

Bylaws



Musicians' Association of Hawaii

Local 677

American Federation of Musicians

(chartered July 23, 1923)

2008

(as amended, December 2007)



Table of Contents

Article	Page
1 Name	4
2 Objectives	4
3 Jurisdiction	5
4 Bylaws	5
5 Membership	5
6 Membership Fee and Requirements	6
7 Life Members	7
8 Officers, Directors and Sergeants-At-Arms	7
9 Duties of the President	8
10 Duties of the Vice-President	12
11 Duties of the Secretary-Treasurer	13
12 Duties of the Board of Directors	15
13 Duties of the Sergeants-At-Arms	17
14 Emeritus	18
15 Bonds	18
16 Duties of Members	18
17 Rules of Order	22
18 Meetings of the Association	23
19 Resolutions	24
20 Amendments to the Bylaws	25
21 Claims and Charges	26
22 Claims: Rules of Practice and Procedures	26
23 Trials and Charges	27
24 Rehearings and Appeals	30
25 Fines and Penalties	31
26 Resignation and Reinstatement	32
27 Nominations and Elections	33
28 Delegates	35
29 Union Work Dues	35
30 Funds	36
31 Allegiance/Subversive Activities	36
32 Dissolution	36
33 General Clauses	36
34 Symphony Ratifications	37

Bylaws

Article 1

Name

The name of this organization shall be the

Musicians' Association of Hawaii

Local No. 677

American Federation of Musicians

Article 2

Objectives

The objects of the Musicians' Association of Hawaii, hereinafter referred to as "Association," shall be to advance mutual interests and unite the musical profession for the better protection of its members in general; to enforce good faith and fair dealings between its members; to investigate, determine and adjudicate upon amounts due from members to each other for services and direct payment thereof; to facilitate speedy adjustment of business disputes; to inculcate and enforce principles of justice and equity in business dealings; to promote a closer national federation of musicians; to further the spirit of Americanism and Unionism; to adopt, amend, change, and modify from time to time a schedule of prices for services and enforce the observance thereof; to secure improved wages, hours, working conditions and other economic advantages for the professional musicians in membership through collective bargaining; and to establish terms and conditions for equitable and fair dealing among its members.

Article 3

Jurisdiction

The jurisdiction of this Association shall embrace all islands and areas within the limits of the State of Hawaii and any changes which may hereafter be mandated by the Federation.

Article 4

Bylaws

The terms and mode of admission to membership, the rights and duties of members, Officers, Directors, and Sergeants-At-Arms, the method of filling vacancies, the time of meetings, and all other matters concerning the government of this Association shall be determined by the Bylaws, provided that such Bylaws shall not conflict with the laws of the United States, the State of Hawaii, or the Bylaws of the American Federation of Musicians.

Article 5

Membership

Section 1

a) All performers on musical instruments of any kind and vocalists, or other individuals who render musical services of any kind for pay, are classed as professional musicians and are eligible for membership if they reside in the territorial jurisdiction of this Local, subject to the laws and jurisdiction of the American Federation of Musicians.

b) All performers on musical instruments of any kind and vocalists, or other individuals who render musical services of any kind for pay and who are 20 years of age or younger may join the Local as a youth member and remain in this classification until his/her 21st birthday.

ii. Youth members shall have all the rights and obligations that regular members have, and they shall be subject to all Federation and Local rules, regulations, and bylaws.

iii. A youth member shall pay regular periodic dues as set by the Local and work dues where applicable, but shall not pay Local or Federation initiation fees.

Section 2

The application of each person for membership upon a form to be furnished by the Local shall be brought up before the Board of Directors for approval. If such application be so approved, such person shall thereafter be entitled to all of the rights and privileges and shall be subject to all of the duties, financial, and other obligations and responsibilities of membership in the Association.

Section 3

Membership in this Association constitutes a delegation on the part of each member to the Association of exclusive designation and authority to engage in collective bargaining on behalf of the members of the Association.

Article 6

Membership Fees And Requirements

Section 1

The Local Initiation Fee shall be \$100.00 plus \$65.00 Federation Initiation Fee. For steady engagements, the initiation fees plus the current quarter dues must be paid in full. For casuals, the Federation Initiation Fee, a down payment of one-half (1/2) of the Local Initiation Fee, plus current quarter dues must be paid in full. The balance of the Local Initiation Fee must be paid within four (4) months. Application for membership shall be made to the Secretary-Treasurer on the application blank adopted by the American Federation of Musicians, accompanied by payment of the above stated fees which shall be refunded if the applicant fails to meet the approval of the Board.

The Local Initiation Fee and Federation Initiation Fee shall be waived when all non-AFM members of a self-contained band or musical unit (consisting of two or more musicians) make application together to join the local. This provision will expire on December 31, 2008, unless renewed by the membership.

Section 2

Once annually, subject to approval of the International Executive Board, the Board of Directors may set a "Dispensation Period" for membership drive when the initiation fee shall be lowered in an amount to be determined by the Board of Directors plus current quarter dues, and Federation Initiation Fee.

Section 3

Each Regular Member shall pay \$51.50 quarterly dues to the office of the Secretary-Treasurer. The dues are payable on the first day of January, April, July, and October or may be paid in advance for the year. If the dues are not paid by the last day of the first month of the quarter, the delinquent member shall be suspended from membership and subject to a late fee established by the membership.

Section 4

Life Member dues for Local 677 shall be \$94.00 per year, or \$23.50 per quarter.

Section 5

It is compulsory that all members of the Association carry a duly signed membership card in their possession at all times. Members must present their paid-up cards when requested to do so by the Business Representative(s) or any member of the Board of Directors. Any dues-paying member or Life Member whose dues or Per Capita Dues, as the case may be, remain unpaid six (6) months from due date shall be automatically dropped from membership in accordance with the Bylaws of the Federation.

