

From the SAG Aftra Collective Bargaining Agreement- Theatrical Agreement

Legend of color coded information:

Fittings

Loss and Damage

Dressing rooms

Cleaning

Reimbursements

Page 192-

The mere fact that a dressing room is furnished the performer, to which he is not directed to report, is not a designation of a place for preparation. In the case of wardrobe, for this Section to apply, the performer must be either allowed to take home the wardrobe or must be furnished a dressing room and the wardrobe must be available to the performer in the dressing room. Any call by the Producer for make-up, hairdress or wardrobe is a call to work and not within the exception made within this Section.

Page 199 –

16. FITTINGS, WARDROBE TESTS, MAKE-UP TESTS

A. Time spent by a day performer in fitting shall be paid for as follows:

(1) Fittings on the same day that the performer works:

(a) Time spent in such fittings shall be work time and part of the performer's continuous day.

(b) There shall be a voucher provided at all wardrobe fittings to be signed by the performer indicating time in and time out.

(2) Fittings on a day prior to work:

When a day performer is fitted on a day prior to the day on which he works, he shall be entitled to one (1) hour minimum pay for each call. Additional time shall be paid for in fifteen (15) minute units.

Day performers receiving over \$1,000 per day shall not be entitled to any compensation for such fittings.

(3) Performer fitted and not used:

If the day performer is fitted and not used in the picture for which he was fitted, he shall be entitled to one (1) day's pay; such performer shall not be entitled to any further compensation.

B. Wardrobe Tests and Make-up Tests

(1) If a performer is given a make-up or wardrobe test and not used in the photoplay for which he was tested, he shall receive one-half (1/2) day of pay for each day on which he is given such tests.

(2) If a performer is given a make-up or wardrobe test and is used in the picture for which he was tested, he shall be paid as follows:

(a) Tests on the same day that the performer works:

Time spent in such tests shall be work time and part of the performer's continuous day, the same as fittings, and to the extent that overtime is caused by such tests, overtime shall be paid in accordance with Section 9 hereof.

(b)Tests on day prior to work:

When a day performer is given a make-up or wardrobe test on a day prior to the day on which he works, he shall be entitled to one (1) hour minimum pay for each call. Additional time shall be paid for in fifteen (15) minute units. Day performers receiving over \$1,000 per day with respect to services rendered on and after July 1, 2005 shall not be entitled to any compensation for such tests.

Page 253-

16.
MAKE-UP, HAIRDRESS, WARDROBE

A.

The Producer may require any performer to report made up, with hairdress and in wardrobe, without assistance from the Producer and, in such case, any time spent by the performer therein prior to the performer's first call shall not be work time for any purpose, but the Producer may not have the performer do any such preparation at any place designated by the Producer.

Any performer to whom Producer supplies the services of a make-up artist for make-up, or hairdresser for hairdressing, shall be considered to have a call for make-up or hairdress, as the case may be, and the time so spent shall be work time.

The mere fact that a dressing room is furnished the performer, to which he is not directed to report, is not a designation of a place for preparation. In the case of wardrobe, for this paragraph to apply, the performer either must be allowed to take home the wardrobe or must be furnished a dressing room and the wardrobe must be available to the performer in the dressing room. Any call by the Producer for make-up, hairdress or wardrobe is a call to work and not within the exception made within this subsection.

B.

When the performer has reported pursuant to the direction of Producer for make-up, hairdress, wardrobe or fittings, the time so spent shall be work time. When other than ordinary make-up, hairdress or wardrobe requires assistance in the removal thereof, such removal time shall be work time. When performer is not otherwise on compensable work time, performer shall be compensated for up to fifteen (15) minutes of time spent in the removal of ordinary make-up, hairdress or wardrobe at the applicable overtime rate. Such compensation shall be based on actual time and shall not trigger additional hourly increments of pay. Such removal time shall not be considered in computing rest period violations or other premiums or penalties.

Schedule B

D.

When performer supplies his or her own wardrobe at the request of Producer, Producer shall pay, as a cleaning allowance and reimbursement, the following amounts:

Formal wear - \$17.00

All other wardrobe (per outfit) - \$11.50

Payment of the foregoing cleaning allowance and reimbursement shall be made at the same time as payment for performer's services for such week and shall be separately identified.

