

# KINGSTON MUSICIANS' UNION LOCAL 518

## CONSTITUTION AND BYLAWS

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REVISED August 23, 2025

# OFFICERS OF THE UNION OF PROFESSIONAL MUSICIANS LOCAL 518

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## TITLED OFFICERS

DAN BLACKWELL PRESIDENT  
SEAN HULLY VICE PRESIDENT  
SUE MOORE SECRETARY-TREASURER

## EXECUTIVE COMMITTEE

JEFF HAMACHER  
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## CONSTITUTION

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### Article 1

**This Constitution shall in no way be construed to conflict with the Constitution of the American Federation of Musicians of the United States of America and Canada.**

#### Section 1 - Obligation of members

*Spoken*

I, \_\_\_\_\_ (member's name), in the presence of the members here assembled do solemnly promise and declare that I will support the Bylaws of the American Federation of Musicians, and submit to its mandates and obey all laws emanating therefrom, and the Kingston Musicians' Union, and that of any other Local of 518, the American Federation of Musicians of which I may hereafter become a member. To all this I pledge my sacred word of honour.

*Written*

I, \_\_\_\_\_, do solemnly promise and declare that upon acceptance of this application, I will support the Bylaws of the **American Federation of Musicians of the United States and Canada** and submit to its mandates, obey all laws, requirements, or policies emanating therefrom as they now exist and as in the future they may be amended, as well as those of the constitution and/or Bylaws of **Local 518**, and that of any other AFM Local of which I may hereinafter become a member; and further, I acknowledge that I am eligible to receive all member entitlements as stipulated therein during the periods for which my financial obligations to **Local 518** are fulfilled/maintained in a manner consistent with said rules. I also declare that the answers provided herein are complete and true to the best of my knowledge and belief, and in the event that it shall be proven that I have answered untruthfully, I acknowledge and agree that all fees paid pursuant to this application shall be forfeited and my membership rescinded except that the circumstances may be appealed to **AFM's Vice President from Canada**, who will render a decision which is final and binding on the Local and the applicant/member named herein.

**“To all these terms I agree and pledge my sacred word of honour.”**

#### Section 2 – Obligation of Officers

I, \_\_\_\_\_ (officer's name), do hereby solemnly pledge my most sacred honour that I will faithfully discharge the duties of my office as \_\_\_\_\_ (officer's position) of this Local during the term for which I have been elected, and installed; that I will support the Bylaws of the American Federation of Musicians, and Bylaws, rules and regulations of this Local 518, and that I will enforce the laws thereof to the best of my ability without prejudice or partiality.

## ALWAYS CARRY YOUR UNION CARD

### Article 2 - MISSION

The mission of the Union of Professional Musicians shall be to unite all musicians in its jurisdiction into one organization, as defined by the American Federation of Musicians (AFM) bylaws (see Article 10), for advancement and protection, to regulate fees and all business relating union members in the musical profession; to receive, manage, invest, expend or otherwise use the assets of the organization to further and to carry out its objects directly and indirectly; to protect and preserve the organization; and to encourage and enforce good faith and fair dealing among its members.

### Article 3 – OFFICERS

#### Section 1

The Officers of this Local shall consist of a President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice President, Secretary-Treasurer, and an Executive Committee of six members; collectively these Officers shall constitute the Executive Board.

#### Section 2

Any member in good standing for a period of one year shall be eligible to be an officer of The Union of Professional Musicians.

#### Section 3

The Term of Office for all elected officers shall be three years, except for the term of the Secretary-Treasurer. (see bylaw Article 6.1.2)

#### Section 4

The Officers of the Union of Professional Musicians Local 518 shall be elected by the General Membership.

### Article 4 - GOVERNMENT

All matters concerning the governance of this Union shall be determined by the Bylaws, provided that such Bylaws do not conflict with the Bylaws of the American Federation of Musicians.

### Article 5 - MEMBERSHIP

All performers on musical instruments of any kind, vocalists, dancers, support crew, or other individuals who render musical services of any kind shall be eligible for membership, subject to the AFM laws and jurisdiction. All individuals who are in good standing and eligible to become members of Local 518 under the provisions of Article 4 in the AFM bylaws are eligible for membership in the AFM. (AFM Article 9 Section 1a)

### Article 6 – GENERAL MEMBERSHIP MEETINGS

**Section 1** All General Membership Meetings of this Local will commence at a convenient time for the executive board and general membership.

#### Section 2

The Union of Professional Musicians shall hold up to four (4) General Membership meetings in a calendar year, one per quarter:

**MARCH:** (prepare budget items).

**JUNE:** (introduce yearly tariff of fees)

**SEPTEMBER:** (Nominations if applicable) mid-year finances.

**DECEMBER:** End-of-year summary.

Every third December (in an election year) a date will be chosen in mid-December for Elections

### **Section 3**

Any changes in the Tariff of Fees are to become effective on January 1<sup>st</sup>. No contracts will be accepted after January 1<sup>st</sup>, quoting the previous Tariff of Fees.

### **Section 4**

Admission to all meetings shall be by current membership card only. A record of attendance shall be placed at the door of the meeting hall in charge of the Sergeant-At-Arms (*appointed by the President at the meeting*), to be signed by every member and officer upon entering the hall.

### **Section 5**

Amendments to the By-laws of this Local may be made by notice of motion--in writing--at any General Meeting or Special Meeting, throughout the year. The membership shall be informed of proposed By-Law changes in writing. They shall then be brought before the next General or Special Meetings for a vote.

## **Article 7 – FUNDS**

### **Section 1**

The funds of The Union of Professional Musicians, Local 518 shall be derived from initiation fees, work dues and annual fees paid by the members, from work dues and from any fines and fees as may be imposed in accordance with the Constitution and By-laws, or by any rules made by the general assembly or by any orders made by the Executive Board of the Union. The afore said funds may also be derived from any outside parties, and from the proceeds of any Benefit which may be sponsored by this Union for the purpose of raising funds for the use of the Union.

