



# 294 Musical Notes

The Official Newsletter of the Lancaster-York  
Federation of Musicians

Affiliated with the American Federation of Musicians  
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**Spring 2016**

## LANCASTER SYMPHONY MUSICIANS WIN KEY COURT BATTLE

A recent decision by the D.C. Circuit of the U.S. Court of Appeals closed the door on a nine-year battle granting Lancaster Symphony Orchestra (LSO) musicians the right to organize. The decision let stand an earlier ruling by the National Labor Relations Board (NLRB) finding that the musicians are *employees* and therefore eligible to organize under the National Labor Relations Act.

The symphony contended that the musicians were independent contractors. But Judge David S. Tatel measured the symphony's treatment of the musicians against a ten-point test used to determine worker status and rejected the symphony's argument. He noted that the symphony "regulates virtually all aspects of the musicians' performance," down to the way they sit when playing and how they stand to acknowledge applause" and enforces its rules by issuing reprimands to musicians who fail to follow them.

The fight for unionization began in 2007 when Local 294 first tried to help the musicians organize. The first round ended with the NLRB Philadelphia regional director ruling that the musicians were contractors, not employees and therefore not eligible for a collective bargaining agreement.



Marlin Houck, Local President at the time recalls the disappointment he felt after that hearing and the long ride home. "We felt very confident going in and were shocked by the adverse ruling."

Having invested heavily in legal fees, the Executive Board was split – truly split – on the next step.

Marlin recalls, "We voted on appealing the decision to the NLRB (in Washington D.C.) and it was a 3-3 tie.

My vote then became deciding. When it comes to spending money, everyone knows how conservative I am. But I asked myself, 'Why do we exist?' I concluded that, as our constitution says, we exist for the benefit of our members. I voted to appeal, even though I knew we might have to spend everything we had."

The rest is precedent setting history with national implications.

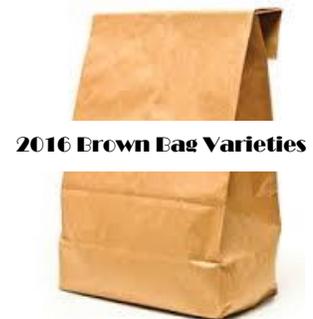
With the support of the national organization (AFM) legal counsel, the Local stayed true to Marlin's dream, which has now come true.

The next step in the process is to begin negotiations for a collective bargaining agreement covering all LSO musicians. Again, a team from AFM will provide assistance

## LEADERS – TIME TO APPLY FOR BROWN BAG PERFORMANCES

The Brown Bag Committee is now accepting applications from band leaders for the 2016 Brown Bag Variety Series. A copy of the application, with instructions, can be found as an insert to this newsletter.

This great Downtown Lancaster tradition has entertained thousands over the years and has provided a great showcase for local talent. The Committee is now soliciting local businesses for funding support that will assist the Music Performance Fund in maintaining – or increasing – Friday programming. If you know of a business that might be willing to be a sponsor, please contact John Hess ([trp4000@aol.com](mailto:trp4000@aol.com)) or Ann Nye ([annenye26@gmail.com](mailto:annenye26@gmail.com))



2016 Brown Bag Varieties

DON'T MISS OUT

Responses to leader interest survey is due to Anne by May 31.

## MEMBER SPOTLIGHT – MARLIN HOUCK

Each of us has a story about how we came to our instrument, but Marlin Houck (already regarded as one of our local's best storytellers) has one that few can top.

“I started out playing trumpet in the fourth grade, and was quite good,” he remembers. “But my music teacher was also my classroom teacher who subscribed to throwing chalkboard erasers at students who misbehaved. One day he heaved one at a boy sitting in front of me. The boy ducked and the thing hit me square in the face. I wasn't really hurt, but my reaction was to turn in my trumpet. I put it on his desk then and there. I wasn't about to play for someone who hit me in face with a chalkboard eraser.”



A predictably stubborn Marlin refused to play anymore that year or the next, despite encouragement from his father and the school. In sixth grade, he relented, however, and agreed to return to the school's instrumental program. But when completing the necessary paperwork, his father (for reasons no one can explain), checked “flute.” Marlin was now a flutist.

He showed immediate and amazing aptitude on the instrument, and in less than a year, at age 12 was rehearsing with the adult Victory Band (now the New Holland Band). He even played a few jobs at town carnivals and festivals that summer.

He continued to excel musically and was consistently selected for district, regional, and state festivals. But his ultimate decision for a music career, made his senior year, was complicated.

