



16001165

Musicians union

by

Kenneth Cera

&

Jay Benatar

INSTITUTE OF INDUSTRIAL  
JUL 14 1980  
UNIVERSITY OF CALIFORNIA  
BERKELEY

JUL 14 1980  
UNIVERSITY OF CALIFORNIA  
BERKELEY

MUSICIANS UNION

Kenneth Cera  
Jay Benatar  
Bus. Ad. 191B

5/29/80  
Berkeley

1

The American Federation of Musicians, Local 6, has its main offices on Jones Street in San Francisco. Much of the information contained in this paper was gained from interviews with members and employees of the Union at the office.

The Musicians Union, Local 6, has three paid full-time executive officers: president, vice-president, and secretary-treasurer. These officers are elected every two years. The Union also elects a full-time paid business representative. It is the business representative-Bill Keast-and the Union president-Jerry Spain- who negotiate most of the contracts for the Union. In addition, there is a Board of Directors, comprised mostly of senior members, that meets once a week to set the policy for the Union. The average board meeting lasts four hours and the board members are each paid sixty dollars.

Most of the power in the Union rests with the president and the business representative. According to these two officials, the rest of the executives and the board of directors are older members who are not "with the times" enough to deal with outsiders successfully. Therefore, it is up to these two men to do most of the work for the Union. Business representative Bill Keast told us that he and the President put in many long hard hours negotiating the over

one hundred and forty contracts the Union has for its members.

In general, the amount of work available to musicians in an area warrants the degree of commitment the business representative must make. If the number of jobs in a local is small (for example Marin County) then the business representative may only be employed part time--perhaps working out of a "home" office. The general rule is that the total dues and other revenues brought in by Union members in a quarter must be able to support the salary of the business agent.

In busier Locals (for example San Francisco) there may be an assistant to the agent. San Francisco is especially busy because 90% of all collective bargaining agreements in the area are based in San Francisco.

As mentioned before, there is also a five person board of directors who are also elected every two years. The board's weekly meetings are held supposedly to set policies for the Union, but the real power (at least in the San Francisco Union) rests with the president and business agent. This is partly because the Board does not change the by-laws of the Union.

The Musicians Union has no stewards per se, but there actually people who act as stewards. These people are the leaders of the various bands. These musical leaders and conductors act in effect as stewards because they are always in contact with the players. These leaders attempt to meet with and discuss any problems with their players. A musician with a grievance will often take it first to his conductor before trying other remedies.

The American Federation of Musicians is an affiliate

of the AFL-CIO and has over 360,000 national members. Local 6 in San Francisco has approximately 4500 members. Local Musicians Unions often exercise considerable autonomy from the National and Local 6 is no exception. According to Bill Keast the Local " . . . enjoys a great deal of autonomy from (their) national and is (its) own collective bargaining unit."

In regard to radio-TV networks or motion picture companies, the Local may have somewhat less freedom, and "tension" between the Local and the National can become quite "severe." One example of this is the fight between long time International President James Petrillo and critics of the Musicians Performance Trust Fund.

According to Strauss; " . . . local unions in many cities are marked by a considerable number of disputed elections, turnover of officers, and relatively high participation in local meetings." "Given the actors' high educational levels, their ability to communicate, the individualistic personality, their geographical concentration and sense of dedication to the professional, and the importance of the union to their economic welfare, it is not surprising that participation is high and that their unions are relatively democratic." Bill Keast confirmed that this is true.

All Union members pay quarterly dues of \$23.50 which includes an assesment fee that varies. For these dues, the musician receives, in addition to other benefits, a \$2000 death benefit to be paid to surviving family of the deceased.. Once a member has been in the Union for fourty years he or she becomes a "life-member." Life members have no dues obligations. Besides quarterly dues, each musician must

pay a \$233 initiation fee of which \$80 goes directly to the national. Many musicians have a hard time paying their initiation fee, but it must be paid before the musician will be allowed into the Union. In fact, while we were talking to the business representative, one musician came to join the union and had to borrow from the business representative in order to pay the fee. When asked how it felt to now be in the union, the musician replied: "I'm feeling it in my pocketbook right now."

The Musicians Union is definitely not a hiring hall. The logic behind this is that the AFM is not an employer. The AFM and its members profess a high degree of professionalism and skill and it is believed that individual employers and band leaders should be able to hire whoever they believe is best qualified. This decision, the musicians feel, does not rightly belong with the union. A hiring hall situation might tend to assign musicians that were either not qualified or not "right" for a particular job.

