

Recommendations of the IEB for the 98th AFM Convention

In conformity with Article 18, Section 5, of the AFM Bylaws, the following are the Recommendations to be presented by the International Executive Board to the 98th Convention of the American Federation of Musicians for consideration by the elected Delegates. For more information on the AFM Convention, visit: www.afmconvention.org

RECOMMENDATION NO. 1

In developing Recommendation No. 1, as is required under Article 3, Section 8(u)iv. of the Bylaws, the IEB has determined that for AFM to overcome its current financial difficulties and to permit the IEB to propose and formulate realistic operating budgets for the future, a package of changes to Bylaws relating to revenues is required. To meet these objectives, Recommendation No. 1 includes amendments to a number of Bylaw provisions. The effect of these proposed Bylaw amendments is/are as follows:

➤ Effective January 1, 2012, an increase in Local Periodic Dues in all membership categories shall be increased by \$10.00, \$5.00 of which shall be remitted to the Federation in the form of AFM Per Capita Dues and \$5.00 shall be retained by the Local. Local absorption provisions are eliminated [see: proposed amendments to Article 5, Section 52 and Sections 47(a) & (b)];

➤ Minimum Local work dues as a percentage of scale wages on Motion Picture employment shall increase from 2.35% to 4.75% and Federation work dues on Motion Picture employment shall increase from 2.10% to 4.50% [see: proposed amendment to Article 9, Section 40(a)];

➤ Elimination of work dues cap [see: proposed deletion of Article 5, Section 56(d)];

➤ Elimination of the implicit Canadian exclusion for work dues in Article 9, Section 40(a) on Motion Picture and TV/Videotape employment [see: proposed amendment to Article 9, Section 40(a)];

➤ Elimination of 2% work dues obligation on secondary market distributions effective for distributions in 2011 and thereafter [see: proposed amendment to Article 9, Section 32(f)].

RESOLVED, That Article 5, Section 47(a) of AFM Bylaws be amended, as follows:

Each Local shall pay to the AFM Per Capita Dues at the rate of ~~[\$54 per annum for each Regular, Student and Youth member and \$38 per annum for each Life member in good standing with the Local.~~

Effective January 1, 2008, each Local shall pay to the AFM Per Capita Dues at the rate of \$56 per annum for each Regular, Student, and Youth member and \$40 per annum for each Life member in good standing with the Local.

Effective January 1, 2012, each Local shall pay to the AFM Per Capita Dues at the rate of \$61 per annum for each Regular, Student, and Youth member and \$45 per annum for each Life member in good standing with the Local.

Federation Per Capita Dues shall include the subscription fee of \$2 for the Official Journal and a contribution of 10 cents to the Lester Petrillo Memorial Fund as required to maintain the Fund at a balance of no less than \$500,000.

BE IT FURTHER RESOLVED, That Article 5, Section 47 (b) of AFM Bylaws be amended, as follows:

A Local may, at its option and subject to IEB approval, establish a special classification of Inactive Life Members who shall pay dues to the Local at a reduced rate that the Local may determine. Those Life Members who opt for this Inactive status shall have all the rights and privileges of active members except that they shall not be allowed to vote or hold office. In addition, they may be limited in the amount of professional musical activities in which they may participate in such a way and to such an extent as the Local may

determine appropriate. ~~[The Local shall pay to the AFM Per Capita Dues at the reduced rate of \$32 per annum for each Inactive Life Member in good standing with the Local.]~~

Effective January 1, ~~[2008]~~ 2012, each Local shall pay to the AFM Per Capita Dues at the rate of ~~[\$34]~~ \$39 per annum for each Inactive Life member in good standing with the Local.

BE IT FURTHER RESOLVED, That Article 5, Section 52 of AFM Bylaws be amended, as follows:

Every Local shall increase periodic membership dues for all Regular, Youth, Student, Life, and Inactive Life members by amounts as follow:

- ~~[\$2.00]~~ \$10.00 per annum for calendar year ~~[2008]~~ 2012 ~~[Any Local that believes that it is able to absorb the Per Capita increase provided for in Sections 47 as amended at the 97th Convention without increasing its periodic membership dues may petition the IEB for a waiver of this provision.]~~

BE IT FURTHER RESOLVED, That Article 5, Section 56(d) of AFM Bylaws be eliminated in its entirety.

BE IT FURTHER RESOLVED, That Article 9, Section 40(a) of AFM Bylaws be amended, as follows:

For employment under AFM-negotiated Agreements covering services rendered for electronic media (recordings, broadcasts, films, video, etc.), Work Dues shall be no less than the Minimum Work Dues set forth below and shall be payable to the Local in which the engagement takes place except as otherwise provided in these Bylaws. Of this amount, the portion set forth below shall be due and payable by the Local to the AFM as Federation Work Dues.

Type of Work	Minimum Work Dues as a % of scale wages	Federation Work Dues as a % of scale wages
Employment [in the U.S.] under the Theatrical Motion Picture Agreement	[2.35%] 4.75%	[2.10%] 4.5%
Employment [in the U.S.] under the T.V. Videotape Agreement	1.75%	1.50%
Earnings under the Radio and Television Commercial Announcement Agreement except for earnings for original sessions	1.75%	1.50%
All other employment under Federation-negotiated electronic media Agreements	1.50%	1.25%

BE IT FURTHER RESOLVED, That Article 9, Section 32(f) of AFM Bylaws be amended, as follows:

Federation Work Dues on payments to musicians from supplemental market funds that are established by AFM-negotiated collective bargaining agreements covering electronic media work (e.g., distributions from the Sound Recordings Special Payment Fund, the Film Musicians Secondary Markets Fund and the Canadian equivalents) shall be 2% of the gross distribution to which the musician is entitled, except for distributions that would generate less than \$50 in Federation Work Dues. This provision shall not be applicable to distributions made in 2011 or thereafter.

It must be further noted that for this financial restructuring to be effective, the above proposals must be considered and adopted (without amendments) in their entirety as Recommendation No. 1.

Submitted by the International Executive Board

RECOMMENDATION NO. 2

RESOLVED, That Article 22, Section 6(i),(ii) and (iii) of AFM Bylaws be amended, as follows:

(i). As a matter of policy, at least ~~[three]~~ two rank-and-file musicians, selected in consultation with the Player Conferences Council and the Freelance Musicians representative(s), shall be included among the Trustees appointed by the President to the Board of the American Federation of Musicians and Employers' Pension Fund (U.S.).

(ii). To give effect to and fulfill the requirements of this Section, the President, upon learning of a Trustee vacancy or Trustee resignation among the ~~[three]~~ two rank and file musician Trustees shall, at Federation expense, convene as soon as practicable a conference call with the principal officer (or his/her designee) of each Player Conference and Freelance Musicians to initiate the above consultation and selection process. This consultation process shall be repeated for each succeeding vacancy until the number of rank-and-file board members required in subsection i, above, is satisfied.

(iii). For purposes of this Section only, rank-and-file musicians are defined as individuals who, at the time of their respective appointments, (1) are vested in the American Federation of Musicians and Employers' Pension fund (U.S.); (2) received AFM-EP-covered wages for the rendering of musical services in each of the three years immediately preceding in an amount at least equal to that required by the Fund to accrue one year's vesting credit for each of the three years; ~~and (3) are neither Federation officers nor hold major elected or appointed union office in an AFM Local (i.e., President, Secretary, Treasurer, Executive Assistant)].~~

Submitted by the International Executive Board

RECOMMENDATION NO. 3

RESOLVED, That Article 3, Section 4(g)i) of AFM Bylaws be amended, as follows:

Effective August 1, 2011, and effective each succeeding August 1, the basic monthly salary shall be increased by the percentage increase in the Consumer Price Index as of each August over the prior August as calculated by utilizing the Bureau of Labor Statistics CPI Inflation Calculator at http://www.bls.gov/data/inflation_calculator.htm.

BE IT FURTHER RESOLVED, That Article 3, Section 6(e)i) of AFM Bylaws be amended, as follows:

Effective August 1, 2011, and effective each succeeding August 1, the basic monthly salary shall be increased by the percentage increase in the Consumer Price Index as of each August over the prior August as calculated by utilizing the Bank of Canada CPI Inflation Calculator at www.bankofcanada.ca/en/rates/inflation_calc.html.

