

# MEMBERS

## NEWSLETTER

Make Every Musician Benefit from Efficient Responsible Service

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New York, NY

A DEMOCRATIC FOUNDATION

## The Committee System

**T**HE essence of unionism is democracy. A union usually derives its authority to negotiate and administer collective bargaining agreements through a certification election in which an employee group (bargaining unit) designates a particular union as the “exclusive collective bargaining representative” of that unit.

The role of a union’s officers and administration is to provide focus, leadership and representation. All of these require a comprehensive familiarity with the industry, negotiating and administrative skills, and an identification with the members they represent (and their priorities).

### The Balance of Power

Once elected, union officers hold a great deal of power. They control overall union policies, financial expenditures, political endorsements and contributions, organizing activities and contract negotiation and enforcement. Union officials are also legally bound by federal standards of fiduciary responsibility, and the duty of fair representation, among other obligations.

Still, and especially at 802, the rank-and-file members themselves retain many inalienable rights. Among these are: final say on collective bargaining agreement ratification, bylaw voting, authorization of dues increases and, of course, the election of officers.

### The Committee System

Over the past several decades, Local 802 members have developed yet another avenue of input into their representation by the Union: the formation and recognition of rank-and-file committees. Between elections, the committee system has become a key element in Union democracy at 802, along with contract ratification and voting on bylaw resolutions.

Local 802 members have elected rank-and-file committees for more than 40 years. By far the most autonomous of these have been the four Lincoln Center orchestra committees. The Local 802 Theatre Committee has been in existence in one form or another for more than 30 years and has enjoyed varying degrees of autonomy. Most of the other rank-and-file committees were formally established over the past 25 or so years under the committee-friendly MEMBERS administration.

### The RMA

One of the more autonomous of Local 802’s early committees was the Recording Musicians Association (RMA) which was formed in New York in 1969. The RMA met off-premises (not at 802) and counted most of the top recording musicians in New York among its members.

In 1983, with the addition of chapters in other major locals such as Los Angeles and Chicago, the RMA became a national organization and later a conference of the Federation. Unlike other committees, the RMA doesn’t represent only one bargaining unit but rather draws its members from musicians working in several electronic media, including sound recording, jingles and motion pictures.

During the last 20 years, while the national RMA has been thriving, the New York RMA Chapter has suffered from a declining recording business, as well as declining membership, and is presently hoping to reconstitute itself as a representative of NY studio musicians.

### The Need For Committees

Especially in a union like 802 where working musicians are employed in so many significantly different genres and industries, they need to have a great deal of input into the Union’s handling of their affairs. Elected committees can empower a bargaining unit to press

(continued on page 4)

## Committees in Crisis

**I**N 1983, the first MEMBERS Administration took office at 802, including the first Executive and Trial Boards comprised of active musicians.

On these boards were rank-and-file committee members from Lincoln Center, Broadway, the Freelance Orchestras, the Hotel Musicians Committee, Clubdate Committee, the RMA and others. Over the ensuing 25 years, the MEMBERS administration encouraged and nurtured a significant expansion of committees from virtually every field.

Recent concerns raised about the involvement of, and respect for, working musicians and their elected committees in the administration of the agreements under which they work

have evoked comparisons with concerns which were addressed in the very first issue of the MEMBERS Newsletter in July/August of 1981.

That issue focused on the role of committees in 802 affairs. Threats to the autonomy of committees were the principle motivation for the formation of the MEMBERS Party in the first place.

We hope that today’s musicians will be interested in the reprint (on page 2) of the original Newsletter articles on this subject as they were published exactly 26 years ago.

Readers should note that, although the situation was worse in 1981, similar attempts by the administration to control committees appear to have recently reemerged. **MN**

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Next Issue: **Chamber Music**

# A BLAST FROM THE PAST

*Recent complaints with respect to the Union's failure to consult with theater musicians and the Theatre Committee have evoked comparisons with similar events which occurred quite some time ago.*

*The material below was written and published in 1981. It consists of reprints of two articles exactly as they appeared in the MEMBERS Newsletter 26 years ago.*

**WHEN IS A COMMITTEE NOT A COMMITTEE?** When Local 802 officers say so? Local President Max Arons reads the bylaw which gives the President the power to appoint all committees. Period! No matter that this is a stock bylaw common to most organizations, which allows a president to name subcommittees of his executive board and which was drafted many years before rank-and-file committees appeared in our union. Forget about those other bylaws directing the executive board to recognize orchestra committees. Arons says it's his ball game. That is, when he can get away with it.

