

RECORDING MUSICIANS ASSOCIATION

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NEWSLETTER



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# Progress!

*By Phil Ayling, President, RMA*

Last February 24-27, while most of the world was looking towards Hollywood and the Academy Awards, AFM Officials were coming to Los Angeles for this year's Western Conference. The Western Conference is an annual gathering of regional AFM Locals and Officers from Texas to California to British Columbia and all places in between.

On the eve of that conference, RMA representatives from across the country had the opportunity to meet with four International Executive Board Officers who were already in LA. All parties present engaged in open, honest and wide-ranging discussions about the financial and organizational needs of the AFM, the challenges facing AFM recording musicians and our desire for a capable and collaborative Federation leadership.

The following day, those four Officers, together with other IEB Officers now in LA, tried to impress upon President Lee the need for him to uphold the promises he has made to recording musicians. Additionally, the entire IEB (minus VP Harold Bradley, who did not attend the conference) asked that all prior promises and issues which had been raised should be discussed further at the upcoming IEB meeting in New Orleans. Our expectations were raised with hope that this long era of divisiveness and conflict might finally be coming to an end.

The IEB's New Orleans meeting was set for March 12-14. In my capacity as RMA representative on the **Futures Committee**, I would be going there for one day to participate in that committee's presentation of their final report to the IEB. (At the 2003 Convention, the same resolution which created the Sound Recording and Film Fund "fees" also created this committee for the purpose of bringing reform to the AFM).

Meanwhile, President Lee asked various IEB members if he could review the private notes which they had made in Los Angeles during their conversations with recording musicians. Instead of simply reviewing those notes however, he sent them far and wide across the Federation, claiming that they were a series of RMA "demands" that had to be stopped. He offered invitations to a number of Local Officers from around the AFM to all gather in New Orleans to "straighten out" the IEB.

President Lee "forgot" to invite any recording musicians to participate at that part of the IEB meeting. I had been invited only as a member of the Futures Committee, unaware that President Lee had already politicized another opportunity for progress. It was a great surprise for everyone at the IEB meeting in New Orleans to discover that I had not even seen the document that President Lee had been circulating as the RMA "demands".

So the lead up to this IEB meeting looked like it was going to be politics as usual – but once everyone was in New Orleans, things began to change. As everyone had a chance to compare stories, President Lee's tactics became clear to many more people.

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In New Orleans, President Lee's attorney, George Cohen, rambled on about Tom's commitment to work with rank and file musicians. Those words rang very hollow. For some time now, I have been the rank and file member of the negotiating team for the Motion Picture and Television negotiations. I showed everyone at the IEB meeting a fax I had received two days earlier from President Lee and his attorneys. It announced a delay and new start date for Motion Picture negotiations which would now occur in September.

Unfortunately, President Lee "forgot" to confirm if I was available for those negotiations. I'm not!

People were aghast to find out that I hadn't even been consulted before dates were set.

I believe that this dangerous and ongoing pattern of secrecy, lack of consultation, disingenuous behaviour and disrespect for democratic process took on new meaning for the IEB itself. In my opinion, the IEB's obligation to serve and protect the membership has been thwarted at various times - yet they now seemed to understand, first hand, what we have been going through.

At that point, a united majority of the IEB made clear that "business as usual" would no longer continue. They recognized that we have real problems demanding real solutions and that the AFM is in desperate need of leadership if it is to survive. Energized, they passed some motions that will have real meaning for all AFM musicians.

The IEB made clear that they would not allow President Lee to renege on promises which had been made to working musicians last June in Las Vegas. At that time, the IEB had agreed to adopt five points that were then published in the International Musician. These included giving Player Conferences notice and invitations to participate when their issues came up before the IEB, allowing the Player Conferences to address the AFM Convention, and other such common-sense changes. After that meeting, President Lee moved to weaken and undermine the agreement, and has never honored it.

