

**PHILADELPHIA MUSICIANS' UNION**  
**LOCAL 77, AMERICAN FEDERATION OF MUSICIANS**

# By-Laws



## **OFFICERS**

ELLEN TRAINER, PRESIDENT  
MARJORIE GOLDBERG, VICE PRESIDENT  
JARRED ANTONACCI, SECRETARY-TREASURER

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REBECCA ANSEL, EXECUTIVE BOARD  
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# Table of contents

<b>ARTICLE I</b>	
TITLE, OBJECT, AND JURISDICTION_____	2
<b>ARTICLE II</b>	
MEMBERSHIP_____	3
<b>ARTICLE III</b>	
OFFICERS_____	4
<b>ARTICLE IV</b>	
NOMINATIONS AND ELECTIONS_____	7
<b>ARTICLE V</b>	
MEETINGS_____	9
<b>ARTICLE VI</b>	
DUES, FEES AND ASSESSMENTS_____	10
<b>ARTICLE VII</b>	
WAGE LIST_____	11
<b>ARTICLE VIII</b>	
DUTIES OF MEMBERS_____	11
<b>ARTICLE IX</b>	
CLAIMS: RULES OF PRACTICE AND PROCEDURES_____	15
<b>ARTICLE X</b>	
CHARGES AND TRIALS_____	17
<b>ARTICLE XI</b>	
AMENDMENTS_____	17
<b>ARTICLE XII</b>	
MISCELLANEOUS_____	19

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# BY-LAWS – LOCAL 77, AFM

## Article I

### Title, Object, and Jurisdiction

Section 1. This local Union shall be known as the Philadelphia Musicians' Union, Local No. 77, American Federation of Musicians.

Section 2. The objects and purpose of this local union shall be:

- (A) To unite the professional musicians in its jurisdiction who are eligible for membership without regard to race, religion, creed, color, national origin, age or sex.
- (B) To organize the unorganized professional musicians in its jurisdiction and to provide services to such organized professional musicians.
- (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 for equitable and fair dealing among its members.
- (D) Locals are required to adopt as part of their local constitution and by-laws a provision to the effect that the constitution and by-laws of said local is subject and subordinate to the by-laws and amendments thereto of the Federation, and providing further that wherever conflict or discrepancy appears between the constitution and by-laws of the local and the by-laws and amendments thereto of the Federation, the latter shall prevail. The by-laws of each local must contain provisions permitting amendments to said local's constitution and/or by-laws to be made at least annually in accordance with guidelines as promulgated by the International Executive Board. A two-thirds (2/3) majority of the members voting shall be the maximum vote which can be required to amend a local's constitution and/or by-laws. Any local by-law inconsistent with this section shall be null and void.

Section 3.

- (A) The elective Officers of this local shall consist of a President, Vice-President, Secretary-Treasurer, and three Executive Board members.
- (B) The elective Delegates of this local shall consist of one Delegate to the International Convention of the AFM and one alternate Delegate to the International Convention of the AFM. The President and Secretary-Treasurer shall be two of the Delegates to the International Convention of the AFM by virtue of their offices.
- (C) All officers and Delegates shall be members of this local and shall be elected by ballot for a period of three years, in such manner as provided under the by-laws. No member shall be nominated for more than one office, with the exception of Delegate and/or alternate Delegate to the International Convention of the AFM.

Section 4. The territorial jurisdiction of this local union shall be all Philadelphia county. The following in Montgomery county: Cheltenham, Rockledge, Abington, Jenkintown, Bryn Athyn, Upper and Lower Moreland, Hatboro, Horsham. The following in Bucks County:

Bensalem, Hulmeville, Upper and Lower Southhampton, Northampton, Ivyland, Warminster, Warrington, Warwic. That portion of Delaware county to the jurisdictional line between local 77 and local 21 excepting Newtown square, Radnor and Haverford which are in the jurisdiction of Local 341. In New Jersey, Camden county, except the portion belonging to Local 16-248, Newark/Paterson, NJ. That part of Burlington county including maple shade, that does not belong to local 336, Burlington, NJ, or Local 62, Trenton, NJ.

