

*Harmony*TM

FORUM OF THE SYMPHONY ORCHESTRA INSTITUTE
NUMBER 7 • OCTOBER 1998

Kansas City Symphony: The Path to “Evergreen”



To subscribe to *Harmony* or provide support to the Institute, contact:

Symphony Orchestra Institute

1618 Orrington Avenue, Suite 318

Evanston, IL 60201

Tel: 847.475.5001 Fax: 847.475.2460

e-mail: information@soi.org

www.soi.org

Kansas City Symphony: The Path to “Evergreen”

The dog days of the summer of 1982 were anything but serene for the Kansas City Philharmonic. In a story not unfamiliar to observers of the American orchestral scene, the Philharmonic, approaching its 50th anniversary, was dissolved in mid-September following several years of mounting deficits, unhealthy labor relations, and waning support from the public.

But with true heartland grit, Kansas City civic leaders devised a way for the city to continue to enjoy live symphonic music. The Lyric Opera of Kansas City agreed to operate a new orchestra for one year, a season was quickly cobbled together, and thus was born the new Kansas City Symphony.

The 1982-1983 season was a success, and by the end of the year, with strong financial commitments from many civic leaders and corporations, the Kansas City Symphony was standing on its own feet. Three overarching principles guided the orchestra’s rebirth:

- ◆ a \$10 million endowment would be established,
- ◆ the orchestra would have no deficits, and
- ◆ the musicians’ union would not be involved in contract discussions.

Over the course of the next several years, the new Kansas City Symphony maintained an enviably stable financial condition. The orchestra also grew artistically under the music direction of William McGlaughlin. However, beneath the surface, there bubbled a level of musician discontent over the “no union” proviso.

Winds of Change

In all organizations, change is inevitable, and 1995 was a watershed year for the Kansas City Symphony. Shirley Helzberg became president of the orchestra’s board of trustees. Roland Valliere was engaged as executive director. A year later, the organization initiated a long-range strategic planning process. And this year, the Kansas City Symphony made headlines twice. Anne Manson was named music director, and the musicians ratified a long-term “evergreen” contract that included union recognition.

As readers are aware, the Institute applauds efforts which lead to greater organizational effectiveness. So upon learning of the successful negotiations and the breakthrough agreement, we dispatched *Harmony* editor Marilyn Scholl to Kansas City to hold a roundtable discussion with key members of the organization, asking them to tell their own story of the process that uncovered the path to "evergreen." What follows is an edited transcript of that roundtable.

Institute: Please introduce yourselves and describe your roles with the Kansas City Symphony.

Tim Jepson: I'm a timpanist with the Kansas City Symphony and a member of the musicians' committee. I have been with the orchestra for 15 years.

Mary Crist: I am the general manager of the orchestra. My background is as a performer—I played french horn—although I've been in management for 10 years. I participated in the strategic-planning process and the negotiations.

Jacqueline Michell: I'm a cellist, and have been here since 1971, as a Philharmonic musician and all through the existence of the Kansas City Symphony. I've been a musicians' committee member for about eight years, and served in the strategic-planning process, in the subgroups, and on the task force. I retired at the end of this past season.

Brian Rood: I'm a trumpeter with the Kansas City Symphony, and have been here three years. I served with Jacky on the human resources subgroup of the strategic-planning process. I was on the musicians' committee last year and served as spokesperson.

Roland Valliere: I've been executive director of the orchestra since July 1995. I came here from the Omaha Symphony and have been in orchestra management for the past 14 years. Before that I was a musician, a percussionist, in the Boston area.

Shannon Finney: I am associate principal flute with the symphony. I just completed my fourth season, and I did not participate in the strategic-planning process. But this past season, I was on the musicians' committee, the music director search committee, and the artistic advisory committee.

Shirley Helzberg: I'm president of the board of trustees of the Kansas City Symphony. I've enjoyed the symphony since I was a child, and after my own children were grown, I became active with fundraising and membership. I have been president of the board since May 1995, and very much enjoy the challenge of working with the board, the staff, and the musicians.

Robert Kipp: Professionally, I spent about 30 years in city management and have spent the last 15 years with Hallmark in private business management. I currently serve as a group vice president for corporate communication services of Hallmark Cards. I became involved with the symphony fairly recently and am now vice president of the board.

James Baker: I’m a partner with the law firm of Spencer Fane Britt Browne. I’ve practiced labor employment law for about 30 years. I was involved in the negotiation of labor contracts for the old Kansas City Philharmonic, and I was involved last year in the negotiation of a labor agreement for the Kansas City Symphony.

Gordon Kingsley: I’m a member of the board of trustees of the symphony, and chaired the human resources subgroup of the strategic-planning group. I also chaired the task force that accomplished union recognition in a way that preserved the best for all parties. Professionally, I work now with a health care organization in fundraising, but probably my relevant experience was my service as president of a college for many years, because the work situations of orchestras and colleges are somewhat similar. Each has highly skilled, highly talented, underpaid professionals.

Institute: It appears that there were three distinct phases that led to the “evergreen” contract: an initiative that culminated in a strategic plan, followed by a task force that considered the ins and outs of union recognition and how you might all reach an agreement, followed by formal negotiations. So let’s begin with the strategic-planning process. Were there specific events that caused you to undertake development of a strategic plan?

Helzberg: We were a new board with a lot of thoughts and ideas. A search was under way for a new executive director, and the executive committee of the board felt that it was time to look at things in a different way. Many of us, through other organizations, had gone through strategic planning, and it seemed to be the vehicle that would pull us all together.

