

Merrimack Valley Musicians
#300 AFM

PO Box 2134 Lowell, MA 01851
978-453-2900
afm300@icloud.com

Bylaws 2016



*Please read and familiarize yourself with the
Bylaws for your protection and information!*

INDEX

Article I – Title, Object and Jurisdiction

Article II – Membership

Article III - Dues, Fees and Assessments

Article IV – Wage List

Article V – Duties of Members

Article VI – Officers

Article VII – Nominations and Elections

Article VIII – Claims: Rules of Practice and Procedure

Article IX – Charges and Trials

Article X – Meetings

Article XI Authorities

Article XII – Amendments

Article XIII – Removal of Officers

Article I – Title, Object and Jurisdiction

Section 1: This organization shall be known as the Merrimack Valley Musicians #300 American Federation of Musicians

Section 2: The Objects and Purposes of this Local Union shall be:

A * To unite the Professional Musicians within its jurisdiction who are eligible for membership, without regard to race, religion, creed, color, national origin, age or gender.

B * To organize the unorganized Professional Musicians in its jurisdiction and to provide services to such musicians.

C * To secure improved wages, hours working conditions and other economic advantages, for the Professional Musicians in the membership, through collective bargaining and to establish terms and conditions for equitable and fair dealing among its members.

Section 3” The territorial Jurisdiction of Local #300 includes:

Massachusetts: Middlesex County: **LOWELL**, Bedford, Billerica, Burlington, Carlisle, Chelmsford,

Concord, Dracut, Dunstable, Lincoln, North Reading, Tewksbury, Tyngsboro, Westford, Wilmington and

Woburn. Essex County: Amesbury, Andover, North Andover, Byfield, Boxford, Georgetown, Groveland,

Haverhill, Ipswich, Lawrence, Merrimac, Methuen, Newbury, Newburyport, Plum Island, Rowley,

Salisbury, Salisbury Beach and Topsfield.

New Hampshire: Hillsboro County: Hollis, Hudson and Pelham.

Rockingham County: Atkinson, Brentwood, Danville, Exeter, Fremont, Hampton, South Hampton,

Hampton Beach, Hampton Falls, Hampstead, Kensington, Kingston, East Kingston, Newfields,

Newton, Plaistow, Salem, Sandown, Seabrook and Seabrook Beach.

Article II – Membership

Section 1. Regular Memberships – All performers on musical instruments of any kind and vocalists or other individuals who render musical services of any kind for pay, are classified as Professional Musicians and are eligible for Regular Membership if they reside in the territorial jurisdiction of this Local, subject to the laws and jurisdiction of the AFM.

Section 2. Applicants for membership who are former members of this, or any other AFM local, are subject to appropriate provisions of the Bylaws of the AFM relating to affiliation as former, transfer or traveling members.

Section 3. Applicants for membership are required to complete the AFM application form and submit it to the local office with required fees and dues of membership. This can also be done on line at afm.org for which the AFM charges that applicant a 6% fee.

Section 4. An applicant shall become a member of this Local upon approval of their application by a #300 officer.

Section 5. The Oath of Obligation shall be read at the applicant's first meeting.

Section 6. Any candidate for Inactive or Life Membership status must have been a member in good standing for a minimum of 35 years, collectively, and have reached the age of 65.

Section 7. Youth and Student Memberships –

Youth – 20 years or younger.

Student – Must be registered in an accredited school, college or university. When the member is no longer in this category he or she will become a Regular Member at no additional cost until the following year he or she is a full time Regular Member. Both memberships are subject to all the rules of MVM #300 of the AFM.

Article III – Dues, Fees and Assessments

Section 1: Initiation Fees, Dues, Late Fees on Dues, Dues based on Earnings and Assessments to become and remain a member in good standing, shall be as established by the membership from time to time in compliance with applicable provisions of the **Labor Management Reporting and Disclosure Act of 1959.**

Section 2: Federation Initiation Fee is \$65/Local Initiation Fee is \$20/Regular Dues \$146/Life \$108/Inactive Life \$100 Student \$106/Youth \$96.

