

BY-LAWS

ARTICLE I

MEMBERSHIP

- Section 1:** A person who wishes to become a member of the Association shall;
- (a) Sign the application as supplied and determined by the American Federation of Musicians and deliver the application with the admission fee to the Secretary-Treasurer of the local.
 - (b) The admission fee is \$35.00 plus the prime initiation fee of the American Federation of Musicians.
 - (c) The full admission fee and current dues must be paid in full before an application is considered as having been received.
 - (d) An applicant may be issued a temporary membership card valid for a period of thirty (30) days at the discretion of the President or the Secretary-Treasurer (notwithstanding part (c)).
 - (e) Where an applicant is accepted and subsequently sworn in as a member of the Association, the Secretary-Treasurer or his/her designate shall issue a membership card.
- Section 2:**
- (a) **Youth Membership**
A person twenty (20) years of age or younger may join the Association as a youth member on payment of membership dues at the rate of \$130 annually, \$70 semi-annually, \$40 quarterly, but without payment of a Local or Federation Initiation Fee. Once accepted, he/she may remain in that classification until his/her twenty-first birthday. A qualified person is entitled to Youth Membership in only one local at a time. Youth Members shall have all the rights and obligations that are available to Regular Members and they shall be subject to all Federation and Local rules, regulations, and by-laws. A Youth Member shall pay regular periodic and work dues where applicable as set by the Local.
 - (b) **Student Membership**
A person, twenty-one years or older, who is a student enrolled full-time at an accredited college or university may join the Association under the provisions as per Article I, Sec. 2(a) of the By-Laws on payment of the Regular category membership dues at the current rate, but without payment of a Local or Federation Initiation Fee.

Section 3: Life Members

A Life Member is a person who has been an A.F. of M. member for at least thirty-five (35) accumulated years and is at least sixty-five (65) years of age. Each Life Member is required to pay regular periodic dues in an amount equal to the Federation per-capita dues plus 25% of the amount of the local's regular periodic dues. A Life Member is required, also, to pay any assessments in excess of said Federation per-capita dues, the same as would be required to be paid by non-Life Members.

Section 4 Honourary Members

(a) A person having performed meritorious service in the cause of the Association over an extended period of time may be recommended by the Executive Board to a General Meeting that he/she be admitted as an Honourary Member. The person will be admitted as such if admission is approved by a majority of members at the General Meeting.

(b) Honourary Members may attend meetings of the Association with a right to a voice but may not make motions or participate in voting.

Honourary Life Members

(c) Honourary Life Members are member musicians who qualify as in section 4 (a) but are not bound by the restrictions in section 4 (b)

(d) Dues and assessments as shown for Life Members in section 3 apply, also, to Honourary Life Members.

Section 5: A person handicapped by blindness or confined to a wheelchair who applies for membership will be required to pay only the Federation Initiation Fee plus the current years dues.

Section 6: A person accepted as a member shall, when initiated, take the following oath:

"I, . . . (name).do solemnly promise and swear that I will support the Constitution and By-laws of the London Musicians Association, and submit to its mandates and obey all laws emanating therefrom; also the Constitution and By-laws of the American Federation of Musicians. To all this I pledge my most sacred word of honour."

ARTICLE II**DUES, FEES, AND ASSESSMENTS**

Section 1: Initiation fees, reinstatement fees, dues, late fees on dues, dues based on earnings and assessments, to become and remain a member in good standing, shall be as established by the membership from time to time in compliance with applicable provisions of Canadian Federal and Provincial

Labour Laws.

- Section 2:** Any member whose regular membership dues remain unpaid for two months from the due date shall stand automatically suspended, (published as ‘dues outstanding’ in the Crescendo) and shall be required to pay a late fee (**see section 5 d**) in addition to the outstanding dues in order to resume membership in good standing. A member having been suspended as provided here shall have all the obligations of membership but none of the rights and is not in good standing. (see AFM article 9, sec 24a)
- Section 3:** Any member whose regular membership dues remain unpaid six months from due date shall stand automatically expelled (published as ‘membership lapsed’ in the Crescendo) and shall be required to pay a reinstatement fee of \$25.00 in addition to the outstanding dues and late fees in order to reinstate his/her membership. When a member has been expelled, he/she shall not hold office in the Association until at least one year following reinstatement. A person having been expelled as provided here shall have neither the rights nor obligations of membership to the local. (See AFM article 9 sec 24b)
- Section 4:** Membership dues in the London Musicians’ Association may be paid annually, semi-annually, or quarterly. Payment of dues is structured to conform to the Association’s fiscal calendar year. Subsequently, annual dues are due on or before January 1st of each year; semi-annual dues are due on or before January 1st and July 1st of each year; and quarterly dues are due on or before January 1st, April 1st, July 1st, and October 1st each year.
- Section 5:** (a) Annual dues payable by members are **\$114.00** plus the current AFM per capita dues.
 (b) Semi-annual dues may be paid in two equal instalments of **\$67.00** plus the current AFM per capita dues for two quarters.
 (c) Quarterly dues may be paid in four equal instalments of **\$38.50** plus the current AFM per capita dues for one quarter.
 (d) All dues payments are required to be made within the month of the respective due date. Payments made after the month in which payment is due shall be subject to a late fee of \$5.00 per month, which shall accumulate, in monthly increments to a maximum of \$25.00
- Section 6:** When the Executive Board deems it necessary for members to pay a local assessment, all members shall pay the assessment as levied if, a notice of the proposed assessment is given, and, the assessment is approved by a simple majority at the next general meeting. Assessments levied upon all locals by the AFM are separate from

the provisions of this section.

- Section 7:** Members may request to resign from the Association in good standing by submitting such request in writing to the Secretary-Treasurer for consideration by the Executive Board and,
- (a) Submitting the request during a quarter in which he/she stands as a paid up member
 - (b) Where a member who has resigned in good standing, wishes to be reinstated, he/she may reinstate upon payment of \$25.00 plus the current dues.

