

AFM THEATRICAL MOTION PICTURE AND TELEVISION FILM AGREEMENTS

Main Points:

- In general, the Film Agreements cover underscoring work for motion pictures and dramatic television programs with narrative arcs, as opposed to talk shows and variety shows, which are covered under the Live Television / Videotape Agreement.
- The Film Agreements also cover appearances by musicians on camera, called “sidelining.”
- Two budget thresholds exist for Television Film work; there are three for Motion Pictures.
- A special “multi-tracking rate” exists for musicians primarily working on electronic instruments.
- Session work is only paid once for each primary market, but residual payments for exhibition in “secondary markets” are paid annually, in perpetuity.

Filing Sessions:

- All work done under the Film Agreements are filed on **AFM B-7 Report Forms**.
- An example of this form (and how to fill one out) is included at the end of this packet.
- AFM recording scales are national, with only a handful of exceptions. This type of work pays the same whether you perform the gig in New York, Los Angeles, or Montana, etc.
- B-7 report forms are filed in the jurisdiction in which the work takes place. Bear in mind that this may not necessarily be Local 802.
- It is the Local of jurisdiction’s responsibility to ensure that B-7 report forms are properly filed with the Federation, the Pension Fund, and the Secondary Markets Fund.

Residuals:

- There is only one payment made for work done in the primary market. This means that if you underscore a television program airing in network primetime, you will not receive another check through the AFM if that program repeats on the network at a later date.
- Residuals under the Film Agreements are administrated by the Film Musicians’ Secondary Markets Fund (FMSMF). A percentage of the distributor’s gross receipts from sales to secondary markets (ex: Theatrical exhibition to television, Television to DVD, etc.) are paid to the Fund and the money is distributed to “participating musicians” who appeared on the B-7 report forms. FMSMF pamphlets are available, which explains this in more detail.

New Media:

- Work for programs made for New Media (such as Netflix, Hulu, Amazon Prime, etc.) are covered under these Agreements.

THEATRICAL MOTION PICTURE AND TELEVISION FILM AGREEMENTS

Effective April 5, 2018 to April 4, 2019

THEATRICAL MOTION PICTURES				
	Basic (3 hour) Session		Hold Hour (per 15 minutes)	
4% Vacation Pay:	with 4%	without 4%	with 4%	without 4%
Schedule A: 35 or more musicians	\$302.35	\$290.72	\$25.20	\$24.23
Schedule B: 30 to 34 musicians	\$317.46	\$305.25	\$26.46	\$25.44
Schedule C: 24 to 29 musicians	\$332.56	\$319.77	\$27.72	\$26.65
Schedule D: 23 musicians or less	\$347.74	\$334.37	\$28.97	\$27.86
TELEVISION FILMS				
	Basic (3 hour) Session		Hold Hour (per 15 minutes)	
4% Vacation Pay:	with 4%	without 4%	with 4%	without 4%
Schedule A: 5 or more musicians	\$257.20	\$247.31	\$21.43	\$20.61
Schedule B: 4 or fewer musicians	\$323.89	\$311.43	\$27.00	\$25.96
Schedule C: See Note Below	\$302.35	\$290.72	\$25.20	\$24.23
Schedule C applies ONLY to programs otherwise covered by Schedule A for which more than one episode (including the pilot) aired prior to July 17, 2005.				
PENSION: Paid at 10.9% of scale wages. Pension is NOT paid on vacation pay.				
HEALTH BENEFITS: Contributions are \$48.54 per day, and \$4.045 per hour beyond 12 hours worked.				
LEADER/CONTRACTOR: A contractor is required on sessions employing 10 or more musicians. Every session must have a leader. Leader and contractor are paid double side musician scale.				
DOUBLING: 50% of scale for the first double and 20% for each subsequent double. On a sideling session, doubles are 25% for the first and 10% for each subsequent.				
PREMIUM TIME: The hold hour shall be paid at straight time rates, as indicated in the overtime rates above. Beyond the hold hour shall be paid at 150% . Work beyond an 8-hour span between midnight and 8:00 a.m. pays at 200% . Work beyond the hold hour and between midnight at 8:00 a.m. pays at 165% of scale. The 7 th hour of recording within the 8-hour span pays at 120% . Overtime is paid in 15-minute increments. Saturdays and Sundays are not premium, unless they are the employee's sixth or seventh consecutive day or work for the same Producer, in which case they shall receive 150% of scale.				
HOLIDAYS: Employees shall receive 200% of scale on: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.				
REST PERIODS: 10 minutes per hour OR accumulate two 10-minute res periods OR two 15-minute rest periods in a three hour session. A one-hour meal period shall be called no later than six hours after reporting for work.				
HOLD HOUR: The Producer may hold the musician for one (1) hour beyond a single session or a guaranteed longer call. If musician is so held, or if work is performed in such hold hour, it shall be paid for at the straight time rate in units of 15 minutes. For time beyond the hold hour, see Premium Time above. If a musician notifies the contractor that he or she cannot stay beyond the hold hour, it will not be the musician's responsibility to secure the services of a replacement.				
DOUBLE SESSIONS: A double session shall be completed within 8 hours, with not less than 1 hour between sessions. Two single sessions shall not be called in the same day in lieu of a double session, in order to circumvent the time spread penalty. A double session pays 200% of the rate of a single session.				
CARTAGE: \$40 for Harp. \$16 for String Bass, Tuba, Cello, Drums, Amps, Baritone Sax, Bass Sax, Contra-Bass Clarinet, Contra Bassoon, Accordion, Baritone Horn, and Contra-Bass Trombone.				
MINUTES OF MUSIC: There is no restriction to how many minutes of finished music may be used from a recording session for motion pictures. In a three-hour television film session, not more than 15 minutes of music may be recorded. Payment for excess recorded material shall be based on one-half hours pay for each 2:30 of music.				

