**CONSTITUTION, BYLAWS AND RULES OF ORDER**

**OF THE**

**RICHMOND MUSICIANS’ ASSOCIATION**

**LOCAL 123, AMERICAN FEDERATION OF MUSICIANS**

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**AMENDED DECEMBER 31, 2021**

ARTICLE I — NAME

This Association shall be known and distinguished by the title of “RICHMOND MUSICIANS’ ASSOCIATION, LOCAL 123, AMERICAN FEDERATION OF MUSICIANS.”

ARTICLE II — MISSION STATEMENT

The mission of the Association is to unite individual musicians, regardless of race, creed, gender, or national origin, for the purposes of their general protection, advancement of their interests, establishment of minimum pay scales for their professional services and enforcement of union principles with good faith, fair dealing, and consistency.

ARTICLE III — OFFICERS

Section 1.

The officers of this Association shall consist of a President, a Vice-President, a Secretary-Treasurer, and an Executive Committee of six, which said officers together shall constitute the Executive Board. These officers shall be elected biennially.

Section 2.

All officers so elected shall enter upon the discharge of their duties on the first day of January next ensuing and shall hold their term of office for a term of two years thereafter, or until their successors are duly elected and take the “oath of obligation.”

Section 3.

All persons who wish to serve on either the Executive Committee or, as an officer of this Local must be a member in good standing of Local 123 at the time they are installed as a member of the Executive Committee or Officer, following the biennial election.

Section 4.

No Local officer shall serve in the position of a personnel manager for an employer of musicians in the Local’s jurisdiction.

ARTICLE IV — 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 subject to the laws of and jurisdiction of the Federation. Once an individual becomes a member under the provisions of the foregoing sentence, he/she shall have the right to retain his/her membership even though he/she is no longer performing musical services which would entitle him/her to become a member.

ARTICLE V — JURISDICTION

The jurisdiction of Local 123, AFM consists of the following counties in Virginia and all cities geographically therein:

|  |  |  |  |
| --- | --- | --- | --- |
| Albemarle | Chesterfield | Henrico | Pittsylvania |
| Amelia | Cumberland | Henry | Powhatan |
| Amherst | Dinwiddie | King and Queen | Prince Edward |
| Appomattox | Essex | King William | Prince George |
| Bedford | Floyd | Louisa | Roanoke |
| Brunswick | Fluvanna | Lunenburg | Spotsylvania |
| Buckingham | Franklin | Mecklenburg | Surry |
| Campbell | Goochland | Nelson | Sussex |
| Caroline | Greensville | New Kent |  |
| Charles City | Halifax | Nottaway |  |
| Charlotte | Hanover | Patrick |  |

**BYLAWS**

**ARTICLE I**

**Duties of 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 Bylaws. The President shall convene all regular and special meetings of the membership and of the Executive Board.

(b) The President shall appoint all committees with the approval of the Executive Board, and shall be an ex-officio member of all committees except the Election Committee.

(c) The President shall vote only in case of a tie, except in a general election.

(d) The President shall be empowered to sign all checks, bills and agreements and orders for payment of money. All such financial transactions will require a co-signature by either the Vice-President or the Secretary-Treasurer.

(e) By virtue of election to office, the President shall be the second delegate to Conventions and Conferences of the AFM and upon return shall make a report to the Executive Board.

(f) The President shall appoint all committees and shall be an ex-officio member of all committees with the approval of the Executive Board except the Election Committee, and such committees may meet via electronic means only if expressly authorized to do so by the Executive Board and in conformity with AFM policy.

**Section 2. VICE-PRESIDENT**

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

(b) In the event of the death, disability, resignation or removal from the office of the President, the Vice-President shall serve as President until an election can be held.

(c) By virtue of election to office the Vice-President shall be the third delegate to Conventions and Conferences of the AFM and upon return shall make a report to the Executive Board.

(d) The Vice-President shall be empowered to sign all checks, bills and agreements, and orders for payment of money. All such financial transactions will require a co-signature by either the President or the Secretary-Treasurer.

**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 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) The Secretary-Treasurer shall be empowered to sign all checks, bills and agreements, or orders for payment of money.

(c) The Secretary-Treasurer shall keep an accurate account of all receipts and expenditures of the Local and shall, upon request, advise and inform the Executive Board and the Association regarding the Local’s financial status. The Secretary-Treasurer shall provide the accounting service with such information as is necessary to make a complete quarterly report and all Federal and State financial reports. Checks written by the Secretary-Treasurer must be countersigned by the President or Vice-President..

The Secretary-Treasurer shall surrender all of the books of accounts to an independent certified public accountant to be chosen by the Executive Board for an annual audit.

(e) At the expiration of his/her term of office, the Secretary-Treasurer shall deliver to his/her successor all monies, books and records belonging to the Local.

(f) The Secretary-Treasurer is authorized to accept applications that are non-controversial and in order.

(g) By virtue of election to office, the Secretary-Treasurer shall be the first delegate to Conventions and Conferences of the AFM and upon return shall make a report to the Executive Board.

**Section 4. EXECUTIVE BOARD**

(a) The Executive Committee and other officers shall constitute the Executive Board. It shall be the duty of the Executive Board to make all investigations; try all cases against a member or members; call for papers and witnesses; have the power to cause the member or members who violated or are accused of violating the laws of the Association to appear before them; remit, impose or reduce fines; make all investments of the Association’s funds not needed for current expenses; transact all business of the association between general meetings as necessary. No member of the Executive Board of this organization shall be eligible to sit upon the trial of any person by whom he/she is employed or with whom he/she performs. Members of the Executive Board must abstain from voting on any issues with which he/she is directly connected.

