

Symphony Musicians of Fresno

BY-LAWS **of the** **SYMPHONY MUSICIANS OF FRESNO**

As amended August-2024, November 2025

ARTICLE I **NAME**

The name of this organization is ~~the~~ Symphony Musicians of Fresno, herein after referred to as SMF. For business purposes, this organization may also be referred to as the Fresno Philharmonic Players' Association or simply, the Players' Association.

ARTICLE II **PURPOSE**

The purpose of this organization is to pursue activities conducive to the general welfare and artistic well-being of its members.

ARTICLE III **MEMBERSHIP**

A. Each tenured or probationary orchestra member (~~aka Staff Musician~~) shall be considered to be a member of SMF as long as their status is "in good standing" with AFM, Local 12.

B. Players' Association members shall enjoy the rights and privileges of membership as provided in these by-laws, including but not limited to: 1) receiving notice of membership meetings, 2) placing matters on the agenda of a membership meeting and 3) discussing and voting on matters brought before the membership.

C. All members shall deal fairly and in good faith with all other members. No member, except when functioning as a member of an appropriate committee and in accordance with committee procedures or within the provisions of the Master Agreement, shall discuss another member with the Music Director (including guest conductors), Personnel Manager, or member of management, regarding ~~his/her~~ their playing ability, conduct or any other matter which might affect ~~his/her~~ their employment in the orchestra. Any violation of this article will subject the offending member to charges before the Board of Directors of the Local Union as provided in the by-laws of both the Union and the American Federation of Musicians.

ARTICLE IV **PLAYERS' ASSOCIATION MEETINGS**

A. The Players' Committee shall call meetings as needed. There shall be at least one regular meeting of the membership during each subscription season.

B. The Players' Committee shall call a meeting of SMF upon written request by a minimum of fifteen (15) of its members.

C. No membership meeting shall transact business when there are fewer than twenty (20) members or twenty percent (20%) of the membership, whichever is greater, in attendance.

D. Meetings shall be conducted under Robert's Rules of Order.

ARTICLE V
COMMITTEES AND DUTIES

A. PLAYERS' COMMITTEE

1. ELIGIBILITY

- a. Any tenured member of SMF may serve on the Players' Committee, with the following exceptions: the concertmaster, the Union Steward, any person regularly employed by the Fresno Philharmonic in any capacity other than as musician, an orchestra member on leave of absence, or anyone replacing a member on leave of absence.
- b. No member of the Players' Committee may serve on the Artistic Review Committee at the same time.
- c. There shall be no restriction to the number of times that a player-member may serve on the Players' Committee.
- d. The UNION STEWARD and/or other Union Representative may attend all-any meetings of the Players' Committee as a non-voting member.
- e. If the Regional Orchestra Players' Association (hereinafter referred to as ROPA) DELEGATE is not already a member of the Players' Committee, he/shethey will can be included by the Players' Committee as a non-voting participant.

2. DUTIES

- a. The Players' Committee shall elect a CHAIRPERSON, a TREASURER, and a SECRETARY after the election of committee members. The SECRETARY and TREASURER positions may be filled by one person.
 - 1) CHAIRPERSON DUTIES:
The CHAIRPERSON (or designated Players' Committee member in his/hertheir absence) shall preside at all Players' Committee and Players' Association membership meetings and shall communicate Players' Committee decisions to management. The CHAIRPERSON shall maintain a file of all correspondence relating to the Players' Committee or Players' Association. The CHAIRPERSON shall distribute to the rest of the committee F.P.A. Board meeting minutes received from the Association (see Master Agreement (MA) Article XVIII A.6.)
 - 2) TREASURER DUTIES:
The TREASURER shall be responsible for all funds and shall deposit them in a bank account under the Local 12 umbrella. He/sheThey shall make disbursements and maintain records for all transactions. Any expenditure over ~~\$150.00~~ \$200.00 must be approved by a simple majority of SMF members present and voting. The TREASURER shall submit a financial report once a year at a membership meeting.
 - 3) SECRETARY DUTIES:
The SECRETARY shall record the minutes of each Players' Committee meeting and each Players' Association meeting.
- b. The Players' Committee must have at least three (3) committee members present in order to make any official decision or recommendation.
- c. The Players' Committee shall represent SMF in all matters affecting the orchestra, not limited to items covered in the Master Agreement, including advising the Association in matters involving appeals, demotion and non-renewal.
- d. The Players' Committee shall serve until the Master Agreement is ratified in years in which it is negotiated. (See below: Article VII, Section C)