There is another source of income for the local union. Revenues come from "work-dues" of traveling musicians. These traveling musicians are under a national agreement to pay 2% of their earnings when they perform or record in a Local area. So when traveling musicians (for example musicians traveling with a national concert tour) perform in San Francisco, they must pay 2% of their wages to Local 6. Each of these traveling musicians must also be a dues paying member of a Local union, probably in his home area.

One interesting characteristic of the Musicians Union is the entrance regulations. The union is careful not to

impose any significant barriers to entry into the trade. In fact the Musicians by-laws states that "Any local law prohibiting the admission of any competent musician, male or female, is contrary to the laws of the Federation."

The basic requirement for entrance is playing ability. Each member must pass a playing test before admission. Most members have joined by first getting a job to perform and then (after 30 days) joining. This is a "union shop" situation. Most employers of musicians (a majority in San Francisco) have contractual agreements that state that employment does not depend on Union membership (against the law--closed shop) but that all hired musicians shall be local (small "l") musicians. If it were not for the small "l", then these contracts would be illegal, but this form has been tested and found valid in court.

Very few musicians gain entrance into the union without a job. The AFM advises against this because all initiation fees and dues are non-refundable. Many musicians have found themselves in the position of having paid initiation fees, paying dues for several months, passed the playing test, been local residents, but eventually have dropped out after long periods of unemployment.

The typical characteristics of the musicians profession are: short jobs, occupational labor markets, small transitory employers, high job insecurity, great professionalism and occupational commitment, a feeling of responsibility to the public, and considerable autonomy. It is upon these characteristics that collective bargaining agreements tend to focus. Contracts with musicians are often

quite different from contracts in other professions just because of these characteristics. A few of the most important of these characteristics merit further explanation.

The typical job for a musician is short, a few musicians work full time for symphonies and the like, but the average musician works, if he works at all, for short stands, often only a single night. Musicians tend to move from employer to employer, so their identification remains with their occupation rather than with any individual employer.

There is a great deal of competition between members and therefore a great deal of job insecurity. Because there are so many skilled musicians around there is very little difference between two musicians. In addition, which musician is "better" is often a matter of personal taste. What one employer likes may be considered undesirable to another employer.

Another important characteristic is the occupational commitment felt by most musicians. Musicians have a high sense of occupational pride and identification. People who have adopted the "musical" way of life share "deeply held values which separate them from the man in the street." And, "The union has become so identified with the occupation that for some individuals joining the union is looked upon as symbolic of becoming a 'professional'."

Another important characteristic of the profession is the difference in pay level between musicians playing the same instrument in , for example, the San Francisco Symphony. This occurs because of the presence of "principals" or "first-seat" players. These musicians, who play the supposedly harder

music, get paid more than the "lower-seat" players. And this issue too is often a focus in collective bargaining agreements, re: who gets to appoint the principals (usually the band leaders) and how much control they have over who stays in the principal seats.

---

The bargaining structure of the musicians union is quite unique. Unlike many other unions, the AFM must deal with many individual employers of musicians in order to gain collective bargaining agreements. In fact, the San Francisco Local claims responsibility for over 110 individual contracts. The President and the Business Representative claim to deal directly with all 110 employers. Among others, the business agent must deal with theatres, nightclubs, concert halls, private parties, and anyone else who, at one time or another, desires to hire a professional musician.

One way to combat the huge number of employers and at the same time to increase standardization of hiring procedures is through the use of "associations." These associations are groups of major employers of musicians. Two examples in San Francisco are the Multiple Employer Association, composed of 60 major hotels, and the Golden Gate Restaurant Association, consisting of 60 major local restaurants. These associations simplify negotiations greatly by creating two bargaining units that represent 120 smaller units. The collective bargaining agreements made with these associations and the AFM are binding to all member businesses.

Collective bargaining in the industry follows an established procedure. The usual procedure is as follows.

First, the business rep sends the bargaining unit a letter informing them that the old contract will be expiring soon. This letter must be sent at least 60 days prior to the expiration of the current contract and states the union's desire to negotiate a new contract. If the employer does not respond within ten days, then the business rep can acquire strike sanction from the national. The threat of a strike is a more effective weapon than one would tend to believe for the AFM. This is because the AFM has local agreements with other unions (culinary, janitorial). If it comes down to a strike, these other local unions will respect the AFM pickets--and this necessitates the closing down of a play, a convention at a hotel, or an opera. Even if the employers try to move the show elsewhere, the musicians have the legal right to follow the show around anywhere it goes and continue to picket it. So the potential of an AFM strike is a great point of leverage in bargaining negotiations.

