

# MEMBERS

## NEWSLETTER

Make Every Musician Benefit from Efficient Responsible Service

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New York, NY

**A NEW APPROACH**

## The Broadway Media Deal

**O**N April 18, nearly a year before the expiration of the current contract, theatre musicians ratified a League proposal to insert a new promotional media provision in the collective bargaining agreement.

Broadway musicians have never reopened a contract before, and opposition was so widespread, as recently as February, that the idea seemed dead in the water. Then President Landolfi suggested that a subcommittee meet with the League to listen to a proposal that might be more tailored to orchestra musicians than the summary of a League agreement with Equity that had been made available to 802 earlier.

### Committee Appointed

Since this was an exploratory subcommittee, it was appointed rather than elected. When several others who had not been appointed expressed interest in participating, Theatre Committee (TC) chair Gagliardi agreed to include them, bringing the subcommittee to 17 members.

After a few meetings, Landolfi suggested that the subcommittee be authorized to negotiate terms for a possible agreement. Although the TC had never authorized an unelected ad hoc committee to conduct a negotiation, they agreed to give that authority to the subcommittee despite Gagliardi's objections.

### A New Kind of Media Payment

The concept itself is highly unusual in that it permits unlimited high definition capture and use of performances and rehearsals for various promotional purposes without initial payments to the musicians who perform on the recordings. Instead, the League offered to institute a weekly payment to all theatre musicians, equal to 1% of base scale starting at ratification, rising to 1.5% in the 2nd year and to 2% in the 3rd year and from then on. (The bump-up schedule is calculated in 13-month years.)

Landolfi and 802 Counsel Englestein insisted that the bump-up to 1.5% begin after 6 months (rather than 13 months) to coincide with Equity's schedule of increases which had begun 7 months earlier. After initially refusing to accelerate the bump-up schedule, the League agreed to move up the increases by 6 months but only in exchange for a one-year extension of the contract with a wage freeze. In addition, there would be a one-year extension of the moratorium on orchestra minimums. This was the deal that was brought to the bargaining unit for ratification.

The idea of a 3rd year out of 4 with no raise on Broadway in exchange for an earlier bump-up of only 0.5% was seen by some musicians as unnecessarily concessionary and a few advocated keeping the bump-up at 13 months and not giving up a possible raise in 2010.

*(continued on page 4)*

## Important Bylaw and Charges Meeting

**A** quorum is needed for 802's June membership meeting on Wednesday, June 10 at 5:00 PM. It's agenda includes two bylaw proposals and charges against officers.

### Charges Against Officers

Bassist David Finck has charged the members of the Executive Board with violating 802's bylaws by conducting a "procedural review" of charges he had filed against Jay Schaffner and Mary Landolfi and dismissing them as "untimely." Article V, Section 7 specifically prohibits the Executive Board from hearing charges against officers.

Over the past 25 years, there have been six instances of "charges against officers." In no case did an Executive Board ever conduct a "procedural review." We urge members to read the relevant bylaws for themselves on our website at [www.membersparty.com](http://www.membersparty.com). The complete bylaws are available in the members section of the 802 website: [www.local802afm.org](http://www.local802afm.org).

The charges Finck had filed against Schaffner and Landolfi were for withholding the results of an 802 Survey when he asked to see them. He also charges that they refused to reveal who wrote the document and then authorized its destruction.

Finck wanted to see the results because the Survey asked if musicians would accept lower pay for doubles on some film dates, and would be amenable to having AFM agreements made available to some film producers with no payments into the Film Musicians Secondary Markets Fund.

### Bylaw Resolutions

Also on the agenda are two important Bylaw resolutions.

**Resolution #1** would prohibit officers and Executive and Trial Board members from being employed in staff positions during their terms in office. The resolution's stated purpose is to promote the independence of board members. Its whereas clauses state that historically, board members holding staff positions have routinely voted with the top officer who controlled their employment. The Executive Board has reported this resolution "unfavorably."

