

MOTION PICTURE INDUSTRY PENSION AND HEALTH PLANS  
RESOLUTION REGARDING

**MPI PLANS AS HOME PLAN**

WHEREAS, the Directors previously permitted side agreements that provide for contributions that would normally be due other pension and health plans (the "Away Plans") to be remitted instead to the Motion Picture Industry Pension and Health Plans (the "MPI Plans" or alternatively, the "Home Plan"); and

WHEREAS, effective March 31, 2014 the Directors prospectively terminated the use of side agreements that provide for contributions that would normally be due to the Away Plans to be remitted instead to the MPI Plans, provided however that new side agreements for those participants for whom such contributions were being made prior to March 31, 2014 would continue to be permitted. Said participants who participated prior to March 31, 2014 are hereinafter referred to "Grandfathered Home Plan Participant(s)" or "Employee"; and

WHEREAS, the Directors have previously determined that a Grandfathered Home Plan Participant shall forfeit his/her right to use side agreements that provide for contributions that would normally be due to the Away Plans to be remitted instead to the MPI Plans if said Grandfathered Home Plan Participant moves back to and becomes a resident of the Los Angeles area.

WHEREAS, the Directors are desirous of restating the current policies in a consolidated document; and

WHEREAS, in the best interests of the MPI Plans and its Participants, the Directors desire to establish certain approval criteria with regard to such Away Plans;

NOW, THEREFORE, effective March 31, 2014, it is resolved as follows:

1. Sideletters that provide that contributions by an employer on behalf of an employee that would normally be due the Away Plans will instead be made to the MPI Plans will only be considered for approval by the Legal Committee for Grandfathered Home Plan Participants pursuant to the following guidelines:
  - a. The Away Plans must be IATSE plans in which the employee would otherwise participate and which have a reciprocal agreement with the MPI Plans which allows contributions to be made pursuant to this resolution.
  - b. The sideletter will apply only to employee(s) in such circumstances and not to an entire crew, or significant portion thereof.
  - c. The sideletter must specify the name of the employer, the production company, and the production on which the employee is employed and for which contributions will be remitted to the MPI Plans.
  - d. The sideletter must provide that:
    - i. contributions to the MPI Plans are made at the rates set forth in the respective MPI Plans that apply to employees covered by the Producer-IATSE Basic Agreement; and
    - ii. contributions are made for each work hour guaranteed Employee by such Employer or each hour worked by Employee for such Employer under the terms of the applicable collective bargaining agreement, whichever is greater, including straight time and overtime hours on any day worked; and



- iii. contributions are due to the MPI Plans from the first day the Employee performs covered work on the specified production through and including the last such day, including pre-and post-production covered work; and
  - iv. the compensation-based portion of the contribution to the Individual Account Plan will be based upon the scale minimum rate for the Employee's classification set forth in the applicable West Coast Studio Local Agreement.
  - e. The sideletter must establish that the provisions contained therein are limited to hourly and compensation-based contributions only and that participation of Employee in the MPI Plans will be ignored for purposes of Employer's obligations, if any, with respect to the Post '60 and Supplemental Markets provisions. Notwithstanding the foregoing, neither the execution, acceptance nor approval of the sideletter shall release the Employer from any obligations with respect to Supplemental Markets or Post '60s payments, in the event it is later determined by the MPI Plans that the employment to be covered under the sideletter was under a collective bargaining agreement requiring such payments.
  - f. The sideletter must relate to all three MPI Plans.
  - g. The sideletter, in a form attached hereto as Exhibit I, must be executed by the:
    - i. Employer, and
    - ii. Employee, and
    - iii. IATSE
2. The Employer must meet the following requirements:
- i. be signatory to a collective bargaining agreement requiring contributions to the Away Plan,
  - ii. submit a properly executed, full copy of the applicable collective bargaining agreement,
  - iii. be a party to the MPI Plans and executed a Trust Acceptance, in addition to any other documents the MPI Plans may require.
3. The Away Local will be considered a Union party to the MPI Plans solely for the limited purpose of this Resolution. The Away Local must be located within the United States.
4. In addition to the foregoing, Employee(s) covered by such sideletter must meet the following conditions:
- a. The Employee must be employed in a classification covered by the IATSE Basic Agreement, the Local 52 Majors Agreement or the Local 161 Majors Agreement;
  - b. It shall be the Employee's responsibility, sufficiently in advance of the date on which the Employer must first make pension, health and IAP contributions on behalf of the Employee, to:
    - (1) provide to the Employer sufficient and appropriate evidence that the Employee is 100% vested in the Motion Picture Industry Pension Plan; and
    - (2) complete and return to the Employer a document in the form of Exhibit I attached hereto, "Standard Sideletter Regarding MPI Plans Participation and IAP Percent Contribution Election Form," which is signed by the Employee;
  - c. Participate in only the Motion Picture Industry Plans during the course of the production to which the sideletter applies; and
  - d. The Employee must not be a Controlling Employee of the Employer as that term is defined in the MPI Plans.

- c. If a Grandfathered Home Plan Participant relocates to the Los Angeles area, becoming a Los Angeles resident, the Grandfathered Home Plan Participant will permanently cease to be eligible to participate in the MPI Plans under a side agreement that provides for contributions that would normally be due to Away Plans to be remitted instead to the MPI Plans. Said employee will not be reinstated to Grandfathered Home Plan Participant status if said Employee thereafter establishes residence outside the Los Angeles area.
- f. **The Employee must provide a signed, written statement setting forth their address, attesting that it is their principal residence and further attesting that they were not hired in Los Angeles County, California. Intentionally providing false information may result in the Employee's loss of benefits and the recoupment of any benefits paid by the MPIPHP to or on the behalf of the Employee. Intentionally providing false information may also impact the Employee's ability to participate in the Plans in the future.**

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