

BYLAWS
Musicians' Society of San Antonio, Local 23, A.F. of M.
Revised April 14, 2019

ARTICLE I TITLE, OBJECTIVES AND JURISDICTION

SECTION 1 This Local union shall be known as "Musicians' Society of San Antonio, Local 23, American Federation of Musicians."

SECTION 2 The objectives and purposes of this Local 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, gender, or sexual orientation;
- B. To organize the unorganized professional musicians in its jurisdiction and to provide union services to such organized professional musicians;
- C. To secure improved wages, hours, working conditions, and other economic advantages for the professional musicians in its membership through collective bargaining; and
- D. To establish and enforce terms and conditions for equitable and fair dealing among its members.

SECTION 3 The territorial jurisdiction of this Local shall be the following counties located in the State of Texas: Terrell, Val Verde, Edwards, Kinney, Maverick, Zavala, Uvalde, Real, Bandera, Kerr, Gillespie, Kendall, Medina, Frio, Atascosa, Bexar, Comal, Guadalupe, Wilson, Karnes, DeWitt, Gonzales, Lavaca, Dimmit, LaSalle, McMullen, Live Oak, Webb, Duval, Jim Wells, Zapata, Jim Hogg, Brooks, Starr, Hidalgo, Bee, Goliad, Victoria, Jackson, Calhoun, Refugia, Aransas, San Patricio, Nueces, Kleberg, Kenedy, Willacy and Cameron, and additions, deletions or changes that may be hereafter mandated by the American Federation of Musicians ("Federation" or "AFM").

ARTICLE II MEMBERSHIP

SECTION 1 All performers on musical instruments of any kind and vocalists, dancers and support crew or other individuals who render musical services of any kind for pay, are eligible for membership, subject to the laws of and jurisdiction of the Federation. Once an individual becomes a member, he/she shall have the right to retain his/her membership even though he/she is no longer performing musical or music-related services that would entitle him/her to become a member.

SECTION 2 Applicants for membership who are former members of this or any other AFM Local, or are currently members of any other AFM Local are subject to appropriate provisions of the bylaws of the AFM relating to affiliation as former or traveling members.

SECTION 3 Applicants for membership are required to complete the AFM approved application form in the presence of the Secretary-Treasurer or his/her designee and deposit the required fees and dues of membership.

SECTION 4 An applicant shall become a member of this Local upon approval of his/her application by a majority vote of the Executive Board.

SECTION 5 In any case wherein local procedure is the cause of delay in enrolling an applicant to membership and such delay exceeds eight (8) days, then this Local shall issue such

applicant a written temporary permit, conferring temporary performing rights upon him/her, pending consideration of his/her application. Engagements contracted during this temporary period shall not exceed the duration of the temporary permit. The foregoing does not apply to applications forwarded to the International Executive Board.

SECTION 6 An applicant having been approved by the Executive Board who is not currently a member of another Local shall give the following Oath of Obligation to an appropriate official of this Local and shall attend an orientation meeting as per AFM approved application form:

“I, Name of applicant , in the presence of the members here assembled, do solemnly promise and declare that I will support the bylaws of the American Federation of Musicians and obey all laws emanating therefrom, and the bylaws of Local 23, and that of any other Local of the American Federation of Musicians of which I may hereafter become a member. To this I pledge my word of honor.”

SECTION 7 A member clear of indebtedness to this Local and against whom there are not charges pending may resign in good standing at any time by presenting a letter of resignation to the Secretary-Treasurer.

SECTION 8 No member of this Local can attain or acquire honorary or life membership status until he/she has been a member of the American Federation of Musicians for 35 consecutive years or more and has attained the age of at least 65.

A Life Member may opt for Inactive Life Member status by applying in writing to the Secretary-Treasurer. Inactive Life Members shall have all the benefits, rights and privileges of any other member except that they shall not be allowed to vote or hold office.

SECTION 9 A Youth Member classification shall be established to provide for the admission of youths 20 years or younger. A “youth member” may remain in that classification until his/her 21st birthday. A qualified person is entitled to “youth member” in only one Local and shall be subject to all Federation and Local rules, regulations, and bylaws; and regular periodic dues of the Local and work dues where applicable.