BE IT FURTHER RESOLVED, That Article 3, Section 7(k)i) of AFM Bylaws be amended, as follows:

Effective August 1, 2011, and effective each succeeding August 1, the basic monthly salary shall be increased by the percentage increase in the Consumer Price Index as of each August over the prior August as calculated by utilizing the Bureau of Labor Statistics CPI Inflation Calculator at http://www.bls.gov/data/inflation_calculator.htm.

Submitted by the International Executive Board

RECOMMENDATION NO. 4

RESOLVED, That Article 4, Section 4 of AFM Bylaws be amended, as follows:

The Local's charter fee shall be ~~[\$50]~~ \$100 plus a payment of six months Federation Per Capita Dues for each member; provided, however, that if application for a charter shall be made in the months of April, May, June, October, November or December, the Federation Per Capita dues payable shall be one-half of the above amount.

Submitted by the International Executive Board

RECOMMENDATION NO. 5

RESOLVED, That a new sub-section (5) be added to Article 5, Section 16, as follows:

NEW SUB-SECTION (5). Locals shall provide the International President's Office with the name and a/k/a, address, Local affiliation, social security/

social insurance number, e-mail address(s), date of birth, date of admission to the AFM, and the home, business and cell phone numbers of each of the Local's members.

Submitted by the International Executive Board

RECOMMENDATION NO. 6

RESOLVED, That current Article 5 Section 47(c) be renumbered Section 47(c)(i) and a new sub-section (c)(ii) be added, as follows:

(c)(ii). Each Local shall pay Federation Per Capita Dues quarterly based on the membership in good standing of each Local as of March 31, June 30, September 30 and December 31 of each year. Payments of Federation Per Capita Dues for such respective periods shall be made by check, draft or postal or express money order payable to the AFM not later than April 30, July 31, October 31 and January 31 of each year. Payments postmarked after April 30, July 31, October 31 and January 31 shall be subject to a penalty in the amount of 2% per month or fraction of a month computed from April 30, July 31, October 31 and January 31.

NEW SUBSECTION(c)(ii). When a former member reinstates with his/her original Local in accordance with Article, Section 28(a), or rejoins a Local other than his/her original Local in accordance with Article 9, Section 28(b), any and all Federation Per Capita dues collected/received by a Local must be reported and remitted as required herein.

Submitted by the International Executive Board

RECOMMENDATION NO. 7

RESOLVED, That Article 6, Section 3(a) of AFM Bylaws be re-numbered Section 3 and amended, as follows:

An operating budget of [~~\$25,000~~] \$100,000 annually shall be allocated to a program whose sole purpose is to assist Locals in developing and maintaining programs and services beneficial to freelance, casual, and club-date musicians not employed under CBAs. This project shall be under the direction of the Assistant to the President assigned to administer the AFM's programs to assist freelance musicians and shall be subject to periodic review by the IEB.

BE IT FURTHER RESOLVED, That Section 3(b) of AFM Bylaws be deleted in its entirety.

Submitted by the International Executive Board

RECOMMENDATION NO. 8

RESOLVED, That Article 6, Section 6(b) iii of AFM Bylaws be amended, as follows:

iii. The net assets of the fund shall be limited to [~~\$500,000~~] \$1,000,000. This limit may be amended by IEB order. Should the assets of the Fund exceed the limit, the ½% Work Dues shall be suspended until such time as the net assets of the Fund fall below the limit.

Submitted by the International Executive Board

RECOMMENDATION NO. 9

RESOLVED, That Article 18, Section 11 of AFM Bylaws be amended, as follows:

At the Convention the International President shall appoint the following Committees: Credentials, Law, Finance, Measures and Benefits, Good and Welfare, Organization and Legislation, *International Musician*, Public Relations, [TEMP] Legislative Action Fund, [~~Committee to Assist Small and Newly-Formed Locals~~] Small Locals Committee, Diversity Committee and such other Committees as the Convention may direct. As soon as practicable after receiving the list of Delegates, the International President shall appoint from that list the Credentials Committee and the Law Committee, and from the Law Committee members a subcommittee of five to be known as the

Appeals Committee. The Law Committee and Finance Committee shall be comprised of 15 Delegates. The number of Delegates appointed to all other Committees shall be determined by the International President but shall not be less than ten.

Submitted by the International Executive Board

RECOMMENDATION NO. 10

RESOLVED, That Article 17, Section 4(b) of AFM Bylaws be amended, as follows:

A merged Local, the merger of which was the result of compliance with the AFM Civil Rights policy, shall be entitled to one additional Delegate [to be elected from the Local's African-American membership].

Submitted by the International Executive Board

RECOMMENDATION NO. 11

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada condemns Texas Ballet Theater for recording the Rimsky-Korsakov score of *Cleopatra* in China which the company used to displace members of the Dallas Fort Worth Professional Musicians Association; and,

BE IT FURTHER RESOLVED, that the 98th Convention of the American Federation of Musicians of the United States and Canada further expresses its ardent opposition to the presentation of classical ballet with "canned" pre-recorded music and an empty orchestra pit, a shameful practice that fouls the art form, robs professional musicians of their jobs, and denies patrons of the spontaneity, creativity and freshness of a live orchestra – *the heart of the composer's creation*.

Submitted by the International Executive Board

RECOMMENDATION NO. 12

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada expresses its full and unconditional support for the Music Performance Fund and directs the International Executive Board to seek to negotiate provisions in all electronic media agreements that would improve the financial well-being of the Fund.

Submitted by the International Executive Board

RECOMMENDATION NO. 13

RESOLVED, That Article 3, Section 7(h) of AFM Bylaws be amended, as follows:

Once each calendar year the International Secretary-Treasurer shall send to all Locals a "List of Locals" containing the name, number, address, jurisdiction, telephone number(s), e-mail address(es), web site address(es) and FAX number(s) of each Local, as well as the names and telephone numbers of its principal Officers. The International Secretary-Treasurer shall maintain a digital file containing the e-mail address(es) of the principal Officer(s) of each Local, which shall be available by download to the principal Officer(s) of any Local.

Ray Hair, AFM International Executive Officer

RECOMMENDATION NO. 14

RESOLVED, That Article 5, Section 47(c) of AFM Bylaws be amended, as follows:

Each Local shall pay Federation Per Capita Dues quarterly based on the membership in good standing of each Local as of March 31, June 30, September 30 and December 31 of each year. Payments of Federation Per Capita Dues for such respective periods shall be made by check, draft or postal or express money order payable to the AFM not later than April 30, July 31, October 31 and January 31 of each year. Payments postmarked after April 30, July 31, October 31 and January 31 shall be subject to a penalty

in the amount of [2%] 1% per month or fraction of a month computed from April 30, July 31, October 31 and January 31.

BE IT FURTHER RESOLVED, That Article 5, Section 48 of the AFM Bylaws be amended, as follows:

The FIF shall be paid by each member subject to it and collected by the Local the member joins at the time of affiliation, whether or not the member pays the LIF in installments. The Local shall forward the FIF to the International Secretary-Treasurer together with a report (in a form that the Secretary-Treasurer shall prescribe) not later than the 15th day of the month immediately following the member's affiliation. The form shall include the member's name, address, U.S. Social Security or Canadian Social Insurance number, and prior AFM affiliations. Locals remitting FIF payments after a grace period of 15 days shall be subject to a penalty in the amount of [2%] 1% per month or fraction of a month computed from the end of the grace period.

BE IT FURTHER RESOLVED, That Article 5, Section 59 of the AFM Bylaws be amended, as follows:

The local where the services were performed (unless provided otherwise in these Bylaws) shall collect the Federation Work Dues along with its Local Work Dues. The Local shall forward to the International Secretary-Treasurer all Federation Work Dues collected during each month on or before the 15th day of the following month, together with a report in a form that the Secretary-Treasurer shall prescribe. Payments forwarded after a grace period of one month shall be subject to a penalty in the amount of [2%] 1% per month or fraction of a month computed from the end of the grace period.

Submitted by the International Executive Board

RECOMMENDATION NO. 15 Arts Funding in the U.S.