Section 6

Any member whose regular membership dues remain unpaid one (1) year from due date shall thereafter be required to re-affiliate under the same terms and conditions as a new member.

Article 7

Life Members

Refer to Federation Bylaws

Article 8

Officers, Directors and Sergeants-At-Arms

Section 1

The Officers of the Association shall consist of a President, Vice-President, and a Secretary-Treasurer.

Section 2

There shall be a Board of Directors which shall consist of ten (10) members including the President, Vice-President, and Secretary-Treasurer who shall, by virtue of their election to such offices, be and become members of the Board of Directors.

Section 3

There shall be three (3) members of the Association who shall be known as the Sergeants-At-Arms.

Section 4

All Officers, Directors, and Sergeants-At-Arms shall have been bona fide residents of the State of Hawaii for a period of at least one (1) year prior to being elected to office, and shall be elected for a term of three (3) years or such time as the Bylaws may from time to time provide.

Section 5

Vacancies.

- a) Any vacancy in the office of the President, caused by death, resignation, or removal or disqualification to hold office shall be filled by the Vice-President for the unexpired term.
- b) In the event of the vacancy of the Vice-President, caused by death, resignation, or removal or disqualification to hold office, the Board of Directors shall elect one of its members to fill the vacancy for the unexpired term.
- c) In the event of the vacancy of the Secretary-Treasurer, caused by death, resignation, succession to Presidency, or removal or disqualification to hold office, the Board of Directors shall elect one of its members to fill the vacancy for the unexpired term.
- d) Any vacancy in the Board of Directors shall be filled by the remaining members of the Board electing a successor with requisite qualifications to fill the vacancy for the unexpired term.

Article 9

Duties of the President

Section 1

The President shall enforce observance of the American Federation of Musicians and Local Bylaws by all members.

Section 2

In matters coming to a vote before the Board of Directors, he/she shall have a vote only in case of a tie.

Section 3

He/she shall preside at and conduct all meetings of the Association, and of the Board of Directors, except as indicated under Section 9 of this Article.

Section 4

At all membership meetings of the Association, he/she shall be the judge of order, such decisions to become final unless overruled by a two-thirds (2/3) majority of the members present.

Section 5

He/she shall have administrative supervision of all matters pertaining to the welfare of the Local, including but not limited to the power to hire and dismiss office personnel. It shall be incumbent upon him/her to faithfully carry out the will of the Board of Directors and membership as expressed in all their properly passed resolutions. It shall be his/her duty and prerogative to exercise supervision over the affairs of the Local; to make decisions where in his/her opinion an emergency exists and to give effect to such decisions. He/she is authorized and empowered to promulgate and issue executive orders which shall be conclusive and binding upon all members. He/she shall have the power to do so when in his/her opinion and in good faith such orders are necessary to conserve and safeguard the interests of the Local; and the said power shall in like manner extend to and include cases where existing laws are inadequate or provide no method of dealing with the situation; he/she may draw funds in payment of all expenses occasioned by the exercise of this duties as set forth in this Section; and he/she may delegate such authority to make or carry out decisions to the Business Representative or other Officer, Director, or member of the Union.

Section 6

He/she shall have the authority to incur and pay all ordinary and necessary expenses arising in the proper administration of his/her duties and shall file a statement of such expenses with the Board for approval at each regular monthly meeting of the Board; provided, however, that he/she shall obtain the approval of the Board prior to expending any funds of the

Association for any purpose. The term “ordinary and necessary expenses” as used herein shall not include salaries of officers and employees, fees of legal counsel retained with the Board’s consent, or other donations and all other expenditures which the Board may authorize under these Bylaws, it being the intent of this provision to relieve the President from inconvenience and delay in obtaining Board approval for the normal and usual expenses incidental to the operations and maintenance of the offices of the Association; provided, however, that nothing herein contained shall be taken as a restriction upon the authority of the President to expend monies reasonably necessary in performing his/her duties under Section 5 of this Article.

Section 7

He/she shall call the Board meetings and meetings of the membership as well as special meetings of the Board or membership as required.

Section 8

He/she shall be empowered to order members to appear before the Board for the purpose of providing testimony or evidence for trials or for the good of the membership as required.

Section 9

The President, in the interest of fairness, equity, and justice, shall relinquish his/her chair to the Vice-President, if present, otherwise to a member of the Board elected by a majority vote of the members present if:

- a) in all cases where the matter under consideration is of personal interest to him/her;
- b) in all cases where it is determined that the President is personally pressing charges against any member of the Association;
- c) in all cases where he/she would be put in the position of acting as both judge and prosecutor. This shall not apply in routine and required questioning of witnesses; and
- d) failure to advise the Board of such connections before the subject is considered, shall subject him/her to appropriate disciplinary action.

Section 10

He/she shall have the authority to appoint all committees to assist him/her in matters affecting the Association, although a proposed appointee may decline for good reasons.

Section 11

He/she shall have the authority to file charges against a member of the Association or the Board of Directors for improper or disorderly conduct in meetings of the Association or Board of Directors. Upon being found guilty, such member may be fined not less than \$10.00.

Section 12

He/she shall publish his/her telephone number on the title page of the directory of the Association.

Section 13

All authority not specifically reserved to the President in the above Sections, are reserved to the Board of Directors.

Section 14

He/she shall appoint an auditor, who shall be a Certified Public Accountant, with the approval of the Board, for the purpose of auditing the financial affairs of this Association. Such auditor shall prepare an annual statement covering financial conditions of the Association and make such interim audits as he/she may from time to time deem to be fore the best interests of the Association. Such statements and such audits shall be submitted to the Board of Directors for approval.

Section 15

His/her office shall be kept open for the transaction of business from Monday through Friday from 10:00 a.m. to 4:00 p.m., except on holidays.

