

# **2023 ROPA Conference Notes / Report**

## **Atlanta, GA: 7/24 – 7/27**

### **Monday, 7/24**

*9 AM – Negotiating orchestras workshop*

### **Tuesday, 7/25**

*9:45 AM – Welcome*

Opening remarks

Attendance

Local 148-462 (Atlanta Federation of Musicians) President remarks – union origin story

ROPA President remarks – recognized Nathan Kahn, presented awards to Atlanta delegates, provided a summary of his activities for the year

*10:45 AM – Strategic Campaign Communications: Jake Berent (Director of Communications, Chicago Federation of Labor)*

#### Four keys to messaging success

Visibility – establish your presence as an organization

Building the narrative – develop message to rally around and stewards of that message

Press prep – organize internally and reach out to external coalition, prepare press communications

Media outreach – execute media plan for maximum coverage, leave no stone unturned

#### Visibility

When someone searches your union, what comes up?

Have a footprint – when searching your organization and name, you want something positive to come up

Get on social – establish a page for your local on social platform(s)

Involve your members – ask members to submit photos, testimonials, and other content, share the union's important posts

Community relationships – interact with other organization's accounts, especially those you will ask for help/support or will be seeking your help/support

#### Three good types of posts

What we do – post a picture of members practicing or getting ready for a show

Labor solidarity – show up to a labor action or meeting/training

Lay groundwork – post a picture of a member captioned with a quote or highlighting an issue

### Building the narrative

Research and development – identify bargaining issues with which everyone can relate, research the publicly available data on your employer (990s, Google, social media), get creative with other data (ALICE [asset limited, income restrained, employed] report, BLS & HUD stats, United Way), local university and college academics

Writing and fine tuning – keep it simple, aim for the heart, avoid jargon, build out other messaging from there, use a fact sheet, have talking points

### Press prep

News values – why should anyone care, impact (how many people would be affected), fame/prominence (did this happen to a famous person or institution), conflict/tragedy (entertaining story), immediacy, proximity, trending

Use strong language – clear and concise, avoid passive language, punch up the language, proofread,

### How to roll out the press

Press release – written communications to local news media disclosing importance, contain quotes, be brief but firm

Press conference – officially distributes information to the press, usually presented by an authority on the issue(s)

Rally/picket – a boundary and event organized by striking workers, usually outside or near the place of employment, protesting, informing passersby of their negative working conditions and/or terms

### Planning a press event

Give 3-5 days of notice, it's okay to send a release in advance or the same morning

Organize your members

Organize your speakers and the run of show

Pick your location

Equipment, signage, support

### The exclusive

Pitching an exclusive – find the right reporter, offer them an exclusive (publish the story before sending any information out to any other outlets)

Make it sizzle – must pique interest, have value for the journalist/outlet

Media advisory – before your event, let the press know something is happening, asking them for coverage, brief, five Ws (who, what, when, where, why)

### Pitching print/digital/legacy media

Identify outlets – start small then expand, different types of papers (neighborhood, city, state, national), music industry blogs or magazines, worker papers

Identify reporters – public contact information, easily accessible, contact on all forms (cell, office, email, social media, direct message)

Opinion pages – multiple perspectives from multiple authors

### Pitching tv/radio media

Research reporters and programs online – station website and social media, online contact information, call an assignment editor

Highlight conflict/images – various appeals (eye, ear, heartstrings), highlight visuals

Do the work for them – have them copy and paste a media advisory or press release

### When cold calling the newsroom

Call the newsdesk and individual reporters

Assignment editors control the planning calendar, news directors hand out assignments

Best times to call: 7 – 8 AM or 11 AM – 1 PM

When on the phone – identify yourself and your organization, give the five Ws, ask and answer questions

### Speaking to the media

Do practice interviews, anticipate tough questions

Stick to talking points

Repeat messaging/slogans/statistics

Respond to questions about the other party's motivation with "you'll have to ask them"

Ask when the story will air and who else is being interviewed

### Social media strategy

Use your network – ask allied organizations to share your message on their platforms

Use dates and numbers – help to keep pace and be remembered

Post it all – photos, member testimonials, press articles and releases, anything to support messaging

Keep membership updated – good and bad, consistent and frequent communication

*2:30 PM – Break-out groups led by a member at large: orchestra reports and discussions*

