

Professional Musicians of Central California  
American Federation of Musicians Local 12

# BYLAWS

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**ARTICLE I - TITLE, OBJECTS AND JURISDICTION**

Section 1. This Local Union shall be known as the Professional Musicians of Central California, American Federation of Musicians, Local 12.

Section 2. The objects and purposes of this Union shall be:

(a) To unite the musicians within its jurisdiction who are eligible for membership without regard to race, religion, creed, color, national origin, age, gender, or sexual orientation.

(b) To organize the musicians in its jurisdiction and to provide services in accordance with these Bylaws.

(c) To secure improved wages, hours, working conditions and other economic advantages for the professional musicians in membership through collective bargaining and to establish terms and conditions of equitable and fair dealing among its members.

(d) To provide educational services and an active job referral service to its members, and provide community out-reach projects.

Section 3. The Territorial jurisdiction of this union shall be: All of Yolo, Sacramento, Amador, Colusa, Sutter, Yuba, Glenn, Butte, Lassen, Plumas, Sierra, Shasta and Tehama counties. Those portions of El Dorado, Placer and Nevada counties west of the Sierra Nevada divide. All of Siskiyou and Trinity counties except the towns of Dorris, Tennant, McDoel and Tulalake and the following in county: Hyampom, Big Bar, Hayfork, Peanut, Helena, Junction, Douglas City, Weaverville, Minersville, Lewiston, Big Flat, Coffee Creek Ranch, Carville and Trinity Center. All of Stanislaus, Merced, Mariposa, Fresno, Madera, Kings, Tulare, and Kern counties; also those portions of Mono and Inyo Counties West of the Sierra Nevada Divide.

**ARTICLE II - MEMBERSHIP**

Section 1. Regular Members

(a) All individuals who provide music services for pay are eligible for membership if they reside in the territorial jurisdiction of this Local subject to the laws and jurisdiction of the American Federation of Musicians.

(b) Applicants for membership are required to complete the American Federation of Musicians approved application form, deposit the required fees and dues for membership, accept the required oath of obligation, and attend an orientation as per the American Federation of musicians application form.

(c) Applicants for membership who are former, transfer, or traveling members of any AFM local, are subject to appropriate provisions of the Bylaws of the American Federation of musicians.

(d) Dual (non-resident) membership is allowed as defined in the Federation Bylaws.

Section 2. Student membership

(a) All individuals who are registered as students in an accredited school, college, or university and who provide music services for pay are eligible for membership if they reside in the territorial jurisdiction of this Local subject to the laws and jurisdiction of the American Federation of Musicians.

(b) Applicants for Student membership are required to complete the American Federation of Musicians approved application form, pay periodic dues and work dues as Regular members, but shall not pay the Local Initiation Fee or Federation Initiation Fees.

(c) Applicants for Student membership who are former, transfer, or traveling members of any AFM local, are subject to appropriate provisions of the Bylaws of the American Federation of musicians.

Section 3. Life membership

(a) Upon application, any member in good standing who can qualify under the regulations established by the Bylaws of the American Federation of Musicians, shall be entitled to life membership status.

(b) Life members are required to pay Federation per capita dues and local membership dues as required by the Bylaws of the American Federation of Musicians.

(c) There shall be no abridgement of a life member's rights and privileges as active members, but s/he must continue to comply with the Bylaws of this Local and of the American Federation of Musicians.

Section 4. Inactive Life Membership (as of January 1, 1998)

(a) Upon application, any life member in good standing shall be entitled to apply for inactive life membership status.

(b) Inactive Life members are required to pay Federation per capita dues and local membership dues as required by the Bylaws of the American Federation of Musicians.

(c) There shall be no abridgement of a life member's rights and privileges as inactive members except that the inactive member shall not work professionally in the music performing field nor shall s/he have the right to vote or hold office. S/he must continue to comply with the Bylaws of this Local and of the American Federation of Musicians.

