation, so long as the requested accommodation does not cause the employer an “undue hardship.” The PWFA provides job protection to women experiencing temporary changes in abilities due to pregnancy or related conditions.

While the PWFA prohibits retaliation against women who request accommodations, it is intended to work in tandem with, not replace, other protections for pregnant women, such as the prohibition of discrimination against pregnant women under Title VII and the ability to take unpaid leave under the FMLA. In the orchestral workplace, speaking up about your rights under the PWFA may help avoid a loss of work due to pregnancy-related conditions. What does “limitation related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions” mean?

The EEOC has defined this quite broadly. If a woman is experiencing a difficulty because she is pregnant, recently gave birth, or is trying to become pregnant, even if the pregnancy or childbirth is not the sole cause of that difficulty, it meets the definition.

Conditions related to contraception, miscarriage or abortion also qualify, but the condition must be the employee’s, not their spouse’s or partner’s. A “limitation” includes a physical or mental impairment, the need to seek medical treatment, or a similar minor episodic problem. It does not need to meet the more stringent definition of a disability under the Americans with Disabilities Act (“ADA”). For example, under the PWFA, an employer is required to accommodate a musician who is experiencing back pain because she is pregnant. But, an employer may not be required to accommodate that same back pain if the musician is not pregnant, unless the cause of the back pain is considered a disability under the ADA.

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What is an “undue hardship”?

Whether or not a requested accommodation causes an undue hardship is determined on a case-by-case basis, based on a number of factors including cost and the potential effect on others. Barring undue hardship, if a reasonable accommodation is available, it must be granted. In orchestral workplaces, being allowed to be absent seems to be the most common accommodation for musicians experiencing limitations which make it difficult to either play their instruments at a consistent professional level or attend rehearsals and performances at prescribed times. Whether making that absence a paid absence constitutes an “undue hardship” would be determined on a case-by-case basis. Further, there may be alternatives, such as hiring assistants for certain services or rotational relief, that would allow for paid leave as a reasonable accommodation. The new final rule makes it clear that if a reasonable accommodation can be made in lieu of leave, the employer must grant that alternative accommodation rather than force an employee to take leave.

The PWFA provides job protection to women experiencing temporary changes in abilities due to pregnancy or related conditions.

What accommodations are available?

When an employer learns of a known limitation covered by the PWFA, the employer is required to provide a reasonable accommodation. In the orchestral workplace, reasonable accommodations may include:

- Providing a different chair
- Giving a musician permission to stand and stretch periodically during rehearsals
- Allowing snacks on stage during rehearsals
- Temporarily granting a musician a reserved parking space
- Allowing modifications to dress code
- Allowing a musician to arrive late or leave early from rehearsal (or miss a rehearsal) for an unavoidable doctor’s appointment
- Allowing a musician extra breaks during rehearsal to use the bathroom
- Providing a clean, private, space (not the bathroom) to pump before or after services
- Granting exceptions to attendance requirements
- Granting paid or unpaid leave beyond that required by the FMLA or the employer’s regular policies

Before you consider turning down work because of limitations due to pregnancy, childbirth, or related conditions, think about whether an accommodation could make it possible for you to do that work anyway. The vast majority of orchestral employers are covered under the PWFA and therefore are required to accommodate you if an accommodation can be made without undue hardship. *****

Unity and Perseverance Facilitates Change

Submitted by the Musicians of the NM

Philharmonic Negotiation Team and Negotiator

Richard Kelly

The Musicians of the New Mexico Philharmonic had been suffering through a long, contentious negotiation over the past two seasons, working without a raise for 53 months, and under an expired 5-year concessionary contract. But in recent weeks, the tables finally turned in favor of the musicians; it was through the solidarity and perseverance of the orchestra musicians that resulted in preserving their health and welfare, and regaining a voice in the institution they had founded thirteen years ago.

The musicians were determined to hold firm against Management's regressive bargaining tactics. Management's scheduling proposals would have endangered the NM Phil musician's ability to maintain their numerous jobs. The musicians' annual earnings have remained stagnant for over a decade while the budget and management's compensation has increased substantially. Many musicians have earned only \$4,000 to \$14,000, with some musicians earning even less from the NM Phil.

Funding during the pandemic return to work was largely due to the musician's proactive steps to ensure financial stability. Musician representatives met with the Board President to provide grant information that in the end

garnered the institution with grant funds of close to \$500,000. The Board Chair had initially made the wrong assumption that the Orchestra did not qualify for the grant. Musician representatives provided correct qualification information that led to a large infusion of money. Given the priorities of the financial allocations of these funds, it was extremely challenging for the musicians to accept financial hardship as a reason for the proposed pay freeze.