Reports were presented by delegates from the following orchestras: Austin Symphony Orchestra, Dayton Philharmonic Orchestra, Fort Wayne Philharmonic, Las Vegas Philharmonic, Madison Symphony Orchestra, Omaha Symphony, Richmond Symphony Orchestra, Sarasota Orchestra, Spokane Symphony Orchestra, Toledo Symphony Orchestra, Tucson Symphony Orchestra

Discussion topics: dress code(s), chamber music programming (type, structure, content, frequency, venues), outreach and educational concerts (same), grievances (why and how to file), programming cuts, audience retention and building, increased investment in staff positions, musician vacancies, negotiations

## **Wednesday, 7/26**

*9 AM – Reports*

ROPA EDI Workgroup

Transcript is [HERE](#)

### AFM convention

Attempted to pass a resolution for a rebate waiver for those who belong to three or more unions, did not pass but inspired good dialogue and strengthened relationships

Talked about the benefits of Labor Notes: <https://labornotes.org/about>

### The Leading Tone

Delegates must forward every edition to the rest of their orchestra

Notable submissions of any kind are encouraged

### Conductor evaluation bank

Delegates can request a survey to be sent to musicians in their orchestra to evaluate guest conductors and music directors, answers are anonymous and cannot be seen by the musicians  
Managements can request the results of these surveys to consider hiring for guest conducting engagements and music director searches

### Electronic Media Agreement (EMA) updates

Currently bargaining for a new agreement

Encourage your orchestra to sign onto the new agreement once negotiations are complete

### AFM diversity committee

Seeking and addressing cohesion in approach and policy between all player conferences (ICSOM, OCSM, RMA, ROPA, TMA)

### AMF legislation report

American music fairness act – helps to secure performance rights and royalties

Performing artists tax parity act

Cross border O&P visas

Meeting with NEA chair

NEA EDI – founded by members of the civil rights division of the NEA

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

musical instrument certificates – traveling with instruments

Tempo – the most important initiative to keep AFM representatives in office, consider and encourage donations to the fund

### *10:45 AM – An Introduction to the Federal Mediation and Conciliation Service*

### General

Free/no cost assistance on many levels

Non-regulatory

Help people settle labor disputes – both/all sides must agree to receive this help

No authority to change or modify contracts

Confidentiality and neutrality

Make recommendations for parties to reach settlements and agreements

Cannot prevent strikes

Helps parties clarify issues

Defines problems

### More general

Keeps talks moving  
Makes suggestions  
Works to resolve conflicts  
Promotes mutually beneficial agreements

### Services

Training – relationship building, steward, CBA  
Grievance mediation  
Arbitration  
Education, advocacy, and outreach  
Facilitation  
Card check  
Institute  
Technology assisted group solutions  
Resources – <https://www.fmcs.gov/services>

*12:05 PM – AFM President Elect remarks: Tino Gagliardi*

### Background

Began as a delegate in a pit orchestra in Local 802  
Moved up to chair of the committee and eventually ran for the executive committee of the local  
Became president of Local 802 and a trustee to the AFM pension fund  
Became assistant to the president of the AFM

### Priorities

Negotiating  
Restoring pre-pandemic numbers  
Establishing and continuing relationships with all unions, major ensembles, and pertinent venues  
Holding managements accountable to their CBAs and returning to pre-pandemic wages, conditions, and benefits

*2 PM – Player conference reports*

### Recording Musicians Association (RMA)

SAG-AFTRA and writers' guild strikes  
AI committee has been formed to address threats to the workplace  
Ongoing issues with increasing diversity undergoing threats in pay, benefits, and conditions  
Working on film and tv tax credits that should result in job growth in its region or country

### Organization of Canadian Symphony Musicians (OCSM)

21 orchestras and roughly 1,200 musicians  
Wide range of orchestra sizes and budgets  
Most orchestras are back to at least 65% of the salaries and service guarantees from before the pandemic

### International Conference of Symphony and Opera Musicians (ICSOM)

52 orchestras

Subscription sales are down but single ticket sales are up

Opera orchestras struggle with fewer musicians

Many administrative positions across the orchestras remain vacant

Many core positions remain open – audition delays, utilizing subs and extras, no hires

EDI efforts, policies, and initiatives are underway and continue to be explored and discussed, including audition policies and the tenure review process

*2:45 PM – Job action panel*

### Fort Wayne Philharmonic

Operated under an expired CBA and awaited negotiation

Management wanted to cut the salaried musician count from 52 to 16

Musicians went on strike for three months

The result of the strike was successful for musicians because of organization, outreach, action, care, and support

