

**CONSTITUTION
AND
BYLAWS
OF THE
DALLAS-FORT WORTH
PROFESSIONAL MUSICIANS
ASSOCIATION
LOCAL 72-147
OF THE
AMERICAN FEDERATION OF MUSICIANS
OF THE UNITED STATES AND CANADA**

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**CONSTITUTION AND BYLAWS OF THE
DALLAS-FORT WORTH PROFESSIONAL
MUSICIANS ASSOCIATION
Local 72-147 of the
American Federation of Musicians
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CONSTITUTION

Preamble

The Dallas-Fort Worth Professional Musicians Association, Local 72-147 of the American Federation of Musicians, hereby establishes this Constitution and Bylaws pertaining hereto. Upon adoption, these documents shall take precedence over previous Constitutions and Bylaws of Locals 72-147, 163, 306, 361, and 392.

Procedure in all meetings of this Association shall be in accordance with the current edition of Roberts Rules of Order unless otherwise provided in this Constitution.

Definitions

1. Constitutional law is herein defined as those broad precepts of principal enabling laws, and actual operational laws embodied in the Constitution of this Association. Constitutional law shall hold precedence over all other laws in this Association.
2. Bylaws are herein defined as those laws, which are properly passed by the membership at open meetings, or by the Executive Board in accordance with the rules contained herein for the passage of such Bylaws. Bylaws shall hold precedence over all rules and regulations and other laws except Constitutional law.
3. Rules are herein defined as those resolutions passed properly by the majority vote of the Executive Board present. Rules may cover any facet of the operation of this Association provided there is no conflict between such rule and any Bylaw or any Law in the Constitution of this Association.
4. Regulations are herein defined as those required procedures that may be passed by majority vote of the Executive Board present or proclaimed by the President. Regulations may cover any facet of the operation of this Association provided there is no conflict between such regulation and any rule, Bylaw, or Constitutional Law of this Association.

5. Constitutional Law, Bylaws, Rules, and Regulations are all binding on the members of this Association.

Codification

The Executive Board is empowered to codify Articles of the Constitution and Bylaws if, in their opinion, such codification clarifies the meaning of the Article.

ARTICLE I – Name, Affiliations, and Jurisdiction

The name of this organization shall be known as the Dallas-Fort Worth Professional Musicians Association, Local 72-147 of the American Federation of Musicians; and hereinafter shall be referred to as the Association. The Local shall be an affiliated Local of the American Federation of Musicians of the United States and Canada, hereinafter referred to as the Federation.

The Local shall also be affiliated with the Southern Conference of Locals, the Western Conference of Locals, and the Professional Musicians of Texas, and shall actively participate in the meetings and other activities of these conferences.

The territorial jurisdiction of the Association shall be - in Texas, all of the following counties: Wise, Denton, Tarrant, Johnson, Parker, Hood, Somervell, Palo Pinto, Erath, Comanche, Brown, Eastland, Stephens, Shackelford, Callahan, Coleman, Runnels, Taylor, Jones, Fisher, Nolan, Coke, Sterling, Mitchell, Scurry, Borden, Howard, Glasscock, Midland, Martin, Dawson, Gaines, Andrews, Ector, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, Crocket, Schleicher, Menard, Mason, Sutton, Kimble, Grayson, Fannin, Lamar, Collin, Hunt, Delta, Hopkins, Dallas, Rock Wall, Ellis, Kaufman, Van Zandt, Rains, Wood, Smith, Navarro, Henderson, Hardeman, Foard, Knox, Haskell, Wilbarger, Baylor, Throckmorton, Wichita, Archer, Young, Clay, Jack, Montague, Cook, Mills, San Saba, Lampasas, Coryell, Hamilton, Bosque, Hill, McLennan, Falls, Bell, Milam, Robertson, Limestone, Anderson, Freestone, Leon, Madison, and Houston; in Oklahoma, all of the following counties: Jackson, Tillman, Comanche, Cotton, Stephens, Jefferson, Carter, and Love; and additions, deletions, or changes which may be hereafter mandated by the Federation.

ARTICLE II – Object

The object of this organization shall be to unite the instrumental musicians, vocalists, and allied musical artists of this jurisdiction without discrimination, regardless of age, race, creed, sex, handicap, or national origin for the advancement and betterment of the music profession and for the purposes of:

1. Enhancing and promoting the welfare of its members; enforcing good faith, fair dealing, and proper business procedures among members, and among those who might engage the services of musicians;
2. Furthering the growth of the art of music;
3. Establishing and maintaining uniform and fair minimum wage scales and working conditions;

4. Acquiring, leasing, owning, or otherwise being interested in real property when deemed desirable by the membership of this Association or by its Executive Board;
5. Organizing the unorganized professional musicians in its jurisdiction and to provide services to such organized musicians.

ARTICLE III – Membership

1. All instrumentalists, vocalists, arrangers, copyists, music librarians, and other musical artists who are citizens of the United States, or aliens eligible in conformity with Federation Bylaws and Federal Law, who are in sympathy with the aims and objectives of this Association and of the Federation shall be eligible for membership under the terms of admission as prescribed in the Bylaws.
2. To be eligible for membership in this Association a person must be sixteen (16) years of age or older. The membership application of a person younger than legal majority must be attested to by the parent or guardian of the applicant and approved by the Federation.
3. Provisions concerning the meetings of the membership shall be established in the Bylaws, but at least four (4) meetings of the membership shall take place each year.