- Section 8:** All members are required to pay **work dues** based on earnings for all musical services performed as per the following.
- (a) Work dues are payable on all symphonic services covered by a collective bargaining agreement and shall be at the rate 2% of scale wages. Of this amount, .55% of scale wages shall be due and payable by the Local to the Federation as Federation Work Dues.
 - (b) For employment under Federation negotiated agreements covering services rendered for electronic media (recording, broadcasts, film, video), work dues are payable and shall be at the rate of 2.5% of scale wages. Of this amount, 1.25% of scale wages shall be due and payable by the Local to the Federation as Federation Work Dues.
 - (c) Work dues are payable on all engagements referred by the local office and shall be at the rate of 10% of the Special Referral Scale.
 - (d) Work dues are payable on all other engagements not specified in parts (a), (b), and (c) and shall be at the rate of 2% of scale wages.
 - (e) Work dues shall be payable to the Secretary-Treasurer no later than the 15th day of the month following the month during which the services were performed, **or**, not later than 30 days after being invoiced by the Sec-Treas.
 - (f) Member-leader/contractors, who shall be deemed solely responsible for the submission of work dues, shall remit the total dues to the Secretary-Treasurer as per the requirements of part (e).
 - (g) Any member is subject to charges and appropriate disciplinary action as provided in Fines and Penalties for failure to comply with this by-law

ARTICLE III

DUTIES OF MEMBERS

- Section 1:** No member of the Association shall;
- (a) act in any way detrimental to the interest, standards, or objects of the local.

- (b) Act in bad faith or deal unfairly with the local or any of its members
- (c) Provide services as a leader or contractor, or to perform as a single on any engagement that is not covered by a collective bargaining agreement (CBA) between the local and an employer, without filing a completed AFM approved form contract with the local office at least 48 hours prior to the commencement of the engagement.
- (d) Knowingly perform any engagement not covered by a CBA or an AFM approved contract.
- (e) Perform or agree to perform an engagement for less than the minimum compensation established for such engagement by the local or the AFM.
- (f) Render services for organizations, establishments, or individuals , on the International Unfair List.
- (g) Perform, engage a non-member, or accept an engagement with a person, leader, or contractor who is not in good standing in the Association or the AFM.
- (h) Play without fee except as provided in section 2 of this article.
- (i) Appear for an engagement in an improper condition, or conduct himself/herself in an improper manner on an engagement,
- (j) Offer an inducement other than his/her musical services to obtain an engagement,
- (k) Disparage the ability or character of another member in any manner whatsoever when negotiating an engagement with a leader or contractor.
- (l) Appear on an engagement when not in good standing or make false representation as to his/her standing in the Association or AFM,
- (m) Work as a musician for an employer against whom the local or AFM is engaging in a lawful, primary strike, or cross through a lawful primary picket line established by the local or the AFM.
- (n) Change his/her address, phone number, or e-mail address without notifying the Secretary-Treasurer within 15 days of the change,
- (o) Fail to reply to official correspondence received from the Secretary-Treasurer, or Trial Board within seven days of its receipt unless otherwise arranged.
- (p) Fail to fulfil 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, either, leader/contractor and/or sideperson to terminate a steady engagement. A steady engagement is defined as a seasonal position covered by a CBA, or a miscellaneous engagement of two or more services within a seven day period in the same establishment for the same employer.

Section 2: Where a person makes a request in writing to the Executive Board for permission for a member to perform an engagement without remuneration, the member may perform if the Executive Board deems that the performance is non-competitive, and

(a)

- (b) informs the member and the party making the request that the performance may proceed as requested.

Section 3: A member who fails to produce his/her membership card on any engagement when requested to do so by the leader, steward, or the local's representative must be reported to the Executive Board.

Section 4: A member without a proper membership card shall be deemed to be suspended unless proven otherwise.

Section 5: Where tips or gratuities are presented to members performing on an engagement, the tips or gratuities must;

- (a) be divided equally among the members performing the engagement, and
 (b) shall not be accepted as a part of wages.
 (c) Unless approved by the Executive Board, no member shall agree to accept in lieu of fees a share of the receipts or profits received at the function for which the engagement is played.

Section 6: **Substitute Players**

- (a) When a member accepts an engagement, the member must personally fulfil the engagement, but, he/she may send an acceptable substitute if consent has been given verbally or otherwise by the leader.
 (b) If a member is sick, or has an extreme cause, or is occupied with Executive Board duty, he/she may send a substitute without the leader's consent.
 (c) A member shall be personally responsible for the pay for his/her substitute.
 (d) If a substitute has been sent for an engagement, he/she shall be paid, at least, the applicable miscellaneous fee for the hours worked on the engagement, with a minimum fee equivalent to the applicable call at the appropriate fee. In the event of illness or bereavement, pro rata fees are to apply.

Section 7: **Duties of Leaders**

- All playing members on an engagement shall be engaged by the leader notwithstanding section 9 (a). A member playing as a single on an engagement shall, also, be considered a leader. A leader who engages a member shall state the name of the function, and the time and place of the engagement at the time the member is engaged.
 (a) A leader or single musician shall file with the Association office, at least 48 hours before an engagement, or such other time as may be arranged with the Secretary-Treasurer, a fully executed AFM contract as supplied by the Association.
 (b) The contract filed under sub-paragraph (a) shall include a list of all members to be engaged. Any subsequent changes must be reported to the Secretary-Treasurer within 48 hours after the engagement.

- (c) A leader may call members to report 15 minutes before the time an engagement is to commence. This time, however, shall not be used for preparing the program.
- (d) The length of an engagement or paid rehearsal shall be computed from the time a member is ordered to report until the time of dismissal.
- (e) A leader shall pay all members working on an engagement within fifteen (15) days after the engagement.
- (f) A leader who does not pay within 15 days after an engagement shall report to the Secretary-Treasurer stating the reason for non-payment.
- (g) When a leader has received payment for an engagement and has not yet paid the member(s), the member(s) shall be entitled to an additional; 5% after fifteen to thirty days inclusive; 10% after thirty to sixty days inclusive; and 50% after 60 days.
- (h) When a leader is notified of disengagement he shall notify the Secretary-Treasurer within 36 hours.