In fact, Rob DiPaola, the new Administrator of the Sound Recording Special Payments Fund, spoke

at this most recent IEB meeting in New Orleans. Reform and accountability at this Fund has long been a core issue for all recording musicians. When I asked President Lee why the RMA hadn't been informed or invited to meet Rob and join the IEB during this discussion he said: "Rob DiPaola and the Sound Recording Fund aren't on the IEB agenda, Rob is just here giving a presentation".

The IEB has now put a stop to this rhetorical silliness. The IEB has reaffirmed those five points as IEB policy, giving them the force of law within the AFM. It is unfortunate that the President has to be monitored. The IEB should be able to take him at his word.

Overwhelmingly, they voted to allow Player Conferences to choose their own representatives to AFM committees, rather than allow the AFM President to choose "representatives" for them. This basic recognition of the democratic right to speak for ourselves has been a key issue for all of the Player Conferences, not just RMA.

Additionally, as the Screen Actors Guild has long since concluded their negotiations, the IEB also instructed President Lee to establish the schedule for our Motion Picture Negotiations so they would conclude before the AFM Convention in July - This time in consultation with the working musicians who will participate in those negotiations.

Not everything came up roses. We still lack the basic control of our own services and negotiations given to most other AFM members through their orchestra committees. The guiding force behind the negotiation and administration of successful recording agreements must be the **bargaining unit** if those agreements are to be fair and credible. Recording musicians don't expect to have input into the negotiating platforms, strategy or selection of counsel for the Chicago Symphony or the Cleveland Orchestra for example, since we are not the employees under those agreements.

Likewise, recording musicians can't be well served when people who don't work under electronic media agreements play those roles to the exclusion of those of us who do.

Real union values require the AFM to honor the knowledge of the musicians who know the work

– who know the workplace – the AFM members employed by the very companies who come to bargain with the AFM.

And no progress seems to have been made towards leading a democratization of the AFM Convention. For AFM elections, the number of votes allocated to a Local is capped! Under the voting restrictions currently in the AFM Bylaws, a Local with 400 members gets 4 votes. Yet my Local (Local 47), with over 9,000 members is restricted to only 30 votes. Let's do the math - my Local gets a vote for every 300 members, where most Locals get a vote for every 100 members. In this "democracy" why should any of us be valued as one-third of a member? What kind of values are those?

Unlike symphonic or other live performance musicians – whose home Local is the primary guardian for the workplace – the AFM is "**the Local**" when it comes to recording. The Motion Picture, Sound Recording and all other Federation recording agreements are under the direct supervision of the IEB. Most recording musicians live in locals that suffer from voting restrictions. The musicians whose livelihoods **depend** on AFM Officers to **negotiate, monitor and enforce** those agreements, are the very same musicians being denied a full and equal vote in electing those Officers.

It's not fair – It's not right.  
It's not good union democracy.

But real progress, long in coming, has finally been made. We will continue to have differences with an AFM structure which places us under voting restrictions and puts others in charge of our services and negotiations. But there now seems to be real momentum to approach our issues honestly and successfully. There appears to be the will to end the divisiveness, end the demonizing of members, and embrace our diverse needs.

In my opinion the IEB did not take these actions simply because revenues from recording are central to the Federation's financial stability – and they certainly didn't do so because we are a big electoral constituency. Rather, I believe they have come to understand that all of the Federation's members – Theatre Musicians – Symphonic Musicians – Touring Musicians – as well as Recording Musicians –

Freelance Musicians and our unemployed members, are not being served in this current environment.

**Someone** must step forward, and under Federation bylaws the IEB is ultimately charged with defending and protecting this Union. I am sure this is not something they undertake lightly, but rather because they are duty bound to protect the health and future of the AFM.

As I was writing this letter I received the April issue of the **International Musician**.

**AFM Secretary-Treasurer** Florence Nelson writes at length about the actions taken by the IEB. With permission it is reprinted here in its entirety. It represents a real victory for union democracy over the culture of silence and indifference which has been previously holding the AFM hostage. The courage shown by her and the majority of the IEB represents the best in Unionism. The AFM's moral authority and real strength comes "up" from the membership. Not from the top – down.

