

# Report on the 41<sup>st</sup> Annual ROPA Conference

San Francisco, CA - July 30-August 1

Jose Leonardi Moore, Delegate

This year I had the opportunity to attend the ROPA conference in San Francisco, CA. We had a full house with delegates representing many orchestras around the country, as well as guests and speakers from United States and Canada. Subjects covered included legal representation, EDI workgroup, workplace harassment and misconduct, injuries and drugs, among others.

## Day 1 Highlights

Conference opening, Steve Wade, President

Announcements: Amanda Swain, Vice President

Roll Call: Karen Sandene, Secretary

Presidents Report: Steve wade

Local 6 welcome: Kale Cummings

### Politics in play

Keynote Speech: Caren Sencer, labor attorney at Weinberg, Roger & Rosenfeld Firm.

She discussed various scenarios and cases that affect the working conditions and the impunity each administration, Republican and Democrat, has in these cases. One tries to eliminate protections for the employee while giving more power to the employer to use your speech or actions against the employee. The other tend to seek more protections for the employee. Topics discussed included:

- Remedies for Unfair Labor Practice strikes
- Management rights clauses
- Employee handbooks
- How politics affect our working conditions
- No cameras in the workplace under the Trump administration
- Trump policies could mean that cameras could not be used on a rehearsal so actions from the conductor for example could not be recorded. (No evidence of misconduct)
- Description of labor disputes

Language in the workplace:

- General Motors case: Employer wanted to allow civil language in workplace only. "Anything I say can be sued against me". Same standard no matter your level at your workplace.
- Biden administration helped eliminate that so employees can express themselves without being afraid of repercussions.

### Award Presentation

Speaker: Nathan Kahn

Presentation of the second annual Nathan Kahn Award, for outstanding contributions to professionalism, diversity, and solidarity among orchestral performers. David Schoenbrun of the AFM Local 6 received this award.

### AFM Wage Charts

Speaker: Laurence Hoffman, AFM

Laurence discussed how the Wage Charts are undergoing revision to make cross-comparisons between orchestras more seamless. It will include information from your CBA, Union and employer. A new website is being built. Digital place to archive all the orchestras wages and other information: <https://ssdwagechartarchive.afm.org>. Currently under construction. It will include simplified search engine, excel reports and seasonal booklets. Revised set of questions. Should be working by late September.

### Social Media

Speaker: Mayu Isom-Navarro, ROPA Social Media Coordinator

Ms. Mayu gave a short presentation on how to create digital content in social media platforms such as Facebook and Instagram, and how to add hashtags and other resources to expand the visibility of our orchestras and reach out to different demographics.

### Discrimination, Harassment and Sexual Assault

Speaker: Karen Suarez, Secretary-Treasurer Chicago Federation of Musicians

Karen is the chair of the Change the Culture Committee. She presented six measures to the International Executive Board to be adopted. **More information attached!**

### TMA

Speaker: Heather Boehm, Theater Musicians Association (TMA)

Heather talked about the achievements in the theater area and other things included in their negotiations. Some suggestions included:

- To keep an eye on the non-unionized tour groups that go to towns.
- Contract language changed asking for bigger groups of musicians and no recordings to be used in lieu of players.

### MAL Breakouts:

Here we discussed our orchestra's annual report and shared ideas regarding better work environment, CBA language or changes, budget, grievances, management relationship, among others.

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## **Day 2 Highlights**

### EDI Workgroup

Speaker: Alana Wiesing, EDI chair

The workgroup is currently working on developing resources and strategies related to unconscious bias training, audition guidelines, tenure review guidelines, fellowships, contract language, an EDI data chart, and an EDI advocacy survey, with the goal of integrating these resources into ROPA orchestras, to foster more participation and impact advancing EDI initiatives.

### Conductor Evaluation Bank

Speaker: Lisa Davis, ROPA Conductor Evaluation Bank Administrator

Lisa emphasized that all ROPA delegates must conduct evaluations to all guest conductors. All surveys are done online. Delegates don't have access to the surveys. Only management can request evaluations from the Bank to limit ROPA and musician liability. She acknowledged Nathan Kahn, creator of the evaluation bank and shared that over 220 surveys have been sent to orchestra musicians and 14 evaluations have been requested by managers. Managers can also request evaluations from other orchestras.