### **Section 2**

The Executive Board shall have the power to disburse the funds of this Union, on its behalf, where the interest and welfare of this Union are the only consideration, and no member of the Executive Board voting for such disbursement has any private interest in the transaction, provided that any single disbursement under this section shall not exceed Five Hundred Dollars (\$500).

### **Section 3**

All funds of this union shall be in one bank in the City of Kingston, Ontario, Canada. All cheques, money orders, credit card payments, and e-transfers should be made payable to "UNION OF PROFESSIONAL MUSICIANS AFM LOCAL 518". All fines are to be included where applicable.

### **Section 4**

Any member who embezzles, fraudulently misappropriates, converts to his own use, or purposely misuses the funds of this Local, or funds placed in the trust of this Local, shall be subject to expulsion from The Union of Professional Musicians Local 518

### **Section 5**

Any member who has knowledge of misappropriating the funds of this Local and fails to report such misappropriation to the Executive Board of Local 518, shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1000.00), and/or expulsion from The Union of Professional Musicians Local 518

## Article 8 – QUORUM

### Section 1

At all **General and Special meetings** of this Local, the quorum will be **ten (10)** members present.

### Section 2

A quorum at an **Executive Meeting** shall consist of **five (5)** members.

## Article 9 – JURISDICTION

All the following counties: Hastings, Prince Edward, Lennox & Addington, Frontenac, Peterborough, Northumberland, Victoria, Haliburton, that portion of Durham County that lies east of Highway 35, and Gananoque in Leeds County.

## Article 10- INDEMNITY

Where an officer of the Union of Professional Musicians, Local 518, performs an act-

- (a) After a resolution has been passed at a meeting of The Union of Professional Musicians, Local 518, instructing, or authorizing such performance, or
- (b) After the officer is instructed by the Executive Board and instructions are contained in the minutes of the meeting of the Executive Board, or
- (c) To comply with the Constitution or By-laws, such Officer shall be indemnified by The Union of Professional Musicians Local 518, for any legal cost, losses, costs, damages, and expenses which the Officer, his heirs, executors, or administrator may suffer, pay, sustain, or be put to, by reason of his performing the act.

## Article 11 – REVOCATION AND AMENDMENTS

Any revocation or amendment to any article of the Constitution and of the bylaws may be brought into effect in one of the following ways:

1. The Executive Board may at any time prior to a general meeting give notice in writing to the members of its intention to introduce at such general meeting a proposal to revoke or amend an article or a Bylaw and at such meeting it may be brought into effect unless two-thirds of the votes of the members' present oppose the proposal, or
2. A member may at a general meeting give **notice** of motion of his intention to move a revocation or amendment to any such Article or Bylaw and if at the next following general meeting the motion is put and is supported by not less than two-thirds of the votes of the members present it should thereafter have effect.
3. The Executive Board may at any time prior to a general meeting give members notice in writing of its intention to conduct by mail a referendum of the members to decide by a simple majority of those voting a proposal to amend or revoke an Article or a Bylaw, the results of which shall be published in the next newsletter and thereafter have effect.

# BYLAWS

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## Article 1 – DUTIES OF OFFICERS

### Section 1 - Duties of the President

It shall be the duty of the President to preside at all meetings of the Union, sign all documents of an official nature about the Union, as well as any cheques or withdrawal slips on the funds of the Union, and to make decisions on matters about the Union where an emergency exists. On such occasions, the President is empowered to issue Executive orders where it is impossible to call a meeting.

The President shall have the power to grant permission to leaders or contractors to engage non-union musicians temporarily, when the President is satisfied that no Federation members can be found capable of filling the engagement.

The President shall make decisions in cases of emergency when the interests and welfare of the Union are to be protected, and the President shall report all their actions to the Executive Board. The President may also sign any official documents and shall be an authorized signatory to cheques issued by the Local.

The President shall automatically be a delegate to the Convention of the American Federation of Musicians and the Canadian Conference.

The President will be granted free membership in this Union during the President's term of office, and all actual expenditures incurred by the President in the execution of the duties of the President's office, such as transportation, etc., shall be borne by the Union.

The President shall receive such remuneration as is to be decided by the Membership at the December General Meeting on the recommendation of the Executive Board.

The President shall exercise all the duties of the presiding officer as prescribed in the Constitution of the American Federation of Musicians, including the right to voice on the floor, but not to vote except to break a tie or as otherwise provided in the AFM By-Laws. Appoint all committees and shall be an ex officio member of all committees except the Election Committee, and such committees may meet via electronic means only if expressly authorised to do so by the Executive Board and in conformity with AFM policy.

### Section 2a - Duties of the 1st Vice-President

The **role** of the **1<sup>st</sup> Vice President** is to ensure continuity during governance transitions and organizational change, to help ensure the appropriate succession of Officers and Directors, to support the **President** in their role, and to provide continuity to the organization by providing historical context for issues.

Responsibilities:

- Participating actively in board meetings and/or special meetings called by the board members,
- Supporting the President in the Vice President's position through mentoring, coaching, advising and analysis of Board development and procedures
- To continue to advocate for the profession and for the union wherever and whenever possible.
- Providing historical context for decision-making and revising planning, objectives, etc.

## Section 2b – Duties of the 2nd Vice President

It shall be the duty of the Vice-Presidents to perform the duties of the President in the latter's absence.

The Vice President shall be granted free membership in the Union during their term of office.

The Vice President shall be authorized to sign official documents of the Local in the absence of the President or Secretary-Treasurer, and they shall be an authorized signatory to cheques issued by the Local.

The Vice President shall receive such remuneration as the Association shall from time to time determine, and shall be exempt from all dues and assessments, except for work dues. The Vice President shall, in the event of the death or resignation of the President, assume the office of the President for the remainder of the current term of office.