Such wardrobe allowance shall be paid to performer for each workweek in which the performer is employed on the production.

Wardrobe supplied by the performer, which is damaged in the course of employment, shall either be repaired by Producer, or repaired at the expense of Producer at the facilities designated by Producer, provided that notice of such damage is given to Producer prior to the termination of the Performer's employment.

Producer will supply performer with a copy of a wardrobe allowance voucher indicating the number of outfits provided to Producer, which voucher shall be supplied by the end of the week.

E. There shall be a voucher provided at all wardrobe fittings to be signed by the performer indicating time in and time out.

- 259 -

Schedule B

20.

WARDROBE FITTINGS

A. Time spent by a freelance performer in fitting shall be paid for as follows:

(1) Fittings on the same day that the performer works:

Time spent in such fittings shall be work time and part of the performer's continuous day, the same as wardrobe, and to the extent that overtime is caused by such fittings, overtime shall be paid.

(2) Fittings on a day prior to work:

The Producer shall be entitled to not more than four (4) hours free fitting time on two (2) days for each week worked in the picture. Excess time shall be paid for at the salary rate specified in the performer's contract and shall be computed as follows: Initial call shall be for a minimum of one (1) hour; time over one (1) hour on such call shall be computed in fifteen minute (15) units. Excess time, if any, shall be paid for at the end of the performer's engagement.

(3) A freelance performer who is fitted, but not offered a written contract of employment for the role in the picture for which he was fitted at his prior agreed salary, (or, if there has been no agreement, at his usual salary), shall receive one (1) day of pay for each day on which he was fitted. If there has been no agreed salary before the fitting, and if the performer and Producer cannot agree, the salary rate at which he shall receive the day of pay shall be determined by conciliation and, if conciliation fails, by arbitration; but in no event shall the day of pay be in excess of the applicable day performer minimum. The provisions of this Section shall not apply to fittings for tests, auditions or interviews.

B. Fittings, after employment but before the starting date of such employment, shall not start the consecutive days of employment of a freelance performer.

C. There shall be a voucher provided at all wardrobe fittings to be signed by the performer indicating time in and time out.

34.

DAMAGE TO WARDROBE

Any loss of or damage to costumes, wardrobe and other property furnished by the performer necessarily arising through the performance of the performer's services, or through lack of due care on the part of the producer, shall be paid for by the Producer to the performer. All costumes, wardrobe and other property furnished by the Producer shall belong to the Producer and be returned promptly to it, and any loss of or damage thereto arising through lack of due care on the part of the performer, or not necessarily arising through the performance of the performer's services, shall be paid for by the performer to the Producer.

Any loss of or damage to wardrobe, for which either party hereto may be liable, shall be computed on the basis of depreciation schedules to be furnished from time to time by the American Appraisal Company

- 269 -

Schedule B

WARDROBE ALLOWANCE

- When a background actor reports in the specified wardrobe and in addition brings one (1) or more complete changes of wardrobe as requested by the Producer, excluding the types of wardrobe described in subparagraph (b), he shall be entitled to an allowance of \$9.00 per day for the first such change and \$6.25 per day for each additional change, whether utilized or not, during the term of this Agreement; provided, however, that such allowance shall not be applicable to wardrobe furnished for and used on an overnight location.
- A general background actor who is required to and does furnish formal attire, a fur, a national dress costume, a white Palm Beach or tropical suit, a uniform (other than a police uniform) or period wardrobe, at the request of the Producer, shall be paid an allowance of \$18.00 per day for the maintenance of each such type of wardrobe. Any general background actor who is required to and does furnish a police uniform at the request of the Producer shall be paid an allowance of \$36.00 per day for the maintenance of such uniform.
- Producer may not require a background actor to leave personal wardrobe with Producer overnight or longer. However, should the background actor agree, then the applicable daily allowance shall be paid as long as said wardrobe is so held. Additional permission must also be obtained in advance as well as additional fees negotiated if the wardrobe is to be used by another person.