**Resolution #2** would lower the quorum for membership meetings from 125 to 95. The quorum has not been changed since 1992 when it represented about 1% of 802's total membership. A lower quorum could permit more meetings to be convened, and to continue even

*(continued on page 3)*

### IN THIS ISSUE

<i>The Broadway Media Deal</i> .....	1
<i>Important Bylaw and Charges Meeting</i> ..	1
<i>Unity</i> .....	2
<i>AFM Film Negotiations</i> .....	2
<i>Letter from "Wonder Pets!" Musicians</i> ..	2
<i>The Role of Committees</i> .....	3
<i>Orchestra Financial Problems</i> .....	3
<i>A Better Way</i> .....	4

Next Issue: **Union Service**

# Unity

**A**LTHOUGH the Concerned Musicians' widely disseminated plea for "unity" may be empty campaign rhetoric, it is vital for all of us to remember that the essence of unionism really is, and has always been: Unity!

Slogans aside, musicians would be at a disadvantage in dealing with powerful employers one-on-one. By uniting, musicians increase their bargaining power in the music business.

This is not the first time a Union administration under fire and approaching an election has equated criticism with division while making a plea for "unity." Real unity, however, begins at the top, with leaders who make common cause with their members. When officers use their positions to pursue their own agendas, they themselves create disunity.

Unity doesn't mean that members can't criticize or actively oppose officers or policies they disagree with. Winning elections doesn't give officers carte blanche to ignore members.

## Lackluster Contracts

802's current administration is committed to "no strikes" and that is a reasonable goal. But an apparent pattern of negotiating by appeasement has begun to alienate even some of the CM's own supporters.

On Broadway, the administration's avoidance of critical issues in favor of shoring up the health plan and assigning a large portion of its cost to musicians through wage diversions and hefty participation fees, began a management-friendly pattern of taking the easy way out in negotiations.

It's good that there is better health coverage for those few who can stay on the new Plan A+ but, even before the current economic crisis, Broadway subs began to notice that regulars were taking off less, partly to avoid falling off the health plan. Now, with a media deal including yet another year without a raise, the pattern has continued and some musicians wonder if they can keep pace with the cost of living under this approach to negotiation.

Musicians playing the recently organized "Wonder Pets!" children's cable TV show were unhappy with the handling of the negotiations and angered by the way they were treated by the Union. They were not permitted to attend the negotiations or to ratify the final agreement which included several changes about which they had not been told.

It isn't surprising that musicians have become alienated when these and other negotiations are reported glowingly in *Allegro* articles which give the impression of a great success to thousands of readers who were not involved and don't know the facts (see letter below).

## Disagreements on Priorities

There have always been disagreements on negotiating priorities and goals. Even with talks in progress, internal pressure on negotiators to strive for a better deal have not been harmful and may even have helped the negotiators. What is really harmful during a negotiation is internal pressure on negotiators to agree to management

demands as happened in the 2005 Radio City negotiations. This kind of intrusion into a negotiation can only undermine unity.

## Going Public

Last year when theatre musicians responded negatively to the Broadway League's media proposal, President Landolfi used her *Allegro* President's Report to publicly express her support for management's proposal and to criticize those members who had expressed a different opinion. Unity and the negotiations were dealt a severe blow even before the talks began. No other 802 president has ever argued in print against bargaining unit members in support of a management proposal.

## Solidarity

As musicians and as Union members, we are all in this together. It is inevitable that there will be differences. As long as we all work together and treat each other with respect and fairness, differences don't have to damage our unity. **MN**

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## AFM FILM NEGOTIATIONS

After two rounds of bargaining beginning in late February and continuing during May, the AFM film contract has not been finalized. The resumption of talks could take place any time from June to September. **SAG, AFTRA, WGA, DGA** and **IATSE** have all achieved coverage in New Media.

*The following letter from 11 "Wonder Pets!" musicians to Allegro is their attempt to set the record straight:*

### To the Editor:

Both Mikael Elsilä and Fred Barton's "Wonder Pets!" articles in the April issue are entirely misleading to *Allegro* readers. Perhaps the Union is more concerned with its political and PR success in achieving ANY agreement than actually crafting an agreement that fully serves the rank-and-file.