ARTICLE III OFFICERS

SECTION 1 The Executive Officers of this Local shall be: President; Vice President; Secretary-Treasurer; and 6 Directors. The terms of office for the President, Vice President and Secretary-Treasurer shall be 2 years for terms beginning on odd-numbered years. The terms of office for Directors shall be 2 years with terms staggered so that 3 new Directors are elected each year. Directors seats subject to election in any given year shall be filled At Large; that is, the 3 candidates receiving the most votes shall fill the 3 vacancies for the next 2 years. The terms of office shall commence upon their installation at the January General Meeting and shall continue until their successors are duly elected and installed.

SECTION 2 The officers of this Local elected at the regular annual election shall be obligated and installed at the next regular meeting following their election. The presiding officer shall administer the following obligation to the newly elected officers, or he or she shall appoint a member to do so:

“I, Name of officer , in the presence of the members here assembled, do solemnly pledge my most sacred honor that I will faithfully perform the duties of my office as Title of office of this Local during the term for which I have been elected, or until my successor is duly elected and installed; and that I will support and enforce to the best of

my ability without prejudice or partiality, the bylaws of the American Federation of Musicians, and the bylaws of Local 23.

SECTION 3 PRESIDENT

- A. The President shall have the following duties, powers and limitations:
- (1) The President shall preside at all meetings of the membership and of the Executive Board.
 - (2) The President shall enforce due observance of the bylaws.
 - (3) The President shall convene all regular and special meetings of membership and of the Executive Board; and shall decide all disputed points of order during any such meetings, unless a two-thirds majority of the votes cast dissent therefrom.
 - (4) The President shall be authorized to sign all checks, bills, contracts, and agreements or orders for payment of monies.
 - (5) The President shall appoint all committees and shall be an ex-officio member of all committees except the election committee.
 - (6) The President shall vote only in case of a tie, except on matters that are before the membership and voted upon by secret ballot.
- B. In performance of the above duties, the President shall receive a monthly non-employee honorarium of fifty dollars (\$50.00).
- C. At the discretion of the Executive Board, the President may be paid a salary as an employee of the Local at a rate commensurate with additional duties or hours as may be determined by the Executive Board payable monthly. The Local shall make a pension contribution to the AFM-EP Fund on behalf of the President in an amount equal to five percent of such salary.
- D. The President shall serve as second delegate to the AFM Convention and to all conferences and councils with which this Local may be affiliated.

SECTION 4 VICE-PRESIDENT

- A. It shall be the duty of the Vice-President to perform the duties of the President in the event that the President is unavailable to perform such duties.
- B. In the event of the death, disability, resignation, or removal of the President, the Vice- President shall become President.
- C. The Vice-President shall serve as first alternate delegate to the AFM Convention and to all conferences and councils with which this Local may be affiliated.

SECTION 5 SECRETARY TREASURER

The Secretary-Treasurer shall have the following duties, powers and limitations:

- A. The Secretary-Treasurer shall prepare and keep a faithful record of proceedings of meetings of the membership and of the Executive Board.
- B. The Secretary-Treasurer shall answer all communications to the Local.
- C. The Secretary-Treasurer shall keep a true account of the membership.
- D. The Secretary-Treasurer shall issue notices for all meetings of the membership and the Executive Board.
- E. The Secretary-Treasurer shall be authorized to sign all checks, bills, contracts, and agreements or orders for payment of monies, any and all of which must, however, be countersigned by either the President or Vice President.
- F. The Secretary-Treasurer shall keep an accurate account of all receipts and expenditures of the Local and shall present a detailed statement of all such receipts and expenditures to the Executive Board at least quarterly.
- G. At the direction of the Executive Board, the Secretary-Treasurer shall surrender all of the books of accounts to an independent public accountant to be chosen by the Executive Board for an annual review.
- H. At the expiration of his or her term of office, the Secretary-Treasurer shall deliver to his or her successor all monies, books, records and documents belonging to the Local.
- I. The Secretary-Treasurer shall serve as the first delegate to the AFM Convention and to all conferences and councils with which this Local may be affiliated.
- J. The Secretary-Treasurer shall schedule office hours of at least 12 hours per week.
- K. The Secretary-Treasurer shall receive a monthly salary of \$1500 for the above duties. The Local shall make a pension contribution to the AFM-EP Fund on behalf of the Secretary-Treasurer in an amount equal to 5 percent (5%) of the Secretary-Treasurer's total wages, payable monthly.
- L. The Secretary-Treasurer shall not serve as contractor or leader on any engagement. It is not the intent of this policy to deprive elected Officers, elected business agents, appointed employees, or committee members who are predominantly engaged in the music industry as side musicians 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 6 EXECUTIVE BOARD