Kipp: As we launched into the search for an executive director, it became clear to us that we really needed to be able to articulate to prospective candidates our long-term strategy. But we were unable to do that because we hadn’t gone through the process. So we had to make a choice as to whether we would postpone the search for an executive director or continue the search but, simultaneously, initiate a strategic-planning process. We chose the latter alternative, and as we narrowed down the search, we were able to indicate to Roland, and to others we were considering, that we were undertaking a process that would be ongoing.

Institute: And, Roland, you were open to that concept?

Valliere: It was clear to me that the board wasn’t talking about incremental growth, but about making substantial progress in building toward the future. But we need to back up for a moment because there was a step before the strategic plan—an internal organizational assessment—which led seamlessly to the strategic-planning process. Your readers must understand that the symphony had been very successful in many ways over the first 15 years, but that the needs of the organization were going to be very different from what they had been in the past. The focus was much more external, in building the institution and broadening its mission to the community. So the internal assessment was really the foundation of the planning process.

Kipp: There’s one other thing that I think is important. When Shirley became president, she brought with her a participatory philosophy which was quite different from what the board had had previously. In fact, I had been a member of the board for six months before I even learned that I was on the board! The board rarely met. Shirley clearly articulated a philosophy of having regular board meetings, of having a very participatory board, and of involving everyone—including the musicians—in the process of governing the symphony.

Kingsley: We also selected an executive director who had those same values of shared governance and participatory leadership.

Jepson: Let me interject something here. Soon after Roland came, I remember having a meeting with him and discussing the ideas of shared governance and participation, and I went home thinking . . . this is different. I joined the Kansas City Symphony in the fall of 1983, and this was a new style of thinking. It created a sense of excitement for a long-time player, but I found myself wondering how this was going to play out.

Institute: So you were somewhat skeptical?

Jepson: Not skeptical . . . yeah, skeptical. Not cynical, but I was very skeptical. I was hoping that this was not lip service, because if it was, we musicians were about to have a very demoralizing experience. And, indeed, it proved not to be lip service at all.

Valliere: Another thing that was interesting was that undertaking a strategic-planning process was not the result of a financial crisis. I think in some ways it is more difficult to achieve quantum change without a crisis, because you can be comfortable with where you are. Change always entails risk and fear.

Institute: Can you describe briefly how the process that led to the strategic plan was organized?

Valliere: The Wolf Organization from Cambridge, Massachusetts, facilitated our process. They had worked on the internal assessment, and that flowed into the strategic-planning process. Tom Wolf was the strategic planner, Bill Keens was the facilitator, and Don Roth, who is now in Saint Louis, was the manager. I have known Don for some time.

Kingsley: Victor Poirier, who is assistant to the chairman of Kansas City Power & Light, and a member of the Kansas City Symphony board, chaired the overall strategic planning committee which had 18 members. Additionally, there were five working groups. Bob Kipp chaired the group on artistic excellence. Vic chaired the group on community outreach. Joan Horan, vice president of human resources for DST Systems and a member of the symphony board, chaired the working group on education and music appreciation. The human resources group, which I chaired, was the one that dealt with a lot of the interpersonal and musician

“ . . . in some ways it is more difficult to achieve quantum change without a crisis, because you can be comfortable with where you are. Change always entails risk and fear.”

issues, such as union recognition, and the fifth working group was finance, chaired by Bill Taylor, a partner at Ernst & Young and also a symphony board member.

Michell: I would like to add something about the composition of the working groups. There were about 10 people in each working group, including board members and community members. There were two musicians in each working group, and that was probably the largest number of musicians who had ever been involved in anything jointly with the board and the management.

Institute: Let's focus on the working group on human resources. Describe for our readers how you went about your task, and how you felt about what you were undertaking.

Rood: I remember that in an early meeting, Gordon had asked for a five-minute recitation from Jacky and me about the concerns of the musicians as an orchestra. We went a little longer than five minutes! We prepared a several-page document, and it took that meeting and well into the next one to cover our thoughts. Eventually, Gordon was able to corral us back in and develop good group recommendations. It was important, at this time, to have the interaction among board members, staff, and musicians, and to be able to discuss union recognition.

Institute: Gordon, did some of what the musicians were raising surprise you?

Kingsley: No, not really. The intensity of the feeling about union recognition was surprising, but not the issues that were laid out. The musicians in the human resources working group were very firm, pretty much in agreement. But the beauty was that the board people in that group and the staff people in that group did not hold back. They were listening; they were believing; they were accepting; they were honoring. That was my reading of it. I hope you felt that way.

Michell: I felt that way. As opposed to the formality of a board presentation, this was an informal, conversational atmosphere, and it was the most open discussion that I'd ever participated in, up to that point.

Kingsley: It was like this. Just back and forth.

Michell: Just like this.

Kingsley: And the issues very quickly became, what could we do to improve the quality of musicians' lives? What could we do to make it possible for them to concentrate on music? Because of our history, it was difficult for several of our board members to deal with the union issue, because that had killed the Philharmonic. Some board people felt, and still feel, that once the union is involved, you lose this dialogue because you introduce a third party who has other primary issues. So that was the sticking point. But let me distinguish between the sticking point and the main point. The main point was the well-being of our orchestra and the people who create our orchestra. On that we were agreed. We were agreed on outcome. We were agreed on goal. We were

agreed on where we wanted to go. Where we had difficulty was on how we got there—and from a musician’s point of view, when we got there. I think the board was probably willing to take a more leisurely approach than the musicians were!

Helzberg: But there was another issue, too. From the board leadership, and I have to say from my personal feelings, there was a desire to do what the musicians asked, if it was in their best interest. But I had been to a national meeting where I had seen musicians and board members together in front of a forum, and one board member went into tears. I saw all the negative things that were still happening with union intervention, and it was not very pleasant. It was really upsetting to me. When you see that kind of interaction, you have to wonder: Is that really best for our musicians? And that weighed on our shoulders, because this board considers the well-being of 100 musicians and staff a big responsibility. I think, initially, we had a desire to do something unique and much better here.