**ARONS CAN GET AWAY WITH MANHANDLING** committees only when the committee represents a decentralized group, especially when the committee meets on union premises. But he is relatively powerless when the committee represents a single orchestra which ratifies a separate contract. A recent skirmish between the union and the NYC Ballet Orchestra is a case in point.

**THE NYC BALLET COMMITTEE** had been protesting the union's alterations of their working conditions, which had been in their contract for years. Along came 802 Secretary Lou Russ, who in mid-May stated that the orchestra would get what he, Russ, decided it should get, and declared the orchestra committee to be "dissolved." The outraged orchestra members wrote a telegram to Arons. The result: Arons declared that the committee had not been dissolved.

**THE BROADWAY THEATRE COMMITTEE**, inactive since the 1978 contract negotiations, is once again back in business. It took some doing, though. After Theatre Supervisor Lou Russ had failed to respond to numerous rank-and-file requests to reactivate the committee, the MEMBERS Party's Stan Koor, past Theatre Committee Secretary, circulated a notice announcing an organizing meeting in April, away from union premises. The first arrival at that meeting was Russ, who attempted to break up the session claiming that it was "illegal." Russ then sent a notice to all theatres directing election of delegates and setting a meeting time for the officially sanctioned committee. When the new committee met, Russ' first actions were to declare himself to be chairman, to bar Koor from the room, and to try to ram

through a proposal to increase contractors' scales. It is unprecedented for a union official to head a rank-and-file committee. We hear, however, that Russ has been behaving himself lately and that the committee in progressing satisfactorily in framing contract demands. We wish them well.

## EDITORIAL

**THIS IS THE FIRST ISSUE OF MEMBERS Newsletter.** The success of our publication which we hope to issue six times a year, depends on your support. We hope that you agree that the need for information and better communication between our union's members, as well as the need for a healthy political opposition movement in our local, are important. We hope you think they're important enough to shell out some of your hard-earned dollars to keep MEMBERS Newsletter alive. Please see the box on page 3 for subscription information.

**RANK-AND-FILE COMMITTEES** occupy a lot of our space in this issue. The emergence of committees in our union is a relatively recent phenomenon. It was made possible by the enactment of the "Bill of Rights for Labor Organizations" contained in the Landrum Griffin Act of 1959. Prior to that time it was OK for a union official to expel or otherwise discipline any member who criticized his policies. But just because it's legal to speak up doesn't explain the rapid rise of the committee system in Local 802.

**THE NEED FOR RANK-AND-FILE COMMITTEES** was created by working musicians' perception that this union's officials are not doing their job. Whether this is because the officials are too far removed from the professional arena or because of corruption or stupidity makes little difference. The sad fact is that many musicians fear that the union's job won't be done properly without membership assistance and oversight.

**THE OFFICIALS THOUGHT IT WAS GOOD POLITICS** for many years to embrace the rank-and-file committees. They offered them the use of union facilities, flattered them and worked their tails off at negotiation sessions. But after the last elections, when Herb Wekselblatt, chairman of the union's most powerful committees, led a nearly successful MEMBERS Party campaign to unseat them, 802 official changed course. As items elsewhere in this issue show, the administration is trying to weaken the committee system whenever and wherever they can.

**WE NEED THE COMMITTEE SYSTEM.** Rank-and-file committees are our best hope for obtaining decent collective bargaining agreements. We all owe thanks to those dedicated members who have freely given their time and energy to help mitigate the combined forces of uncreative union leadership and aggressive managements. We urge all musicians to support their committee delegates. And to the committees we say "**STAY WITH IT! KEEP PUNCHING! KEEP UP THE GOOD WORK!**"

— ABE ROSEN —

On May 30, 2007, Local 802 and the MEMBERS Party lost a beloved and respected Union activist with the death of Abe Rosen.