If the President or Secretary/Treasurer is unable to attend, the Vice President shall automatically be appointed as delegate to the Convention of the American Federation of Musicians and the Canadian Conference

## Section 3 - Duties of the Secretary-Treasurer

**The duties of the Secretary-Treasurer shall carry out the duties of the office, or cause them to be carried out, as follows:**

The Secretary-Treasurer shall keep a faithful record of all proceedings of all meetings, issue membership cards, inform all members of all changes in membership, as well as any claims for default made by members, publish annually any changes in the Constitution, By-Laws, Standing Resolutions and Tariff of Fees. They shall send out notifications of all General and Special Meetings, dispose of all correspondence in matters about the Union, and perform any further duties in accordance with Article 6 of the By-Laws of The American Federation of Musicians.

The Secretary/Treasurer, upon expiration of their term of office, transfer all organized and up-to-date books, papers, documents, and other property of the Local and/or the AFM into the hands of their successor in office.

The Secretary/Treasurer shall collect all dues, fines, and assessments, keep a true and accurate account of all money transactions, and take charge of all the money, property, and security of the Union.

The Secretary/Treasurer shall deposit all money in one Bank in the City of Kingston, Ontario, Canada, and before any monies thus deposited are withdrawn. Each cheque or withdrawal slip shall be signed by the President, or Vice President, and countersigned by them as Secretary-Treasurer.

The Secretary/Treasurer shall submit to all members an annual financial review of all receipts and disbursements during their term of office, as well as a general report of all business in connection with the Union.

In addition to this, the Secretary/Treasurer shall handle all communications with outside parties, answering to the best of their knowledge any enquiries therefrom, and, in case of emergency, call an Executive Board meeting without delay, or, if this is impossible, act on the decision of the President.

It shall be their duty to see to it that the laws of this Union and The American Federation of Musicians are obeyed, and that all agreements with outside parties are kept, and in cases where any rules, laws, or agreements are violated, they shall have the authority to take immediate, appropriate action.

The Secretary/Treasurer shall have the authority to be an alternate signatory to the President or Vice-President in the event of their absence. The Secretary/Treasurer may sign correspondence and other official documents on behalf of the Local.

The Secretary/Treasurer shall be responsible for management of the Local office and for engagement and disengagement of office staff as required, except that office staff positions shall be increased or decreased only with approval of the Executive Board.

The Secretary/Treasurer shall be a delegate to the Conventions of the AFM and to the Conferences of Canadian Locals during their term of office.

The Secretary/Treasurer shall have the power to grant permission to leaders or contractors to engage non-union musicians temporarily, when the Secretary/Treasurer is satisfied that no Federation members can be found capable of filling the engagement.

The Secretary/Treasurer shall be employed as side person on all stand-in engagements within the jurisdiction of this Union.

The Secretary/Treasurer shall be a participant in the Musicians' Pension Fund Canada. Contributions to the plan on the Secretary/Treasurer's behalf shall be paid by the Local up to the maximum contribution allowed by the Musicians' Pension Fund Canada of the annual salary payable as provided by these By-Laws.

In the event of the President and the Vice-President being absent at the start of any meeting, the Secretary-Treasurer shall then take charge and open the meeting and carry on until the members elect a chairman pro tem.

All expenses such as transportation, communications, cell phone use etc., incurred in the performance of the Secretary/Treasurer's duties shall be borne by the Union, including the maintenance of a telephone and internet-enabled computer in their office.

The Secretary-Treasurer shall maintain a current directory of members.

The Secretary/Treasurer shall be granted a free membership in the Union during their term in office.

The Secretary/Treasurer shall receive such remuneration as the Local may from time to time determine, and the Secretary/Treasurer shall be exempt from all dues and assessments except work dues. There will be an annual review of the workload and salary of the Secretary/Treasurer to make appropriate recommendations to the February General Meeting.

#### Section 4 – Sergeant-At-Arms

See the AFM constitution Article 6 section 4.

#### Section 5 - Duties of the Executive Board

The Executive Board shall consist of the President, Vice-Presidents, Secretary, Treasurer, and or Secretary/Treasurer and the Executive Committee of four. It shall be the duty of the Executive Board to supervise the interests of the Local; to investigate all charges against a member, or members, or any rumours which they consider detrimental to the Local, or AFM; to call for papers or witnesses, or have the power to cause a member, or members, who have been charged with violating the Bylaws, to appear before

them; receive membership applications, pass upon all candidates; impose or remit penalties; submit questions in dispute for the Local to decide; pass upon all bills against the Local, and report all their actions or decisions at the following regular meeting.

The Executive Board, by prior unanimous consent, may hold one or more of its meetings via electronic technology (e.g., telephone, videoconference). Unanimous consent for electronic meetings may be obtained via email or other means. No decisions of the Executive Board may be made by secret ballot.

The Local Executive Board should work as a consensus-building team with the other officers to provide leadership and direction on the Local's goals. Duties and responsibilities include:

- Working together to set short and long-term goals in areas such as member retention, recruiting, education, mobilization, political action, negotiations, organizing and public relations.
- Approving a local budget that reflects and supports the goals of the Local
- Acting within the limits of its delegated authority under the Local Bylaws, the Board acts on urgent matters between membership meetings and on routine matters.
- Hearing reports of officers and of committees
- Hearing charges, unless otherwise provided for in Local Bylaws.
- Handling any additional duties as specified in Local Bylaws.

The Executive Board may, at its discretion, hire a Business Representative or Business Representatives, to aid in the maintenance of good business relations with employers of musicians. The Board may also hire an operations Manager to aid in day-to-day business of the Local. Remuneration for such services shall be determined by the Executive Board.

Matters not covered in the Constitution or By-Laws shall be at the discretion of this Board.