ARTICLE IV – Officers

1. The officers of this Association shall consist of a President who shall act as Business-Agent, a Vice-President, a Secretary-Treasurer, and eight (8) Directors.
2. The President, Vice-President, Secretary-Treasurer, and eight Directors shall constitute the Executive Board which shall govern the Association, and conduct the affairs of the Association.
3. The quorum of the Executive Board shall be seven (7) including the President, Vice-President, and Secretary-Treasurer.
4. Each Director, the Vice-President, and the Secretary-Treasurer shall have one vote. The President shall be presiding officer at all meetings, and shall vote only in case of a tie. The President is empowered to appoint the Vice-President or, in his/her absence, any Director to chair any meeting or portion thereof. The presiding officer shall not vote except in the case of a tie. All officers not acting as presiding officer shall be entitled to one vote.
5. The powers and duties of the officers shall be specified in the Bylaws.
6. Any member in-good-standing who has maintained such status continuously for two years shall be eligible to hold office in the Association.

ARTICLE V - Nominations and Elections

1. Nominations and elections shall be held triennially.
2. Nominations shall be held on the first Sunday in November, and elections shall be held on the first Sunday in December of each election year for the following positions: President, Vice-President, Secretary-Treasurer, and eight (8) Directors. The President and Secretary- Treasurer shall be the delegates by virtue of their office to the International Convention, the AFM Western Conference, the Southern Conference of Locals, and Professional Musicians of Texas. Nominations and elections shall be held for an additional delegate and a Diversity delegate to which Local 72-147 is entitled by Federation Bylaws.
3. Terms of offices shall be for three (3) years beginning January 1st of the year following election.
4. A candidate for office shall be declared elected if s/he shall have polled a plurality of votes cast for the office for which s/he is a nominee. Write-in voting shall not be permitted. The candidate for the additional delegate to the International Convention who receives the second highest number of votes cast shall be named Alternate Delegate. Likewise, the candidate who receives the second highest number of votes cast for the Diversity delegate shall be named Alternate Delegate.
5. Any member desiring a referendum vote on any question other than affiliation with the Federation or dissolution may request such referendum vote upon presentation of a petition bearing the signature of one hundred (100) or more members of this Association who are in good-standing at the time of signing the petition. Such referendum shall be subject to rules for passage as stated in the Constitution and Bylaws of this Association. Referendum voting shall be conducted by mailing a ballot to each member of this Association who is in-good-standing at the time the ballots are mailed. Members must also be in-good-standing at the time ballots are counted in order for their ballot to be valid. Thereafter, procedure shall conform to election regulations as set forth in the Constitution and Bylaws.

ARTICLE VI – Amendments

1. This Constitution may be amended in the following manner:
 - a) A proposed amendment shall be considered eligible when it shall have been subscribed to by twenty-five (25) members of this Association in-good-standing signing the proposed amendment.
 - b) A proposed amendment shall be submitted to the President at least thirty (30) days before the ensuing membership meeting.
 - c) The President shall notify each member in writing of such proposed amendment at least one (1) week prior to the ensuing membership meeting.

d) A proposed amendment shall be submitted on the floor of the next membership meeting ensuing its publication by its proponents or by the President.

e) Two-thirds (2/3) vote by secret ballot of the membership present in favor of the amendment shall be required for passage.

f) A second or third meeting (at the next or at the next two [2] membership meetings) of a proposed amendment may be called for, if two-thirds of the membership present shall favor the same. Vote on second or third reading shall be by show of hands.

2. Bylaws may be amended or proposed in the following manner:

a) By the membership:

(1) The proposed amendment or new Bylaw, if it concerns election procedure or change of membership dues, shall be submitted to the President at least thirty (30) days before the ensuing membership meeting. The President shall notify each member in writing of such proposed amendment or new Bylaw prior to the ensuing membership meeting. Voting shall be by secret ballot.

(2) Amendments or new Bylaws concerning matters other than election procedure or change of membership dues shall be submitted to the Executive Board for recommendations prior to their submission at a membership meeting. Recommendations of the Executive Board shall not prevent the submission of such amendment or new Bylaw at the next membership meeting.

(3) The proposed amendment or new Bylaw shall be submitted to the membership at the next meeting ensuing its submission to the Executive Board. The proposed amendment or new Bylaw shall be submitted on the floor by its proponent or by the President.

(4) Majority vote by show of hands of the members present shall be required for passage.

b) By the Executive Board:

(1) Bylaws or amendments which do not concern election procedure or changes in membership dues may be originated by the Executive Board or any member thereof.

(2) Such proposed new Bylaws or amendments shall be mailed to each Board member by the Secretary-Treasurer's office at least five (5) days prior to the meeting at which they are to be discussed.

(3) Such proposed new Bylaws or amendments shall become effective upon at least two-thirds (2/3) vote of the entire executive Board in favor.

ARTICLE VII - Conflict with Public Laws

Any part of this Constitution or any part of the Bylaws, Rules and Regulations of this Association found to be in conflict with the Constitution or laws of the United States, the Constitution or laws of the State of Texas, or the Constitution or Bylaws of the Federation shall be null and void.

ARTICLE VIII – Finance

The funds of this Association shall be created and derived from such dues, fees, assessments, and fines as shall be levied upon such members of the Association in accordance with this Constitution and the Bylaws appertaining thereto; from sums received as interest, dividends, rent, and other returns from investments; and by such means as may be determined by the Executive Board or membership in conformance with the Constitution and Bylaws of this Association and State and Federal Laws.

ARTICLE IX - Affiliation with Federation

A member wishing to present a resolution to withdraw, cancel, annul, or in any way modify this local's membership in the American Federation of Musicians must present the resolution in writing to the office of the Secretary-Treasurer of Local 72-147. A petition signed by at least one hundred (100) members in-good-standing must accompany the resolution. A referendum shall be held within sixty (60) days from the date of submission of the resolution and signed petition, and a referendum ballot shall be mailed to each member in-good-standing. A vote of at least seventy-five percent (75%) of not less than two thirds (2/3) of the membership in favor of such resolution shall be required for passage.

