



Central California Upbeat

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

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MPTF Grant Funding Available

cool@octobop.com

Local 12 Bylaw Amendment Vote

Combining Offices of Secretary and Treasurer

April 15-19, 2024, on Election Buddy

Text of Board Resolution

Whereas, Treasurer Goldsmith has announced her retirement as Treasurer, effective June 30, 2024, after over three decades of distinguished service;

Whereas, the Federation and the vast majority of AFM Locals have a combined Secretary/Treasurer position due to the overlap of duties relating to maintaining the membership and finances of these organizations;

Whereas, because the vast majority of AFM Locals have a combined Secretary/Treasurer position, there have been challenges in communication between the Federation and AFM Local 12, with the Federation sometimes reaching out to the wrong officer assuming a combined Secretary/Treasurer position;

Whereas, Secretary Holland has been vitally involved in the financial reforms executed by AFM Local 12 over the past four years, including moving our bookkeeping to Quickbooks for greater transparency for the Executive Board and our membership, as well as building our website where the majority of our membership dues are collected;

Whereas, Secretary Holland will work with Treasurer Goldsmith on the Fiscal Year 2023 filings for the Internal Revenue Service and Department of Labor, so he will be fully familiar with all of the legal responsibilities of the new combined position;

Whereas, combining the Secretary and Treasurer positions will create a single position with a salary commensurate with the duties of the combined position, enabling AFM Local 12 to attract and retain current and future candidates for this very responsible position;

Therefore, **be it resolved that, subject to a vote of the membership of AFM Local 12**, the Bylaws of AFM Local 12 shall be amended to combine the positions and duties of Secretary and Treasurer effective July 1, 2024; that the salaries of Secretary and Treasurer be combined effective July 1, 2024; that the current Secretary of AFM Local 12 shall serve as Secretary/Treasurer for the duration of the current officer term ending December 31, 2025; and that the newly combined Secretary/Treasurer position be nominated and elected per the AFM Local 12 Bylaws along with all other Officer, Executive Board and Trustee positions, for a complete term to begin January 1, 2026.

Adopted unanimously by the AFM Local 12 Executive Board at our January 11, 2024 meeting. Presented to the Local 12 Membership at our March 11, 2024 General Membership Meeting

Check your Email and Spam Boxes
For a Voting Link

Text of the Bylaw Revision called for in the aforementioned Board Resolution (changes in red):

Section 3. Secretary/Treasurer

- (a) It shall be the duty of the Secretary/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) It shall be the duty of the Secretary/Treasurer 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.
- (h) 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 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 Secretary/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 Secretary/Treasurer, who shall be Chair of the Trustees, payable to the parties who are to receive the funds.

Section 7. Officers Wages

a) Secretary/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 Secretary/Treasurer shall be subject to a yearly income adjustment of no less than the consumer price index (COLA). The Secretary/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%).

~~b) — 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%).~~

AFM Secures Tentative Agreement with AMPTP, Delivering Historic Wins for Musicians

The American Federation of Musicians of the United States and Canada (AFM) has reached a tentative agreement with the Alliance of Motion Picture and Television Producers (AMPTP) on the Basic Theatrical Motion Picture and Basic Television Motion Picture contracts. The agreement, unanimously recommended by the bargaining committee, represents a significant victory for musicians working in film and television.

"This agreement represents a major win for musicians who have long been under-compensated for their work in the digital age," declared AFM International President and Chief Negotiator Tino Gagliardi. "We have secured historic breakthroughs in streaming residuals, established critical guardrails against the misuse of AI, gained meaningful wage increases and other important gains. This agreement represents a watershed moment for the artists who create the soundtracks for countless film and TV productions."

Full details of the contract will remain confidential until the agreement is approved for a ratification vote by the members who work under this contract.

"I want to congratulate our AFM Fair Share for Musicians bargaining unit members for their unwavering commitment to fighting for a contract that fairly compensates them for their invaluable contributions to film and TV and protects them in the ever-changing film and television industry," Gagliardi concluded.

"We were not alone in this negotiation, and we were proud to have the full backing of fellow unions: SAG-AFTRA, Writers Guild of America, IATSE, and the Teamsters. It was yet another powerful reminder that when we have solidarity in the labor movement, we can achieve great things. We also would like to thank Carol Lombardini, president of the AMPTP, as well as the AMPTP and its member companies, for helping bring these negotiations to a successful conclusion."

The tentative agreement will now be submitted for ratification by the members working under the Basic Theatrical Motion Picture and Basic Television Motion Picture contracts, pending AFM International Executive Board approval. *(Editor's note: AFM announced that the agreement has been ratified as we went to publication.)*

In unity, there truly is strength.

Tino Gagliardi
AFM International President

Developing a Local 12 Orchestra Culture of Communication by Tom Derthick, President

I've been in conversation with many of you, and with all of our employers, about a number of intense confrontations between our musician colleagues and various management officials taking place in our Local 12 orchestras recently.

I do not know if there is an explanation for why these blow-ups seem to be happening more frequently. Maybe the years of emerging from the pandemic with all of the various protocols and anxieties either decreased the number of disputes, or pushed them to the back burner while everyone dealt with larger issues of safety. Regardless, I am hearing from each orchestra—both committees and managements—that these incidents are increasing in number and intensity.

