

# SECEDING FROM THE UNION

Seattle Symphony musicians are not in tune with AFM's Local 76

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Local 76 of the American Federation of Musicians has been having a tough year. Union officials caught hell last summer when, without consulting Northwest Chamber Orchestra players, they let NWCO management effectively throw out a three-year-old collective-bargaining agreement. Angry jazz and club musicians waged war against the local last fall over the union's support of federal legislation that would change the status of musicians. Opponents argued that the proposed Performing Arts Labor Relations Amendments were simply a ruse to force the many independent jazz and club musicians to join the union.

These small scuffles bothered and bewildered local union officers. But the big-time trouble brewing right now within the Seattle Symphony Orchestra may spell the end of Local 76. With contract negotiations approaching--the players' current agreement expired August 31--and the union unwilling to approve the players' choice of a negotiating committee, SSO musicians are preparing to secede from the union. "A labor union is a great idea," says SSO oboist and orchestra committee secretary John DeJarnatt. "We need it. But its basic function is to represent the wishes of the members. Now we have a labor union which is managing its members. They've gotten away from representation and into control."

The Seattle Symphony is not the only orchestra frustrated with the American Federation of Musicians. Here--and in this respect Seattle is fairly typical--symphony musicians contribute 79 percent of the local's work dues--about \$70,000 each year in Seattle--but represent just 6.7 percent of the local's voting membership. Thus many orchestras have been chronically frustrated with the representation and treatment they have received from the union over the years.

Until now, this discontent has prompted symphony musicians to seek solutions within the union itself, resulting in the formation of such AFM-recognized groups as ICSOM, the International Conference of Symphony and Opera Musicians. But after the events of the last six months, the SSO has given up on in-house solutions. Since the mid-70's, whenever it came time for contract talks, SSO players would elect a negotiating committee from within their ranks. The committee would typically engage some high-powered labor lawyer, and orchestra players, not the union, would pick up the tab. That was destined to change, however, when in 1981 the union decided to raise the work dues.

In Seattle, work dues jumped from 3 percent per year (up to a \$235 limit) to 4 percent with to upper limit. The change translated into about \$1,000 per year payment per SSO player. "We were hemorrhaging money at that point with no appreciable increase in benefits," says DeJarnatt. "We sat around and bled for a few years, but we felt that we should get money or benefits returned to us."

Finally, in the spring of 1985, SSO asked the union to underwrite the cost of the orchestra's upcoming contract negotiations. The union refused. SSO players began to ponder their options. They discussed submitting two petitions to the National Labor Relations Board (NLRB), and one was in fact circulated. A deauthorization petition would void the union clause that makes union membership a condition of employment. A decertification petition would open the door for a non-AFM bargaining agent to negotiate the SSO contract. When the union's New York office got wind of what was going down, union president Victor Fuentealba hightailed it to Seattle. "He came out to tell us what a folly it would be for us to do this," remembers DeJarnatt. "He berated us for a while. He threatened us with our jobs. We basically said, 'Thank you and good-bye.'" The outcome of that defiant stance was what one

AFM official labeled the "Band-Aid fix." The SSO got \$7,500 to cover its negotiating committee expenses, and the union agreed to pay for the orchestra's choice of attorney, whatever the cost. SSO would get its annual ICSOM dues paid, and the union would cover the cost of sending an SSO delegate to the annual ICSOM conference. The players also had their work dues reduced. They now pay 2.5 percent.

Remarkable concessions to be sure. Only the Detroit, Minneapolis, and St. Paul symphonies enjoy the same status. Satisfied for the time being, the SSO decided not to file its NLRB petitions. The union heaved a sigh of relief. "Everything became quiet," says SSO activist/percussionist Randy Baunton, "but we still didn't have the control." For Baunton, it just wasn't enough. Baunton has spent the last three years forming IGSOBM ("accent on the SOB if you will"), the International Guild of Symphony Opera, and Ballet Musicians. He asked players from around the country to donate time and money. He publishes an every-other-month newsletter. As a musicians' advocacy organization, IGSOBM (or "the Guild" as Baunton calls it) is still in its formative stages. But it now has members in 12 major orchestras in the US and Canada. "The Guild is a budding organization," says Baunton. "It doesn't have any chapters yet. But it seeks to represent." Baunton's fledgling brain child may soon get its wish. Last September, SSO players elected a five-member negotiating committee. The orchestra notified both Local 76 and Symphony management of its choice, and the committee began meeting to discuss issues and devise a negotiating strategy. Two days after receiving notification, local president Chet Ramage sent a letter to Symphony executive director Ed Birdwell. Ramage reminded Birdwell that the AFM was the "exclusive bargaining agent" for upcoming negotiations, and informed him that the union had not as yet selected a negotiating committee. "When we make a selection," Ramage wrote, "we will notify you." Rumors of this exchange filtered back to the players, but a similar letter was not sent to the orchestra until October 26.