- A. The Executive Board shall be composed of the President, Vice President, Secretary-Treasurer, and six (6) directors.
- B. The Executive Board shall meet regularly each month, and on special call of the President or by written petition of any five members of the Board. It shall have the authority to set its date, exact hour and place of its meetings, except for those on special call of the President. A majority of the Board present shall constitute a quorum. Any member of the Board failing to appear for more than three (3) meetings per year with no excuse, shall be automatically removed from office.

- C. The Board shall exercise general supervision of the interest and affairs of the Local and its properties, pass upon all applications for membership, approve or deny all expenditures of the Local in excess of fifty dollars (\$50.00), and direct the Secretary-Treasurer as to what bank(s) or other financial institution(s) monies of the Local are to be deposited.
- D. Except for the office of President, the Board shall have the authority to fill any vacant office for the balance of the elected term of such office.
- E. The Board shall serve as a Board of Arbitration and Trial Board as provided elsewhere in these bylaws.
- F. The Board shall have the authority to appoint organizers and business representatives as it deems necessary to visit places in the jurisdiction where musicians are performing and shall have the authority to fix the wages and expenses to be paid such business agents or organizers, who shall report their activities as required by the Board.
- G. The Board shall have the authority to employ clerical assistance, as it deems necessary, together with the authority to fix the wages and other conditions pertaining to the employment of such clerical assistance.
- H. The Local shall make a pension contribution to the AFM-EP Fund in an amount equal to five percent of the wages paid to each regular employee of the Local, payable monthly.
- I. Members of the Board shall receive \$15 for each meeting attended by that member in full.
- J. The Board shall have the authority to engage a certified public accountant to perform a review of the accounts and books of the Local.

ARTICLE IV NOMINATIONS AND ELECTIONS

SECTION 1 NOMINATIONS

- A. Nominations for officers and alternate delegates to the AFM Convention shall be held as the first order of business of the October General Meeting at a place determined by the Executive Board. Nominations for President, Vice-President, Secretary-Treasurer, and alternate delegate to the AFM Convention shall be held in even-numbered years only. Nominations for all other positions shall be held annually.
- B. At least 14 days prior to the nominations meeting, the Secretary-Treasurer shall mail written notice of such meeting to all members. The notice shall contain the date, time, and place of the meeting and the positions subject to nominations.
- C. The nominations meeting shall be held as called, regardless of any quorum requirement.
- D. To be eligible for nomination, a member must be a full member of the Local in good standing.
- E. Any member in good standing present at the nominations meeting shall be entitled to nominate any eligible candidate. The nominee must be present at the meeting, unless his or her nominator submits at the time of the nomination meeting a signed and notarized statement of acceptance of nomination from such nominee.

- F. Prior to the official notice of the nomination meeting, the President shall appoint an election committee of 3 members, none of whom may be candidates. The election committee shall handle all details of the election. The election committee members shall be paid the sum of \$50.00 each for serving on the election committee.
- G. The order in which candidates' names shall appear on the ballot shall be determined by a random drawing conducted by the Election Committee at the close of nominations.