Our musicians have every right to be upset about working conditions that adversely affect their lives and performance. Library failures, backstage safety, stage setup, sound protection, or any number of other contractual or procedural issues are legitimate reasons for our colleagues to complain, and to demand change.

One perception problem we face: often the first emotional response that Musicians have in these circumstances might be “why is this happening? Who didn't foresee this? Why can't this be fixed immediately?” Or “isn't this your job to fix this for me, right now?” regardless of other circumstances that our employers are dealing with at that moment. These are all understandable responses under stressful circumstances.

The problem is that these reactions do not always provoke the Management response any of us want.

Just as our Musician colleagues often take these matters personally, Management staff members do so as well. I am hearing from each Local 12 CBA management how musicians have shouted at their staff members or other unauthorized employees (venue management, stagehands, etc.), often provoking responses ranging from reducing staff to tears, or staff rising up to shout back at our Musicians. I hope we agree that neither of these outcomes is desired, nor do they help address the problem that provoked the conflict in the first place.

Each of our Orchestra/Players' Committees has had to deal with our employers and Executive Directors on issues such as these, usually after the fact when all parties are in damage control.

Yes, each of the operations mistakes that provoke confrontation between Musicians and staff are things that could have been avoided, and yes, I do believe our employers are trying to avoid problems. Sometimes they are not very good at their jobs, and we (Union, Committees) spend a lot of time meeting with employers to improve communication and process, to the point of our feeling like we have to teach our bosses how to do their jobs. Sadly, the orchestra business is not unique in this regard. This article is not about that burden.

What Local 12 would like to see is a change in culture on our side, on the part of our Musicians.

All of us have experienced moments on the job where individual Musicians perform or behave outside of the true ensemble environment. Having 80 skilled Musicians all individually interpreting the

conductor's beat is a recipe for disaster. Over the past hundreds of years, processes have been worked out for how an ensemble works, how we play together, how problems are resolved, how questions get answered. Every rank-and-file string player does not stop the rehearsal to ask the conductor a question; they go to their principal at the break. Same thing in the winds, brass and percussion—there is a process for getting information and direction by going through channels of communication developed over the centuries. The moments when these systems don't work—more often than we'd like—stand out as the exceptions, not the rule.

We need to build a parallel and comparable "culture" for problem solving for matters involving working conditions on the job, and those in preparation for the job. Just as section Musicians refer questions to their principals, and principals to the conductor, so it should be for non-musical (contractual, working condition) questions, where Musicians go to their Committee members or Union Stewards with questions, and they go to the employer on the Musician's behalf.

Of course, Musicians should feel free to ask Management about purely informational issues, something that Management is clearly better suited to address. What we are discussing here is not that.

Committee members are elected, and Union Stewards appointed, for just this purpose: to represent our colleagues to our employers. Our colleagues chose us because they think we have the skills to do just this, but then they forget we exist and run right to Management when something goes wrong. Sometimes that works out OK, but sometimes overreactions occur that could be avoided by going through proper communication channels.

Local 12 has been in communication with each of our CBA employers about including our Committee/Steward contact information—names, email address, phone numbers, instrument or title—in the Official Call or Musician Information memo sent to all musicians. Often our Staff Musicians (and almost always, our subs) don't really know who represents them. We will ask Management to direct Musicians to bring their contractual or working-condition questions or problems to us first. Look for flyers posted on our job sites.

As we well know, most of our Musicians don't really read the Musician Info Memo, so our Committees will have to mount their own parallel campaigns to inform our colleagues about who we are, about proper process and procedures. Musicians need to be encouraged, early and often, to seek us out for questions both minor and major. Emails, individual conversations, even announcements at the start of a set or season, may be employed to spread the word.

Changing the culture will take time, and reinforcement. Ultimately, if we succeed, it will make our colleagues' jobs less stressful, and our employers more responsive. I don't want to be Pollyanna about this, because Managements come and go, sometimes better, sometimes worse, making their consistency over time something beyond our control. Of course we all want to get along with our employers. The only thing we can (to some extent) control is how our team behaves and functions, to make our work lives better.

Local 12 is on Facebook!

Share Photos, Stories, Activities involving Local 12 CBA's,
MPTF, Members and your Gigs!

simon@afmlocal12.com or derthick@afmlocal12.com

MPTF \$\$ Available for Jazz Appreciation Month

Contact Geoff Roach, cool@octobop.com

Modesto Symphony Orchestra

Announces auditions for the following positions:

Principal Cello
Assistant Principal Cello
Section Cello (multiple positions)

Auditions will be held at:

Opera San Jose
2149 Paragon Dr.
San Jose, CA 95131

Audition Date: May 13, 2024

Application Deadline: April 30, 2024

Additional information and repertoire can be found at:

<https://www.modestosymphony.org/employment-and-auditions>

Send a one-page resume and refundable audition deposit of \$20 to:

Matthew Siek, Director of Operations
Modesto Symphony Orchestra
911 13th Street
Modesto, CA 95354
msiek@modestosymphony.org