Used a federal mediator

Had frequent and visible picketing

Presented self-organized concerts as the musicians of the Fort Wayne Philharmonic

### Minnesota Opera

Season was condensed from five full operas to three full operas and two opera miniatures

A strike was averted by literally hours

An agreement was reached to bring salaries back to pre-pandemic levels

Set up social media pages, donations, and a website specifically representing and showcasing the orchestra musicians

Aggressive leafletting, picketing, demonstrations, and news releases led to quick results to stop the impending strike

### Opera Philadelphia

Declining numbers of services, productions, and musicians

Orchestra committee shared the salaries of the top people in management with musicians first and, after establishing that solidarity, quickly followed with audiences

Strike vote was taken and closed one evening, already resolved by the next morning

### Philly Pops

Was about to be a ROPA orchestra

Leafletting musicians and audiences was incredibly effective to prevent personnel and salary cuts in addition to a strike

### Symphonic Services Division

If negotiations look like they will be contentious, musicians should organize early and thoroughly

There is no need to outsource struggles to consultants – utilize existing resources and support

### Most effective strategies

Frequent and visible picketing

Taking and relaying a strike vote to management

Leafletting the audiences

Directly engaging with patrons (conversations, links to social media pages for the musicians)

Numerous and diverse actions

Have conversations early and often with every musician in the orchestra

*4:15 PM – Business meeting*

### Treasury reports

[2022-2023 Budget Report \(FYE\)](#)

[2022-2023 Balance Sheet / Cash Flow and Income / Expense Statement](#)

All approved

### Vice president report

Increased and held new delegate orientations (quarterly)

Recruited three new orchestras to join ROPA

More details in the full report [HERE](#)

### Secretary report

ROPA website overview

Review prior conference minutes, which can be found [HERE](#) – minutes were approved

### Resolutions

[Solidarity with WGA and SAG-AFTRA](#) – passed

[AI](#) – passed

[Fair share](#) – passed

[American Music Fairness Act](#) – passed

[Tax parity](#) – passed

[Local wage scales](#) – passed

[Organizing](#) – passed

[Multi-card rebate](#) – passed

[Marika Fischer Hoyt](#) – passed

[AFM officers](#) – passed

### ROPA board nominations

Vice president – Amanda Swain (current vice president): elected

Secretary – Karen Sandene (current secretary): elected

Delegate at large to the AFM convention – Alana Wiesing (ROPA EDI Workgroup chair): elected

Member at large – five candidates nominated for four positions, speeches and elections tomorrow

## **Thursday, 7/27**

*9 AM – Keynote address: Dr. Michelle Au, Georgia 50<sup>th</sup> district democrat*

Had hardworking immigrant parents who took her to music school for piano lessons, ear training, and music theory every weekend when she was growing up in New York City  
Highlighted the importance of performing music, playing an instrument, and supporting the arts  
Her son plays cello, went to Interlochen, and studies at the University of Michigan  
Elected to the Georgia State Senate in 2020, first Asian woman elected  
Priorities include paying people a living wage, providing access to affordable health care, and ensuring a diverse workforce

*9:20 AM – Taxes for musicians: Rick Basehore, ROPA treasurer and tax preparer*

### How to calculate tax liability

Total income – adjustments = adjusted gross income (“AGI”)

AGI – deductions = taxable income

Taxable income x tax rates = tax liability

Payments + tax credits – tax liability – penalties = refund / tax owed

### What is included in total income

Portfolio income (interest, dividends)

Wages

Pensions, social security, retirement distributions

Capital gains (and losses)

Net business income

Rental property income

Royalties, trust, estate, partnership income

Other

### Net business income

Gross receipts – total expenses

### Typical musician expenses

Supplies

Repairs and maintenance

Insurance – liability, instrument (not health)

Licenses and taxes

Union dues (work and annual)

Depreciation

Travel (including to auditions)

Transportation

Car expenses

Meals (when traveling)

Home office



### Which expenses are deductible

All of the above expenses as an independent contractor to the extent they are used to generate self-employment income

None of the above expenses if you are an employee

Prorate expenses if you are both an independent contractor and an employee

### What makes someone a “qualified” performing artist

Render services as a performing artist to at least two employers during the tax year

Those employers each pay at least \$200 in wages in a given tax year

Incur “ordinary and necessary” expenses that equal at least ten percent of the income you receive working for those employers in the given tax year