The National Labor Relations Board (NLRB) filed Unfair Labor Practice (ULP) charges against the New Mexico Philharmonic as an employer for illegal negotiation practices. In June of 2023, a settlement agreement was signed by Philharmonic President and CEO Marian Tanau. Two weeks later, further complaints against the employer were filed with the NLRB.

The musicians started the 2023-24 season with Marian Tanau rescinding his promise of retroactive pay for the 2022-2023 season and insisting on punitive working conditions that included one-hour breaks between rehearsals and concerts, scheduling increases on Sunday mornings, daytime, and Monday evenings, with elimination of overtime payments currently being paid. When musicians contested the regressive tactic to rescind the retroactive pay they were told that the books were closed. However, financial information received as part of the ULP settlement revealed that the conductor had received over \$70,000 in a post-pandemic bonus using PPP funds.

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Fast forward to negotiations held on Monday April 8th. The musicians' negotiating team faced a move by their employer to create a second season without retroactive pay, stating that we should have signed on. After strong objection by the musicians, management modified their proposal to retain retroactive pay for NM Phil members, however, they excluded substitute musicians. This regressive offer was accompanied by a refusal by NM Phil management and Board to meet until later in the month leaving only a handful of services left in the season.

On April 17th, the Union notified management of a potential Unfair Labor Practice Limited Duration Strike during their April 20th Classics Rite of Spring concert. During the morning dress rehearsal, musicians demonstrated to management their strength and unity by wearing "NM PHIL Musicians United" t-shirts and other white shirts. These actions brought the NM Phil Board and management to the table at the conclusion of the dress rehearsal. Within hours a tentative agreement was reached.

During these talks the musicians discovered that the NM Phil Board finally heard their needs. The agreement included retroactive pay for the current season for all musicians performing with the Phil. The musicians agreed to a four-year contract with a pay freeze in the first year, and a 12% service rate

increase over a three year period. The musicians traded pay to achieve 16 guaranteed services, a reduction of their minimum attendance rate of 67% to 50%, along with preserving their health and welfare blocking the repressive working conditions. Musicians also regained seats on the NM Phil Board that were lost during their previous concessionary contract. *****



Musicians of the New Mexico Philharmonic wore white shirts to show solidarity!



Ten Tips for a Successful ROPA Conference

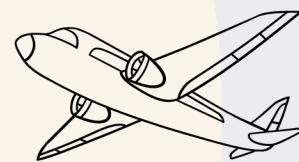
Amanda Swain, ROPA Vice President

Whether it's your first time as a Delegate at the ROPA conference or you're a longtime Delegate with many years of service, here are ten tips to help ensure you have a successful conference experience!

Book Your Travel Early

01

This also means that if you're not attending the conference, find an alternate delegate so they can book their travel early. It's also a good idea to touch base with your Local about expected expenses. Check if they'd like to pay your meal expenses by receipts or by per diem.



Submit Your Report

02

to Karen Sandene, ROPA Secretary, by July 5 – earlier is better! Instructions and an example report can be found on pages 13-14 of the Delegate Handbook, located on the ROPA website.

Log into Ropaweb.org

03

Can you log on to the Members Only section of the ROPA website? Reach out to the ROPA Secretary if you are having trouble (karensandene@gmail.com). You may need to access this section during the conference.



Talk to your Orchestra

04

Chat with your Orchestra Committee before the conference to see if there are questions they'd like you to ask of other delegates. Have some topics in mind of things you're curious about as well.

Dress for Success

05

While we don't have a dress code, the general trend is business casual-ish for the conference sessions. Whatever you decide to wear, light layers are usually a good idea because sometimes temperature control in the rooms is unpredictable.



Energy Sources

06

It's a good idea to bring a portable charger to all conference sessions. Sometimes outlets are far away from where you may be sitting. To keep yourself fully charged, we recommend you bring some snacks, which are not provided during conference sessions. We will provide coffee, tea, and water.

Attend Social Events

07

We have a Monday Night Mixer, a New Delegate Breakfast for our first-timers, a dinner hosted by the Local, and a hospitality suite open every night of the conference. This is your chance to meet other delegates and network – take every opportunity you can! We know that being social at the end of a long conference day can be challenging, but it is worth the extra effort.