Section 8: Duties of a Steward:

- The president may, from time to time, designate a member on an engagement as a Steward. The Steward Shall;
- (a) Report, on a form provided by the Association office, at least once a week during the engagement, all changes in members engaged and reasons for disengagement of any member
 - (b) Record the name, status, and local number of all travelling musicians on the engagement
 - (c) Record the name and instrument played of any non-member who appears on an engagement
 - (d) Record any unusual event occurring among the members engaged
 - (e) Submit the report to the Secretary-Treasurer weekly during the engagement period and within 14 days of the conclusion of the engagement.
 - (f) Perform other related duties as specified by the Executive Board.

Section 9: Contractors:

- A contractor is required on any engagement within the local's jurisdiction which requires 4 or more local musicians excluding a leader, if the leader/conductor who has been hired for the engagement resides outside the local's jurisdiction and is not a member of local 279. Where a contractor is required, the leader/conductor shall;
- (a) choose a contractor (not necessarily a performing participant) who is a member in good standing in the local, who will subsequently hire the musicians for the engagement.
 - (b) notify the Secretary-Treasurer in writing of the name of the contractor whose appointment shall be approved by the Executive Board or, in an emergency, by the President.

- (c) The contractor shall be present for the entire engagement, and
- (d) in all matters, adhere to the laws and regulations of the local and the AFM which pertain to the engagement.
- (e) Should a violation arise, the contractor shall immediately advise the leader/conductor and make a written report to the local within one week of the end of the engagement.
- (f) The contractor shall not render any additional services other than as a performing musician if needed. He/she shall not act in a capacity of arranging studios, or rehearsals, or perform any other function on behalf of the leader or purchaser.
- (g) A contractor, if not performing on the engagement, shall be entitled to one and one-half times as much as the average fee paid to members on the engagement.
- (h) A performing contractor shall be entitled to twice as much as the average fee paid to the members on the engagement.

Section 10: Dismissals:

A member may not be dismissed from an engagement without just cause. If a member is dismissed, and he/she requests that the Executive Board investigate the cause, the Board shall be obliged to do so at the earliest opportunity, and decide whether the cause of the dismissal was just. The member will be duly notified of the Board's decision.

Section 11: All violations of the Constitution, these By-laws and the laws of the AFM shall constitute an offence to be tried in a manner prescribed by these by-laws and punishable by the fines and/or other penalties as provided within these by-laws.

ARTICLE IV

DUTIES OF OFFICERS

Section 1: The President:

- The President shall be the chief administrator and executive officer of the Association and he/she shall direct and supervise the activities of all employees and/or other officers of the Association. The President shall;
- (a) Be responsible, in his/her capacity as Chairman of the Executive Board, to arrange and set up the agenda(s) in advance of the Executive Board meetings and to see that printed agendas are on hand for the Executive Board members.

- (b) The President shall not necessarily devote regular routine office hours, but will act in a relieving capacity for such duties and will be available for advice and guidance when matters require his/her input.
- (c) The President shall appoint all committees and appoint the editor of the Crescendo.
- (d) If the President deems it necessary, he/she may appoint a Trial Board consisting of three or more members of the Executive Board to decide any matters involving the rights and duties of members.
- (e) **Remuneration:** The President shall receive such remuneration as is determined by the Executive Board in the form of salary or honourarium.. He/she shall be entitled to two weeks vacation with remuneration each year. Additional extended absence beyond the prescribed two weeks will be deducted on a pro-rata basis from the Presidents salary or honourarium.

Section 2: The Vice President:

The vice president shall perform such duties as may be directed by the President and/or the Executive Board. In the absence of the President, the Vice President shall perform all the duties of the President.

Remuneration: The Vice President may receive such remuneration as is determined by the Executive Board.

Section 3: The Secretary-Treasurer:

The Secretary-Treasurer may devote regular office hours, as set forth from time to time, by the Executive Board. Where applicable, the duties outlined in the following sub-sections excluding sub-sections (a), (b), and (c) may be assigned by the Secretary-Treasurer to an office manager in the employ of the local. Otherwise the Secretary-Treasurer shall:

- (a) Attend all general meetings of the Association and Executive Board
- (b) Record or cause to be recorded the correct minutes of all General, Special, and Executive Board meetings of the Association.
- (c) Preserve the minutes, papers , and documents of the Association in chronological order in a binder, and transfer these to his/her successor.
- (d) Complete and send to members all membership cards and receive and/or issue all transfer cards.
- (e) Notify each applicant for membership of his/her acceptance or rejection.
- (f) Notify all members of the Executive Board at least 24 hours before regular or special meetings of the Board.
- (g) Collect all monies due to the Association from members and others and deposit, at least weekly, all monies except those directed by the Executive Board to be retained in the office as petty cash, to the credit of the Association bank account(s).
- (h) Keep correct and adequate records and accounts of all monies received, receivable, paid , and payable and of all assets of the Association.

- (i) Attend to payment of all accounts of the Association as ordered by the Executive Board.
- (j) Have the records and accounts and all materials in his/her custody available for inspection by the President.
- (k) Properly insure any properties of the Association as ordered by the Executive Board
- (l) Report to the Executive Board at the first meeting of each quarter, the names of all members who have not paid fees or fines
- (m) Supply to the editor of the Crescendo all material required to be published and all minutes of meetings of the Executive Board in precis form.
- (n) Supply to the editor of Crescendo copies of all amendments to the Constitution and/or By-laws of the Association.
- (o) Compile and have published in the Crescendo in each issue; the defaulters list and, the unfair list
- (p) Be responsible to have published in Crescendo, a quarterly list of erasures, withdrawals, transfers, and new members.
- (q) Send out copies of Crescendo to all members of the Association and an office copy to locals adjoining the Association's jurisdiction.
- (r) Cause to be delivered or mailed to relevant members, all summonses or requests to appear before the President, Executive Board, or Trial Board.
- (s) When requested, supply forthwith to a candidate for office before an election, the most recent list of members' addresses in the Association's possession.
- (t) **Remuneration:** A Secretary-Treasurer, who performs all of the preceding duties in lieu of an official office manager, shall receive such remuneration as is determined by the Executive Board payable on the 15th of each month, and any such additional monies as salary and benefits, as may be determined by the board members at the first regular board meeting of each new year. He/she shall be entitled to two weeks vacation with remuneration each year.