The IEB did not adjourn its meeting in New Orleans. They only recessed, and will continue in mid-April.

I know that RMA members care deeply about the AFM and envision a union which is strong, democratic and financially stable – a union which maximizes employment opportunities and responds to changes in technology and in the workplace.

The upcoming AFM Convention in Las Vegas (July 18-20) will present an opportunity to meet AFM delegates from across the US and Canada who are charged with making that vision a reality.

As always, we will be reaching out to responsible and concerned AFM officers, talking to members, watching ongoing developments and working to keep you informed.



# RMALA President Brian O'Connor

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The RMALA Executive Board has accepted the resignation of Brian O'Connor with a bittersweet



combination of sadness and appreciation.

We have all followed Brian's progress in his brave and successful struggle with his health issue. Our hopes for his recovery have been rewarded more richly than we dared imagine; his wonderful, world-

class musicianship has been miraculously undiminished.

Brian O'Connor gives our community of recording musicians a model of courage and activism. Leading RMALA through the transition from the Dennis Dreith era, wrestling with AFM leadership, participating in the momentous decisions and events of AFM Conventions and Conferences were all in a days' work for RMALA President O'Connor. Brian's ability to stand before meetings of friends (and enemies) and speak with grace, warmth and humor, was a constant gift to us all.

Brian's legacy and his contributions remain with us; they are part of the foundation our community is built on. Going into the future, we will want to draw on his knowledge and expertise in ways that will benefit all of us.

Pursuant to the Bylaws of the Los Angeles Chapter of the Recording Musicians Association, the Board has elected Neil Stubenhaus President of RMALA. A page has turned in the history of RMALA, and we all wish Neil good luck in his tenure as President.

But for now, we can only stand back, and with all of you, applaud Brian O'Connor's long and lasting contribution to the welfare of the community of musicians who, in return, care so much for him.

## 96<sup>th</sup> AFM CONVENTION

JULY 18-20, 2005

### AFM Convention 2005

The 2005 AFM Convention will be held at the Riviera Hotel in Las Vegas on July 18-20. RMA, like all Player Conferences, is entitled to three non-voting Delegates to the AFM Convention. RMA Bylaws designate the President and Secretary as Delegates by virtue of office, and we elect our third Delegate at our annual General Conference. On October 25, 2004, the RMA General Conference elected Dave Pomeroy, from Nashville, to join President Phil Ayling and Secretary Marc Sazer as Delegates to the Convention. (Dave Pomeroy was also elected Executive Director of RMA International.) For those of you who have not yet had a chance to meet him, Dave Pomeroy is an outstanding bass player who has recorded, toured, produced and written for myriad major artists, all over the world. He is also a tireless activist on behalf of recording musicians, and as the President of RMA Nashville, he has helped spearhead a tremendous membership drive that has more than doubled the size of the RMA chapter in Nashville. Oh, and did I mention that he's a great guy, too?

We feel fortunate to have Dave as part of our Delegation this year. However, it's always good to have a sub on hold. Our RMA General Conference also elected Neil Stubenhaus as Alternate Delegate to the AFM Convention.

### Blue Man Boycott

AFM musicians in Toronto have launched a boycott against Blue Man productions for refusing to bargain on behalf of both musicians and technical workers. Please visit the boycott website at [www.blueamanboycott.com](http://www.blueamanboycott.com)!

# IEB Works to Solidify Relationships

by Florence Nelson, AFM Secretary-Treasurer

*Reprinted from the April 2005 International Musician, the official journal of the American Federation of Musicians*



Whether musicians record one track on an album, work all night in the studio putting together their next hit tune, or play for jingles and/or sound tracks for films, working under an AFM agreement will guarantee them good wages, reasonable working conditions, generous health and pension contributions, and ultimately, a healthy revenue stream if and when the recording is successful.