“... this board considers the well-being of 100 musicians and staff a big responsibility.”

Institute: Mary, you’ve been rather quiet. What were you thinking at this point?

Crist: I fully understood the musicians’ point of view, having been a union spokesperson at one time in my life. I also understood the concerns of the board, because when I was union spokesperson, there were many times I was frustrated and angry at the union. I think the driving force for the musicians had to do with a sense of identity. My sense is that in the world of orchestra musicians there is a need to be like others, to have similar experiences. And what was happening here was not “we’re unique, we’re different, we’re special”; it was “we’re unique, we’re different, we’re inferior.” I saw union recognition as core to the self-esteem of the orchestra.

Valliere: I think the thing that proved vital was the focus on goals, and that’s where I think the strategic planning process was really critical. When there was discussion about the really hot issue of unionization, we could discuss it in the context of musical excellence. Or discuss it in the context of valuing human resources. Or discuss it in the context of community educational connections. We tried to keep the focus on goals as opposed to emotions. And we need to acknowledge the fact that Gordon was an extraordinary facilitator, because the ability to keep a group focused on goals in an emotionally laden area requires very special skill.

Institute: How much of the strategic-planning process was communicated back to the orchestra at large? Did everybody know that something was happening?

Jepson: Talk at the coffee machine. A lot of it. In fact, that’s where my skepticism started to decrease. I had the realization that everyone was serious about this.

Valliere: There was a really important moment when the musicians got the

draft of the strategic plan, and reacted very strongly. That was an indicator to me that there was a lot more distance to go. Brian, why don't you describe it?

Rood: I think the overriding advantage of the Wolf strategic-planning process was twofold. First, it forced us to develop the plan that did develop. Second, and most important, was the interaction, the one-on-one communication and ability to interact, with people from different constituencies of the institution. When this first draft came back, it did not appear to reflect the work that had been done in those groups. And it did not contain what we thought had come out of the human resources working group, which was to have a task force assembled at some time in the near future for ongoing discussions on the union recognition issue. So Jacky and I talked about it. We met with the other musicians and said we prefer to have our signatures taken off of this. Then everybody took a look at it, including the working group chairs and Roland. They agreed that some of the human resources group's work was not reflected, and a great deal of rewriting was done to make sure the document represented the actual work involved. That was the turning point.

Kingsley: In all fairness to the Wolf Organization, they were hearing that union recognition was a volatile and inflammatory issue, and feared that addressing it in a printed document with wide circulation could cut major donor support dramatically. It was an emotional issue from the past, and from the experience of some major donors. The thought was, if this idea is flaunted—if it's right here in your face—then these are folks accustomed to making strong, quick decisions. It's their money, and they might say, fine, if that's what you want, we will invest our philanthropic money elsewhere. And that was a great fear. Guess it still is a little. So, I think that's why it was pretty bland in the first draft. It was talked around. It was alluded to. It was implicit. We all knew it was there, but the language was bland, and Brian and Jacky were pretty intransigent about that.

Institute: Bob, did some of the other working groups deal with tough issues, too?

Kipp: Not to the same extent. I think this was really the central difficult issue. There certainly were a lot of other issues in the strategic plan: financial issues, issues about how we move from our current artistic level to one of excellence, but not divisive issues in the same context as this.

Kingsley: You've got to draw the distinction between important issues and urgent issues. And artistic excellence is an important issue, but this one was very urgent, just because of the emotional charge that it carried.

Michell: If we were intransigent, it was because we were representing the views of all the musicians on these issues, and we had to represent their

“The communication development was real. It gave true meaning to the whole process that was going on—that we could truly say what we felt and be taken seriously.”

feelings. But in another way, it represented to me a sign that it wasn't lip service on the part of management and the board. The communication development was real. It gave true meaning to the whole process that was going on—that we could truly say what we felt and be taken seriously.

Kingsley: The strategic plan ultimately was published, and it talked about involving musicians more in the governance of the orchestra, working toward competitive salaries for musicians, working toward a pension plan for musicians. And—we waffled on it—it addressed the concern of musicians for their standing in their professional guild, among their peers. In the musicians' minds, this translated to union recognition. The board and staff still had hopes of trying to achieve some way of facilitating our musicians' feeling fully participatory in their professional lives without union recognition.

Valliere: We discovered later that was like trying to have a baby without getting pregnant.

Helzberg: The process of arriving at a strategic plan gave us an opportunity to visit with former board members, our current funders, who were so opposed to union recognition. It gave us an opportunity to bring them information and involve them. We spent many hours doing this, and were received in open, but guarded, ways. There is now a healthy feeling about what has happened in the community. It was handled in the right way.

Kipp: There were a number of things that occurred in the dynamics during that period of time, but one centrally important thing was that we were learning how to accommodate disagreement and to accept the fact that there were differing points of view. We were figuring out how to get along with the process, even in the face of some fairly deep disagreement, and not allowing it to become personal or to institutionalize it, or to draw the line in the sand. That was the learning process that was going on.

Jepson: Absolutely.

Rood: For all of us. We learned from the process, too.

Helzberg: I want to add one thing. I think not only was it a learning process for all of us, but it was also a healing process for many who had been involved much longer than most of us. This coming together and sharing helped heal what had happened before, and restore the trust that had been lost.

Michell: I can only agree with that.