He was a member of the very first 802 administration which included active musicians on its elected boards.

An exemplary board member for 20 years, Abe devoted his prodigious energy, character and intelligence to promoting democracy and members rights in this Union. He will be sorely missed.

## MEMBERS NEWSLETTER

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FEDERATION POLITICS

# The 2007 AFM Convention

By Michael Comins

**H**ELD at the Riviera Hotel in Las Vegas June 18–20, the 97th AFM Convention was described by one experienced delegate and local president as “a large number of old white guys shouting down the working musicians.”

Another local president and delegate stated, “The majority of delegates voting for the financial package do not have recording musicians in their locals. This package put an unfair financial burden on a minority of musicians and was a clear case of taxation without representation.”

**FMSMF Distributions to Be Taxed**

Since there are a number of 802 musicians whose Film Musicians’ Secondary Markets Fund checks exceed \$2,500, they will be affected, along with LA musicians, by the 2% work dues slapped on the funds. Further, the ability of the AFM to collect work dues on the funds is questionable, leaving the AFM in its usual financial predicament.

A third member stated, “To what sector of the business is the AFM relevant and/or essen-

tial? The recording musicians of LA consider it a tax-grabbing irritant which excludes them from meaningful input; casual musicians have left in droves since the early ’70s; symphonic players handle their own affairs very well and most, if not all, larger locals give to the AFM far more than they receive.”

**Further Quotes:**

“In order for ROPA to support any increase in dues to the AFM, the AFM leadership must straightforwardly demonstrate fiscal accountability, responsibility and transparency, and a dedicated and proactive plan to keep and increase membership and services. No such detail has been provided to 2007 Convention delegates, and we see no opportunity to do so in a timely manner before the commencement of the Convention June 18, 2007.”

**Representation Needed**

“It is evident that working musicians are providing the lion’s share of the new monies and I’m certain they will be expecting more effective representation. They should get it.

an effective and democratic union and you can help us continue and expand our publication of this *Newsletter* by sending a check for a subscription or a contribution, made out to the MEMBERS Party, to P.O. Box 1502, Radio City Station, New York, NY 10101. You can also contribute online through PayPal at our web site: [www.membersparty.com](http://www.membersparty.com).

Also, if you are not receiving our periodic e-mail reports, please send us your e-mail address either by mail or through our Web site.

Your help will be much appreciated. **MN**

They are the reason the Union exists,” wrote Bill Moriarity in *Allegro* 9/2003.

**Administration Changes**

The 2005 Convention elected a solid minority block of four independent officers to the IEB—Ray Hair, Mark Jones, Hal Espinosa and David Lennon. Now, with Espinosa’s failed presidential bid and Lee’s political eradication of Jones and Lennon, only Hair is left. It remains to be seen whether Local 802’s newly-elected IEB member, Erwin Price, evinces an independent streak or toes the Lee party line.

**For the Record:**

- AFM President** – Tom Lee, DC
- Vice-President** – Harold Bradley, Nashville
- Canadian VP** – Bill Skolnik, Toronto
- Sec’y-Treas.** – Sam Folio, Reno

**IEB Members**

- Joe Parente, Philadelphia
- Bob McGrew, Houston
- Billy Linneman, Nashville
- Ray Hair, Dallas/Ft. Worth
- Erwin Price, New York

**Resolutions Adopted**

Several “feel-good” resolutions were also passed, including those calling for the end to the Iraq war and for a national health plan, presumably meant to give delegates from locals with no full-time musical employment a sense of accomplishment. The delegates voted to turn the biennial convention into a triennial affair, thereby saving approximately \$100,000 over a 3-year period and retaining officers one additional year.

It is possible that there may be an election challenge to the Department of Labor because of what some members termed the improper seating of delegates from some merged locals containing irregularities and locals whose Federation dues were in arrears. **MN**

## WE NEED YOUR HELP

**T**HIS *Newsletter* is in its 26th year of publication. Our goal continues to be to promote union democracy and member awareness and involvement in Local 802.