### Section 6 - Concurrence

The concurrence of four Board Members the disposition of such business as may be filed with the Secretary-Treasurer shall be deemed the decision of the Board in all cases of emergency when it is impossible to call a meeting.

Except for matters concerning finance, all the rulings of the Executive Board of this Local shall be final and appealable only to the International Executive Board.

### Section 7 – Executive Board Meetings

The Executive Board shall meet at least once every three calendar months, at a time and place to be decided by mutual consent. It shall be the duty of each of the Board members to attend all meetings of the executive board, perform the duties assigned thereto and perform such other related tasks as may be assigned by the President or the Executive Board. They shall receive such remuneration as the Local shall from time to time determine and shall be exempt from all dues and assessments, except for work dues, during their terms of office.

### Section 8 – Salary and Remuneration

In addition to the annual salary provided by these By-Laws, Local 518 may pay annually to the Musicians' Pension Fund Canada on behalf of an officer or employee so receiving a salary, an amount up to the maximum

contribution allowed by the Musicians' Pension Fund Canada of the annual salary payable as provided by these By-Laws.

Salary and remuneration will be increased annually by at least the amount of the cost of living, effective at the beginning of January.

#### SECTION 9 – Electronic Membership meetings

Regular and Special Meetings of the membership may be conducted via electronic means (e.g., telephone, videoconference) at the direction of the Executive Board or President, provided that every member is so advised in the meeting notice, and that reasonable provisions have been made to accommodate those members who may have difficulty with the technology utilized (e.g., accommodations such as clear instructions, resource-sharing with other members, community access points).

## Article 2 – COMMITTEES

### Section 1 – Welfare Committee

The welfare committee of this Union shall consist of all the members thereof, and it shall be their duty to report to the President and/or the Secretary-Treasurer any illness or accident to any member which may come to their attention, when they believe the President or Secretary-Treasurer to be in ignorance of such misfortune. The Executive Board has authority to provide appropriate comforts to the amount of Twenty-Five Dollars (\$25.00) to any member in good standing, unfortunate enough to be in hospital.

On the death of each member in good standing, the Local shall send a floral tribute of recognition. It shall be the duty of each member to attend the funeral or call at the funeral home, if possible.

### Section 2 - Auditors

A Local member with appropriate financial experience shall be elected at the triennial elections as Auditors of the Local. They shall have access to all books, vouchers, and papers of the Local always during their term of office. These will be audited every six months, or whenever the Executive Board or Local so demands. For such service they shall receive such fee as is determined by the Local. In addition, they shall be exempt from all dues and assessments, except for the work dues.

An Accountant may be engaged by the Executive Board to conduct a *bi*annual Financial Review of Local record, such appointment to be made by the Executive Board at its first meeting in each calendar year.

### Section 3 – Other Committees

Other committees shall be appointed from time to time by the Executive Board as the need arises.

### Section 4 - Music Performance Trust Fund Coordinator

The Executive Board shall appoint one of its Members to co-ordinate the Music Performance Trust Funds. Said Member shall be referred to as "The M.P.T.F. Co-coordinator" and they shall keep the Executive Board fully informed of all projects that they've recommended to the M.P.T.F. Trustee. All M.P.T.F. records will be made available to the Board upon request.

## Article 3 - QUALIFICATIONS FOR MEMBERSHIP

### Section 1 - Terms

All performers on musical instruments of any kind or vocalists or other individuals who render musical services of any kind for pay are classed as professional musicians and are eligible for membership, subject to the laws and jurisdiction of the American Federation of Musicians of the United States and Canada.

### Section 2 - Applications

Applications for membership must be made on the official application form and accompanied by Local and Federation Initiation Fees and applicable dues. Applications are obtainable from the Secretary-Treasurer. All members, in addition to paying a Local Initiation Fee (LIF) of Thirty dollars (\$30.00) shall also pay a Federation Initiation Fee (FIF) of Sixty-Five Dollars (\$65.00) except for persons 20 years or younger, who have never been members before, for whom the initiation fee will be waived, as a Youth Member. The initiation fee shall also be waived for Student Members (those musicians who are registered as students in an accredited school, college, or university) and for any self-contained group of two or more members. If deemed in the best interests of the Local, the Executive Board may allow the initiation fee to be paid in instalments.

### Section 3 - Identification

The printed card of this Local, with the correct receipt for dues recorded thereon shall be the only acceptable identification for professional business, provided that the holder has not forfeited his right through a violation of the Constitution and Bylaws. A member holding this card must affix his signature thereon. If an applicant for membership pays his application fees by instalments, the Secretary may issue the member a working permit renewable until the initiation fee has been paid in full or until the application has been dropped.

### Section 4 – Oath of Allegiance

No application for membership shall be accepted before the applicant has signed the Oath of Allegiance to the Association.

### Section 5 – Special Categories

5.1 The Executive Board may confer life membership on any member who has been a member of the AFM for 35 years or more and has attained the age of at least 65. Application for life membership must be made in writing to the Executive Board of Local 518. Suspension for non- payment of dues shall not be cause for rejection of life membership.

5.2 The Executive Board may consider and confer Inactive Life Membership to a member who has attained the Life Member category and wishes to retain membership but is no longer actively working as a musician. Such member shall pay dues to the Local at a reduced rate. Those members who opt for this status shall have all the rights and privileges of active members except that they may not be allowed to vote or hold office.

5.3 A person 20 years or younger may join the Local as a Youth Member and remain in that classification until their 21st birthday. Youth members shall be afforded the same rights and obligations as the rest of the Membership, and will correspondingly, be subject to all Federation and Local regulations and bylaws.

5.4 Should a member choose to leave the Union; annual dues are not refundable. However, under extenuating circumstances and with Board approval, a portion of annual dues may be refundable.