Section 16

He/she shall receive such salary, perquisites, and an expense account as may be fixed by the Board of Directors. He/she may serve on committees and service organizations as required to by the Board of Directors. All fees and dues for such organizations shall be paid by the Association. He/she shall be entitled to not less than two (2) weeks vacation annually, with pay, to be taken at such time as may be approved by the Board. Should he/she be required to leave the jurisdiction in the interest of the Association, his/her salary and expense account shall remain the same and in addition, he/she shall be reimbursed for all necessary expenses.

Section 17

He/she shall give a bond subject to the approval of the Board of Directors for the faithful discharge of his/her duties. As the funds of the

Association increase, an extra bond shall be given at the discretion of the Board of Directors. Such bond shall be in a sum not less than that required by law.

Section 18

He/she shall be a Delegate to the American Federation of Musicians' Conventions by virtue of his/her election to office.

Section 19

He/she shall have the authority to require the Secretary-Treasurer to provide for tests of musicianship of applicants for membership in the Association if he/she shall deem it necessary.

Section 20

If, in the judgment of the President, the best interests of the Local require that the compensation of any member be paid directly to the office of said Local, he/she is hereby authorized and empowered to promulgate and issue executive orders providing for the same, which executive orders shall be conclusive and binding upon such member, and he/she is further authorized and empowered to delegate this authority to the Business Representative, Officer, or any member to collect such compensation directly from the employer.

Section 21

The President shall appoint a Business Representative(s) as assistant. Said appointee shall, at all times, be under the jurisdiction of the President.

Article 10

Duties of the Vice-President

Section 1

The Vice-President shall perform all the duties and exercise all the powers and rights of the President as provided by these Bylaws during the President's absence, disability, or inability to act by reason of disqualification, as provided by Article 9, Section 9 of these Bylaws, and shall perform all other duties assigned by the Board of Directors.

Section 2

In case of absence, disability, or disqualification, as provided by Article 9, Section 9 of these Bylaws in the Office of both the President and the Vice-President, the Board shall elect one of its members present at the meeting as President pro tempore, who shall assume the duties of the President for only that meeting or portion thereof.

Article 11

Duties of the Secretary-Treasurer

Section 1

He/she shall keep a true, accurate, and faithful record of the proceedings of all meetings and answer all communications addressed to this Association which are not answered by the President, within the scope of his/her duties.

Section 2

He/she shall send out notices to the membership in reference to meetings, dues, fines, assessments, claims, and orders to appear before the Board of Directors, and all other notices requested by the President or the Board of Directors. He/she shall mail the rules regarding payment of dues together with all dues notices.

Section 3

He/she shall have the authority to attest all bills made against this Association and issue checks in payment for the same provided they have been approved by the Board of Directors or otherwise incurred as permitted by these Bylaws.

Section 4

He/she shall deposit all money received daily in such bank or banks as may be designated by the Board of Directors, in the name of "Musicians' Association of Hawaii, Local 677, American Federation of Musicians." All checks or drafts for money withdrawn shall be signed by him/her as Secretary-Treasurer and countersigned by the President.

Section 5

The Secretary-Treasurer shall make reports to the American Federation of Musicians as required by same.

Section 6

He/she shall pay to the Federation office all dues, fees, and assessments as required by the Bylaws and policy of the American Federation of Musicians.

Section 7

He/she shall make available to all duly elected officers of the Association, on request, all financial records, minutes, and reports, as such officer may require in the interest of the Association.

Section 8

He/she shall receive such salary and expense account as the Board of Directors may from time to time prescribe.

Section 9

He/she shall keep a faithful record of the proceedings of all meetings. He/she shall also keep a record of all amendments to the Bylaws and the Wage Scales and Working Conditions.

Section 10

All records shall at all times be kept at the office of the Association and may be examined by any member in good standing at any time during office hours.

Section 11

A record of the investigations and trial proceedings shall be kept by the Secretary-Treasurer, who shall notify all parties on decision of hearings held by the Board of Directors no later than one (1) week from date of decision.

Section 12

He/she shall post bond as required by the Board of Directors for the faithful discharge of his/her duties.

Section 13

He/she shall cause a list of members delinquent in the payment of dues, work dues, and assessments to be published quarterly in the official newsletter of the Union.

Section 14

He/she shall fill out all Certificates of Membership, receive and issue all transfer cards, and attend to all matters appertaining thereto.

Section 15

He/she shall report to the Board of Directors the names of all delinquent members and amounts due from same at the first meeting of each quarter, or more frequently, as the Board may direct.

Section 16

He/she shall keep an account of receipts and disbursements in such form as will show the financial condition of this Association at all times. His/her accounts shall be opened for inspection at any time by the Board of Directors.

Section 17

He/she is authorized to affect such necessary non-substantive rearrangement, renumbering, and technical charges of the sections and paragraphs within the Articles and Sections of the Bylaws, as may be affected by Bylaws Amendments, for proper form, arrangement, and order.

Article 12

Duties of the Board of Directors

Section 1

The Board of Directors shall adopt rules for its own government consistent with the Bylaws. It shall have the authority to act in all matters concerning the Association not specifically provided for in the Bylaws. It shall have the authority to approve or designate the salaries of employees and officers necessary for the operation of the Association. It shall also have the authority to engage legal counsel by the year or otherwise. It shall have the authority to purchase tickets, buy advertising, or make any other donations which, in its judgments, are for the best interests of the Association, and it shall have complete supervision over all expenditures of the funds of the Association. All authority not specifically reserved to the President in Article 9 hereof are reserved to the Board of Directors.

Section 2

It shall adjudicate appeals properly brought before it; it shall have the authority to impose fines and penalties, reduce, remit or stay fines, and

render judgment against persons for unpaid services; it shall have the right to make all contracts and agreements, and it shall have the right to grant concessions to the Wage Scales, or any part thereof.

