

By-Laws Local 142, rev. 4.25.2017

ARTICLE I: TITLE, OBJECTS AND JURISDICTION

Section 1. This Local Union shall be known as Local 142, American Federation of Musicians.

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

(a) To unite the professional musicians within 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.

Section 3. The territorial jurisdiction of this Local Union shall be:

Concurrent with the territories assigned to Local 142 AFM as listed in the current **List Of Locals Of The American Federation Of Musicians Of The Untied States And Canada** as published by the American Federation Of Musicians.

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 classed 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 American Federation of Musicians.

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 former, transfer, or traveling members.

Section 3. Applicants for membership are required to complete the AFM approved application form and deposit the required fees and dues for membership with the Secretary/Treasurer.

Section 4. An applicant shall become a member of this Local upon approval of his/her application by the Secretary/Treasurer, or his/her designee.

Section 5. An Applicant having been approved, who is not currently a member of another Local shall give the required oath of obligation to an appropriate official.

Section 6. Obligation of Members - I, _____, do solemnly promise and declare that I will support the Constitution and By-Laws of the A.F.M., and submit to its mandates, and obey all laws emanating therefrom, and the Constitution and By-Laws of Local #142, A.F. of M. To all this I pledge my most sacred word of honor.

ARTICLE III: OFFICERS

Section 1. President

(a) It shall be the duty of the President to preside at all meetings of the membership and the Board of Directors, and to enforce due observance of the By-Laws. He shall convene all regular and special meetings of the membership and of the Board of Directors and decide all disputed points of order unless a two-thirds majority of the votes cast dissent therefrom.

(b) He shall sign all checks, bills, and agreements or orders for payment of money.

(c) He shall appoint all Committees and shall be an ex-officio member of all committees except the Election Committee.

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

(e) By virtue of election to office by secret ballot, he shall be the second delegate to Conventions and Conferences of the AFM.

Section 2. Vice President

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

(b) In the event of the death, disability, resignation or removal from office of the President, the Vice President shall become President.

(c) By virtue of election to office by secret ballot, he shall be the third delegate to Conventions and Conferences of the AFM.

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 membership and of the Board of Directors, answer all communications, and keep a true account of the membership and issue notices for all meetings of the membership and of the Board of Directors.

(b) He shall sign all checks, bills, and agreements or orders for payment of money.

(c) 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.

(d) He shall surrender all of the books of accounts to an independent public accountant (Note: This does not have to be a "certified" public accountant, but ideally should be) to be chosen by the Board of Directors for an annual audit.

(e) At the expiration of his term of office, he shall deliver to his successor all monies, books, and records belonging to the Local, and shall assist the Secretary-Treasurer-Elect in becoming established for a period of four weeks preceding the expiration of his term.

(f) By virtue of election to office by secret ballot, he shall be the first delegate to Conventions and Conferences of the AFM.

Section 4. Board of Directors

(a) The Board of Directors shall be composed of the President, Vice President, Secretary-Treasurer and three members at large.

(b) The Board of Directors shall meet regularly on mutually agreeable dates, and on special call of the President. It shall have authority to set its exact hour and place of its meetings, except for those on special call of the President. A majority of members of the Board present shall constitute a quorum.

(c) The Board 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 in what bank(s) or other financial institution monies of the Local are to be deposited.

(d) Except for the office of President, the Board shall have authority to fill any vacant office for the balance of the elected term of such office.

(e) The Board shall serve as a Board of Arbitration and Trial Board as provided elsewhere in these By-Laws.

(f) The Board shall have authority to appoint Business Agents as it deems necessary to visit places in the jurisdiction where musicians are performing. Said agents to be members in good standing of Local 142.

Section 5. Wages of Officers & Others

The wages, fringe benefits, and reimbursement for expenses for all officers, Board members, Business Agents, and other Representatives, or employees of Local 142 shall be established from time to time by the membership in meeting.

Section 6. Obligation of Officers

I, _____, do hereby solemnly pledge my most 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 and installed; that I will support the Constitution and By-Laws of Local No. 142, A.F.of M.

ARTICLE IV: NOMINATIONS AND ELECTIONS

Section 1. Nominations

- (a) Nominations for all officers shall be held every three years, beginning in 2007, at the second general membership meeting of said election year.
- (b) At least fifteen days prior to the nominations meeting, the Secretary-Treasurer shall mail written notice of such meeting to all members. The notice shall contain the date, time, and place of the meeting and the positions subject to nominations.
- (c) The nominations meeting shall be held as called, regardless of any quorum requirement.
- (d) Any member in good standing present at the nominations meeting shall be entitled to nominate any eligible candidate of his/her choice. The nominee shall be present at the meeting or his/her nominator must present a written signed statement of acceptance of nomination from such nominee.