## **Article II**

### **Membership**

- Section 1. All performers on musical instruments of any kind and vocalists, or other individuals who render musical services of any kind for pay, are classified as professional musicians and are eligible for membership if they reside in the territorial jurisdiction of this local, subject to the laws and jurisdiction of the AFM.
- Section 2. Applicants for membership who are former members of this or any other AFM local or are currently members of any other AFM local are subject to appropriate provisions of the by-laws of the AFM relating to affiliation as a former or traveling member.
- Section 3. Applicants for membership are required to complete the AFM approved application and submit to the Secretary-Treasurer or his/her designee as well as to deposit the required fees and dues of membership. Applicants may join electronically on the AFM or Local 77 website.
- Section 4. An applicant shall become a member of this local upon approval of his/her application by a majority vote of the Executive Board.
- Section 5. An applicant having been approved by the Executive Board who is not currently a member of another local shall give the required oath of obligation to an appropriate official of this local and shall attend orientation meetings as per the AFM approved application form.
- Section 6. Members with Regular Membership status who wish to switch their status to Life Membership must do so in writing to the Secretary-Treasurer. To qualify for Life Membership status a member must be in the AFM for a cumulative total of 35 years and must be at least 65 years of age. Upon approval by the Secretary-Treasurer, Life Membership status retains all the same rights, duties and obligations as Regular Membership status. Life Member rates shall be \$100 annually.
- Section 7. Youth Member applicants must be 20 years of age or younger. Local 77 and AFM Initiation Fees are waived. Youth Member rates shall be \$100 annually.
- Section 8. Student Member applicants must be registered in an accredited school, college, or university. When the member is no longer a student, they shall convert to Regular Member status. New Student applicants must include proof of enrollment with their application. Local 77 and AFM Initiation Fees are waived. Student Member rates shall be \$100 annually.

## 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 Executive Board and to enforce due observance of the by-laws. He/she shall convene all regular and special meetings of the membership and of the Executive Board and decide all disputed points of order unless a two-thirds majority of the votes cast dissent therefrom.
- (B) He/she shall sign all checks, bills and agreements or orders for payment of money.
- (C) He/she shall appoint all committees and shall be an ex-officio member of all committees except the election committee.
- (D) He/she shall vote only in case of a tie, except on matters which are before the membership and voted upon by secret ballot.
- (E) The President shall be permitted to accept engagements during their term of office with the approval of the local Executive Board.
- (F) In case of inability to perform his/her official duties, he/she shall notify the Vice-President to act in his/her place.
- (G) All appointments to permanent positions with salaries as fixed by the Executive Board shall be made by the President, subject to approval of a majority of the members of the entire Executive Board.
- (H) The president shall have full power to act between meetings in cases demanding prompt action and in all cases of emergency.
- (I) By virtue of his/her election to office by secret ballot, he/she shall be the first delegate to conventions and conferences of the AFM, to which this local may belong.
- (J) The President shall have the authority to appoint business agents as it deems necessary to visit places in the jurisdiction where musicians are performing and shall have the authority to fix the wages and expenses to be paid such business agents who shall report their activities as required by the executive board.

#### Section 2. Vice-President

- a. The Vice-President shall attend punctually all meetings of the local and Executive Board and in the absence of the President, perform that officer's duties; in case of inability to attend a meeting where the President is absent, he/she shall send notice thereof in order that a chairman, pro tem, shall be elected by those present at the meeting.
- b. He/she shall be paid for attendance at meetings of the Executive Board as provided in the by-laws, except when acting in the absence of the President under (a), when he/she

shall receive for such services a salary which shall be equivalent to the salary paid to the President for the time during which services were performed.

- c. In the event that neither the President nor the Vice-President can perform their respective duties, the Executive Board shall appoint a temporary President.

### Section 3. Secretary-Treasurer

- (A) It shall be the duty of the Secretary-Treasurer to keep a faithful record of proceedings of meetings of the Executive Board, answer all communications, keep a true account of the membership and issue notices for all meetings of the membership and of the Executive Board.
- (B) He/she shall sign all checks, bills and agreements or orders for payment of money.
- (C) He/she 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 Executive Board at least quarterly.
- (D) He/she shall surrender all of the books of accounts to an independent public accountant to be chosen by the Executive Board for an annual audit and/or review.
- (E) At the expiration of his/her term of office, he/she shall deliver to his/her successor all monies, books and records belonging to the local.
- (F) By virtue of his/her election to office by secret ballot, he/she shall be the second delegate to conventions and conferences of the AFM to which this local may belong.
- (G) He/she shall, during the 2<sup>nd</sup> quarter of each year, issue a directory containing a list of the Officers-elect, the names, residences, and zip codes of the members with a classification of their instruments.
- (H) He/she shall issue monthly statements of erased and suspended members for publication by the AFM and report on changes of Officers.
- (I) He/she shall retain a copy of all issues of the official journal as a permanent record.
- (J) The Secretary-Treasurer shall electronically maintain an updated Wage Scale Book on the Local website. Hard copies may be mailed upon request.
- (K) The Secretary-Treasurer shall be permitted to accept engagements during their term of office with the approval of the local Executive Board.
- (L) The Secretary-Treasurer shall be the Editor of the official journal, *Arpeggio*, and under the direction of the Executive Board be responsible for its publication and distribution to only those members in good standing in the Local.
- (M) The Secretary-Treasurer shall be responsible for the administration of the Local 77 payroll service, Playcheck77, Inc. The Secretary-Treasurer shall present a full report of receipts and expenditures to the Executive Board quarterly for review, and annually to an independent accountant approved by the Executive Board.

