

# MEMBERS

## NEWSLETTER

Make Every Musician Benefit from Efficient Responsible Service

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New York, NY

### HAVING A VOICE

## Union Democracy

**I**N a previous article we talked about the need for members to participate in union elections and ratifications, attend membership and bargaining unit meetings and support (and/or serve on) elected rank-and-file committees. Each of these activities is an important way to promote and benefit from union democracy.

### Exercising Your Rights

The rights to all of these forms of democratic participation are fundamental to union membership and are protected under U.S. labor law. They are, however only as valuable as the use we make of them.

Members sometimes complain about an unpopular contract, an unresponsive administration or an unreasonable bylaw. Frequently these complaints come from people who, if they and other like-minded members had exercised their right to vote in one venue or another, might have changed the outcomes.

### The Professional Minority

Of course, there are sometimes situations in which even member activism and the com-

mittee system cannot guarantee that members voices will be heard. For at least 30 years before 1983, Local 802 was under the control of administrations that largely ignored the interests of professional musicians and were sometimes actively hostile to them.

During much of that period, the Local's elections were conducted with mail ballots which were sent automatically to all 25,000 members. Since only 5,000 of those members were even trying to make a living as musicians in New York City, the mail elections were largely decided by the 5-to-1 majority of members

who had no knowledge of, or stake in, whether or not the Union functioned in the interests of working musicians.

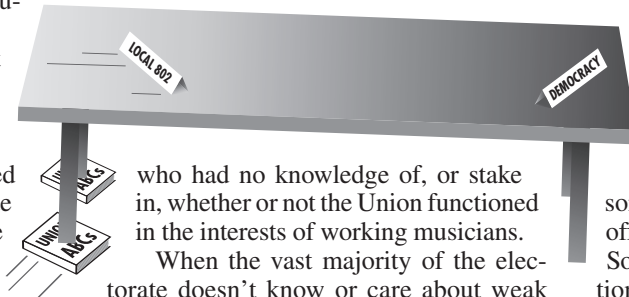
When the vast majority of the electorate doesn't know or care about weak contracts, committees being ignored or administration coziness with employers, they can be much more easily swayed by false political

issues, misleading election mailings and/or targeted phone campaigns.

### A Chilling Effect

Over the past year, certain orchestras and groups of musicians have written various letters and petitions expressing positions and raising questions about Union policies. In each case, rather than addressing the substance of the documents, the administration's principal response focused on who had drafted the texts and whether they might somehow be violations of an 802 bylaw requiring that communications to the membership be "signed" by a member. In some cases, the musicians were contacted by Union officials, prominent pro-administration musicians or employer representatives who questioned their complaints.

As a result, many of the musicians felt somewhat threatened and have tended to back off from overt expressions of dissatisfaction. Sometimes, when employers have a close relationship with certain union administrations, the safest way for members to effect change in union policies may be through the electoral process because of its built-in anonymity.



### Building Union Democracy

The democratic process at Local 802 can be nurtured and significantly advanced if active  
*(continued on page 2)*

## Early Retirement Pension Concerns

**A**S is fairly widely known, more restrictive AFM pension policies governing early retirement benefits have sparked widespread interest and concern among 802 members. Questions have been raised about IRS pension fund requirements, the fiscal rationale for the present policy, a history of contradictory information provided by Fund representatives over the past few years and the impact of the current policy on musicians whose "retirement" plans reflected their reliance on rules and policies which have apparently been superseded.

Many affected musicians have expressed frustration and anger and some have blamed pension trustees and Union officers for the disruption of their access to pension benefits.

Of course, as in most highly complex institutions, it is important to gather and exchange information about policies before assigning blame. In mid-April, notices from Local 802 announced a proposed meeting at the Union to discuss the situation and to provide accurate and relevant information.

Although we are not qualified to account for pension fund policies, we trust that they are based on accurate, legal and actuarial information and are directed at promoting the best interests of the Fund and its participants. At press time, no date had been set but we hope that such a meeting will take place soon and will help to clarify many of the areas about which members have raised questions. **MN**

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Next Issue: **Union Bylaws**

## AN UNWELCOME DEVELOPMENT

# The Return of the Walker

**T**HE Special Situations clause which was added to 802's agreement with the League of American Theatres and Producers (League) in 1993, was intended to end the use of "walkers": musicians paid to fill out a theatre's orchestra minimum but who were not required (or permitted) to play.