**ARTICLE III - OFFICERS**

**Section 1. President**

(a) It shall be the duty of the President to preside at all meetings of the membership and of the Board of Directors, answer all communications, issue notices for all meetings of the membership and the Board of Directors and to enforce due observance of the Bylaws. S/he shall convene all regular and special meetings of the membership and of the Board of Directors and decide all disputed points

of order unless a two-thirds (2/3) majority of the votes cast dissent therefrom.

(b) S/he shall be authorized to sign all checks, bills and agreements or orders for payment or money.

(c) S/he shall appoint all committees and shall be an ex officio member of all committees except the Election Committee.

(d) S/he shall vote only in case of a tie, except on matters which are before the membership and voted on by secret ballot.

(e) By virtue of election to office by secret ballot, s/he shall be first delegate to conventions and conferences of the American Federation of Musicians.

(f) In the event of a vacancy in the office of Treasurer, Secretary, Board Member, or Trustee, the President shall, within forty-five (45) days, recommend one or more appointees for the Board's consideration. The Board may, by majority vote, approve any officer, Board or Trustee appointee. Appointees shall be seated for the vacant position(s) according to the highest number of votes received. In case of a tie, a run-off vote between the tied appointees shall be conducted immediately.

(g) It shall be the duty of the President to draw up and prefer charges against any member for violating any of the laws of the Local, and s/he must prefer charges, in writing, against any member or members, upon the request of any member who signifies a willingness to appear as a prosecuting witness.

(h) The President shall appoint all delegates to appropriate Labor Councils and to the California Labor Federation with the approval of the Board of Directors.

(i) S/he shall refrain from contracting.

## **Section 2. Vice President**

(a) It shall be the duty of the Vice President to perform the duties of the President in his/her absence.

(b) In case of the death, resignation, or disqualification of the President, the Vice President shall succeed to the office of President, and hold office for the remainder of the term, and Special Election procedures shall be instituted as soon as possible to elect a new Vice President.

(c) Only by virtue of election to office by secret ballot, s/he shall be second delegate to conventions and conferences of the American Federation of Musicians.

## **Section 3. Treasurer**

(a) It shall be the duty of the Treasurer to collect monies received for the Local, and pay all bills approved at regular monthly meetings.

(b) S/he shall keep an accurate account of all receipts and expenditures of the Local and shall present a detailed statement of all receipts and expenditures to the Board of Directors at least quarterly. Annual financial reports shall be prepared for publication in the Local newsletter.

(c) If the Board chooses to have an audit or audit review, s/he shall surrender all of the books of accounts to an independent public accountant to be selected by the Board.

(d) At the end of his/her term of office, s/he shall deliver to his/her successor, all monies, books and records belonging to the Local.

(e) S/he shall serve as Chairperson of the Trustees.

(f) S/he shall sign all checks, bills and agreements or orders for payment of money.

(g) Only by virtue of election to office by secret ballot, s/he shall be third delegate to conventions and conferences of the American Federation of Musicians.

## **Section 4. Secretary**

(a) It shall be the duty of the Secretary to keep a faithful record of meetings of the membership and of the Board of Directors, to keep a true account of the membership, and to coordinate with the President in publishing the Local 12 newsletter and other duties as determined by the Board of Directors from time to time.

(a) Only by virtue of election to office by secret ballot, s/he shall be alternate delegate to conventions and conferences of the American Federation of Musicians.

## **Section 5. Board of Directors**

(a) The Board of directors shall be composed of the President, Vice-President, Treasurer, Secretary and five (5) Members-At-Large.

(b) The Board of Directors shall meet regularly once a month and on special call of the President or upon oral request of three (3) members of the board. It shall have authority to set its exact hour and place of its meetings, except for those on special call of the President. A majority of members of the Board present shall constitute a quorum.