There have been few major strikes in the past two decades and still fewer major strikes that lasted for any appreciable length of time. Surely one of the most important reasons behind this is the devastating effects of a walkout.

A high percentage of the time, however, the employer agrees to bargain. One important feature of a collective bargaining agreement made by the musicians union is that the contract need not be ratified by a vote of the musicians themselves. It is the responsibility of the union's contract negotiator to fairly represent the musicians. Executives of Local 6 claim that they fairly represent their members and also do not view the employers as "enemies;" but rather

as fellow negotiators. The San Francisco business rep stated that one of the greatest feelings he got was when the musicians he had negotiated a contract for came to him , clapped him on the back, and thanked him for a job well done.

This process, much like other collective bargaining processes, basically comes down to cost-effective economics. The employer will attempt to get as much out of the performers for as little cost as possible as he can. The musicians are attempting to push the employer to give them as much as he can (and as much as they believe they deserve). The result is a compromise between these two stands which is hopefully satisfactory to all parties.

The key issue in most collective bargaining agreements is that of wages. Unlike most other unions. the musicians union negotiates only the minimum or *area standard* for its members. Other bigger stars are free to charge as much as they can get. The *area standard* wage itself can be quite complicated. The wage paid to a performer depends on such factors as nature and place of the engagement, the type of audience, and his own part in the music.

The best way for the union negotiator to get the highest wages for his musicians is to be reasonable in his demands. We were told several times at the union that it was considered quite important to maintain good relations with the employers. The successful business rep will charge what the employers can bear but must be careful not to set rates so high as to reduce available employment.

The contents of the collective bargaining contracts

are an attempt to answer the problems associated with the profession. The wages of local musicians follows an "area standard," and not a "union scale." Salaries for professional musicians can range from \$250 to \$500 a week or even much more for famous musicians.

Yearly salaries however can vary greatly depending on the amount of hours one puts in. Symphony players may get paid for 52 weeks a year, but nightclub players might work only four hours a night, three nights a week. The wages paid are often high enough, however, that a musician can work only a few months a year and take the rest of the year off. This is in fact what many musicians do.

Because of the variability of working hours, one thing that unions will try to force into contracts is "guaranteed work." The AFM bargains with most employers of musicians what the minimum number of players will be for a show and also what the minimum number of hours will be for those working. The employer must then pay all the of the musicians for all of the hours, regardless of whether they were actually playing or not. As long as they were at the designated place and were ready to play, they must be paid. For example, one show at the Curran Theater contracted to employ 16 musicians, and when one night only 10 were needed, the Curran still had to pay all 16 their full wages.

Concern has been voiced that such practices amount to nothing more than "featherbedding." Union officials steadfastly deny this of course. The fact that the hired musicians must be there and be "ready to play" is said to be significant. However, there is a definite argument that such contract

provisions do amount to nothing more than a thinly disguised form of featherbedding, which is illegal. The question is a difficult one to answer, but recent litigation has ruled that this practice is not illegal. The sure thing, however, is that guaranteed hours are a way of keeping the demand for union musicians constant or increasing.

When the old contract expires, the bargaining agent will of course try to improve the provisions of the contract. The most important and common demands are demands to: lengthen the "season" of work, guarantee higher number of musicians will be working, lengthen breaks, and raise salaries. In recent years the musicians unions have also gained more power by requiring all booking agents (in California) who are licensed to be a "signatory" of the AFM and to pay \$100 a year dues.

Some of the AFM's biggest and best paid contracts are with the Oakland and San Francisco Symphonies. These professions are classified as "fine arts" and as such receive a large amount of money from donations, contributions, and subsidies. In addition, the Symphony may also receive tax revenues from the local government. Since Symphonies have such a large income, they can afford to pay their performers well. The typical contract consists of 52 weeks including 8 weeks paid vacation and pays \$30,000 to \$35,000 a year. Local 6 bargaining provisions also deal with working conditions, hours of work, and the "doubling" phenomenon. "Doubling" by a musician means that the musician is playing at least two different instruments. Any musician who doubles receives his base salary plus an additional 25%, no matter how much he plays his second instrument. This is true even though the

musician puts in the same amount of total time.

The Musicians Union is a union unlike any other union. The unusual characteristics and requirements of the profession make union activities unique. These characteristics, such as the lack of accepted standards of competence, and mainly employer control of these standards force the union into a difficult position. The union must try to keep its more well off members happy, but at the same time it must also try to equalize employment opportunities (which are often very small). The Musicians Union however, is proud of its work and believes that it has done its job successfully.