Jepson: For years it was don't ask, don't tell. Now we were able to openly discuss the budget and disagree, and yet no one left the meeting in tears, and no

“... but one centrally important thing was that we were learning how to accommodate disagreement and to accept the fact that there were differing points of view.”

one pounded the table—not even the negotiating table.

Institute: And the strategic plan was complete in the spring of 1997?

Kingsley: Yes. The strategic plan’s done, and now the musicians are waiting for heaven to come on earth, but not long are they waiting.

Finney: Exactly. Things were not completely healed when the strategic plan was complete. That was part of the process, but there was more relationship building and trust that needed to be developed.

Helzberg: I think that your readers need to understand that there were a lot of other things on the table for the Kansas City Symphony. Even as we were going through our planning process, William McGlaughlin resigned, and we had a search under way for a new music director. The Muriel McBrien Kauffman Foundation was undertaking a study to determine the feasibility of building a new facility for the symphony. We needed to replace several musicians who were retiring. Somebody had to keep the shop running.

Valliere: But to be perfectly clear, in hindsight, union recognition was an issue of utmost urgency to the musicians. This was very clear in Gordon’s working group, but, at least from my perspective, we weren’t terribly excited about confronting it.

Kingsley: That is a most remarkable statement for an executive director to make. To sit here in a meeting like this and say that. That statement probably encapsulates a lot of our strength in this whole process.

Valliere: I pretty much understood, so I thought, that going down that path would be walking off the edge of the earth, and, therefore, the challenge was to facilitate a way to get at the issue but not get at the issue. And so we thought, we can defer this. At the same time, the musicians were thinking that union recognition was not going to be deferred; it was going to be dealt with now.

Rood: Last year was the final year of our contract, and therefore a negotiation year.¹ We realized that if union recognition was to happen, it needed to be tackled at that time. Otherwise, we were going to set ourselves up for another three- or four-year agreement, and the musicians did not wish that. This was not a decision made in a cavalier fashion! This was a decision based first on a survey of musicians and on countless meetings among ourselves.

Kingsley: Which, however, none of us knew about.

Rood: I think we need to explain a bit about our musicians’ committee and the events that led up to a very tense meeting on November 12th. Musicians’ committee members serve staggered terms of two years, so there will be two or three new people joining the committee each year. That same committee is the negotiating committee. In many orchestras, there is a separate committee for negotiations, but in this orchestra, it’s the same. When the musicians’ committee met in August and talked about what we wanted to work on through the year, negotiations and union recognition were at the top of the list. We had completed

the strategic-planning process and looked forward to the assembly of the recommended task force to discuss union recognition. As the new musicians’ committee, we started a very open dialogue with staff. At a couple of those meetings, we asked when this task force would be assembled, and one date that was floated was September 1. Well, September 1 came and went. So the musicians’ committee moved ahead. There were many factors that led to the decision to push for union recognition at this particular time, and many factors that led to choosing an attorney. As we talked with people in other orchestras throughout the country, it became very evident that there was one lawyer who was very good at working with both sides of the traditional negotiation tables—staff and musicians—and that one lawyer was Susan Martin from Phoenix. She came to Kansas City and met with the musicians’ committee, and with representatives from the union local. We decided to engage her.

Finney: Mary explained only part of why we felt strongly about the union. There is an intangible aspect of belonging to the same professional organization as the rest of your peers and colleagues throughout the country. However, we also felt strongly that joining the union was a critical factor on the path to artistic excellence, a path which staff had been saying they were eager for the institution to pursue. This, and the fact that we had a new music director coming in, and potentially a new hall, made the time right to pursue artistic excellence through the union avenue. We also had five people on the musicians’ committee who worked well together. That was critical.

Institute: Brian mentioned a very tense meeting on November 12th. That date seems to strike a chord with all of you. What transpired?

Kingsley: Your readers need to understand that before November 12th we on the board felt at ease in Zion. We were happy that our well-intentioned thoughts were out there in the air, and that the musicians believed them firmly.

Kipp: I think it is clear now—it wasn’t then—that there were vastly different expectations of the task force the strategic-planning report called for. From the musicians’ point of view, it was about needing recognition, sooner rather than later. From the board participants’ point of view, it was about getting behind the question of union recognition to figure out what that meant, and whether or not it was possible to achieve those things in some different manner. And there was quite a bit of discussion during that time about why union recognition was important. There had been conversation about the ability to advertise openings in the union newsletter, about pension arrangements. So the expectation, at least from my point of view, and I think from other board members’ points of view, was that we were going to create this

“...you had these two very, very different expectations about what was meant by creating this task force. It was as though we were coming into the room through two different doors.”

task force to explore not only union recognition, but whether there were alternative ways to skin the cat, to accomplish all of these purposes absent union recognition, and have, in a sense, the best of both worlds. So you had these two very, very different expectations about what was meant by creating this task force. It was as though we were coming into the room through two different doors.

Kingsley: I used the word intransigent earlier about musicians and their expectations. There was some of that from the board, too. At the beginning, it was nearly, “hell no, we won’t go.” So Bob is right in saying that there were polar positions. But, to get to the point, on November 12, 1997, the musicians’ attorney, Susan Martin, was in town. She had met with the musicians. They had signed union cards, and they asked for a meeting with the board and staff. I was declared the “expendable” board member, and sashayed in with Roland. Susan explained that the musicians wanted union recognition, that they were going to get it, that we needed to get it done by December 1, and that we should be happy about that. My instinctive response was not to say that I was happy.

Helzberg: Right.

Kingsley: We had worked diligently and together at coming to a meeting of the minds during the strategic planning process. We were all in it together, and now, we were confronted with “enough is not enough.” So I walked out of that meeting surly, hostile, and disappointed, thinking that an awful lot of work had come to naught. To his credit, Roland said, “Let’s not look at this as a disaster. Let’s look at this as an opportunity.”