WHEREAS, Government arts funding is critically important to the economic health of local communities, because a strong non-profit arts industry attracts businesses and workers, improves the community tax base, and generates billions of dollars annually in economic activity; and

WHEREAS, Government arts funding is critically important to cultural life; and

WHEREAS, Government arts funding is critical for AFM orchestras and musicians, who will lose their livelihoods and their ability to contribute to the creative and artistic life of our communities unless the totality of funding sources including government funding is sufficient to support strong arts organizations; and

WHEREAS, Improved arts funding for schools is essential if the current and future generation of students are to reach their full academic potential and grow to adulthood with an appreciation of art and culture; therefore, be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada calls on the 111th Congress of the United States to increase arts funding; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada calls on all AFM Locals to advocate for improved national, state, and local arts budgets and government funding.

Submitted by the International Executive Board

RECOMMENDATION NO. 16 Network Neutrality

WHEREAS, Musicians of all genres, mediums, and styles can use the Internet to earn income and distribute their work to their audience; and

WHEREAS, Independent and rising musicians should have equal access to nondiscriminatory network services as major corporations, and that the Internet be a nondiscriminatory means of communication with their audiences; and

WHEREAS, It is equally critically important to musicians that the Internet

cease to be a medium where their work can be reproduced and distributed without authorization, and where their livelihoods are stolen with impunity; and

WHEREAS, Network neutrality means that any Internet user should be able to access any legal content, or use any legal application, without interference from an Internet Service Provider (ISP), i.e. cable and telephone companies; and

WHEREAS, Network neutrality regulations should not impair ISPs' or the federal government's ability to reasonably protect copyrighted content without unduly invading users' privacy; and

WHEREAS, Protecting copyrighted content is not antithetical to an open and neutral Internet, as is recognized in the Federal Communications 2005 Policy Statement allowing "reasonable network management" of the Internet and specifying that network neutrality principles only apply to lawful content; and

WHEREAS, The FCC opened a rulemaking proceeding in order to implement regulations that will prevent ISPs from unfairly discriminating against certain content, content creators, or Internet applications; therefore be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada wholeheartedly supports the FCC's efforts to codify network neutrality regulations; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada urges the FCC to create a policy that promotes network neutrality while permitting ISPs to protect copyrighted content on the Internet.

Submitted by the International Executive Board

RECOMMENDATION NO. 17 **Protecting Wireless Microphones**

WHEREAS, For the past 35 years musicians have utilized wireless microphones operating within the "white spaces" of radio frequency between broadcast channels of the television band; and

WHEREAS, The Federal Communications Commission (FCC) already authorized new devices, such as PDAs, cordless phones, and wireless laptops to operate in the "white spaces"; and

WHEREAS, The FCC has not officially sanctioned the use of wireless microphones in the "white spaces" by performing arts organizations and venues; and

WHEREAS, To avoid interference between wireless microphones and these new devices, the FCC has proposed the development of a geo-location database, which would provide interference protection; and

WHEREAS, In order to ensure access to this geo-location database as well as any other interference protection measures, performing arts organizations and venues must be eligible to apply for a license to operate their wireless microphones in the "white spaces"; and

WHEREAS, Representative Bobby Rush (D-IL) introduced H.R. 4353, requiring the FCC to authorize wireless microphone operators to access the geo-location database; and

WHEREAS, The FCC is accepting comments in its Notice of Proposed Rule-making, seeking to write regulations governing these new devices and the entities that will have access to all interference protection measures; therefore be it

RESOLVED, that the 98th Convention of the American Federation of Musicians of the United States and Canada urges the FCC to expand Part 74 eligibility for licensing of wireless microphones to include performing arts organizations and venues, as expanding licensing eligibility would ensure that these entities have access to all interference protection measures.

Submitted by the International Executive Board

RECOMMENDATION NO. 18 **Employee Free Choice Act**

WHEREAS, Workers need to be able to form and join a union so that their

rights are fully protected; and

WHEREAS, Union membership is shrinking, and over the past 25 years employers have become more successful in evading current law and engaging in different types of intimidation and coercion to dissuade employees from organizing into a union; and

WHEREAS, The AFL-CIO estimates that 60 million workers want to have a union represent them in the workplace; and

WHEREAS, The Employee Free Choice Act (H.R. 1409 and S. 560), introduced by Representative George Miller (D-CA) and Senator Edward Kennedy (D-MA) would rectify this situation by allowing employees to form a union by signing a card authorizing union representation, or if 30% of employees call for it, traditional secret-ballot elections monitored by the National Labor Relations Board; and

WHEREAS, The Employee Free Choice Act ensures that employers can not retaliate, or otherwise harass, intimidate, or coerce workers if they try to organize a union, and it increases penalties for any employers that do; and

WHEREAS, The Employee Free Choice Act offers both mediation and arbitration for disputes concerning first contracts, be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada urges the 111th Congress of the United States to pass the Employee Free Choice Act.

Submitted by the International Executive Board

RECOMMENDATION NO. 19 **Performance Right in Sound Recordings**

WHEREAS, Sound recordings are unfairly denied the full protection of the copyright law, in that they are the only creative works capable of being performed that are not protected by an exclusive performance right; and

WHEREAS, The practical effect of that omission is that the broadcast industry has been able to build profitable businesses based on broadcasting sound recordings without being required to make any payments to the musicians who performed on the recordings; and

WHEREAS, The lack of a performance right in sound recordings has deprived musicians and recording companies of fair compensation for the use of their recorded work in the U.S.; and

WHEREAS, In addition, the lack of a performance right has deprived musicians and recordings companies of millions of dollars of foreign performance royalties collected for the use of their work overseas, because foreign collecting societies refuse to pay foreign performance royalties to U.S. performers and companies as U.S. law lacks a reciprocal performance right; and

WHEREAS, The Performance Rights Act (S. 379 and H.R. 848), introduced by Senators Leahy (D-VT), Feinstein (D-CA) and Hatch (R-UT), and Representatives Conyers (D-MI), Berman (D-CA), Issa (R-CA) and Blackburn (R-TN), will correct this injustice and force AM/FM radio to pay performers for the broadcast of their music, and

WHEREAS, The so-called Local Radio Freedom Act (S.Con.Res. 14 and H.Con.Res. 49), introduced by Senator Blanche Lincoln (D-AR) and Representative Gene Green (D-MS), opposes the Performance Rights Act; therefore, be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada will support those members of Congress who support the Performance Rights Act and oppose those members of Congress who are opposed to it, and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada will urge AFL-CIO state federations to support those members of Congress who support the Performance Rights Act, and to oppose those members of Congress who are opposed to it.

Submitted by the International Executive Board

RECOMMENDATION NO. 20 **Music Anti-Piracy**

WHEREAS, Sound recordings are works of art that require the creative contributions, talent, and hard work of many individuals, including musicians and vocalists who are royalty artists and those who perform as background artists in the studio; and

WHEREAS, Sound recordings also require significant investments of time and financial resources from royalty artists, background artists, and others; and

WHEREAS, Royalty artists and background artists cannot survive, thrive, and continue to create music unless they are adequately compensated for their creative work; and

WHEREAS, A critical element of the compensation structure for musicians who are royalty artists is composed of royalties based on legitimate sales of recordings, and similarly a critical element of the compensation structure for musicians who are background artists is composed of Special Payment Fund payments that are negotiated by the American Federation of Musicians and that are tied to legitimate sales of recordings; and

WHEREAS, All forms of music piracy – including the unauthorized duplication and sale of recordings in the form of pirate, counterfeit, and bootleg recordings, as well as the unauthorized uploading and downloading of copyrighted sound recordings on the Internet – hurt musicians who are royalty artists and musicians who are background artists by depriving them of the income they need to survive and thrive as creators of recorded music; and

WHEREAS, music piracy also harms the music industry and the economy by contributing to severe declines in legitimate CD sales; therefore be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada condemns all forms of music piracy, including the unauthorized duplication and sale of recordings in the form of pirate, counterfeit, and bootleg recordings, as well as the unauthorized uploading and downloading of copyrighted sound recordings on the Internet; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada urges all music lovers and consumers to support recording musicians who are royalty artists and recording musicians who are background artists by refusing to purchase pirate CDs and by refusing to engage in unauthorized peer-to-peer file sharing of copyrighted music files; and

BE IT FURTHER RESOLVED That the 98th Convention of the American Federation of Musicians of the United States and Canada urges all music lovers and consumers to support recording musicians who are royalty artists and recording musicians who are background artists by acquiring music only through legitimate CD purchases and legitimate Internet services, and to refuse to download music from the Internet unless the download is offered by the copyright owner.

