

NON-STANDARD TELEVISION (PAY-TV) AGREEMENT

(February 1, 2002 — January 31, 2005)

Extended Indefinitely

SUMMARY OF SCALES AND CONDITIONS

I. Recording instrumentalist, leaders, contractors

The minimum scale for instrumentalists, leaders and contractors shall be the rates and conditions set forth below:

A. BASIC RATES

1. Variety Programs (other than strips)

| | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|--|---------------|---------------|---------------|
| For a ½ hour show, per musician including two hours rehearsal on the same day (including air rate of \$99.15 effective 2/1/02, \$99.15 effective 2/1/03, \$101.10 effective 2/1/04.) | \$242.95 | \$242.95 | \$247.80 |
| For a 1 hour show, per musician including 4 hours rehearsal on the same day (including air rate of \$124.35 effective 2/1/02, \$124.35 effective 2/1/03, \$126.85 effective 2/1/04.) | 411.95 | 411.95 | 420.25 |
| For a 1½ hour show, per musician including 6 hours rehearsal which may be scheduled on two consecutive days (including air rate of \$185.65 effective 2/1/02, \$185.65 effective 2/1/03, \$189.35 effective 2/1/04.) | 617.05 | 617.05 | 629.45 |
| For shows over 1½ hours, the air rate shall be for each 15 minutes; \$31.10 effective 2/1/02, \$31.10 effective 2/1/03, \$31.70 effective 2/1/04.) | | | |
| Rehearsal Pay, per musician 1 hour | 71.90 | 71.90 | 73.35 |
| For Additional Rehearsal Time -- each 15 minutes or fraction thereof per musician... | 17.95 | 17.95 | 18.30 |
| Leader or single Musician: Double recording musicians' rate. | | | |

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2. Other Programs, including Strip Variety Shows
 (5 day per week shows)

| | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|--|---------------|---------------|---------------|
| For a ½ hour show, per musician including 1 hour rehearsal within a three (3) hour time span (including air rate of \$126.50 effective 2/1/02, \$126.50 effective 2/1/03, \$129.00 effective 2/1/04.) | \$198.40 | \$198.40 | \$202.35 |
| For a 1 hour show, per musician including 2 hours rehearsal within a four (4) hour time span (including air rate of \$151.25 effective 2/1/02, \$151.25 effective 2/1/03, \$154.25 effective 2/1/04.) | 295.05 | 295.05 | 300.95 |
| For a 1½ hour show, per musician including 2 hours rehearsal within a five (5) hour time span (including air rate of \$227.05 effective 2/1/02, \$227.05 effective 2/1/03, \$231.60 effective 2/1/04.) | 370.85 | 370.85 | 378.30 |
| (The 2 hour guarantee on the 1 hour and the 1½ hour shows shall be adjusted to 1½ hours when the orchestra consists of 15 or more musicians including Leader and Contractor.) | | | |
| For shows over 1½ hours, the air rate shall be for each 15 minutes \$37.95 effective 2/1/02, \$37.95 effective 2/1/03, \$38.70 effective 2/1/04. | | | |
| Extra Rehearsal Pay, per musician One hour | 71.90 | 71.90 | 73.35 |
| Leader or Single Musician: Double recording musicians rate except 125% of scale for organist on daytime serials and on other daytime programs where one musician plays background music. | | | |

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3. Strip Variety Shows
 (3 or 4 days per week shows)

Four (4) days per week

| | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|---|---------------|---------------|---------------|
| For a ½ hour show, per musician including 1 hour rehearsal within a three (3) hour time span (including air rate of \$139.15 effective 2/1/02, \$139.15 effective 2/1/03, \$141.90 effective 2/1/04.) | \$211.05 | \$211.05 | \$215.25 |
| For a 1 hour show, per musician including 2 hours rehearsal within a four (4) hour time span (including air rate of \$167.30 effective 2/1/02, \$167.30 effective 2/1/03, \$170.65 effective 2/1/04.) | 311.10 | 311.10 | 317.35 |
| For a 1½ hour show, per musician including 2 hours rehearsal within a five (5) hour time span (including air rate of \$250.60 effective 2/1/02, \$250.60 effective 2/1/03 \$255.60 effective 2/1/04.) | 394.40 | 394.40 | 402.30 |
| (The 2 hour guarantee on the 1 hour and the 1½ hour shows shall be 1½ hours when the orchestra consists of 15 or more musicians including Leader and Contractor.) | | | |
| For shows over 1½ hours, the air rate shall be for each 15 minutes \$42.85 effective 2/1/02, \$42.85 effective 2/1/03, \$43.70 effective 2/1/04. | | | |
| Extra Rehearsal Pay, per musician One hour..... | 71.90 | 71.90 | 73.35 |
| Leader or Single Musician: Double recording musicians rate | | | |

