

The Officers' Edge

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Get Out the Vote

This year's US presidential election will be one of the closest ever fought. Working families face a stark choice between George W. Bush and John Kerry on many issues, including protection of full-time jobs, health care, retirement security, Medicare, workplace safety, and the right to form unions.

Make sure you communicate to your members the importance of getting to the polls on November 2. Remind them that if they anticipate being on the road and are unavailable to vote in person, they can request an absentee ballot. Reach out to your members directly, either by a personal letter or a telephone call and stress your need for their voice in this democratic process.

The AFL-CIO web site (www.afl-cio.org/issuespolitics/politics) will give you lots of information on the critical races in your jurisdiction and the important issues. Working Families web site (www.workingfamieliestoolkit.com) offers you information and materials you can edit, personalize, and reprint for your newsletters.

Many working families are not yet aware of what's at stake for them, their families, their communities, and the nation. Use this election time to demonstrate your interest in their economic and social future. Create a phone bank with your board members to call your members and remind them that their vote may make the difference about what will happen in organizing drives and at the bargaining table beginning on the day after the election.

The union movement traditionally has been one of the loudest voices heard at election time. We cannot remain silent or apathetic. In 2004, we must be heard louder than ever before.

**Learn the issues,
Check the records and**



Diversity Awards—Keeping in Tune with Diversity

The Federation recently announced a new program designed to achieve greater diversity within our union. The results of this program will be celebrated at the 96th Convention in 2005 when three AFM International Diversity Awards are presented.

The President's Award will be given to the local that demonstrates the most advocacy for diversity. The Diversity Advocate Award will be presented to a musician in recognition of their outstanding achievements with respect to diversity and the President's Youth Award will be presented to a young, AFM member.

The August 2004 *International Musician* contained the criteria for each award and the procedure for applications and nominations. Awards applications are available in the Officers' section of the AFM web site. If you have any questions please contact either of the Diversity Award Co-Chairs, Lovie Smith-Schenk, president of Local 65-699 (Houston, TX), at lss@afmhouston.com, or John Alphonse, president of Local 571 (Halifax, NS), at jalphonse@eastlink.ca. If further information is needed, please contact the Diversity Committee Chair Otis Ducker at oducker405@aol.com or the AFM President's office. The Diversity Committee would like to see all locals participate in this program and wishes the best of luck to all individuals that compete for the awards.

The AFM is committed to having the diversity of our organization reflected and celebrated in all facets and at all levels of the AFM. Through these awards, the Diversity Committee will honor those local unions and individuals who have done the best to reach out to different genres, advocate for all musicians, do outstanding work specifically for our minority membership, and bring pride to the AFM.

How Local Bylaws Are Amended

When a local is first chartered, an initial set of local bylaws is adopted by a vote of the charter members. These local bylaws establish the procedures, responsibilities, and obligations of the local and its members. They should also provide a mechanism for amending the bylaws, at least annually. Although the process of amending the bylaws can vary from local to local, it typically has these attributes:

1) Bylaw resolutions may be proposed by the executive board, a bylaw committee, or local members in good standing. The exact number of members, signature requirements, and procedure for submission of amendments should be specified in your bylaws.

2) Proposed resolutions must be published in the newsletter or other official document and mailed to all members of a local at least 21 days prior to the general or special bylaw meeting. The notice should include the date, time, and place of a bylaw/constitution meeting and a copy of the proposals under consideration. This is a minimum time frame. The local's bylaws may require a longer time period.

3) Officers must open the meeting for discussion before calling for a vote. Only members in good standing may vote. Amendments to the resolution may be proposed, discussed, and voted upon at the meeting. If the resolution gets a sufficient majority vote as defined by the local and Federation bylaws, it is adopted.

4) To act upon proposed amendments to the local's constitution and/or bylaws, a quorum of members should be in attendance. At the maximum, the quorum must be the number of the local's executive board officers plus 2% of the total members of the local as set forth on the last per capita report filed with the Federation prior to the meeting. Round the number calculated as 2% of the membership up or down to the nearest whole number. Inactive life members may attend the meeting, but they may not be counted towards establishing the quorum and may not vote.

5) If a local's quorum requirement, or the maximum quorum requirement determined by the guideline above, whichever is the lesser, is not present at the meeting, the local's executive board has the authority to act upon the proposal(s) on the agenda unless the issue to be acted upon proposes to raise in any way the dues (including those dues known as work dues), fees, or any regular or general assessment of the members of the local.

6) All resolutions regarding dues increases or decreases

require a majority vote by secret ballot. If there is no quorum there may be no action on this kind of resolution. The local board cannot vote on dues matters in the absence of a quorum. Dues, work dues, and local initiation fee reductions require IEB approval. (AFM Bylaws, Article 5, Section 52.)