ARTICLE X – Dissolution

This Association shall not be dissolved without the written consent of nine-tenths (9/10) of the then-existing membership in-good-standing. In case of a dissolution having been decided upon, then the manner of disposition of proceeds of the dissolution shall be determined in accordance with AFM Bylaws.

ARTICLE XI – Scope

The terms and modes of admissions to membership, the rights and duties of membership and officers, the members of filling vacancies of offices, the time and place of meetings, and all other matters concerning the government of this Association shall be determined by the Bylaws.

BYLAWS

PREAMBLE

Federation Bylaws shall apply whenever applicable in instances where Association Bylaws do not exist. All notices appearing in the Dallas-Fort Worth Musician or those mailed to members to their last known address by the Local shall be considered an official notice.

ARTICLE I – Membership

Section 1 - Requirements and Conditions

- a) Any individual eligible in accordance with Article III of the Constitution may apply to the President for membership in this Association. The application, made on the Federation application form and accompanied by appropriate dues and initiation fees as properly apportioned between this Association and the Federation as prescribed in the Federation Bylaws, shall be presented to the Secretary-Treasurer.
- b) Every applicant for membership shall sign the application form provided and answer truthfully every question contained therein.
- c) The Secretary-Treasurer shall examine the application; and if same appears to be in good order, the applicant may be accepted at the discretion of the Executive Board, a majority so voting.
- d) An applicant who meets all stipulated conditions and receives a majority vote of the Executive Board shall be admitted to membership.
- e) The President, Secretary-Treasurer, or the Board may grant terms for payment of Local Initiation Fee and dues for new applicants when in their opinion the circumstances warrant it. In cases where time payments are arranged, the initial payment must be at least Federation Initiation fee when applicable plus current Local 72-147 dues, and the balance must be paid in full within sixty (60) days from the date application is filed.
- f) Failure to pay the necessary amount for acceptance to membership within sixty (60) days may constitute the cancellation of an applicant unless applicant is granted an extension by the President or Secretary-Treasurer. Amounts paid toward membership in the Association shall be non-refundable.
- g) Applicants shall receive from the Secretary-Treasurer a receipt for any amounts paid.
- h) The Initiation fee of Local 72-147 shall be one hundred dollars (\$100.00).

i) The dues of Local 72-147 shall be one hundred thirty-five (\$135.00) per annum. Dues may be paid either annually or semi-annually. The \$135.00 annual dues are to be paid in the month of January. Semi-annual dues of seventy dollars (\$70.00) are to be paid in the months of January and July. Members failing to pay annual dues in January or semi-annual dues in January or July shall be assessed a five dollar (\$5.00) tardy fee for each delinquent month. Members failing to pay dues in the months set forth, i.e., by April 1 or October 1 shall be suspended for nonpayment of dues and the member's death benefit and/or insurance shall be canceled.

j) If a member sends a check to the Local in payment for an amount due the Local, and the check is non-negotiable, the member shall be required to pay a fine of twenty-five dollars (\$25.00) together with all protesting charges incurred. If the check is not made good within fifteen (15) days from the date of the notification letter by the Local, the member issuing the check shall stand suspended.

k) Non-negotiable checks issued in payment of dues that are not made good by the time the member would normally be suspended, shall constitute such member's suspension for non-payment of dues and subject said member to a twenty-five dollar (\$25.00) reinstatement fee. This shall be in addition to the non-negotiable fine and protesting charges in the previous section.

Section 2 - Certification of Membership

a) A paid-up Local 72-147 membership card shall validate membership in-good-standing. It shall be the obligation of each member to have a current membership card on his/her person during all engagements.

Section 3 - Classification of Membership

a) The membership shall be divided into five (5) classifications: Active, Life, Student, Youth, and Honorary. Active, Life, Student, and Youth members shall be entitled to all privileges of the Association. Honorary members shall be entitled to all privileges of the Association except the rights to enroll in any death benefit program of the Association, to vote, and to compete musically. The Board may bestow emeritus status upon a member for meritorious service to the Local.

b) Any member of this Association who has been a member continuously for a period of thirty-five (35) years and has reached the age of seventy (70), shall be designated and thereafter known as a Life Member of this Association. S/he shall then be responsible for the payment of an amount equal to annual Federation per capita dues plus fifty percent (50%) of the regular Local 72-147 minimum annual membership dues. His/her life insurance shall remain in force the same as that of an Active member.

c) A person 20 years or younger may join the Local as a Youth Member, and may remain in that classification until their 21st birthday, at which time s/he will become a regular member at no additional cost. The annual dues for a Youth

Member shall be \$99. They shall also pay Work Dues as applicable, but shall not pay LIF or FIF.

d) A musician who is registered as a student in an accredited school, college, or university may join the Local as a Student Member and remain in that classification until s/he is no longer a student, at which time s/he will become a regular member with no additional cost. The annual dues for a Student Member are the same as an Active Member. They shall also pay Work Dues as applicable, but shall not pay LIF or FIF. They shall provide a photo of their student ID with their application for membership.

e) Prominent members of government, business, industry, or any profession may be elected to Honorary Membership by a majority vote of the Executive Board. Honorary members shall be exempt from the payment of all dues and assessments.