“It came down to this,” he says. “There were only two things I was good at: music and sports.”

Marlin was a County all-star goalie for Garden Spot in 1960, and was one of the county's top scorers in basketball. But his best sport was baseball. In fact, in that senior year, he was invited to Connie Mack Stadium for a tryout with the Phillies and was offered a minor-league contract.

But arrangements had been made for him to attend Lebanon Valley College, and Marlin was sure of his success in music, while he was

uncertain of his path in baseball. Fortunately for us, he chose music.

After graduating from Lebanon Valley in 1964, he became a teacher at Millersburg Area School District, a position he held for six years while he earned his Masters' degree in music education at Indiana University. In 1970 he returned home to Garden Spot High School. There he was a music instructor, band director, and department chair.

He made a lasting mark in music education over 30 years as a teacher, director, and leader. He was active with Lancaster-Lebanon Music Educators Association (President), Pennsylvania Bandmasters Association (Executive Board), New Holland Band (President), **Local 294 AFM (President for 15 years)**, and the Pennsylvania Music Educators Association. In 2006 he was named the Pennsylvania Bandmaster of the Year.

He also earned a reputation as one of area's premier performers. In addition to his continuing association with the New Holland Band, which he also directed for 25 years, he played first flute in the Harrisburg Symphony Orchestra from 1965 to 1979. This position led to a range of other professional playing opportunities including Harrisburg Choral Society, Grantham Oratorio Society, Hershey Ice Capades, Follies, and Circus, and the pit Orchestra at Hershey Theatre.

He is quick to acknowledge the training he received from flute teachers Ray Kauffman, former first flutist of the Lancaster, Harrisburg and Reading Symphony Orchestras, and John Wummer, former first flutist of the New York Philharmonic Orchestra for this success.

Since retirement from the public schools in 1994, he has been driving motor coach for Conestoga Tours, Executive Coach and the Homestead Village Retirement Community of Lancaster.

Marlin continues to live in New Holland with his wife Barbara (Heistand). His current interests are his grandchildren (he has four), watching athletic events, and singing in the choir and teaching an adult Sunday School class at the Evangelical United Methodist Church in New Holland where, for 18 years, he served as the Music Committee chairman.

**Lancaster-York Federation of Musicians  
Local 294 – American Federation of Musicians  
Cash Receipts and Disbursements – Calendar Year 2015**

	<b>Operating</b>	<b>Music in the Community</b>	<b>Total</b>
<b>Opening Cash Balances</b>			
Checking Account	\$ 12,516	\$ 7,350	\$ 19,866
Certificate of Deposit	5,660	0	5,660
<b>Opening Cash Balances:</b>	<b>\$ 18,176</b>	<b>\$ 7,350</b>	<b>\$ 25,526</b>

<b>Receipts</b>			
Membership Dues	\$ 16,686	\$ 0	\$ 16,686
Sponsorships	0	10,406	10,406
Initiation Fees	20	0	20
Local Work Dues	243	0	243
Newsletter Ads	100	0	100
Interest	3	0	3
MITS Administrative Fee (1)	1,000	0	0
<b>Total Receipts</b>	<b>\$ 18,052</b>	<b>\$ 10,406</b>	<b>\$ 27,458</b>

<b>Disbursements</b>			
(1)			
Honoraria:			
President	\$ 250	\$ 0	\$ 250
Secretary-Treasurer	3,780	0	3,780
Performance Fund Administrator	0	760	760
Brown Bag Coordinator	300	0	300
Executive Board	150	0	150
Administration Fee (1)	0	1,000	0
AFM Per Capita Dues	8,805	0	8,805
AFM Pension	189	0	189
Newsletter and Bulk Postage	105	0	105
Printing and Stationery	63	0	63
Telephone	100	0	100
Postage	261	0	261
Office Expense and Supplies	150	54	204
Office Rent	1,716	0	1,716
Penn-Del-Mar-DC	43	0	43
Insurance	616	0	616
Website Hosting	200	0	200
Payments for performances	0	9,803	9,803
<b>Total Disbursements</b>	<b>\$ 16,728</b>	<b>\$ 11,617</b>	<b>\$ 27,345</b>

<b>Ending Cash Balances</b>			
(1)			
Checking Account	\$ 13,837	\$ 6,139	\$ 19,976
Certificate of Deposit	5,663	0	5,663
<b>Ending Cash Balances</b>	<b>\$ 19,500</b>	<b>\$ 6,139</b>	<b>\$ 25,639</b>

(1) Note: Total columns do not include inter-fund transactions

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