Section 2. Eligibility

- (a) To be eligible for nomination for election to any office of Local 142 AFM, the prospective nominee shall have been a full member of Local 142 AFM, in good standing, for at least two years preceding the nominations meeting, and shall have been free of all By-Law violations during that time.

Section 3. Elections

- (a) Immediately after the receipt of all nominations, the President shall appoint an Election Committee of three members, none of whom are candidates. The Committee shall choose its Chairperson. The Committee shall handle all details of the election. The Committee members shall be paid for their services in an amount to be determined by the Board of Directors.
- (b) The Board of Directors shall determine the exact date and place of the election.
- (c) Not later than ten days after the nominations meeting, the Secretary-Treasurer shall mail written notice to all members of the Union. The notice shall contain the date and place of the election, the hours of opening and closing of the polls, a sample ballot and specifications for absentee voting.
- (d) The polls shall be open from one o'clock to four o'clock p.m.
- (e) Candidates shall be listed on the ballot in last name alphabetical sequence.
- (f) The writing in of names of persons not nominated and listed on the ballot is prohibited.
- (g) Any member who resides outside the jurisdiction or will be unable to vote at the polls because of a musical engagement, may request an absentee ballot in writing to the Secretary-Treasurer who shall deliver the request to the Chairperson of the Election Committee within twenty-four hours of receipt. The Chairperson shall within twenty-four hours of receipt. The Chairperson shall within twenty-four hours of receiving the request mail the member a ballot, and a larger envelope to be addressed to the Election Committee at a Post Office Box to be secured by the Secretary-Treasurer. Only those absentee ballots mailed to the Election Committee in sufficient time for at least two members of same to pick up such ballots at the Post Office and deliver them to the polls prior to the opening of the polls shall be counted.

(h) A plurality of votes cast shall elect a candidate to office.

(j) Newly elected officers shall assume office at the close of the last general meeting in an election year.

ARTICLE V: MEETINGS

Section 1. Regular meetings shall be held three times yearly. Regular meetings shall be held on call of the President, or his proxy. The President or his proxy shall have the authority to set the exact date, time, and place of the regular meetings. One meeting shall be held prior to May 1, a meeting shall be held between May 1 and September 30, and a meeting shall be held between October 1 and December 31 of each year.

Section 2. The President, or the Board of Directors, 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 days prior to the meeting. No other business than that specified in the notice shall be transacted at a special meeting.

Section 3. Quorum: The Maximum quorum requirement of members in attendance at a membership meeting of the Local to act upon proposed amendments and/or to act upon items on the agenda shall be the number of the Executive Board plus 2% of the total members of the Local set forth on the last per capita report filed with the Federation prior to the meeting. Round the number calculated as 2% of the membership up or down to the nearest whole number.

Section 4. No Quorum: If, at any regular or special membership meeting a quorum is not achieved, the Board of Directors shall have authority to act upon any items on the agenda of such meeting subject to applicable provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended.

Section 5. Conduct of Meetings: The conduct and procedures of all regular and special membership meetings shall be as set forth in Robert's Rules of Order.

Section 6. Order of Business: The President having taken the chair and called the meeting to order, the business shall be conducted as follows:

- A. Calling the roll of officers.
- B. Reading the Minutes of the last regular and/or special meeting.
- C. Report of the Board of Directors.
- D. Report of Secretary-Treasurer.
- E. Report of Special Committees.
- F. Communications.
- G. Unfinished Business.
- H. New Business.
- I. Nomination of Officers
- J. Welfare of Union.

ARTICLE VI: DUES, FEES AND ASSESSMENTS

Section 1. Initiation fees, reinstatement fees, dues, late fees on dues, dues based on earnings and assessments, to become and remain a member in good standing, shall be established by the membership from time to time in compliance with applicable provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended.

Section 2. Any member whose regular membership dues remain unpaid three months from due date shall stand automatically suspended from membership and shall be required to pay a late fee to resume membership in good standing.

Section 3. Any member whose regular membership dues remain unpaid six months from due date shall stand automatically expelled and shall be required to pay a reinstatement fee in order to reinstate his/her membership.