#### Section 4. Executive Board

- (A) The Executive Board shall consist of the President, Vice-President, Secretary-Treasurer and three elected board members.
- (B) The Executive Board shall meet bi-monthly and on special call of the president. It shall have authority to set its exact hour and place of its meeting, except for those on special call of the President. A majority of members of the board shall constitute a quorum.
- (C) A majority of the Executive Board must be present at all regular and/or special membership meetings of this local.
- (D) The Executive Board shall exercise general supervision of the interest and affairs of the local and its properties, pass upon all applications for membership, approve all expenditures of the local and direct the Secretary-Treasurer as to what bank(s) or other financial institution(s) monies of the local are to be deposited.
- (E) Except for the office of President, the Executive Board shall have authority to fill any vacant office for the balance of the elected term of such office.
- (F) The Executive Board shall serve as a board of arbitration and trial board as provided elsewhere in these by-laws.
- (G) At its first meeting, the Executive Board shall select one of its members to act in the absence of the president and vice-president. When such duties are assumed by the President pro tem, he/she shall receive compensation equivalent to the salary paid to the president during the time services are performed; and shall attend all meetings during such period without other compensation.
- (H) The wages, fringe benefits, and reimbursements for expenses for all Officers shall be as established from time to time by the Executive Board.
- (I) The Executive Board or the local at large, shall at no time be held responsible, directly or indirectly, for any monies or salaries which may be lost through error of judgment in carrying out the laws of this local.
- (J) Every member of the Executive Board present, other than the President, must vote on all matters before the board unless having a direct or pecuniary interest therein. Should such a member after being requested to vote, refuse to do so, his/her seat and office shall be deemed ended and vacated.
- (K) The Executive Board shall formulate the general wage scale.

#### Section 5. Delegates to the AFM Convention and to Conferences of the AFM locals

- (A) This local shall be represented at each regular Convention of the AFM by the President and Secretary-Treasurer and one (1) elected Delegate. If any of the aforementioned cannot attend, one (1) elected Alternate Delegate shall attend in their place.
- (B) Should either the President or Secretary-Treasurer be serving as a member of the International Executive Board, or in the event that any regularly elected Delegate to the

AFM convention is not available at Convention time, the regularly elected Alternate Delegate shall attend the Convention.

- (C) This local shall be represented at all conferences of the AFM to which this local may belong by the President and/or, if he/she so chooses, a Delegate appointed by the President.
- (D) Effective April 1, 1997, this local will provide for each Delegate's travel expenses to and from a Convention or conference meeting on the basis of air coach class. In addition to the foregoing, Delegates shall be entitled upon the presentation of receipts, reimbursement for any necessary expenses incurred while attending a Convention or conference meeting. In the event a Convention or conference meeting which they are to attend is held in the jurisdiction of this local, they shall be entitled to such allowance as the Executive Board may deem appropriate.

## **Article IV**

### Elections and Nominations

#### Section 1. Purpose

The election of Officers, Executive Board Members, Delegates and Alternative Delegates to conventions and conferences of the AFM shall be held triennially by a referendum secret ballot vote of the membership.

#### Section 2. Nominations

- (A) Nominations for all Officers, Delegates, and Alternate Delegate to the AFM Convention shall be made triennially at a special membership meeting for that purpose alone which shall be held on the first Monday in October, with the place and the exact time to be determined by the Executive Board. The Executive Board shall appoint an election committee from a list of volunteers, no later than September 1<sup>st</sup> of the election year, composed of a Chief Election Judge and as many assistants as the Executive Board and Chief Election Judge deem necessary. An announcement calling for election volunteers shall be published in the summer newsletter preceding the nomination meeting in October. The committee shall handle details of the election. The members of the committee shall not be candidates for any office.
- (B) The Election Committee may adopt such rules and instructions in conjunction with an approved third-party election service regarding the preparation of the ballots, the mailing and counting thereof, that are not inconsistent with the Local's Bylaws, AFM Bylaws, the Labor Management Reporting and Disclosure Act of 1959 or other applicable laws.
- (C) At least fifteen (15) days prior to the nominations meeting, the Secretary-Treasurer shall mail written notice of such meeting to all members in good standing. The notice shall contain the date, time and place of the meeting and the positions subject to nomination.
- (D) The nominations meeting shall not require a quorum.