SIDELINE MUSICIANS				
	Minimum Call is for 8 hours of work			
4% Vacation Pay:	with 4%	without 4%		
One Person Alone	\$271.39	\$260.95		
Two or More People	\$230.30	\$221.44		
Silent Bit (prevailing rate) *	\$369.46	\$355.25		
Travel Time per hour (6 am – 6 pm)	\$27.51	\$26.45		
SILENT BIT: When directed to do special business (portrayal of an essential story point in pantomime, in a 4-shot or less,) or pantomime special business with actors to convey an essential story point in a close shot, such performance shall constitute a silent bit.				
LEADER: A leader is required when two or more sideline musicians are employed. Leader shall receive double scale. A single musician is paid the “one person alone” rate above.				
CONTRACTOR: A contractor is required if 10 or more sideline musicians are employed. The contractor shall receive double scale.				
WORK HOURS: All work hours must be consecutive (except that of a one-hour meal period will be allowed in nine hours.) Meal periods shall not be less than one-half hour nor more than one hour.				
PREMIUM TIME: Any work after 8 hours is paid at 150% per 15 minutes. Work between midnight and 1:00 a.m. is paid at an additional 10% premium. Work between 1:00 a.m. and 6:00 a.m. is paid at an additional 20% premium.				
LEAK-THROUGH: A musician who performs live recording on camera <i>within a three-hour session</i> will be paid the recording scale for a minimum three-hour session in addition to any other payments he/she would be entitled.				
DOUBLING: 25% for the first double, 10% for each subsequent double.				
WARDROBE: \$30 allowance for tuxedo or white tie and tails. \$10 for the first change and \$15 for each additional change. Whenever a sideline musician turns in wardrobe or property on time which he/she is not otherwise compensated, he/she shall be paid a wardrobe allowance of thirty minutes at the regular hourly rate for that day. If more than one-half hour is required, he/she shall be paid for such excess time in units of 15 minutes.				
CANCELATION: Calls may be canceled for any of the following reasons ONLY: 1) illness in the principal cast, 2) fire, flood, or other similar catastrophe, 3) governmental regulations or other issues due to a national emergency. In the event of a cancellation, the musician so canceled shall be entitled to one-half check, EXCEPT, if the musician is notified of the cancellation before 6:00 p.m. of the day prior to the work date by the same or any other producer, he/she shall NOT be entitled to such one-half check.				
MULTI-TRACKING RATES				
Includes all electronic and acoustic doubles and all overdubs. Minimum call of 3 hours.				
(Rates here are per hour)	MOTION PICTURE		TELEVISION FILM	
4% Vacation Pay:	with 4%	without 4%	with 4%	without 4%
One Person Alone	\$363.12	\$349.15	\$388.97	\$374.01
Two or More People	\$317.75	\$305.53	\$340.38	\$327.29
PRODUCTION/REHEARSAL MUSICIANS				
Overtime is in 15-minute increments. All work after midnight is paid at 150%.				
	MOTION PICTURE		TELEVISION FILM	
4% Vacation Pay:	with 4%	without 4%	with 4%	without 4%
Single Session (3 hours)	\$183.41	\$176.36	\$196.49	\$188.93
Two 3-Hr Sessions completed in 10 hours of time	\$330.21	\$317.51	\$353.71	\$340.11
30 Hours per week (not more than 6 per day)	\$1,467.40	\$1,410.96	\$1,571.90	\$1,511.44
40 Hours per week (not more than 8 per day)	\$1,760.86	\$1,693.13	\$1,886.30	\$1,813.75