If married, filing a joint return with their spouse

### Why is the parity act necessary

Raise the income ceiling for qualifying at a QPA from \$16,000 to \$100,000

Remove the marriage penalty – doubles the AGI limit for married couples who file jointly

Adjust the income ceiling every tax year for inflation so that the QPA deduction will stay relevant over time

Performing artist tax parity act detailed document can be found [HERE](#)

*10:45 AM – When employers behave badly: using NLRB processes to protect musicians’ rights, Rochelle Skolnick (director of AFM symphonic services division)*

### Fundamental principles

Solidarity and direct action are our most powerful tools

An organized and prepared bargaining unit is critical

Legal action has serious drawbacks – takes time to wait for a remedy, gives control to a third party, can be costly

Legal action can be a useful adjunct to organized bargaining

### Good faith bargaining

Negotiating with an intent to reach an agreement

Meeting and conferring at reasonable times and places

Bargaining over certain “mandatory subjects”

Refrain from unilateral changes in those subjects

Providing information necessary and relevant to bargaining

Deal with authorized representatives

### Meeting at reasonable times and places

Statute does not define “reasonable”

A busy schedule is not a defense

Violation where employer rejected dates without proposing others on at least three occasions

No violation when insisting to negotiate on-site during day shift despite any inconvenience to union representatives on other shifts

Violation when employer only agrees to short and intermittent bargaining sessions

Violation to bargain only by mail and/or writing when union requests in-person meetings

### Bargaining over mandatory subjects

Required to bargain in good faith

It is mandatory if it relates to compensation, benefits, or work experience

### Examples of permissive subjects

Scope/definition of the bargaining unit

Selection of bargaining representative

Internal union affairs

Personal service contracts directly with employees

### Duty to maintain status quo

Unilateral change in mandatory subjects are violations of the NLRA and evidence of bad faith

Exceptions have developed for economic exigency, waiver, and “core entrepreneurial control”

At bona fide impasse, employer may implement terms and conditions previously proposed

### Impasse

Defined as the point at which both parties agree that further bargaining would be futile

The inquiry into existence is highly fact-specific – deadlock on one issue does not create overall impasse

Valid impasse occurs only when there has been a course of good faith bargaining

### Are you at impasse

Number and duration of bargaining sessions

Continuation of bargaining

Demonstrated willingness to consider issues further

A strike or consultation about one

Engagement of a mediator

Insistence on non-mandatory subject destroys valid impasse

Evidence of union animus undermines impasse declaration

### Duty to provide necessary and relevant information

Standard is a liberal “discovery type standard” with questions resolved on a case-by-case basis  
“Presumptively relevant”: bargaining unit employees, wages and terms of conditions of employment, personal overscale agreements

When information is not presumptively relevant, union must demonstrate the probable or potential relevance of the information to its representation of union employees

Complete financial information may only be requested to be produced if employer has claimed inability to pay, unwillingness to pay is insufficient to trigger

Confidentiality concerns may trigger bargaining to reach accommodation of interests

### Duty to deal only with authorized bargaining representatives

Unlawful direct dealing: employer communicating directly with union-represented employees, discussion was for the purpose of establishing or changing terms (wages, hours, conditions) or undercutting the union’s role in bargaining, communication was made to the exclusion of the union, employer surveys of represented employees

Sharing proposal contents directly with the bargaining unit after presenting to the bargaining representatives first is not unlawful

### Filing an unfair labor practice (ULP) charge

Statute of limitations is six months

May be filed by anyone

Process is designed to be accessible

Must be filed with the region that has jurisdiction over the place where the ULP occurred

Filable form is on the NLRB website

### Investigation of the charge

Immediately after filing, the charge is given a case number and assigned to an NLRB agent for investigation

A “docketing letter” is sent to acknowledge receipt and identifying the agent

Evidence to support the charge should be ready to go

### Submitting evidence to support a charge

Oral testimony, called an affidavit

Documents (provide the CBA first)

Timeline and/or summary of events in chronological order

Position statements

### Affidavits

Confidential witness statements given to the region to support the investigation

Generated by informal review between the board agent and the witness

Counsel may be included if the witness is represented

Considerations: choosing the witness(es), preparing the witness, working with or preparing the agent, reviewing the affidavit, what will happen with an affidavit

### Documentary evidence in bargaining cases

Proposals exchanged by both sides: labeled with dates and times of exchange, clean and marked copies to shed light on the bargaining