Section 4: The Executive Board:

A simple majority of the Executive Board shall constitute a quorum at its meetings and no meeting is to commence without a quorum. The Board may go into committee but all recommendations emanating therefrom are to be approved by the Executive Board at its next meeting. The Executive Board shall,

- (a) Meet as often as necessary to carry out its duties and functions in a proper and expedient manner
- (b) Decide all matters referred to it by the President and Secretary-Treasurer.
- (c) Appoint from time to time, qualified auditors who are not members of the AFM and require such auditors to inspect all the books and records as may be necessary to furnish to the Board a financial statement of the Association when required and by March of each year, a complete annual

- statement for the preceding year showing all monies received, receivable, paid, and payable together with all assets of the Association.
- (d) Approve and ratify the payment of all monies by the Association
 - (e) Approve committees in its discretion to make investigations, reports and recommendations
 - (f) Hire sufficient office personnel and other services, professional or otherwise, as in its opinion is necessary to operate the local office in an efficient and business-like manner.
 - (g) Supervise and control the properties and affairs of the Association and in its discretion, act on decisions necessary and consistent with the Constitution and By-laws to further the objects of the Association.
 - (h) consider all applications for membership and carry out all duties required by the Constitution and By-laws.
 - (i-2012) **Remuneration for 2012:** As a cost saving measure with respect to the operation of the LMA, for the year 2012 each member of the Executive Board will be granted a one year free membership to the London Musicians' Association in lieu of any remuneration as provided for in By-Laws Article 4, Section 4, subsections i, j, and k.
 - (i) **Remuneration:** Each member of the Executive Board and any appointed officer will receive \$4.00 per half-hour or portion thereof for attendance at Board meetings which, when arranged, shall have a minimum three hour call. Remuneration for partial and/or late attendance will be pro rated based on the time of arrival to time of departure in half-hourly proportions. Overtime, at the same half-hourly rate, will be calculated beyond a three-hour meeting unless specifically rescinded by a vote taken prior to call time.
 - (j) Each member of a sub-committee, including the chairperson, as appointed by the President, will receive \$4.00 per half hour or portion thereof. Partial attendance will be remunerated on the same basis as in part (i) for Board members. A sub-committee meeting shall have a minimum two-hour call.
 - (k) Each member of the Executive Board shall be paid an additional \$10.00 expense allowance for each Executive Board and/or Sub-Committee meeting.
 - (l) At its sole discretion, the Executive Board may grant a member of said Board a "Leave of Absence".
 - (m) Where practical and feasible, in addition to the remuneration provided by these by-laws, the Association may pay annually to the AFM-EPW fund (Canada) on behalf of each salaried officer or salaried employee, an amount up to 10% of his/her annual salary.
 - (n) An Executive Board member who is unable to attend a duly scheduled meeting shall notify the Secretary-Treasurer at least 4 hours prior to the meeting.

ARTICLE V

MEETINGS OF THE ASSOCIATION

- Section 1:** **General Meetings:** There shall be four General Meetings of the Association, one per quarter of each calendar year, held in February, May, October, and December. The exact date, time, place, and purpose of the meetings shall be determined by the Executive Board and published in each quarterly issue of the Crescendo to be mailed at least 7 days before the meeting date.
- Section 2:** **Special General Meetings** other than Special Nomination Meetings, shall be called by the President within fourteen days after he/she has been presented with a written demand for same stating the reasons for such and signed by at least 25 members. The membership shall be notified by written communication mailed at least 7 days prior to the meeting date. No business other than that specified shall be transacted at a special meeting.
- Section 3:** **A quorum** of 13 members must be in attendance at a general meeting for the meeting to be called to order or continued. If at any general or special membership meeting, a quorum is not achieved, the Executive Board shall have authority to act upon any items on the agenda.
- Section 4:** All meetings of the Association shall be conducted in accordance with the **Rules of Order** as follows:

RULE 1: Order of Business

The order of business shall be:

1. Opening of the meeting by the President's call to order.
2. Roll Call of the Officers
3. Reading of the minutes of the previous meeting
4. Nomination of Officers. (nomination meeting only)
5. Election of Officers (nomination / election meeting only)
6. Installation of Officers (following elections only)
7. Report of Secretary-Treasurer
8. Reports of Committees
9. Communications
10. Deferred Business
11. New Business
12. Notice of Motions
13. Adjournment

RULE 2: Meeting Delays

Subject to the discretion of the President, a meeting shall commence within fifteen minutes of the appointed time or on the appearance of a quorum whichever occurs first. In the event that thirty minutes has elapsed from the appointed time and a quorum has not yet been achieved, the President may call a special meeting of the Executive Board should a quorum of the Executive be present.

RULE 3: Speaking Order

- (a) When a member wishes to speak he/she shall rise and address the president.
- (b) When two or more members rise at once the president shall name the member to speak first.
- (c) When a member designated under sub-paragraph (b) has finished speaking, the president shall name the next member who rose simultaneously until all members have spoken.

RULE 4: Motions

- (a) If a motion is presented, the president may order it to be reduced to writing in the interest of clarity of those assembled.
- (b) If the motion is stated as such by the president, it shall be the property of the Association unless withdrawn by the mover and seconder.
- (c) No motion shall be stated by the president nor be open for discussion until it has been moved and seconded.
- (d) When a motion is before the meeting, no other motion shall be put before the meeting except a motion to
 - I. Adjourn
 - II. table the motion
 - III. take a vote
 - IV. close debate
 - V. postpone
 - VI. refer, or
 - VII. amend
 such motions to have precedence in the preceding order.
- (a) Motions to (a) adjourn, (b) table, (c) take a vote, and (d) close debate shall not be debated.