Section 4 - Resignation and Suspension

a) A member wishing to resign in-good-standing is required to notify the Association prior to the expiration of his dues (January or July first). Members desiring resignation in-good-standing after the expiration of their dues are required to pay dues on a pro-rata basis for each tardy month including the month in which the resignation is requested, plus applicable tardy fees. The required dues and tardy fees shall not exceed an amount equal to three (3) months dues plus two (2) months tardy fees.

b) In cases wherein resignation in-good-standing is requested prior to expiration of dues, the resignation shall be recorded as of the date the request is received unless the member states a specific date. Death benefits shall be canceled as of the date resignation is recorded.

c) When resignation in-good-standing is requested by a former member suspended for non-payment of dues, his/her resignation in-good-standing shall be recorded as of the date of receipt of proper back dues and tardy fees.

d) If any additional claims or assessments are owed the Association or the Federation, these also must be paid in order for a member to resign in-good-standing.

e) A member can be erased or suspended in accordance with the provisions of the Constitution or Bylaws of this Association or the Federation.

f) Local 72-147 shall maintain a group life insurance plan providing for death benefit of two thousand dollars (\$2,000.00) per member on all members in-good-standing.

Section 5 – Reinstatement

- a) A member who resigns in-good-standing and wishes to be reinstated may be required to pay a ten dollar (\$10.00) reinstatement fee and current dues.
- b) A member suspended for non-payment of dues who wishes to be reinstated shall be required to pay back dues not to exceed six (6) months calculated from the date of his/her reinstatement plus a twenty-five dollar (\$25.00) reinstatement fee and current dues.
- c) A member who resigns or allows his/her membership to lapse for the purpose of evading the laws of this Association and/or the Federation, shall in the event of reapplication for membership in this Association, pay such initiation fee as the Executive Board of this Association shall decide upon; and all claims, dues, fines, and/or assessments assessed him/her together with such additional fee as may be determined by the International Executive Board of the Federation.
- d) Former members who have resigned in-good-standing or who have been suspended for non-payment of dues who wish to reactivate their membership, shall be required to file application as a new member if their request for membership is made more than five years from the date of their resignation or suspension.

Section 6 - Duties of Members

- a) Each member shall carry an official paid-up membership card bearing his/her signature on all engagements to validate his/her proper membership status to other musicians including the leader, and for the purpose of verifying his/her membership to a duly constituted representative of the Association or the Federation. Failure to do so shall subject a member to a five dollar (\$5.00) fine.
- b) It shall be considered a violation and an act contrary to the best interest of the Association for a member to conduct himself/herself in an improper manner or in any way place obstacles in the way of the successful maintenance of the Association. The violation of any part of the Constitution or Bylaws, or the violation of an order or directive by the President or the Board shall be subject to disciplinary action by the Board. A member found guilty of any of the above violations shall be subject to a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each violation.
- c) A member of the Association who at any time or under any circumstances denies that s/he is a member in any case that involves the interest of the Association or his obligation as a member, shall be subject to a fine or expulsion.
- d) No member of the Association shall be permitted to hold membership in any union of musicians not affiliated with the American Federation of Musicians or in any other organization or association of musicians which has as a goal or

engages in a pattern of conduct undermining or weakening the legitimate interests of the American Federation of Musicians or any affiliated local thereof.

e) Any member who engages in a pattern of conduct which has as a goal the undermining or weakening of the legitimate interests of Local 72-147 shall be subject to a fine and/or expulsion.

f) Members shall notify the Association of changes of address and/or phone within two (2) weeks of the date of such changes. A five dollar (\$5.00) fine may be assessed for failure of a member to notify the Association of such changes.

g) Whenever any person, persons, organization, or establishment is declared to be on the Local or International Unfair List, members cannot render services for or with such person, persons, organization, or in such establishment.

h) When a leader is booked by an agent, the booking agent must be a licensed AFM agent.

i) The name of the sub-leader and his/her signature shall appear on the contract on all engagements for which a sub-leader is to perform. When a leader-contractor plans to use a sub-leader for any portion of an engagement, s/he is required to include this information as part of the contract. This shall not apply to continuous playing engagements at which the leader is present on the premises.

j) Auditions are to be held at times in which establishments would not normally hire musicians to perform, and are not to exceed thirty (30) minutes in duration.

k) Any leader who, during an engagement, behaves in a manner unbecoming of a leader or subjects members to humiliation, harassment or physical violence shall be subject to a fine or suspension upon conviction by the Board.

l) Any member desiring to offer his/her services gratis must request permission to do so from the President or Executive Board.

m) Any member reporting to an engagement in an improper condition, or whose conduct during an engagement is improper or unprofessional shall be subject to a fine or suspension upon convictions by the Board.

n) No member shall accept or offer to accept less than minimum scale. No member shall pay or attempt to pay or engage a member for less than minimum scale.

o) Members contracting to furnish music for single engagements shall pay all members that have performed services on such engagements within seven (7) days from the date of engagement in the event the employer has paid the contract sum at that time. Members contracting to furnish music for steady engagements shall pay all members that have performed services on such engagements within seven (7) days from the termination of each work week if the employer has paid the contract sum at the time. If the stipulations on a contract

are such that payment cannot be made within seven (7) days, members employed on such engagements are to be notified of this condition when hired. In no instance shall the waiting period be more than thirty (30) days. Members are encouraged to seek assistance at the earliest possible time when payment for services rendered is not made in accordance to the contract. If the member has not collected from the employer within the time limits of this Section, it shall be his/her duty and responsibility to seek assistance from the Association. Failure to seek such assistance shall make the contracting leader responsible for paying the members who performed on the engagement whether or not s/he has received settlement on the contract from the employer.

p) When paying members for services rendered, leaders and/or contractors are required to furnish the member with a statement indicating the date of each engagement, the gross amount earned, and the purpose and amounts of all deductions.

q) Members shall not work for an employer against whom the Association or the Federation has established a lawful picket line or is engaging in a lawful strike.