Some producers preferred using walkers to playing musicians because it reinforced the idea of smaller orchestras, they could pay the money to whomever they chose and, at negotiations, they could point to walkers as musicians "paid not to play" and deprecate minimums as Union "featherbedding." This tactic had robbed the Union of much public support.

## Initial Success

Eventually, the clause did virtually eliminate walkers since, under its terms, producers who were able to convince a panel of neutral experts (comprised of orchestrators and conductors) that additional playing musicians were inappropriate for their shows could use smaller orchestras without hiring walkers. Most musicians also acknowledge that smaller orchestras can be appropriate if a show's musical concept is something like a string quartet or a small combo.

It seemed to work. Public support clearly swung to the musicians during the negotiations of 1998 and 2003.

## Harmful Changes

In 2003, however, harmful language changes and the contractual replacement of musicians with producers on the neutral panels resulted in many Special Situations shows which would never have been granted by the previous musically savvy panels. Also, a loophole remains: A producer who doesn't prevail at a Special Situations hearing must employ playing musicians up to the minimum, but those who simply do not apply for the status can apparently use under-minimum orchestras and still use walkers.

## Good News, Bad News

The recent good news that 802 had won a Special Situations case with the show *Cry Baby* at the Marquis Theatre was somewhat dampened when it was learned that there had been no "win" since there had been no hearing. The producer had simply withdrawn the Special Situations application. More recently it was learned that the producer intends to use walkers rather than enlarge the orchestra to nineteen.

## A Bitter Pill

This matter is not, as some might think, about jobs. It is about keeping Broadway music acoustic and not allowing the public relations nightmare of non-playing musicians to come back to haunt us. If playing musicians cannot be required, the amount of those salaries would best be contributed to the 802 Emergency Relief Fund where it could provide an unassailable benefit to all musicians who need help.

The realization that walkers might return to the Broadway musical theatre, after the trauma and risk that we have all suffered in agreeing to and living with Special Situations over the past 15 years, is painful indeed. **MN**

# Club Date Contract Ratified

**L**OCAL 802's Single Engagement Club Date Contract was approved in a ratification vote held on Tuesday, May 20, in the 802 club room. The ballot boxes were open from the end of the 12 PM ratification meeting thru 5 PM on the following day. The negotiations between Local 802 and the major club date offices had concluded on May 1 with a tentative agreement for a four-year contract (April 15, 2008 thru April 14, 2012).

The Union was represented by Recording Vice President **Bill Dennison** in consultation with the club date negotiating committee: **Al Hood, Tony Montalbo** and **Bobby Shankin**.

## Increases Achieved

Among the principal increases over the four-year life of the agreement were the scale for Saturday night which goes from \$300 to \$340, the 3-hour weekday which moves from \$175 to \$205, and the 3-hour Sunday which increases from \$180 to \$200.

Health benefits contributions will rise to \$30 (from \$28) effective May 1 (with an escalator clause allowing increases of up to \$5 per job over the term of the contract) and pension will go from 10% to 10.25% on January 1, 2012. Cartage will move to \$15 on June 1 and parking increases to \$10 on 3-hour weekday jobs upon presentation of receipts.

## The Negotiations

The talks were reportedly less acrimonious than in previous negotiations and the committee had recommended ratification.

According to committee members, Dennison and the rank-and-file musicians worked together effectively. The negotiating team was able to achieve a consensus on all proposals and the committee unanimously recommended ratification of the agreement.

The ratification turnout was reportedly small and Local 802 will need to work to rebuild this community of musicians. **MN**

## Union Democracy

*(continued from page 1)*

musicians make it their business to expand their knowledge of, and participation in, rank-and-file Union activities.

All 802 musicians need to take part in rank-and-file committee elections, support those committees and encourage them to convey their views to the administration. It's important for musicians to think about what they want from their contracts and from their Union.