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Three (3) days per week

| | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|--|---------------|---------------|---------------|
| For a ½ hour show, per musician including 1 hour rehearsal within a three (3) hour time span (including air rate of \$156.00 effective 2/1/02, \$156.00 effective 2/1/03, \$159.10 effective 2/1/04.) | \$227.90 | \$227.90 | \$232.45 |
| For a 1 hour show, per musician including 2 hours rehearsal within a four (4) hour time span (including air rate of \$186.65 effective 2/1/02, \$186.65 effective 2/1/03, \$190.40 effective 2/1/04.) | 330.45 | 330.45 | 337.10 |
| For a 1½ hour show, per musician including 2 hours rehearsal within a five (5) hour time span (including air rate of \$278.40 effective 2/1/02, \$278.40 effective 2/1/03, \$283.95 effective 2/1/04.) | 422.20 | 422.20 | 430.65 |
| (The 2 hour guarantee on the 1 hour and the 1½ hour shows shall be 1½ hours when the orchestra consists of 15 or more musicians including Leader and Contractor.) | | | |
| For shows over 1½ hours, the air rate shall be for each 15 minutes \$48.80 effective 2/1/02, \$48.80 effective 2/1/03, \$49.80 effective 2/1/04. | | | |
| Extra Rehearsal Pay, per musician One hour..... | 71.90 | 71.90 | 73.35 |
| Leader or Single Musician: Double recording musicians rate. | | | |

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DOUBLING

The following are NOT construed as doubling:

Piano and Celeste, when latter is furnished.

Drummer's regulation outfit (consisting of Bass drum, Snare drum, Pedal, Cymbals, Gongs, Wood Blocks, Small traps and bells).

Variety Programs (other than strip variety) - Fixed formula listed below X 25% first double and 10% each additional double:

| | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|--|---------------|---------------|---------------|
| ½ hour show -- <u>Air rate + 4 hrs. rehearsal</u> | | | |
| 1st double | \$94.80 | \$94.80 | \$98.63 |
| Each additional double | \$37.92 | \$37.92 | \$39.45 |
| 1 hour show -- <u>Air rate + 8 hrs. rehearsal</u> | | | |
| 1st double | \$171.48 | \$171.48 | \$178.42 |
| Each additional double | \$68.59 | \$68.59 | \$71.37 |
| 1½ hour show - <u>Air rate + 12 hrs. rehearsal</u> | | | |
| 1st double | \$257.00 | \$257.00 | \$267.39 |
| Each additional double | \$102.80 | \$102.80 | \$106.96 |

For each 15 minutes beyond 1 ½ hours -- the air rate plus 2 hours of rehearsal.

Other Programs (including strip variety) - First double at 25%, each additional double at 10% based on:

½ hour show -- the air rate plus actual rehearsal used but in no event more than 4 hours of rehearsal.

1 hour show -- the air rate plus actual rehearsal used but in no event more than 8 hours of rehearsal.

1½ hour show - the air rate plus actual rehearsal used but in no event more than 12 hours of rehearsal.

For each additional 15 minutes in excess of 1 ½ hours -- the air rate plus actual rehearsal used but in no event greater than two hours for each 15 minutes.

The doubling fees shall be paid for each additional instrument requiring a doubling fee that the musician is directed to bring to the engagement, whether or not used.

If in addition to the normal sound of an instrument, an electronic device (i.e., multiplex, divider, maestro, multiplier of octaves) is used to simulate other instrumental sounds, such use shall be construed as a double.

ELECTRONIC MUSICAL DEVICES

Musicians employed to play electronic musical devices other than on a "package deal" basis, shall be paid either at the existing rates set forth in Exhibit IA (hereinafter referred to as "real time rates"), or at the following hourly rates (hereinafter referred to as "multi-tracking rates"):

- 1 musician.....\$268.75 (and \$268.75 effective 2/1/03 and \$274.10 effective 2/1/04)
- 2 or more musicians..... \$234.06 each (and \$234.06 effective 2/1/03 and \$238.75 effective 2/1/04)

The foregoing rates include all electronic and acoustical doubles and all over-dubs. With respect to each session, we shall have the right to designate whether such musician is to be paid under the real time rates or at the foregoing multi-tracking rates. We shall make such election with respect to each such musician employed at the time of the call.