Section 7 - Rights of Members

a) A loan made by the Musicians Federal Credit Union to a member whether by evidence of promissory note or other proof shall be a valid claim against such member. A member failing to pay the amount due on demand shall be subject to suspension or expulsion from membership. The Local 72-147 Executive Board shall be the adjudicator.

b) Members who are instructors in the music departments or students enrolled in the music department of a college or university are permitted to rehearse and perform without financial remuneration in any musical program which is a function of the music department of the school in which the student is enrolled, or the instructor is employed. Members who perform for schools or universities in which they are not faculty members or enrolled students are to be paid the prevailing local 72-147 wage scale. This same rule shall apply to members of churches and fraternal organizations.

c) Contracts for local musical employment cannot be consummated for a period of more than one and one-half (1 1/2) years from the date the contracts were executed without the consent of the Executive Board or unless it is made a part of the contract that the employer agrees to increase the gross contract price to an amount equal to at least the minimum wage scale instituted after the signing of the contract which is in effect at the time of performance.

d) Members cannot perform professional engagements for less than the applicable minimum wage scale established by the local or the Federation.

e) Members are encouraged to participate in non-commercial remote radio broadcast not exceeding thirty (30) minutes per day as part of their regular service.

f) Leaders or sidemen who demand, request, induce, or try to induce other members not to play with or for any other leader or member shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or suspension or expulsion from membership.

g) No member shall try to secure an engagement by offering inducements except the services of members as musicians in accordance with the wage scales and working conditions of the Association.

h) On any engagement where conditions are a menace to body or health or when duties are imposed that cause undue and unnecessary hardships upon members, the Board shall have the right to cause such conditions to be corrected or, if necessary, declare such establishments or engagements to be unfair.

he is i) Any member expelled, suspended, or erased from membership loses all his/her interest, rights, and benefit in the Association during the period in which s/ expelled, suspended, or erased.

Section 8 - Trials and Penalties

a) When charges are preferred against a member, before a trial can be held or a penalty imposed, s/he must be notified in writing of the charges, and be summoned to appear at a time and place for trial or to otherwise present a defense before the Executive or Trial Board. If a defendant when summoned fails to appear or present his/her defense, or in any way obstructs the holding of a trial, the member shall be adjudged in default, and the case will then proceed to a decision without further delay. A member failing to answer a written notice of charges within two weeks from the date the notice was mailed shall be judged in default and the Association can proceed without further delay. A letter mailed to the member's last known address shall be considered a valid notice.

b) An appeal can be made to the International Executive Board from a decision of the Executive or Trial Board of Local 72-147. A further appeal can be made to the International Convention in cases where members are either fined five hundred dollars (\$500.00) or more or are erased from membership. A request for an appeal must be made within ninety (90) days from the date a decision is rendered.

c) A member shall have the right to make claim through the Association against any leader, agent, or other member, for any amount resulting from failure to receive his salary, for violation of a contract, or for any difference in price actually received for an engagement and the price established by the Association or the Federation. Claims should be instituted within ninety (90) days from the alleged violation.

d) A member shall have the right to make claim against any non-member employer or purchaser for any amount of money which s/he alleges due to him/ her relating to a musical engagement in the jurisdiction of this Local. The

Executive Board will review the claim and determine if and how the Association shall act on it. An AFM member who is not a member of this Association shall have the right to make claim against an establishment in which they have played in the jurisdiction of the Association.

e) In the event it is the opinion of the Trial Board that a Board member is a party of interest in an investigation, complaint, charge or other matter, which is before the Trial Board for a ruling or decision, such Board member shall not have a vote.

ARTICLE II- Duties and Responsibilities of Officers

Section 1 - The President

a) The President is the chief administrative and executive officer of this Association. The President shall exercise general supervision over the business and activities of the Association and over its officers and employees. The President shall represent the Association in all matters involving collective bargaining or public relations.

b) The President shall administer all matters involving the Music Performance Trust Fund and the Film Funds Trust Fund.

c) The President may appoint assistants subject to the approval of the Executive Board. The compensation of presidential assistants shall be fixed by the Executive Board.

d) In the interim between meetings of the Executive Board, the President is vested with the authority to decide all controversies, questions, and other matters involving the interests of the Association, and rights and duties of members, as well as the interpretation of the Constitution, Bylaws, Wage Scale, and/or Price List subject to ratification at the next meeting of the Board.

e) It shall be the duty of the President to convene and preside at all meetings of the Association and/or Executive Board and to decide all points of order (in accordance with Roberts Rules of Order) and unless two-thirds (2/3) of the votes shall cast dissent therefrom his/her decision shall prevail.

f) The President shall call special meetings of the Association or the Executive Board whenever s/he may deem it necessary, or whenever s/he may be directed to do so by the Executive Board when a majority of the Executive Board shall be in favor of such special meeting.

g) Unless otherwise provided, the President shall be an ex-officio member of all committees established within this Association and of all other organizations with which this Association is affiliated.

h) The President may nominate all members of appointed boards, committees, etc., and shall submit such nominations to the Executive Board for approval. Approval shall be by majority vote of the Executive Board.