Section 3

Quorum – Seven (7) members shall constitute a quorum; provided, however, that should any member or members of the Board not be on the Island of Oahu at the time of any Board meeting, six (6) members thereof shall constitute a quorum. [from Sec. 1] If a member of the Board is absent from any three (3) Board meetings during the Board member’s term of office without acceptable excuse as determined by the Board of Directors, his/her seat may be declared vacant.

Electronic meetings – Members of the Board of Directors and of Board Committees shall make every effort to attend meetings in person. A member who cannot attend in person, however, due to off-island residence, properly contracted or reported work, or a bona fide emergency (subject to the Board’s approval) may participate in the meeting by speaker phone, teleconference, or videoconference. In such a case, the meeting must be conducted so as to allow all participants to hear each other at the same time. Postal mail, email, and fax shall be allowed for the purposes of providing notices, agendas, and general information, but not for deliberation or debate.

Voting – In meetings with one or more Board or Committee members participating through electronic technology, voice votes shall be allowed. If, however, a secret ballot is required, the Board shall establish a time and place to vote in person or by mail ballot as follows: Within 24 hours of the adjournment of the meeting, the Secretary-Treasurer shall mail to each Board member participating in the meeting a ballot, a small envelope in which to insert the ballot, and a larger envelope addressed to the Secretary-Treasurer at the Musicians’ Association of Hawaii office. The Board member shall notify the Secretary-Treasurer if s/he does not receive this package within one week of the meeting. Each member shall have two weeks from the date of the meeting to return his/her ballot. At the next regular or special meeting of the Board, the ballots shall be separated from their outer envelopes and the votes counted.

Section 4

A member of the Board charged with a violation of the Bylaws shall withdraw as a member of the Board until the verdict in his/her case is rendered and, if found guilty after a fair and impartial trial, his/her seat may be declared vacant by majority vote of the Board.

Section 5

A member divulging any of the confidential proceedings of the Board, or refusing to vote, unless excused, shall be held in contempt and, unless cleared, shall be punished as the Board may direct.

Section 6

The regular meeting of the Board of Directors shall be once a month at the office of the Association, or at such other time and place as the President may determine.

Section 7

Any Board member having a conflict of interest in any matter relating to his/her duties as a Board member shall be disqualified by the chair in voting and sitting in on the discussion.

No Officer, Director, or Delegate to the AFM Convention or AFM Conferences, during his/her term of service as Officer, Director, or Delegate, shall serve as an Employer of musicians or in the position of Personnel Manager or Contractor for a Purchaser or Employer of musicians. A Contractor is a person who represents the interests of a Purchaser or Employer of musicians and who, as representative of the Purchaser/Employer, controls the terms and conditions of employment. Members and Leaders of co-op groups as defined in Art. 27.10 of the AFM Bylaws, or of other democratically run, self-contained groups that have fixed personnel and share decision-making among the group are not Contractors for the purposes of this bylaw.

Article 13

Duties of the Sergeants-At-Arms

The Sergeants-At-Arms shall guard the entrance to the meetings of the Association, admit none but members in good standing, may require all members to show their cards, permit no member to retire without permission from the chair, and shall perform police duties by order of the presiding officer.

Article 14

Emeritus

Emeritus status may be conferred upon former officers, employees, or members of the Board of Directors of the Association by a majority vote of the members voting on the question. Voting shall be pursuant to resolution presented by the Board or by thirty (30) members in good standing and shall be conducted in the same manner as an election held by the Association. The resolution shall set forth the merits and the reasons for such Emeritus position and shall include projected expenditures or allocations of funds for such position, if any.

Article 15

Bonds

All bonds of officers and employees of the Association, where such are required, shall be made out in favor of the Association, assured and guaranteed by a reputable guaranty or fidelity company, subject to the approval of the Board of Directors, and the expense thereof paid by the Association.

Article 16

Duties of Members

Section 1

The performance by an employee/member for the same employer with non-members or members not in good standing shall be subject to the provisions of the Bylaws of the American Federation of Musicians.

Section 2

The following shall also constitute violations, punishable as in these Bylaws provided:

- a) Practicing any imposition on any member or engaging in any conspiracy imperiling the interests of the Association or its members.
- b) Violating the Wage Scales by accepting, offering to accept, paying, or offering less than the scheduled price.

- c) Refusing to obey any proper order of any Officer, Director, or Business Representative of the Association unless same shall have been countermanded by the Board of Directors.
- d) Failure to report to an officer of the Association any known violation of the Bylaws, Wage Scales, or other laws of the Association or the American Federation of Musicians.
- e) Using improper language, or acting in an improper or disorderly manner at any meeting of the Association, the halls, club rooms, or headquarters of the Association, or at any other time or place when it would reflect upon the good name of the Association, or wilfully damaging, defacing, or destroying any of the property of the Association in any manner whatsoever.
- f) To consider as full or part payment for services rendered or about to be rendered any of the following propositions: accepting or giving of tickets, promising an engagement in exchange; giving or accepting presents, loaning buying, selling, or furnishing costumes, musical instruments or other articles or intangible rights or assets; agreeing to render or accept other services in connection with or relating to any musical engagement; allowing himself/herself to be fined by the leader, contractor, or employer, paying exorbitant prices for any article; accepting or agreeing to give or accept any form of compensation calculated to defeat the objectives of the Bylaws and Wage Scales; performing gratuitously without the permission of the President or Board of Directors; the unnecessary hauling and moving of heavy instruments such as pianos, harps, organs, etc., and the furnishing of free heavy musical instruments such as pianos, harps, organs, etc., for any engagements without the permission of the President or the Board of Directors.

Section 3

All members must furnish the Secretary-Treasurer their names and addresses and notify him/her of subsequent changes. They must submit a list of the instruments they play. Failure to notify the Secretary-Treasurer of any changes of addresses within two (2) weeks thereafter may subject them to charges.

Section 4

Each member is entitled to one (1) copy of the Bylaws, the Wage Scales and Working Conditions of the Association.