The agreement negotiated for "Wonder Pets!" does not represent the wishes of the great majority of the bargaining unit in any way. Fred Barton's lengthy article (in the space afforded him by the editorial board) states that the Local 802 "negotiating team spent countless hours with us discussing the possibilities and listening to our concerns." All of these meetings with the bargaining unit failed to accomplish what was needed, since once negotiations began, the bargaining unit was not allowed to sit in on any negotiations nor to comment on ongoing negotiations by being present in a room next door. We were not consulted on any terms of the

agreement until we were asked to ratify a first draft, which, at the time of our ratification, had not even been reviewed by the employer.

Our Union administration is supposed to guide and assist the rank-and-file in a negotiation. Had we not been shut out and had we been allowed to participate in the negotiations, much of our discontent could have been avoided.

The 11 names signed below are all Local 802 musicians who comprise a majority of the 17-member "Wonder Pets!" bargaining unit. The article in *Allegro's* April issue, "Working Together, We Win," grossly misrepresents the size of the bargaining unit as 45 musicians.

Richard Brice  
Helen Campo  
George Flynn  
Ned Paul Ginsburg  
Leo Grinhaus  
Jim Mironchik  
Tom Sevkovic  
David Siegel  
Michael Starobin  
Paul Raiman  
Ellen Katz Willner

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# The Role of Committees

By Tino Gagliardi

Over the past few decades, Local 802 musicians have benefited from a higher level of representation and involvement in the negotiation and administration of the contracts they work under because of the existence of rank-and-file committees.

No one has a better grasp of how each industry works and just what musicians in each field need from their Union than the musicians themselves. An elected committee, acting as a liaison with the Union's administration, provides a vital democratic path for both input and information.

Even in a single-orchestra bargaining unit like a Lincoln Center orchestra, it is highly beneficial for orchestra members to elect a committee to hear and analyze their views, disseminate information and speak for the orchestra at negotiations.

As chair of Local 802's Theatre Committee, I hold several opinions as to the proper roles of both committees and committee chairs. One of these is that, although binding decisions should always be made by majority rule, every musician deserves the right to be heard and to have his or her views considered.

I also believe that I should not use my position to try to influence key bargaining unit decisions. When I participate in internal committee discussions, I express my views as an individual. When addressing the entire bargaining unit at contract ratification time, however, I have been reluctant to take a public position in opposition to a negotiating

committee's recommendation mostly because of the undue weight that might be given my personal views.

In the case of the recent Broadway media deal ratification, I admittedly had great misgivings about the deal offered and saw several dangers. It was clear that there was no way I would be able to persuade the administration to "just say no" so I raised several of my principle concerns. Some of these concerns were resolved when we learned that the Union had misinterpreted parts of the League's proposal and others were eventually addressed by League representatives during negotiations. I decided I could live with the deal that included protections I had sought.

When, at the last minute, the additional contract year with no raise was added in exchange for an earlier bump-up in the media payment, I made clear my position that it was not enough money. Although I was not in favor of ratification, I did not say so at the ratification meeting to avoid unduly influencing the vote.

The delicate position of committee chair is exemplified by some of the reactions I experienced after the vote. Several theater musicians were critical of me for not using my "influence" by speaking against the agreement and, ironically, at a recent Theatre Committee meeting, I was bitterly criticized by one member who claimed I *had* publicly opposed ratification at the meeting. Of course, these frustrations go along with the job. The essential point is that the committee system is the best way to give rank-and-file musicians access to their contract negotiations and their Union.

## ONGOING ORCHESTRA FINANCIAL PROBLEMS

**I**N our previous issue, the MN mistakenly referred to a January meeting called by Met Opera GM Peter Gelb and attended by all the Met's associated unions as a negotiation. The MN regrets the mischaracterization of that meeting.

Gelb called the meeting to discuss the current financial crisis and, during the meeting, he requested givebacks. Local 1 IATSE was to do a financial study of the Met's books before any action would be taken.

In related news, the orchestras of **Atlanta, Baltimore, Chicago, Cincinnati, Cleveland,**

**Milwaukee, Philadelphia, Phoenix and Utah** (among others) have all either reopened their existing contracts or have negotiated new agreements that include either lower wage scales or pay freezes.

In addition, lower pension contributions and either diminution or elimination of Electronic Media Guarantees are in the mix.

