

# ON STRIKE

## Atlanta Ballet Orchestra

by Mark G. McConnell  
ROPA Delegate  
Atlanta Ballet Orchestra

Although this is the fourth contract negotiation for the Atlanta Ballet Orchestra, the current strike is not our first work stoppage. We gained our first collective bargaining agreement after the orchestra was locked out in the 1989-1990 Ballet season, when use of the orchestra was terminated in favor of taped music, as a cost-cutting measure. Audiences re-

acted unfavorably to the loss of live music, producing one of the Atlanta Ballet's darkest economic years. After the lockout was lifted, the orchestra made numerous financial sacrifices to help the Ballet get back on its feet.

The previous three negotiations proceeded very smoothly, but this time we found ourselves faced with an entirely new management team.

We began negotiations in the spring. It became clear very early that management was only willing to talk about their issues. They wanted an "enhanced" dismissal procedure, along with the right to use tape instead of live music as long as they met their minimum total service obligation.

Our primary issue, on the other hand, has been the inclusion of the AFM Employer Pension Fund (AFM-EP). Many other Atlanta area ensembles contribute to the pension fund, including the Atlanta Symphony Orchestra, the Atlanta Opera, Theater of the Stars, the Gwinnett Philharmonic, as well as numerous churches and individual contractors. Ballet management re-



fuses to accept a modest proposal of an annual pension contribution equal to approximately \$276.00 per musician. The Atlanta Ballet will be the only major employer of musicians in Atlanta that refuses to contribute to its artists' retirement. While refusing to support the musicians, the Ballet has announced plans to begin construction on a building expansion projected at 1.5 million dollars.

Along with pension, another primary goal for the musicians is the establishment of a guaranteed minimum number of services per orchestra member. When the lockout was settled in 1990, the orchestra allowed management to offer a block of services to be used however they saw fit. Over the ensuing years, we found management reducing the Nutcracker orchestra and cutting

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## Editor's Address

### Quotes

“We few, we happy few, we band of brothers.  
For he today that sheds his blood with me  
Shall be my brother; be ne'er so vile,  
This day shall gentle his condition.  
And gentlemen in England now abed  
Shall think themselves accursed they were not here,  
And hold their manhoods cheap while any speaks  
That fought with us upon Saint Crispin's day.”  
– King Henry, Shakespeare's King Henry V, Act IV  
Scene 3

“People cannot be free unless they are willing to sacrifice some of their interests to guarantee the freedom of others.”  
– Saul Alinsky,  
Rules For Radicals

“This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.”  
– Abraham Lincoln,  
First Inaugural, 1861.



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whatever corners it could find. All of this was occurring while the Ballet's budget grew from approximately 2.5 million dollars in 1999 to a projected budget this season of 9 million dollars.

In September 1999, the negotiating committee called a strike, authorized by an orchestra vote earlier in the month. Management reacted by electing to use tape for the two-week run of *Hunchback of Notre Dame*, their first production of the season. We picketed all performances, letting the public know that they were paying full price for "canned" music. This production must have been a financial disaster for the Ballet. Many performances had only three or four hundred patrons in attendance. Management was even forced

to cancel one show.

After this series was completed, ballet management notified us that they had a proposal to present to us. We met with them at the Federal Mediation and Conciliation Service office. At this meeting the Artistic Director of the Ballet handed us a document that he had signed and requested that we also sign it. This document stated that both parties would agree to negotiate a pension in the next contract. Keep in mind that this document did not say that we would get a pension in four years, but rather that we could negotiate it again.

After this meeting produced no results, we discovered that management was trying to hire an orchestra to replace us. They first contacted some contractors in New York City.

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## ROPA

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They didn't bother to tell these folks that they already had their own orchestra. After discovering the true situation in Atlanta, these contractors apparently decided that they did not want to get involved in a major labor dispute. Management next sought out the Symphony of the Americas, a non-union orchestra in Florida. This orchestra began soliciting musicians from around the South. They have even contacted the Charleston Symphony.

These efforts are apparently not producing the flood of musicians for which the Ballet had hoped. This is largely due to the solidarity and resolve of members of the AFM. Hav-

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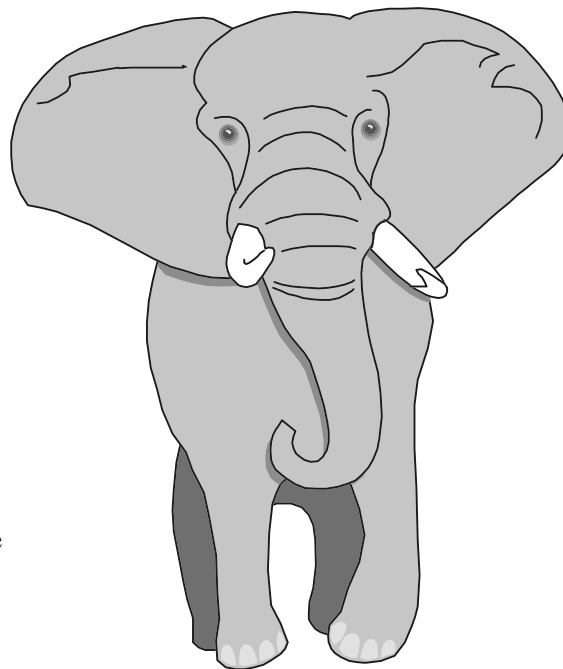
## INFO