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

Section 5. All members are required to pay dues based on earnings at scale wages for all musical services performed in a percentage amount established as provided elsewhere in these By-Laws. These dues based on earnings shall be known as Work Dues and shall be payable to the Secretary-Treasurer no later than the fifteenth date of the month following the month during which the services were performed. Member-leaders/contractors are required to deduct the applicable work dues from their sidemen's wages pursuant to written authorization from each sideman to make such deductions. Member-leaders/contractors shall remit the total work dues deducted plus their own work dues to the Secretary-Treasurer no later than the fifteenth day of the month following the month during which the services were performed. Any member is subject to charges and appropriate disciplinary action for failure to comply with this By-Law.

ARTICLE VII: WAGE LIST

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

Section 2. The Secretary-Treasurer shall maintain and make available to all members a current list of all established scales.

Section 3. The Board of Directors shall have the authority to establish a wage scale for any type engagement for which a wage scale has not been previously established by the membership, subject to approval at the next regular membership meeting.

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.Reporting Gigs: Each Leader, or individual member performing alone, must notify the Local either by phone or written statement, prior to the engagement, reflecting his/her name, home address, the date, place, and hours of the engagement, and the number of musicians who will perform same. A last minute engagement may be reported to our answering service.

Section 2. Travelers' Reporting Gigs: These above provisions also apply to engagements of traveling leaders, individuals, co-op groups and partnerships performing within the Local's jurisdiction, who must also fully explain the conditions under which the engagement is to be played, the compensation to be received for the engagement, transportation costs, names of members who will play and the Locals to which they belong and their respective Social Security/Insurance numbers, whichever is applicable.

Section 3.By-Law Violations Enumerated: It shall be a violation of these By-Laws for any member to:

- (a) act in any way detrimental to the interests, standards, or objects of the local;
- (b) act in bad faith or deal unfairly with the Local or any of its members;
- (c) provide services as a leader or contractor, or to perform as a single on any engagement not covered by a collective bargaining agreement between the Local, or the AFM and an employer, without reporting the engagement to the Secretary-Treasurer prior to commencing the engagement;
- (d) 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) perform or agree to perform an engagement for less than the minimum compensation established for such engagement by the Local or the AFM;
- (f) render services for organizations, establishments or persons who have been placed on the International Defaulter's List, or the International Unfair List of the AFM;
- (g) 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, primary picket line established by the local or the AFM;
- (h) fail to fulfill any commitment, written or verbal, to another member regarding an engagement, or to fail to comply with the industry standard of at least two weeks written notice between leader/contractor and sideperson to terminate a steady engagement;
- (i) perform an engagement gratis without permission of the Board of Directors.

ARTICLE IX: CLAIMS; RULES OF PRACTICE AND PROCEDURE

Section 1. The procedure prescribed in this Article shall be applicable to the Arbitration of all claims, disputes or controversies, wherein parties have agreed to submit claims, disputes or controversies to the Board of Directors for arbitration.

Section 2. Filing Claim: A member may file a claim with the Secretary-Treasurer v. another member for any amount resulting from failure to receive wages due, or; for violation of a contract or agreement, or; for any difference in the amount received by him/her than the amount established by the Local or the AFM for the services in question. A member may also file a claim with the Secretary-Treasurer for any of the reasons stated above v. a non-member employer or purchaser if such party has agreed to submit claims to the Board of Directors for arbitration.

Section 3. Time Limit: A claim must be filed in writing with the Secretary-Treasurer within one year of the occurrence from which the claim arose.

Section 4. Board of Directors: The Board of Directors shall at its earliest opportunity, after written notice to the parties, allowing at least twenty days for them to prepare their cases, sit as a Board of Arbitration and conduct a full and fair hearing and render its decision.

Section 5. Communicatons: All communications concerning claims shall be sent by the Secretary-Treasurer to the parties by certified mail, return receipt requested.

Section 6. Failure to Comply: Any member failing to comply with the decision of the Board on a claim shall be subject to expulsion by the Board.

Section 7. Failure to Comply by Non Member: 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 Defaulter's List.

Section 8. Appeal: The decision of the Board on Claims shall be final and binding upon the parties unless appealed to the International Executive Board as provided in the AFM By-Laws and/or the Rules of Practice and Procedure of such International Executive Board.

ARTICLE X: CHARGES AND TRIALS

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

Section 2. Filing: No member shall be put on trial for any offense alleged by another member unless charges by such other member have been preferred in writing to the Secretary-Treasurer.