Section 5

No member shall play an engagement except pursuant to a properly executed contract with the purchaser of music or employer on a form issued or approved by the American Federation of Musicians, approved by an Officer or the Business Representative of this Association and filed with the Secretary-Treasurer prior to the engagement; provided, that a contract other than said American Federation of Musicians contract may be substituted with the prior written approval thereof by an Officer or Business Representative or the American Federation of Musicians.

Section 6

No member shall pay or offer to pay to another member less than the stipulated rates as stated in the Wage Scales of any engagement whatsoever.

Section 7

Any member coming on an engagement in an improper condition, or conducting himself/herself in an insubordinate or improper manner on the engagement, may be dismissed by the leader and shall be subject to such penalties as are provided in these Bylaws.

Section 8

Any member guilty of a breach of good faith and fair dealings with this Association or any of its members or acting in any way detrimental to the interests, standing, or objectives of this Association shall be subject to charges.

Section 9

Any member of this Association who does anything tending to injure the earning capacity of any member or tending to injure a member in regard to any engagement or business in the musical profession shall be subject to charges.

Section 10

A member who endeavors to procure control of an engagement that another member has secured, before the contract has been canceled, or notice of termination, or the release of the engagement has been announced by the employer/purchaser shall be subject to charges. Members desiring protection under this section must have their contracts on file with the Secretary-Treasurer as soon as possible, who shall keep a record of the same in

the office. When a contract is canceled, notice of termination given, or release of an engagement occurs, notice of same must be filed with the Secretary-Treasurer within twenty-four (24) hours thereafter.

Section 11

Auditions:

- a) Members auditioning for any engagement shall obtain permission from the President's office and present to the Secretary-Treasurer's office a list of members involved.
- b) No audition shall be permitted in or for an establishment where the musicians are engaged for an indefinite period and are not on two (2) weeks notice.
- c) No audition shall be permitted during the business hours, in public, in any establishment, except as permitted by the Wage Scales and Working Conditions. Any member in violation of this paragraph shall be subject to charges.

Section 12

No member shall accept an engagement from a booking agent who has not signed an agreement with the American Federation of Musicians or agreed to adhere to local and Federation wage scales and working conditions.

All contracts with any booking agency must be referred to the office of the Secretary-Treasurer for final approval before any distribution is made, the original copy to remain with the above-mentioned office.

Section 13

No member is permitted to do any recording work for any purchaser who is not signatory to the approved American Federation of Musicians Agreement.

Section 14

Each leader is responsible for the remittance to the Secretary-Treasurer of his/her own work dues and those of their sidemusicians deducted from their wages pursuant to written authorization from such sidemusicians to make such deductions.

Section 15

A leader shall report to the office of the Association all symptoms of trouble, disputes on contracts, and all misunderstandings with his/her employers or purchasers of music and any member in his/her group.

Section 16

Every contract entered into by any member must be made in conformity with the laws of the American Federation of Musicians, and this Association and under such rules and regulations consistent therewith as the Board of Directors may prescribe. Any member violating the above may, upon trial, be suspended from the local. Any member acting as a contractor and violating the above may, upon trial, be fined and/or suspended or expelled from the local.

Section 17

No contract shall be made for a longer period than one (1) year except as provided by the Bylaws of the American Federation of Musicians.

Section 18

Any member informing another member that he/she has made a contract and has not done so, but makes such statements with the intent to hold an engagement for himself/herself or others, and thus, close the door of legitimate competition, shall be subject to charges.

Article 17

Rules of Order

Section 1

The following rules apply to all meetings of the Association, including Board and membership meetings.

Section 2

Any member desiring to speak shall rise and address the Chair, avoid any derogatory or irrelevant remarks and confine himself/herself to the question under discussion. No one shall speak more than twice on the same subject (unless in explanation) except by permission of the President, and members speaking shall avoid all personalities, indecorous or insulting language, as well as improper reflections on the Association or its members.

Section 3

Every member shall conduct himself/herself with propriety, conform to the rules of this Association at all meetings, obey the orders of the Chair

and obtain his/her leave to retire before adjournment. Expulsion from any meeting for nonobservance of this law is discretionary with the Chair.

Section 4

When a question is under consideration, no motion shall be in order except to lay on the table, to amend, to postpone, or to refer the question to the Chair.

Section 5

All rules of order, not herein provided, shall be in accordance with *Robert's Rules of Order, Revised*.

Section 6

The order of business shall be as follows:

- a) Examination of membership cards
- b) Roll call of officers
- c) Reading of minutes
- d) Report of the President
- e) Report of The Secretary-Treasurer
- f) Report of the committees
- g) Unfinished business
- h) New business

Section 7

The foregoing order of business may be suspended at the discretion of the Board of Directors or majority vote of members present.

Section 8

A secret ballot on any question shall be granted upon a majority vote of the members present.

Article 18

Meetings of the Association

Section 1

Regular membership meetings shall be called not less than three (3) times a year. All members must be notified of the meeting by mail not less than thirty (30) days prior to the meeting.

Section 2

In an emergency, special meetings may be called by the President, upon written request of fifteen (15) members in good standing. A statement of the purpose for which the meeting is called must accompany the request, and all members be notified by mail not less than thirty (30) days prior to such special meeting. Members signing a request for special meetings are subject to charges for failure to be present at such special meetings.

Section 3

Two percent (2%) of the total members of the Local, as set forth in the last Per Capita report filed with the Federation prior to the meeting, plus the amount of members that constitute the Board of Directors, shall constitute a quorum eligible to conduct all business for the benefit and welfare of the Association.

Section 4

Only members in good standing shall be seated at any meeting.

Section 5

At special meetings, the business for which the meeting is called shall be the only business in order.

Section 6

No member shall leave any meeting without permission from the presiding officer.