LOW BUDGET MOTION PICTURES AND TELEVISION FILMS	
	Single Session (3-hour minimum call)
Low Budget MP #1 and TV Film	\$216.99 (\$72.33 per hour)
Low Budget MP #2	\$186.57 (\$62.19 per hour)
Indie Motion Picture	\$186.57 (\$62.19 per hour)
MULTI-TRACKING RATES:	Per Hour
One Person Alone	Low Budget #1: \$273.22 // Low Budget #2: \$234.95
Two or More People	Low Budget #1: \$241.08 // Low Budget #2: \$207.34
PENSION: Pension is paid at 11.99% of scale wages.	
HEALTH BENEFITS: Contributions are \$48.54 per day and \$4.045 per hour beyond 12 hours worked.	
OVERTIME: Paid in 15-minute increments and is calculated as under regular motion picture contracts.	
4% VACATION PAY IS NOT REQUIRED ON LOW BUDGET CONTRACTS.	
APPROVAL: Low Budget requests must be approved by the AFM no later than 96 hours prior to the first scoring session.	
THRESHHOLD LEVELS: Low Budget MP #1 is \$45 million or less . Low Budget MP #2 is \$15 million or less and at least one session must employ 15 or more musicians. Indie Motion Picture is \$2 million or less and at least one session must employ 7 or more musicians. TV Films produced for basic cable and long-form television motion pictures of 90 minutes or longer is \$5 million or less per programming hour . TV Films originally released to videocassette that are longer than one hour is \$7.5 million or less per programming hour . TV Films produced for pay cable is \$5 million or less per programming hour .	
All other terms and conditions of the Basic Theatrical Motion Picture Agreement or the Basic Television Film Agreement are applicable.	

FILLING OUT THE B-7 REPORT FORM

The following are instructions for completing the Reporting Form (B-7) for Theatrical Motion Pictures and Television Films. It is imperative that all items applicable are completed fully and accurately so that they may be compiled properly into the AFM's computer systems. Failure to do so could result in members not being properly credited for residuals, benefits, etc. If you should have any questions, please contact the AFM Local of jurisdiction.