It happens that four members of the players' elected negotiating committee were acceptable to the union. The fifth, Randy Baunton, was not. Baunton is what is known as a "core member" of the union. Core members must pay union dues, but they are exempt from union rules and regulations, and they are not allowed to vote or attend union meetings. At this point it appears that they cannot serve on any orchestra committees either. "Baunton doesn't want to be a member of the union," says Ramage, "so how can he represent them?" The union asked the players to select another negotiating- committee member. But at an orchestra meeting in early November, the players voted unanimously to reaffirm their original team, Baunton and all. (Two more negotiating- committee members opted for core status within the union.) At that point the union local and the SSO players representative agreed to a rare meeting. The players forwarded an agenda and the meeting took place at the union office at Third and Cedar. DeJarnatt: "We went down prepared to talk about the problems we were having, and it was an extremely frustrating meeting. All they said was 'Thank you, we'll consider it.' They wouldn't talk at the table." Ramage: "They presented their requests, and we said, 'Fine, we'll take them up in executive session.'" DeJarnatt: "Finally, I got this printed thing from them with answers to specific questions, and out of this meeting, like some sort of strange growth, came back our Band-Aid fix, but altered. We hadn't really sat down to discuss that." In the relationship between SSO players and Local 76, it seems that, fouled or no, communication is the operative principle. In this case the union's response to negotiating committee problems was a proposed change in the 1985 Band-Aid-fix agreement. "The date [on that agreement] was 1985," says Ramage. "And we fulfilled that request." This time around, the union wanted not only to approve the players' choice of negotiating attorney, but to place a \$30,000 cap on the amount it would pay for counsel. "It was a little astounding," says DeJarnatt.

Not too surprisingly, the AFM sent heavy hitter Lew Waldeck, head of the union's symphony department, out for the orchestra's scheduled mid-January meetings. But after three three-hour sessions the orchestra voted by secret ballot to seek an "amicable divorce" from the AFM. The tally was 2-to-1 with 10 abstentions. The federation was understandably upset. And

it may have been this action by SSO players that prompted the union's executive committee to create the Orchestra Service Program at its annual meeting two weeks later. The program enabled a local to ask the federation to step in when problems between an AFM local and an orchestra had reached an impasse. SSO players got a copy of the program proposal just days after it was passed, and an orchestra meeting was called to discuss the program. All but one of the players turned the proposal down. "It was a disaster," says DeJarnatt of the OSP. "It doesn't answer the problem of who's paying what to do what for whom. It just dumps us onto a federation which is farther away. We still want better, more direct representation. The orchestra does all the work. There's not an orchestra in this country that'll let the AF of M do their contract. We want an acknowledgment of who actually does the job of representation.

In February, DeJarnatt wrote Ramage to say that the orchestra had rejected the notion of the OSP, and to ask if they could meet with the union to discuss their reasons for doing so. No meeting took place. On March 1, the orchestra committee sent the union a 17-point letter outlining, according to Baunton, "an autonomous operation with some legal and financial connection with the local and the federation." The proposal called for "complete autonomy in dealing with their employers," and insisted that the Seattle Symphony Players Organization "negotiates, ratifies, and signs all contracts with our current employers." The union acknowledged receipt of the proposal, but the two groups never met to discuss the particulars. In mid-March, the orchestra withdrew the proposal, and wrote to federation president J. Martin Emerson requesting its own orchestra-only local. "We heard not word one from the union people for a while," says DeJarnatt. When DeJarnatt did contact union officials in New York, he learned that Local 76 had applied for the Orchestra Service Program. Lew Waldeck is in Seattle this week to discuss the program with the orchestra. "I'm trying to avoid cynicism," says DeJarnatt. "I'm looking at it as if this could be the miracle that could save the whole world." Don't bet on it. Rather, put your money on the SSO announcing this week that it will petition the NLRB for separate legal status. How this move will affect Seattle's symphony, opera, and ballet operations is a big question mark, though Baunton for one seems certain that it will not interfere with soloists playing for the Seattle Symphony or with Symphony musicians playing anywhere else. In fact, Baunton and others believe this will be a trend. "We're considering somewhere between six and ten [orchestras] in the next three years, if we go," says Baunton. That may not just be the wishful thinking of a frustrated activist. "What the musicians are doing doesn't surprise me," says Pacific Northwest Ballet president Arthur Jacobus. "It's a sign of the times. Orchestras outside the so-called Big Five are coming of age, and they want a greater role in determining their own destiny. Ultimately this will lead to a better situation for all."

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