



JORGE MESTER
MUSIC DIRECTOR

ROBERT A. BIRMAN
CHIEF EXECUTIVE OFFICER

October 24, 2011

Jonathan Mester
1918 West Broadway
Louisville, KY 40202

Dear Jonathan,

It is with profound regret that we write to inform you that no financially viable labor agreement has been reached between the representatives of the Louisville Orchestra Musicians Committee (LOMC), the American Federation of Musicians (AFM), and the Louisville Orchestra, Inc. (LOI). Despite over fifteen months of effort to reach agreement, it is clear that we will not obtain acceptance to financial terms and conditions that will enable the organization to balance operational costs with reliable income, which is a fundamental "guiding principle" required by our board of directors. Achieving this balance is not only prudent but necessary in order to ensure the sustainability of the organization as well as continued support from our donors.

In order to enable the LOI to carry out its mission and responsibility to provide symphonic music for our community, we are now initiating the process of hiring permanent replacement workers for fifty (50) orchestral contract positions with the LOI.

If you prefer to retain your current position in the LOI, the Board and management of LOI welcome your election to work. However, please be advised that the LOI, at the request of the LOMC and Local 11-637, is currently regarded by the AFM as being on the Union's "Unfair List." We have been informed that any Union member who chooses to work for an orchestra on the Union's "Unfair List," risks being fined and disciplined by the AFM. We do not require any musician to resign their Union membership in order to work for the LOI nor do we require musicians who work for the LOI to retain Union membership. Union membership and the related implications are a personal choice.

The LOI will begin soliciting applications for permanent replacements for open positions on October 24, 2011. Unless we receive an affirmative notice from you **by 5:00 p.m. on Monday, October 31, 2011** that you intend to return to work with the LOI, we will treat such lack of notice as your intention to continue to withhold your labor. Priority for section seating will be considered based on the date and time such notices are received by the LOI office.

If the LOI hires a permanent replacement for your position and you subsequently make an unconditional offer to return to work, you will only be eligible for a vacant position for which you are qualified to fill.

Enclosed with this letter is a response form to be completed and signed if you intend to return to work. The form must be received by our office by U.S. Mail, fax, or hand delivery **on or before Monday, October 31, 2011, at 5:00 p.m.** in order for you to retain your current position.

The Louisville Orchestra, Inc. is offering salary and benefits in accordance with the following terms as discussed during our mediation process with the LOMC and AFM:

- Base weekly minimum salary per musician of \$925 per week, for fifty (50) musicians
- 30 weeks of annual employment and public programming
- Comprehensive insurance benefits identical to those provided in the recently-expired, collective bargaining agreement between AFM, LOMC and LOI
- Pension payments provided through a defined contribution plan (i.e. 403(b) plan), as presented to our mediator and the LOMC, a copy of which is available for review on our website; unless a mutually agreeable alternative is reached between the LOI and AFM before January 1, 2012 to remain in the AFMEPF. If such an agreement is reached, the LOI will provide pension benefits via the AFMEPF.
- Permanent employment will be offered for the following positions:
 - Ten (10) first violins; Eight (8) second violins; Five (5) violas; Five (5) cellos; Three (3) basses; Three (3) flutes; Two (2) oboes; Two (2) clarinets; Two (2) bassoons; Four (4) horns; Two (2) trumpets; Two (2) trombones; One (1) timpani; and One (1) percussion.

It is the preference of the board of directors as well as our management to retain the current employees of the LOI under a sustainable cost structure. We are hopeful you will carefully consider this opportunity to retain your employment with the LOI based on the terms and conditions outlined above.

We look forward to your affirmative response to this notification. Thank you for your careful consideration.

Sincerely,



Charles D. Maisch
President of the Board of Directors



Robert A. Birman
Chief Executive Officer

/cc: Joseph Spain, AFM Local 11-637

EMPLOYMENT ACCEPTANCE FORM

October 2011