Article 19

Resolutions

Any member desiring to bring any matter or resolution to the attention of the Board of Directors must submit his/her case in writing to the President or Secretary-Treasurer at least five (5) days before the Board convenes at any regular monthly meeting thereof.

Article 20

Amendments to the Bylaws

Section 1

- a) Proposed amendments to the Bylaws may be made at any time by members of the Association in writing, signed by at least thirty (30) members in good standing and submitted to the Board of Directors. Such proposed amendments shall be submitted to the membership for discussion and vote at the next membership meeting.
- b) Any amendments which the Board of Directors of its own motion may wish to submit to the membership for discussion and vote shall likewise be submitted at the next membership meeting.
- c) Should a proposal to amend the Bylaws be presented directly to the membership at any membership meeting without first being submitted to the Board of Directors, it shall be read and referred to the Board for detail study and review with the person proposing such amendment and shall be submitted to the membership for discussion and vote at the next membership meeting.
- d) Copies of any amendment or amendments proposed as provided in Paragraphs A, B, and C of this Section shall be published in the newsletter preceding the membership meeting at which such amendments will be discussed and voted upon.
- e) No proposed amendments shall be presented for discussion and vote at the meeting unless a quorum is present.

Section 2

It shall require a vote of two-thirds (2/3) majority of the members present to amend the Bylaws.

Section 3

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

Article 21

Claims and Charges

Section 1

Members contracting for casual engagements shall pay all monies due to performing members within eight (8) days from termination of engagement. On steady engagements, weekly payments must be made within four (4) days after the end of each work week and final payment shall be made not later than eight (8) days after termination of the engagement. Members shall notify the officers of the Association if payment has not been received on or before the eight (8th) day. Members failing to comply with the requirements of this Section shall be subject to charges.

Section 2

A claim is defined as any matter involving monies due, the interpretation of, any dispute or other controversy arising out of or involving contracts or alleged breaches thereof.

Section 3

Claims for compensation must be filed within two (2) years after the claim arose.

Section 4

A charge is defined as a matter arising out of any alleged violation of the Bylaws, rules, regulations or orders of any Officer or Board of this Association or of the American Federation of Musicians.

Section 5

Charges must be filed within two (2) years after the occurrence of the alleged violation.

Article 22

Claims: Rules of Practice and Procedures

Section 1

Unless a Collective Bargaining Agreement is in effect which would prevent him/her from doing so, a member of this Local may file a claim with the Secretary-Treasurer against any of the following:

- a) Any other member of this Local for any amount of money he/she alleges due to him/her relating to a musical engagement, or;
- b) Any non-member employer or purchaser for any amount of money which 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's Board of Directors.

Section 2

A claim must be filed in writing with the Secretary-Treasurer within two (2) years of this occurrence from which the claim arose.

Section 3

The Trial Board shall at its earliest opportunity, after written notice to the parties allowing at least fifteen (15) days for them to prepare their cases, sit as a Board of Arbitration and conduct a full and fair hearing and render its decision.

Section 4

All communications concerning claims shall be sent by the Secretary-Treasurer to the parties by certified mail, return receipt requested.

Section 5

Any member failing to comply with the decision of the Trial Board on a claim shall be subject to expulsion by the Board of Directors.

Section 6

The decision of the Board of Directors in claims shall be final and binding upon the parties unless appealed to the International Executive Board as provided in the American Federation of Musicians Bylaws and/or the Rules of Practice and Procedure of such International Executive Board.

Article 23

Trials and Charges

Section 1

Authority.

- a) The Board of Directors or Trial Board shall have the authority to try all charges against any member, cause members to appear

before it for trial or for testimony, hear and decide all cases brought before it and impose fines and penalties.

Section 2

Procedure.

- a) No member of the Association shall be placed on trial for any offense until charges have been preferred.
- b) Charges filed must be in writing, signed by the party or responsible parties preferring said charges and shall specify with certainty the time and place of the alleged offense or violation. Charges filed by a member shall not be considered unless the member is in good standing.
- c) Notice of charges shall be served upon the respondent personally or mailed to respondent's last known address or if said address is unavailable to respondent's address as it appears on the book of the Secretary-Treasurer. Said notice shall require respondent to appear on a specified date for trial, which shall in no event be less than fifteen (15) days from the date of service or mailing; provided, that for good cause shown the appropriate Board may grant a continuance.
- d) Any member bringing a charge against another member shall be required to appear in person to substantiate the charge. The parties and witnesses shall be notified, and if the parties are within the jurisdiction of the Association at the time the notice to appear was served and either one fails to appear, the decision may be entered against the non-appearing party by default.
- e) A charge preferred against a member cannot be withdrawn except with the Consent of the Board hearing the matter.
- f) Affidavits and written statements of non-members may be admitted as evidence in the investigation of charges for violation of the By-laws or Wage Scales and Working Conditions.
- g) Members shall be admitted to all trials, except for those who are to appear as witnesses shall be excluded until summoned by the presiding officer of the appropriate Board. Members shall take no part in the proceedings unless called as complainants, defendants, or witnesses. All parties shall retire immediately after the hearing of the evidence, but may be present when the decision is announced.
- h) It shall be considered an offense against the Association if a member called before the Association, Board of Directors, the President, or the Trial Board refuses to answer questions or to produce the documentary evidence requested.

- i) No affidavit or written statement shall be accepted in lieu of testimony when the witness should, in the opinion of the appropriate Board, appear in person and testify.
- j) Any member who fails to appear when summoned before the Association, the President, the Board of Directors, or Trial Board shall be subject to charges.
- k) If a member charged with the violation of any law of this Association has left the jurisdiction, a copy of the charges and a summons requesting respondent to send testimony to the Association must be forwarded by certified mail to respondent at his/her last known address or if said address is unavailable to respondent's address as it appears on the books of the Secretary-Treasurer. If no reply is received within fifteen (15) calendar days after mailing said charges and summons, the appropriate Board shall have full authority to proceed and decide the case.