In the event we choose to pay the musician under the multi-tracking rates:

- (a) The musician shall be paid for a minimum of 3 hours.
- (b) A 1 hour meal period shall be called not later than 6 hours after reporting for work. Subsequent meal periods shall be called no later than 6 hours after the expiration of the previous meal period. The penalty for delayed meals shall be a straight time allowance at the scheduled regular basic hourly real time rate for the length of the delay, but not less than ½ hour.
- (c) Work in excess of 10 hours, excluding meal periods, shall be paid at the rate of an additional 50%, prorated in 15 minute increments.
- (d) When required to work between the hours of midnight and 8:00 a.m., the musician shall be paid an additional 50% of the applicable hourly rate.

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| | | <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
|-------------------------|------------------------|---|---------------|---------------|
| <u>FRINGE BENEFITS:</u> | AFM-EPW FUND (Pension) | 10% | 10% | 10% |
| | H&W FUND - | | | |
| | Per service, per day: | \$17.94 <i>Increase effective August 3rd, 2003</i> | | |
| | Per service, per day: | \$20.34 <i>Increase effective July 30, 2006</i> | | |

With respect to the employment of musicians outside of Los Angeles County, California for which such payments into such Welfare Fund are not permissible under the provisions of such Welfare Fund, Producer, in lieu thereof, will pay to the applicable local welfare plan, if any, and if permissible under an acceptable Letter of Adherence satisfactory to the Producer, the normal contribution for the appropriate category provided for under such local welfare plan but not to exceed the amount of contribution payable into the Welfare Fund as above provided. In the absence of a local welfare plan or acceptable Letter of Adherence satisfactory to us such contribution shall be paid to the individual musician concerned, computed as provided in this paragraph, which contribution shall be in addition to and separate from, any other compensation provided for hereunder.

MAKE-UP & COSTUMING: \$20.00

PRODUCTION MUSICIANS: **2/1/02 - \$71.90** **2/1/03 - \$71.90** **2/1/04 - \$73.35**
 Hourly rehearsal rate with 2 hour minimum call, pro rata.

MUSIC SOUND CONSULTANT: Same as for production musicians - see above

RADIO SIMULCASTS: ½ hour program - \$27.50
 1 hour program - \$36.30
 Longer programs - \$8.80 each additional half hour

HOLIDAY: Premium pay of 200% (New Years, Thanksgiving, Memorial Day, Christmas, Labor Day & President's Day)

CONTRACTOR: 1 - 6 musicians (incl. the Leader).....no contractor required
 7 - 14 musicians (incl. the Leader).....playing 200%
 7 - 14 musicians (incl. the Leader).....non-playing 150%
 15 musicians and up (incl. the Leader)...non-playing 200%

PREMIUM TIME SPAN: a) For all work performed beyond an eight (8) hour time spread in any day, between the hours of 8:00 AM and 12 midnight, payment shall be at the rate of time and one-half (150%) computed in 15 minute segments.

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PREMIUM TIME SPAN:

- b) For all work between 12 midnight and 8:00 AM payment shall be at the rate of time and one-half (150%) computed in 15 minute segments.
- c) For all work beyond an eight (8) hour time spread on any day between the hours of 12 midnight and 8:00 AM payment shall be at the rate of double time (200%) computed in 15 minute segments.

CARTAGE:

Harp, Electric Piano, Tympani - \$30.00
Other Instruments - \$12.00

- a) Whenever Producer requests a musician to bring a heavy instrument to a recording session, Producer shall specify method of transportation either by public carrier or private transportation. Public transportation shall be used if it is the only practicable manner of transportation. Producer shall have the option of designating the public carrier qualified to transport musical instruments. Producer shall pay the cartage bill of the designated carrier. If the musician chooses to use a carrier other than that designated by Producer, the Producer shall not be liable for a cartage bill greater than the rate charged by the designated carrier.

LATE PAYMENT PENALTIES:

Payment is due within 15 business days. The following late penalty schedule shall apply when payment is received:
5%.....on 1st - 5th business day after due date
7½%.....on 6th - 10th business day after due date
10%.....on 11th - 15th business day after due date
15%.....on 16th - 30th business day after due date
20%.....on 31st - 50th business day after due date
50%.....After 50th business day, with notice and 10% accruing penalties each 30 days thereafter.

BANK ACTS:

Under the Agreement we will be notified of all Bank Act sessions; they will be made only for a particular series; there must be a live orchestra on every show where Bank Acts are exhibited (unless waived by the Federation); musicians not working on a show on which Bank Acts are exhibited guaranteed air rate plus minimum rehearsal time and re-use percentage computed on air rate plus minimum rehearsal time. (On one-hour shows this would mean air rate plus 3 hour rehearsal.)