### Symphonic Electronic Media

Speaker: Debbie Newark, AFM Director of Symphonic Electronic Media

There is a new version of the Integrated Media Agreement, which a small number of ROPA orchestras have signed on to. The new agreement was ratified on December 23<sup>rd</sup> and will expire in 2026. Fifty-two full time ROPA orchestra belong to that agreement. On the AFM website you can find a copy of the signed 2023-26 EMA, a list of all orchestras in the agreement, copy of employee agreement, new form (project approval form) for multi-platform releases, document: (Responsibilities of the orchestra committees), new report form: form used by the employer to report the financial aspect of the project.

### Artistry and Accommodation: Assisting Colleagues at the Intersection of Artistic Discipline and the ADA

Speaker: Rochelle Skolnick, AFM Symphonic Services Director (SSD)

Understanding both principles of artistic discipline and parameter. It is never our role as members of the union to sit in judgment on the playing of our colleagues. The main role is

to ensure that all musicians receive all the protections they deserve under the law. Other topics discussed in this presentation included artistic discipline, peer review and the rights under the American Disabilities Act. Often, a musician who has been targeted for artistic discipline is also dealing with some kind of disability e.g., Alcoholism: you are protected as long as you are on treatment.

#### President's Address

Speaker: Tino Gagliardi, AFM President

The AFM is getting an office in Washington, DC. Mr. Gagliardi was thankful to the Biden administration and the American Rescue Plan for securing pensions for musicians.

#### AFM Legislative and Political Report

Speaker: Ken Shirk, AFM International Secretary and Treasurer

Mr. Shirk spoke about the history of the National Endowment of the Arts (NEA) and the prevailing wage rules. He also mentioned how funding has been under attack by previous administrations. The current administration has been very supportive and proposed a 2.3% increase in the budget. He also spoke about Artificial Intelligence (AI). A new AI Copyright Disclosure Act of 2024 has been created as well as a Protect Victims of Digital Exploitation and Manipulation Act of 2024, and the DEFIANCE Act of 2024. These have been created to support other legislation such as No AI FRAUD Act, AI Labeling Act of 2023, Artificial Intelligence Research, Innovation, and accountability Act of 2023, among others. **More information attached!** Mr. Shirk also spoke about carry-on rules when traveling and the Theater Defense fund. **More information attached!**

#### TEMPO Donations

TEMPO is the AFM PAC that makes contributions and expenditures in federal, state and local elections. ROPA raised \$2,113 during our conference in July. If you would like to donate, please visit <https://members.afm.org/verify/enter-email?refurl=/donate/index/fund/550&control=donate>

#### Social networks

The AFM and ROPA asks all members to add # on your posts on social media to expand visibility of AFM, ROPA, etc. Be mindful of what you post when tagging because you are representing ROPA.

Recording Musicians Association (RMA)

Speaker: Marc Sazer, Vice President

Mr. Sazer spoke about the efforts during the pandemic to continue working, pay, etc. "We were able to achieve Residuals allocated for musicians during the pandemic and for future contracts." The RMA is working on a new agreement to increase incentives, pay rates, more rights for musicians etc. Also including language requiring domestic scoring in exchange for the money in tax credit. RMA also wants to make sure residuals are guaranteed no matter of the platform used when hiring musicians.

Organization of Canadian Symphony Musicians (OCSM)

Speaker: Bob Frazier, President

Mr. Frazier informed us that the current workload is at pre-pandemic levels and tickets sales are up. OCSM will be attending a conference in Sweden to discuss various topics related to contract negotiations and music related events.

International Conference of Symphony and Opera Musicians (ICSOM)

Speaker: Keith Carrick, Chair

ICSOM is working on developing DEI culture in all their groups. They are also expanding in more diversity in hiring more minorities.

Workplace Harassment and Misconduct: Rights and Responsibilities of Employers, Unions and Workers

Speaker: Naomi Bensdorf Frisch, ROPA Legal Counsel

Ms. Bensdorf spoke about the federal, state and local laws that protect employees from discrimination and harassment in the workplace. These include Title VII of the Civil Rights Act of 1964 42 USC 2000e, the Americans with Disabilities Act 42 USC 12101, the Pregnant Workers' Fairness Act 42 USC 2000gg, and the Age discrimination in Employment Act 29 USC 623.