- (E) Members in good standing present at the nominations meeting shall be entitled to nominate any eligible candidate of their choice. The nominee shall be present at the meeting or their nominator must present a written statement of acceptance of nomination from such nominee.
- (F) To be eligible for nomination a member must have been a full member of the Local and not have been expelled nor found guilty of any violations of the Bylaws for at least twenty-four (24) months preceding the nominations meeting.

### Section 3. Procedures

- (A) Following the 2022 election, the election procedure shall be as follows: The first Saturday in December shall be known as Election Day. Ballots will be mailed to the membership at least one (1) month before Election Day. The terms of office shall be for three (3) years and candidates who receive a plurality of votes cast for an office shall be declared elected.
- (B) The Secretary-Treasurer shall submit to the Chief Election judge a complete list of members eligible to vote.
- (C) The Election Committee in conjunction with a third-party election service will oversee all matters pertaining to the election including the preparation and mailing of ballots, the receiving of return ballots and the counting of the number of votes cast for each candidate. Names of nominees shall appear on the ballots in the following order: President, Vice President, Secretary-Treasurer, Executive Board, and Delegates to Conventions and Conferences of AFM Locals, and shall be arranged, within each group, in the order drawn during the nomination meeting. Upon completion of the counting of ballots, the Chief Election Judge in conjunction with said service, shall determine the members elected to office. The Chief Election Judge shall present a written report, showing the number of votes cast for nominees, to the next meeting of the Executive Board. This report shall be made a part of the minutes of said meeting and published in the next issue of the newsletter.
- (D) No later than ten (10) days after the nominations meeting the Secretary-Treasurer shall mail written notice to the membership of the election. The notice shall contain a sample ballot and specifications for voting.
- (E) Each duly nominated and qualified candidate shall have the right, either in person or through a representative, to inspect the membership rolls of the Local prior to the mailing of the ballots and to be present at the counting of the ballots. The authorization of a representative to be present must be in writing, signed by the individual candidate and available to the Election Committee. The representative must be a member in good standing of this Local.
- (F) The ballots cast shall be retained for a period of one year, in the custody of an election service.
- (G) All Regular, Life, Youth, and Student members whose dues are paid through the third quarter of the election year shall be eligible to vote in the election unless otherwise disqualified. This eligibility requirement must be fulfilled by the last day of October of the election year.
- (H) The writing in of names of persons not nominated and listed on the ballot is prohibited and will result in the disqualification of that ballot for the offending section(s) only.

- (I) A plurality of votes cast shall elect a candidate to office. Alternate delegates to conventions and conferences of the AFM shall be those candidates in sequence by vote totals.
- (J) Upon receiving a request by a candidate within ten (10) days of the election, the Executive Board shall order the ballots recounted or inspected.
- (K) Newly elected officers shall assume office on the first working day in January following the date of election.
- (L) Every officer and delegate elected shall have administered the following oath before assuming any duties connected to the office for which they were elected: "I, \_\_\_\_\_, do hereby solemnly pledge my sacred word of honor that I will faithfully discharge the duties of my office as \_\_\_\_\_ of this Local during the term for which I have been elected, or until my successor is duly elected and installed; that I will support the Bylaws of the American Federation of Musicians, Local 77, and that I will enforce the laws thereof to the best of my ability, without prejudice or partiality." The President or Chief Election Judge shall act as the installing officer and administer the above oath and, in case of the re-election of the incumbent President, they shall be installed and the oath administered to them by a past President of the Local, if available, or the Chief Election Judge.
- (M) In the event of the death, resignation or removal from office of any Officer or Board member, the position shall be declared vacant by the Executive Board and said Board shall appoint a member of this Local in good standing to fill the vacated position until such time when a special election can be held.

## **Article V**

### Meetings

- Section 1. Effective October 17, 2019, regular meetings of the membership shall be held every quarter. The exact time and place of the membership meetings shall be determined by the Executive Board who shall also have authority to adjust meeting dates when in the best interest of the membership.
- Section 2. The President or the Executive Board may call a special meeting for a specific purpose which shall be specified in a notice of such meeting to all members, which shall be mailed by the Secretary-Treasurer at least fifteen (15) days prior to the meeting. No other business than that specified in the notice shall be transacted at a special meeting.
- Section 3. A quorum of twenty-five (25) members in good standing must be in attendance at a regular membership meeting or a meeting called by the executive board for the meeting to be called to order and/or to continue.
- Section 4. If, at any regular or special membership meeting a quorum is not achieved within thirty (30) minutes of the time for which the meeting was called, the meeting shall stand adjourned and the Executive Board 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. The conduct and procedures of all regular and special membership meetings shall be set forth in Roberts Rules of Order.