1. **REPORT NUMBER:** If you are not writing on a pre-printed form, please call the Local of jurisdiction to have a number assigned. These report numbers must be unique.
2. **DATE:** The date listed at the top left is the date that you are filling out the form.
3. **TITLE OF PICTURE/PROGRAM AND/OR PROD. NO.:** Indicate the title of the motion picture or television program.
4. **TITLE OF EPISODE:** For television work, list the title of the episode.
5. **EPISODE NO:** Again, for television work, list the episode number.
6. **LENGTH OF PROGRAM:** Indicate the length of the program.
7. **PRODUCER/PRODUCER'S ADDRESS:** Complete the name of the producer and list the producer's address.
8. **AFM PROJECT #:** Indicate project # assigned by Local, if applicable.
9. **ASSUMPTION AGREEMENT ON FILE:** If the Production Company has filed an assumption agreement with a signatory of record, check this box and indicate the parties and dates in the memo box.
10. **AFM LOCAL NUMBER:** List the Local Number of where the original session took place.
11. **RECORDING DATE:** For original session work, enter the date the recording took place here.
12. **NUMBER OF MUSICIANS:** Number of musicians called for the session. Remember that some rates are different based on the size of the orchestra.
13. **RECORDING STUDIO, CITY, STATE:** Name of the recording studio where the session took place, including city and state.
14. **HOURS OF EMPLOYMENT:** List the hours that were worked, including A.M. and P.M. for clarity.
15. **TOTAL OF SESSION HOURS:** Include the total session hours.
16. **ORIGINAL REPORT FORM NUMBER:** These two fields must be filled out when the Payment Type is not an Original Session, which implies that the work being used was filed on a previous report.
17. **PAYMENT TYPE AND MEDIUM:** One and only one from each column must be selected.
18. **ADDITIONAL INFORMATION:** Complete each category that applies.
19. **SIGNATORY OF RECORD:** Name of Company signed to applicable Agreement.
20. **PENSION CONTRIBUTIONS:** Name of the Company distributing the check (usually a payroll company.)
21. **REPRESENTATIVE OF EMPLOYEE'S SIGNATURE:** Signature of representative of the employee.
22. **EMPLOYEE INFORMATION:** List the information in the grid as clearly and completely as possible. Local card number may not be applicable. The Social Security Number is required for Pension credit. Use a "continuation sheet" if more space is required. All music preparation personnel must be included, with copies of invoices attached.

AMERICAN FEDERATION OF MUSICIANS REPORT FORM

RPNo.

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For All Motion Pictures-Theatrical & Television Film (Standard, Non-Standard & Basic Cable), Industrial (Non-Theatrical-Non-TV), Miscellaneous, Low Budget Films

Date: _____ 2 _____
 Title of Picture/Program and/or Prod. No.: _____ 3 _____
 Title of Episode: _____ 4 _____
 Episode No.: _____ 5 _____
 Length of Program: _____ 6 _____
 Producer: _____ 7 _____
 Producer's Address: _____
 AFM Project No.: _____ 8 _____

ORIGINAL SESSION AFM Local No.: 10
Recording Date: 11 No. of Musicians: 12
Recording Studio: 13
City: _____ State: _____
Hours of Employment: 14
Total Session Hrs.: 15

RE-USE, DUBBING, NEW USE OR OTHER
Original Report Form No.: 16
Original Recording Date: _____

<input type="checkbox"/> Assumption Agreement on File (indicate parties & dates in memo box)	
<u>ADDITIONAL INFO</u>	
<u>Check each category that applies.</u>	
<input type="checkbox"/> Network <input type="checkbox"/> Syndicated <input type="checkbox"/> Prime Time <input type="checkbox"/> Non-Prime Time <input type="checkbox"/> Dramatic	<input type="checkbox"/> Non-Dramatic <input type="checkbox"/> Mini-Series <input type="checkbox"/> Animated Film <input type="checkbox"/> Late Penalty Incl.
MEMO	

Check 1 and only 1 from each of these two columns.

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Payment Type	Medium
<input type="checkbox"/> Original Session	<input type="checkbox"/> Theatrical Motion Picture
<input type="checkbox"/> Sideline Only	<input type="checkbox"/> Television Film
<input type="checkbox"/> Sideline w/Audio	<input type="checkbox"/> Non-Standard TV (Pay Cable) Film
<input type="checkbox"/> Excerpt Use	<input type="checkbox"/> Basic Cable TV Film
<input type="checkbox"/> New-Use Phono	<input type="checkbox"/> Industrial
<input type="checkbox"/> New-Use Other	<input type="checkbox"/> (Non-Theatrical-Non-TV)
<input type="checkbox"/> Emergency Track	<input type="checkbox"/> Low Budget Theatrical Film
<input type="checkbox"/> Unused Recording Hrs.	<input type="checkbox"/> Low Budget TV Film
<input type="checkbox"/> Trailer	<input type="checkbox"/> Direct To Cassette
<input type="checkbox"/> Other	<input type="checkbox"/> Other

SIGNATORY OF RECORD:

Address: _____ Phone: _____

Pension Contributions To Be Paid By (if different): 20

Address: _____ Phone: _____

Conditions of Employment shall be in accordance with the provisions contained in the Wage Scales, Hours of Employment and Working Conditions in the basic collective bargaining agreements executed between the A.F. of M. and the Signatory.