Commented [LP1]: Propose \$200.00 due to inflation

e. The Players' Committee shall ~~be serve as~~ members of the Local 12 negotiating team during any current or subsequent contract negotiations between the Fresno Philharmonic Association and Local 12, A.F. of M.

f. At ~~the player's a member's~~ request, the Players' Committee shall receive grievances from ~~players members~~ that arise under the Agreement and shall inform the Fresno Philharmonic Association and the Union of these grievances.

g. The Players' Committee shall serve on the Liaison Committee with the Executive Committee of the Fresno Philharmonic Orchestra Board of Directors on a ~~quarterly~~ monthly basis or as needed.

B. ARTISTIC REVIEW COMMITTEE

1. ELIGIBILITY

a. Any tenured member of SMF may serve on the Artistic Review Committee, with the following exceptions: the concertmaster, the Union Steward, any persons regularly employed by the Fresno Philharmonic in any capacity other than as musician, an orchestra member on leave of absence, or anyone replacing a member on leave of absence.

b. No member of the Artistic Review Committee may serve on the Players' Committee at the same time.

c. There shall be no restriction to the number of times that a player member may serve on the Artistic Review Committee.

d. The UNION STEWARD, the Players' Committee CHAIRPERSON and/or other Union Representative may be invited to attend meetings of the Artistic Review Committee as a non-voting member.

2. DUTIES

a. The Artistic Review Committee shall elect a CHAIRPERSON after the election of committee members.

b. The Artistic Review Committee must have at least three (3) committee members present in order to make any official decision or recommendation.

c. The Artistic Review Committee shall serve as a liaison between the orchestra and the Conductor /Music Director or Guest or Assistant Conductor regarding artistic matters.

d. ~~The Artistic Review Committee shall advise the Music Director and Management regarding leaves of absence as specified in the Master Agreement.~~

e. The Artistic Review Committee may advise the Association on artistic decisions such as the selection of orchestra representatives for screening or search committees or other artistic matters. In the event of a search for a new Music Director, the Artistic Review Committee, in consultation with the Players' Committee, shall appoint or elect six contracted members ("Staff Musicians") of the orchestra to serve on the Search Committee as provided for in the Master Agreement.

f. The Artistic Review Committee shall select audition committee members as stated in the Master Agreement.

g. The Artistic Review Committee shall distribute annual conductor evaluations forms for the Music Director and any Guest Conductors to all staff musicians (MA Article XXI)

h. The Artistic Review Committee shall present annually a summary of these evaluations at a Board meeting. (See MA Article XXI).

Commented [LP2]: This is perhaps the problem. Stephen has changed this. We allowed him

Commented [LP3R2]: Changed when JD Northway was President of the Board. He bogged down the proceedings because everything needed explanation.

C. The PLAYERS' COMMITTEE and ARTISTIC REVIEW COMMITTEE may confer and call joint meetings as needed.

ARTICLE VI
DELEGATE TO REGIONAL ORCHESTRA PLAYERS' ASSOCIATION

A. In order to be eligible, the ROPA DELEGATE must be a tenured member of SMF. There shall be no restrictions to the number of times a ~~player-member~~ may serve as ROPA DELEGATE.

B. The ROPA DELEGATE shall serve for a term of two years.

C. The Union, Local 12, American Federation of Musicians shall assume necessary and reasonable expenses for the DELEGATE to attend the annual convention.

D. In the event that the elected DELEGATE is temporarily unable to fulfill ~~his/her~~their responsibilities, the Players' Committee may appoint a substitute from SMF membership.

ARTICLE VII
NOMINATION AND ELECTION OF COMMITTEE MEMBERS AND R.O.P.A
DELEGATE

A. The Players' Committee and the Artistic Review Committee shall each consist of five (5) members. In alternating years three and two new committee members will be elected by SMF.