Section 6. A meeting may be called by the membership by petition signed by not less than one hundred (100) members in good standing and submitted to the Secretary-Treasurer. The Executive Board shall determine the date of the meeting which shall be no later than forty-five (45) days after the receipt of the petition. The petition along with the date, time and place of the meeting shall be published in the issue of the journal immediately following the receipt of the petition.

## **Article VI**

### **Dues, Fees and Assessments**

Section 1. Initiation fees, dues, dues based on earnings and assessments, to become and remain a member in good standing, shall be as 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 2. 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 a five dollar (\$5.00) late fee to resume membership in good standing.

Section 3. Any members whose regular membership dues remain unpaid six months from the due date shall stand automatically expelled and shall be required to pay re-admittance fee of one-hundred dollars (\$100.00) plus current dues in order to be re-admitted to the local.

Section 4. Any member whose regular membership dues remain unpaid one year from due date shall be required to re-affiliate under the same terms and conditions of a new member.

Section 5. All members are required to pay work dues based on earnings for all musical services performed in the amount of 3½ percent of local scale wages. These work dues shall be payable to the Secretary-Treasurer no later than the fifteenth day of the month following the month during which services were performed. Member leader/contractors are required to deduct the applicable work dues from their musician's wages pursuant to written authorization from each musician to make such deductions. Member/leader/contractors shall remit the total work dues deducted plus their work dues to the Secretary-Treasurer no later than the fifteenth day of the month following the month which services were performed. Any member is subject to charges and appropriate disciplinary action for failure to comply with this by-law.

Section 6. On all engagements, if the leader/contractor does not collect such work dues from the sidemusicians for transmittal to the local, then he/she must nevertheless submit to the local, within fourteen (14) days after the engagement, the names of the sidemusicians working the engagement, together with the following information: dates and times of all services; scale wages (rehearsals, performances, overtime, doubling, etc.); amount of work dues owed; and pension contributions, if applicable (accompanied by a pension fund participation agreement).

- Section 7. The failure or refusal of a leader/contractor to carry out the requirements of the above paragraph shall be a violation of the by-laws for which he/she may be brought before the Executive Board for disciplinary action.
- Section 8. All deductions of any nature from a musician's salary must be recorded and itemized on the pay stub or a separate slip of paper, properly dated and showing the name of the employer making the deductions.
- Section 9: Any member who wishes to resign in good standing shall submit a written request to the Secretary-Treasurer. Members who wish to resign in good standing shall be required to pay their membership dues through the end of the quarter in which they wish to resign.

## **Article VII**

### Wage List

- Section 1. The minimum wage scales for engagements in the jurisdiction of the local shall be established by the Executive Board from time to time.
- Section 2. The Secretary-Treasurer shall maintain and make available to all members a current list of all established wage scales.
- Section 3. The Executive Board shall have the authority to establish wage scale for any type engagement for which a wage scale has not been previously established.
- Section 4. No member shall perform or agree to perform an engagement for less than the applicable minimum wage scale established for such engagement.

## **Article VIII**

### Duties of Members

- Section 1. It shall be a violation of these by-laws for any member:
- (A) To act in any way detrimental to the interest, standards or objects of the local;
  - (B) To act in bad faith or deal unfairly with the local or any of its members;
  - (C) To 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 AFM and an employer, without filing a fully completed, AFM approved form contract with the Secretary-Treasurer prior to commencing the engagement;
  - (D) To knowingly perform any engagement not covered by a Collective Bargaining Agreement between the local or the AFM and an employer, or an AFM approved form contract;
  - (E) To perform or agree to perform an engagement for less than the minimum compensation established for such engagement by the local or the AFM;