Rood: It’s not something we did lightly.

Jepson: Right.

Michell: I would like to emphasize that, at all times, Susan Martin acted in accord with the musicians’ goals as represented by the musicians’ committee.

Rood: We spent many sleepless nights and many countless hours discussing this among the musicians’ committee, and with other members of the orchestra. We knew that it was a process that might not work, but we really thought that if it was going to work, 1997 was the year.

Kingsley: And that takes us back to Bob’s observation that we came into the room from two different doors. We also heard that Susan was a good lawyer who worked for accommodation, not confrontation. But that evening, I felt she was very confrontational—probably by design. She was probably trying to get the message through.

Institute: The fact that we are sitting here having this conversation indicates that November 12th was not, in fact, a dead end. What happened next?

Helzberg: Well, first of all, we knew that December 1 was not realistic. Board members have other commitments—including full-time jobs. But once we got beyond that and figured out a realistic time frame, the process became more

positive. We came together, we talked, we shared. Our purpose was the same, we just had different ways of trying to achieve our goals. The board had thought about all of the things the musicians were asking. But the one thing that no one had addressed was the importance of union recognition itself. Gordon was the one who stated, that in the musicians’ minds, the union was like a guild and important in their peer relationships. And I think it is also important to say that the board was well aware of its fiscal responsibility for the organization, and that we were at risk of losing major donors. If that had happened, we could have lost this orchestra.

Kipp: It’s hard for me to reconstruct all my own opinions back at that time, but part of them are clear. We had this very peculiar dance going on, and there was an enormous amount of mythology on both sides. There was the myth of being a nonunion orchestra, when in fact all of our actions for a long period of time had been exactly as if we were a union orchestra. We were checking off dues, and we were doing all the things that you do when you recognize the union. And yet that myth was important from the funding point of view.

“We had this very peculiar dance going on, and there was an enormous amount of mythology on both sides.”

And on the musician side, in my view, there was also this myth that the only way you can achieve professional status is if you’re part of a recognized union, which is a long way from the facts. So I felt that we were confronted with ideas that were not rooted in reality. The only way to get at that was to form the task force that the strategic plan had suggested. The disappointment was when Shirley launched that, the musicians said no. That was right at the same time that the musicians—which we didn’t know then—had engaged in some discussion of how to accelerate the union recognition. So my feelings were that the task force was an essential element to get beyond all the mythology, and get to some common ground that was based upon fact rather than all of the beliefs we came with.

Valliere: For me, there was a key moment right after the November 12th meeting. I came to the realization that there was no other way. In order for this orchestra to accomplish its goals, there had to be union recognition. I didn’t agree. I felt that there were other ways, that union recognition would be just the same old way, and that the consequence of that could be quite negative. But what became clear was that the musicians had carefully thought this through, and had weighed the potential consequences from a funding perspective. So the challenge then became: How?

The other part of the November 12th meeting was the December 1 deadline. Obviously, such a dynamic issue was not going to be settled in two or three weeks. It was like putting a gun to our heads, and that’s not a collaborative approach. Gordon, Brian, and I then talked with a number of potential facilitators. And I think largely because of the time dilemma, we decided to not use an

outside facilitator. We used Henry Fogel [president of the Chicago Symphony Orchestra] as a sounding board because we were all comfortable with him. Once we decided to make a go of it ourselves and activate the strategic plan’s task force concept, we had a full-day meeting on December 8th. This was a full day without facilitation, without lawyers. The task force included the five musicians’ committee members, Shirley, Bob, Bill Taylor, who had chaired the working group on finance, George Powell, who had been a member of the working group on human resources, and me. Brian and Gordon were co-chairs. That was it. And it was a very effective day.

Kingsley: I was really impressed with the musicians on the task force. They were firm, flexible, human, and humane. They made it clear all the way through that they wanted the best interests of this orchestra, that they were not seeking selfish gain at the expense of artistic or organizational excellence. On the other side were people who were saying unionization is either a disaster or a barely mitigated disaster. It introduces external people whose job is not artistic excellence or organizational excellence, but union well-being. It introduces a totally alien element into the discussions of coming together toward shared goals and shared governance and shared purposes. And therefore, it is inimical to the well-being of our future. That was strongly felt by people who had dealt with unions, not by people who were spinning this out of their heads, but by people who had a lot of experience dealing with unions. But, to their credit, they stayed, and listened, and said: How can we make it work?

Another very important factor was that we knew all along there was no way we could not recognize the union. The game was over before it started. We knew how the game ended before we came in. The union was going to be recognized, voluntarily or involuntarily. So the only question was: How do you make it work? And that’s what finally led us to moving forward. I think it was Bob who asked, OK, what are the issues in the minds of our donors that create fears? Deficits and strikes. Those are the two big issues. And the difficulty of communication. So we asked ourselves, is there a way that we can construct an agreement that will say there aren’t strikes, that will say there aren’t deficits, and that will help us with the issue of communication? Bob first came up with the idea of long-term, evergreen contracts, and our musicians listened to that and said: We’ll look at that. And then they said, you know, if there are no strikes, there probably shouldn’t be lockouts. It was the good will of the people involved, the constant focus on the larger goal, the well-being of this symphony, that was critical. It was the openness of the people around the table, even when their opinions were very strong. Their minds were very fixed, but their hearts were very open.

“It was the openness of the people around the table, even when their opinions were very strong. Their minds were very fixed, but their hearts were very open.”

Jepson: Believe it or not, the turning point of the day was, of all things, lunch.

Finney: I agree.