\$1,000 Life Insurance ADD is included in your Dues.

Member Dues are payable by January 31st each year.

Fines: February \$2/March \$2/April \$2/May \$2/June \$2.

Total Fines \$10.00.

Section 2: Non-payment of Dues and or Fines by July 1st will result in Automatic Expulsion. Reinstatement Fee is \$10 plus Dues and Fines.

Section 4: All members and/or Member Leader/Contractors are required to pay Work Dues of 3% based on earnings of all musical services, based on the Wage Scale and paid to the local within 15 days of the performance.

Section 5: It shall be the duty of every member to notify the Pres/Sec of any change of address/phone/beneficiary w/in 30days of said change.

Article IV Wage List

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

Section 2. The Treasurer shall maintain and make available to all members a current list of all established wage scales and the Vice President shall post the scales on the afm300.org site.

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

Section 4. No member shall perform or agree to perform and engagement for less than the applicable minimum wage scale established for such an engagement.

Minimum Wage Scale

See separate sheet

Article V Duties of Members

Section 1. It shall be a violation of these Bylaws for any member:

A to act in any way detrimental to the interest, standards or objects of the Local;

B to act in bad faith or deal unfairly with the Local or any of its members;

C to provide services as a leader or contractor, or to perform as a single on any engagement between the Local or the AFM and an employer without filing a fully completed AFM contract with the Pres/Sec/Del prior to the engagement;

D to knowingly perform any extended term (Theater etc) engagement not covered by a CBA (collective bargaining agreement) between the Local or the AFM and an employer or an AFM approved contract;

E to perform or agree to perform an engagement for less than the minimum established in Local #300 Wage Scale.

F to work as an employee for an employer against whom the Local or the AFM is engaging in a lawful, primary strike or cross through or work behind a lawful primary picket line by the Local or the AFM;

G to fail to fulfill any commitment, written or verbal to another member regarding an engagement, or to fail to comply with the industry standard of at least two (2) weeks written notice between Leader/Contractor and side person to terminate a steady engagement;

H to perform any engagement gratis without permission of the Executive Board.

Article VI Officers

Section 1. President/Secretary/Delegate, known as Pres/Sec/Del.

A It shall be the duty of the **Pres/Sec/Del** to preside at all meetings of the Local and of the Executive Board, and to enforce due observance of the bylaws and decide all disputed points of order, unless a 2/3rds majority of the votes is in dissent.

B The **Pres/Sec/Del** shall appoint all committees and shall be an ex-officio member of all committees except the election committee.

The **Pres/Sec/Del** will sign checks when the Treas/RecSec is not in.

C The **Pres/Sec/Del** shall vote only in case of a tie, except on matters which are before the membership and voted upon by secret ballot.

D Salary: see Section 5

Section 2. Vice President

A it shall be the duty of the VP to perform the duties of the **Pres/Sec/Del** in His/Her absence and vote with the Executive Board on all matters.

B In the event of the death, disability, resignation or removal from office of the **Pres/Sec/Del**, the VP shall become Pres/Sec.

C Salary: see Section 5

Section 3. Treasurer/Recording Secretary

A **Treas/RecSec** shall sign checks, record invoices and orders for payments.

B The **Treas/RecSec** shall keep accurate accounts of all receipts and expenditures and present said documents to the officers and complete a year ending account with the LM3 and 990's.

Officers: Article VI Continued

Treas/RecSec

C The **Treas/RecSec** shall vote with the Executive Board on all questions.

D At the expiration of the **Treas/RecSec** term of office, all records and monies belonging to the Local shall be returned.

E **Treas/RecSec Salary:** See **Section 5.**

Section 4. Executive Board

A The **ExBd** shall be comprised of the **Pres/Sec/Del, VP, Treas/RecSec** and Seven (7) members at large; Five (5) **ExBd Members**, One (1) **Business Agent, One Trustee.**

B The **ExBd** shall have 4 meetings per year prior to each membership meeting (4) per year.