- (F) To render services for organizations, establishments or individuals on the International or Local Unfair List;
- (G) To work as an employee for an employer against whom the local or the AFM is engaging in a lawful, primary strike or cross through or work behind a lawful, primary picket line established by the local or the AFM;
- (H) To fail to fulfill any commitment, written or verbal, to another member regarding an engagement, or fail to comply with the industry standard of at least two weeks written notice between leader/contractor and sideperson to terminate any sideperson from an engagement;
- (I)
  - 1) To fail to appear after proper notification by the Secretary-Treasurer or other duly authorized Officer either as complainant, defendant, witness or member in any matter before the Executive Board, or as complainant, defendant, witness or member for interrogation, investigation, hearing or conference before the Executive Board, or any Officer of this local; or,
  - 2) To refuse to truthfully answer proper questions put by any presiding Officer of the Executive Board or by any Officer of this local, or by the attorney for the local, and/or to refuse to sign or verify any true statement of facts or affidavit, or pleading in action at law, or special proceedings or other matters affecting the interests of this local or the AFM, when requested to do so by any duly authorized Officer or by the attorney of the local; or,
  - 3) To refuse to make truthful answers under oath in any such instances;
- (K) To falsify any official application for membership, or relief, or any contract, or any other official document pertaining to the official activities of the local and/or the AFM;
- (L) To fail to report in writing his/her proper residence, address or change of address within one week of such change to the Secretary-Treasurer;
- (M) To fail to pay other members monies due, or for claims to which they have been declared entitled by the Executive Board, or by the proper authorities of the AFM;
- (N) To render services or contract to render services in any place or for any employer declared unfair by the Executive Board of this local or the President or International Executive Board of the AFM;
- (O) To fail to file properly executed contracts with the Secretary-Treasurer of the local on official contract blanks furnished by the local;
- (P) To fail to furnish, upon demand of the Executive Board, the contract for an engagement, with a list of the musicians engaged, together with all information set forth in Act VI Sec. 7 of these by-laws;
- (Q) To fail to comply with the instructions or orders of the Executive Board, or any other proper authority of the local;

- (R) To fail to personally fulfill engagements accepted, except where absence or substitution is permitted by engaging party;
- (T) To violate or fail to comply with, or to cause or induce or advise anyone else to violate or fail to comply with, the constitution or by-laws or the wage scales herein as the same now exist or as they may be hereafter enacted, changed or amended;
- (U) To solicit, agree, accept or tender payment for any musical engagement for less than or in violation of the stipulations of the wage scales governing same;
- (V) To fill the position in any band or orchestra of a member who has been discharged or who lost said position for upholding the constitution, by-laws and wage scales of this local;
- (W) To fail to report to the Executive Board any engagement for which the conditions or rules are not provided for in the wage scales;
- (X) To accept an engagement for or from any agency, person or place that is unfair to this local, or the AFM or any agent not duly authorized by the AFM;
- (Y) To cross a picket line of any strike action authorized by Local 77 or the AFM or to perform an engagement for any employer against whom Local 77 or the AFM is on strike, or has placed on an Unfair List;
- (Z) To commit any act of bad faith or unfair dealing which has for its purpose the injuring of the local or any of its officers or members, or the AFM, its locals or the Officers and members thereof, respecting the affairs and welfare of the local or the AFM or any of its affiliated locals, or respecting in general the welfare of the musical profession;
- (AA) To fail to pay any work dues due the local on any engagement within 2 weeks after each payday;
- (BB) To coerce contributions from members for any cause or purpose whatsoever;
- (CC) To directly or indirectly practice discrimination in any form on account of race, religion, national origin, color or sex, especially but not by way of limitation in regard to contracting, hiring, booking, securing engagements, terms of employment or otherwise;
- (DD) It shall be a violation and detrimental to the welfare of this local for a member to perform or in any way render services or contract to render services at any engagement open to the public or for which admission is charged and where a policy of racial segregation is maintained.

Section 2. Each leader/contractor or member in charge shall be responsible for confirming the good standing of each and every member working on an engagement.

Section 3. Any member found guilty of any breach of the constitution, by-laws or wage scales of this local, or any disobedience of any order of the Executive Board of this local shall be punishable by the executive board by any one or more or all of the following after trial:

- (A) A fine not to exceed \$5,000.00;

- (B) Termination of membership or expulsion from this local;
- (C) The imposition of such other or additional penalties, conditions and provisions as the Executive Board may deem necessary or desirable, including being barred from directly or indirectly acting as leader/contractor, or making any contract, or rendering any services as such with or for anyone unless consent thereto has been given by the Executive Board;
- (D) Where the offense consists of a violation of subdivision (E) or (I) of Section 1 of this Article, the guilty member or members shall be barred by the Executive Board:
  - 1) For a period of time not exceeding one year from the date of conviction from continuing the engagement in connection with which said offense was committed, or from any other engagement in any capacity in any place with which the same proprietor or management or interests may be connected, or in which said proprietor or manager may in anywise be interested;
  - 2) From directly or indirectly acting as leader/contractor, or making any contract, or rendering any services as such with or for anyone unless consent thereto has been given by the Executive Board;
  - 3) The foregoing may be in addition to any specific punishment otherwise prescribed in the constitution and bylaws of this local, or the constitution, bylaws, standing resolutions or orders of the American Federation of Musicians.

#### Section 4. Permanent engagements

- (A) A member accepting a permanent engagement must perform in accordance with the terms of his/her agreement until released.
- (B) A member once engaged for a permanent engagement cannot be removed by the contractor for the term of the agreement except for just cause. For violation, the contractor shall be required to reimburse the member for the amount of his/her loss.
- (C) Where a member is discharged by an employer, the matter shall be immediately referred to the Executive Board for appropriate action in accordance with the contract and by-laws.