When election time comes, try to learn about all of the candidates, their platforms and their records. Ask your colleagues what they know about the candidates and the issues, make your choices and vote them.

Attend membership meetings, particularly when bylaw proposals, charges or special issues are on the agenda. Attend all bargaining unit meetings for the contracts under which you work, especially if you are eligible to ratify the agreements.

## Involvement Needed

There are many challenges to music and professional musicians today. Electronic replacement, underscale and nonunion competition, job security issues, employer harassment and contract violations are all areas in which we need the Union's protection. Member's cooperation, vigilance and even their criticism can help make Local 802 better and more responsive.

Local 802 is our Union and we should all have a voice in its priorities and policies. If all, or even most, active 802 musicians understand their contracts, support their committees, attend meetings and vote in ratifications and Union elections, their voices will be heard and we will all benefit from a stronger and more democratic Union.

We should all participate in deciding how our Union deals with the problems facing us. True Union democracy requires the awareness, commitment and involvement of *all* of us. **MN**

## MEMBERS NEWSLETTER

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# Rehearsal Bands—*Playing for Fun*

ONE of the most useful traditions of the New York music scene has been the so-called “rehearsal band.” Thousands of these groups have existed over the past 50 years or more. The term *rehearsal band* itself is a misnomer since these groups often have such highly fluid personnel that they are hardly *bands* and they virtually never *rehearse* since there are no performances involved.

The concept is actually very similar to that of playing duets, string quartets, etc. with family or friends in a home or apartment. The biggest difference is that the kinds of music these groups usually play—big-band arrangements—are seldom adaptable to living rooms since drums, pianos and larger spaces are necessary.

## Origins

It is thought by some older musicians that the word “rehearsal” was originally used to make it clear to invitees and potential partici-

pants that they were not being offered “work.” Although there are no gigs (public performances) connected with the “rehearsal,” many musicians are happy to participate in them when they are available.

There are many reasons why some musicians might want to play with one of these ensembles: fun (kicks); keeping chops up (practice); a chance to play “musicians” music; for “old-times sake” (older players); “experience” (younger players); a chance to play more challenging music; few or no other opportunities to play with other musicians; as a favor (to fill an open chair); being heard (networking); and change of pace.

## A New Era

Several rehearsal bands play regularly in the 802 club room. Although some are quite impressive sounding, few of them ever play (or even solicit) engagements.

Unfortunately, in this era there is very little demand for big bands or their music. Today’s pop music focuses on the image of young people in theatrical-looking costumes, holding or wearing microphones and standing or moving around a stage provocatively. There seems to be little or no potential fan base for, or even interest in, larger ensembles of ordinary looking people sitting in chairs, reading music.

## A Basic Format

Ironically, this is pretty much the kind of format in which a lot of professionally oriented musicians are most comfortable. Virtually every college or university with a music program has a least one stage band, and playing in a big band is one of the principal disciplines learned in such programs, just as orchestral performance is a staple of college classical music departments.

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## THE CAST ALBUM ISSUE

AS we went to press, there had not yet been a published report from the committee mandated by the July 6, 2007 membership meeting convened to address the use of the Local’s Limited Pressing Agreement (LPA) to record cast albums. As we reported at that time, although the language of the agreement specifically forbids it to be used for this purpose, the 802 recording department had permitted several cast albums to be recorded as limited pressing projects.

The meeting’s consensus was that LPA terms and scales were inappropriately low, and that

this practice should end. President Landolfi and Recording Supervisor Jay Schaffner assured those present at the meeting that a committee would be formed to recommend a more appropriate approach to accommodating the lower budgets of certain Off-Broadway cast album productions. In the meantime, the use of the LPA for that purpose would be halted. Subsequently, however, the agreement was again used for cast album projects.

President Landolfi did appoint a committee of thirteen members and made Schaffner its chairman, in spite of the fact that it had been his policies that the members had complained about in the first place. Although the mandate of the July 6 meeting was to dissociate cast albums from the

LPA, the committee somehow wound up being called the “Limited Pressing Committee” rather than the Cast Album Committee.