C The **ExBd** shall exercise general supervision of the interest and affairs of the Local and its properties; pass upon all applications for membership; approve all large expenditures and oversee the choice of Banks for the monies of the Local.

D Except for the **Pres/Sec/Del**, the **ExBd** shall have authority to fill any vacant office for the balance of the elected term of office.

E The **ExBd** shall serve as a Board of Arbitration and Trial Board as provided in these Bylaws.

F The **ExBd** shall have authority to issue Business Cards which can be renewable each year to all Officers to assist the BusAgt to visit places in the jurisdiction where musicians are performing and shall have authority to fix the wages and expenses to be paid.

Section 5. The wages, fringe benefits and reimbursement for expenses for all officers shall be as established from time to time by the membership.

A Pres/Sec/Del - \$2,500 year depended on monies available to pay such salary. Not taken as of this printing. Average taken \$800 / **VP** None / **Treas/RecSec** \$840 year depended on monies available but not taken as of this printing. Average is \$600 per year.

B Life Insurance: Pres/Sec/Del - \$15,000 ADD / VP & Treas/RecSec - \$5,000 ADD.

C All Elected Officers and Emeritus Officers are required to pay full annual dues without exception.

Article VII Nominations - Elections

Section 1. Nominations

A Nominations for all Officers to Conventions and Conferences of the AFM shall be held Triennially, to coincide with the AFM Conventions, at the September Body Meeting on the first Wednesday of the month.

B At least 15 days prior to the Nominations meeting, the Pres/Sec/Del shall **email** written notice of meeting to all members. In the case of those members **without email, snail mail** notices will be mailed.

C The Nominations meeting shall be held as called, regardless of any quorum requirement.

D Any member in good standing, present at the Nominations meeting, shall be entitled to nominate any eligible candidate of His/Her choice. The Nominee shall be present at the meeting of His/Her Nominator must present a written signed statement of acceptance of Nomination from such Nominee.

E To be eligible for Nomination, a member must have been a Member of the Local in continuous good standing with no suspensions, expulsions within the previous 24 months.

F Immediately after receipt of all Nominations, the Pres/Sec/Del shall appoint an Election Committee of 2 members. As long as there are Emeritus Officers (who are not elected officers) in the membership, one and/or both will be Election Chairperson(s).

Article VII Nominations and Elections Continued

Section 2. Elections

A Elections for all Officers shall be held Triennially, to coincide with the AFM Conventions, on the first Wednesday in November.

B At least 15 days prior to the Nominations meeting, the Pres/Sec/Del shall ***email*** written notice of meeting to all members. In the case of those members ***without email, snail mail*** notices will be mailed.

C Any member in standing who is not able to attend, may contact the Local for an Absentee Ballot to be received at the Local Office by the 21st of October. The Local in turn will mail the Ballot by October 22nd to be returned to the Local by November 1st.

D The Elections meeting shall be held as called, regardless of any quorum requirement.

Article VIII Claims: Rules of Practice/Procedure

Section 1. Unless a CBA is in effect, which would prevent Him/Her from doing so, a member of this Local may file a claim with the **Pres/Sec/Del** against:

A any other member of this Local for any amount of money He/She alleges due Him/Her relating to a musical engagement; or

B any non-member employer or purchaser for any amount of money which He/She alleges is due Him/Her relating to a musical engagement, in the jurisdiction of this Local, if such non-member employer or purchaser has agreed to submit such a claim to arbitrations by the Local **ExBd**.

Section 2. A claim must be filed in writing with the **Pres/Sec/Del** within one year of the occurrence from which the claim arose.

Section 3. The **ExBd** shall at its earliest opportunity after written notice to the parties, allowing at least twenty days to prepare their case, sit as a Board of Arbitration and conduct a full and fair hearing and render its decision.