#### Section 5. Claims for money due

- (A) Contracting members shall be required to promptly collect and distribute amounts due members for services performed for non-member employers.
- (B) Members who have been unsuccessful in collecting amounts due them for services rendered to non-member employers must report same to the Secretary-Treasurer for referral to the Executive Board for further action.
- (C) Contracting members shall make distribution of all monies due to performing members for services within sixteen (16) days from the date of the engagement on engagements of

- less than one (1) week. On engagements of more than one (1) week, all monies due to performing members for services shall be paid at the end of each week.
- (D) Any member who fails to receive money due for services within the time prescribed herein, may prefer charges against the defaulting member through the Secretary-Treasurer's office for referral to the Executive Board.
  - (E) If the Executive Board shall find for the claimant, it shall render judgment in his/her favor for the amount due. In addition, the defaulting member may have fines and/or other disciplinary action imposed as deemed appropriate by the Executive Board.
  - (F) A member, having accepted an engagement, shall not be relieved therefrom by the fact that he/she was not given particulars for the engagement. He/she may, however, at any time thereafter, demand the particulars, and if refused, shall have the right to cancel the engagement.
  - (G) A member who fails to obtain particulars from a contractor, if wrongfully called off, shall only be entitled to claim the price of a regular three (3) hour engagement.
  - (H) Where the engagement has been identified by the contractor, the member shall be paid the minimum price of such engagement.
  - (I) Where the member has received a guarantee, he/she shall be entitled to claim such amount.
  - (J) In any case, where the member has played another engagement, the liability of the contractor for his/her wrongful action shall be reduced accordingly.

#### Section 6. Once engaged

- (A) A member, once engaged, cannot be called off except for just cause. If the engagement is postponed, the members originally engaged must receive first consideration, provided that the engagement is for the same performance that was postponed.
- (B) If an engagement is cancelled by the employer without fault on the part of the contractor, no claim shall be allowed against the contractor. Otherwise, Section 3(F) through (J) shall be applied.

### **Article IX**

#### Claims: Rules of Practice and Procedures

Section 1. Unless a collective bargaining agreement is in effect which would prevent him/her from doing so, a member of this local may file a claim with the Secretary-Treasurer against:

- (A) Any other member of this local for any amount of money he/she alleges due him/her relating to a musical engagement, or;
- (B) Any non-member employer or purchaser for any amount of money which he/she alleges is due to him/her relating to a musical engagement in the jurisdiction of this local.



- Section 2. A claim must be filed in writing with the Secretary-Treasurer within one year of the occurrence from which the claim arose.
- Section 3. The Executive Board shall at its earliest opportunity, after written notice to the parties, allowing at least twenty (20) days for them to prepare their case, sit as a board of arbitration and conduct a full and fair hearing and render its decision.
- Section 4. All communications concerning claims shall be sent by the Secretary-Treasurer 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 AFM 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 appeal to the international executive board as provided in the AFM by-laws and/or the rules of practice and procedures of such International Executive Board.
- Section 8. Notice of decision

The executive board, through the Secretary/Treasurer, shall notify in writing the parties of its decision sent by regular mail to the address on the local's records within fourteen (14) days of such decision.

Section 9. Appeals

- (A) Appeals from decisions of the executive board may be taken and signed by the appellant and notice thereof filed with the Secretary/Treasurer of this local within thirty days from the date of notification of decision. In case a fine is imposed or the amount of a claim is allowed or ordered paid, the appellant must, as a condition of said appeal, deposit with the Secretary/Treasurer, with the notice of appeal, the amount of such fine or award.
- (B) Before an appeal has been taken to the international executive board from any ruling, decision or determination of the Executive Board, a rehearing may be applied for to the executive board within ten days after notification of its decision, provided that new information is presented, and only provided that the amount of the fine, judgment or award included in such decision or determination has first been deposited with the Secretary/Treasurer of this local, accompanied by the appellant's written consent that such deposit may be turned over to the other party on the denial of such rehearing or the confirmation of such decision or determination on a rehearing, subject to the return of such deposit by the receiving party only on a subsequent reversal on appeal.

## **Article X**

### **Charges and Trials**

Section 1. The Executive Board shall have the 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 alleged offense unless charges have been preferred in writing to the secretary-treasurer, or if the secretary/treasurer is the charging party, to the Executive Board.