Representative of Employee's Signature: 21

[illegible]

(1) Insert overscale wages being paid.
Include all music prep. information on this form or continuation sheet, with copies of invoices attached.

FOR FUND USE ONLY:

TOTAL PENSION CONTRIBUTIONS

TOTAL H & W CONTRIBUTIONS

FILM MUSICIANS INFO



FILM MUSICIANS SECONDARY MARKETS FUND

A 501 (c)(6) not-for-profit organization

15910 Ventura Blvd., Suite 900
Encino, CA 91436

www.fmsmf.org
818.755.7777

FILM MUSICIANS SECONDARY MARKETS FUND

The Film Musicians Secondary Market Fund is a not-for-profit organization that works in association with the **American Federation of Musicians (AFM)** and the **Alliance of Motion Picture and Television Producers (AMPTP)** to ensure the collection, processing and payment of residuals to qualifying musicians who have performed music used in films, television, and "new media".

WHO QUALIFIES AS A PARTICIPATING MUSICIAN?

- ✓ **Musicians** (including **leaders, conductors and contractors**) employed to record music utilized in a covered motion picture or television series/film or "new media".
- ✓ **Sideline musicians** (playing an instrument on-camera) employed in a covered motion picture or television series/film or "new media".
- ✓ **Music preparation musicians** (**orchestrators, arrangers, copyists and librarians**) on a covered motion picture or television series/film or "new media".
- ✓ **"New-Use" musicians** who performed on a pre-existing recording utilized in a covered motion picture or television series/film or "new media".

Note: In order to qualify for residual payments on a particular title, a participant musician MUST appear on an AFM contract for that title.

WHICH PROJECTS QUALIFY FOR RESIDUALS?

In order to be "covered," the title must meet the following three conditions:

- ✓ At least one original scoring or sideline session must be filed with the AFM.
- ✓ The work must be done for a signatory employer.
- ✓ The work is a **theatrical film** produced after Jan. 31, 1960, a **television series/film** after July 1, 1971 or a **"new media"** production produced after April 14, 2010.

RESIDUALS AND SECONDARY MARKETS

Producers or other rights holders pay the Fund a percentage (of up to 1%) of their gross receipts from secondary markets (never on foreign or domestic box office), on covered titles released in the following secondary markets:

ORIGINAL PLATFORM	FREE TV*	PAY TV	VIDEO/DVD	IN-FLIGHT	NEW MEDIA
THEATRICAL FILMS PRODUCED AFTER 1/31/60	✓				
THEATRICAL FILMS PRODUCED AFTER 7/1/71	✓	✓	✓		✓
TELEVISION PROGRAMS PRODUCED AFTER 7/1/71		✓	✓	✓	✓
MADE FOR NEW MEDIA CONTENT PRODUCED AFTER 4/14/10 IF BUDGET>\$25000/MINUTE		✓	✓	✓	✓ **