RUN OF SHOW GUARANTEE:

Musicians performing on a weekly variety show series guaranteed at least 13-week cycle if he/she performs on more than two (2) consecutive shows unless he/she fails to appear for a session.

RUN OF SHOW GUARANTEE:

Run of Show Guarantee will now apply to musicians working strip variety shows. The requirement for such protection will be one week of shows and the protection will be for 13 weeks. When such shows travel out to town those who may augment will not be covered and those at home who may not travel are protected when the show returns home.

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THEMES:

- a) Restricted to program openings and closings (no bridges or cues).
Limitation of 3 minutes of finished product.
- b) Basic scale for sidemusician, per 3 hour session:

| | | |
|-----------------------------------|---------------|---------------|
| <u>2/1/02</u> | <u>2/1/03</u> | <u>2/1/04</u> |
| \$233.00 | \$233.00 | \$237.65 |
| <u>Overtime per quarter hour:</u> | | |
| \$19.42 | \$19.42 | \$19.80 |
- c) For leaders and for contractors the minimum scale shall be as required under Paragraph A of Exhibit I of the Non-Standard Television (Pay-TV) Agreement. A single musician (other than rehearsal musician) shall receive an additional 25% of scale.
- d) Any generic or umbrella theme music used for promotional purposes shall be paid for in accordance with the provisions of the preceding paragraph, and limited in its use to a promotion of a program or a series of programs and may not be utilized for more than fifty-two (52) weeks.
- e) The amount of finished music product made in a theme session, including units of related overtime, cannot exceed three (3) minutes in length.
- f) The minimum scales shall be as provided in (b) above.
- g) Theme music may be utilized for 52 weeks on any program series.
- h) Theme music utilized beyond the cycle outlined in paragraph G above will require a 100% repayment to each musician, arranger, orchestrator and copyist involved in the original production.

CALLS:

- a) The contractor or leader shall be furnished with a rehearsal schedule at 24 hours before first rehearsal.
- b) Musicians will be notified prior to first day of rehearsal the starting and finishing time of each day's call.
- c) For specials (i.e. all shows other than strips or weekly series shows) - The starting time of a call for a day of air (live) or the last day of taping may not be changed (i.e., delayed or advanced) after 12 noon of the prior day, if the change is for more than two hours. On all other rehearsal days, no such change of more than two hours may be made prior to 12 noon of the second day.

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- d) For all strips and weekly series shows - The starting time of a call for a day of air (live) or the last day of taping may not be changed (i.e. delayed or advanced) after 6:00 PM of the prior day, if the change is for more than two hours. On all other rehearsal days, no such change of more than two hours may be made prior to 6:00 PM of the second prior day.
- e) If more than one hour (excluding a meal period of not more than 1 hour) elapses between the end of any session and the beginning of all following sessions on the same day a minimum of 2 hours will be guaranteed and paid for such latter sessions.

MEAL PERIOD
PENALTY:

ONE HOUR MEAL BREAK to be given before the conclusion of the sixth (6th) hour. Penalty at the applicable rehearsal rate as follows:

After 6 hours with no meal break = 2 hours at applicable rehearsal rate for first $\frac{1}{2}$ hour Plus $\frac{1}{2}$ hour at the straight rehearsal rate time for each additional $\frac{1}{2}$ hour delay.

REST PERIOD:

10 minutes per hour away from stand. No combination of more than two rest periods. No rest period will be given within first 30 minutes of commencement of session.

Except in taping live or airing live, a penalty of 50% of applicable rehearsal rate for period commencing when musicians were initially entitled to a rest period (i.e. after 2 hrs. in chair plus 5 minutes grace period) and continuing until musicians are released for required amount of time. Penalties imposed in 15 minute increments.

ELECTRONIC
INSTRUMENTS:

Not allowed to replace standard instruments. They may be used creatively to produce unusual sounds; they may not be used in a manner to displace sections of traditional musical instruments. Use may only be with prior approval of the President's office at the Federation.

USE OF
INCOMPLETE
RECORD TRACKS:

- a) Incomplete phonograph tracks cannot be used except by prior permission of the Federation.
- b) Where such permission is given to use incomplete tracks in situations not involving self-contained groups the following payments will be required:
 - (1) to the recording and music preparation musicians who made the original record, the air rate plus minimum guaranteed rehearsal;
 - (2) to the "in studio" orchestras, an additional two hours rehearsal pay for the first track used and one hour for each additional track.

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- c) Where a self-contained group uses a track which contains musicians other than the group itself, payments in accordance with subparagraph (b) shall be made except that the group itself shall be treated under subparagraph (a).
- d) Music Preparation people will be included in payments to phonograph record musicians when their incomplete tracks are utilized in television videotape production.