Any person forfeiting their membership through non-payment of dues, or assessments, may be reinstated by a majority vote of the Executive Board, after having paid to the Secretary-Treasurer all dues, penalties, and assessments against them at the time the member was suspended or expelled.

## Section 6 - Payment

7.1 Dues paid by members shall be remitted in cash, or cheque, or credit card, or email transfer, or money order, or by any means of payment acceptable to the local and made payable to The Kingston Musicians' Union, Local 518.

7.2 The membership year shall be January 1<sup>st</sup> to December 31<sup>st</sup> and payable by January 31<sup>st</sup> of each calendar year.

## Section 7 – Per Capita

Dues amounts include per capita dues that are forwarded to the AFM head office. Any increases in per capita dues that are passed at the AFM Convention shall automatically be added to the annual dues.

## Article 4 – MEMBERSHIP STATUS

### Section 1 – Resignation

Any member in good standing may resign in writing, and if in the future desires to enter again, upon payment of no less than ten dollars (\$10.00) and the current dues, will be reinstated.

### Section 2 – Suspension

Any member suspended for non-payment of dues or assessments may be reinstated by paying to the Local all dues and assessments standing against the member at the time he was suspended plus an administration charge of fifteen (\$15.00) dollars.

### Section 3 – Expulsion

Any member expelled for non-payment of dues or assessments may be reinstated by paying to the Local all dues and assessments standing against the member at the time the member was expelled plus an administration charge of twenty-five dollars (\$25.00). The application for reinstatement must be made within a year of the date of expulsion.

### Section 4 – Forfeiture of Membership

Any person forfeiting their membership for any other reason than those stated in Article 4 sections 1, 2, or 3 shall be reinstated only in conformity with the Bylaws of the AFM.

### Section 5 - Reinstating for the Purpose of Resignation

A person wishing to reinstate their membership for the purpose of resigning in good standing from the Local shall be exempt from the reinstatement fee.

### Section 6 - Reinstatement

Any member whose dues are three months in arrears will be suspended and may be reinstated only as provided in Article 4, Section 2, of these Bylaws. Any member whose dues are six months in arrears will be expelled and may be reinstated only as provided in Article 4, Section 3, of these Bylaws.

## Article 5 - RULES OF ORDER

1) Calling the meeting to order

2) Reading of the minutes of the last regular and/or special meeting

- 3) Report of the Executive Board
- 4) Report of special committees'
- 5) Communications
- 6) Nominations, Elections and/or Installations
- 7) Notices-of-Motion
- 8) Unfinished business
- 9) New business
- 10) Appointment of Committees
- 11) Adjournment

### Section 1 - Parliamentary Rules

Rule 1 - On motion, the regular order of business may be suspended by a two-thirds vote of the meeting at any time, to dispose of any urgent business.

Rule 2 – All resolutions and resignations must be submitted in writing to the President or Secretary 10 business days prior to the meeting.

Rule 3 - All questions of a parliamentary nature, not provided for in these rules, shall be decided by Roberts' Rule of Order Revised.

### Section 2 - Motions

Rule 4 - A motion to be entertained by the presiding Officer must be seconded and the mover, as well as the seconder, must rise and be recognized by the Chair.

Rule 5 - Any member having made a motion can withdraw it by consent of his seconder, but a motion once debated cannot be withdrawn except by a two-thirds vote.

Rule 6 - A motion to amend an amendment shall be in order but no motion to amend an amendment to an amendment shall be permitted.

Rule 7 - Any member may call for the division of a question when the sense will admit thereof.

Rule 8 - A motion shall not be subject to debate until it has been declared by the Chair.

### Section 3 - Debate

Rule 9 – When a member wishes the floor, they shall rise and respectfully address the Chair and, if recognized by the Chair, they shall be entitled to the floor.

Rule 10 – If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

Rule 11 - Such members, when speaking, shall confine themselves to the questions under debate as deemed by the Chair.

Rule 12 - No member shall interrupt another while speaking, except to a point of order or a question of privilege, and they shall state the point. The Chair shall adjudicate the same without debate.

Rule 13 – If a member, while speaking, is called to order, they shall take their seat until order is restored, when, at the Chair's discretion, they may proceed.

Rule 14 – If any member feels personally aggrieved by a decision of the Chair, they may appeal to the Local within 10 business days from the decision forthwith.

Rule 15 - When an appeal is made from the decision of the Chair, the Vice-President shall then act as Chairman. The member will then have the right to state the grounds for this appeal, and the Chair will give the reasons for the decision. Thereupon, the Union will proceed to vote on the appeal without further debate, and it shall require a two third (2/3's) majority of the members present to sustain such appeal.

Rule 16 – No member shall speak more than once on the same subject until all the members desiring the floor have spoken.

Rule 17 - The presiding officer shall not speak on any subject unless the President retires from the Chair, except on points of order and appeals from the decision of the Chair, and in case of a tie, the President shall have the deciding vote.

#### Section 4 - Privileged Questions

Rule 18 - When a question is before the meeting, no motion shall be in order except

- a) To adjourn.
- b) To table for future consideration.
- c) For the previous question.
- d) To postpone to a given time.
- e) To refer or recommit to the board or subcommittee.
- f) To amend; and these motions shall have the precedence in the order herein arranged.

The first three of these motions are not debatable.

Rule 19 - When the previous question is moved and seconded, it shall be put in this form: "Shall the main motion now be put?" If this is carried, all further motions, amendments, and debate shall be excluded, and the main question put without delay.

Rule 20 - If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall then be put as follows:

- a) Amendment to the amendment.
- b) Amendment
- c) original motion.

Rule 21 - When a question is postponed indefinitely, it shall not come up again except by a two-thirds vote.

Rule 22 - A motion to adjourn shall always be in order except

- a) When a member has the floor.
- b) When members are voting.
- c) When it has been decided to take the previous question.