Submitted by the International Executive Board

RECOMMENDATION NO. 21 **Health Care Reform**

WHEREAS, Many of our members are uninsured and in need of access to affordable health care; and

WHEREAS, The passage of both H.R. 3590, the Patient Protection and Affordable Care Act, and H.R. 4872, the Reconciliation Act of 2010, is a historic step in reforming the health care system in the United States; and

WHEREAS, This legislation makes significant progress toward quality affordable health care for all Americans, creating new coverage options for uninsured individuals and providing subsidies to make coverage more affordable; therefore be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada applauds the 111th Congress of the United States for expanding health care coverage to 46 million uninsured

individuals, including many AFM members; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada will support those members of Congress who supported health care reform.

Submitted by the International Executive Board

RECOMMENDATION NO. 22

Visas for Foreign Performers

WHEREAS, For many years the United States and other countries have allowed artists to travel across national borders for the purposes of presenting artistic performances and fostering cross-cultural enrichment; and

WHEREAS, The opportunity to perform across the U.S. – Canadian border is of great economic value to U.S. and Canadian musicians and is also important to maintaining our international community of professional musicians who belong to the American Federation of Musicians of the United States and Canada; and

WHEREAS, It has often been the case that the processing of visas by the U.S. Immigration and Naturalization Services (INS), now known as the Citizenship and Immigration Services (USCIS), has been so slow as to interfere with the ability of Canadian musicians to move freely across the border to perform in the United States; and

WHEREAS, since June 2000, the USCIS has had a policy called the "Premium Processing Service" which provides for the expedited processing of visas for those who pay a \$1000 processing fee, but most working musicians cannot afford to pay the \$1000 processing and therefore do not qualify for the "Premium Processing Service"; and

WHEREAS, The consequence of the USCIS' implementation of the "Premium Processing Service" has been that visa processing time for working musicians who cannot pay for premium processing often takes so long that those musicians lose available jobs in the U.S.; and

WHEREAS, AFM members who live in Canada should not be deprived of performance opportunities in the U.S. as a result of USCIS' unreasonably lengthy visa process; and

WHEREAS, U.S. Representative Howard Berman (D-CA), Senator John Kerry (D-MA), and Senator Orrin Hatch (R-UT) have introduced the ARTS Act (Arts Require Timely Service Act), H.R. 1785 and S. 1409, in order to solve this problem; therefore be it

RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada condemns the discriminatory practice of the USCIS which expedites the processing of visas for those who can pay a fee through its "Premium Processing Service" but processes other visa applications so slowly that musicians lose available jobs in the United States; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada applauds Senators Kerry and Hatch, and Representative Berman for addressing this important problem; and

BE IT FURTHER RESOLVED, That the 98th Convention of the American Federation of Musicians of the United States and Canada urges the U.S. Congress to use every means to cause the USCIS to change its "Premium Processing Service" to exempt members of nonprofit organizations such as the AFM from having to pay a processing fee, including enactment of the ARTS Act and any similar legislation.

Submitted by the International Executive Board

RECOMMENDATION NO. 23

WHEREAS, The Secretary-Treasurer set as a goal the elimination of the position of Secretary-Treasurer; and

WHEREAS, The Secretary's office is managed in a competent manner; and

WHEREAS, The Treasurer's office meets all filing deadlines; such as, LM Reports, the annual IRS 990 report and other annual financial reports required

by the government; and

WHEREAS, The Treasurer's office manages fund accounts such as the Strike Fund in a positive position; and

WHEREAS, The Treasurer's office has consolidated five (5) different accounting programs into one account which speaks to the general ledger; and

WHEREAS, The Secretary-Treasurer managed the Comptrollers office for over eighteen (18) months during the absence of a Comptroller; and

WHEREAS, The Secretary-Treasurer managed the Human Resources Department in the negotiation of health insurance benefits for the Federation employees resulting in only a 2.5% increase; and

WHEREAS, The Secretary-Treasurer, as Editor and Publisher of the International Musician, has improved the style, content, appearance and diversity for the official magazine of the AFM; and

WHEREAS, The overseeing of the IT Department and its Website which has made great strides in allowing new members to join on line (2,000 to date) and new tools on our site allow members and locals to self-manage their own information; and

WHEREAS, The Secretary-Treasurer has accomplished all stated goals as determined by the Convention; and

WHEREAS, The President can act as Executive director and assume the duties of the Secretary-Treasurer with oversight by the International Executive Board; and

WHEREAS, A significant savings would be realized by elimination of the Secretary-Treasurer position, therefore, be it

RESOLVED, That, not prior to January 1, 2011 or later than August 1, 2012, all references to International Secretary-Treasurer in AFM Bylaws be deleted and the associated duties and responsibilities be assumed by the International President with International Executive Board oversight.

Sam Folio, AFM International Secretary-Treasurer

RECOMMENDATION NO. 24

RESOLVED, That a new sub-section v. be added to Article 3, Section 4(g) of AFM Bylaws, as follows:

NEW SUB-SECTION v. The International President shall, in addition, receive a contingent expense account of \$10,000 per annum, for the spending of which he/she shall not be required to make an accounting.

BE IT FURTHER RESOLVED, That a new sub-section v. be added to Article 3, Section 6(e) of AFM Bylaws, as follows:

NEW SUB-SECTION v. The Vice President from Canada shall, in addition, receive a contingent expense account of \$10,000 (U.S. dollars in its Canadian equivalent) per annum, for the spending of which he/she shall not be required to make an accounting.

BE IT FURTHER RESOLVED, That a new sub-section v. be added to Article 3, Section 7(k) of AFM Bylaws, as follows:

NEW SUB-SECTION v. The International Secretary Treasurer shall, in addition, receive a contingent expense account of \$10,000 per annum, for the spending of which he/she shall not be required to make an accounting.

Submitted by the International Executive Board

RECOMMENDATION NO. 25

RESOLVED, That a new section be added to Article 10 of AFM Bylaws, as follows:

NEW SECTION. No member shall bring any action in any court or other tribunal against any other member, any Local or the Federation, or any Local or Federation officer asserting any claim that could have been asserted under the member's Local's Bylaws or the Federation's Bylaws without first exhausting all remedies and appeals provided by such Bylaws.

Submitted by the International Executive Board

Resolutions to Be Presented at the AFM Convention

The following Resolutions have been properly introduced in conformity with Article 18, Section 4(d) of the AFM Bylaws and will be presented to the 98th Convention of the American Federation of Musicians for consideration by the elected Delegates.

RESOLUTION NO. 1

WHEREAS, Delegate per diem has not increased in a long time; and

WHEREAS, Since the AFM Convention meets every three years instead of every two years, the cost of delegate per diem has been dramatically reduced; and

WHEREAS, The Federation should pass some of the savings on to the Delegates where appropriate; therefore, be it

RESOLVED, That Article 17, Section 15 be amended, as follows:

The AFM shall pay ~~[\$50]~~ the current IRS per diem ~~rate for the Convention city~~ to each of the following in attendance for each full or fraction of a day during which the Convention is in official session plus one day of travel to the Convention city:

One Delegate from each Local as defined in Article 17, Section 4;

One Delegate from each Player Conference as defined in Article 22, Section 14;

Each African-American Delegate from merged Locals as defined in Article 17, Section 4(b).

In addition, the AFM shall pay ~~[\$50]~~ the current IRS per diem ~~rate for the Convention city~~ to each committee member required to be present in the Convention city prior to the first day on which the Convention is in official session.

Hotel accommodations shall be paid by the AFM for each individual mentioned above in this Section for each day per diem is required (including the one additional day), provided the individuals stay at the designated hotel(s) pursuant to an agreement between the AFM and the designated hotel(s).