RULE 5: Points of Order

At all general and special meetings the president shall decide all matters on points of order unless two-thirds of the members voting, vote to reject the decision of the President.

- (a) The President may speak on points of order before any member.
- (b) The President shall decide all **questions** of order.

- (c) When the President has decided a **question** of order a member may appeal to the meeting and the appeal shall be voted upon without debate.

RULE 6

When two members call for a vote, a vote may be taken by a show of hands or by secret ballot as decided by the President.

RULE 7: Call To Order

The President may,

- (a) call to order any member who conducts himself/herself in an improper manner at the meeting. When a member is called to order he/she must take his/her seat and the debate must be suspended until the question of order is decided
- (b) order the member to apologize to the meeting or to any aggrieved member.
- (c) Unless the President gives permission to speak, a member called to order shall not speak again on the matter before the meeting.

RULE 8: Change in Order of Procedure

When two-thirds of the members voting, vote in favour of a change or suspension of the order of procedure (listed in Rule 1) for the remainder of the meeting, the change or suspension of the order shall be allowed.

RULE 9: Motions and Voting Protocol

All motions shall be decided by a majority vote unless otherwise provided for

- Unless allowed by the President, no member shall speak ,
- (a) more than twice on the same matter
- (b) more than once until all other members who so desire have had the opportunity of speaking, and
- (c) more than five minutes.
- (d) When a question is before the meeting, the President shall, before putting it to a vote, say, "Is the meeting ready for the question?" If no member rises to speak, the President shall rise to state the question.
- (e) After the President has stated the question, no member shall speak upon it without the President's consent.
- (f) The President shall announce the votes and decisions of the meeting on all subjects.

RULE 10: Amendments

If an amendment is moved for a motion, it must be seconded and voted upon before the motion is dealt with.

- (a) An amendment to an amendment is in order.

- (b) No amendment further to that allowed in (a) is allowed.

RULE 11

Unless the President otherwise allows, all reports of committees shall be made in writing to the meeting.

RULE 12

Executive Board meetings shall not be called on the same day as regular general meetings except as provided for under rule 2.

RULE 13

All rules of order not provided for herein shall be governed by ‘Robert’s Parliamentary Usages’.

Section 5: Executive Board Meetings:

Executive Board Meetings shall follow the same order of business as outlined in Section 4, Rule 1 and Rule 4 (d).

- (a) All votes taken at a meeting of the Executive Board shall be by a show of hands unless otherwise stated by the chairperson.
- (b) Where a member of the Executive Board divulges any business that is deemed detrimental to the best interests of the Association without the approval of the Board before publication in the Crescendo, the member may be subject to forfeiture of his/her office.
- (c) The President may call meetings of the Executive Board and shall within three days call a meeting on receipt of a written request signed by five members of the Executive Board.
- (d) Where an officer has an interest in a matter before the Executive Board, he/she shall declare his/her conflict of interest and leave the meeting until all discussion and vote on the matter is completed. Should the absence of the Board member break a quorum, only under the preceding circumstances, shall the vote be considered official.
- (e) The chairperson may request an Executive Board member to leave the meeting when, in the chairperson’s opinion, same is warranted.

ARTICLE VI

PENALTIES AND FINES

Section 1: Member Infractions

- (a) When a member who shows up late for an engagement is reported to the office, a fine (if and when imposed) may not be less than \$5.00.

- (b) If a leader does not pay the members within fifteen days after an engagement he/she may be liable to a fine of not less than \$10.00.
- (c) When a leader pays a sideperson by cheque for an engagement and the

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cheque is returned NSF or otherwise not valid, the Executive Board may impose a fine upon the leader equal to the amount of the cheque.

- (d) A member who presents a payment by cheque to the Association, is liable to a fine of not less than \$25.00 if the cheque is returned NSF or otherwise invalid.
- (e) A member who does not report a change of address or telephone number to the Association office within 15 days as required by these by-laws, is liable to a fine of not more than \$5.00.

- Section 2:** Except as otherwise provided by these by-laws, a member on trial who is found guilty;
- (a) of a violation of the Constitution and these by-laws, or
 - (b) of committing a breach of good faith and fair dealing, or
 - (c) of wilfully disobeying an order of the Executive Board, or
 - (d) of non-payments of amounts provided for the Tariff of Fees, or
 - (e) of non-payment of advertising accounts by a member in the Crescendo, or
 - (f) of any infractions against Article III, Section 1 (a) to (p) is, at the discretion of the Executive Board, liable to a fine or abeyance fine (i.e. suspended fine) of not less than \$5.00 and not more than \$500.00. A guilty member could, under circumstances deemed extreme by the trial board, be suspended or erased from membership.

Section 3: A member fulfilling an engagement as outlined under Article III, Section 1, (g) shall be liable to a fine of \$10.00 for sideperson, and \$20.00 for leader.

- Section 4:** Unless otherwise allowed by the Executive Board, a member shall pay all fines to the Secretary-Treasurer within 30 days after the notice to pay has been mailed. Failure to pay will result in automatic suspension of membership.
- (a) Abeyance fines, when imposed, shall stand for a period of not longer than two years.
 - (b) In the event that a member is found guilty of any new infractions during the abeyance period as outlined in (a), the original fine shall become due and payable immediately in whole or in part at the discretion of the Executive Board.
 - (c) In the case of obvious infractions that carry a mandatory fine, a member so charged, and admitting guilt, may pay the penalty without appearing

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before a trial board.

Section 5: Contract-Filing

- (a) Contracts not filed with the Association office within 7 days after the date of the engagement played will be considered **Non-Filing**. Such violation may result in the leader being fined \$15.00 for each and every offence.
- (b) A leader's notification to the Secretary-Treasurer of intention to file is acceptable if a proper AFM contract is filed within 48 hours after the date of engagement. Contracts not deposited within 48 hours but within 7 days after the engagement shall be considered **Late-Filing** and may result in the leader being fined \$5.00 for each and every offence.
- (c) Contracts signed or filed with the Association, or fulfilled in violation of Article III, Section 1,(e), (under scale) shall result in the leader being fined \$25.00 for each and every offence.