Exemption:

Certain self-contained groups who desire to use the incomplete track, but only in such instances when the only music on the track is that performed solely by the members of the self-contained group. (When additional musicians are used on the phonograph records, the above additional payments will be made to those additional musicians and the musicians on the television program.)

USE OF PRE-RECORDING ON LOCATION:

Whenever pre-recordings are used on location, members of the orchestra making the pre-recordings will be paid 4 hours rehearsal pay for each day of such use. The companies are to furnish contractors with the on-location production schedule.

If a commercial phonograph record is used in the studio at rehearsals of a program, the instrumentalists and leaders employed hereunder for such program shall be deemed present at such rehearsals and shall be paid in accordance with the applicable scale and conditions prescribed by this agreement during such rehearsals while such phonograph records are in use, without being required to perform other services during such period.

USE OF MUSIC IN NEWS AND MAGAZINE PROGRAMS:

- a) The companies must give the Federation prior notice of any recordings scheduled to take place for magazine shows and may not tape complete performances.
- b) Such use can only be employed with the picture with which it was originally scored.
- c) Total music in any one segment not to exceed 2 minutes. If more than 2 minutes used, the half-hour other program air rate shall be paid to the musicians.
- d) In the event the music is not directly related to the story being covered or is part of the general background, payment will not be required.
- e) When the music is part of an event such as a parade, sport presentation of other public spectacle, payment will also not be required.
- f) In respect to the use of musical performers, the parties will, as in the past, deal with these on a case-by-case basis.

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USE OF
EXCERPTS:

- a) Advance notice, where feasible, of the contemplated use of excerpts (clips) will be given to the Federation.
- b) Use of excerpts (clips) containing music taken from television programs or motion picture films will require a payment to all rendering a musical service on the original production equal to the Variety Show air rate of the program in which the excerpt (clip) is being utilized. There will be a minimum payment at the one hour variety show air rate and a maximum payment at the two hour variety show air rate.
- c) When the excerpts (clips) are utilized in a Strip Variety Program "Anniversary Show," the payment will be equal to the one and one-half hour Strip Variety Program air rate.
- d) When the excerpt (clip) consists of a complete production number, the payment shall be that of the minimum guarantee for the program in which the clip is utilized (air rate plus guaranteed rehearsal hours), with a maximum payment equal to a two-hour program.
- e) The foregoing does not apply to compilation programs (programs consisting entirely of excerpts (clips)). In such instances separate agreements will be made with the Federation.

SPLITTING OF
THE ORCHESTRA:

The company will not be permitted to split an orchestra engaged for any program produced under the terms of this agreement except as follows:

- a) Guest conductors.
- b) Featured instrumentalist (not to exceed 3 accompanying guest artists).
- c) Self-contained groups.
- d) Orchestras from a city other than that from where the program is being produced when called upon to perform for a single segment production number.
- e) Instrumentalists called to augment the basic orchestra as required by program featured artists.

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INITIAL USE:
(Play dates) Employer will be permitted to exhibit a program produced under the terms of this Agreement on Non-Standard Television on eight (8) play dates within six (6) consecutive months after the first initial use in each market.

RE-USE
FORMULA: Re-use periods shall each consist of twelve consecutive months during which seven additional play dates shall be permitted upon payment of the percentages listed below.

| <u>RUN</u> | <u>PERCENTAGE</u> |
|------------------|-------------------|
| 2nd | 75 |
| 3rd | 75 |
| 4th - 6th | 50 each |
| 7th | 10 |
| 8th + additional | 5 each |

See Agreement for further specific information.

OPTIONS: Employer shall have the following options, provided that payment is made at time of original session payment:

Option I - fifteen play dates within eighteen months, starting with the first initial use, by paying 50% additional over and above the scale wages to the musicians.

Option II - twenty play dates within two years, starting with the first initial use, by paying 75% additional over and above the scale wages to the musicians.

Option III - thirty play dates within three years, starting with the first initial use, by paying 150% additional over and above the scale wages to the musicians.

For the purpose of this agreement the term "play dates" is deemed to mean any consecutive twenty-four hour period during which any applicable program is exhibited one or more times in each market.

MOTION PICTURES, EPISODIC, DRAMATIC & NON-DRAMATIC PROGRAMS

With respect to the production of Episodic, dramatic, and non-dramatic (e.g. situation comedies and cartoons) series or programs and feature motion pictures, all terms and conditions of the American Federation of Musicians current Television Film Labor Agreement will apply.