- i) The President shall select and submit to the Executive Board for approval, a Certified Public Accountant who shall prepare monthly financial statements, Form 941, Form 990, and other schedules as may be required.
- j) The President shall be editor and publisher of the Dallas-Fort Worth Musician which shall be published on a quarterly basis and mailed to each member of the Association.
- k) In case of his/her inability to perform his official duties, the President or the Board shall notify the Vice-President to act in his/her place.
- l) The President shall countersign, with the Secretary-Treasurer, all checks, bills, and agreements or orders for the expenditure of Association funds.
- m) The President shall see that proper bond is executed by such officers and employees of the Association who are required to handle money of the Association in the execution of their duties.
- n) The President and Secretary-Treasurer may perform musical engagements provided that such performances, in the opinion of the Executive Board, do not interfere with the duties and responsibilities of their office. The President and Secretary-Treasurer and other local officers shall refrain from using their positions in order to create an unfair competitive advantage or to profit at the expense of any local member. Neither the President nor Secretary-Treasurer shall act as contractor for any engagement.
- o) Past Presidents of Local 72 or 147 who have served at least one full term of office shall be exempt from the payment of membership dues.
- p) The office hours of Local 72-147 shall be from 9:30 a.m. to 5:00 p.m. Monday through Friday.
- q) In emergencies the President may fill, by appointment, vacancies that occur until such time as these vacancies can be filled in accordance with the Constitution and/or Bylaws of the Association. Temporary vacancies filled by the President shall be subject to ratification by the Board.
- r) The President shall, at the expiration of his term of office, turn over to his/her successor all books, records, documents, and other property of the Association.

Section 2 - The Secretary-Treasurer

- a) The Secretary-Treasurer shall keep correct minutes of the proceedings of the membership and Board meetings. The minutes of each are to be codified, read, and approved at each subsequent Board meeting after which they are to be published in the Dallas-Fort Worth Musician, the official publication of the Association.

- b) The Secretary-Treasurer shall perform all necessary correspondence of the Association.
- c) The Secretary-Treasurer shall arrange the agenda for each meeting of the Association and/or the Executive Board.
- d) The Secretary-Treasurer shall notify complainants, defendants, and witnesses in all cases as to the time such cases shall be heard by the Executive Board, which shall also function as a Trial Board. Notifications shall contain the necessary information required by law.
- e) The Secretary-Treasurer shall review all contracts to determine that they conform with the Constitution, Bylaws, Wage Scales, and working conditions of this Association and the Federation, and s/he shall enforce compliance when and where necessary. Contracts shall not be available for examination by anyone except the President and the Secretary-Treasurer and the office employees in the performance of their duties unless the validity of a contract is officially questioned.
- f) The Secretary-Treasurer shall compile and maintain an alphabetical list of the membership including their residence, zip code, phone number, Social Security number, and the instruments played.
- g) The Secretary-Treasurer shall publish a biennial membership directory which shall contain such information as the President and Executive Board shall stipulate, and shall mail the directory to each member in-good-standing of the Association.
- h) The Secretary-Treasurer shall notify the members through the Dallas-Fort Worth Musician of amendments to the Constitution, Bylaws, and/or Wage Scales.
- i) The Secretary-Treasurer shall maintain a proper record of revisions in the Constitution, Bylaws, and/or Wage Scales.
- j) The Secretary-Treasurer shall notify members of their election to office.
- k) The Secretary-Treasurer shall keep a record of receipts and disbursements in such form as will show the financial condition of the Association at any time. The account shall be available for perusal by the Executive Board and/or any member of the Association upon reasonable and logical request. However, any inspection of the records must be done at the Association's office. Records of the Association are not to be removed from the office at any time except for the normal needs of the Certified Public Accountant.
- l) Upon vacating the office, the Secretary-Treasurer shall transfer without encumbrance all books, papers, funds, and assets of the Association to his/her successor in office.

- m) The Secretary-Treasurer shall receive all money due the Association and collect all dues, fines, and assessments and shall issue checks for financial obligations owed by the Association.
- n) The Secretary-Treasurer shall deposit all income of the Association in appropriate banks and/or financial institutions as designated by the Executive Board of the Association.
- o) The Secretary-Treasurer shall co-sign with the President all disbursement checks from the general funds of the Association.
- p) The Secretary-Treasurer shall submit the necessary financial records of the Association each month for audit by a Certified Public Accountant.
- q) The Secretary-Treasurer shall publish in the Dallas-Fort Worth Musician the auditor's annual financial statement of condition of the Association.
- r) The Secretary-Treasurer shall, immediately prior to the annual election of officers, prepare for the information of the Election Committee, a list of members who are eligible to vote.
- s) The Secretary-Treasurer may appoint assistants subject to the approval of the Executive Board. The compensation of the Secretary-Treasurer's assistants shall be fixed by the Executive Board.

Section 3 - The Vice President

- a) The Vice President shall perform the duties of the President in his/her absence.
- b) The Vice President shall be authorized to sign all disbursement checks from the general funds of the Association if either the President or the Secretary-Treasurer are unable to do so.

ARTICLE III - The Executive Board

Section I – Purpose

- a) The Executive Board of this Association shall consist of eleven members: the President, who shall act as Chairman, the Vice-President, the Secretary-Treasurer, and eight Directors elected in accordance with the provisions of the Constitution and Bylaws. Each Executive Board member shall have equal voice and vote in the transaction of the business of this Association except the presiding officer who shall vote ONLY in the case of a tie.
- b) The quorum of the Executive Board shall be seven (7).
- c) The Vice-President shall act as Chairman of the Board in the absence of the President. In the absence of the President and the Vice-President, the presiding

officer shall be selected by a majority vote of the Board members present at the meeting.

d) The Executive Board is a permanent body and in the event that the personnel thereof should be changed in whole or in part by resignation, expiration of term of office, or any other cause, all business of any nature which is unfinished in the files of the Board as constituted prior to the change, shall be continued and carried over to the Board as newly constituted with full authority to decide and act; provided that a defendant in any unfinished Case shall have the right to appear before the newly constituted Board and be heard in his/her own defense.

e) Members of the Executive Board of the Association at large shall not be held individually or collectively responsible, directly or indirectly, for any money or salaries which may be lost through error of judgment in carrying out the laws of the Federation and/or this Association.

f) No Executive Board member shall divulge any of the unfinished proceedings of the Board relating to trials or contract negotiations. When an item of business of the Association has been referred by the Board to an officer or employee of the Association for action, no member of the Board shall enter into the matter unless directed to do so by the Executive Board.

g) For the performance of their function as Board members, they shall be exempt from membership dues during the term of their office. Board members who resign shall be required to pay dues for the unexpired term of their office.