Section 6: Work Dues Offences

Non-payment of Work Dues according to Article II, Section 8, may result in the Leader or member being fined no less than \$10.00 for each offence. Failure to pay the resulting fines and the work dues owing within 30 days of the final notification may result in automatic suspension of membership.

ARTICLE VII

CLAIMS: RULES OF PRACTICE AND PROCEDURE

Section 1: Unless a collective bargaining agreement is in effect which should prevent him/her from doing so, a member of the Association may file a claim with the Secretary-Treasurer for;

- (a) any amount of money he/she alleges due him/her from another member relating to a musical engagement, or;
- (b) any amount of money he/she alleges due him/her from any person, firm, association, corporation, or purchaser relating to a musical engagement in the jurisdiction of this local.

Section 2: Except as provided for in Article III; section 7; (e),(f), and (g), a member who has a monetary claim against any member, person, firm, association, corporation, or purchaser shall file particulars of his/her claim in writing with the Secretary-Treasurer within one year after default in payment

- (a) A member who has not complied with the provision set forth herein shall not receive the assistance of the Association.
- (b) When a member has not been paid his/her fee for professional services and has notified the Secretary-Treasurer as required by these By-Laws, the Secretary-Treasurer shall refer the matter to the Executive Board.
- (c) The Executive Board shall, at its earliest opportunity after written notice to

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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.

- (d) If, in the opinion of the Executive Board, the claim has merit, the Secretary-Treasurer shall be instructed to attempt to settle the matter and if not successful, initiate proceedings on the claim in a court of competent jurisdiction. If the claim is not satisfied after the proper procedure in said court the Executive Board shall instruct the Secretary-Treasurer to place the name of the person deemed responsible for payment on a 'Defaulter's List' and to notify the American Federation of Musicians of the United States and Canada.

Section 3:

- (a) When any person, firm, association, corporation, or purchaser engages or permits the engagement of musicians who are not members of the Association or the A.F.of M.,
- (b) acts in a manner detrimental to the interests of the Association or the A.F.of M.,
- The Executive Board may instruct the Secretary-Treasurer to place the name or names of the party or parties acting in such manner on the 'Unfair List' and to notify the American Federation of Musicians.

Section 4:

A person, firm, association, corporation, or purchaser whose name has been placed on the 'Defaulters List' or the 'Unfair List' shall not have said name removed from such list until the conditions pertaining to the listing as set by the Executive Board have been complied with.

Section 5: Contract Defense Fund Claims:

Claims arising under the provisions of the Contract Defence Fund will be dealt with as follows:

- (1) On site assistance by a local officer or designated stall,
- (b) Emergence cash relief when required,
- (c) Collection of an unsettled claim will be instituted in accordance with Article 7, sec. 5, of the By-Laws and the AFM Rules of Practice and Procedure.

If and immediate resolution of the default cannot be affected, the Local may advance to the musician(s), emergency funds up to \$50.00 per member per night, to a maximum of three (3) nights, total amount advanced to any one unit not to exceed \$750.00 per claim. In order to qualify for emergency funds under this Section, members must;

- (a) Possess and A.F.of M. contract for the engagement in question which has been signed by the purchaser and the leader, and which has been filed with the Association prior to the engagement in accordance with Article III, Section 7 of the LMA By-Laws.
- (b) File a written claim for fees with the Secretary-Treasurer and sign an agreement in which they confirm that the full amount of the advanced

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emergency funds will be repaid to the Contract Defence Fund upon collection of the claim (or an approved settlement) by either the member or the Association.

- (c) indicate that all contracted musicians\vocalists members in good standing of the A.F.of M. and that the leader and majority of members are Local 279 members.
- (d) confirm that every reasonable effort has been made to replace a contracted cancelled engagement, if such engagement is the reason for the claim.
- (e) prove to the satisfaction of the Executive Board or its designate that a prima facie claim exists.

Section 6: All communication concerning claims shall be sent by the Secretary-Treasurer by registered mail, return receipt requested.

Section 7: Any member failing to comply with the decision of the Board on a claim may be subject to expulsion by the Board.

Section 8: The decision of the Board in claims shall be final and binding upon the parties unless appeal to the International Executive Board as provided by the AFM By-laws and/or the Rules of Practice and Procedure of such International Executive Board.

ARTICLE VIII

CHARGES AND TRIALS

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

- (a) A Trial Board consisting of three Executive Board members may be appointed by the president where the Executive Board deems a specific case warrants such selection in the interest of expediency.

Section 2: All charges, claims and offenses against or under the Constitution and By-laws shall be made in writing and delivered to the Secretary-Treasurer.

- (a) No member shall be put on trial for any alleged offense unless charges have been proffered in writing to the Secretary-Treasurer.

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

- (a) The president shall review the alleged charge and in his/her discretion refer the matter to the Executive Board.

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

- 16
- I. The nature of the offense
 - II. The provisions of the by-laws at issue
 - III. The date, time, and place of the occurrence
 - IV. Sufficient facts to provide the charged member information to prepare his/her defence
 - V. The date, time, and place of the hearing.

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

Section 6: Any member shall be accorded a full and fair hearing before the Executive Board or Trial Board before any disciplinary action is taken.

(a) Proceedings before the Executive Board or Trial Board shall be secret unless their publication is ordered by the Executive Board.

(b) When in a hearing, attention is drawn to the Board of a violation not before it, the Board may order any person to appear before it to answer for such violation.

Section 7: The Trial Board or Executive Board shall have authority to require any member to appear before it to give evidence. Such request must be made in writing. A member so directed shall appear before the Board as directed.

Section 8: All communications concerning charges and disciplinary action therefrom shall be sent by the Secretary-Treasurer to the charged party by registered mail, return receipt requested.

(a) Any member found guilty of charges shall be advised in writing by the Secretary-Treasurer of his rights to appeal the decision of the Board.

(b) Appeals will be considered if there is presentation of new evidence.