- The next ROPA Conference will be held in Savannah, Georgia, August 9-12, 2000, at the Desoto Hilton Hotel.
- Negotiating Orchestra Workshops will be held on August 13.
- This issue of *The Leading Tone* can be read online at <http://www.ropaweb.org/lt/Dec99/>
- The ROPA Internet Mailing List is open to all members of ROPA orchestras, officers of ROPA locals, and AFM leaders and staff. To join the list, e-mail Andy Brandt at <[andybrandt@worldnet.att.net](mailto:andybrandt@worldnet.att.net)>.

# What a Mess, Radamès!

We just finished our production of *Aida* in the Portland Opera, October 9, 1999. As you may remember, our last *Aida* 10 years ago, featured a live elephant who got frightened during the performance and stampeded onto the stage, nearly fell into the orchestra pit, almost trampled the tenor, scattered the chorus, and disappeared off stage to make an elephant-sized mess in the wings.



We shook our heads when we learned that this year's production was going to use the same elephant, Tiki, from Wildlife Safari, a 610-acre drive-through wild animal park in southwest Oregon. Information from Tiki's handler reassured us somewhat that 10 years ago Tiki was only 19 years old, and that now she is a settled and mature 29. Yeah, right.

Sure enough, she behaved herself very well for all 7 performances, except for the first dress rehearsal when she turned her back to the audience and calmly produced a big pile of elephant dung on the stage.

They stopped the show to clean it up. But what can you expect? That's what elephants do.

A funny footnote: After the last performance, most of the orchestra members gathered outside the loading dock to watch Tiki come out,

amble across the driveway, and back slowly into her truck to travel the 185 miles home to Wildlife Safari. Her handler, who was still dressed in his Egyptian costume, guided her carefully in, fastened her seat belts, and closed the truck door. At that point, a couple of guys drove by in their black pick-up, saw the crowd of conservatively dressed people, and conspicuous in our midst, a burly, bare-chested man wearing a short white pleated skirt, and nothing else. They said something rude, and roared off. They are probably still trying to figure that one out!

Things are seldom what they seem, especially in opera.



# What is TEMPO?

By Laura Ross  
ROPA Secretary

This summer the ROPA Conference was confronted with something new and unknown to many of us.

Delegates and guests were asked by our new TEMPO Chair, Michelle Fine to make a contribution to TEMPO. Following a brief explanation of the importance of TEMPO, the ROPA Conference raised \$400, just by passing the hat. Delegates contributed \$5,606.60 at the recent AFM Convention, and each year Local officers hold drawings at their Regional Conferences to raise additional money.

When Local 257 bills its members

for annual dues, there is an additional line at the bottom of the statement that says "Voluntary \$1.00 contribution to TEMPO."

Some disregard this, and others pay it. Some have likened it to the \$1.00 presidential campaign donation box on the IRS form. The reason many disregard the additional dollar

contribution is because they have no idea what TEMPO is. Once or twice in the past few years you have received address labels from the AFM asking for a donation to TEMPO in return.

## History

*"...support labor and music friendly candidates."*

For the historical perspective, I went to AFM Legislative Director Alfonso Pollard. TEMPO is an acronym for the Taskforce for

Employment of Musicians - Promotional Organization. At the 1962 AFM Convention, following AFL-CIO President

Samuel Gompers' concept of "rewarding our friends," AFM President Herman Kenin brought TEMPO into the national arena. The AFM and the AFM Legislative Office have used these voluntary contributions from its members to support "labor and music friendly" candidates. TEMPO helps to get important people elected or re-elected, Democrat, Republican, Libertarian, or Independent. The amount of money given to any campaign is of small significance on a national scale but is still vitally important. In 1998 the AFM National Legislative Office received 1500 requests for contributions for congressional races. The Legislative Office supported 105 races for a total of \$47,716. Our support that year was very important because it was a Federal election year, with a presidential election.

Undoubtedly, you are wondering how a candidate is chosen to receive a contribution. Once a written request is made, the Legislative Office evaluates the candidate in a number of ways. They investigate

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ing difficulty fielding a professional orchestra, the Ballet and Symphony of the Americas have resorted to calling high school and college students in the Atlanta area. They have even called students of negotiating committee members.