(c) The Board of Directors shall exercise general supervision of the interests and affairs of the Local and its properties, approve all expenditures of the Local and direct the Treasurer as to what bank(s) or other financial institution monies of the Local are to be deposited.

(d) The board shall serve as a Board of Arbitration and Trial Board as provided elsewhere in these Bylaws.

(e) The board shall have authority to appoint Business Representatives and Union Stewards as it deems necessary to visit places in the jurisdiction where musicians are performing and shall have authority to fix the wages and expenses to be paid such Business Representatives and Union Stewards, who shall report their activities as required by the Board.

(f) Any board member neglecting three (3) successive meetings of the Board of Directors without an acceptable excuse shall forfeit his/her seat, and the vacancy shall be filled as provided by Article III, Section 1(g) of these Bylaws. Any board member missing fifty percent (50%) of all authorized meetings of the Local within a six month period shall be subject to removal from his/her seat. The discretion of removal shall rest with the Board of Directors after consideration of the conditions of missed meetings by the member in question.

(g) When it is deemed for the best interests of the Local, the Board reserves the right to require that wages

due AFM Local 12 members or AFM members be paid through the President's office of this Local, or to a duly accredited representative thereof.

#### **Section 6. Trustees**

(a) The Trustees shall be custodians of and be responsible for the charter, and all personal and real property of the Local, and attend to all other business pertaining to their office.

(b) The title to all real estate and other property acquired by this Local shall be in the name of the Professional Musicians of Central California and all transfers, conveyances or encumbrances of any of the real estate or other property shall be executed by the President and Treasurer, upon being authorized to do so by resolution duly adopted at a regular meeting called for such purpose. Any money received thereof shall be held, paid or deposited as herein before directed.

(c) All monies or securities shall be deposited in the name of the Professional Musicians of Central California, and can only be drawn by check of the Treasurer, who shall be Chair of the Trustees, payable to the parties who are to receive the funds.

(d) They shall keep such books as necessary to show the statement of all funds and properties under their supervision or in their possession. They shall make a biennial written report to the Local, showing the exact amount of funds or property in their charge.

(e) For their service, they shall be exempt from the payment of annual membership dues.

#### **Section 7. Officers Wages**

a) President, Compensation for his/her services shall be set by the Board, subject the approval of the general membership. In addition, s/he shall be exempt from the payment of annual membership dues. S/he shall also be allowed a personal expense account for car and personal expenses incurred while performing his/her duties for the Local, which must be itemized and approved at the regular meetings of the Board. S/he shall be allowed annual vacation leave with full pay subject to board approval. His/her substitute, while on vacation, may be appointed by the Board. S/he shall be allowed sick leave time in the amount of fifteen (15) days per year, accumulative for illness purposes, with pay, during his/her term of office, but not for pay purposes at the end of tenure in office. The President shall be subject to a yearly income adjustment of no less than the consumer price index (COLA). The President shall receive benefits to include, but not limited to, health insurance (medical and dental) for him/her and his/her family and payments to the AFM-EP pension fund on his/her salary at a minimum rate of nine percent (9%).

b) Treasurer Compensation for his/her services shall be set by the Board, subject the approval of the general membership. In addition, s/he shall be exempt from the payment of annual membership dues. S/he shall also be allowed a personal expense account for car and personal expenses incurred while performing his/her duties for the Local, which must be itemized and approved at the regular meetings of the Board. S/he shall be allowed annual

vacation leave with full pay subject to board approval. His/her substitute, while on vacation, may be appointed by the Board. S/he shall be allowed sick leave time in the amount of fifteen (15) days per year, accumulative for illness purposes, with pay, during his/her term of office, but not for pay purposes at the end of tenure in office. The Treasurer shall be subject to a yearly income adjustment of no less than the consumer price index (COLA). The Treasurer shall receive benefits to include, but not limited to payments to the AFM-EP pension fund on his/her salary at a minimum rate of nine percent (9%).