Resources:

EEOC Guidance on Workplace Harassment:

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace>

- IATSE Respect on Set Program (templates and resources):

<https://www.hollywoodcommission.org/respect-on-set>

- SAG-AFTRA Workplace Harassment resources: <https://www.sagaftra.org/contracts-industry-resources/report-discrimination/four-pillars-change-initiative/espa%C3%B1ol/four>

- Project WHEN (Workplace Harassment Ends Now) – Examples and resources:

<https://projectwhen.org/resources/>

- EEOC Summary of PWFA Final Rule: <https://www.eeoc.gov/summary-key-provisions-eeocs-final-rule-implement-pregnant-workers-fairness-act-pwfa>

### ROPA Business meeting

Here we listened to the ROPA VP, Secretary and Treasurer reports. All open board positions were elected by acclamation

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## **Day 3 Highlights**

### Sphinx Orchestral Partners Auditions Program

Speaker: Sam Andrew, League of American Orchestras

The Sphinx Organization Belongs to the National Alliance for Audition Support NAAS, which is a national initiative to increase diversity in American orchestras. The alliance involves Sphinx, New World Symphony, and the League of American Orchestras. NAAS Programs: audition, substitute and instrument grants; mock auditions, lessons and performance psychology training incentives; and cash prizes, ranging from \$250-\$3,500. Sphinx also focuses on inclusive stages supported by the Sakana Foundation. SOPA excerpt competition to help candidates get a permanent job.

### Health and Wellness for Musicians

Speaker: Dr. Jeremy Stanek, Stanford University (he was also a professional trumpet player)

Dr. Stanek spoke about musicians' injuries across our field. Musicians injury: 76% of orchestral musicians have injuries negatively influencing their ability to perform. 66% of college level musicians are in pain of some sort. Research shows pain decreases the further they advance in their careers, but no study has found the reasons why this happens. Contributing factors to injury: Dr. Stanek talked about making sure we use the right size of instrument when teaching beginning students, what type of technique are you using, making sure you stretch before and after, but being careful about not over stretching. amount of time playing is a huge factor to avoid injuries. Warmups and cool-downs are a must. Performing conditions/environment and repertoire.

### Barriers for artists

- Concealment of injury
- Keep going through pain
- Do not seek treatment
- Don't have a primary provider
- Don't know whom to see
- Rely upon the internet

- Prescription drugs: If you are using Beta Blockers, make sure you visit your doctor, and they are prescribed to you. They are performance enhancement drugs in sports. Advice: Try to find a provider who has direct knowledge of your field.

Resources:

<https://artsmed.org>

<https://athletesandthearts.com>

Dr. Stanek's email: stanek@stanford.edu

### *The Entertainment Community Fund*

*Speaker: Tina Hookom, LCSW, Director of Social Services*

Mission: The Entertainment Community Fund fosters stability and resiliency and provides a safety net for performing arts and entertainment professionals over their lifespan. Vision: The Entertainment Community Fund envisions a world in which individuals contributing to our country's cultural vibrancy are supported, valued and economically secure. This agency helps fund episodic employment, varying rates of pay, extensive travel to find work and sporadic work-hours; no consistent career path, lack of affordable housing, risk of physical injury and difficulty qualifying for or gaining access to employer-funded health insurance.

Resources:

<https://entertainmentcommunity.org>

### *2024 ROPA Conference Board Resolutions*

*Speaker: Alana Wiesing*

Some of this years' resolution included amendments to various resolutions including ROPA's 40<sup>th</sup> anniversary, late fees, ROPA EDI group, recognition and support of the AFM change the culture committee and their proposed measures, Support for continued funding of the National Endowment for the Arts and the National Endowment for the Humanities, among others.

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This year's conference was full of many social and networking opportunities. Not only we had the opportunity to listen to a diverse lineup of guest speakers on a variety of topics, but we also had the opportunity to get to know each other during our Monday night mixer, the nightly hospitality suite, the new delegate Meet and Greet, and the Local 6 harbor cruise around the bay. Delegates and guests had the opportunity to donate to TEMPO, explore new sections of the AFM website, and learn valuable information to share with our orchestras, including how to get more involved with our Local. Next year's ROPA conference will be held in Philadelphia, PA – dates TBA.