Checks should be made payable to: Modesto Symphony Orchestra Association

Sacramento Philharmonic and Opera

Announces auditions for the following positions:

Section Violin (Multiple Positions): May 13

Section Bass: May 14

Auditions to be held in Sacramento

Application and Resume deadline April 26, 2024@5PM

For more information or to apply online,
Visit www.SacPhilOpera.org/auditions

Local 12 Newsletter Editorial Policy on Guest Articles

AFM Local 12 welcomes guest articles or editorials on relevant topics for our quarterly Newsletter from our members, and from persons working with our members throughout the Local. All submissions are subject to the approval of the Editors of our Newsletter (the President and Secretary/Treasurer). Guest articles or editorials do not necessarily reflect the opinion or policies of AFM Local 12, and any submission may be edited for length or content. Please contact President Derthick at derthick@afmlocal12.com if you have any questions, or wish to submit an article or editorial.

Local 12 Referral Service

Do you want to take part?

We need the following information for Members wishing to promote their teaching and performing activities on our website:

Groups: Name of Group, Contact Name and Details, Genre(s) of Music performed, Links to Website and/or demos, Geographical Region where you are willing to work

Teachers: Name, Contact information, Instruments taught, Location where you teach, Links to Website or other information

Send Info to simon@afmlocal12.com

MPTF in Action in Local 12 by Geoff Roach, Local 12 Executive Board Member

In the past 12 months, Local 12 has successfully brought funding from The Music Performance Trust Fund (MPTF) to our jurisdiction. In the MPTF fiscal year running from May 1, 2023 to April 30, 2024, MPTF will have funded 11 concerts employing 75 musicians for \$31,911. A quick check around Local 12 showed that no one can remember a time where the funding reached that level. Free performances have been given or will be given by:

- Labor Day at Sacramento Labor Council – Clean Slate Band – 10 musicians
- Tower Quartet in Fresno – 3 concerts, 4 musicians each
- Black History Month (February 2024) gig with Harley White Jr. Orchestra at Sojourner Truth Museum – 11 musicians
- Jim Scully - CSU Bakersfield – Jazz Appreciation Month - 4 musicians
- Harley White Jr orchestra - Jazz Appreciation Month - 11 musicians
- Alejandro Arvizu - Bakersfield Jazz Workshop - Jazz Appreciation Month- 7 musicians
- Enzo's Big Time Polka Band (aka Paul Pettit new big band)-American River College - 18 musicians
- Gail Edwards - 2 solo events at assisted living facilities in Sacramento and Modesto

For the MPTF 2025 fiscal year, we are working to secure funding for a special concert of the music of Dave Brubeck at the Cathedral of the Blessed Sacrament in Sacramento July 6 with 37 musicians.

As you can see, while the funding obtained may not reach the level of Google stock, we are creating opportunities that may have not existed. Every time someone buys a CD or streams a track, a little bit of money goes into this program to fund live concerts. Bringing live music to our region and money to musicians has to be a good thing.

Let's clarify a few misconceptions about MPTF. First, a pot of MPTF gigs doesn't exist, not in our area anyway. MPTF and Local 12 aren't in the business of producing concerts. You as a musician / promoter / entrepreneur (redundant these days) need to find a venue, a sponsor, and music. MPTF just provides the cash. Local 12 and the other AFM locals across the US and Canada only coordinate the MPTF programs in their jurisdictions doing all the paperwork, payroll, and writing stuff like this. Applying for MPTF funding is the easy part.

You don't need to be a member of Local 12 or the AFM to apply for or play in an MPTF-funded group. We are finding that the MPTF gigs are generating interest in what we do locally. The range of music and venues involved in the programs enable us to engage people that do not know about us. You may not work for an organization covered by a CBA, but you still need to be a part of what the AFM does. MPTF gives us an opportunity to reach out.

Getting sponsor funding is not required in all cases. Generally, MPTF requires a sponsor to pay 50% of the musician cost. In some settings, MPTF will pay 100%. Special events celebrating Black History Month, Women's History Month, Jazz Appreciation Month, Juneteenth, Labor Day, and other specialized programs have been funded by MPTF at 100%. Solo performances at senior facilities, some educational programs, and similar concerts are also funded at 100%.

If you have an idea for a concert, contact me. In a few minutes we can discuss what's possible. MPTF can be a way to make some music and to bring home a little cash.

Central California Upbeat

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

Mailing Address:

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Treasurer

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Secretary

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Trustee

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Co-editors/Central CA Central Upbeat

Simon Holland

Tom Derthick

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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
at least 24 hours prior to the meeting.

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Any notice appearing herein shall be
considered to be an official notice
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.

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!

Member Services

(916) 453-2944

Referral Service

(916) 453-2944

www.afmlocal12.com

Office Hours

By appointment:

Derthick@afmlocal12.com

Simon@afmlocal12.com

Maryll@afmlocal12.com

Membership Dues

<u>Category</u>	<u>Quarterly</u>	<u>Yearly</u>
Regular	50.00	200.00
Life	25.00	100.00
Inactive Life	19.25	77.00