Most of the members who work in this field do seem to favor scales lower than the standard AFM Sound Recording Labor Agreement for recording certain Off-Broadway cast albums as long as they are not unreasonably low and provisions for special payments credits, over-dubbing, overtime rates and bump-ups are included. Hopefully, the Committee will succeed in coming up with a recommended approach to these recordings that encourages such projects without undermining existing industry standards or inflicting undue hardship on the theatre musicians who perform on them.

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# Charges On June 11 Agenda

LOCAL 802's June membership meeting will hear charges filed by former Radio City Music Hall bassist John Babich against Executive Board members Mark Johansen and Jay Schaffner.

Because these two members are elected officers of Local 802, the charges cannot be heard by the Trial Board but must be decided by a committee of 7 members elected at a duly-convened membership meeting.

If there is a quorum on June 11 at 5 PM, those present will hear and discuss the charges and decide whether or not to elect the 7-member committee to try the case. If elected, this committee will then conduct a hearing, reach a verdict and report back to the next membership meeting with their verdict which must then be affirmed by that meeting.

## The Charges

Johansen is charged under the 802 bylaw that makes it a violation to fail to appear before the Trial Board after having been duly summoned by the recording vice president.

In his charges against Schaffner, Babich alleges that, after he (Babich) submitted a letter to the Executive Board reporting irregularities in the conduct of the "blind" audition he took in hopes of regaining his job at Radio City, Schaffner violated his duty as an Executive Board member and exposed Babich to further management retaliation by giving his letter to the person whose actions Babich was complaining about.

## Background

As many of our readers know, in 2007 Babich was not rehired as a tenured member of the Radio City Orchestra and believes he

was targeted for dismissal in response to his high profile role as a member of both the Orchestra Committee and the 802 Executive Board during the 2005 Radio City/Local 802 labor dispute. In an effort to regain a portion of his lost employment at Radio City, Babich participated in an audition for his former posi-

tion and his letter to the Executive Board concerned alleged irregularities in that audition.

We believe that both Babich and the defendants, Johansen and Schaffner, are entitled to a fair hearing at a membership meeting. We hope that 802 musicians care enough about protecting the rights of these members to show up and produce a quorum on June 11, listen to the charges and discussion, and vote as they believe is appropriate. **MN**

## Who Writes the MEMBERS Newsletter?

OVER the past several months, we have heard from two different members who asked why the names of those who write the *Newsletter* articles are not listed and who is "MN."

It is possible that these questions were facetious, especially given the fact that the names of our Editorial Board have been plainly listed in the masthead on page two of every issue of the *Newsletter* for the past 27 years. Nevertheless, it might be worth devoting a word or two describing the process by which our articles are written.

### A Committee System

Over the years, we have worked with an editorial staff of four or more people who cooperate in writing the material in the *Newsletter*.

Our Editorial Board operates democratically and, after one of the editors writes a new article, the others revise and edit it through days, and sometimes weeks, of e-mail exchanges and phone calls.

If any of us (or an outside writer) contributes a solo article, that person is listed with a byline.

All of this does, however, raise an interesting point since, as a few members have commented, 802's *Allegro* often publishes unsigned articles. In the December 2007 *Allegro*, for example, none of the first 6 articles (on pages 1 thru 4) was attributed, and in the April 2008 issue the 4 pieces on pages 1 and 2 were unsigned.

The "MN" at the end of most of our articles stands for *MEMBERS Newsletter* and it is known in the publishing world as an "end sign," used to indicate the end of the article. **MN**

## Rehearsal Bands

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"Rehearsal orchestras" are far less common however, probably because of the much more formidable logistical and personnel requirements involved. Also, unlike big-band arrangements, which are plentiful and readily available, symphonic parts and scores are difficult to come by and can be expensive.

### Filling a Need

In a world and a music industry with rapidly diminishing employment opportunities for musicians, rehearsal bands can offer younger, older, underemployed, unchallenged and unconnected musicians much needed opportunities to play, network, develop and otherwise function as musicians in an informal setting with like-minded colleagues. **MN**

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