



# Central California Upbeat

The Official Newsletter of the Professional Musicians of Central California AFM Local 12

## AFM Local 12 General Membership Meeting Monday, March 7<sup>th</sup>, 7:30PM on Zoom

<https://us02web.zoom.us/j/83726222422?pwd=RlI2eVRhUXVuelRLTjhVUIhGODdNZz09>

Find out what our next steps will be as we move out of the Pandemic towards  
Collective Bargaining in 5 of our 6 CBA Groups!

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### **MPTF Celebrates Jazz Appreciation Month**\_by Dan Beck, MPTF Trustee

The Music Performance Trust Fund announces a special opportunity for locals to apply for 100% grants for Jazz Appreciation events taking place in the month of April as we celebrate Jazz Appreciation Month. We encourage traditional live performances where it is safe for musicians and live audiences, live stream concerts, senior centers/nursing homes, and jazz performances tied into Music in the Schools.

The total fund for this campaign is \$100,000. It is on a first come; first served basis. All grant submissions must be in the MPTF system by March 1. When applying, please indicate 'JAM' and date under the project name on the application. Although the events will be fully funded, a sponsor is required to be approved. These grants will not count against the local's allocation.

### **Pandemic Updates for our CBA's**

**Fresno Philharmonic** decided to cancel their January Classics set, after consultation with the Players' and Safety Committees. March set is proceeding as of now according to plan, adding the booster shot to the vaccine mandate. March auditions are proceeding as well.

**Modesto Symphony** performed their January Classics set as scheduled, featuring their first candidate for Music Director. February Pops Set cancelled; March Classics set proceeding. Discussions on updating protocols are underway.

**Sacramento Philharmonic and Opera** performed their January Classics set as scheduled, with rapid PCR tests for winds and brass in addition to regular PCR tests 2-3 days earlier for all musicians. February and March Classics sets on schedule as of now.

**Sacramento Choral Society and Orchestra** was unable to rehearse their chorus due to Omicron, and cancelled their March set. The Verdi Requiem has been postponed to their May set dates.

Contact your Players' Committee or [derthick@afmlocal12.com](mailto:derthick@afmlocal12.com) if you have any questions or concerns.

## The AFM as a Movement, not a Service Model by Tom Derthick, Local 12 President

125 years ago, when the AFM and Local 12 were founded, our Local Charter called us a “Musicians Protective Union.” Three simple words. *Musicians* were professionals who made music, either for a living or as a side business. *Protective* meant that our rights, and our wages and conditions, were protected by *association*. *Union* has a legal meaning under Labor law, but ultimately refers to *association*, or folks banding together for a common good, such as those who fought to defend the Union in the Civil War.

Most of our current members probably see the AFM and Local 12 protecting their jobs and work under our Collective Bargaining Agreements (CBA’s) in symphonies, the theater, and the recording industry. We pay dues, and our committees of musician members (assisted by Union officers) negotiate conditions, settle disputes and grievances, and ensure fair hiring procedures. This is a “service” model where you pay dues, and the “Union” (in reality, Union members representing themselves) providing a service (negotiation, professional representation, a pension fund) in return. They often do not appreciate enough that it is **their work** as Union Members, and the work of their colleagues, that create these gains, not some faceless bureaucracy in LA or NYC.

The vast majority of Americans who earn money as musicians do not work under CBA’s in an orchestra, in the LA or Nashville recording studios, or on Broadway. These musicians (usually referred to as casual musicians, referring to the “not regular or permanent” nature of their work, not the genre) work in jazz, country western, various pop styles (rock, hip hop, etc.), folk music, various ethnic music styles, or alternative styles. Their grandparents and great-grandparents in the casual music industry were proud members of the AFM. Many made middle-class livings as musicians, with others performing professionally as a second income. Not so long ago, these musicians were a majority of members in the AFM and in Local 12, and they **did not** work under CBA’s. Today most current non-CBA musicians are not Union members; very few of them earn professional wages; and many young musicians don’t really know that the Union exists, or if they do, what *associating with a Union* does.