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

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

First ... the nature of the offense;

Second ... the provision(s) of the By-Laws at issue;

Third ... the date, time and place of the alleged occurrence;

Fourth ... sufficient facts to provide the charged member information to prepare his/her defense; and

Fifth ... the date, time and place of hearing.

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

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

Section 7. Communications: 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. Notification: Any member found guilty of charges shall be advised, in writing, by the Secretary-Treasurer of his right to appeal the decision of the Board of Directors to the International Executive Board.

ARTICLE XI: AMENDMENTS

Section 1. Any Three members of Local 142 in good standing may present, in writing to the Secretary-Treasurer a resolution to amend the By-Laws.

Section 2. Within ten days of receipt of a resolution, the Secretary-Treasurer forwards a copy of the resolution to each member of the Board of Directors.

Section 3. The Board checks to make sure the proposal does not conflict with A.F.M. or with other sections of the By-Laws of Local 142. If there is a conflict or discrepancy, it is reported in writing to the Secretary, who returns the resolution with said notes and how proper changes might be made. (The President might desire to appoint a By-Laws Committee to handle these matters, or have the entire Board do so.)

Section 4. If there are no corrections to be made, proposal is read at the next general meeting without comment from the Board, other than the proposal is in proper form, etc.

Section 5. Along with the notice of the next general meeting, following the one where the proposal is read, is included a written copy of the proposed amendment and information that it will be up for vote at said meeting.

Section 6. A resolution to amend the By-Laws is subject to a two-thirds majority vote of those members voting, for approval.

Section 7. A resolution approved shall become effective immediately unless provided otherwise in the resolution.

ARTICLE XII: REMOVAL OF OFFICERS

Section 1.Charges: An officer of the local may be charged for misfeasance or malfeasance in office by action of a two-thirds majority of the Board of Directors, or by a petition presented to the Secretary-Treasurer signed by ten percent of the full members in good standing of the Local. If the Secretary-Treasurer is the charged party, the petition shall be presented to the President.

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

Section 3.Time Limit: The charged officer shall be forwarded the specific charges in writing by the Secretary-Treasurer or President, as the case may be, within ten days of the Board of Directors action, or filing of the petition.

Section 4.Notice to Members: The President, or the Vice President if the President is the charged party, shall call a special membership meeting to try the charges, and shall mail written notice to all members in good standing advising of such meeting. The notice shall be mailed at least fifteen days prior to the meeting, and shall contain the date, time and place of the meeting, and the specific allegation(s) v. the officer. The charged officer being forwarded the written, specific charges.

Section 5.Hearing: The charged officer shall be afforded a full and fair hearing before the members assembled at the special meeting, following which if two-thirds of the members voting by secret ballot find the officer guilty as charged, shall stand removed from office, and the vacancy shall be filled as provided elsewhere in these By-Laws.

ARTICLE XIII: AUTHORITIES

Section 1. These By-Laws are subject and subordinate to the Constitution, By-Laws and Amendments thereto of the American Federation of Musicians, and wherever conflict or discrepancy appears between the By-Laws of this Local and the Constitution, By-Laws and Amendments of the American Federation of Musicians, the latter shall prevail.

Section 2. These By-Laws shall not be enforced in any manner in conflict with public law.

Section 3. If any Article, Section, Sub-Section or portion thereof, of these By-Laws should be illegal, invalid, or null and void by a court of competent jurisdiction, each and every other provision of these By-Laws shall remain in full force and effect.

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

ARTICLE XIV: INSURANCE AND DEATH BENEFITS

The Union will provide group insurance with a reputable Insurance Company approved by the Executive Board to every member. Members will be eligible after a six month waiting period from the time of his or her joining.

ARTICLE XV: LIFE MEMBERSHIP

Members will be eligible for Life Membership at age 65 with 35 years of continuous membership. Life Members shall be required to pay to the Local regular periodic dues in an amount at least equal to the Federation Per Capita Dues plus not less than 25% of the amount of the Local's regular periodic dues and all assessments in excess of said Federation Per Capita Dues required to be paid by non-Life Members.

ARTICLE XVI: DISSOLUTION

The Local shall not at any time dissolve, without obtaining the votes or written consent of 9/10's (Nine Tenths) of the then existing members in good standing. When its dissolution shall be determined by the Local, it shall be fairly and distinctly stated in the proposed plan of dissolution.