Jepson: At lunch, it was as though the forces had retreated. We all went to lunch together, and simply sitting around and telling musician stories, and having the other task force members learn about us as individuals, changed the dynamic when it came time to go back and start dealing with nitty-gritty issues again.

Kingsley: It was important to hear Brian talk about being a trumpeter. To learn what kind of personality becomes a trumpeter as opposed to a string player. And I want to add that there was another dynamic element to that day. You could speak freely. You weren't being nailed to the wall. You could leave a position after you'd taken it strongly. You weren't looked down on if you left a position after you took it strongly. You were looked on as a creative member of the process. I can't praise everyone enough, because there was firmness, but flexibility, on everyone's part.

Helzberg: It was a revelation to me to hear some of the terrible things that had happened in the past. Those conversations gave me a much greater understanding of some of the issues.

Kingsley: Shirley's compassion is quite important to this story. Shirley's also pretty tough, and the compassion—I don't know quite how to say this because it sounds soft and mystical—but there truly was an aura around the table. There truly was a sense—and Shirley led it—of humanity.

Valliere: There was amazing leadership from the board. It would have been so easy just to say, "I don't have time for this." Or, "This is a path I'm not going to take."

Kingsley: Bob sat at that table for hours. He's got a job. Bob, who has major responsibilities for a major American corporation, sat there all day working on how we could agree.

Valliere: We came out of that day with a compass pointing in a certain direction. We had a better understanding of union recognition, of how we might combine language about lockouts and strikes. And then there was a half-day follow-up meeting in early January. There had been a draft report from the task force, penned largely by Gordon, and then refined, and at the January meeting, we reacted and responded to that report. And after the January meeting is when the negotiations began. There were three key recommendations from the task force. There was a recommendation for a nine-year agreement, with provision for no strikes and no lockouts. There was a recommendation that it be an evergreen contract, with an initial term of three years, and then rolling over, being cyclical in nature. And the third recommendation was that it would be a living contract, in terms of being able to approach issues, outside of those three key economic issues, as an ongoing process.

Institute: Jim, the task force functioned without having attorneys present. At what point did you get drawn in?

Baker: I started conversations with Roland in October. I recall a conversation in November when the tone of his voice was a bit more strained. He advised me the union had brought in an attorney. My first involvement with any major issue that I had came after the board had decided that it would voluntarily recognize the union. There’s no legal requirement to volunteer to recognize the union, but for the reasons you all set forth today, I think the board concluded that pursuing an election was something that would be counterproductive. So the issue was *when* do we voluntarily recognize the union? The musicians, as expressed through Susan to me, felt very strongly that they wanted to be recognized and then we would sit down and bargain. That is the normal sequence of events. But the board, on the other hand, felt very strongly that if we did that, it would become public. “Kansas City Symphony now unionized. Parties to sit down to bargain.” That would have had a very negative impact on donors. So our position was, let’s sit down and negotiate the terms of an agreement, and if we can come to some satisfactory resolution, then we will recognize the union and the agreement will become effective.

Valliere: There were some other key points along the way. One was after the November 12th meeting when Jim and I began having some serious discussions because I wanted to understand more clearly the legal aspects. Shirley and I had a number of meetings with some of our key founding trustees and others, and then there was a meeting of the board on November 26th. And that’s when the board was informed that we had been confronted with the issue of union recognition. There was not agreement at the November board meeting that there would be voluntary recognition of the union, but that thought was put forth as the way we might be going.

Helzberg: And the executive committee was also working very closely with us, and then coming back to the board. So everyone on the board was really kept very informed as we progressed, and was very much part of the process.

Valliere: Looking back, we realize that the timetable was very compressed. There was a flurry of meetings in November; the task force completed its work in January; we negotiated an agreement; and the board recognized the union at its March meeting.

Rood: We wanted to do this as early as possible because we could perceive many potential hills to climb. And that’s why it happened earlier than our usual starting date of January. It happened in November because we thought it was imperative that the negotiating be finished by the end of the season. As it worked out, we were able to do that. We were able to get to an agreement a month before the end of the season. But it was important, from our perspective, that we start as early as possible.

Finney: Part of our goal in starting the whole process early was to be able to advertise openings in the union paper. We thought we could potentially have

several openings in the spring. To advertise effectively, we needed to get an ad in the paper by March, at the latest. That was certainly part of the impetus for the expedited timeline.

Jepson: And as Jim stated, traditionally there was recognition of the union, and then the bargaining began. What happened here was a real leap of faith and trust, on both sides. We all began to believe that this was going to work.

“What happened here was a real leap of faith and trust, on both sides. We all began to believe that this was going to work.”

Baker: Right, and I think the overall moral of this story is the gradual buildup of communication and trust between the parties, which by the time I became involved, was at a pretty good level. Absent that trust, and the work that you all had done before we sat down, we never would have succeeded. You would not have agreed to defer recognition until after an agreement was negotiated. It would have been as Susan expressed early on, “We can’t do that. If you’re not going to recognize us, we can’t wait until March or April. We want to go to the labor board and get an election because we want to have an agreement in place, and we can’t do this.” But for the level of communication that had occurred prior to that time, and the building of mutual trust, I think the negotiations would have foundered. I think you all would have gone to the labor board and filed a petition, there would have been a public election, and much of what you had built up might have been dissipated.

Institute: Jim, how does this negotiation compare with your prior experiences?

Baker: The mood had changed. The tenor of collective bargaining negotiations is established before you ever sit down. The tenor is a reflection of the ongoing relationship of the parties. The relationship of the parties back in the old Kansas City Philharmonic days was terrible. And the relationship that was emerging during the period of time we are talking about was very positive. It made our task as negotiators much, much easier.

Institute: How many hours were spent in negotiations?

