

PREAMBLE

Whereas, Local 802's Constitution and Bylaws Article V, Section (m), contain the following remedies if a Trial Committee finds an officer guilty of committing a bylaw violation:

- (1) Reprimand.
- (2) Removal from office and ineligibility to hold elected or appointed office for a period of two (2) years.
- (3) Removal from office and ineligibility to hold elected or appointed office for a period of five (5) years.
- (4) Removal from office, termination of membership for a specified period, and ineligibility to hold elected or appointed office in the Local in the future.
- (5) Removal from office, expulsion from membership and ineligibility for any future readmission to membership, **and**,

Whereas, AFM Bylaw Article 11, Section 9 contains the following remedy if the International Executive Board finds an officer guilty of a bylaw violation:

A fine of not less than \$10.00 nor more than \$50,000.00 and/or they may be expelled, **and**

Whereas, Local 802's Constitution and Bylaws Article I, Section 5 (Duties of the Executive Board) and Article VI, Section 5 (Elections), which require the Executive Board to remove an officer from their position regardless of the penalty imposed upon them by either the Local Trial Committee or by the AFM, are in direct conflict with the remedies set forth in the penalty sections of the Local 802 and AFM's bylaws set forth above, and further this conflict was noted by the AFM in its July 17, 2025 Operational Compliance Review audit of Local 802's bylaws,

Now Therefore, the following bylaw amendments are warranted to remedy the removal of a Local 802 Officer from office that was prompted by these conflicting provisions:

ARTICLE I

DUTIES OF OFFICERS

Section 5. Duties of the Executive Board.

(d) (1) The President's seat, the Recording Vice-President's seat, the Financial Vice-President's seat or a member's seat on the Executive Board shall be declared vacant in the event of death, resignation, or if found guilty of violating the Constitution, Bylaws, Rules, Regulations or Orders of the Local or of the American Federation of Musicians, after due process of law (except as specified in Article V Section 7, paragraphs (k),(l) and (m); **and the penalty for the violation is the officer's removal from office** or upon failure to attend four consecutive meetings of the Board without being excused by the Executive Board; or upon failure to attend two consecutive meetings of the Local without being excused by the Executive Board; and such vacancy, except in the event of death, resignation or

removal of the President and covered under Article I, Section 2 of the Bylaws, shall be filled by the Executive Board for the balance of the unexpired term **or by a special election pursuant to Article VI if the vacancy is caused by the removal of any or all of the titled officers: President, Recording Vice-President's and/or the Financial Vice-President.**

(2) Any officer whose seat has been declared vacant because of a bylaw conviction that resulted in a penalty that was not specifically removal from office and/or expulsion from membership shall be restored to their seat immediately upon enactment of this bylaw amendment. Any individual who has been appointed to fill the vacant seat for the remainder of that officer's term shall be restored to their previous position within the Local, if any.

ARTICLE VI

ELECTIONS

~~**Section 5.** No member of this Local shall run for, hold, or continue in any elective office, serve on any committee, or hold or continue in any appointed office for a period of two years from the date of conviction for violation of any portion of the Constitution or Bylaws of this Local or the American Federation of Musicians the membership should decide otherwise unless by a two-thirds vote of those voting at a duly convened membership meeting with regard to any particular member.~~

ARTICLE VIII

AMENDMENT AND CONSTRUCTION OF BYLAWS

Section 8. Article and Section Headings

Article and Section Headings contained within these bylaws shall not be determinative of the meaning, application and interpretation of the language contained in those Articles and Sections

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The Local 802 Executive Board has reported this proposed bylaw amendment unfavorably.