## Section 5 - Taking the Vote

Rule 23 - Before putting the question to a vote, the presiding officer shall ask: "Is the Union ready for the question?" Then it shall be thrown open for debate. If no member rises to speak, the presiding officer shall then put the question in this form: "All in favour of the motion shall signify by raising the hand; oppose or abstain." After the vote is taken, the presiding officer shall immediately announce the result.

Rule 24 - When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed unless a mistake has been made, in which case the mistake shall be rectified by a point of order, and the presiding officer shall again put the question to a vote.

Rule 25 - Before the presiding officer declares the vote on a question, any member may ask for a division of the meeting, then, the Chair is duty-bound to comply with the request, and a standing vote shall then be taken, and the Chair shall count the same.

Rule 26 - Every member present shall vote on all questions before the Union, unless in a conflict of interest or are asked to recuse themselves.

Rule 27 – A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 28 – When a question has been decided, it can be reconsidered only at the same meeting or at the next regular meeting.

Rule 30 - All questions, except as otherwise provided, shall be decided by a 2/3 majority of all votes cast.

Any member not clearly understanding any of the foregoing Constitution and Bylaws, and wishing to get an explanation of the same, may do so by applying in writing to the Secretary, who shall lay the matter before the Executive Board at its next meeting, whose interpretation and decision shall be final.

## ARTICLE 6 - NOMINATIONS AND ELECTIONS

### Section 1 – Election of Officers

1.1 The election of officers of this Local and delegates to the conventions of the American Federation of Musicians shall be held by secret ballot at the election meeting of the Local. All members in good standing shall be entitled to vote in said election. Nominations will normally be made from the floor during the Nomination Meeting.

1.2 The nomination/election of the Secretary-Treasurer who has completed one full term (3 years) and elected to stand for a 2<sup>nd</sup> term shall not need to stand for nomination or election for 5 years. After which, the term becomes a five-year term until the position becomes vacant, in which case the term reverts to a three-year term

### Section 2 - Nomination

2.1 - Any member not present at the meeting at which nominations take place shall not be eligible for nomination for any office or delegation unless prior consent in writing has been obtained.

2.2 - No Member shall be nominated unless in good standing for one year immediately before such nomination, nor for more than one office in the Local, but the nomination of a member to an office in the Local shall not bar that member from nomination as a delegate.

### Section 3 - Election

The election of Officers meeting shall be classed as a compulsory meeting for all who reside within the jurisdiction of Local 518. For non-attendance, there will be a fine of Five Dollars (\$5.00), at the discretion of the Executive Board if a satisfactory explanation is not sent to the Secretary-Treasurer.

### Section 4 – Election Procedure

A mailed notice addressed to the members no later than fifteen days before the nomination meeting shall constitute official notice to the membership of said meeting.

This notification shall state:

- a) the method of voting.
- b) dates, times, and places of the election
- c) The names of all candidates and the positions to which they are seeking election.

### Section 5 - Ballots

The Secretary-Treasurer shall have sufficient ballots printed with the names of the qualified candidates in alphabetical order. No other ballot shall be legal.

### Section 6 – Election Committee

6.1 The President, on the advice of the Executive Board, shall appoint, before the date of the nomination meeting, an Election Committee to be responsible for all aspects of the Election. That committee shall consist of a Returning Officer, who shall act as Committee Chair, an inspector, who shall have authority to authenticate and count votes, and other personnel as necessary to ensure that votes are counted accurately and the results announced expeditiously. Members of the Election Committee shall be either:

- a) members in good standing of the Local; or
- b) former members of the Local who resigned in good standing.

- 6.2 The election committee shall be charged with conducting a fair and honest election and an accounting of all ballots cast.
- 6.3 The chairman shall supervise the election and vote count and will submit a written certification tabulating the number of votes cast and listing the candidates in order of votes received and indicating those elected for the ensuing term.
- 6.4 No Officer or member of Local 518, American Federation of Musicians, shall be allowed to enter the room during voting or the counting of ballots by the scrutineers except to cast their own vote.
- 6.5 Each member currently in good standing is entitled to one ballot and must vote in person at the time and place specified, except as provided in Section 6.6. As the member is checked into the meeting room, their membership card verified, and their name checked against the general roster of membership, they will receive their ballot, vote immediately, and leave the premises forthwith. At the time of depositing the ballot, their name must again be checked against the roster.
- 6.6 A postal or advance ballot may be requested by any member in good standing who,
- a) Resides outside the limits of the city of Kingston, or
  - b) Can substantiate to the President or Secretary-Treasurer that they will be unable to attend the election meeting due to
    1. Being out of town, or
    2. Having a contracted musical or other engagement which would make it impossible to attend, or
    3. Being incapacitated owing to illness etc.
- 6.7 Upon receipt of a request for an advance ballot, the Secretary-Treasurer shall comply with it at once. It shall be the responsibility of the member voting to return the ballot in a suitable sealed envelope provided by the Local addressed to the election committee in an envelope addressed to the chairman of the election committee no later than 4.00 p.m. on the Friday before the election.
- 6.8 The chairman of the election committee shall be provided with a list of the members to whom ballots have been provided, and it shall be their responsibility to bring all advance poll votes to the election meeting.

## Section 7 – Election of titled officers

The election of the President, Vice-Presidents, and Secretary-Treasurer shall be by simple majority (50 plus 1). In case of a tie, a second ballot shall be held between the nominees tied for first place. The candidate receiving most of the vote's cast shall be elected.

## Section 8 - Declaration

In the event more than one ballot is necessary by reason of the vote, only the names of those candidates who have received an equal number of votes shall be voted upon, and the candidate or candidates receiving the greatest number of votes shall be declared elected.

## Section 9 - Rules

In all elections, a member may vote for any number of candidates up to and including the correct number of representatives to the Executive Board or delegates to conventions as per the instructions on the ballot.