Section 4. All communications concerning claims shall be sent by the **Pres/Sec/Del** to the parties by **Certified Mail, Return Receipt Requested**.

Section 5. Any member failing to comply with the decision of the **ExBd** on a claim shall be subject to expulsion by the Board.

Section 6. The decision of the **ExBd** on claims shall be final and binding upon the parties unless appealed to the **IEB, International Executive Board**, as provided in the **AFM Bylaws and/or the Rules of Practice and Procedure of such IEB**.

Article IX Charges and Trials

Section 1. The **ExBd** shall have the authority to hear and decide all charges against members and to impose appropriate fines or other disciplinary action.

Section 2. No member shall be put on trial for any alleged offense unless charges have been preferred in writing to **Pres/Sec/Del**.

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

Section 4. Notice of charges shall be given in writing to the charged member by the **Pres/Sec/Del**; the notice shall contain the following;

A the nature of the offense / **B** the provisions of the Bylaws at issue /

C the Date Time and Place of the alleged occurrence / **D** sufficient facts to provide the charged member information to prepare His/Her defense /

E the date, time and place of the hearing.

Section 5. A member shall be given at least 15 days from the mailing of the notice of charges to prepare His/Her defense for the hearing on charges.

Section 6 Any charged member shall be accorded a full and fair hearing before the **ExBd** prior to any disciplinary action.

Section 7 All communications concerning charges and disciplinary action therefrom shall be sent by the **Pres/Sec/Del** to the charged party by ***Certified Mail Return Receipt Requested.***

Section 8 Any member found guilty of charges shall be advised in writing by the **Pres/Sec/Del** of His/Her rights to appeal the decision of the **ExBd** to the **IEB**.

Article X Meetings

Section 1. Regular meetings of the membership shall be held a minimum of 4 times per year on the first Wednesday of the month unless otherwise determined by the **ExBd**. All meetings will be held at **7PM / University Music 1717 Middlesex Street Lowell, MA. 01851.**

Section 2 A quorum consisting of 1% of the total membership as set forth on the last **Per Capita Report** filed with the **AFM** prior to the meeting. The 1% shall be rounded off to the nearest whole number, up or down, must be in attendance for the meeting to be called to order.

Section 3 If at any regular or special membership meeting a quorum is not achieved, the **Ex Bd** shall have authority to act upon any items on the agenda of such meeting subject to applicable provisions of the **Labor Management Reporting and Disclosure Act of 1959** as amended.

Section 4 The conduct and procedures of all regular and special membership meetings shall be as set forth in the **AFM Bylaws.**

Article XI Authorities

Section 1. These **Bylaws** are subject and subordinate to the Bylaws and amendments thereto of the **AFM** and wherever conflict or discrepancy appears between the **Bylaws** of the **Local** and amendments thereto of the **AFM**, the latter shall prevail.

Section 2. These **Bylaws** shall not be enforced in any manner to conflict with **Public Law.**

Section 3. If any article, section, sub-section. Or portion thereof of these **Bylaws** should be held illegal, invalid, or null and void by a court of competent jurisdiction, each and every other provision of these **Bylaws** shall remain in effect.

Article XII Amendments

Section 1. The **ExBd**, or any 3 full members of the Local in good standing, may present in writing to the **Pres/Sec/Del** a resolution to amend the **Bylaws**.

Section 2. Within 10 days of receipt of a resolution to amend the **Bylaws** from the **Ex Bd**, the **Pres/Sec/Del** shall mail written notice to all members of the regular or special membership meeting at which the resolution is to be acted upon. The notice shall contain the resolution and the date, time and place of the meeting. The date of the meeting shall be at least 21 days from the date of mailing of the notice.