(b) Five members shall constitute a quorum. An Executive Board meeting shall be automatically adjourned when a quorum is not present.

(c) All major appropriations and disbursements shall receive final action by the Executive Board. Any such payment in excess of $250.00 shall be classified as a major appropriation or disbursement.

(d) The Executive Board shall make rules for its government, which must not conflict with the Constitution and Bylaws, Federation Law or public law.

(e) Regular meetings of the Executive Board shall be held monthly, as set by the Board. Time and date of a regular Executive Board meeting can only be changed by a regular board meeting. It shall have authority to set its exact hour and place of its meetings, except for those on special call of the President. The presence of a majority of the officers is required to constitute a quorum. The Executive Board, by prior unanimous consent, may hold one or more of its meetings via electronic technology (e.g., telephone, videoconference). Unanimous consent for electronic meetings may be obtained via email or other means. No decisions of the Executive Board may be made by secret ballot.

(f) Special board meetings may be called by the President or by a majority of the Executive Board.

(g) The Executive Board shall also have authority to adjust general meeting dates to avoid legal holidays and for reasons of employment or emergencies.

(h) Any members of the Executive Board, absent three times in succession without satisfactory excuse to the President, may be replaced at the discretion of the Executive Board.

(i) Executive Board vacancies shall be filled with the runners-up (in the order of the highest number of votes received) in the previous Executive Board election.

(j) The Executive Board shall decide each Convention year the number of delegates to attend the triennial convention of the AFM, and appropriate the monies for that purpose. In the event the Local sends only one delegate, the order of refusal (order of sequence) shall be: 1. Secretary-Treasurer 2. President 3. Vice-President 4. Alternate Delegate. This information is to be noted on the bottom of the ballot.

(k) No member or officer of RMA shall speak or act as a representative of RMA without the prior authorization of the Executive Board.

All of the above officers are bonded by the AFM in accordance with its policy.

**Section 5. VACANCIES**

(a) In the case of the death, resignation, neglect or refusal to act on the part of the Vice-President or Secretary-Treasurer, the Association shall at its next regular or special meeting for that purpose, fill the said vacancy or vacancies by “Nominations from the Floor” and voting by secret ballot.

**Section 6. OFFICERS’ SALARIES**

(a) The salaries, fringe benefits, and reimbursement of expenses for all officers shall be as established from time to time by the general membership.

(b) These officers who are the President, Vice-President and Secretary-Treasurer shall be exempt from annual dues and shall receive an honorarium for each special board meeting attended.

(c) The Executive Committee shall be exempt from annual dues and shall receive a wage for each regular board meeting attended and an honorarium for each special board meeting attended.

(d) None of the above officers’ salaries can be lowered during the remainder of the term for which they were elected.

(e) Any request for an increase in Officers/Executive Committee members’ salaries must be proposed to the general membership by a member in good standing. The intention to introduce said motion at a general membership meeting must be published in the Local 123 newsletter prior to the general meeting at which the motion shall be introduced.

**ARTICLE II**

**DUTIES OF OTHER ELECTED OFFICERS**

**Section 1. PARLIAMENTARIAN**

(a) The Parliamentarian shall be present and serve at all regular and special general meetings.

(b) The Parliamentarian shall adjudicate any question or point of order that arises from any member in accordance with the Scott, Foresman Robert’s Rules of Order, Newly Revised, Copyright 1981.

(c) The Parliamentarian shall receive an honorarium for every regular and special general meeting attended.

(d) In the case of the death, resignation, neglect or refusal to act on the part of the Parliamentarian, the Association shall at its next regular or special general meeting for that purpose, fill the said vacancy by “Nominations from the Floor” and voting by Secret ballot.

**Section 2. ALTERNATE DELEGATE**

(a) In the event the Secretary-Treasurer, President or Vice-President cannot attend the AFM Convention or Conferences of the AFM, the Alternate Delegate shall attend.

(b) If the alternate delegate cannot attend, the first runner-up (if any) shall be eligible to attend.

(c) Upon returning, he/she shall make a report to the Executive Board.

(d) In the case of the death, resignation, neglect or refusal to act on the part of the Alternate Delegate, and there are no runners-up, the Association shall at its next regular or special general meeting for that purpose, fill the said vacancy by “Nominations from the Floor” and voting by secret ballot.

**ARTICLE III**

**MEMBERSHIP**

**Section 1.**

(a) Applicants for membership shall complete and sign the Federation application form, complete and sign a beneficiary card.

(b) All applicants joining the Federation for the first time must complete the AFM indoctrination program before full membership is granted.

**Section 2.**

(a) Applicants for membership age 20 and under may join with payment of current membership dues and assessment, Federation and Local initiation fees waived.

(b) Applicants under 16 years of age may be accepted without first obtaining the approval of the International Executive Board.

(c) Youth members are entitled to a voice and vote in the Local.

**Section 3.**

According to Federation law, membership card is not to be issued until all monies due have been paid by applicant.

**Section 4.**

The admission fee for membership shall include the current Local and Federation initiation fees and the current dues and death benefit assessment. A minimum payment of Federation initiation fee plus applicable dues and assessment is required with application to effect membership, Local initiation fee may be paid within sixty days. (Exception: Article III, Sec. 2(a).