SECTION 2 ELECTIONS

- A. Elections shall be conducted by referendum mail ballot. Only full members in good standing are eligible to vote.
- B. No sooner than 20 days nor later than 30 days following a nomination meeting, the Secretary-Treasurer shall mail to all members then in good standing of Local 23 the ballot, together with an instruction sheet, secret ballot envelope and return-addressed envelope addressed to the Election Committee at a post office box number secured by the Local for that purpose. Concurrently, the Secretary-Treasurer shall deliver to the Election Committee a separate list of members eligible to receive a ballot in order to assist the Election Committee in verifying the eligibility of voters.
- C. No sooner than 30 days nor later than 40 days after the mailing of the ballots, the Election Committee shall, on a date and time set by the Election Committee, retrieve all ballots from the post office box and tally the votes. Ballots deemed by a majority of the Election Committee to be spoiled, unreadable, or otherwise invalid, shall be segregated from ballots deemed valid by a majority of the Election Committee, and shall not be included, counted or tallied with valid ballots to obtain an election result.
- D. The writing-in of names of persons not nominated and listed on a ballot is prohibited.
- E. The candidate receiving the most votes cast shall be elected to office. In case of a tie vote, the winner shall be chosen by a random chance method mutually acceptable to those candidates receiving the tie vote. A re-balloting of the membership shall be held only if the affected candidates agree to pay for the cost of the re-balloting.
- F. A member entitled to vote may challenge any matter relating to the nomination and election of the Local officers and/or delegates to the American Federation of Musicians Convention after the election by filing a challenge with the Local Secretary-Treasurer within 10 days after the election. The challenge must be in writing, setting forth the exact nature and specification of the challenge, and how the election was affected by same. The Local Executive Board shall within 15 days of receipt of such challenge, meet and rule upon the challenge and determine the appropriate remedial action should the challenge be ruled valid. The Local's decision shall be appealable to the International President, in writing within 10 days of the appellant being advised of the decision. The International President, or his or her designee, shall have the authority to decide such an appeal and to order and direct appropriate remedial action should the appeal be sustained. The actions of the International President's office in these matters shall constitute the exhaustion of union remedies.

- G. Newly elected officials shall be obligated and installed during the general membership meeting in January at a date, time and place to be announced beforehand in the *San Antonio Musician*.

ARTICLE V MEETINGS

SECTION 1 Regular meetings of the membership shall be held quarterly in January, April, July, and October on dates and at times and places to be announced prior to the meeting in the *San Antonio Musician*. Meeting dates may be adjusted for reasons of emergencies or to avoid legal holidays. All official meetings of this Local or of the Executive Board shall be presided over by the President, Vice President or a temporary chairperson elected by the members present at such meeting.

SECTION 2 Special meetings of the Local may be called at the discretion of the President, the Executive Board, or when so requested in writing by thirty-five (35) full members in good standing. The purpose shall be specified in a notice of such meeting to all members, which shall be mailed by the Secretary-Treasurer at least fourteen (14) days prior to the meeting. No other business than that specified in the notice shall be transacted at a special meeting.

SECTION 3 The number of members of the Executive Board plus 2 percent (2%) of the total membership, as set forth on the most recent AFM membership per capita report, must be in attendance at any regular or special meeting to constitute a quorum

SECTION 4 If, at any regular or special membership meeting a quorum is not achieved, the Executive Board shall have the authority to act upon any items on the agenda of such meeting, except increases in membership fees and dues, subject to applicable provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended.

SECTION 5 The conduct and procedures of all regular and special membership meetings shall be set forth set forth in Robert's Rules of Order. The Secretary-Treasurer shall formulate the meeting agenda in accordance with the following order of business:

1. Roll call of officers
2. Moment of silence for deceased member(s) members
3. Change in order of business, if required
4. Presentation of new members
5. Reading of minutes from previous meeting
6. Communications and bills
7. Financial report
8. Official reports
9. Unfinished business
10. New business (Resolutions/installations)
11. Open forum
12. Adjournment Recess

SECTION 6 A secret ballot shall be taken on any question pending before any official meeting of this Local or the Executive Board upon demand of one member.

ARTICLE VI DUES, FEES AND ASSESSMENTS

SECTION 1 The revenue of this Local shall be derived from initiation fees, membership dues, work dues, work dues buyout, late fees and miscellaneous sources. The Local initiation fee shall be twenty dollars (\$20.00) plus current membership dues. Musicians comprising a bona fide, self-contained musical unit of at least two instrumentalists or vocalists, who all apply to join the Local at the same time shall be eligible for a 50% reduction in the Local initiation fee. All initial fees are due upon application for membership.

SECTION 2 Except as otherwise provided, membership dues shall be paid semi annually as follows:

| | | | |
|-----------------------|----------|---------------------------|-------|
| Regular Members | \$78.00 | Effective January 1 2020 | \$88. |
| Life Members | \$47.00 | Effective January 1, 2020 | \$52 |
| Inactive Life Members | \$42.00. | Effective January 1, 2020 | \$47 |

Regular Members may pay annual membership dues of \$146 (\$166 effective January 1, 2020) per year if paid in full by January 31 of the applicable year.