Take Note

08

Take good notes at every conference session. A laptop or tablet is usually the easiest way to take notes on all the amazing things you're going to learn about from our various presenters, but pen and paper are great too.

Report Back

09

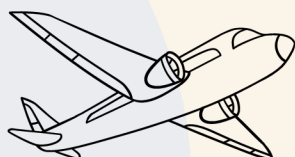
Make a conference report to your orchestra and your local. ROPA will provide you with a report outline soon after the conclusion of the conference. You can then fill in the details with your own notes and experiences.



Turn In Receipts

10

Turn in your travel receipts to your Local.



The Leading Tone

Volume 38, Issue 2

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ROPA

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- 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

ROPA's first treasurer, Leonard Ian Byrne passed away at the age of 70, on January 22, 2024, in Spokane Valley, WA, from congestive heart failure. Leonard is survived by his incredible wife of 36 years, Helen Eggleston Byrne. His only remaining close relative is his niece, Elizabeth Grace Churchill, in Portland, OR. He was preceded in death by his older sister, Grace Eleanor Byrne, and his parents, Alfred Francis Byrne and Pieterella Byrne (nee Lanting). He is also survived by the world's best mother-in-law, Pauline Eggleston, and Helen's two wonderful sisters, Susan Campbell (Terry) and Sharon Giampietri (Mike), and their children and grandchildren who happily accepted him as part of the family.

Born in Renton, WA, on April 24, 1953, Leonard spent his early years in Burien, WA and attended Junior High and Lee High School in Huntsville, AL, where his father was an engineer for Boeing working on the Saturn V and Apollo projects. Leonard earned a B.S. and M.S. in Electrical Engineering from the University of Idaho, and began his engineering career in Spokane at Keytronic. He then spent many years at ISC, a company known for its bewildering array of names over its life, including ISC-Bunker Ramo and Olivetti. He concluded his engineering career after several years at Packet Engines once Alcatel acquired it and decided to close its Spokane office. At that time Leonard chose to focus on music and taking care of his parents.

Leonard was the tuba player in the Huntsville Civic Symphony his senior year in high school. At the University of Idaho he took private lessons from Robert Spevacek, the only lessons he ever had. He had no formal music education other than those lessons and his public school music education. When he unexpectedly landed an engineering job in Spokane, he then successfully auditioned for Principal Tuba with the Spokane Symphony. (Leonard literally excused himself from the middle of his final interview with Keytronic CEO Lew Zirkle in order to rush down to the symphony office to sign up for the tuba audition. Keytronic hired him anyway.) Leonard was principal Tuba with the Spokane Symphony for 48 years, from September 1975 until October 28, 2023, when it became apparent he would never again be able to perform at a professional level.

Leonard's dedication to music became most apparent in his final years as his health began to fail. He loved playing with the symphony so much that he devised ways to manage his limited energy in order to still be able to get on stage and play. He suspected that the life-saving experimental bone marrow transplant he endured in 1988 aged him 10 years beyond his chronological age, and contributed to his more recent heart and cancer problems.

Leonard also performed with Clarion Brass, the Royal Band of the Royal Fireworks, and the low-brass groups Octuba and SPARC (Spokane Piston And Rotary Club). Leonard was the founder of the Spokane chapter of TubaChristmas, and helped start the symphony's Soiree series. In addition to the tuba, Leonard collected and enjoyed playing other low brass instruments including euphonium, helicon, cimbasso, ophicleide, serpent, and alphorn. *****



Leonard Ian Byrne was the first treasurer of ROPA.

See Obituary p. 8

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 Judy Naillon at ropanewslettereditor@gmail.com

The Leading Tone is the official voice of ROPA and reflects ROPA policy. However, we do appreciate and encourage the contributions 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, it's officers or members.

Attending the ROPA 2024 conference this summer? Tag conference photos you upload to social media with [#ROPAConference2024](https://twitter.com/ROPAConference2024) and send your best shots to ropanewslettereditor@gmail.com