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

Section 4. Notice of charges shall be given in writing to the charged member by the Secretary-Treasurer; the notice shall contain the following:

(A) The nature of the offense

(B) The provisions of the by-laws

(C) The date, time and place of the alleged occurrence

(D) Sufficient facts to provide the charged member information to prepare his/her defense

(E) The date, time and place of hearing

Section 5. A member shall be given at least fifteen (15) days from the receipt of the notice of charges by registered mail 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 executive board before any disciplinary action is taken.

Section 7. All communications concerning charges and disciplinary action therefrom shall be sent by the Secretary-Treasurer 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 Secretary-Treasurer of his/her rights to appeal the decision of the executive board to the International Executive Board.

## **Article XI**

### **Amendments**

Section 1. These by-laws may be amended by addition, modification, elimination or repeal, by any meeting of the Executive Board or by the membership as hereinafter provided.

By the Executive Board:

- (A) Any proposed amendment, other than changes in dues and/or assessments to the membership, acted upon by the Executive Board shall become law provided at least five (5) members of the board favor such amendment.
- (B) Unless otherwise specified, all amendments approved by the executive board shall become effective immediately.
- (C) The Executive Board may call a membership meeting at any time to propose changes in the dues and/or assessments to the membership.

Section 2. By a membership meeting

- (A) The regular quarterly meetings shall, in addition to other regular business, consider proposals for the change of by-laws, submitted to members hereinafter provided.
- (B) A proposal by the membership to change these by-laws shall be made by petition signed by not less than one hundred (100) members in good standing and submitted to the executive board: (1) On or before January 2<sup>nd</sup> for consideration at the first quarter meeting; (2) On or before July 1<sup>st</sup> for consideration at the third quarter meeting. The petition shall be published in the issue of the journal immediately following the receipt of the petition.
- (C) The proposal(s) shall be referred to a by-laws committee appointed by the president to ascertain any effect on present by-laws and for their recommendation. The committee shall report thereon to the Executive Board at least ten (10) days prior to the meeting at which the proposal(s) is to be considered.
- (D) The by-law committee report, along with an Executive Board report, shall be made to the membership meeting before any discussion on the proposal(s) shall be permitted.
- (E) Twenty-five (25) members in good standing, exclusive of the Executive Board, shall constitute a quorum for the meeting to be called to order and/or to continue. The proposal(s) shall be voted on by secret ballot and will not become law unless approved two-thirds ( $\frac{2}{3}$ ) of the members present.
- (F) If the quorum requirement specified in paragraph (e) above is not present at the meeting at which the proposed amendment(s) is to be acted upon, the Executive Board shall have the authority to act upon the proposal(s) unless the issue(s) proposes to amend in any way the dues (including those dues known as work dues), fees or any regular or general assessment of the members of the local.
- (G) Any by-law enacted by the membership in accordance with this section may not be changed (except in accordance with the provisions of this section) for a period of one (1) year.

Section 3. Any amendment that provides for a change in dues, assessments and/or initiation fees shall be enacted only by a majority vote by secret ballot of the members in good standing at a regular or special membership meeting.

Section 4. Publication

- (A) All changes to the by-laws, approved under the provisions to this article, shall become effective immediately, unless a date is specified in the amendment.
- (B) A compilation of all amendments, alterations and changes of the constitution and by-laws taking effect after the printing thereof, shall be printed annually and distributed to the membership prior to December 31<sup>st</sup> of each year.

#### Section 5. Wage scale

This article shall not apply to the wage scale and price list and rules and regulations adopted by the executive board pertaining to same.

### **Article XII**

#### Miscellaneous

- Section 1. Engagements for employment as musicians shall be accepted by members only through leaders/contractors. Musicians employed through such leaders/contractors shall be deemed employees of the purchaser of music (employer), and the leader/contractor shall be deemed an agent of such employer in effecting the employment of musicians. The leader/contractor shall be deemed to have guaranteed payment of the compensation and benefits set forth in the contract and shall be personally liable therefore. The employer shall likewise remain responsible for payment of all compensation and other provisions of the contract and shall be entitled to a duly noticed fair hearing before an appropriate tribunal on any issues involved in the employment of musicians.
- Section 2. Scales specified in any collective bargaining agreement or the general wage scale are minimum charges, with no implied or inherent limitation on the right of any member to negotiate higher individual fees.
- Section 3. Members shall not be permitted while playing an engagement to play for any device which is used for the purpose of transmitting their music anywhere beyond the room in which they are engaged to play. This regulation shall not apply to broadcasting or recording, provided that the proper wage scales are paid in accordance with appropriate local or federation collective bargaining agreements.
- Section 4. When any reproduction is made of musicians' services, the appropriate contract shall be filed with the local and applicable wage scales paid according to the appropriate local or Federation Agreement.