**Section 5.**

(a) Membership cards shall be issued semi-annually and dated January   
1st – June 30th, and July 1st – December 31st, and shall be the only passport for professional business.

(b) Payment of dues for the 1st half of any year shall be due no later than January 31st. Payment of dues for the 2nd half of any year shall be due no later than July 31st. Any late payment of dues shall incur a $5.00 per month penalty.($25.00 maximum).

**Section 6.**

According to Federation law, Federation members with a current card who join this Local do not have to pay another Federation initiation fee. The full Local initiation fee, annual dues and death benefit assessment must be paid with application.

**Section 7.**

Members who belong to three or more Locals will be able to petition the AFM Secretary-Treasurer for a full rebate of the per capita dues they paid into a third Local, as well as any other additional Locals beyond three to which they belonged for the full prior year.

**Section 8.**

Members of a Local who have entered into a personal service contract with a symphonic orchestra in the jurisdiction of another Local, may apply for and become full members of the Local in which the orchestra is located without any waiting period.

**Section 9.**

(a) Members six months in arrears shall be expelled. The cost to reinstate shall include back dues and penalty, death benefit assessment, plus current dues and death benefit assessment which must be paid in full.

(b) Any current or former AFM member expelled from a Local or Locals for failure to pay periodic annual dues shall be permitted to join any Local as a new member four years after the date of the expulsion, without payment of any outstanding annual dues or related fines.

**Section 10.**

(a) Any member who previously resigned shall pay current dues and death benefit assessment plus reinstatement fee to effect reinstatement.

(b) Reinstatement fee: $25.00

**Section 11.**

(a) All work dues shall be due and payable no later than the 15th day of the month following the month during which the services were performed. Any member violating the provisions of this section shall be subject to a fine.

(b) Work dues apply to overtime.

(c) For additional work dues information, see Article I, Sec. 24, Local 123, AFM Price List.

**Section 12.**

All AFM members, as a condition of membership, shall be required to pay dues based on scale earnings (work dues) for all musical services performed under AFM-negotiated Agreements, AFM touring Pamphlets, and employment with any Symphonic Orchestra. (Excerpt from AFM Bylaws, Article 9, Section 32)

**ARTICLE IV**

**DUTIES OF MEMBERS**

**Section 1.**

It shall be the duty of every member to refrain from acting in any way that is detrimental to the interests, standards and objectives of this Local.

**Section 2.**

(a) Any member, while performing an engagement, found guilty of inattention to his/her duties or improper deportment, shall be subject to disciplinary action by the Executive Board.

(b) Any member appearing on a single or permanent engagement under the influence of any intoxicants or is disorderly in any manner whatsoever, is subject to immediate dismissal by the leader.

**Section 3.**

No member shall perform for less than the prices adopted by the Association, solicit or in any manner express himself/herself to the effect that he desires or will accept any engagement for less than the stipulated prices. It shall be acceptable proof of violation of this section to produce an affidavit of non-members corroborating such charges.

**Section 4.**

No member shall offer another member an engagement for less than minimum scale.

**Section 5.**

It shall be the duty of every member to make a written report within one week to the Secretary-Treasurer of any and all violations of the Constitution, Bylaws or Price List of this Local.

**Section 6.**

For a period of three months after being granted membership, new members may play any engagements with the exception of steady engagements, as they are defined in the current Price List.

**Section 7.**

Every musician must report fifteen minutes prior to the engagement. Failure to comply gives the leader the privilege of replacing the member immediately.

**Section 8.**

Members accepting engagements must dress in accordance with the instruction of the leader in any reasonable combination of attire.

**Section 9.**

A notice directed to a member’s residence, as appearing on the books of the Secretary, shall be deemed a legal notice.

**Section 10.**

It shall be the duty of each member changing his/her residence to report such changes to the Secretary-Treasurer within one week.

**Section 11.**

Members are not to communicate or engage in conversation within the hearing of non-members in regard to the transactions of “The Association” or “Executive Board”.

**Section 12.**

No member shall take more musicians to an engagement than the number for which it is actually contracted, except by specific permission of the President, Vice-President or Secretary-Treasurer.

**Section 13.**

It shall be a violation of these Bylaws for any member to act in bad faith or deal unfairly with the Local or any of its members.

**Section 14.**

It is recommended that members who act as personnel managers, contractors, leaders, booking agents, or who in any way engage or supervise musicians establish and maintain a sexual harassment policy.

**Section 15.**

Members who are in arrears to the Local for any past indebtedness of any description will be ineligible to vote unless indebtedness is satisfied prior to opening of the polls.

**Section 16.**

Each member in good standing shall be entitled to one vote. Each member has the right to vote for or otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisals of any kind by this Local or any member thereof.

**Section 17.**

A simple majority of the voting members in good standing (who meet the requirements specified in Sections 15 and 16 above), shall be required for adoption of all resolutions with the exception of Article XII.

**Section 18.**

Absentee ballots for the election of Local officers shall be available upon request to any member who wishes to vote by mail. Requests for absentee ballots must be made in writing to the Election Committee and must be postmarked no later than 25 days prior to the election date. Requests made by e-mail for absentee ballots will also be honored. Upon receipt of a request, the necessary voting materials will be sent to a requesting member.