Finney: I remember one week in which we spent 40 hours negotiating over the course of only five days. And this was in addition to rehearsals! It was exhausting and stressful. We’ve all been talking nicely today, but even before the actual negotiations, it was stressful. Even though you are building trust, and making little leaps of faith, the stress is there because the potential payoff for the organization is enormous. Of course, this means that the risk is also enormous, and it was made clear to us what the risks were. The risks to the musicians were immense, and that was a fact that we took very seriously. That weighed heavily on us.

Baker: This is not atypical in negotiations, but it happened in these negotiations very often. We confronted issues where what was proposed was totally

unacceptable. When you find an issue you cannot resolve, you move to other issues that you can resolve. And by doing that you continue to build trust, and you create a track record. You create 75 percent of the collective bargaining agreement, and at that point, the other 25 percent looks a little bit less intractable. Nobody wants to get 75 percent of the way there and then say, we failed. There were several issues. We had to say, well, we’ll just address that later.

Finney: And they were important issues. It was hard for us to set them aside, but it ended up being smart.

Valliere: The job of the negotiations was to formulate an agreement which was true to the task force report. And that required a great deal of innovation because the task force recommendations were very unusual—evergreen contract, nine years, no strike, no lockout, living agreement. The task force recommendations gave some framework and focus to the negotiations.

Jepson: And not to create a big back-slapping society here, but Jim was an integral part in creating the trust from which we were building. Later in the process, when Susan would have to fly out to take care of other obligations, there were many times when it was just musicians, and Jim, and Roland working at the table. We had built up the trust, and we knew Jim wasn’t going to hoodwink us. I remember the first time we did that, we were all tentative and hesitant, and Jim said, “Relax, I’m not going to sell you out.” And sure enough, we did, and we got a lot accomplished that way, too.

Rood: Jim even looked after us a couple of times.

Valliere: I was not enthusiastic about having lawyers at the table at all. I hadn’t ever in the past, and I wasn’t looking forward to it now. And I had the same sentiments that Gordon had at the November 12th meeting. Despite Brian’s assuring us in advance that Susan was someone who could work effectively and would not be strident, I thought she was pretty strident on November 12th. And so I thought this was the wrong path to go. It turned out that she was a very effective, necessary, and creative partner in the discussions. She was very helpful in putting some ideas forward, and in her willingness to approach the discussion creatively, not taking what she might have done one place and saying that was how it needed to be done here. That was very important.

Institute: At what point along the way did you realize that you might be able to take an agreement where no orchestra had gone before?

Michell: I would say when we saw the recommendations of the task force. I personally knew that this was huge, a major breakthrough over what everybody else has. It was just interesting to see how it was going to happen. It was like a mystery: How was this going to end? But it appeared to me to have that great potential right then.

Finney: You could see the potential, but were you sure of the success?

Michell: It was like a totally uncharted territory to bring those recommendations to paper.

Valliere: It was much like scientific discovery.

Institute: Mary, what was day-to-day life like through this rather intense time?

Crist: Sometimes I felt like a circus performer twirling the sticks, trying to catch them before the plates fell. Trying to live in the world where Jacky and I were working on wordsmithing, to get a particular piece of the agreement to have clarity of meaning, so that anybody reading it understood it. At the same time, Roland and I were working on how we could say “yes” to an item and not have it be a disaster, because we really wanted to say yes, because it seemed important. At the same time I was trying to book an artist back at the office, and it was budget time. There is no question, it was challenging.

Institute: We have talked a long time today, and I have heard very little mention of budget. Was that not an issue here?

Rood: We were fortunate to have one, and last year, two musicians on the finance committee. It took a while to learn to digest all the numbers and say, OK, this is it. But having open communication and access to financial information throughout the process built a level of trust from one meeting to the next for the musicians on that particular committee. So there wasn’t the problem that I’ve seen in other orchestras.

Crist: The leap of faith was on both sides. Our finance director, who’s very concerned about the well-being of the whole orchestra, will take any phone call from any musician, and has the patience to explain things as many times as necessary. But we also took the leap in trusting the musicians with information that probably is not customarily shared. For purposes of bargaining, the only thing that made sense was to share, so that there could be a true understanding of what the numbers really are. But that took confidence in their confidentiality. So it did work both ways.

“... we also took the leap in trusting the musicians with information that probably is not customarily shared.”

Valliere: We provide the financial statements to any musician in the orchestra who wants them—the same materials that go to the board and to the finance committee.

Finney: That’s been a big change for the musicians.

Helzberg: But that change started long before this task force or the negotiations. That started with our new executive director. It started with having a new finance director. It started with having more in-depth information available.

Baker: My goal in any negotiations is to go from a situation where you’re sitting across the table talking at each other to the situation where, figuratively at least,

Key Provisions of the Kansas City Symphony Agreement

- ◆ The agreement has a term of nine years (hence "evergreen"), and contains provisions for no strikes and no lockouts, as well as a mutually acceptable manner for addressing noneconomic issues at any time.
- ◆ Economic terms (salary, title pay, and pension) were established for the first three years. The second three-year period (years four, five, and six) will be addressed in year two of the agreement (1999-2000). The agreement calls for "benchmarking" eight peer-group orchestras to determine economic issues in ongoing years of the cycle. Four of the peer-group orchestras will have annual budgets above that of the Kansas City Symphony; four will have budgets below. All eight must be members of both the International Conference of Symphony and Opera Musicians and the American Symphony Orchestra League.
- ◆ The agreement established a pension program for the musicians.
- ◆ Musician compensation and service structure will be equalized over the first three years through moving all musicians to full contract status.
- ◆ The agreement provides for three musicians to serve as voting members of the board, and for additional musicians to serve on all standing committees, including the finance and artistic advisory committees.
- ◆ A "service exchange" provision allows for the expansion of the "Community Connections Initiative," a program of individual and ensemble musician services, to two weeks.
- ◆ The agreement contains provision for an annual review by the musicians' committee and the artistic advisory committee of the job performances of the executive director and the music director.
- ◆ The agreement recognizes the American Federation of Musicians as the collective bargaining agent for the musicians.

you’re sitting side by side trying to solve a common problem. And it was clear we had a common problem. Everybody had the same goals, and the issue was how to get there. With the level of trust that had built up prior to the negotiations, it flowed rather smoothly and seamlessly into that type of a collaborative negotiating process where, as Mary said, we were sharing virtually every financial detail, and we were engaged in a creative, collaborative effort to find an answer to a mutual problem.