Mid-America Conference of Locals

RESOLUTION NO. 2

WHEREAS, Ron Bauers was a dedicated musician, accountant, professor, and activist; and

WHEREAS, Ron Bauers analyzed financial data from orchestras large and small on behalf of AFM musicians for nearly two decades; and

WHEREAS, Ron Bauers had a talent for making complicated numbers understandable to musicians; and

WHEREAS, Ron Bauers produced convincing defenses in extremely challenging negotiations; and

WHEREAS, Ron Bauers was honored and respected in orchestras across the AFM; and

WHEREAS, Ron Bauers had a passionate commitment to musicians and numbers; and

WHEREAS, Ron Bauers' service and support to AFM orchestras is profoundly missed; therefore, be it

RESOLVED, That the Delegates of the 98th Convention of the American Federation of Musicians of the United States and Canada honor the life of Ron Bauers and express their gratitude for his many years of service to AFM musicians.

OCSM

ROPA

ICSOM

RMA

RESOLUTION NO. 3

WHEREAS, The principle of “one member, one vote” is fundamental to the democratic governance of organizations in which membership is voluntary, including labor unions; and

WHEREAS, The mechanisms of voice vote and standing vote on questions affecting a change in the bylaws do not adhere to the principle of “one vote, one member” due to even the smallest locals having one delegate and the largest locals being limited to seven delegates; and

WHEREAS, A core principal of representative democracy is that those who are represented have the right to know how their representatives vote; and

WHEREAS, Recent advances in computer hardware and software have made designing and implementing a secure electronic voting system for representatives to openly record their votes easy and inexpensive; therefore, be it

RESOLVED, That Article 17, Section 4(e) be amended as follows:

On questions affecting a change in the Bylaws, each Local ~~[may, upon Roll-Call,]~~ shall cast as many votes as it has members, according to the International Secretary-Treasurer’s books. ~~[Roll-Call shall be held under this Article on demand of 30 Delegates or 15 Locals.]~~ The Federation shall implement a secure and verifiable web browser-based electronic voting system to expedite such votes, said system be in place by the first Convention following the 2010 Convention.

Robert Levine, Local 8

RESOLUTION NO. 4

WHEREAS, There are many Locals in which the Officers also work as Contractors, Personnel Managers or Booking Agents, creating a clear, inherent conflict of interest that has a chilling effect on a member’s ability to receive fair and impartial representation, therefore, be it

RESOLVED, That Article 5, Section 43 of AFM Bylaws be amended as follows:

No Local Officer shall serve in the position of Personnel Manager for an employer/engager of musicians in the Local’s jurisdiction. No Local Officer, ~~[except in Canada],~~ shall serve in the position of a contractor of musicians in the musical theater field.

<i>OCSM</i>	<i>ICSOM</i>
<i>Robert Levine, Local 8</i>	<i>RMA</i>
<i>TMA</i>	<i>ROPA</i>

RESOLUTION NO. 5

WHEREAS, A core principal of representative democracy is that those who are represented have the right to know how their representatives vote; therefore, be it

RESOLVED That Article 19, Section 3 of AFM Bylaws be amended, as follows:

Candidates seeking election to any Federation Office may only be nominated by a Convention delegate at the Convention. Only members in good standing may be nominated. No member may be nominated for more than one Office. The time of nominations and election of Officers shall be designated by the Convention not later than the first day it is in session. A correct copy of the names of all nominees shall be furnished to each Delegate and the election shall be conducted in accordance with the Australian ballot system, except that the voting shall be by Role Call vote and not by secret ballot. Nominating speeches by Delegates shall be limited to two minutes each.

Robert Levine, Local 8

RESOLUTION NO. 6

WHEREAS, The principle of “one member, one vote” is fundamental to the democratic governance of organizations in which membership is voluntary, including labor unions; and,

WHEREAS, The current method of electing Officers does not adhere to the principle of “one vote, one member” due to even the smallest locals being able to vote as if they had one hundred members and the largest locals limited to voting as if they only had 5,000 members; therefore, be if

RESOLVED, That Article 17, Section 4(c) of AFM Bylaws be amended as follows:

Each delegate shall be entitled to one vote on all matters determined by voice vote, including a division of the house to ascertain or verify the result of the voice vote. For election of Officers and Delegates to the AFL-CIO Convention, each local shall be entitled to one vote for each ~~[100 members or major fraction thereof, but no Local shall be entitled to cast more than 50 votes. No Local shall have less than one vote]~~ member.

Robert Levine, Local 8

RESOLUTION NO. 7

WHEREAS, It is crucial for the AFM to restore its focus and energies towards organizing and capturing freelance work under Union contracts; and

WHEREAS, The term “casual” is open to gross misinterpretation by those not familiar with our profession; and

WHEREAS, The term “casual” connotes an attitude not in keeping with the AFM’s regard for freelance work; and

WHEREAS, Work is not casual; and

WHEREAS, We need to reinvent our professional image; therefore, be it

RESOLVED, To remove in all applicable AFM Bylaws, the word “casual” as it refers to various musicians and/or types of musical work they may perform, and insert the word, “freelance”.

Tina Morrison, Local 105 AFM

RESOLUTION NO. 8

WHEREAS, The 2007 AFM Beck audit was repeatedly and regularly requested by Local 4 from the AFM throughout 2007; and

WHEREAS, The 2007 AFM Beck audit was not available to Local 4 until January 23, 2009, and

WHEREAS, The 2008 AFM Beck audit was repeatedly and regularly requested by Local 4 from the AFM throughout 2008; and

WHEREAS, As of January 11, 2010 the AFM Beck audit was not available to Local 4; and

WHEREAS, A Local Beck audit cannot be completed without an AFM Beck audit, since the Local must have the chargeable percentage of the AFM’s expenditures to apply to the Local’s payments to the AFM; and

WHEREAS, The AFM’s continued failure to timely provide an annual Beck audit exposes all Locals with Beck objectors to unfair labor practice charges and the costs of defending them; therefore, be it

RESOLVED, That Article 3, Section 7(f) be amended, as follows:

The International Secretary-Treasurer shall be the AFM bookkeeper and shall submit to the Convention a complete statement of all assets, liabilities, income and expenses during his or her term of office, and shall allow the Finance Committee to examine all books and papers. The International Secretary-Treasurer shall make available on the members area of the AFM website copies of the current AFM Bylaws, IEB policies, copies of official publications, an annual IRS form 990, DOL form LM-2 and other annual financial reports required to be filed with the government and an annual Beck audit. The annual Beck audit shall be completed and available to Locals no later than 30 days after the filing of the annual financial reports required to be filed with the government.

Leonard DiCosimo, Local 4
Dennis Chandler, Local 4
Sandra W. Baxter, Local 4

RESOLUTION NO. 9

WHEREAS, In a dismissal of an unfair labor practice charge against Local 4, the National Labor Relations Board ruled a Local Union is not liable for the International Union’s actions; and

WHEREAS, In a settlement of an unfair labor practice charge against the AFM, Local 4 assisted the AFM because Local 4 did not wish to impede or delay the settlement of the charge against the AFM; and

WHEREAS, Local 4 expended a great deal of time and resources addressing unfair labor practice charges that was a result of the actions of the AFM; therefore, be it

RESOLVED, That Article 6, Section 2 of AFM Bylaws be amended, as follows:

All funds shall be utilized as determined by the IEB for any purpose consistent with AFM interests. The funds shall not, however, be utilized in lawsuits or unfair labor practice charges where a Local may become involved, unless the suit or charge is instigated or defended by order of or under the instructions of the AFM’s Officers. A Local shall be reimbursed by the AFM for all expenses incurred in a lawsuit or an unfair labor practice charge if the suit or charge is ruled to be a result of the actions of the AFM.

Leonard DiCosimo, Local 4
Dennis Chandler, Local 4
Sandra W. Baxter, Local 4

RESOLUTION NO. 10

WHEREAS, It is understood and generally accepted that required membership, per union security clause contained in collective bargaining agreements, is what helps fuel a Local; and

WHEREAS, In some regions that requirement means that musicians must join multiple Locals; therefore, be it

RESOLVED, To amend Section 16 of Article 9 of the Bylaws of the American Federation of Musicians of the United States and Canada, as follows:

A member may petition the Secretary-Treasurer for a rebate equal to the Per Capita dues received by the AFM by virtue of that member’s membership throughout the entire prior year in each AFM Local in excess of ~~[two]~~ one. After the International Secretary-Treasurer has confirmed that the member had been a member of more than ~~[two]~~ one Local[s] throughout that year, the AFM shall pay the rebate to the member.