Semi-annual periods shall begin on the first day of January and July. Any member failing to pay dues during the first calendar month of any semi-annual period, will be assessed a \$5.00 late fee.

SECTION 3 Any member whose membership dues remain unpaid 3 months after the due date shall automatically be suspended from membership in this Local. Such member shall be required to pay a late fee of \$5.00 and all arrears then owing plus current membership dues to resume membership in good standing. If such member is rejoining for the sole purpose of being able to resign in good standing, no reinstatement fee will be charged.

SECTION 4 Any member whose membership dues remain unpaid 6 months after the due date shall automatically expelled from this Local. Such member shall be required to pay a reinstatement fee of \$15.00, all arrears then owing, plus current membership dues in order to reinstate his or her membership. If such member is rejoining for the sole purpose of being able to resign in good standing, no reinstatement fee will be charged.

SECTION 5 Any member whose membership dues remain unpaid one year after the due date shall be required to pay a reinstatement fee of \$20.00 plus all arrears.

SECTION 6 Any former member who has resigned in good standing may be reinstated upon payment of \$15.00 plus current membership dues.

SECTION 7 Former members, who engage in musical activities determined by the Executive Board as detrimental to Local 23 or any member thereof, shall not be eligible for readmission except upon approval of his or her application by the International Executive Board. The International Executive Board shall have the authority to levy an appropriate additional admission fee.

SECTION 8 All members are required to pay dues based on minimum scale earnings for:

- Traveling in the amount of three percent (3%) of the applicable scale
- Electronic media at four and one-half percent (4½%) of the applicable scale
- Symphonic at two and fifty-five hundredths percent (2.55%) of the applicable scale
- Referrals at ten percent (10%) of the applicable scale
- MPTF at two and one-half percent (2½%) of the applicable scale
- Local Classical at two and one-half percent (2½%) of the applicable scale
- Casual for all other musical services performed in the amount of three percent (3%) of the applicable Local scale

All members must pay dues based on Local minimum scale earnings for all musical services performed ("Work Dues"). Work Dues shall be calculated and payable as follows:

- Electronic media- Any services performed by a member in connection with employment that transmits or preserves music electronically, e.g., broadcasting,

sound recording, film scoring, videotaping, and recording commercial announcements: **Four and one-half percent (4.5%) of current local scale.**

- Symphonic- any services performed by a member with a regularly organized nonprofit symphony, opera, ballet, or chamber orchestra having a Local Collective Bargaining Agreement: **Two and fifty-five hundredths percent (2.55%) of current local scale.**
- Local Classical- Any services performed by a member in connection with a symphonic, opera, ballet or chamber orchestra not having a Local Collective Bargaining Agreement: **Two and one-half percent (2.5%) of current local scale.**
- Local 23 Referral Service- Any services performed by a member through employment obtained through the Local 23 Referral Service: **Ten percent (10%) of current local scale.**
- Music Performance Trust Fund (MPTF)- Any services performed by a member in connection with Music Performance Trust Fund: **Two and one-half percent (2.5%) of current local scale.**
- Traveling Engagement- any engagement that includes a member working outside of Local 23 jurisdiction: **Three percent (3%) of current local scale.**
- Casual- Any and all musical services performed by a member other than those provided above: **Three percent (3%) of current local scale.**

All Work Dues shall be payable to the Secretary-Treasurer no later than the 15th day of the month following the month during which services were performed.

SECTION 9 Any member who wishes to opt in to the work-dues buyout may pay \$100 and become except from any work dues for the remainder of the calendar year after such a payment is made, excluding any work negotiated under a CBA, any small or large venue shows, or electronic media. Payments made before February 1 will be retroactively dated to January 1.”

ARTICLE VII WAGE LIST

SECTION 1 The minimum wage scales for engagements in the jurisdiction of this Local shall be reviewed annually. The President shall announce the appointment of members of a wage-scale committee at the October membership meeting. The committee shall review all wage scales and report its recommendations to the membership for approval at the January membership meeting. In no case shall the established wage scales be adjusted more than once a year.