Bucking the trend, the **San Francisco Symphony** has actually achieved raises in both salary and pension under the terms of a new 4-year contract which is retroactive to the beginning of the '08-'09 season. MN

## Bylaw and Charges Meeting

(continued from page 1)

when a few members leave. Robert's Rules of Order (under which Local 802 meetings are conducted) recommend that a quorum should be the highest number of members that can regularly be expected to attend. The Executive Board has reported this resolution "without comment."

Although the MEMBERS Party did not submit either of these proposals, we strongly support both of them.

Please attend this meeting on Wednesday, June 10 at 5:00 PM in the 802 club room. MN

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## A Better Way

THE democratic foundations of this Union which have been nurtured over the past 25 years appear to be crumbling under the misguided leadership of the Concerned Musicians (CM) party.

The problems they have created for Local 802, its members and themselves appear to have been caused by an unfortunate combination of arrogance, ignorance, poor judgment and a flawed philosophy.

### Basic Mistakes

The CM's first mistake was to choose an Executive Board of friends and allies, many with no experience in union leadership and few with a sense of independence or unionism.

Beginning in 1983, Local 802 Executive Boards were comprised of some of the top musicians and Union activists in 802. Those boards didn't go along with all of the top officers' ideas but independent, knowledgeable board members did help to assure that bad ideas weren't adopted and that a healthy debate took place. Today, if it were not for the two non-CM rank-and-file board members (whom they didn't choose), virtually all of the current Board decisions would be unanimous.

Published Board minutes over the past two years indicate that most of the CM's 7 rank-and-

file board members have *never* voted against their party leadership. This may be nice for the top officers but it suggests that the CM's controlling majority on the Board is not thinking about the issues they consider and that there are few checks and balances on the officers' agenda.

### Respect

An added problem is this administration's lack of respect for musicians' judgment and experience. Time and again musicians have reported being manipulated, misled or excluded by this administration. Musicians have too often been deprived of any meaningful input into their own negotiations.

Their apparent lack of candor has been a further deficit. There are few musicians left who have not heard President Landolfi make a statement and later deny ever having made it. Bill Dennison has made more than one inaccurate statement (in writing) and has stuck to it even when confronted with the facts.

Perhaps this is more hubris than dishonesty. The CM seem to exhibit a philosophy of unionism which considers election to office a license to say or do whatever they choose.

### A Better Way

There is a better way to run a union. For 25 years, under previous responsible administrations, Union officers and boards worked with musicians, not against them. Mistakes were

certainly made but they were acknowledged and addressed. Musicians and their elected committees were *in charge* of their negotiations. Those who wanted to sit at the negotiating table were welcomed.

Musicians who complained about management actions were protected from exposure to their employers. Officials considered striking to be a last resort but did not shy away from taking strong stands at negotiations. Union officers never called meetings to discuss cutting musicians pay or back-end benefits.

Members who asked for Union information got it. When officers were charged, the Executive Board stayed completely out of the process. Union lawyers and parliamentarians didn't waste members' valuable meeting time making long speeches at membership meetings. Officers never defended management proposals against members opposition, in or out of print.

### What Will It Take?

Hopefully, these basic values can be restored. But the current leadership is not likely to change. They are acting, and will continue to act, in accordance with their own 'my-way-or-the-highway' vision of how a union should be run. They don't acknowledge or understand the damage they are doing.

There is a better way but it's going to take a change of leadership. **MN**

## The Broadway Media Deal

(continued from page 1)

### Negative Feedback

The feedback from musicians at the ratification meeting was so negative that, during the following three days while the ballot box was still open, Union officials and employees made

hundreds of phone calls, urging musicians to vote for the agreement. Some callers reportedly suggested that if the contract were not ratified, pension contributions would be reduced, subbing rights taken away, and annual auditions to keep Broadway jobs (à la Radio City) might be introduced. Such tactics have not been employed since the Manuti and Arons

administrations of the 1960s. Additionally, the ballot box was secured in the president's office requiring some musicians to vote in Landolfi's presence.

When the votes were counted, the agreement had been ratified by 188 to 133, a total voter turnout of 321 out of a bargaining unit of nearly 1200. **MN**

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