Jack Hook, Local 40-543

RESOLUTION NO. 11

WHEREAS, Suspension and subsequent expulsion from a Local for nonpayment of periodic annual dues is likely the result of an oversight on the part of most such suspended/expelled members; and

WHEREAS, Such suspensions/expulsions cannot be viewed in the same light as suspensions/expulsions for major transgressions, witness Section 22 of Article 9 (added at the 1997 Convention as section 4(c) of then Article 11) which allows a current or former AFM member expelled for failure to pay periodic annual dues, to join any Local as a new member four years after the date of expulsion without payment of any outstanding annual dues or related fines; and

WHEREAS, Sections 17 and 26 of Article 9 are, in the face of this more liberal policy, rather out of step with that kinder, friendlier attitude, therefore, be it

RESOLVED, To amend Section 17 of Article 9 of the Bylaws of the American Federation of Musicians of the United States and Canada, as follows:

~~[No Local, after written notification from the International Secretary-Treasurer’s office, shall retain upon its rolls people who have been expelled by other Locals.]~~ No Local shall accept as members people who have been suspended or expelled by another Local for reasons other than nonpayment of periodic annual dues, unless those applicants present ~~[a properly signed~~

receipt or] confirmation from the other Local showing that they have either placed themselves in good standing or cleared their account of all outstanding [~~dues, assessments,] fines, or claims due that Local.~~

BE IT FURTHER RESOLVED, That Section 26 of Article 9 be amended, as follows:

A member is automatically expelled from a Local if the member's periodic dues to the Local remain unpaid for six months from the expiration date of the period for which the member's dues were paid. A Local may, if its Bylaws so provide, expel a member whose dues have remained unpaid for a shorter period than six months. The Local must remove from its roster the name of any member expelled as provided here. A member's good standing in any other Local(s) shall not be affected by such member's removal from good standing in a Local merely for nonpayment of periodic annual dues. Neither shall such member's good standing in the AFM be affected so long as membership in good standing is maintained in at least one AFM Local.

Jack Hook, Local 40-543

RESOLUTION NO. 12

WHEREAS, This proposed amending of Article 17 of the AFM Bylaws would effect a Convention year savings of approximately \$150,000; therefore, be it

RESOLVED, To amend Section 15 of Article 17 of the Bylaws of the American Federation of Musicians of the United States and Canada, as follows:

~~[The AFM shall pay \$50 per diem to each of the following in attendance for each full or fraction of a day during which the Convention is in official session plus one day of travel to the Convention city:]~~

~~[(1) One Delegate from each Local as defined in Article 17, Section 4;]~~

~~[(2) One Delegate from each Player Conference as defined in Article 22, Section 14;]~~

~~[(3) Each African-American Delegate from merged Locals as defined in Article 17, Section 4(b);]~~

~~[In addition, t]he AFM shall pay \$50 per diem to each committee member for each day they are required to be present in the Convention city prior to the first day on which the Convention is in official session.~~

This amount may not be raised or lowered for the current year.

Hotel accommodations shall also be paid by the AFM for ~~[each individual mentioned above in this Section for each day per diem is required (including the one additional day);] these committee members on the same basis,~~ provided the individuals stay at the designated hotel(s) pursuant to an agreement between the AFM and the designated hotel(s).

BE IT FURTHER RESOLVED, That Sections 16 and 17 of Article 17 be deleted in their entirety.

Jack Hook, Local 40-543

RESOLUTION NO. 13

WHEREAS, The dramatic changes in the music profession over the past 25 plus years would seem to call for a hard look at the structure of the AFM; therefore, be it

RESOLVED, That the International Executive Board shall commence, either itself or via an appointed committee, looking into options that might solve some of the major problems facing the organization, which options could include a restructuring.

Jack Hook, Local 40-543

RESOLUTION NO. 14

RESOLVED, That Article 13, Section 13(b) of AFM Bylaws be amended, as follows:

In the case of a Traveling Engagement of less than the periods set forth above, the minimum wage shall be no less than either the Local wage scale where the services are rendered or the home Local wage scale ~~[where~~

~~the group (or individual member performing alone) has its base of operations, whichever is greater] of the member(s), whichever is greater.~~

Gary Pace, Local 38-398

Quentin Solano, Local 38-398

Dick Melikian, Local 171

RESOLUTION NO. 15

WHEREAS, Article 6 Section 3(a) reads as follows: An operating budget of \$25,000 annually shall be allocated to a program whose sole purpose is to assist Locals in developing and maintaining programs and services beneficial to freelance, casual, and club-date musicians not employed under CBA's. This project shall be under the direction of the Assistant to the President assigned to administer the AFM's programs to assist freelance musicians and shall be subject to periodic review by the IEB; and

WHEREAS, Article 6 Section 3(b) reads as follows: An additional operating budget of \$75,000 shall be allocated annually to be available for assistance with programs such as traveling claims, contract guarantee, or on-line booking and referral services sponsored by the AFM and/or Locals; and

WHEREAS, Article 5 Section 18 reads as follows: Each Local shall be actively affiliated with at least one AFM Regional Conference. Active Conference affiliation includes paying annual dues to the Conference and having a representative from the Local selected in accordance with the Local's Bylaws attending at least one meeting of the conference annually. If the Local has no provision for designating a representative or if the Local's designated representative is unavailable to attend, the Local Executive Board shall appoint a representative; and

WHEREAS, The AFM Freelance Services Department assists in the support of the programs mentioned in Article 6 Section 3(a) and (b); and

WHEREAS, A majority of the activities at AFM Regional Conferences addresses the programs mentioned in Article 6 Section 3(a) and (b); and

WHEREAS Due to financial hardship, an increasing number of Locals are not actively affiliated with at least one AFM Regional Conference; therefore, be it RESOLVED, That Sections 3(a) and (b) of Article 6 of AFM Bylaws be deleted in their entirety and replaced with new Sections 3(a) and 3(b), as follows:

NEW SECTION 3(a). An annual operating budget of \$75,000 shall be allocated to assist Locals in developing and maintaining programs and services beneficial to freelance, casual and club date musicians not employed under CBA's; and traveling claims, contract guarantee, or on-line booking and referral services sponsored by the AFM and/or Locals. Additional criteria shall allow for the monetary award to exceed the maximum amount an AFM Local may receive. This project shall be under the direction of the Assistant to the President assigned to administer the AFM's programs to assist freelance musicians. A report containing the Locals and allocation received shall be annually published in the Annual Report.

NEW SECTION 3(b). An annual operating budget of \$25,000 shall be allocated to assist Locals in sending a representative to attend at least one meeting of an AFM Regional Conference annually. To be eligible for assistance, Locals must petition in advance of the annual meeting of the AFM Regional Conference and be current in their annual dues to the Conference. The International Executive Board, in consultation with the Locals' Conferences Council, shall create the criteria for Locals to be eligible and the procedure to apply for this assistance.

Mid-America Conference of Locals

RESOLUTION NO. 16

RESOLVED, That Article 9, Section 32(b) of AFM Bylaws be amended, as follows:

For employment under AFM-negotiated Agreements covering services rendered for electronic media (recordings, broadcasts, films, video, etc.), Work Dues shall be no less than 1½% of scale wages and shall be payable to the

Local in which the engagement takes place, except as otherwise provided by these Bylaws. Of this amount, 1¼% of scale wages shall be due and payable by the Local to the AFM as Federation Work Dues. In cases where a sound recording is being produced by an artist who is a member of a non-geographic local as defined in Article 4, Section 10, the work dues shall be payable to the non-geographic local of which the artist is a member.