c) Secretary compensation for his/her services shall be set by the Board, subject the approval of the general membership. In addition, s/he shall be exempt from the payment of annual membership dues. S/he shall also be allowed a personal expense account for personal expenses incurred while performing his/her duties for the Local, which must be itemized and approved at the regular meetings of the Board. The Secretary shall be subject to a yearly income adjustment of no less than the consumer price index (COLA). The Secretary shall receive benefits to include, but not limited to payments to the AFM-EP pension fund on his/her salary at a minimum rate of nine percent (9%).

d) other officer and board members shall be established from time to time by the Board of Directors in meeting, subject to approval of the membership. Officers and Board members shall be exempt from payment of annual membership dues.

#### **ARTICLE IV - NOMINATIONS AND ELECTIONS**

The General Election of this Union shall be held every three years.

##### **Section 1. Nominations**

(a) In order to be nominated for office, a member shall have been a full member of Local 12 in good standing for a period of not less than twelve months preceding such nomination. Furthermore s/he shall not have been found guilty of violating any trust reposed to him/her by this Union.

(b) Not later than September 15<sup>th</sup> of a General Election year or forty-five (45) days prior to a Special Election, a member may, by filing with the President a petition signed by not less than ten members in good standing, be nominated and become a candidate for any office or delegation of this Union. Local 12 shall provide reasonable notice of the opportunity of filing nominations and shall post each nomination on the Local website.

##### **Section 2. Election**

(a) The Election Committee shall supervise the mailing of Ballots on or before the first Thursday in November. On the first Monday of December ballots will be collected after 12:00 PM by the Election Committee. Ballots arriving at the Post Office Box after the collection will be deemed invalid. The Board of Directors shall give at least 15 days' written notice of the election to each

member's last address of record or in the Local 12 newsletter.

- (b) All General and Special Elections of this Union shall be by mail ballots and the procedures shall be in accordance with the guidelines of the Labor Management Reporting and Disclosure act of 1959 as amended
- (c) Candidates shall be listed by order of office in alphabetical order by last name.
- (d) For each office, the candidate receiving the highest number of votes shall be deemed elected.
- (e) No more than the full number to be elected to any office or delegation shall be voted for on every ballot at every election.
- (f) Certified tabulation of the ballots shall be turned over immediately to the President, who in turn shall have the results posted on the Local 12 website. The results shall also be reported in the next edition of the Local 12 newsletter. Only in case of a recount shall the ballots be unsealed after which they must again immediately be sealed.
- (g) Any member who voted in said election and who questions the count of the Election Committee may file with the President a recount petition. The petition shall be filed within in five days of the of the results being posted and signed by no fewer than two percent (2%), but not less than 10, of the members casting ballots. The recount may apply to one or more issues or candidates and shall be for all ballots cast at said election. It shall be conducted by the Board of Directors in an open meeting called for recount purposes only and the results shall be final. Only one recount per election is allowed, said recount to be completed no later than thirty (30) days after the election.
- (h) A challenge to an election may be made by any member by filing said challenge with the Local's President within ten (10) days of the posting of the election results on the Local 12 website. For procedures see the AFM Bylaws (currently Article 5, Section 24).

### **Section 3. Eligibility**

- (a) To be eligible to vote in an election of this Union, a member must have paid the initiation fee in full and be in good standing with dues and assessments by the end of the quarter immediately preceding the election date.
- (b) At the first regular meeting of the Board of Directors in the quarter of the election, the Secretary/Treasurer shall have prepared and deliver to said Board of Directors the official list of those members who shall be entitled to vote at the coming election. One copy shall be made available within 24 hours after said meeting for inspection at Local 12. On the first Monday in December, after collecting the ballots and before counting the ballots, the Election Committee shall verify the validity of each ballot from the current list of full members in good standing.