Section 3

Trial Board.

- a) There shall be a Trial Board vested with authority to conduct trials and decide all charges referred to it.
- b) The President shall appoint a Trial Board consisting of seven (7) members including a chairperson and vice-chairperson who shall be appointed from the members of the Board of Directors, and five (5) members appointed from the members in good standing of the Association. The Trial Board members shall be appointed for a one (1) year term. No member designated as an officer by Article 8 of the Association's Bylaws shall serve as a member of the Trial Board.
- c) In all cases referred to the Trial Board it shall have the same authority including the authority to impose fines and penalties, as is vested in the Board of Directors, except that any party may appeal a decision of the Trial Board to the Board of Directors. In an appeal to the Board of Directors, the chairperson and vice-chairperson of the Trial Board shall not participate nor vote in the appeals proceeding.
- d) The Trial Board shall meet as directed by the President; four (4) members shall constitute a quorum and the presiding officer shall vote only in case of a tie.
- e) Members of the Trial Board shall not divulge the names of witnesses appearing before them or the testimony given in investigations, except when so ordered by the Board of Directors.

- f) The Trial Board chairperson shall preside over all hearings and send out notices or summons to appear, notify Trial Board members of date and time of trials, execute such other writing as may be required. The vice-chairperson shall assume the duties of the chairperson in the absence of the chairperson.
- g) All rulings and decisions of the Trial Board shall be submitted by the Secretary-Treasurer of this Association who shall:
 - 1) Report same to the Board of Directors, and;
 - 2) Cause same to be published in the official publication of the Association.
- h) Trial Board members shall be paid at the rate as may be determined by the Board of Directors.

Article 24

Rehearings and Appeals

Section 1

Rules for Rehearings.

- a) A member directly affected by a decision in a charge, may petition the Board of Directors for a rehearing in accordance with the following:
 - 1) Such member shall comply with the decision that has been rendered.
 - 2) Such member shall file a petition in writing with the appropriate body within ten (10) days after being notified of the decision.
 - 3) The petition shall state the grounds for appeal and relief sought.
- b) Upon good cause being shown, time for filing the petition for rehearing may be extended by the Board of Directors hearing same.
- c) The Board of Directors to whom the petition is addressed shall, after considering the grounds alleged and the relief sought, grant or deny the hearing.
- d) Upon good cause being shown, time for compliance with the Trial Board's original decision may be extended by the Board of Directors, pending the result of the rehearing. If the Board of Directors grants the rehearing, the trial procedures as outlined in Article 24 shall apply.

Section 2

Rules for Appeal.

- a) A member directly affected by a decision of the Trial Board in a charge may petition for an appeal to the Board of Directors in accordance with the following:
 - 1) Such member shall comply with the decision that has been rendered.
 - 2) Such member shall file a petition in writing with the appropriate body within ten (10) days after being notified of the decision.
 - 3) The petition shall state the grounds for appeal and relief sought.
- b) Upon good cause being shown, time for filing of the petition for appeal may be extended by the Board of Directors.
- c) The Board of Directors shall have absolute discretion after considering the grounds alleged and the relief sought to grant or deny an appeal.
- d) Upon good cause being shown, time for compliance with the Trial Board's original decision may be extended by the Board of Directors, pending the result of the appeal.
- e) If the Board of Directors grants an appeal, the trial procedures as outlined in Article 24 shall apply.

Section 3

Appeal to International Executive Board.

- a) An appeal from a decision of the Board of Directors to the International Executive Board shall be taken in accordance with the Bylaws of the American Federation of Musicians.

Article 25

Fines and Penalties

Section 1

For violation of the Bylaws, Wage Scales, or Working Conditions, the Board of Directors shall have the authority to impose a fine of not less than \$10.00 nor more than \$1,000.00; or, if deemed in the best interest of the Association, to suspend or expel any offending member.

Section 2

All fines shall be paid within ten (10) days after notice from the Trial Board chairperson. If such fine is not paid within the ten (10) day period,

the member who has failed to pay his/her fine may be suspended or expelled; provided, that if payment has not been made with six (6) months after said notice, he/she shall be expelled.

Section 3

All members resigned, suspended, or expelled, automatically forfeit their rights to a membership card or benefits of the Association.

Article 26

Resignation and Reinstatement

Section 1

No resignation shall be considered unless it has been submitted in **writing**. If there are charges or claims pending against a member, he/she may not resign in good standing until the charges have been dismissed or disposed of.

Section 2

A member in good standing having resigned may be reinstated by a majority vote of the Board of Directors on payment of reinstatement fee plus current quarter dues; provided said resigned member in the interim has not violated any of the laws of the Association or the American Federation of Musicians.

Section 3

When a member is suspended for non-payment of dues, fines, or any demand of the Union, he/she shall forfeit all rights and privileges of membership until such time as the said dues, fines, and demands are fully paid and complied with.

Section 4

Any member who is in arrears for more than six (6) month's membership dues, fines, or assessments shall be automatically dropped from the rolls of the Association. Any member dropped from the rolls for non-payment of membership dues, fines, assessments, initiation fee, or any demand of the Union not longer than one (1) year from the time when he/she was automatically dropped, may be reinstated upon the payment of a reinstatement fee, in addition to the amount of the membership dues, fines, assessments, initiation fee, or any demand of the Union at the time the member was dropped.

Section 5

Any member whose regular membership dues remain unpaid one (1) year from due date shall thereafter be required to re-affiliate under the same terms and conditions as a new member.

Section 6

When a member is expelled from membership as a result of disciplinary action, he/she cannot join again within three (3) months from date of such expulsion when he/she must pay his/her initiation fee in full (*in cash*) and his/her dues up to date of expulsion and comply with any decision or demand which may have been imposed upon him/her before his/her expulsion, and his/her application shall be subject to the action of the Board of Directors.