**Section 19.**

Any of the above sections of Article IV, if applicable, may be abrogated if in accordance with a “specially negotiated” contract.

**ARTICLE V**

**RIGHTS, RESPONSIBILITIES AND BENEFITS OF MEMBERS**

**Section 1.**

A member once engaged for a single engagement (in writing or verbal) cannot be disengaged, unless the occasion for which the engagement was made does not take place. Any member accepting an engagement from another member, manager, conductor or agent, who is not present to perform his/her duties may be subject to a “member vs. member” hearing. Any member who accepts an engagement (in writing or verbal) and sends a substitute without the consent of the engaging party, may also be subject to a “member vs. member” hearing. Once a member refuses to accept an engagement, that member has no claim on such engagement.

**Section 2.**

Whenever a member of this Association has not been paid his/her just salary by the manager, manager’s conductor or agents, whether members of this Association or not, for services rendered, he/she shall notify the Executive Board. Once the defaulter is determined to be the true purchaser, the name or names of the parties in default shall be placed upon the Defaulters’ List, and no member, after being duly informed of the action of the Executive Board shall accept or make any engagement with said parties until all claims of the complaining member or members are adjusted. It is recommended that such cases be pursued in the court of jurisdiction first.

**Section 3.**

On steady engagements, as defined in the Price List, two weeks notice must be given before same can be cancelled by either the contractor/leader or sideperson.

**Section 4.**

Members playing a steady engagement, when accepting miscellaneous work, must furnish a substitute satisfactory to the leader.

**Section 5.**

Any member substituting for one night within a seven (7) day period on a steady engagement shall be paid the applicable miscellaneous single engagement scale.

**Section 6.**

All members of this Association shall endeavor to employ only members of Local 123, AFM.

**Section 7.**

An employee member of the Local shall not perform with employees of the same employer who are not members in good standing of the Federation or any of its Locals on competitive engagements unless it be with the consent of the Federation or this Local.

**Section 8.**

All life members, those members attaining the age of 65 years, who have been a member of the Federation for 35 years without interruption, shall pay the annual Federation Per Capita dues for Life Members, plus 50% of the Local’s annual dues and assessment for regular members in excess of the Federation Per Capita Dues required to be paid by regular members. By doing this they shall retain all rights and benefits of the Association.

**Section 9.**

In the case of a traveling engagement of less than one week the minimum wage to be charged and received by any member shall be no less than either the wage scale of the Local in whose jurisdiction the services are rendered or the wage scale of the home Local of the member performing such services, whichever is greater.

**Section 10.**

Members are not permitted to render free services of any kind except by permission of the Executive Board. Whenever it is deemed advisable to participate or to allow a concert or any other musical engagement to be given free or for charitable purposes, permission must be obtained from the Executive Board. (See Art. I, Sec. 1(f). The Association shall be accorded joint publicity with any other parties under whose direction or auspices such entertainments are given.

**Section 11.**

Any member, who shall use abusive language toward another member of this Association, either in a regular or board meeting, or on the premises, shall at the discretion of the President be cited to appear before the Executive Board of this Association.

**Section 12.**

Information contained in the Constitution & Bylaws of this Association are for the use of members only. Price List information may be disclosed to non/member leader/contractors as per current Price List regulations. (Art. I, Sec. 18, Price List)

**Section 13.**

Leaders or contractors must pay members for services within one week of engagement, or obtain extension from the President of the Local.

**Section 14.**

All financial transactions between members, relating to weekly engagements, shall be paid at the end of each week.

**Section 15.**

No member shall perform for indefinite or prospective remuneration.

**Section 16.**

Any of the above sections of Article V, if applicable, may be abrogated if in accordance with a “specially negotiated” contract.

**Section 17. (a)**

No Officer, Business Agent, employee or committee member of a Local who is involved in booking, contracting, or engaging AFM members to perform musical services shall:

1. Use that position, or any information received in an official capacity, including referrals, contracts or engagement reports received by or filed with the Local, to solicit or obtain business for the performance of musical services from which that individual would personally benefit; or

2. Participate in the establishment of wage or price scales, or minimums established by the Local for Local members engaged in the same music industry field as the one in which that individual books, contracts, or engages musicians, or

3. Set or promulgate any wage scale or other term or condition of employment not previously established in accordance with the Local’s Bylaws for musical services in the same music industry field as the one in which that individual books, contracts, or engages musicians; or

4. Participate in the negotiation, ratification, or administration of CBAs with employers of Local members engaged in the same music industry field as that individual; or

5. Participate in the hearing of, or deliberation upon, any claims filed against any member, or purchaser of the services of any member, engaged in the same music industry field as that individual; or

6. Participate in the hearing of, or deliberation upon, any charge against any member that arises from an engagement in which that individual was involved in any way; or

7. Retaliate against any AFM member who brings a good faith charge under Article V, Section 17 or takes an action to enforce Article V, Section 17 or 18.

**Section 17. (b)**

It is not the intent of this policy (17a) to deprive elected officers, elected business agents, appointed employees or committee members who are predominantly engaged in the music industry as sidemusicians, and who only sporadically or minimally engage, book or contract for Local members, of the opportunity to perform the functions outlined in the policy or to deprive the Local of their services in performing the functions outlined in this policy.