### **Section 4. Election Committee**

- (a) The Board of Directors shall appoint three members in good standing to serve as the Election Committee. The Election Committee shall elect its Chair.
- (b) The President or his/her designee shall procure a post office box used for members returning ballots. The key(s) for said box shall be given to the Election Committee, to be kept in his/her possession until the official tabulation is completed.
- (c) The Election Committee members shall receive honoraria for their duties as the Board of Directors determines.
- (d) Election Committee Duties and Responsibilities
  - a. The Election Committee will oversee all matters pertaining to the election including but not limited to, the preparation and mailing of ballots, the receiving of return ballots, the counting of said ballots, and any other matter not specifically addressed in these Bylaws pertaining to the election. The Election Committee Chair shall present a certified tabulation to the President.

### **Section 5. Special Elections**

Special Elections of this Union may be called by the Board of Directors in accordance with Article III, section 2,b. The Board of Directors shall meet to set a date for said Special Election within 30 days, contingent upon proper notification to the membership.

## **ARTICLE V – MEETINGS**

### **Section 1. Quarterly Meetings**

There shall be a minimum of one (1) meeting of the general membership in each quarter of the calendar year. The exact time and place of the meetings shall be determined by the Board of Directors. The Board of Directors shall be empowered to act on behalf of the membership between general meetings, subject to approval of the general membership.

### **Section 2. Special Meetings**

The President or Board of Directors may call a special membership meeting for a specific purpose which shall be specified in a notice of such meeting to all members, which shall be mailed by the President at least fifteen(15) days prior to the meeting. No business other than that specified in the notice shall be transacted at a special meeting.

### **Section 3. Quorum requirements**

- (a) Quorum requirements for a general meeting shall be the number of the Local's Executive Board Officers (Board of Directors) plus 2% of the total members of the Local as set forth on the last Per Capita report filed with the Federation prior to the meeting. For purposes of this requirement, the number calculated as 2% of the

membership shall be rounded up or down to the nearest whole number.

(b) Quorum requirements for a meeting of the Board of Directors shall be a majority of current Board members excluding any Trustees.

#### **Section 4. Board Authority**

If, at any regular or special membership meeting a quorum is not achieved, the Board of Directors shall have authority to act upon any items on the agenda of such meeting, subject to applicable provisions of the Labor/Management Reporting and Disclosure Act of 1959, as amended.

#### **Section 5. Simultaneous remote member meetings.**

(a) A simultaneous meeting at a satellite office shall be construed to satisfy the definition of "equivalent room" when the assemblies of each meeting are in verbal communication with each other.

1. A satellite office includes the Fresno office and other offices to be determined by the Board from time to time.

(b) An officer of the Board of Directors shall act as Moderator of a simultaneous meeting at a satellite office.

(c) For purposes of a quorum the combined assemblies shall be considered in attendance at one meeting.

### **ARTICLE VI - DUES, FEES AND ASSESSMENTS**

Initiation fees, reinstatement fees, dues, late fees on dues, dues based on earnings and assessments, to become and remain a member in good standing, shall be established by the membership from time to time in compliance with applicable provisions of the Labor/ Management Reporting and Disclosure Act of 1959, as amended.

#### **Section 1. Dues Structure, REGULAR MEMBERS**

(a) Yearly membership dues shall be: One hundred forty-nine dollars (\$149.00) plus AFM per capita

(b) If paid by January 31 of each calendar year membership dues shall be:

One hundred twenty-nine dollars (\$129.00) plus AFM per capita

(c) If paid during the 1st month of the quarter, Quarterly dues shall be:

Thirty-seven dollars and twenty-five cents (\$37.25) plus AFM per capita

(d) If paid during the 2nd month of the quarter, Quarterly dues shall be:

Thirty-eight dollars twenty-five cents (\$38.25) plus AFM per capita

(e) If paid during the 3rd month of the quarter, Quarterly dues shall be:

Thirty-nine dollars twenty-five cents (\$39.25) plus AFM per capita

(f) Dues not paid before the closing time of the Local office, or post marked before midnight of the last due-date, will be considered late and charged accordingly.