## Section 10 – Term of office

The newly elected officers shall enter upon the duties of their office on the first day of January and shall be sworn in at the first General Meeting in the calendar year following the election.

## Section 11 - Vacancies

Should any position on the Executive Board, except for the positions of President and Secretary-Treasurer become vacant by resignation, death or otherwise, the Executive Board may appoint a member to fill the office in an acting capacity until the next regular election, as per Article 5, Section 16-c of the American Federation of Musicians' Bylaws. Acting President or Secretary-Treasurer shall be appointed by the Board from within the Board.

## Article 6 - TRIALS AND PENALTIES

### Section 1 – Charges and Trials

Shall follow in substantial form Article 11: Charges and trials, of the AFM bylaws

### Section 2- Failure of duties

Any Executive Board member failing to appear at three consecutive Board Meetings, without sufficient reason, shall be duly notified that they are removed from office by the Executive Board.

### Section 3 - Fines

A member found guilty of violation of any Bylaw may, after a fair and impartial investigation by the Executive Board, be fined any amount not exceeding five hundred dollars and/or may be suspended from membership for a period not exceeding six months, or expelled from the Association, at the discretion of the Executive Board, except as otherwise provided in these Bylaws. A member under suspension shall, at the expiry of six months, be expelled unless he applies for reinstatement. A member, when expelled, loses all interest in the Association.

### Section 4 – Payment of Fines

Unless otherwise ordered by the Executive Board, all fines imposed by the Executive Board must be paid within thirty (30) days of imposition. Any appeal must be made in writing to the Vice-President from Canada within thirty (30) days.

### Section 5 - Appeals

An appeal can be made to the Vice-President from Canada from any decision of the Local or any other authority. A further appeal can be made to the Canadian Conference in any case involving an ultimate fine of five hundred dollars (\$500.00) or more, or expulsion from membership in the Federation, regardless of whether the decision was made by the Local or by the International Executive Board. (NOTE: Complete information on appeals may be found in the Bylaws of the AFM.)

### Section 6 - Dismissal

Any Officer may be removed from their office for conduct unbecoming of their position, or for inattention to the affairs of the Union, by a fair trial held at a General Meeting, said Officer having been notified of the charges laid against them, and of the date of their trial. In the event of their removal, a successor shall be duly appointed by the Executive Board to take their place until a Special General Meeting is called to elect a successor.

## Article 7 - RIGHTS AND DUTIES OF MEMBERS

### Section 1 - Rules

Members of this Union shall not perform in any ensemble in which a musician is engaged who is not in good standing with this Local or any other Local of the American Federation of Musicians.

## Section 2 - Misdemeanors

The following shall be considered misdemeanors and cause for charges:

- a) Practicing an imposition on or imperiling the interest of Union members.
- b) Performing, instructing, or authorizing said engagements for less than what is listed in the Tariff of Fees prices.
- c) Failure on the part of members to fulfill engagements contracted for, or on the part of the leaders to accept services of members engaged.
- d) Filling engagements with more musicians than contracted for.
- e) Failure to comply with proper decorum during Executive, Board, General, and Committee Meetings.
- f) Failing to furnish upon demand of the Executive Board, the contract for an engagement, with a list of the musicians engaged thereon.
- g) Failing to comply with the instructions of the Executive Board.
- h) Failing to report any known violation of the Constitution or By-Laws, or Tariff of Fees.
- i) Violating the Constitution or By-Laws of the American Federation of Musicians.
- j) Accepting engagements from or performing with non-members, resigned, suspended, erased, or expelled members.
- k) Accepting or paying gratuities other than what is listed in the Tariff of Fees.
- l) Appearing or performing at any engagement in an intoxicated condition or behaving disrespectfully.
- m) Exhibiting the Constitution and By-Laws to non-members.
- n) Issuing an N.S.F. cheque to this Local. Offenders will be assessed a penalty of Ten Dollars (\$10.00) for the first offence. Penalty for any second or subsequent offence will be at the discretion of the Executive Board and may involve suspension from this Local.

## Section 3 – Notice of intention

Members offering or accepting steady employment to or from other members must give two weeks' notice of intention to discharge or cancel, unless just provocation is given, the justice of which the Executive Board shall determine

## Section 4 – Refusal of services

Members must refuse their services to any person or organization that has failed to pay for services rendered by any member of the Union, and the Secretary shall bulletin the name of the defaulter and the amount of the defalcation.

## Section 5 – Rules regarding Non-members

Should a member engaged to perform in any ensemble be discharged for endeavoring to obtain the scheduled price, the members of this Union shall not perform in such ensemble until the discharged member is reinstated.

## Section 6 - Contracts

A Member who endeavors to procure control of an engagement that another Member has secured, before the contract has expired, shall suffer the severest penalty which the power of the Executive Board can inflict. Members desiring protection under this paragraph must have a copy of their contract on file with the Secretary-Treasurer, stating that it is a steady engagement. Before soliciting an engagement, members should check with the Secretary-Treasurer to make sure that a contract is not already on file.

## Section 7 – Address Changes

Any member who changes their name or address and fails to notify the Secretary-Treasurer within thirty days of the change will have a mandatory fine of not less than Ten Dollars (\$10.00).

## Section 8 – Payment of Fines and Levies

Each Member shall pay all fines levied, notify the Secretary-Treasurer of any changes in their instruments or status, and their profession, trade, or occupation if other than music. Members are encouraged to give employment to other members in their non-musical capacities. Members of the Union shall be entitled to one copy (no more) of the Constitution, By-Laws and Tariff of Fees. Any member losing either of the above books may receive a replacement for a modest fee.

## Section 9 – Adherence to Local Tariffs

Any Member accepting or offering to accept engagements at a price less than that specified in the Tariff of Fees, shall, upon conviction, be subject to a fine of not less than Ten Dollars (\$10.00).