**Section 18.**

Members of a Local who are contractors, personnel managers or who perform other supervisory duties for an employer with whom the Local has a CBA shall not be eligible to serve on the negotiation and/or grievance/arbitration committees. In addition, they shall not be permitted to participate in any membership meeting or portion of a meeting in which collective bargaining negotiations or contract administration issues are discussed, not with-standing the fact that they may also perform musical services for the employer and may be a member of the affected bargaining unit. However, the members shall be permitted to participate in a contract ratification vote, as long as they are otherwise eligible.

**ARTICLE VI**

**CLAIMS**

**Section 1.**

The time limit for filing all claims shall be one year. This must be done in writing.

**Section 2.**

Leader or contractor must pay members for services rendered within one week of the date of engagement(s) or obtain time extension from the President. If however, contractors are unable to collect for engagements played, they shall immediately give written notice to the Secretary-Treasurer of such inability to collect. Unless notice is given within thirty (30) days from the time the service was rendered, contractors will be held responsible for all such claims.

**Section 3.**

Any contracts between our members and buyers of music shall not be enforceable by this Local or the Federation if not filed with the Local in whose jurisdiction the engagement is to be performed.

**ARTICLE VII**

**NOMINATIONS, ELECTION AND OBLIGATION OF OFFICERS**

**Section 1.**

All nominations and elections for the Officers, Executive Committee, Alternate Delegates to the Convention of the AFM, and Parliamentarian, must conform with Local and Federation laws, and must also conform with the Labor-Management Reporting and Disclosure Act of 1959. Any member who is entitled to vote in an election may challenge the conduct or results of the election by filing a charge with the Secretary-Treasurer within ten days following the election.

**Section 2.**

Nominations for the above offices shall be held biennially in the even-numbered years in September, date, time and location to be set by the Executive Board.

**Section 3.**

Fifteen days prior to the nominations meeting, the Secretary shall advise the membership as to date, time and location.

**Section 4.**

In order for members to be eligible to run for office, they must have all annual and work dues paid no later than September 1st of election year.

**Section 5.**

All candidates for office must be present at the Nominations meeting to accept or decline any nomination or must have expressed to the Secretary-Treasurer in writing prior to the Nominations meeting a willingness to serve if elected. For a meeting called exclusively for nominations, there need not be a quorum present.

**Section 6.**

“Nominations from the Floor” shall be the procedure for all nominations at this meeting.

**Section 7.**

Immediately following the nomination of all candidates, there will be a drawing of names for ballot position. This drawing will be supervised by the general membership present. Candidates nominated without opposition shall be declared elected by acclamation.

**Section 8.**

The election of Officers, Executive Committee, Alternate Delegates and Parliamentarian shall be held biennially in November in the even-numbered years, date, time and location to be set by the Executive Board.

**Section 9.**

Within 15 days after the Nominations meeting, the Secretary-Treasurer shall advise the membership of the date, time, and location of the coming November election and the nominees as they will appear on the ballot.

**Section 10.**

(a) Polls on election day shall be open for two hours.

(b) The general meeting immediately preceding an election shall be adjourned fifteen (15) minutes prior to opening of polls.

**Section 11.**

Members who are in arrears to the Local for any past indebtedness of any description will be ineligible to vote unless the indebtedness is satisfied prior to opening of polls.

**Section 12.**

Absentee ballots for the election of Local Officers shall be available upon request to any member who wishes to vote by mail. Requests for absentee ballots must be made in writing to the Election Committee and must be postmarked no later than 25 days prior to the election date. Requests made by e-mail for absentee ballots will also be honored. Upon receipt of a request, the necessary voting materials will be sent to a requesting member.

**Section 13.**

The Local shall not be involved in the distribution of any campaign literature.

**Section 14.**

An Election Committee composed of three members shall be appointed by the President to handle the entire election and act as tellers.

**Section 15.**

Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

**Section 16.**

Each member in good standing shall be entitled to one vote. Each member also has the right to vote for or otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisals of any kind by this Local or any member thereof.

**Section 17.**

The election shall be conducted by secret ballot.

**Section 18.**

The voting instructions noted on the ballot must be exactly followed for each section. Any discrepancy will void that particular section only.

**Section 19.**

In any election, no write-in votes will be accepted. Non-compliance will invalidate that section of the ballot. This information shall be noted on all ballots.

**Section 20.**

The Secretary-Treasurer, President and Vice-President are delegates to the AFM Convention by virtue of their being elected to office. This information shall be noted on the ballot.

**Section 21.**

The candidate for the office for President, Vice-President, Secretary-Treasurer, Parliamentarian and Alternate Delegate who receives the highest number of votes shall be declared elected. The six candidates for the Executive Committee who receive the highest number of votes shall be declared elected.

**Section 22.**

In the event of a tie vote in the election of the officers and alternate delegate, the same will be voted off by secret ballot only at a special general meeting to be set at the next Executive Board meeting, the membership to be advised immediately thereafter.

**Section 23.**

Notice of any special election (refer to Art. I, Sec. 5; Art. II, Sec.1(d); Art. II, Sec. 2(d) ) must be mailed to each member at his/her last known address not less than 15 days prior to the nomination/election meeting date. The notice must include date, time and location of the meeting and the offices to be filled.

**Section 24.**

At a special election meeting, “Nominations from the Floor” and election by secret ballot shall be held at the same meeting.