Section 7

Any applicant for reinstatement must submit a written statement with regard to his/her reasons for requesting such action.

Article 27

Nominations and Elections

Section 1 — Nominations.

- a) Nominations for all officers, delegates, and alternate delegates to conventions and conferences of the American Federation of Musicians shall be held every three (3) years at a special membership meeting for that purpose alone which shall be held at a place and exact time of day to be determined by the Board of Directors.
- b) At least thirty (30) 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) Any member in good standing present at the nominations meeting shall be entitled to nominate any eligible candidate for his/her choice. The nominee shall be present at the meeting or his/her nominator must present a written signed statement of acceptance of nomination from such nominee.

- e) To be eligible for nomination a member must have been a member of the Local in continuous good standing for at least two (2) years preceding the nominations meeting. Suspensions during said two-year period for periods not exceeding six months, when due solely to failure to pay periodic dues, shall not be deemed a bar to eligibility within the limit set above.
- f) Immediately after receipt of all nominations, the President shall appoint an Election Committee of three (3) members, none of who are candidates. The Committee shall choose its chairperson. The Committee members shall be paid for their services in an amount to be determined by the Board of Directors.

Section 2 — Election.

- a) The election shall be held on a day in the week no sooner than forty-five (45) days after the nominations meeting and no later than sixty (60) days after same. The Board of Directors shall determine the exact date and place of the election.
- b) Not later than ten (10) days after the nominations meeting the Secretary-Treasurer shall mail written notice to all members of the election. The notice shall contain the date and place of the election, the hours of opening and closing of the polls, a sample ballot, and specifications for absentee voting.
- c) The polls shall be open from 10:00 a.m. to 10:00 p.m.
- d) Candidates shall be listed on the ballot in last name alphabetical sequence.
- e) The writing in of names of persons not nominated and listed on the ballot is prohibited.
- f) Any member who resides outside of the jurisdiction of Local 677 or on the island other than the Island of Oahu or will be unable to vote at the polls because of a musical engagement away from Oahu, may request an absentee ballot in writing to the Secretary-Treasurer who shall deliver the request to the chairperson of the Election Committee within twenty-four (24) hours of receipt. The chairperson shall within twenty-four (24) hours of receiving the request, mail the member a ballot, a small envelope in which to insert the ballot and a larger envelope to be addressed to the Election Committee at a Post Office Box to be secured by the Secretary-Treasurer. Only those absentee ballots mailed to the Election Committee in sufficient time for a least two (2) members of same to pick up such ballots at the Post Office and deliver them to the polls prior to the opening of the polls shall be

counted.

- g) A plurality of votes cast shall elect a candidate to office. Alternate delegates to conventions and conference of the American Federation of Musicians shall be those candidates in sequence by vote totals.
- h) Newly elected officers shall assume office six (6) weeks after the date of their election.

Article 28

Delegates

Delegates to the biennial convention of the American Federation of Musicians shall be elected. The President is a Delegate by virtue of his/her office. Elected candidates receiving the highest number of votes shall be declared elected and the remaining candidates in order of the highest vote received in case of any vacancies shall act as alternates and shall substitute for any elected Delegates unable to attend. Transportation shall be provided each Delegate and in addition, he/she shall receive necessary financial advances for travelling and other expenses as the Board of Directors may determine considering the location of the Convention, its expected duration, and such benefits as may be provided Delegates by the American Federation of Musicians. Itemized statements shall be presented by each Delegate at the first regular Board meeting after their return for approval. Any advances of Association funds for travelling or other expenses in excess of the amount expended will be refunded to the Association.

The number of Delegates to be sent to any convention shall be determined by the Board of Directors at the last board meeting immediately prior to the nomination of Officers, and/or Delegates.

Article 29

Union Work Dues

Section 1

Each member shall pay work dues in an amount equal to four and one-half percent (4-1/2%) of the wage scale on all engagements performed by the member in this jurisdiction. These local work dues together with work dues payable to the Federation as required by the Bylaws of the American Federation of Musicians shall be paid to the Secretary-Treasurer of the Association or his/her designated representatives by the fifteenth

(15th) day of the month following the month during which the engagement was performed, except in the case of Work Dues withheld by an employer on checkoff authorization.

Section 2

Any member who fails to comply with the requirements of this Section shall be subject to charges.

Article 30

Funds

The funds of this Association shall be raised by initiation fees, membership dues, work dues, fines, assessments, and by such other means as the President, Board of Directors, and membership shall from time to time determine.

Article 31

Allegiance/Subversive Activities

No member of the Association shall hold membership in any musical union or musicians protective organization of the musicians not affiliated as an organization with the American Federation of Musicians.

Article 32

Dissolution

This Association shall not be dissolved without the written consent of three-fourths (3/4) of the existing members in good standing, and when such dissolution shall be determined upon, the appropriation or division of the assets of the Association shall be distinctly stated in the proposed plan of the dissolution which is subject to the approval of the Federation.

Article 33

General Clauses

Section 1

Wage Scales and Working Conditions shall be prescribed from time to time by a majority vote of the Board of Directors upon recommendation

of the Wage Scales Committee of sidemusicians/employees appointed by the President.

Section 2

Any part of these Bylaws found to be in conflict with the Bylaws of the American Federation of Musicians or of any valid State of Hawaii or Federal law thereby becomes null and void.

Article 34
Symphony Ratification

Whenever a trade agreement has been negotiated on behalf of the Symphony Orchestra players, the members employed under the immediately preceding agreement between Local 677 and the employer shall have the right to ratify, by the secret ballot of a majority of the votes cast, any new agreement negotiated.

A member eligible to vote under this Article shall be a member who worked the last year of the Agreement and who was either full time, per service contract member or a casual musician who has worked one-third (1/3) or more of the total number of services during the last year when any casual musician was used.

End of Bylaws as amended December 15, 2007





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