John O'Connor, Local 1000

John McCutcheon, Local 1000

John Acosta, Local 47

Tino Gagliardi, Local 802

Andrew Schwartz, Local 802

Dave Pomeroy, Local 257

Bud Burridge, Local 802

RESOLUTION NO. 17

WHEREAS, MPF, as noted by its Trustee John C. Hall, will be "out of operation in fiscal year 2010/2011 unless something is done now"; and

WHEREAS, MPF, which has distributed over a billion dollars directly to AFM musicians throughout the United States and Canada, is the thread supporting the core membership of many Locals; and

WHEREAS, AFM, through its officers has not responded publicly or privately to the dire condition of MPF; and

WHEREAS, Promoters of foreign musical acts must pay a processing fee to AFM for providing a boilerplate "consultation letter" indicating no objection to a visa application to perform in the United States and Canada; and

WHEREAS, AFM musicians have been unfairly displaced by foreign musical acts, which are both paid by promoters and subsidized by foreign governments; and

WHEREAS, AFM collected \$2,757,258.00 in "consultation letter" processing fees between 2004 and 2008; therefore, be it

RESOLVED, That effective September 15, 2010, a new section be added to Article 6 of AFM Bylaws, as follows:

NEW SECTION. All payments realized by AFM for providing letters indicating no objection to a foreign musical act's visa application to perform in the United States and Canada are to be paid directly to MPF, less 7.5% administration fee.

BE IT FURTHER RESOLVED, That if legally required to amend MPF trust instrument to accept and allocate such payments, it is mandated herein to draft an amendment to MPF trust instrument to be signed and adopted by proper authority to allow performance as stated in amendment.

Edward G. Shamgochian, Local 143

RESOLUTION NO. 18

WHEREAS, Any and all administrative matters which are within the jurisdiction of the AFM and which are exclusively Canadian and subject to the laws of Canada, its Provinces and Territories, are handled by the AFM's Canadian office; and

WHEREAS, The AFM Bylaws acknowledge and respect the applicable laws of Canada in so far as the organization's name references both the "United States" and "Canada" (see Article 1); and

WHEREAS, These AFM Bylaws further mandate (see Article 3, Section 6) that the Vice President from Canada shall (i) maintain a full-time office in Canada...etc., (ii) be responsible for the administration of AFM affairs throughout Canada...etc., all of which is subject to...consultation/approval of AFM's International President; and

WHEREAS, The AFM Bylaws also provide an exclusive right to Canadian Local delegates to elect a qualified Canadian Local member to hold the Office of Vice President from Canada; (See Article 3, Section 2); and

WHEREAS, The AFM Bylaws also acknowledge that for the administration of member rights and duties, which is within the jurisdiction of the AFM and which specifically involves Canadian Locals and their respective

Local members, the administration of these member rights and duties (in Canada) exclusively falls within the authority of the Vice President from Canada; who, in this regard, must enforce AFM Bylaws and follow the procedures detailed in the AFM's Canadian Office Rules of Practice and Procedures (CORPP) (see AFM Bylaw Article 11, Section 2(e); and

WHEREAS, It has become increasingly necessary for AFM to lobby it's respective Government(s), both at the Federal levels and/or at State/Provincial levels, in order to secure those changes to the legislation of both countries which benefit AFM Local members to the extent possible, we must also recognize that the lobbying approaches in each country are significantly different, both from a procedural perspective, subject to the laws of each individual country, as well as being substantially different as to the goals trying to be achieved in each nation. And further, when the AFM lobbies its Federal and/or State legislatures in the USA the AFM's official name truly and accurately reflects the prominence and stature that Federation holds with "America's" musical entertainment industry and as such is fully accepted as the organization that represents its *American Locals and their member Musicians*; and

WHEREAS, When AFM lobbies it's Federal and/or Provincial legislators in Canada, the AFM's name does not truly and accurately reflect the prominence and stature that the organization holds on behalf of Canadian Locals and its members, as that name is perceived as being an American based entity, which in fact it is; and

WHEREAS, During the lobbying and branding efforts much effort is directed at correcting that this initial perception, before the "AFM Canada" gains credibility and is accepted as the Canadian organization that represents the Canadian Professional Musicians, whose income tax dollars both Federally and Provincially contribute to Canada's economy. The name of our organization ought to instill in the Canadian Citizen Members the confident expectation that the AFM officials in Canada will lobby our respective levels of governments in the same **effective** manner as do the AFM officials in the USA. It has been our experience that the current name of our organization has proven to be a hindrance and counterproductive in our efforts in Canada; and,

WHEREAS, It is now absolutely critical for AFM Canada to be formally acknowledged and recognized by our governments and by the professional musicians in order to promote and broaden our Local membership base in Canada, particularly in the province of Quebec, "AFM Canada" must be acknowledged/recognized as the single most representative organization on behalf of the professional musicians throughout Canada by being perceived as being "truly Canadian"; and,

WHEREAS, The "Canadian Conference of Musicians" already exists and operates as a regional "Locals' Conference" as provided for within AFM's current Bylaws. (see Article 22, Sections 14 through 14(c); therefore, be it

RESOLVED, That upon the adoption of this Resolution and effective September 15, 2010, all AFM activities in Canada, currently administered by/under the authority of the Vice President from Canada, shall be deemed to be a distinct organization within AFM and herein after formally be recognized and known as the Canadian Federation of Musicians (CFM); and

BE IT FURTHER RESOLVED, That Article 1, Section 1 of AFM Bylaws be amended to read as follows:

This organization shall be known as the **American Federation of Musicians of the United States and Canada** ["AFM"]. In an effort to recognize/acknowledge that the activities of this organization are subject to the laws of each country referenced: For all its activities within the United States and its Territories, this organization shall be known as the American Federation of Musicians ("AFM") and: For all its activities within Canada and its Territories, this organization shall be known as the Canadian Federation of Musicians ("CFM"). The AFM and the CFM shall consist of Locals chartered in accordance with these Bylaws, the individuals who form these Locals, and other organizations active in the field of music that may be granted a charter of affiliation with the AFM, the CFM, or both.

(Note: Sections 2(a) & 2(b) to remain as is.)

Luc Fortin, Local 406

Candidates Seeking Election for AFM Office

An important part of each AFM convention is the nomination and election of International Officers who will lead the organization during the next three years. Also elected are delegates to the AFL-CIO convention. Article 19, Section 2 of the AFM Bylaws provides for the publication of campaign statements by those candidates who have declared their intent to run for office. No candidate is required to publish a statement and all candidates may at any time prior to nominations pursue an office other than the one identified below.

International Secretary-Treasurer

Sam Folio

Due to a severe financial crisis, I am proposing a reorganization, which would by necessity streamline the Federation including the position of Secretary-Treasurer. (see Secretary-Treasurer Recommendation) a transition period is proposed. There should be professionals in this position, not politicians. The wars of the Federation should not interfere with the mechanics of the office.

I am aware of others who aspire to this position... to them I say, this is not an employment service.

Love Music, Love Musicians, Love Our Union.

Quentin Solano

I, Quentin H. Solano, announce my candidacy for the office of Secretary-Treasurer of the American Federation of Musicians of the United States and Canada. My objective is to be a hands-on officer with a "how can I help you?" approach.

International Vice President

Joe Boettger

I am not running *against* anyone or anything. I am running *for* three things.

As a performing musician who records on small, independent, signatory Midwestern labels but is not a member of the RMA, I feel perfectly suited to be the bridge to healing the rift between AFM and RMA.

I hope to meet with as many booking agents as possible to resolve the problem of not filing contracts for travelling musicians in proper jurisdictions.

I hope to bring the voice of small, post-industrial locals into the upper levels of the AFM.

Harold Bradley

I am again asking for your vote so that I may continue to represent you as your Vice president of the US and Canada. With 18 years as President of Local 257, and 10 years as your Vice President, it has been my honor to chair the Freelance Committee report, testify twice in Washington on your behalf regarding PALRA (the right to pre-hire), twice at the CARP hearings in Washington, and once before the FCC (regarding radio song lists).

Also, I have faithfully attended IEB meetings, AFM negotiations, and will continue to fight for all members.

Bruce Fife

I'm running for Vice President because it's time to take a new approach, tap new leadership, and rebuild the AFM's relevancy and benefits for all sectors of our membership.

For those that know me and my work, I trust you value my commitment, integrity, and achievements. For those who don't, 100 words are too few to tell my story, but know that I draw on every resource, value all opinions, and work tirelessly to solve the problems that stand

in our way.

Support me in building a stronger Union. For my full AFM profile, visit me at www.brucefife4ourafm.com.