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

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

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

ARTICLE VIII DUTIES OF MEMBERS

- SECTION 1 It shall be a bylaws violation for any member:
- A. To act in any way detrimental to the interests, standards or objects of this Local.
 - B. To act in bad faith or deal unfairly with the Local or any of its members.
 - C. To provide services as a leader or contractor, or to perform as a single on any engagement not covered by a collective bargaining agreement between the Local or the AFM and the employer, without filing a fully completed, AFM-approved contract with the Secretary-Treasurer prior to commencing the engagement.
 - D. To knowingly perform any engagement not covered by a collective bargaining agreement between the Local or AFM and an employer, or an AFM-approved contract.
 - E. To perform, or agree to perform, an engagement for less than the minimum compensation established for such engagement by the Local or the AFM.
 - F. To work as an employee for an employer against whom the Local or the AFM is engaging in a lawful primary strike or cross through or work behind a lawful, primary picket line established by the Local or the AFM.
 - G. To fail to fulfill any commitment, written or verbal, to another member regarding an engagement, or fail to comply with the industry standard of at least two weeks written notice between leader/contractor and sideperson to terminate a steady engagement.

- SECTION 2 Each member is required:
- A. To conform his/her musical activities to the laws of this Local and the AFM.
 - B. To pay membership dues, work dues and other obligations promptly.
 - C. To attend Local meetings whenever possible.
 - D. To give forty-eight (48) hours notice of cancellation of a contract on a single engagement. New Year's Eve contracts are not subject to cancellation except by mutual agreement.

ARTICLE IX CLAIMS, RULES OF PRACTICE AND PROCEDURE

- SECTION 1 Unless a collective bargaining agreement is in effect which would prevent him/her him or her from doing so, a member of this Local may file a claim with Secretary-Treasurer against:
- A. Any other member of this Local for any amount of money he/she alleges due him/her relating to a musical engagement; or
 - B. Any non-member employer or purchaser for any amount of money he/she alleges due to 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 arbitration by the Local Executive Board.

- SECTION 2 A claim must be filed in writing with the Secretary-Treasurer within one year of the occurrence from which the claim arose.

- SECTION 3 The Executive Board shall at its earliest opportunity, after written notice to the parties, allowing at least twenty days for them to prepare their case, sit as a Board of Arbitration and conduct a full and fair hearing and render its decision. Concerned parties who have been properly notified, and fail to appear, will have his/her case heard in absentia, and shall abide by the decision emanating therefrom.
- SECTION 4 All communications concerning claims shall be sent by the Secretary-Treasurer to the parties by certified mail, return receipt requested.
- SECTION 5 Any member failing to comply with the decision of the board on a claim shall be subject to expulsion by the board.
- SECTION 6 If a non-member or purchaser fails to comply with a decision of the board on a claim, the Local may request the President of the AFM to place such party on the International Defaulters List.
- SECTION 7 The decision of the board in claims shall be final and binding upon the parties unless appeal to the International Executive Board, as provided in the AFM bylaws and/or the Rules of Practice and Procedure of such International Executive Board.

ARTICLE X CHARGES AND TRIALS

- SECTION 1 The Executive Board shall have the authority to hear and decide all charges against members, and to impose appropriate fines or disciplinary action.
- SECTION 2 No member shall be put on trial for any alleged offense unless charges have been preferred in writing to the Secretary-Treasurer.
- SECTION 3 Charges must be filed 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 Secretary-Treasurer. 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; and
 - E. The date, time and place of hearing.
- SECTION 5 A member shall be given at least fifteen (15) days from the mailing of the notice of charges to prepare his/her defense for the hearing on such charge. The plaintiff and defendant shall each be privileged to have other members of the AFM assist them as counsel, and they or their counsel shall have the right to cross-examine all witnesses and to make their pleas to the board.
- SECTION 6 Any member shall be accorded a full and fair hearing before the Executive Board before any disciplinary action is taken. A member who has been properly notified but fails to appear shall have his/her hearing heard in absentia and shall abide by the decision emanating therefrom.
- SECTION 7 All communications concerning charges and disciplinary action therefrom shall be sent by the Secretary-Treasurer to the charged party by certified mail, return receipt requested.
- SECTION 8 Any member found guilty of charges shall be advised in writing by the Secretary-Treasurer of his/her rights to appeal the decision of the Local board to the International Executive Board.