The non-CBA musician today often sees themselves differently than does a member of a large ensemble (orchestra) or someone providing expert labor to an entertainment industry (theater or recording). They are by nature more individual, more entrepreneurial, and often work as independent contractors outside of the social safety net that would provide them workers comp, disability, unemployment benefits, Medicare and Social Security. They have largely avoided *association* with other musicians for the benefit of all musical employment.

This was not always so.

Before 1978, a majority of professional non-CBA musicians worked under Union contracts with payroll benefits, because the AFM (“*Musicians Protective Union*”—their fellow musicians) could negotiate on their behalf directly with venues. This meant that musicians who wanted to work in reputable venues, whether full or part time, needed to join the AFM, and band leaders who wanted their groups in these venues had to work with the Union. In 1978, a series of NLRB rulings determined that the AFM could only bargain with Band Leaders, not with venues such as clubs, theaters and concert promoters. Over the next 40 years, many non-CBA musicians left the AFM, and many younger musicians and leaders never joined. The “service” model was broken. Most of all, the benefits that could have been gained by *association* with other professional musicians were lost.

(It is notable that some major artists continue to hire non-CBA musicians under Union contracts for casual gigs in our Local, such as the recent Johnny Mathis show at Gallo Center, or the recent Eagles tour that played in both San Francisco and Sacramento. These engagements paid much more than most casual work, with full

payroll benefits. Other major artists who do not participate in Union contracts have paid far less, with no payroll benefits.)

Because so many non-CBA musicians are not *associated* with our movement, their wages have largely stagnated over that 40-year period, just as the wages of most Middle-Class Americans **not working in Union workplaces**. Worst of all, many were cut off from the social safety net benefits that all other American workers enjoy. Many did not realize what they were missing until the Pandemic arrived, when their access to Unemployment Insurance was limited or greatly reduced.

The contrast between how non-CBA musicians and Union CBA musicians have fared, both over two generations and the past two pandemic years, could not be more striking.

Over the past 40 years, wages under AFM CBA's have largely grown at or above inflation, and working conditions, hiring practices and non-discrimination continue to improve.

In the past two years, much of the Union's activity (our *association*, what our members were doing for each other) has centered around COVID safety when we were able to return to work; alternative employment in the digital realm when in-person concerts could not happen; and advocacy (more *association*) for government relief through various Federal programs and Unemployment when the entertainment industry was largely closed due to the pandemic. Our movement and our allies even managed to save our Pension Fund during these difficult times.

Non-CBA musicians benefitted from our efforts with Unemployment/Pandemic Assistance. Music Performance Trust Fund monies underwrote digital concerts for casual gigs. Our rehabilitated Pension Fund will pay pensions for retired non-CBA musicians who have *associated* with us as much as it does for symphonic, theater or recording musicians. Yet because a majority of non-CBA musicians do not *associate* with their fellow AFM musicians, they benefit only peripherally from advances we gain by *association*. Many lack a voice in their industry. If their voices were added to the AFM movement, their work as *musicians* would have the *protective* benefits of *association* just like their CBA colleagues. Better still, their/our message would be amplified in the halls of government, and at the bargaining table with employers and venues.

As a Union, the AFM—all of us—must move past the old “service” model, where members expect a tangible financial reward in exchange for dues. Yes, by *association* your wages and conditions will no doubt improve, but it is **as a movement**, the banding together for common cause to offer *protective* benefit by *association* to improve the lives of *musicians* in all fields and genres, independent contractor or CBA musician, pop artist or theatrical musician, full or part time, that we all benefit. This means CBA musicians bringing our non-CBA colleagues back into our movement, for their benefit and that of all musicians.

We need a *Musicians Protective Union* movement for all Musicians. Now more than ever.

## **Tell Congress to Restore Tax Fairness to Arts Workers!!**

As working-class musicians, stage managers, singers, dancers, actors, stagehands and other arts workers across the country return to work, the last thing they need is a tax code that punishes them for seeking work. The Performing Artist Tax Parity Act fixes this problem!