B. Nominations for committee members and R.O.P.A. DELEGATE shall be made no earlier than two (2) months prior to the month of the election and no later than one (1) day prior to the election, The Players' Committee shall distribute forms during this time period which require signatures from the nominator and nominee. Nomination forms may be returned to any continuing committee member.

C. The election of new committee members and R.O.P.A. DELEGATE shall take place online between the 1st of October and the 30th of November. The date of the election shall be determined by the Players' Committee no later than two (2) months prior to said date. During a negotiation year, elections for Players' Committee shall not take place until after the Master Agreement has been ratified. Even if negotiations are not complete and a Master Agreement has not been ratified, elections for R.O.P.A. DELEGATE and Artistic Review Committee shall take place online between the 1st of October and the 30th of November

D. All members shall be notified of upcoming elections.

E. All members of SMF may vote. One electronic ballot shall be distributed for each member in good standing with Local 12. The electronic ballot shall be administered by the Secretary of Local 12 on behalf of the Players Committee.

F. All voting on elections of committee members must be by secret electronic ballot, in a manner consistent with Article 5, Section 31(D) of the AFM Bylaws.

G. Ballots with more votes than there are offices to be filled shall be void.

H. Those candidates receiving the most votes shall be deemed elected.

I. If a position becomes vacant after the election, the Players' Committee shall appoint a replacement, who shall serve until the next regularly scheduled election. Such an election shall be held in accordance with this Article.

J. Voting procedures shall be determined by the Players' Committee.

ARTICLE VIII
OTHER VOTING POLICIES

A. All voting on amendments to these by-laws or contract ratifications must be by secret electronic ballot, in a manner consistent with Article 5, Section 31(D) of the AFM Bylaws.

B. ~~Ballots with more votes than there are choices shall be void.~~

C. ~~Members who have submitted their resignations from the orchestra shall not vote on any business unless it concerns them directly.~~

D. A majority is a majority of those voting.

E. In the event of a conflict between the above listed voting policies and the Master Agreement, the terms of the Master Agreement shall prevail.

Commented [LP4]: Not possible on Election Buddy

ARTICLE IX
PUBLISHING OF BY-LAWS

A. A copy of these by-laws shall be distributed electronically to all members of SMF.

B. Any amendment to these by-laws shall be distributed to all members of SMF.

ARTICLE X
AMENDMENTS TO THE BY-LAWS

A. Amendments may be proposed by the Players' Committee or by written petition signed by fifteen (15) members of SMF and submitted to the Players' Committee CHAIRPERSON.

B. The SMF shall be informed of any proposed changes to the By-laws and a vote shall be taken to approve the proposed changes no later than the second Masterwork concert set after notification.

C. Each proposed amended article shall be considered separately. Any amendment must be approved by a two-thirds (2/3) majority of those voting.

D. Each amendment shall become effective upon approval.

ARTICLE XI
RECOGNITION OF THE UNION

By the adoption of these by-laws, it is not intended that the authority of the Union shall in any way be diminished. Where conflict or discrepancy appears between these by-laws and the constitution and by-laws of the A.F. of M. or Local #12 or the Master Agreement, then the constitution and by-laws of the A.F. of M. or Local #12 or the Master Agreement, whichever is appropriate, shall prevail.

AMENDMENT:
SPECIAL CIRCUMSTANCES ELECTION 2021:

~~Due to the pandemic, Symphony Musicians of Fresno has not been able to hold elections for Players' Committee, Artistic Review Committee, nor ROPA Delegate for over 2 years. As of this past June, we~~

~~have a one-year extension agreement on our Collective Bargaining Agreement, and negotiations for a new CBA will not be due to begin till at least spring of 2022. Now is the right time to actually hold an election for these positions.~~

~~The election shall follow these procedures:~~

- ~~A. All ten (10) positions of the committees shall be open for nomination and election (or re-election);~~
- ~~B. This special circumstance election to take place during the Fall 2021 season, on a one-time only basis.~~
- ~~C. Normal election of ROPA Delegate position will take place concurrently.~~
- ~~D. A. This special circumstance election to take place electronically, run by the Secretary of Local 12 on behalf of the Players' Committee.~~

Commented [LP5]: We need to incorporate this part somewhere.