**Section 25.**

In the event that a vacancy occurs on the Executive Committee (see Art. I, Sec. 4(i)) and there are no remaining previously nominated runners-up candidates to fill the vacancy, a special election must be held. This election shall be held at a regular general meeting or a special general meeting called for that purpose and must consist of “Nominations from the Floor” and voting by secret ballot. Nominations and election shall be held at this meeting. Not less than fifteen days prior notification shall be given to membership.

**Section 26.**

All election records must be preserved for a period of at least two years.

**Section 27.**

The Officers and Executive Committee shall enter upon their duties on the first day of January following their election and shall continue for two years thereafter or until their successors are selected by the appropriate process. (See Art. I, Sec. 2(b) for President; Art. I, Sec. 5 for Vice-President and Secretary-Treasurer; Art. I, Sec. 4(i) for Executive Committee; Art. II, Sec. 1(d) for Parliamentarian ; Art. II, Sec. 2(d) for the Alternate Delegate.)

**Section 28.**

The “Oath of Obligation” shall be administered to all Officers at the January Executive Board meeting following their election.

**ARTICLE VIII**

**GENERAL FUNDS**

**Section 1.**

The funds of the Association shall be raised by initiation fees, annual dues, work dues, fines and other such means as the Association from time to time shall consider.

**Section 2.**

The Executive Board shall have authority for budgeting and curtailing expenses as necessary, with the exception of Officers’ salaries and other officials’ honoraria.

**Section 3.**

All major appropriations shall be submitted to the Executive Board for final decision.

**Section 4.**

The rates of annual dues, work dues and initiation fees shall not be increased and no general or special assessment shall be levied except as stated in Article 14 “Resolutions and Amendments”. This referendum must be by secret ballot.

**Section 5.**

The Executive Board is authorized to temporarily lower annual dues and initiation fees, subject to International Executive Board approval.

**Section 6.**

This Association shall employ an accountant who is not a member of this Association. The Accountant shall render quarterly and yearly financial statements to the Local. The Accountant shall also be responsible for the preparation of the quarterly and annual Federal and State tax reports, Virginia Employment Commission reports, and Department of Labor reports. All of the statements and reports shall be delivered to the Secretary-Treasurer and these reports shall be available at all times for scrutiny by the membership.

**ARTICLE IX**

**GENERAL MEETINGS**

**Section 1.**

Three general meetings of this Association shall be held each year, one in each of the months of March, September and November; date, time and location to be determined by the Executive Board prior to each general meeting.

**Section 2.**

Special general meetings may be called by the President, the Executive Board or upon petition from 25 members of Local 123 in good standing. This petition shall be submitted to the President stating the object of the meeting. The President shall then direct the Secretary-Treasurer to convene the Association in the usual manner. A notice for any special general meeting shall be mailed to the membership by the Secretary-Treasurer at least 15 days prior to the meeting.

**Section 3.**

No other business can be transacted at a special meeting except that set forth in the call.

**Section 4.**

In the absence of the President, Vice-President and Secretary-Treasurer, the President Pro-Tem shall conduct the meeting. The President Pro-Tem shall be the Executive Committee member present with the highest total seniority with Local 123.

**Section 5.**

The minimum quorum requirement of members in attendance at either a regular or special general meeting shall be the amount of officers of Local 123 which constitutes the Executive Board of this Local plus 2% of the total members of this Local as set forth on the last per capita report filed with the Federation prior to the meeting. The 2% of the membership shall be rounded upwards to the nearest whole number.

**Section 6.**

In the absence of a quorum, no general meeting shall be held.

**Section 7.**

When there is no quorum to open a general meeting, the Executive Board shall have the authority to transact all necessary business, including changes in Bylaws laid on table from previous meetings, adoption of board recommendations to the general body, but excluding increases in, or the institution of annual dues, work dues and other assessments.

**Section 8.**

A general meeting shall be automatically adjourned when a quorum is not present.

**Section 9.**

No meeting shall be delayed more than 30 minutes from the hour of call.

**Section 10.**

The presiding officer may appoint a Sergeant-at-Arms for any meeting when he/she deems it necessary.

**Section 11. MEETINGS**

**Electronic membership meetings:**

(a) Regular and Special Meetings of the membership may be conducted via electronic means (e.g., telephone, videoconference) at the direction of the Executive Board or President, provided that every member is so advised in the meeting notice, and that reasonable provisions have been made to accommodate those members who may have difficulty with the technology utilized (e.g., accommodations such as clear instructions, resource-sharing with other members, community access points).

(b) Secret ballot voting is not permitted in an electronic meeting. Where secret ballot voting is required on a matter pending before an electronic meeting (e.g., election of officers, raising or lowering dues, by demand of the body, or on other matters required by AFM or Local Bylaws), the question shall be referred to a secret ballot vote of the full membership. When not in conflict with public law or AFM Bylaws, however, the members present in an electronic meeting may, by unanimous consent, waive the Local’s secret ballot requirement and vote by roll call and/or a showing of hands.

(c) The Executive Board shall set up special rules, subject to adoption by the membership, to govern how the meeting will be run (how to be recognized, how to make motions, how to moderate discussion, and how voting will be conducted.)

**Section 12.**

The conduct and procedures of all regular and special general membership meetings shall be as set forth in the Scott, Foresman ROBERT’S RULES OF ORDER, Newly Revised, Copyright 1981

**ARTICLE X**

**PENALTIES**

**Section 1.**

Any member bringing a charge against another member before the executive Board must prefer such charges over his/her signature and shall be required to appear personally to substantiate his/her charge. The Secretary-Treasurer shall notify the parties and witnesses. If they are within the jurisdiction of the Association and fail to appear, the case shall go by default against those absent. If either party wishes a postponement, he/she must submit a written request to the Executive Board fully stating the reasons therein why postponement is necessary.