Section 9: The findings of the Executive Board and/or the Trial Board are final, however, this does not preclude any member from appealing to the Canadian Federation Office or, as a last resort, to the International Executive Board.

ARTICLE IX

NOMINATION AND ELECTION OF OFFICERS

Section 1: Nominations

Nominations for officers and Executive Board members shall be held **triannually** during the month of November at a special meeting commencing in the year **2008** and every **third** following November

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thereafter with the day, place, and exact time to be determined by the Executive Board.

VI.

At least fifteen days prior to the nominations meeting, the Secretary-Treasurer shall mail written notice or notify by e-mail (where possible) of such meeting to all members. The notice shall contain the date, time and place of the meeting and the positions subject to nomination.

VII.

To be eligible for nomination for Executive Board, a member must have been a full member of the local in continuous good standing for at least 24 months preceding the nomination meeting.

VIII.

To be eligible for nomination for President, Vice President, or Secretary-Treasurer, the nominee must have been a member of the Executive Board for at least any two of the five years preceding the commencement of a new term.

IX.

No member may allow his/her name to stand for more than ONE office

X.

Nominations of Officers and Board members shall;

(a)

be made in writing on a local nomination form

(b)

name the person and the office sought and be signed by 10 members (no more, no less) in good standing

(c)

be delivered to the Secretary-Treasurer at least 48 hours prior to the nomination meeting, and

(d)

be accepted by the nominee who shall validate his/her acceptance by signing the nomination form.

VI

Immediately after receipt of all nominations, the President shall appoint an Election Committee of three members, none of whom are candidates. The committee shall choose a chairperson. The committee shall handle all details of the election. The committee members shall be paid for their services in an amount to be determined by the Executive Board.

Section 2:

Electioneering:

(e)

Candidates for office may solicit votes of members orally, or by mailing election pieces and/or letters

(f)

When a candidate for office so requests, he/she shall be provided with the most recent membership list available from the Association office.

(g)

Published election literature for a candidate may include the names of other candidates on lists or slates, or as endorsements and testimonials. provided the persons so named have given signed permission for their names to be thus used. Failure to obtain express written permission may result in a fine not exceeding \$100.00 being levied on a candidate so charged and found guilty.

Section 3:

Duties of the Election Committee:

Duties of the Election Committee shall be as follows:

(a)

prepare one form of ballot listing all candidates for a named office

(b)

prepare one form of ballot listing all candidates for Executive Board

(c)

The chairman shall examine the ballot box on election day before the polls

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- (d) open and lock the box with two locks after examining to prove it is empty
The chairman shall retain the key for one lock on the ballot box and give the key to the second lock to one of the other committee members.
- (e) The chairman shall obtain from the Secretary-Treasurer, at least thirty minutes before the polls open, a list of all members in good standing whose fourth quarter dues for the year are fully paid.
- (f) check off the list of members voting
- (g) tabulate, at the close of voting, the voting results and submit the report attested by all committee members' signatures to the Secretary-Treasurer in a sealed envelope which shall be opened and the results announced at the December general meeting.
- (h) The chairman shall lock all ballots in the ballot box, retain custody of the box, and turn it over to the Secretary-Treasurer at the December meeting.
- (i) The committee members shall swear to secrecy, the results of the election until its announcement at the December general meeting. Failure to do so may result in remuneration for the entire committee work being forfeited.

Section 4: Elections:

The election of officers and Executive Board shall take place on the Saturday immediately preceding the December General Meeting between the hours of 11:00 a.m. and 6:00 p.m. All successful candidates shall be elected to a two year term beginning on January 1st of the new year following the election.

- I At least ten days before the day set for the election, there shall be mailed to every local member a Crescendo in which shall be published;
 - (a) the time, date, and place of the election,
 - (b) the names of all candidates for office in last name alphabetical sequence together with the office sought, and,
 - (c) the balloting procedures.
- II When a member presents himself/herself to vote, he/she shall announce his/her name and present his/her membership card to the polling officer (an election committee member) for examination of validity.
- III When the polling officer is satisfied that the member is a qualified voter he/she shall
 - (a) require the member to sign a poll list, and,
 - (b) deliver a ballot to the member
- IV On the ballot listing candidates for the Executive Board, the member shall vote for no more than seven candidates. On the ballot listing candidates for President, Vice-President, and Secretary-Treasurer, the member shall cast only one vote per position.
- V A member voting shall;
 - (a) mark his/her ballot with an X in the appropriate place
 - (b) not make any marks on the ballot to identify himself/herself
 - (c) fold his/her ballot so that the markings cannot be seen, and ,
 - (d) return the ballot to the election committee who shall deposit said

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- ballot in the ballot box in the presence of the voting member
- VI A person handicapped by blindness may
- (a) attend the polls to vote, and
- (b) designate a person other than one of the candidates or a member of the election committee to mark his/her ballot as instructed by him/her
- VII No person other than the persons voting and members of the election committee shall be present at the polls during the election. No solicitation of votes shall be allowed at or near the polls on election day.

Section 5: Officer and Executive Board Vacancies:

- I An office of the Association, except as otherwise herein provided for, shall be deemed vacant when the officer,
- (a) submits his/her resignation to the Executive Board
- (b) dies
- (c) takes up permanent residence outside the jurisdiction
- (d) has his/her membership in the Association cancelled or suspended for any reason
- (e) is absent without notification from a total of ten consecutive Executive Board and/or general meetings in any one term of office. In this eventuality, the member shall be summoned to appear before the Board to give just cause as to why he/she should not be removed from office.
- II When an office of the Association becomes vacant, the Executive Board shall appoint any member who qualifies under Article IX, Section 1, (II) of the by-laws, to fill the vacancy as it, the Executive Board, may deem in the best interests of the Association. Such appointment shall hold good until the next election. Should the office of the Vice-President, or Secretary-Treasurer become vacant, the Executive Board shall appoint any member who may qualify under Article IX, Section 1, (III) of the By-laws. In the event that the Executive Board is unable to fill said vacancy any member may be appointed. The appointed member shall hold office until the next election.