Section 2 - Duties and Responsibilities

a) The Executive Board shall protect and supervise the affairs of the Association, its members, its real and personal property, and shall take such action as, in its judgment, serves the best interests of the Association.

b) The Board shall have the authority to request documentary evidence etc., and summon members to appear before it to give testimony. Members can be required to testify under oath if deemed necessary.

c) The actions and decisions of the Board are final and unless otherwise provided, shall not be reversed except by a decision rendered by the Federation, a properly called and conducted membership meeting, a referendum vote, or by its own action. Appeals to the Federation shall be made in the manner prescribed by the AFM Bylaws. All actions and decisions of the Board shall be published in the Dallas-Fort Worth Musician with such codification as conforms with normal parliamentary procedure.

d) The Executive Board can adopt such rules and regulations for its own government as are consistent with the Constitution and Bylaws of this Association and/or the Federation.

e) It shall be the responsibility of the Board to operate the affairs of the Association, make contracts of lease or rental, buy and sell real and personal property, and make and enforce rules governing the use of the Association property.

f) The Board shall supervise the expenditure of money and administer the financial policies of the Association.

g) The Board shall amend or modify the Bylaws and shall set or approve wage scales in accordance with these Bylaws and the Constitution of this Association, when in its opinion, the best interest of the organization would be served by making the necessary modifications, changes, or additions.

h) The Board shall have the authority to accept or reject applications for membership as long as such decisions are not contrary to AFM and/or Federal laws.

i) The Executive Board is empowered to require any AFM leader at any time to submit to the President or Secretary-Treasurer on the job or at the Union office any check he may receive from an employer for any musical engagement (steady or single) in order that the President may determine that minimum scale requirements of the Association have been met. A leader may also be required to submit to the President proof of proper wage scale payment to a sideman by showing canceled payroll checks or cash receipt vouchers. The required information shall be considered confidential information.

j) The President or the Executive Board can require a member to appear before them for interrogation for reasons involving the successful operation of the Association. A member, failing to appear when duly summoned, may be fined in accordance with these Bylaws.

k) The Executive Board shall act as a Trial Board for this Association.

1. In its capacity as a Trial Board, the Executive Board shall adjudicate all cases pertaining to default of payment for musical services, rule on all complaints, grievances, controversies, and other similar matters. All trial procedures shall conform to AFM Bylaws.

2. All verdicts and judgments of the Trial Board shall be final except as otherwise provided in the Constitution and Bylaws of this Association. A member shall have the right to appeal as outlined in Article 9 of the AFM Bylaws.

3. The Trial Board shall have the authority to levy fines for violations of Association or AFM Bylaws. Fines shall not be less than ten dollars (\$10.00) and not more than five thousand dollars (\$5,000.00) and/or they may be suspended or expelled. Fines are to be paid within thirty (30) days from the date of the meeting in which said fines are assessed. Members shall be notified in writing of such fines and the decision of the

Trial Board by a letter mailed to the last known address of the defendant. The notification shall be mailed not later than three (3) days after the Board's decision. All or any part of a fine may be held in abeyance for a period of one year from the date of the Board's decision contingent upon the proper adherence to Association and Federation Bylaws by the defendant. At the end of one year, that part of the fine held in abeyance may be nullified.

4. Defendants found guilty in accordance with the provisions of this article may, at the discretion of the Board, be charged for all costs pertaining to their trial.

5. When a member makes an admission, statement, or confession before the Executive Board or submits evidence showing that he is guilty of violating the Constitution, Bylaws, Wage Scales, working conditions, or directive of the Association, the Board can judge such member guilty and impose a fine or penalty for such violation without preferring charges in the regular manner.

l) In the event of a lack of a membership quorum at any meeting, the Executive Board is authorized to function in lieu of a membership quorum and act upon matters which, in their opinion, will serve the best interests of the Association.

m) The filling of vacancies on the Executive Board shall be by appointment by the members of the Board at the time the vacancy exists.

Section 3 – Meetings

a) If voting is not unanimous, the vote of each Board member shall be recorded. Each Board member must vote yes or no or abstain. The foregoing shall be part of the minutes published in the official publication except when the Board is functioning as a Trial Board.

b) It shall be the policy of the Board to meet at least once each month. Additional Board meetings may be called by the President or by a majority vote of the Board. Board meetings may be canceled by a majority vote of the Board.

c) Voting of the Board members shall be by a show of hands or voice vote. Unless otherwise provided, a majority vote shall constitute a valid decision.