7) The procedure for amending a local's constitution and/or bylaws should not require a time period exceeding six months from the date a proposed amendment is presented in writing to the authority specified in the local's constitution and/or bylaws to the date the proposed amendment can be acted upon by the membership. If the constitution and/or bylaws of a local require amendments be introduced at a membership meeting and there is no quorum at the meeting, the amendment may be submitted to the local's executive board.

8) Nothing in these guidelines should be interpreted as preventing a local from establishing or maintaining a mail ballot referendum procedure to amend its constitution and/or bylaws, provided there is an opportunity afforded to the members, at a regular or special meeting, to discuss and ask questions about proposed amendments prior to the date on which ballots are mailed.

Bonding Officers and Employees

US labor law and the AFM bylaws require the bonding of all local treasurers and any other person or persons authorized to handle local funds, including conference officers. This bonding is accomplished automatically for all conference officers, local officers, and employees under a "consolidated form, labor organized bond" purchased by the Federation under conditions outlined in the AFM bylaws.

The amount of the bond is based on 10% of the local's or conference's cash assets and annual cash receipts, with a minimum of \$5,000. Any monetary losses covered under the conditions of the bond should be reported to the International Secretary-Treasurer's Office *immediately*, in writing, for proper action and recovery. The local Secretary-Treasurer may contact the International Secretary-Treasurer's office to ask about the amount of the local's bond or request an increase, if appropriate.

Currently, the cost of the consolidated form labor organization bond is paid by the Federation. However, the AFM bylaws provide that if necessary the premium costs of the bond may be collected from the locals.

Life Membership Clarification

Despite articles carried in both *International Musician* and *Officers' Edge*, we find questions still arise with respect to Life Membership eligibility. Article 5, Section 54(b) of AFM Bylaws reads as follows:

“Regardless of Local Constitutions, Bylaws, Rules or Regulations that provide otherwise, the minimum requirements for Life Membership in any local shall be 65 years of age and 35 consecutive years of Federation membership.”

This bylaw, on its face, establishes the *minimum* Life Membership standard as (1) 65 years of age and (2) 35 consecutive years of AFM membership. The 35 consecutive years of membership, as specified herein, is not exclusive to years of membership attained in a single local. Rather, those 35 years may have been accumulated in any number of locals. Bear in mind, locals are not required to have Life Membership; it is an option that each local may choose.

Confusion tends to arise in those circumstances involving locals having adopted a higher Life Membership threshold. It is permissible for locals to set higher Life Membership standards and Article 5, Section 54(b) should not be interpreted as requiring a local to reduce its higher conditions. Higher standards include:

- 1) An age requirement greater than 65; or
- 2) More than 35 consecutive years of membership; or
- 3) The 35 consecutive years (or more) of membership to have been accumulated in that specific local.

Finally, the verification process for granting Life Membership under the provisions of Article 5, Section 54(b) is the responsibility of the local. In other words, the local must check with all previous locals to determine if the 35 consecutive years of membership is valid.

Planning Successful Meetings

Today local officers face more complicated schedules than ever before and it is important to remember to use meetings prudently. Here are some guidelines for organizing successful meetings.

Meetings fail when ...

- They don't start or stop on time.
- People miss meetings or come unprepared.
- There are no minutes from the last meeting.
- There is no agenda or the agenda lists more items than can possibly be discussed or acted upon at the meeting.
- One person controls the conversation and doesn't let anyone else get a word in.
- Afterward, no one knows who is assigned to accomplish what by when.
- No one is prepared to solve problems.

Meetings work when ...

- An agenda is distributed prior to the meeting or is agreed upon at the start of the meeting.
- They are held only when there is a need and agenda.
- The problem is clearly stated and the goal of the meeting is clearly defined at the beginning.
- The chairperson acts as a facilitator who keeps the meeting on track, prevents cross conversations, and encourages everyone to contribute.
- The secretary takes attendance, distributes minutes of the previous meeting, and records the current meeting's key points and decisions.
- A timekeeper keeps track of speakers and makes the group aware of when to wrap up discussions.
- Attendees understand what they should accomplish before the next meeting.
- Attendees come prepared to listen and contribute. They know how the meeting will be conducted and know that they will have an opportunity to speak.