Section 3. Upon receipt of a resolution to amend the **Bylaws** signed by 3 full members in good standing the **Pres/Sec/Del** shall present the resolution to the next regular or special meeting of the **ExBd**, which shall consider the merits of the resolution and make a recommendation of same. The **Pres/Sec/Del** shall then make written notice to all members of the regular or special membership meeting at which the resolution is to be acted upon. The notice shall contain the resolution, the recommendation of the **ExBd**, the date, time and place of the meeting. The notice shall be mailed at least 30 days prior to the membership meeting, which shall be no sooner than 40 days from the **ExBd** meeting at which the resolution was presented and no later than 90 days from such **ExBd** meeting.

Section 4. A resolution to amend the bylaws is subject to a 2/3 majority vote of those members voting for approval.

Section 5. A resolution approved shall become effective immediately unless provided otherwise in the resolution.

Section 6. A quorum of 1% is required.

Article XIII Removal of Officers

Section 1. An officer of the Local may be charged by a 2/3 vote of the majority of the **ExBd** or by a petition signed by 10% of the full membership in good standing of the Local. If by petition, it shall be presented to the highest officer not being charged.

Section 2. Charges vs an officer must allege serious misconduct in office or repeat failure to perform duties of His/Her office as prescribed in the **Bylaws** of the Local. The charges must be specific as to the alleged act(s) of serious misconduct.

Section 3. The charged officer's charges be sent to the highest officer not being charged.

Section 4. The **Pres/Sec/Del** or **VP** if **Pres/Sec/Del** is being charged, shall call a special membership meeting to elect a 5 member Trial Board which shall select a chairman to conduct a hearing upon the charges. None of the Trial Board members shall be officers of the Local, but must be members in good standing at least 15 days prior to the meeting and shall contain the date, time and place of the meeting, plus the purpose of same as stated in the above allegation(s) vs the officer.

Section 5. The Trial Board shall call and conduct a full and fair hearing of the charges at the earliest feasible date no sooner than 15 days after its election. Immediately following the hearing, the Trial Board shall render its decision as to the guilt or innocence of the accused and advise the highest officer not being charged.

Section 6. If the Trial Board had found the accused officer guilty, the highest officer not being charged shall promptly call a special meeting to review the decision of the Trial Board and vote by secret ballot to sustain or deny such decisions. Notice of the special membership meeting shall be mailed to all members in good standing at least 15 days prior to the meeting and shall contain date, time and place plus the purpose as stated above.

Section 7. If 2/3 of the members voting at the meeting vote to sustain the guilty findings of the Trial Board, the officer shall stand removed from office and the vacancy shall be filled as provided elsewhere in these Bylaws.



Merrimack Valley Musicians

Local #300 AFM
PO Box 2134
Lowell, MA 01851
978-453-2900 – 24 hour Phone / Fax
afm300@icloud.com / afm300.org
Emergencies 24hrs / 7 Days – Week
Phone / Fax / email
All messages will be returned

Officers

President / Secretary / Delegate

John Leite
978-453-2900 - afm300@icloud.com

Vice President

Ed Cyrus
978-654-7560 - edcyrus@comcast.net

Treasurer – Recording Secretary

Cheryl Fournier
978-453-3181 – c_fournier83@yahoo.com

Trustee

Ted Decker
978-452-6252

Business Agent

Bill Scism
978-475-5227 - wscism@berklee.edu

Executive Board

Lou Stamas – **MPTF Administrator**
978-433-7917 - loustamas@yahoo.com

Eric Giribaldi -
[508-451-7104](tel:508-451-7104) - gerraguitar@gmail.com

Dick Carpentier
978-458-1871 – mldy636@verizon.net

Malcolm Ranney
978-692-3676 - ranneymr@aol.com

Johann Robledo
978-441-1203 – johann218@yahoo.com

Office Hours

Mon / Wed / Thurs
10 – 12 Noon
3-5 PM
7:30-9PM
Saturday
10-12Noon

General Meetings

Second Monday of the Month
April / June / September /
November
7PM

University Music

1717 Middlesex Street
Lowell, MA 01851
978-453-6488

Toll Free AFM Trouble

USA 800-ROADGIG / 800-
762-3444

Canada – 800-INFOFED /
800-463-6333