ARTICLE IV - Election of Officials

Section 1 – Nominations

a) Nominations shall be held triennially by the membership on the first Sunday in November.

b) Nominations shall be made for the following offices in the order listed: President, Vice-President, Secretary-Treasurer, Convention Delegate, Diversity

Convention Delegate, eight (8) Executive Board members, and delegates to other bodies as may be required.

c) A membership quorum need not be present for the purpose of nominating officers and delegates.

d) If a nominee is not present at the nominations meeting at which s/he has been nominated, the member making the nomination must present a signed statement from the nominee stating that the person will accept the nomination and serve if elected at the time the nomination is made.

e) A nominee signing a statement must state the office or offices for which s/he will accept nominations and serve if elected.

f) Any nominee who wishes to withdraw his/her name must notify the President in writing by 5:00 p.m. of the Monday following the nominations meeting.

g) Names of nominees shall appear on the ballot in the order nominated.

h) At the conclusion of nominations the President shall appoint an Election Committee of four (4) members including a Sergeant-at-arms. The President's appointments on the Election Committee are subject to the approval of the membership present provided there is a quorum. In the absence of a membership quorum, the appointments are subject to the approval of the Board. Nominees cannot serve on the Election Committee.

Section 2 – Elections

a) The elections of officers shall be held on the first Sunday in December of each election year.

b) There shall be no electioneering within the headquarters building on Election Day.

c) Members of the Election Committee shall be members in-good-standing at the time of their appointment and at the time of the election.

d) The Secretary-Treasurer's office shall notify all members at their last known address of nominations and elections at least fifteen (15) days prior to the date of the nominations meeting.

e) The Secretary-Treasurer's office shall compile a list of eligible voters and make the list and the last known addresses available to the Election Committee in time for the proper mailing and returning of ballots by mail. The list and addresses shall also be made available to all nominees upon request in time for the candidates to use such information for campaign letters, etc.

- f) The Secretary-Treasurer's office shall arrange for the printing of ballots, and envelopes for mailing and returning ballots. The return envelopes shall be numbered but not the ballots.
- g) The Secretary-Treasurer's office shall rent a suitable post office box to which ballots will be mailed. The combination for the box shall be known only by the members of the Election Committee, and it shall be opened only on Election Day by at least two (2) members of the Election Committee who shall bring the ballots to the polls for tabulating.
- h) When processing the ballots for mailing, the Election Committee shall record the number of the envelope mailed to each member.
- i) Ballots shall be mailed to each member in-good-standing.
- j) When tallying the mailed envelopes, the Election Committee shall place all envelopes in numerical order and count and record them. The ballots shall then be removed from all envelopes and placed in the ballot box before tallying.
- k) Members can also vote in person. Voting hours shall be from 12:00 noon to 6:00 p.m. Voting shall be by secret ballot.
- l) Upon completion of the counting of all ballots, the Election Committee shall determine the number of votes cast for each candidate and announce the winners. For the office of President, Vice-President, and Secretary-Treasurer the person getting the highest number of votes for the office shall be declared elected. In the case of Delegates, the candidates polling the highest number of votes shall be declared elected. Alternates shall be candidates getting the next highest votes. The eight candidates getting the highest votes for Executive Board members shall be deemed elected.
- m) Installation of officers shall be held not later than January 10 of the year following election. The affairs of the Association will be run by the then existing officers until installation.
- n) The Association's membership files shall be made available to all candidates.

ARTICLE V – Delegates

Section 1 - Election, Duties and Responsibilities

- a) This Association shall be represented at each American Federation of Musicians International Convention and each Southern Conference of Locals Meeting held immediately prior to the International Convention as provided in the AFM Bylaws who shall be elected in conformity with Federal and Federation laws.

b) The President and Secretary-Treasurer shall be the first two (2) delegates to the American Federation of Musicians International Convention and Southern Conference of Locals Meeting by virtue of their office.

c) Delegates shall attend all sessions and/or meetings except for emergencies beyond their control. They shall perform such duties by voice and vote that, in their opinion, serves the best interest of the members of this Association and the Federation. They shall present such resolutions as they deem advisable to further the successful maintenance of the music profession and present resolutions as may be instructed by the Executive Board of this Association or by a majority vote of the members present at a meeting having a duly constituted quorum.

d) This Association shall pay to each delegate who attends the American Federation of Musicians International Convention and the sessions of any AFM Conference, coach plane round-trip transportation or it's equivalent to and from such meetings. Each delegate shall be paid the per diem allowances set forth in Article 25, Section 15 of AFM Bylaws for each day of AFM Conference meetings, including travel days.

ARTICLE VI - Dues Based on Earnings

All members of this Association, as a condition of membership, shall be required to pay dues based on earnings (hereinafter called work dues) for all musical services performed according to the following schedule:

1. Members performing services under locally negotiated collective bargaining agreements shall pay work dues in the amount of two percent (2%) of scale wages earned.
2. Members performing services under collective bargaining agreements negotiated by the International Executive Board of the American Federation of Musicians shall pay work dues in the amount of four percent (4%) of scale wages earned.
3. Members performing on engagements other than those of the nature set forth in 1. and 2. above shall pay work dues in the amount of four percent (4%) of scale wages earned.
4. All work dues shall be due and payable no later than the fifteenth day of the month following the month during which the services were performed. Any member violating this provision of this article shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and/or suspension or expulsion from this Association.

ARTICLE VII - Notification Requirements for Engagements

A leader, contractor, or member performing alone, as the case may be, in every instance where an engagement is played within the jurisdiction of this Association, is required to submit a contract for same with the Local, or in the absence of a written contract, file a written statement with the Local fully explaining therein the conditions under which the engagement is played, listing the names and address of the place of the engagement, date, hours, name, and Local number of the members who performed the engagement and the contract price. In emergencies, the necessary information concerning engagements may be given by phone prior to the engagement. Members failing to comply with this Article are subject to a fine of not less than ten dollars (\$10.00) nor more than four hundred fifty dollars (\$450.00) and/or expulsion for each offense.