**Section 2.**

Upon the request of any member of this Association (in writing and properly signed) any other member shall be summoned to appear before the Executive Board. Charges shall be brought against any member who refuses to answer, under oath, inquiries as to the nature of any engagement for which he/she has contracted or any engagement he/she has played or will play, and answer inquiries as to the salary or compensation received or to be received from such contracts or engagements. However, the accused shall be afforded protection under Article 5 of the U.S. Constitution.

**Section 3.**

Members charged with violating any section or sections of the Bylaws or Price List shall give their answer to the Executive Board under oath when required. This rule shall also apply to witnesses.

**Section 4.**

It shall be considered a separate offense against the Association for a member, when called before the Executive Board either as a complainant, defendant or witness, to refuse to answer questions put by the presiding officer or to use disrespectful, profane or obscene language at any of the meetings of the Association or the Executive Board. However, the accused shall be afforded protection under Article 5 of the U.S. Constitution.

**Section 5.**

Members found guilty of violating the Bylaws or the Rules and Regulations of the current Price List shall be fined as decided by the Executive Board after the trial of the defendant has been held.

**Section 6.**

A member may be fined or expelled from the Association by the Executive Board for violation of the Bylaws, Price List, Rules of Order or disobedience of the decrees of the Executive Board, or non-payment of the fines imposed. No such fine or expulsion shall be made until the accused has been served with a copy of the charges and afforded a reasonable opportunity to make his defense and such charges have been sustained.

**Section 7.**

If a member is expelled, he/she forfeits all claims upon the Association.

**Section 8.**

Any member who interferes with the proper performance of any engagement shall be summoned before the Executive Board for review. Such interferences shall include detrimental comments, criticisms and/or any physical act directed toward musicians, management or patrons during the engagement.

**Section 9.**

No member of the Federation shall take engagements or employment or become engaged or employed in the rendering of musical services of any kind (e.g., the making of sound tracks, “sidelining”, etc.) for any type of recorded product (audio and/or visual) unless the person, firm or corporation providing such engagement of employment shall have previously entered into a written agreement with or approved in writing by the Federation relating thereto. The member shall be subject to penalties decided by the International Executive Board.

**Section 10.**

Members shall be assessed a penalty of $5.00 for each month their dues are in arrears. Dues are considered “in arrears” one calendar month after the due date. If dues remain unpaid for a period of six months, such members shall be expelled from membership.

**Section 11.**

All work dues shall be due and payable no later than the 15th day of the month following the month during which the services were performed. Any member violating the provisions of this section shall be subject to a fine.

**Section 12.**

All fines heretofore mentioned shall be deposited in the general fund of this Association.

**ARTICLE XI**

**DEATH BENEFIT PLAN**

**Section 1.**

All members of the Association participate in the Death Benefit Plan by payment of the annual assessment of $7.50, and by keeping their membership current.

**Section 2.**

Benefit for the participant will accrue at the following rate: $50.00 initial benefit upon joining, plus $50.00 for each additional year of continuous membership. The current maximum benefit is $2000.00.

**Section 3.**

Upon the death of a member in good standing of Local 123, proof of death must be provided to the Fund Administrator by a copy of the death certificate. The benefit payment shall be determined based on the number of years of continuous membership at the rate of $50.00 per year. Payment from the assets of the Death Benefit Fund would then be issued to the designated beneficiary as shown on the signed beneficiary card on file at the union office at the time of death. If no beneficiary card is on file, the monies will be paid to the member’s estate. The Executive Board of Local 123, AFM shall have final authority in the case of conflicting evidence.

**Section 4.**

Should a member be expelled from the Association due to non-payment of membership dues within a six month period, all rights and interest in his/her benefit shall be forfeited. Should an expelled member reinstate his/her membership within six months of expulsion, all of his/her rights in the Death Benefit Plan shall be immediately restored. Expelled members who reinstate more than six months after expulsion shall participate in the Plan as a new member. When a participating member is in arrears (but not expelled) at the time of his/her death, the beneficiary shall only be entitled to the death benefit for the period for which the assessment has been paid.

**Section 5.**

All other details of the Plan are outlined in a separate document entitled “Summary Plan Description” of Local 123’s Death Benefit Plan. Copies of this document are available through the Plan Administrator at the Union Office.

**ARTICLE XII**

**RESOLUTIONS AND AMENDMENTS**

**Section 1.**

All resolutions to alter, add to, amend, repeal or suspend any of the Articles or Sections of the Constitution and Bylaws or Price List of Local 123, AFM, with the exclusion of Article XII, must be first presented in writing to the Local 123, AFM, Executive Board.

**Section 2.**

The Executive Board shall then study the resolution(s) for legality and benefits and either report the board’s decision to the general membership or return it to the maker(s) for correction or withdrawal, stating the reason(s) for the board’s decision, within a reasonable amount of time.

**Section 3.**

Resolution(s) must be presented to the general membership for discussion, amendment, adoption or rejection in conformity with Scott, Foresman ROBERT’S RULES OF ORDER, Newly Revised. Copyright 1981, within three (3) months of the original presentation to the Executive Board.