#### **Section 2. Dues Structure, LIFE MEMBERS**

(a) Yearly dues of life members shall be:

Fifty dollars (\$50.00) plus AFM per capita

(b) If paid in full on or before January 31 of each year:

Thirty dollars (\$30.00) plus AFM per capita

(c) Quarterly dues shall be:

Twelve dollars and fifty cents (12.50) plus AFM per capita

#### **Section 3. Dues Structure, INACTIVE LIFE MEMBERS**

(a) Yearly dues of life members shall be:

Thirty-two dollars (\$32.00) plus AFM per capita

(b) If paid in full on or before January 31 of each year:

Twelve dollars (\$12.00) plus AFM per capita

(c) Quarterly dues shall be:

Eight dollars (8.00) plus AFM per capita

#### **Section 4.**

Any member whose regular membership dues remain unpaid three months from the due date shall stand automatically suspended from membership and shall be required to pay back dues owed, current quarter dues and a reinstatement fee of five dollars (\$5.00) in order to resume membership in good standing. This Section shall not apply to life members.

#### **Section 5.**

Any member whose regular membership dues remain unpaid six (6) months from the due date shall stand automatically expelled and shall be required to pay back dues owed, current quarter dues and a reinstatement fee of twenty-five dollars (\$25.00) in order to resume membership in good standing.

#### **Section 6.**

Any member whose regular membership dues remain unpaid one year from the due date shall thereafter be required to re-affiliate under the same terms and conditions as a new member.

#### **Section 7.**

All members are required to pay dues based on earnings at scale wages for all musical services performed in a percentage amount as established from time to time by vote of the membership. These dues based on earnings shall be known as work dues and shall be payable to the Treasurer no later than the fifteenth (15th) date of the month following the month during which the services were performed. Member leader contractors are required to deduct the applicable work dues from their side musicians wages pursuant to written authorization from each side musician to make such deductions. Member leader contractors shall remit the total work dues deducted plus their own work dues to the Treasurer no later than the fifteenth (15th) day of the month following the month during which the services were performed. Any member is subject to charges and appropriate disciplinary action for failure to comply with this Bylaw.

### **ARTICLE VII - WAGE LIST**

**Section 1.** The minimum wage scales for engagements in the jurisdiction of this Local shall be as established from time to time at regular or special membership meetings.

**Section 2.** The President shall maintain and make available to all members a current list of all established wage scales.

**Section 3.** The Board of Directors shall have authority to establish a wage scale for any type engagement for which a wage scale has not been previously established by the membership.

**Section 4.** No member shall perform or agree to perform an engagement for less than the applicable minimum wage scale established for such engagement.

**Section 5. AFM-EP; PENSION FUND ON**

**CASUALS** (Adopted 1/29/88)

The following shall apply on casuals for which the leader has filed a Pension Participation Agreement:

(a) Wages on casual scale shall reflect an additional five percent (5%) which shall be forwarded to the Treasurer of the Local by the leader of each engagement, quarterly, on forms provided by the Treasurer, with a list of the musicians for whom the pension is being submitted.

(b) The five percent (5%) pension shall be in addition to base wage scale and shall be collected on behalf of each musician employed on the engagement.

(c) The five percent (5%) pension shall be calculated on scale wages for the particular casual engagement performed.

(d) The Treasurer shall forward to the American Federation of Musicians Pension Fund, on a quarterly basis, those monies collected on behalf of each musician.