## Section 10 – Rules regarding performance discharge

A Member or an orchestra once engaged for a performance cannot be discharged unless the performance does not take place. If the engagement is postponed, the member(s) first engaged shall have the preference when the engagement is fulfilled.

## Section 11 - Permissions

No Member shall be allowed to bring a musician into this jurisdiction for an engagement without the permission of the Executive Board of this Union.

## Section 12 -Transfer

Transfer Members residing in this jurisdiction for a period of six months must apply for membership in this Local.

## Section 13 – “Gratis” Offering of services

All Members desiring to offer their services gratis must obtain permission from the Executive Board.

## Section 14 - Deductions

Positively no deductions, other than work dues, from money due to members for services rendered, will be permitted.

## Section 15 – Membership cards

The printed card of membership shall be the only warrant of business.

## Section 16 – Temporary Memberships

Upon receiving consent of the Executive Board, a member may employ a non-member when a suitable Union member cannot be secured to fill an engagement.

## Section 17 – Participation in amateur or talent contests

Any Local Member taking part in an amateur or talent contest in the jurisdiction of Local 518 must first make their intentions known in writing to the Secretary-Treasurer of Local 518 before such engagement. Any other engagement by contest operators or others, other than the contest itself, will require a contract at not less than Local's Price Scale

## Article 8 - DUTIES OF LEADERS

### Section 1 - Auditions

No member shall be required to audition for any engagement without the approval of the Secretary-Treasurer or the President in writing.

## Section 2 - Contracts

For ANY engagement within the jurisdiction of Local 518, leaders must provide an appropriately completed and signed contract. This contract must be delivered to the Secretary-Treasurer not later than twenty-four (24) hours before the engagement takes place. Late filing of a contract shall incur a fine of Twenty-five Dollars (\$25.00) for the first and second offence. For a third offence, the leader shall stand suspended until the leader has paid a reinstatement fee, the amount of which shall be determined by the Executive Board.

## Section 3- Changes to Contracts

All leaders will place their name and the name of each side musician on every contract they forward to the Secretary-Treasurer's office. Any personnel changes on steady engagements must be reported to the Secretary-Treasurer.

## Section 4- Steady Engagements

All engagements of one night per week or more that are contracted for more than one calendar month shall be construed as steady engagements. In such cases, employers, leaders, and contractors shall give two weeks' notice of the intention to discharge, cancel, or resign from the same, radio engagements included. No orchestra, band, leader, or sideman may be dismissed without notice unless just cause exists. Leaders wishing protection under this clause should have this information included on their "CA-1" contract. The justness of all such terminations shall be determined by the Executive Board of this Local.

## Article 9 - ABSENCE OF QUORUM

At any scheduled meeting where there is not a quorum present, the Executive Board shall have the power to pass any business which should have come up before the meeting - Tariff of Fees excepted.

## Article 10 - GENERAL MEETINGS

Any Member may request a Special General Meeting provided the member has the support of twenty-five members in good standing of Local 518 Kingston Musicians' Union. Such request must be sent in writing to the Secretary-Treasurer by registered mail, stating the reason for the request and accompanied by the names and signatures of the twenty-five members. The meeting will take place within 30 days of receipt of the request.

## Article 11- ELECTRONIC MEMBERSHIP MEETINGS

### SECTION 1- RULES REGARDING HOW ELECTRONIC MEETINGS ARE CONDUCTED

Regular and Special Meetings of the membership may be conducted via electronic means (e.g., telephone, videoconference) at the direction of the Executive Board or President, provided that every member is so advised in the meeting notice, and that reasonable provisions have been made to accommodate those members who may have difficulty with the technology utilized (e.g., accommodations such as clear instructions, resource-sharing with other members, community access points).

### SECTION 2-SECRET BALLOT VOTING

Secret ballot voting is not permitted in an electronic meeting. Where secret ballot voting is required on a matter pending before an electronic meeting (e.g., election of officers, raising or lowering dues, by demand of the body, or on other matters required by AFM or Local Bylaws), the question shall be referred to a secret ballot vote of the full membership. When not in conflict with public law or AFM Bylaws, however, the members present in an electronic meeting may, by unanimous consent, waive the Local's secret ballot requirement and vote by roll call and/or a showing of hands.

## SECTION 3- SPECIAL RULES

The Executive Board shall set up special rules, subject to adoption by the membership, to govern how the meeting will be run (how to be recognized, how to make motions, how to moderate discussion, and how voting will be conducted.)

## GLOSSARY OF TERMS AND ACRONYMS

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Advance Ballot - A **ballot** marked and mailed in advance by a voter away from the place where Local elections are held

AFM - American Federation of Musicians of the United States and Canada, the organization governed by these bylaws

CBA – Collective Bargaining Agreement

CFM/FCM – Canadian Federation of Musicians/ Fédération canadienne des musiciens

Executive Board – The five untitled officers and three titled Officers

FIF – Federal Initiation Fee

LIF - Local Initiation Fee

Misdemeanors - a minor wrongdoing

MPTF – Music Performance Trust Fund

Per Capita Dues –Dues that the Local pays quarterly to the AFM, based on its membership count as of specific dates with an equivalent per person amount being built into the Local's membership dues structure.

Postal ballot – A **ballot** marked and mailed in advance by a voter away from the place where Local elections are held

Price List - A list of Local scales, also called the Tariff of Fees.

Scale – The applicable minimum that AFM members may accept for an engagement, as designated in a CBA covering the engagement or in the wage scale sheet, price list, tariff of fees, or executive order of a Local.

Simple Majority – 50 plus 1

Tariff of Fees – A term used for the Local scale, also called the Price List

Two-thirds majority - where the majority equals 2/3's the number of those present and allowed to vote

Work dues – Dues to a Local and/or to the AFM based on a percentage of the scale wages earned.

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