Vice President from Canada

Linda Cara

I've been a member of the TMA for 25 years. As an accordionist and vocalist, I have worked in different areas of our industry from live, jingles, recording, TV and film. This is an evolving business—the lesson learned is that change can be dangerous or exciting. Dangerous if current leadership remains stagnant. Exciting when new ideas are explored. I am Vice President of 149. Let's secure our future by following the mission statement with a new vision—as VP from Canada, I will do that.

It's time for change: a new downbeat will determine the next tempo.

International Executive Board

Dan Cerveny

My name is Dan Cerveny. For 11 years I have served as Secretary-Treasurer of the Omaha Local and President of the Mid-States Conference. I have served on various committees at the National level. I feel that all AFM members should be served equally, thus I am running for election to the IEB. I am from a smaller Local with "Heartland of America" values and common sense. I believe the IEB should be a place from which good ideas emit and are put into place. Recruiting and retention of members should also be of utmost priority to keep the organization strong.

Karen El-Chaar

Karen El-Chaar, seeking election to the IEB, is the current President and Business Agent of Local 45 (Allentown, PA) and serves as President of Penn-Del-Mar-DC Conference of Locals. During my tenure as president of Local 45, I identified new sources of revenue and new performance venues, negotiated CBAs, and reached out to employers which has resulted in additional employment opportunities for our members. Having attended various Conferences including the LCC, I understand what is needed to better serve AFM musicians. As a member of the IEB I will work toward these goals for the benefit of our entire membership.

Tino Gagliardi

As a longtime active musician until my recent election as President of Local 802, I have had the direct experience necessary to knowledgeably and fairly represent the interests of ALL AFM members. Our great Union is threatened by internal division and fiscal peril and I believe that our leaders must reach out to all musicians and earn their confidence and financial support. As musicians, there is much more to unite us, rather than divide us, and I will seek to promote solidarity where there is now mistrust. A vote for me will be a vote to heal our Union.

(Continued on page 34)

Ray Hair

Tired of AFM's internal conflict? I certainly am. Help me do something about it. I'm just one guy, and I can't do it alone. If we stick together, we have power. We can make things better. My plan for Unity: Stop the internal warfare. Understand the true costs of conflict. Reconcile disparate interests. Dovetail common interests. Organize for dignity and justice. Treat the interests of every member as if they were your own. Do this, and our ship will always bring us safely home. Believe it, brothers and sisters. Spread the word — visit www.afmmatters.com — Ray Hair wants you for Unity!

John H. Head

I have been a member of Local 148-462 (Atlanta, GA) for fifty-four years. During this tenure I have served on the Executive Board for thirty years and an additional sixteen years as President.

My fifty plus years as a professional symphonic, commercial, and recording musician, Local officer, CBA negotiator and innovator of Union policy places me in a position to address the difficulties and complexities facing the American Federation of Musicians today. I believe I can offer creative solutions to current challenges confronting our Musicians' Union.

Martin Hodapp

I have been an AFM member for 43 years, and hold the offices of Secretary-Treasurer of Local 3 (Indianapolis, IN), and President of the Mid-America Conference of Musicians (IN, KY, MI, OH, and WV). As Conference President I am a member of the Locals' Conference Council which meets annually to discuss problems and issues that are encountered by Locals throughout our organization. Serving in this capacity provides a good prospective on the issues that our organization must deal with. I would welcome the opportunity to serve on the IEB in order to help the AFM get through these difficult years.

Billy Linneman

Billy Linneman, current IEB member is asking for your vote for re-election and thanking you for your trust the past three years. Being a full-time musician for 45 years in recordings, television, radio, plus some traveling and club work, I maintained a deep involvement within my Local Union as Executive Board Member, Business Agent, negotiating Collective Bargaining Agreements, and Secretary-Treasurer.

Webster's dictionary describes "Union" as oneness, joining for a specific purpose. As different types of musicians join together for the good of all, my job is representing ALL MUSICIANS WITHIN A CONSTANTLY CHANGING BUSINESS ENVIRONMENT. Please visit www.BillyLinneman.com.

Bob McGrew

I am seeking another term to serve as your International Executive Board Officer. YOU know my record, and what I stand for and I know what the job involves. Allow me to be your representative and further the causes for all Federation members. THIS candidate knows whom he is working for.

Tina Morrison

The AFM Mission Statement is my guide for representing musicians. All musicians have the opportunity to benefit by working together within the structure of our Union. The IEB is a significant

structural component and it's important that it represent the diversity of our membership. My experience as a freelance musician, daughter of a musician, mother of a musician, 11 years service as a Local Officer, and AFM Diversity Committee member has given me insights to the needs of a variety of working musicians. I would appreciate the opportunity to represent you on the IEB and am asking for your vote.

Cortaz Paige

For those that know me and for those that will get to know me: My passion is music, artistry and respect. My method employs simple rules backed with an extremely hard work ethic.

My short resume:

- Began 6th grade orchestra when I was in 2nd grade;
- In the worlds first elementary rock jazz ensemble;
- Toured in grammy award winning calypso band;
- Big Ten Football champion;
- CEO in manufacturing;
- VP of local625.

My history plus desire to improve upon progress thus far, compels me to campaign for a position on the IEB.

Joe Parente

I've been a member of the IEB for the past five years. I've always maintained that larger locals should help other locals that might need assistance in dealing with certain situations.

I've received numerous calls from around the country asking for advice on issues such as contract language, grievance procedure, peer review, pension, etc. Most times I am able to help whoever called. If I couldn't, I've steered them to someone who could. This is how things should work... locales helping other locals—it's what makes the Federation strong. I ask your support for re-election to the IEB.

Dave Pomeroy

We must stand together as Union musicians, regardless of the size of our Local or the type of work we do. Divisive politics and needless infighting have eroded the solidarity that makes us strong. I've been involved in AFM leadership since 1991, and as President of Local 257, I am constantly working to find meaningful solutions to old and new problems. We have created many new networking opportunities for our musicians and recruited 200 new members in the past year. To bring a positive attitude, fiscal responsibility, real world experience, and unity to the AFM, vote Dave Pomeroy for IEB.

Vince Trombetta

There's no substitute for experience. I am President of the busiest local in the Federation, Local 47. I serve on the Federation finance committee, and helped to negotiate every national and Local 47 contract for the past twenty years. Also, I would be an asset to the IEB having paid my dues as a player, arranger and composer. My vision is to look into the future of the AFM not as it is, but as it can become. The Federation and every member must work together to heal all the wounds and strive for unity. Change is needed!



Convention Open to All

Ever wonder what takes place at an AFM convention? Ever wanted to watch your local delegates in action? This year, June 21-24, AFM delegates will again gather in Las Vegas, Nevada, to determine the direction of the Federation for the next three years. While all locals are entitled to send elected delegates, members-at-large are not excluded from attending. The AFM is pleased to invite members and spouses, who wish to attend the convention as guests, to do so. The Riviera Hotel has kindly extended its special low room rate to all AFM members during convention week.

If you choose to attend, you will be invited to a gala reception Sunday evening, June 20, at the Riviera Hotel's Top of the Riv that will feature the best in live music. There will be bands performing on Sunday afternoon in the convention area, while the delegates preregister for the convention. Visitors will be given badges that allow them access to the convention area and entitle them to hear the floor debate on crucial issues facing the AFM today. They will also receive a souvenir convention program and discount coupons for Las Vegas shows.

Visitors will have a chance to meet Federation officers, as well as local officers from all around the US and Canada. They will also hear the Federation President's State of the Union message and listen to the floor debate on resolutions. In addition, there will be plenty of opportunities to see the sights in and around Las Vegas. Day trips to Hoover Dam and the Grand Canyon are available, plus the myriad of shows in and around the world-famous Vegas strip. So mark the dates on your calendar and prepare to watch democracy in action at the 98th AFM Convention.

For your convenience, you may book your hotel reservations online. Visit the AFM Convention website, www.afmconvention.org, and follow the link, which will connect you directly to the Riviera Hotel reservation page. You may also reserve your room by phoning the Riviera Hotel using their toll free number 1-800-634-6753. If reserving by telephone, please provide the Riviera representative with the AFM convention code, MUSIC10.

Visit: www.afmconvention.org
for more information.