**Section 4.**

All members of Local 123 must be mailed a written notice of the “Resolution to Amend” at least 21 days prior to any regular or special general meeting at which the proposal is to be acted upon. The notice must contain the time, date and location of the meeting.

**Section 5.**

A simple majority of the members in good standing who vote shall be required for adoption of all resolutions, with the exception of Article XII.

**Section 6.**

If there is no quorum at a regular or special general meeting, the “Resolution to Amend” shall be submitted to the Executive Board of Local 123 for adoption.

**ARTICLE XIII**

**DISSOLUTION**

**Section 1.**

A petition to dissolve this Association shall be signed by not less than 25% of all members in good standing, and shall be presented at a regular meeting, and shall specify in detail the plan of dissolution.

**Section 2.**

The President shall within four (4) weeks after the petition is presented, call a special general membership meeting to consider this “Proposition of Dissolution”. This plan shall be fully debated at this meeting and if it receives a favorable vote of 9/10 of all the members in good standing of this Association within six weeks of this date, the Association shall be declared dissolved, and the provisions of the adopted plan shall be faithfully carried into effect and executed.

**Section 3.**

This consent must be given by secret ballot, either in person or by absentee ballot.

**Section 4.**

This Article XIII cannot be changed or altered except by a vote in favor thereof of at least 9/10 of all the members in good standing of this Association.

**ARTICLE XIV**

**AUTHORITIES**

**Section 1.**

These Bylaws are subject and subordinate to the Bylaws and amendments thereto of the American Federation of Musicians, and wherever conflict or discrepancy appears between the Bylaws of this Local and the Bylaws and amendments thereto of the American Federation of Musicians, the latter shall prevail. (Ref. To ART. V. Sec. 1, Federation Bylaws) Revised 9/15/99

**Section 2.**

These Bylaws shall not be enforced in any manner that is in conflict with public law.

**Section 3.**

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

**Section 4.**

The parliamentary authority for this Local shall be Scott, Foresman ROBERT’S RULES OF ORDER, Newly Revised, Copyright 1981

**RULES OF ORDER**

1. Officers Roll Call

2. Reading of the minutes of the last regular and/or special meetings.

3. Report of the Secretary-Treasurer.

4. Report of the President.

5. Reports of all Committees.

6. Unfinished business.

7. New business.

**Section 1.**

No question shall be entertained unless moved by two members, nor open for consideration unless stated by the chair.

**Section 2.**

When a question is before the meeting, no question shall be entertained except to adjourn, to lay on the table, to commit to previous question, to postpone indefinitely, or to amend; which several motions shall have precedence in the order in which they are named, the first four to be decided without debate.

**Section 3.**

When a question has been postponed indefinitely, it shall not be acted upon again unless by a two-thirds vote.

**Section 4.**

Any two members may call for a division of a question, when the sense of the question will admit of it, before a decision is rendered.

**Section 5.**

A “call for the question” must be seconded and carried by a 2/3 majority of those voting.

**Section 6.**

After a question (except one indefinitely postponed) has been decided, two members who voted with the majority may at the same or next meeting move for a reconsideration, but no discussion of the main question may be allowed unless reconsidered. A motion to reconsider the question a second time shall be entertained.

**Section 7.**

All questions not otherwise provided for shall be determined by a majority vote.

**Section 8.**

When a member intends to speak on a question, he/she shall rise, address the chair, confine himself/herself to the question and avoid personalities. Should more than one rise at the same time, the Chairperson shall decide who is entitled to the floor.

**Section 9.**

No member shall speak more than twice on the same question, nor more than five (5) minutes per speech unless by special permission of the Chairperson.

**Section 10.**

The presiding officer shall state every question coming before the meeting, and immediately before putting it to a vote shall ask: “Is the meeting ready for the question?” Should no member rise to speak, he/she shall rise and state the question, and after he/she has risen, no member shall speak upon it unless by consent of the Chairperson. He/she shall announce the votes and decisions of the meetings on all subjects. When his/her decision has been appealed from the question, it shall be stated thus: “Will the meeting sustain the chair in its decision?”, which appeal must be decided without debate.

**Section 11.**

A member may be called to order while speaking, when the debate must be suspended and the member take his/her seat until the question of order is decided.

**Section 12.**

The Chairperson may speak to points of order in preference to others, and shall decide questions of order. Any member may appeal from his/her decision to the meeting, which appeal must be decided without debate, and the objectionable words shall, if required, be reduced to writing.

**Section 13.**

After a motion or resolution has been stated by the chair, or read by the Secretary-Treasurer, it may be withdrawn before a decision or amendment by consent of the meeting. An amendment to a motion under consideration must be accepted by the meeting or by the mover of the original motion before it is embodied in the original.

**Section 14.**

Every motion shall be reduced to writing should the Chairperson or Secretary-Treasurer desire it.

**Section 15.**

An amendment to an amendment is in order but none further.

**Section 16.**

No question shall be put or a vote taken while a member is speaking.

**Section 17.**

All reports of special or standing committees must be made in writing if ordered.

**Section 18.**

All rules of order may be added to, altered, repealed, amended or suspended at any regular or special meeting of the members by a majority vote of those present.

**Section 19.**

Upon the request of one member, a secret ballot shall be taken upon any question.

**Section 20.**

All questions or points of order not covered shall be adjudicated in accordance with the Scott, Foresman ROBERT’S RULES OF ORDER, newly revised, Copyright 1981.