Section 6: Selection of Convention and Conference Delegates:

- (a) At the regular General Meeting of the Association held in December, or by a duly notified special meeting, first and second delegates to the Convention (as well as, first and second alternates for delegates unable to attend) shall be elected by secret ballot. No vote shall be counted for a person who has not been duly nominated. Those elected members shall constitute the total delegation for the Conference or Convention of the following year. A quorum is not required for such nominations to take place.
- (b) In the event that one of the first and second delegates is unable to attend, the first alternate delegate shall attend in his/her place. Should the first

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alternate delegate be unable to attend, then the second alternate delegate shall attend in his/her place.

- (c) The Executive Board shall decide upon the number of delegates to be actually sent on behalf of the local. The local shall provide expense monies for each delegate which is equal to the return-air-fare to the Conference or Convention location. Delegates not receiving an AFM per diem shall be reimbursed by the Home Local upon receipt of all expense receipts deemed reasonable and relevant by the Executive Board.

As per Article 5 section 7(a) of Federation Bylaws, all delegates must be nominated and elected in conformity with Local and Federation laws and in conformity with the LMRDA (1959) as amended.

ARTICLE X

REMOVAL OF OFFICERS

- Section 1:** An officer of the local may be charged by a two-thirds majority of the Executive Board, or by a petition signed by ten percent of the full membership in good standing of the local. If a petition, it 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 v. an officer must allege serious misconduct in office, or repeated failure to perform substantive duties of his/her office as prescribed in the By-laws of the local. The charges must be specific as to the alleged act(s) of serious misconduct and/or duties he/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 ten days of the Executive Board action, or filing of petition.
- Section 4:** The President, or the Vice-President if the President is the charged party, shall call a special meeting of the membership to elect a three member trial board, which shall select its chairman, to conduct a hearing upon the charges. None of the trial board members shall be officers of the local, but all must be members in good standing. Notice of this special membership meeting shall be mailed to all members in good standing at least fifteen days prior to the meeting and shall contain the date, time, and place of the meeting plus the purpose of the meeting as stated above the specific

allegation(s) v. 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 fifteen 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 Secretary-Treasurer or President, as the case may be, of such decision.

Section 6: If the trial board has found the accused Officer guilty, the President, or the 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 fifteen days prior to the meeting, and shall contain the date, time, and place of the meeting, plus the purpose of the meeting as stated above.

Section 7: If two-thirds 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 By-laws.

ARTICLE XI

THE 'CRESCENDO'

Section 1: The official publication of the London Musician's Association is called the 'Crescendo'. The editor of the publication shall be appointed by the President.

(d) The Editor of Crescendo shall prepare an edition of the Crescendo for publication at least four times per year plus any additional editions as directed by the Executive Board.

(e) A copy of each new edition shall be mailed to the addresses of all members as listed in the Association's membership roster. Where possible, the Crescendo may be sent to a member by e-mail.

(f) Additional copies of the Crescendo may be forwarded to neighbouring locals of the LMA.

Section 2: The Crescendo shall contain;

(a) a list of all erased, expelled, suspended, resigned, transfer members, and members in default since the last publication.

(b) the Defaulters' and Unfair lists if and where applicable.

(c) the names, telephone numbers and instrumentation of new members, also all changes of names and telephone numbers of members since the last publication

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- (d) a large notice (editor's discretion) of the date, time, and place of each upcoming regular general or special meeting with a statement of all matters to come before the meeting
- (e) notices of any proposed legislation, changes in prices or assessments, amendments to the Constitution and By-laws, and all other notices required to be published in the Crescendo, and,
- (f) precis minutes of all special meetings of the Association and all Executive Board meetings.

Section 3: The Editor of Crescendo shall endeavour to obtain as much revenue as possible for the Association for all advertisements and shall direct that all payments for such be made to the Secretary-Treasurer.

ARTICLE XII

INDEMNITY AND BANKING

Section 1: Indemnity:

- (a) Where an officer of the Association performs an act, after a resolution has been passed at a meeting of the Association instructing or authorizing such performances, or
- (b) after he/she has been instructed by the Executive Board and said instructions are contained in the minutes of the meeting of the Executive Board, or,
- (c) to comply with the Constitution and By-laws, such officers shall be indemnified by the Association for any legal costs, losses, damages, and expenses which the officer, his/her heirs, executors, or administrators may suffer, pay, sustain or be put to for or by reason of his/her performing the act.

Section 2: Banking:

- (a) The banking of the Association shall be done at such bank as may be designated from time to time by the Executive Board.
- (b) The President, Vice-President, and Secretary-Treasurer shall be the proper officers of the Association to make, sign, draw, accept, endorse, negotiate, lodge, deposit, and transfer any cheques, promissory notes, drafts, acceptances, bills of exchange, and orders for payment of money. Only two signatures are required.

ARTICLE XIII

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 Secretary-Treasurer shall maintain and make available to all members, a current list of established wage scales. (See Tariff of Fees under separate cover). The procedure for changes to the Tariff of Fees is prescribed under Article VII of the LMA Constitution.
- Section 3:** The Executive Board shall have authority 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 XIV

AUTHORITIES

- Section 1:** These By-laws are subject and subordinate to the By-laws and amendments thereto of the American Federation of Musicians of the United States and Canada and wherever conflict or discrepancy appears between the By-laws of the London Musicians' Association and amendments thereto of the American Federation of Musicians, the latter shall prevail.
- Section 2:** These By-laws shall not be enforced in any manner to conflict with public law.
- Section 3:** If any article, section, or subsection, or portion thereof of these By-laws should be held illegal, invalid, or null and void by a court of competent jurisdiction, each and every other provision of these By-laws shall remain in full force and effect.
- Section 4:** The parliamentary authority for the London Musicians' Association, local 279 AF of M, shall be 'Robert's Rules of Order'.
- Section 5:** Special Motion: In a continuing effort to update our Constitution and By-laws booklet, we request authority to revise and re-number articles, sections, and/or subsections where necessary in order to conform with recommendations passed at meetings.

REVOCATION

All By-Laws of the London Musicians' Association heretofore in force is repealed.