#### **ARTICLE VIII - DUTIES AND RESPONSIBILITIES OF MEMBERS**

**Section 1.** It shall be a violation of these Bylaws for any member to:

(a) Act in any way detrimental to the interests, standards or objects of this Local;

(b) Act in bad faith or deal unfairly with the Local or any of its members;

(c) Provide services as a leader or contractor, or to perform as a single on any engagement not covered by a collective bargaining agreement between the Local or the American Federation of Musicians and an employer, without filing a fully completed, American Federation of Musicians approved form contract with the Local prior to commencing the engagement;

(d) Knowingly perform any engagement not covered by a collective bargaining agreement between the Local or the American Federation of Musicians and an employer, or an American Federation of Musicians approved form contract;

(e) Perform or agree to perform an engagement for less than the minimum compensation established for such engagement by the Local or the American Federation of Musicians;

(f) Render services for organizations, establishments or persons who have been placed on the International Unfair List of the American Federation of Musicians;

(g) Work as an employee for an employer against whom the Local or the American Federation of Musicians is engaging in a lawful, primary strike or cross through or work behind a lawful, primary picket line

established by the Local or the American Federation of Musicians;

(h) Fail to fulfill any commitment, written or verbal, to another member regarding an engagement, or to fail to comply with the industry standard of at least two weeks written notice between leader/contractor and side musician to terminate a steady engagement;

(i) Perform any engagement gratis without permission of the Board of Directors.

#### **ARTICLE IX - CLAIMS: RULES OF PRACTICE AND PROCEDURE**

The procedure prescribed in this article shall be applicable to the arbitration of all claims, disputes, or controversies, wherein parties have agreed to submit claims, disputed, or controversies to the Board of Directors for arbitration.

**Section 1.** A member may file a claim with the President v. another member for an amount resulting from failure to receive wages due, or; for violation of a contract or agreement, or; for any difference in the amount received by him/her than the amount established by the Local or the American Federation of Musicians for the services in question. A member may also file a claim with the President for any of the reasons stated above v. a non member employer or purchaser if such party has agreed to submit claims to the Board of Directors for arbitration, as provided on the American Federation of Musicians form contract.

**Section 2.** A claim must be filed in writing with the President within one year of the occurrence from which the claim arose.

**Section 3.** The Board of Directors shall, at its earliest opportunity, after written notice to the parties, allowing at least twenty (20) days for them to prepare their cases, sit as a board of arbitrations and conduct a full and fair hearing and render its decision.

**Section 4.** All communications concerning claims shall be sent by the President to the parties by certified mail, return receipt requested.

**Section 5.** Any member failing to comply with the decision of the board on a claim shall be subject to expulsion by the board.

**Section 6.** If a non member employer or purchaser fails to comply with the decision of the board on a claim, the Local may request the President of the American Federation of Musicians to place such party on the International Unfair List.

**Section 7.** The decision of the board in claims shall be final and binding upon the parties unless appealed to the International Executive Board as provided in the American Federation of Musicians Bylaws and/or the Rules of Practice and Procedure of such International Executive Board.

#### **ARTICLE X - CHARGES AND TRIALS**

**Section 1.** The Board of Directors shall have authority to hear and decide all charges against members and to impose appropriate fines or other disciplinary action.

**Section 2.** No member shall be put on trial for any offense alleged by another member unless charges by such other member have been preferred in writing to the President.

**Section 3.** Charges must be preferred within one year of the date of the occurrence from which such charges arose.

**Section 4.** Notice of charges shall be given in writing to the charged member by the President. The notice shall contain the following:

- (a) The nature of the offense;
- (b) The provision(s) of the Bylaws at issue;
- (c) The date, time and place of the alleged

occurrence;

(d) Sufficient facts to provide the charged member information to prepare his/her defense, and;

- (e) The date, time and place of the hearing.

**Section 5.** A member shall be given at least fifteen (15) days from the mailing of the notice of charges to prepare his/her defense for the hearing on such charges.

**Section 6.** Any member shall be accorded a full and fair hearing before the Board of Directors before any disciplinary action is taken. The charged member shall be allowed to present witnesses and may bring a representative of her/his choice to speak on her/his behalf.

