

*American Federation of Musicians
Symphonic Services Division
Canada*

May, 2003

In the News...

[Author's note: The following story presents an alternative response to challenges typical of those facing symphonic musicians in the current environment.]

Colorado Springs Musicians Take a Stand

Lockouts, bankruptcies, and shutdowns are the latest weapons to appear in the arsenals of cash-strapped North American orchestra boards and managements. And they aren't afraid to unleash their destructive force, as evidenced by recent dramatic events in Toronto, Winnipeg, and Calgary. In the case of a small regional orchestra nestled in the Rocky Mountains, however, the board should have been very very afraid. What follows is the dramatic story of how the musicians of the Colorado Springs Symphony Orchestra took control of their destiny.

It all started on December 6, 2001, when then Executive Director Susan Greene was summarily dismissed. The role of Executive Director was placed in the hands of a consulting firm. The firm was also charged with the task of conducting the search for a new Executive Director. Given the financial incentives, it was not surprising that the search took a long time.

After eleven months, in November 2002, the position was finally filled by one Larry Barrett. Having spent over \$250,000 on consulting fees and with little activity on the revenue side to show for it, the Colorado Springs Symphony Orchestra Association (CSSOA) was on the brink of financial ruin. Barrett, however, quickly identified the musicians' contract as the source of the problem. The CSSOA took immediate action. Musicians were not paid on their regularly scheduled payday, January 15, and on January 18 the CSSOA notified the Local union that the next concert series (January 21-26) would not take place. On January 24 the CSSOA filed a motion in the U.S. Bankruptcy Court, District of Colorado in Denver, requesting that the collective bargaining agreement be set aside. It was expected that the musicians would be willing to sacrifice their small incomes in order to solve the financial problems of the organization.

This is known in the business as a Gross Miscalculation.

The Local immediately took the position that the CSSOA had illegally locked out the musicians in a bid to force mid-term concessionary bargaining. The CSSOA, its President of the Board of Directors, and its Executive Director were placed on the AFM's International Unfair List. Unfair labor practice charges were filed citing unlawful unilateral changes to the collective bargaining agreement.

Another miscalculation occurred when the CSSOA assumed that a pair of nearly sold out concerts featuring soul artist and 35 year AFM member Ray Charles, would go forward as planned.

Wrong again. Ray Charles did not appear and the concerts were cancelled.

What did go forward was a fund-raising concert produced by the musicians. In the words of a local reporter, "Pick your adjectives - celebratory, electrifying, euphoric, defiant. None does justice to an event that filled the church 40 minutes before beginning and featured standing ovations at the beginning and after each piece..." The concert was led by former CSSO Music Director Lawrence Leighton Smith, who had resigned his CSSO post in protest of the bankruptcy filing.

The overwhelming success of the concert and the ongoing display of community support encouraged the Local to move forward with "Plan B." Mediation had been unsuccessful and the Local needed to sever ties with the CSSOA before it could begin anew. In a surprise move, just minutes before the CSSOA's motion to set aside the collective bargaining agreement was to be heard in Bankruptcy Court, the Local advised the court that it would not challenge the motion. Caught off guard, the CSSOA attempted to persuade the Bankruptcy Court that it had jurisdiction to unilaterally set terms for a new agreement. The Court took a different view and declared the relationship between the CSSOA and the Local to be at an end. The Local had effectively called their bluff.

On March 17 the formation of a new nonprofit company called the Colorado Springs Philharmonic Orchestra was announced. The very popular former CSSO Music Director and former CSSO Executive Director, Lawrence Leighton Smith and Susan Greene, respectively, have assumed the leadership of a new orchestra. A local attorney,

Thomas Cross, is at the helm of the new board – a decision he made during the fundraising concert when he realized how much the community wanted an orchestra. A full season is being planned for 2003-04. Concerts will be produced in the interim with net proceeds going to the musicians.

There are still uncertainties. The relationship of the new orchestra with the Colorado Springs Symphony Orchestra Foundation (CSSOF), which holds the old orchestra's endowment, is unclear. Greene is working without a salary and some musicians have had to take out loans so that they can survive until the start of a new season. Even then, compensation levels are yet to be determined.

But the musicians will be returning to work on their own terms. There is supportive and visionary leadership and a caring enthusiastic community eagerly awaiting their return. There is every reason to believe that the new Colorado Springs Philharmonic will thrive and that the community will get the orchestra it deserves.

Travelling with Instruments

The debate...

The issue of air travel with musical instruments is a hot topic once again. The March issue of the International Musician contained a copy of a letter obtained by AFM President Tom Lee from Thomas Blank at the Transportation Security Administration in the USA. This letter makes significant statements regarding the TSA's support for musical instruments as carry-on baggage, but has been subject to some debate as it does not specifically address airline size/weight restrictions for cabin baggage. SSD views the letter as an important step in the process of facilitating travel with musical instruments.

The situation in Canada...

The Canadian equivalent to the TSA is the *Canadian Air Transport Security Authority (CATSA)*. CATSA was created in January of 2003. CATSA's responsibilities are to provide pre-board screening of passengers and baggage in Canada's 89 major airports. More information is available at www.catsa-actsa.gc.ca.

What we're doing...

SSD is working on two fronts on this issue. First, we have contacted CATSA and are waiting for their response. Given their relationship with the TSA, we hope to receive support for musicians equivalent to or better than that given by the TSA to the AFM's New York office. Second, we are communicating with Canadian airlines to clarify their policies and procedures regarding musical instruments as carry-on baggage. We are compiling detailed information on the major Canadian airlines based on our conversations with

them. This information is available from SSD upon request.

What do to if you're travelling...

- ◆ Obtain and carry with you a copy of the Thomas Blank letter and the Travel Tips document that have been prepared by the New York office. These documents are available on the AFM website at www.afm.org, or by calling SSD Canada.
- ◆ Always remember that airline employees, CATSA employees, and flight crew all have the same priority – the security and safety of crew and passengers. To this end, they are able to use their personal discretion to make decisions about what will and will not be permitted on board a flight. Make sure that any equipment or tools that could be considered dangerous are packed in your checked luggage.
- ◆ Check your insurance. Most airlines have liability policies that cap the amounts they can be held liable for. For example, Air Canada's basic maximum is \$1500, and **specifically excludes musical instruments**. (Note: HED Insurance assures us that any damage resulting from an airline incident would be fully covered under their policies.)
- ◆ Check out the airline. Each airline sets its own policies regarding carry-on baggage. Factors like the number of people on your flight, what type of plane you're on and time of day may affect how airline employees exercise their discretion. Always give yourself extra time at the airport if you're carrying a musical instrument.

Upcoming Events

Orchestras Canada Conference

When: June 5-8

Where: Novotel Toronto Centre Hotel

Website: www.oc.ca

AFM Canadian Conference

When: June 20-22

Where: Riviera Hotel and Casino, Las Vegas

Website: www.afmcc.org

AFM International Convention

When: June 23-25

Where: Riviera Hotel and Casino, Las Vegas

Website: www.afmconvention.org

OCSM/OMOSC Conference

When: August 13-17

Where: Hotel Saskatchewan Radisson Plaza, Regina

Website: www.ocsm-omosc.ca

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