ARTICLE XI AMENDMENTS

- SECTION 1 The Executive Board or any three (3) full members in good standing of the Local may present a resolution to amend the bylaws, in writing, to the Secretary-Treasurer.
- SECTION 2 The Secretary-Treasurer shall then cause notice of the resolution to be published in the next issue of *San Antonio Musician*, together with the actual resolution, and the date, time and place of the meeting at which the resolution is to be acted upon. The date of the meeting shall be at least twenty-one (21) days from the date of the mailing of the notice.
- SECTION 3 A resolution to amend the bylaws is subject to a two-thirds 2/3 majority vote of those members voting for approval. Voting is to be by secret ballot.
- SECTION 4 A resolution approved shall become effective immediately unless provided otherwise in the resolution.
- SECTION 5 A quorum of two (2) percent of the current membership plus the number of current officers and executive board members is required at a membership meeting where amendments are to be acted upon.

ARTICLE XII GENERAL LAWS

- SECTION 1 Any engagement consisting of two (2) or more days a week for any one particular employer for two (2) or more consecutive weeks shall be classed as a steady engagement.
- SECTION 2 Leaders/contractors are not permitted to use more musicians than the number paid for as stipulated in the statement of general working conditions and minimum fees.
- SECTION 3 Leaders/contractors are required to make payment to their side musicians within seven (7) days following the engagement unless a valid reason is presented to the Secretary-Treasurer, at which time a reasonable extension may be granted. Failure to abide by this section shall result in disciplinary action by the Executive Board.
- SECTION 4 The Local 23 quarterly publication shall be entitled "*San Antonio Musician*." Any notice appearing therein shall be deemed official.

ARTICLE XIII REMOVAL OF OFFICERS

- SECTION 1 An officer of the Local may be charged by a 2/3 majority of the Executive Board, or by a petition signed by 10% of the full membership, in good standing, of the Local. If by petition, the petition shall be presented to the Secretary-Treasurer, unless the Secretary-Treasurer is the charged party, in which case, the petition shall be presented to the President.
- SECTION 2 Charges against an officer must allege serious misconduct in office, or repeated failure to perform substantive duties of his or her office as prescribed in the bylaws of the Local. The charges must be specific as to the alleged act(s) of serious misconduct or duties he or she is alleged to have failed to perform.
- SECTION 3 The charged officer shall be forwarded the specific charges in writing by the Secretary-Treasurer or President, as the case may be, within 10 days of the Executive Board action, or filing of the petition.
- SECTION 4 Within 14 days after charges have been forwarded to the defendant, the President, or Vice-President if the President is the charged party, shall call a special membership meeting to elect a 5-member Trial Board. Notice of this special membership meeting

shall be mailed to all members in good standing at least 15 days prior to the meeting and shall contain the date, time and place of the meeting, the purpose of the meeting, as stated above, and the allegation(s) against the officer.

SECTION 5 All Trial Board members must be Local members in good standing. The Trial Board shall call and conduct a full and fair hearing of the charges at the earliest feasible date and no sooner than fifteen (15) 15 days after its election. The Trial Board shall elect its chairperson to preside over the hearing. Immediately following the hearing, the Trial Board shall render its decision as to the guilt or innocence of the accused, and advise the Secretary-Treasurer, or President, as the case may be, of such decision. Such decision must be in writing and must contain a description of the evidence presented at the hearing and a summary of the Trial Board's reasoning for its decision.

SECTION 6 If the Trial Board finds the accused officer guilty, the President, or Vice-President if the President is the charged party, shall promptly call a special membership meeting to review the decision of the Trial Board and vote by secret ballot, to sustain or deny such decision. 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 the date, time and place of the meeting, and the purpose of the meeting as stated above.

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

ARTICLE XIV AUTHORITIES

SECTION 1 These bylaws are subject and subordinate to the Bylaws and Amendments of the American Federation of Musicians, and whenever 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.

SECTION 2 These bylaws shall not be enforced in any manner in conflict with public law.

SECTION 3 If any article, section, sub-section, or portion thereof of these bylaws 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 full force and effect.

SECTION 4 The parliamentary authority of this Local shall be "Robert's Rules of Order."