Most arts workers are employees, not contractors, who spend 20 to 30 percent of their income on necessary expenses — such as to pay for transportation, a talent agent, or equipment — to gain employment. Unfortunately, the last tax reform bill eliminated the ability of arts workers to deduct these common business expenses.

Ask your member of Congress to cosponsor the bipartisan Performing Artist Tax Parity Act, H.R. 4750/S.2872 introduced by Reps. Judy Chu (D-CA) and Vern Buchanan (R-FL) and Sens. Mark Warner (D-VA) and Bill Hagerty (R-TN).

The bill updates the Qualified Performing Artist (QPA) deduction, modernizing a provision that has been on the books since it was signed into law in the 1980s by President Reagan, so that middle-class arts workers today can deduct their common business expenses.

*This campaign is co-sponsored by Actors' Equity Association, the American Federation of Musicians, the American Guild of Musical Artists, the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists and the Stage Directors and Choreographers Society.*

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## **Working in our CBA Groups requires Membership in Good Standing!**

<https://afmlocal12.com/>

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## **Do you live in the City of Sacramento?**

If so, the City of Sacramento Office of Arts and Culture is gathering information from artists—visual, performing, musicians, actors, etc.—for a pilot program to be considered soon by the City Council for a Guaranteed Basic Income (GBI) for individual artists, along with NEA grants for individual artists.

Information can be found at <http://arts.cityofsacramento.org/Grants/For-Individual-Artists>

To take the GBI survey: <https://cityofsacramento.research.net/r/JJ6MF8Z>

# Central California Upbeat

The Official Newsletter of the  
Professional Musicians of Central California  
American Federation of Musicians, Local 12  
Established 1896

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Please notify the office of any change  
of address or phone.

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Opinions expressed by contributing writers  
are their own and not necessarily those of  
AFM Local 12.

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## Membership Updates

### Scheduled Meetings

(Unless announced otherwise)

### General Membership

Quarterly online

### Executive Board

Monthly online, 10:30 a.m. on the second  
Thursday of each month

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Meetings are open, and members are invited  
to attend.

Members wishing to formally  
appear on the agenda must  
submit a request in writing [SEP]  
at least 24 hours prior to the meeting.

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Any notice appearing herein shall be  
considered to be an official notice [SEP]  
to the membership.

### Suspension Policy

Any members whose Regular or Life  
Membership Dues remain unpaid three months  
from the due date shall stand automatically  
suspended from membership and shall be  
required to pay a reinstatement fee of five  
dollars, plus back standing dues in order to  
resume membership in good standing.

Members whose dues remain unpaid six  
months from the due date shall stand  
automatically expelled and be ineligible for  
Local 12's benefits or referrals and shall be  
required to pay a reinstatement fee of twenty-  
five dollars, plus back standing dues in order to  
resume membership in good standing.

If off the role book for five years or longer, a  
Federal Initiation Fee of sixty-five dollars is also  
due.

### Member Services

(916) 453-2944

### Referral Service

(916) 453-2944

[www.afmlocal12.com](http://www.afmlocal12.com)

### Office Hours

#### By appointment:

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### Membership Dues

<u>Category</u>	<u>Quarterly</u>	<u>Yearly</u>
Regular	53.75	215.00
Life	25.00	100.00
Inactive Life	19.25	77.00

## To Resign in Good Standing

If dues are current a member may resign  
in good standing by written request  
delivered by mail, FAX or e-mail.

## A telephone message is not acceptable.

### Services and Benefits

- Recording Industries Music Fund
- Pension Fund
- Payroll Service
- Legal Contracts
- Instrument & Equipment Insurance
- Emergency Traveling Assistance  
Program: 1(800) ROAD-GIG
- Union Privilege
- Credit Union Info
- Group Health Insurance (Self Pay)
- Dental Insurance (Self Pay)
- Wage Scales
- National Ear Care Plan
- Referral Service
- Petrillo Fund
- Electronic Media Services
- Collective Bargaining
- Legislative Representation
- Recording and Multimedia  
Protection

***It's a great time to be a member!***