Bargaining notes: not notes from caucuses or discussions

Specific claims require specific evidence

### Possible outcomes at the regional level

Merit: region attempts to obtain settlement of the charge, complaint will be issued and case will be scheduled for trial before an administrative law judge if settlement does not occur

No merit: charge will be dismissed unless withdrawn

### Trial process

Case is assigned to an NLRB trial attorney who will prepare and present the case

The charging party has a right to put on their own case as well

Subpoenas for documents and testimony may be issued leading up to the trial, a petition to

revoke a subpoena may be filed when a party objects to all or part of the subpoena

ALJ may try to obtain a settlement leading up to trial

Post-hearing briefs are filed after the trial

Timing of the judge's decision may vary

### *1:30 PM – Speeches and elections*

Five speeches given for four open positions for member at large

Brandon LePage (Wisconsin Chamber Orchestra and Flint Symphony), Judy Naillon (Wichita Symphony), Beverly Setzer (Symphony Tacoma), Sheridan Currie (Dayton Philharmonic), and Brooke Beazley (Opera Philadelphia) ran

A vote was conducted and tallied by anonymous paper ballot

### *2 PM – The musician as athlete: performing artists and special considerations for medical evaluation, Dr. Valerie Trollinger*

Full presentation is [HERE](#)

### Instrumentalists are also small muscle athletes

Prone to injuries that can impede the ability to perform

Taught to ignore injuries or view them as weakness

### Professional musician as patient

Strong fears of a compromised career

Professional musicians are under extreme pressure to be perfect

Anxiety can increase with time

### Physical injuries

Muskuloskeletal – torn ligaments and tendons, arthritis from overuse, mostly in hands and arms, larger muscle aches and pains

Neurological – dystonias, concussions, effects of strokes, degenerative nerve disorders

Auditory – hearing loss, vocal/vocal tract and oral problems

### Emotional injuries

Performance anxiety

General anxiety

### Critical points

Small injuries can have career-ending implications

Subtle internal differences can result in problems in one person but not another

Not everyone has access to the insurance that can address their problems

Problems tend to snowball if they are ignored

### What major beliefs keep us from seeking care

Hearing loss happens because of playing in a large ensemble or rock/pop band

Hearing loss will affect the ability to play or sing in tune

Nodes are the worst possible vocal problem

One should expect, ignore, and play through pain from overuse

### Empower yourself to seek the correct care

Understand how the body works

Need to know the questions to ask and the care to expect at the physician office

Find a physician who is well-informed and properly trained

Surgery is a last resort

Never be afraid to ask for help

### How do we hear

Conductive process: the physical act of sound being perceived

Sensori-neural: the conversion of pressure waves into electrical energy that translates to sound

### How does hearing loss happen

Conductive: aging of the ossicles, tympanic membrane is too stiff to move, can be easily repaired with outpatient surgery or a stapedectomy

Sensorineural loss: usually the result of aging, the cilia on the membranes degrade through use, they can be burned off

### Hearing loss facts

Playing in an orchestra alone won't cause significant hearing loss, but doing so with other physical problems can exacerbate it

Most common causes: aging/presbycusis, autoimmune inner ear disease, physiological uniqueness

### Musician hearing loss

Violinists and violists show loss in the left ear

Females show less loss than males generally

More loss in the left ear overall

### Main takeaways

Hearing loss will not end your career as a musician

Hearing should be protected and monitored regularly

See otologists instead of audiologists

*3:25 PM – Election results and 2024 conference site*

Brandon LePage (Wisconsin Chamber Orchestra and Flint Symphony), Beverly Setzer (Symphony Tacoma), Sheridan Currie (Dayton Philharmonic), and Brooke Beazley (Opera Philadelphia) were elected to member at large positions

The 2024 conference will be hosted in the bay area (California) by AFM Local 6, the Monterey Symphony, and its ROPA delegate Gigi Dang

*3:30 PM – Oath of office: new executive board*

*3:40 PM – 2023 ROPA conference adjourns*

**Completed and submitted on Saturday, 7/29, by Alana Wiesing (alternate delegate, Tucson Symphony Orchestra) to AFM Local 33 (Tucson Federation of Musicians) President Ellen Ensey, TSO delegate Candice Amato, and TSO orchestra committee chair Carlie Rigg with oral reports to the Local 33 executive board and the TSO orchestra committee forthcoming**