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Ratifying Collective Bargaining Agreements

In 2004, 44 locals and their orchestra committees will negotiate symphonic agreements with their respective managements. Here is a reminder about the Guidelines for Ratification:

AFM Bylaws, Article 5, Section 32(a) requires that "any Collective Bargaining Agreement negotiated or renegotiated by the Federation or a local or any negotiated extension of an existing agreement for a period of more than six months beyond its expiration date shall be subject to a secret ballot ratification vote of the eligible members who have worked under the previous agreement." Article 5, Section 31 further mandates "...in the event of a ratification held by meeting and secret ballot, there shall be no proxy or absentee ballots. If it is necessary to hold ratification by mail, then all voting shall be by mail ballot." To guarantee that this procedure is followed uniformly:

- 1) The local or committee will make its best efforts to contact all members of the ensemble and give them adequate notice of the time and place of the ratification meeting. If a vote is going to be taken at that meeting, the musicians should be so informed at the time of the notification of the meeting. Only members of the ensemble who are members of the union may attend this meeting. The time frame for voting should be made clear to all.

- 2) There may be no absentee or proxy votes. If it is necessary to hold a ratification by mail, then all voting should be by mail ballot (no fax or e-mail).
- 3) Each musician should receive a written summary or Memorandum of Agreement prior to the start of the balloting.
- 4) One person should be responsible for supervision of the ballot box and that person should have a list of the eligible personnel. All musicians will sign their names on the list as ballots are deposited in the box.
- 5) The box should be opened by a local union representative in front of two witnesses. The vote count should be written down and signed by both the union representative and both witnesses.
- 6) The local and negotiating committee should mutually agree whether or not to reveal the margin of the final tally.
- 7) An agreement shall be deemed to have been ratified if there is an affirmative vote of a majority of the members voting.
- 8) The local union must hold the ballots for one year.

Charter Relinquishment

Local 817 (Timmins, ON, Canada) relinquished its charter effective August 1, 2004. The local's territory has been reassigned to Local 276 (Sault Ste. Marie, ON, Canada). All questions regarding this change should be directed to Local 276: **Steve Case, President** (3 Tallack Blvd.; Sault Ste. Marie, ON P6C 3C2; Tel: 705-946-0836) or **Paul Leclair, Secretary** (285 Wilson St.; Sault Ste. Marie, ON P6B2K6; Tel: 705-254-2210; Fax: 705-253-2140; Email: local276@afm.org).

Don't Forget:

If your local intends to request permission from the IEB to absorb the \$2 per capita payment or .0055% symphonic work dues payment in 2005, please send a written request to the Secretary-Treasurer's office, with the most current financial information available.

Casual/Club-Date Co-Funding Available

Has your local requested money from the Casual/Club-Date Co-Funding Program? Here are some examples of approved projects.

- 1) Advertisements in Yellow Pages
- 2) Computer-related assistance for referral program or Web site development
- 3) Members-only directories or source books of bands
- 4) Advertisements for recruitment drives
- 5) Display tables at trade shows or showcase events (bridal, chamber music, jazz, club-date)
- 6) Union marketing and promotion in music stores
- 7) Contract guarantee funds
- 8) Toll free phone service
- 9) Liability insurance on casual engagements
- 10) Business representative meetings with casual musicians

For information and applications visit <http://www.afm.org/member/casual.html> or call 212-869-1330 Ext. 253.

Retention of Records

The AFM, as a labor organization, is required by the US Department of Labor, Internal Revenue Service, and its own bylaws and policies to retain certain records. The following is a list of the records that each local must retain and the appropriate length of time each record should be kept.

Form	Governing Agency	Retention Schedule
990	<i>Internal Revenue Service (IRS)</i>	<i>3 years</i>
<i>Engagement contracts filed at local</i>	<i>IRS</i>	<i>3 years (minimum), per IRS rules if used as primary instrument of financial transactions such as billing for work dues or backing cash receipts.</i>
	<i>Department of Labor (DOL)</i>	<i>If not used for local/Federation financial purposes, contracts may be discarded as soon as they have served purpose as protection for engagements performed. [AFM bylaws allow 1 year (with conditions, see bylaws) to file claims. For safety, keep contracts 2-3 years.]</i>
<i>Employee tax records</i>	<i>IRS & DOL</i>	<i>5 years (or longer if space permits).</i>
<i>LM Forms (LM-1, LM-2, LM-3, LM-4)</i>	<i>DOL</i>	<i>6 years</i>
<i>Election materials (all nomination papers, ballots, notifications, etc.); contract ratification ballots</i>	<i>DOL & AFM</i>	<i>1 year</i>
<i>Membership applications, Federation Initiation Fee (FIF) reports, Merger information</i>	<i>AFM</i>	<i>Retain as permanent record.</i>
<i>Minutes of local meetings</i>	<i>Local</i>	<i>Retain as permanent record (keep at least two hard copies of minutes in addition to any computerized records).</i>
<i>MPF records (recommendations, payrolls, etc.)</i>	<i>Recording Industry Music Performance Fund (MPF)</i>	<i>3 years (longer if space permits).</i>