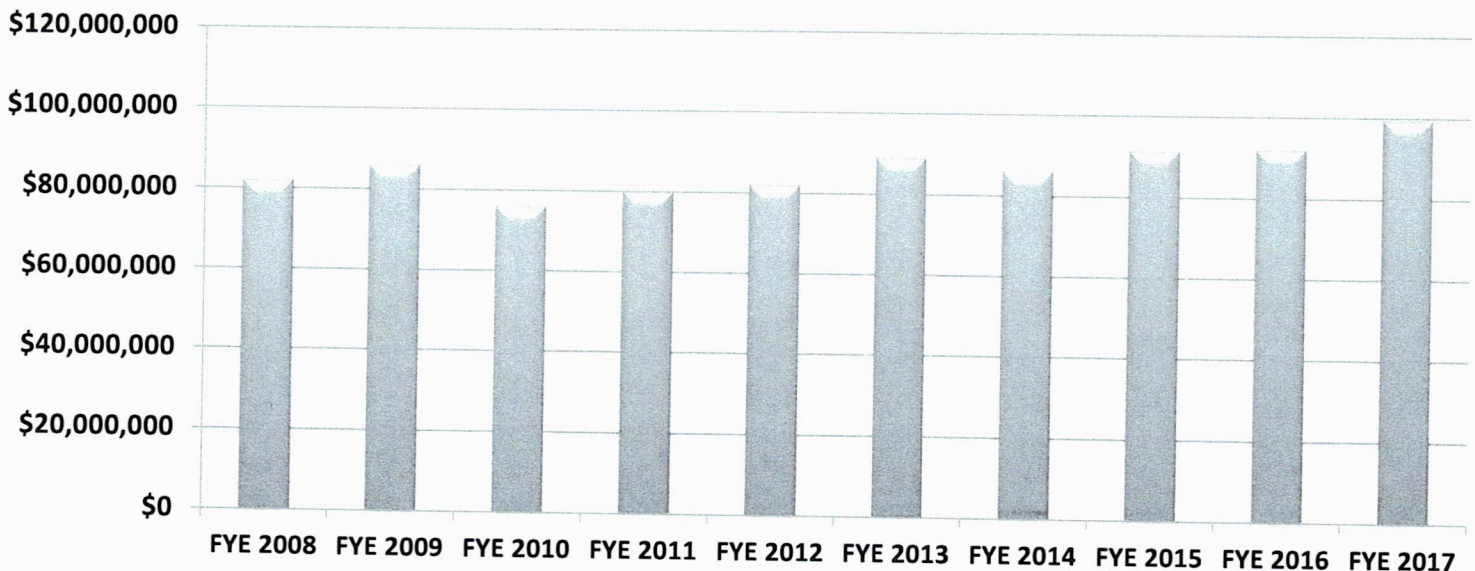
*Free TV includes over-the-air network, syndication and basic cable

**Residuals applicable in limited circumstances

Note: Other replay fees may apply for re-uses not considered "secondary markets"

YOUR SUCCESS

Over the past ten years, the Fund has collected an average of over \$86.4 Million per year on behalf of FMSMF participants. Keep in mind that the Fund's collections represent less than 1% of distributor's gross receipts generated from secondary markets only for covered films, television programs and "new media" productions.



EXCLUSIVE SERVICES OFFERED TO FMSMF PARTICIPANTS

DIRECT DEPOSIT

Simple. Safe. Secure.

Get your money instantly! Sign up for direct deposit. No mail, no waiting, no headaches.



See your statement faster, get paid faster, save time, conserve Fund resources and help the environment.



BENEFICIARY DESIGNATION

Easy access, 24/7 to your Beneficiary information to make corrections or updates to ensure your loved ones' future is secure.



Please visit our website, www.fmsmf.org, or call the Participant Hotline at 888.443.6763, and take full advantage of all the services the Fund offers.

ADDITIONAL INFORMATION

Live Television Supplemental Markets Fund (LTVF): The LTVF is a sub-fund of the FMSMF, and collects, processes and distributes supplemental markets residuals to musicians who have worked on covered live TV, videotape and new media programs. For more information, visit www.ltvf.org.



Unclaimed Residuals: The FMSMF currently makes every effort to research and find musicians and beneficiaries who may have unclaimed residuals waiting at the FMSMF. As a reminder to musicians who have worked on AFM-covered sound recordings: if a covered sound recording is used in an AFM-covered theatrical or television motion picture, the musicians who worked on that recording may be entitled to secondary market residuals through the FMSMF.

Check our list of unclaimed residuals:
www.fmsmf.org/unclaimedchecks



www.fmsmf.org
818.755.7777

Kim Roberts Hedgpeth – Executive Director