Bargaining collectively with the employer for those agreements can be a complex process. Most times this happens smoothly. Sometimes, however, the most difficult part of the bargaining process occurs on our own side of the table. It's not uncommon for the rank and file representatives and the union officials to have disagreements about how to work through various issues. The mark of a successful union is where these disagreements are resolved to everybody's satisfaction, and the union can approach the employer with a united front. Unfortunately, human emotion, pride, and ego sometimes get in the way, and we can trap ourselves in a vicious circle of arguing about who is right, rather than focusing on what is right.

In the past 18 months, this vicious circle has reared its ugly head right in our own backyard, leading to a serious deterioration of the relationship between the Federation and the musicians who perform under the TV-Motion Picture and Sound Recording collective bargaining agreements. Alarmed by the threat to the AFM's solidarity and the harmful effect that this escalating conflict was having on musicians and local officers across the US and Canada, the International Executive Board (IEB) has concluded that several concrete measures must be undertaken to repair the relationship between the Federation and the members it represents. These include strengthening and solidifying Federation unity at the bargaining table, achieving unity of purpose among the delegates at the 2005 AFM Convention, and fostering a consensus between musicians, the major recording locals, the recording musicians' player conference, and Federation officials.

In its first quarter meeting in New Orleans in March, the IEB took a proactive approach by ordering policy modifications that will set the stage for a new atmosphere of collaboration and cooperation between AFM leadership, the player conferences, and the rank and file union members. In brief, the Board ordered the following:

¥ Player conference leadership will be notified whenever the IEB is to consider matters affecting their workplace, their contracts, or their relationship to the Federation.

¥ To foster better understanding between player conferences and the convention delegates, the leadership of each conference will be invited to give a verbal report at each AFM Convention.

¥ The long-standing, long-dormant Electronic Media Services Division (EMSD) Oversight Committee will be expanded to include, in addition to the three original representatives from the Recording Musicians Association and the one representative from among the three symphonic player conferences, the following: one representative each from AFM locals in Chicago, Los Angeles, Vancouver, Toronto, Nashville, and New York City, to be selected by each local; and two members of the IEB.

¥ This newly-enlarged EMSD Oversight Committee will (a) make recommendations to the IEB for the restructure of EMSD to represent and serve more effectively both the musicians in the work place and



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 Bruce Bouton, *First Vice President*  
 Roger Blanc, *Second Vice President*  
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the locals that depend on EMSD for service and advice; (b) recommend to the IEB a realistic annual operating budget for EMSD; (c) recommend whether or not to engage separate legal counsel for EMSD, who would function as chief negotiator for media agreements, litigator for breaches thereof, and legal advisor to the Division; and (d) recommend to the IEB eligibility thresholds that identify the population of members who can reasonably be considered to be "stakeholders" in the respective Federation media agreements.

¥ Each player conference shall select its own representatives whenever a Federation committee is created that requires player conference participation. This would include negotiating committees, and any other type of advisory, policy, or study committees.

¥ A nine-member committee will be created, composed of three members of the IEB; one representative each from our locals in Toronto, Nashville, and New York, selected by each local; and three representatives of the Recording Musicians

Association, to determine ways to strengthen revenue collectible under electronic media agreements.

The underpinnings of this union depend on free-flowing democratic representation. These IEB orders, while constituting a major change to the way the Federation does business with its members, actually do nothing more than what any local is required to do for its symphonic members: Provide Federation-represented musicians the right to participate meaningfully in the negotiation and administration of their contracts and union affairs. The Board's goal is to create a constructive and collaborative climate that will allow us to get back to our real job--bargaining together for the best contracts possible with an engaged membership and an open and accessible Federation.

## Motion Picture News Flash

Just as we were going to press we learned that the Alliance of Motion Picture and Television Producers (AMPTP) and the American Federation of Musicians (AFM) have confirmed that the Motion Picture negotiations have been moved up. Negotiations will now begin on Monday, June 6, 2005, in Los Angeles. We had earlier put out a call for proposals to our RMA Chapters. We will keep you posted as we get closer to June.