If you have read any of our previous issues, you know that our reporting is accurate and evenhanded and that the *Newsletter* often contains information that is not otherwise available.

An informed 802 membership is essential to

If you received this issue of the *Newsletter* as a complimentary copy where you work, and if you value our efforts to inform 802’s membership, please fill out the coupon below and send it with your check. Also, contributions can be made thru PayPal at our website [www.membersparty.com](http://www.membersparty.com).

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## Petition Opposes Limited Pressing Violations

A petition signed by more than 200 theatre musicians was delivered to President Landolfi on Friday, July 13, calling for Local 802's Recording Department to stop permitting producers to record cast albums under the Local 802 Limited Pressing Sound Recording Agreement (LPSRA).

The petition was provoked by several recent high-profile cases in which Recording Department Supervisor, Jay Schaffner, allowed cast album projects to be filed as limited pressings in violation of the agreement's own terms.

The LPSRA was created primarily for speculative pop recordings and it specifically prohibits cast albums. Theatre musicians have objected to its use for cast albums because its scales are extremely low (less than half of AFM Sound Recording rates), it allows 50% more music to be recorded per hour and does not provide Special Payments credits for musicians. With it, 75 minutes of music can be produced for as little as \$605 per musician for 10 hours of work.

At a meeting of theatre musicians on July 6 to discuss this topic, the consensus was that such use of this agreement should be ended immediately and that a new policy should be devised.

Rather than bring the issue to the Theatre Committee, Landolfi appointed her own committee to study the matter. She also appointed Jay Schaffner to be its chair.

In the meantime, another cast album ("Love Musik") was recorded under the Limited Pressing Agreement on Sunday, July 15, presumably with the Union's approval. **MN**

## The Committee System

*(continued from page 1)*

Union officers to strive for the goals of the rank-and-file in both negotiation and administration of collective bargaining agreements.

Ideally, the most informed, committed and articulate musicians will be elected to committees. This can be good for both the musicians and the Union as long as the officers are willing and able to pursue the musicians' goals and deal effectively with employers. However, officers have sometimes resented the efforts of committees to get them to confront the real issues in dealing with management.

### A Point of Crisis

Local 802's committee system reached a crisis point in 1980 when President Max Arons began attempting to co-opt several committees and assert his own authority over them. Around the same time, 802 Secretary (and Theatre Supervisor) Lou Russ (Russo) attempted to assume control and, at one point, even the chairmanship of the Theatre Committee. (See: "Committees In Crisis" in this issue.) Over the past few months we have heard from many members expressing their concern over the current administration's policies regarding cable TV production agreements, the recording of cast albums, and musicians' rights to a voice in the handling of these and other matters.

Whatever input musicians have had in most of these situations has come through their insistence on being involved. In the absence of such insistence, it appeared that the Union was prepared to exclude the musicians from approval of the final deals.

### An Appointed Committee

For some reason, the administration did not bring these matters to the Theatre Com-

mittee but rather, in response to widespread concern about the Union's policies, President Landolfi decided to appoint her own committee to study the cast album situation and explore possible alternative approaches. She also appointed Recording Department Supervisor Jay Schaffner to chair the committee.

Some musicians say they feel these matters should be dealt with through the 802 Theatre Committee since they specifically revolve around theater productions and musicians working in the theatre.

There is no question that any committee charged with exploring solutions to problems involving recording projects would benefit from the input of 802's Recording Department supervisor. Still, it seems inappropriate for a department supervisor—or an officer for that matter—to chair such a rank-and-file committee. This is particularly true in Schaffner's case, since his policies in these areas brought about musicians' complaints in the first place.

The Theatre Committee would indeed seem to be the logical body to examine approaches to these matters which would promote the interests of theatre musicians and proper respect for our contracts.

### Commitment to Committees?

All of this raises worrisome questions as to the new administration's commitment to committees and Union democracy. Not in recent memory have musicians had to resort to petitions and other forms of pressure to get the Union to honor their negotiating priorities, consider the input of musicians and committees and to desist from violating the Local's own contracts.

It seems clear that, once again, it will be up to musicians themselves to remain vigilant and to protect the committee system and democracy itself in Local 802. **MN**

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