Rood: It’s absolutely true. The fact that we were able to achieve some of our priorities, in addition to union recognition, speaks of the willingness and determination of everybody involved to go to a first-rate, first-class orchestra.

Helzberg: From the board standpoint, that was so encouraging. Roland would come from the meetings with all of you and explain the creative, thoughtful way that the negotiating group was working. Then we would talk about whether we could make a particular financial jump from one year to the next? And I think the innovative, thoughtful ideas that came from the musicians were incredible.

Valliere: We did a lot of benchmarking as well, not only in these negotiations, but at every step of the way—in the strategic plan, in the five working groups. In every working group, we asked the question: Who’s out there already doing these things well? Not just in the symphony industry, but in business in general. For example, we looked at the Springfield Remanufacturing Company, which is a pretty innovative company here in Missouri. We wanted to learn how you disseminate financial information in a way that relates to everybody’s individual job, which helps them to see how their jobs connect to the bigger picture, and how their contributions affect the overall results of the organization. Springfield Remanufacturing was a benchmark group relative to how you optimize human potential and human resources.

Jepson: We did the same thing. I remember making a call to San Francisco, to a local which was affiliated with the *San Francisco Chronicle*. They had just concluded a long-term, win-win contract. I spoke with the president of the local there on how it was working for them. It was an educational process, using the models of what some other industries had done just to see if some of it worked. For me, it was information that said, hey, this is not so unusual. Very large industries are trying this, and are successful. It gave me confidence.

Finney: One thing that amazed me was that we were able to keep the musicians informed without the press becoming involved. We knew it was imperative throughout the whole process that the press not get a

“We would impress upon the musicians the need for their confidentiality every time we had a meeting to reveal whatever little we thought we could share. We are fortunate to have musicians who respected that request.”

whiff of the situation. We would impress upon the musicians the need for their confidentiality every time we had a meeting to reveal whatever little we thought we could share. We are fortunate to have musicians who respected that request.

Institute: Would you encourage other orchestras to start down this road?

Rood: I would wish for every orchestra the nature of collaboration and cooperation and interaction we have had, plus a developing sense of trust among the different parts of the Kansas City Symphony. I would wish that upon every orchestra.

Finney: Not only for big things, but just the day-to-day atmosphere of work.

Rood: It’s a much nicer place to go to work.

Helzberg: That’s really nice to hear!

Kipp: I think we do have to keep all of this in perspective. We believe we’re on a path toward making the Kansas City Symphony, in every dimension, a leader in the symphonic world, but we can’t say we’re there yet. And in this matter of the relationships within the organization, we are in the process of creating different traditions than have been present here and everywhere else in the past. And we’re in a period when we are all participants, firsthand participants, in that. It’s sort of like when the veterans come back from the war. They have that shared experience. They’ve all been in it together. But there still are tests to come, and I would hate for us in this roundtable, or any other way, to come across as having solved all problems, and break our arms patting ourselves on the back, because the real test is quite a ways off. The real test will come when gradual change takes place, and we learn whether or not we’ve established traditions that are strong enough that people who weren’t there at the time inherit and continue those traditions, rather than gradually fall right back into the old patterns.

Jepson: Absolutely.

Kipp: So, it’s just a step in the process. It isn’t as though we’ve reached the goal.

Helzberg: It puts a great deal of responsibility on us. We have come together and done this really innovative, creative thing, and that means that we have a responsibility to make it work, maybe to enhance it, to make it better, so that others who follow us can learn from what we do. That’s an awesome responsibility.

Jepson: We’ve already had some brainstorming discussions about how we can pass this new culture on to players coming in. We need to figure out how we’re

“I would wish for every orchestra the nature of collaboration and cooperation and interaction we have had, plus a developing sense of trust among the different parts of the Kansas City Symphony.”

going to generate this culture in a positive way, through whatever orientation process, so that they believe in this process when they get here, having not experienced it before.

Helzberg: Something that really struck me today was when Brian said, "It's a much nicer place to go to work." This is what we dream about, and what we visualize as the board of trustees. And to hear that it's happening makes it all worthwhile. Thank you.

Notes

- ¹ Beginning in 1986, the Kansas City Symphony had negotiated with a committee of musicians "agreements," including compensation and work rules. Originally, these were one-year agreements. However, beginning with the 1992-1993 season, they were extended to cover two years. These agreements were ratified by the musicians, and signed by the musicians' committee and the general manager of the Kansas City Symphony.

References

- Hart, Daniel. 1987. From Philharmonic to Symphony: A Kansas City Odyssey. *Symphony Magazine*, (October/November).
- Kansas City Symphony and Local 34-627 of the American Federation of Musicians. 1998. Kansas City Symphony Agreement. Duplicated material.
- Keens, William, Don Roth, and Thomas Wolf. 1997. Kansas City Symphony Strategic Plan: Final Report. The Wolf Organization. Duplicated material.