Please join us in our effort to encourage the hiring of professional musicians.

*Addendum, January 6, 2000:*

In December, 1999, the management of the Atlanta Ballet took the unprecedented step of replacing the striking Atlanta Ballet Orchestra



with a pickup orchestra made up of scabs. Many of these musicians were brought in from out of town, and worst of all, at least two were AFM members. The ballet seems to have plenty of money to transport and house 25 musicians for almost an entire month, but for some reason is unable to provide its own orchestra with a pension estimated to cost \$14,000 for the entire orchestra. One board member has written back to the negotiating committee and said that the orchestra must have the same benefits as the dancers, nothing more. The dancers enjoy health and life insurance while the orchestra receives NO benefits whatsoever.



whether the candidate knows the people in your Local. They look at the candidate's voting record. They will look to the Local for a recommendation to give to a specific campaign. The request is then forwarded to the IEB Legislative Committee for approval. Once approved by the AFM President, the check is either delivered to the candidate personally or is mailed to their campaign headquarters. One thing that should be clear to everyone is that this process has everything to do with what your Local recommends. If your orchestra has an issue that is important to you, talk to your Local. If some kind of meeting is set up with the candidate, make sure your orchestra is involved in some way.

In general candidates who were approved received one of the following:

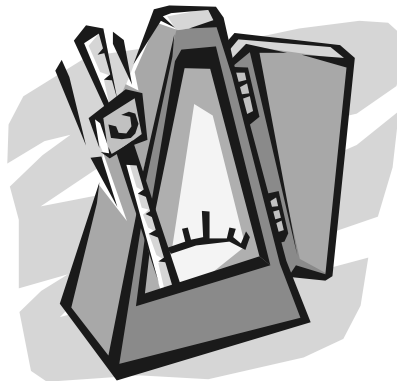
- New candidates in a Primary - \$100
- New candidates in the General Election - \$250
- Candidates for re-election - \$500
- A few candidates who have significantly assisted the AFM - \$1000

**What are some of the issues that have been important to our members in the past few years?**

- **National Endowment for the Arts** - we have been successful in keeping Congress from doing away with this program and have kept the amount available to Arts groups at the same level for the past few years.
- **TEAM Act** - we have worked with the AFL-CIO and others to defeat this proposal, which would

enact workplace committees that are employer dominated

- **Digital Millennium Copyright Act/World Intellectual Property Organization Treaty** - we lobbied successfully to see that the interests of our members, particularly artistic product on the Internet, are protected globally
- **Bankruptcy** - AFTRA and the AFM lobbied the Congress to eliminate a provision in the Bankruptcy Reform Act that singled artists out for disparate treatment.
- **Copyright Term Extension** was passed to extend protection on copyrighted product from life plus fifty years to life plus seventy



years. Unfortunately, Fairness in Musical Licensing, a bill harmful to composers, as well as tavern and club musicians, was attached to the bill.

- **Worker Safety** was compromised when the House passed the Workplace Preservation Act, preventing the Secretary of Labor from issuing a new ergonomics standard guideline for musculoskeletal injuries.
- **Independent Contractor Tax Clarification Act** was introduced to improve the IRS's ability to determine if an employer, for tax

purposes, has misclassified an employee. For those of you who receive the IRS form 1099 at the end of the year from the orchestra associate, this bill is aimed at reducing your tax burden and increasing benefits.

- The very successful **Congressional Sing-Along for Arts Advocacy Day**
- **Representation for our freelance/casual and per service orchestras** that currently cannot get a collective bargaining agreement - this is an ongoing project.

**What can you do about this?**

If your Local doesn't already do so, ask them to include the \$1.00 Voluntary Contribution to TEMPO in their annual dues billing. Consider asking your orchestra members to pass the hat (just be sure everyone who contributes signs a piece of paper that says how much they contributed and their Local number). Do the same at a membership meeting. For all the good things the AFM Legislative Office has done for us with NEA support, health and safety issues, copyright protection, etc., let's help them continue supporting *our* issues.

The important message here is twofold - support TEMPO, and let your Local know what issues are important to your orchestra. These labor and music friendly legislators really want to hear from their constituents – YOU.

*If you have any questions or comments about current or upcoming legislation, refer to the AFM web page at [www.afm.org](http://www.afm.org) - and click on the Legislative Forum.*



This space is reserved for your article. See page 2 for submission address.

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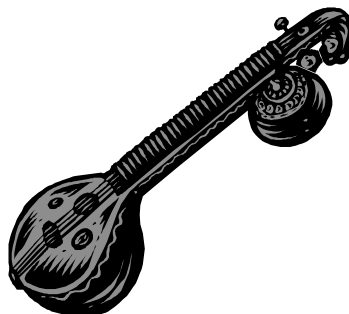
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