**Section 7.** All communications concerning charges and disciplinary action therefrom shall be sent by the President to the charged party by certified mail, return receipt requested.

**Section 8.** Any member found guilty of charges shall be advised, in writing, by the President of his right to appeal the decision of the Board of Directors to the International Executive Board.

#### **ARTICLE XI - AMENDMENTS**

**Section 1.** The Board of Directors or any ten (10) full members of the Local in good standing may present in writing to the President a resolution to amend the Bylaws.

**Section 2.** Within ten days of receipt of a resolution to amend the Bylaws from the Board of Directors, the President shall mail written notice to all members of the regular or special membership meeting at which the resolution is to be acted upon. The notice shall contain the resolution and the date, time and place of the meeting. The date of the meeting shall be at least twenty-one days from the date of mailing of the notice.

**Section 3.** Upon receipt of a resolution to amend the Bylaws signed by ten (10) full members in good standing, the President shall present the resolution to the next regular or special meeting of the Board of Directors, which shall consider the merits of the resolution and make a recommendation on same. The President shall then make written notice to all members of the regular or special membership meeting at which the resolution is to be acted upon. The notice shall contain the resolution, the recommendation of the Board of Directors, and the date, Time and Place of the meeting. The notice shall be mailed at least thirty days prior to the membership meeting, which shall be no sooner than forty days from the Board of Directors meeting at which the resolution was presented and no later than thirty days from such Board meeting.

**Section 4.** A resolution to amend the Bylaws is subject to a simple majority (50 % + 1) vote of those votes cast, for approval

**Section 5.** A resolution approved shall become effective immediately unless provided otherwise in the resolution.

**Section 6.** A quorum of two percent of the current membership plus the number of current officers and Executive Board members is required.

#### **ARTICLE XII - REMOVAL OF OFFICERS**

**Section 1.** An officer of the Local may be charged for misfeasance or malfeasance in office by action of a two-thirds (2/3) majority of the Board of Directors, or by a petition presented to the President signed by ten percent (10%) of the full members in good standing of the Local. If the President is the charged party, the petition shall be presented to the Vice-President.

**Section 2.** Charges v. an officer must be specific as to the alleged act(s) of misfeasance or malfeasance.

**Section 3.** The charged officer shall be forwarded the specific charges in writing by the President or the Vice-President, as the case may be, within ten (10) days of the Board of Directors action, or filing of the petition.

**Section 4.** The President, or the Vice President if the President is the charged party, shall call a special membership meeting to try the charges, and shall mail written notice to all members in good standing advising of such meeting. The notice shall be mailed at least fifteen (15) days prior to the meeting and shall contain the date, time and place of the meeting, and the specific allegation v. the officer. The meeting shall not be held sooner than thirty (30) days from the charged officer being forwarded the written, specific charges.

**Section 5.** The charged officer shall be afforded a full and fair hearing before the members assembled at the special meeting, following which if two-thirds (2/3) of the members voting by secret ballot find the officer guilty as charged, she/he shall stand removed from office and the vacancy shall be filled as provided elsewhere in these Bylaws.

#### **ARTICLE XIII - AUTHORITIES**

**Section 1.** These Bylaws are subject and subordinate to the constitution, Bylaws and amendments thereto of the American Federation of Musicians, and wherever conflict or discrepancy appears between the Bylaws of this Local and the constitution, Bylaws and amendments thereto of the American Federation of Musicians, the latter shall prevail.

**Section 2.** These Bylaws shall not be enforced in any manner in conflict with public law.

**Section 3.** If any article, Section, sub Section, or portion thereof, of these Bylaws should be held to be illegal, invalid, or null and void by a court of competent jurisdiction, each and every other provision of these Bylaws shall remain in full force and effect.

**Section 4.** The parliamentary authority for this Local shall be Robert's Rules of Order.

**Section 5.** These Bylaws are to become effective immediately upon adoption.