ROPA Leadership



Steve Wade

Hartford Symphony Orchestra
ROPA PRESIDENT



Amanda Swain

Houston Ballet Orchestra
Houston Grand Opera Orchestra
ROPA VICE PRESIDENT



Karen Sandene

Omaha Symphony Orchestra
Lincoln Symphony Orchestra
ROPA SECRETARY



Richard Basehore

Annapolis Symphony Orchestra
ROPA TRESAURER



WWW.ROPAWEB.ORG

Meet Your ROPA 2024 Members- At -Large



Beverly Setzer
Symphony Tacoma
MAL



Marjorie Goldberg
Delegate, Harrisburg Symphony
MAL



Richard Kelly
Portland Symphony
MAL



Brooke Beazley
Delegate, Opera Philadelphia
MAL



Lisa Davis
Delegate, Mississippi Symphony
MAL



Sheridan Currie
Delegate, Dayton Philharmonic
MAL



Bandon LePage
Delegate, Wisconsin Chamber Orchestra
Flint Symphony Orchestra
MAL



Ann Rule
Delegate, Colorado Springs
Philharmonic Orchestra
MAL



Alana Wiesing
Delegate-At-Large to the AFM Convention,
Tucson Symphony Orchestra



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IG: ropaoorchestras

ROPA 2024 - 40 Years Stronger Together

AFM Symphonic Services

Division Negotiation

Workshop: Monday, July 29

Conference General

**Session: Tuesday, July 30
to Thursday, August 1**

Parc 55

55 Cyril Magnin Street
San Francisco, CA 94102

Reserve your room at the hotel at the conference rate of \$189 per night, a great deal for downtown San Francisco. The deadline to get this rate is

July 5:

<https://book.passkey.com/go/ROPA2024>

HOTEL



?

NEW TO ROPA?

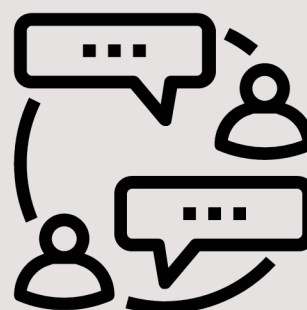
?

-Book your flight ASAP**-Book your hotel using the link for the block rate.**

-If you're negotiating next year, plan to attend the AFM Symphonic Services Division Negotiation Workshop on Monday. This workshop is always the day before the conference begins and the AFM will provide payment for the extra night of hotel stay and extra day of per diem.

DELEGATES:

Don't forget to share this newsletter with your orchestra members.

Thank You!**ROPA Officers****Steve Wade, President**

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DELEGATES:

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log into
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and share this valuable
resource with your
members!**

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Boston Ballet Orchestra
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California Symphony Orchestra
Canton Symphony Orchestra
Cape Symphony
Central City Opera Orchestra
Chattanooga Symphony & Opera Orchestra
Chicago Sinfonietta
Colorado Springs Philharmonic Orchestra
Dallas Opera Orchestra
Dayton Philharmonic
Delaware Symphony Orchestra

Detroit Opera 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
Las Vegas Philharmonic
Lexington Philharmonic
Long Beach Symphony Orchestra
Los Angeles Opera Orchestra
Madison Symphony Orchestra
Marin Symphony
Memphis Symphony Orchestra
Minnesota Opera Orchestra
Mississippi Symphony Orchestra

Monterey Symphony
National Philharmonic Orchestra
New Haven Symphony Orchestra
New Mexico Philharmonic
New West Symphony Orchestra
Oakland Symphony
Omaha Symphony Orchestra
Opera Philadelphia
Orchestra Iowa
Oregon Ballet Theatre Orchestra
Orlando Philharmonic Orchestra
Palm Beach Opera Orchestra
Pasadena Symphony Orchestra
Philadelphia Ballet Orchestra
Pittsburgh Opera Orchestra
Portland Opera Orchestra
Portland Symphony Orchestra
Reading Symphony Orchestra
Rhode Island Philharmonic
Richmond Symphony
Sacramento Philharmonic & Opera
Santa Barbara Symphony
Santa Rosa Symphony
Sarasota Orchestra
South Bend Symphony
Southwest Florida Symphony Orchestra
Spokane Symphony Orchestra
Springfield Symphony Orchestra
Symphony San Jose
Symphony Tacoma
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Vermont Symphony Orchestra
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Wisconsin Chamber Orchestra

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Eastern Connecticut Symphony Orchestra
Flint Symphony Orchestra
Glimmerglass Opera Orchestra
Lincoln Symphony Orchestra
Milwaukee Ballet Orchestra
Opera San Jose
Pittsburgh Ballet Orchestra
Southwest Michigan Symphony Orchestra
Tri-Cities Opera Orchestra
Tulsa Opera



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▶ ROPA 2024 ◀ *Conference*

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NEGOTIATIONS WORKSHOP
July 29th



GENERAL CONFERENCE
July 30th – August 1st



Hotel rates are \$189 per night but
you must book by **JULY 5TH**

<https://book.passkey.com/go/ROPA2024>