- 601 -

Schedule X - Part I

- Costumes or clothing supplied by Producer shall be cleaned after previous use when delivered to the background actor and cleaned thereafter whenever necessary. No

background actor shall be required to wear any clothing that has been worn by another performer or background actor until such clothing has been cleaned by Producer. The foregoing does not apply when clothing merely has been tried on by another performer or background actor.

11.

WARDROBE REMOVAL

A background actor shall be dismissed as soon as wardrobe or property has been turned in. Whenever a background actor turns in wardrobe or property on time for which he is not otherwise compensated, he shall be paid for such time on the basis of time-and-one-half (1½) his regular hourly rate for that day after eight (8) hours worked and double his regular hourly rate for that day after ten (10) hours worked, computed in units of one-tenth (1/10) hours. The words "wardrobe furnished" shall be stamped on the background actor's voucher whenever this is the case. When a background actor utilizes public transportation and so notifies the Producer or its authorized hiring agent in advance, such background actor will not be required to report or be dismissed in dress, period or other extraordinary and unique wardrobe. When out-of-season wardrobe is required, Producer shall provide a private place for background actors to change clothes.

12.

DAMAGE TO OR LOSS OF WARDROBE OR PROPERTY

If any wardrobe or property, personally owned by a background actor, is damaged or lost in the course of his employment, the Producer shall compensate him therefor within two (2) weeks from appropriate verification. Claims for damage to or loss of such wardrobe or property must be filed before the background actor leaves the set on the day on which the loss/damage occurred. The Producer shall furnish a claim form to the background actor to complete, which shall be countersigned by the Producer and a copy thereof furnished to the background actor prior to his departure for the day.

- 602 -

Schedule X - Part I

13.

COSTUME FITTINGS

Background actors fitted at a place designated by the Producer shall be paid as follows:

- (a) if on a day prior to the work call, a quarter-check for two (2) hours of time; additional time shall be paid for at the hourly rate in units of thirty (30) minutes.
- (b) if the fitting call is on the same day as the work call, straight time computed in units of thirty (30) minutes; provided, however, if on the same day four (4) hours or more intervene between the work call and the fitting, payment shall be made as though the fitting occurred on a day prior. If less time than four (4) hours intervenes from the termination of the fitting to time of work call, all intervening time is work time.
- (c) When Producer requires a background actor to bring wardrobe, personal accessories, pets, automobiles, etc., to a costume fitting, the background actor shall be compensated at

one-half (½) the applicable daily allowance for such item(s). A background actor who has been fitted shall be paid not less than a full day of agreed wages if not given employment in the production for which the background actor was fitted. The rate of fittings shall be based on the classification in which the background actor is employed on his first day of employment on which he is required to wear the costume for which he is so fitted.

WARDROBE ALLOWANCE

A.

When a background actor reports in the specified wardrobe and, in addition, brings one or more complete changes of wardrobe as requested by the Producer, excluding the types of wardrobe described in subparagraph B., he shall be entitled to an allowance of \$9.00 per day for the first such change and \$6.25 per day for each additional change, whether utilized or not; provided, however, that such allowance shall not be applicable to wardrobe furnished for and used on an overnight location.

B. A general background actor who is required to and does furnish formal attire, a fur, a national dress costume, a white Palm Beach or tropical suit, a uniform (other than a police uniform) or period wardrobe, at the request of the Producer, shall be paid an allowance of \$18.00 per day for the maintenance of each such type of wardrobe. Any general background actor who is required to and does furnish a police uniform at the request of the Producer shall be paid an allowance of \$36.00 per day for the maintenance of such uniform.

- 670 -

Schedule X, Part II

C.

Producer may not require a background actor to leave personal wardrobe with Producer overnight or longer. However, should background actor agree, then the applicable daily allowance shall be paid as long as said wardrobe is so held. Additional permission must also be obtained in advance as well as additional fees negotiated if the wardrobe is to be used by another person.

D.

Costumes or clothing supplied by Producer shall be cleaned after previous use when delivered to the background actor and cleaned thereafter whenever necessary. No background actor shall be required to wear any clothing that has been worn by another performer until such clothing has been cleaned by Producer. The foregoing shall not apply when clothing merely has been tried on by another performer or background actor.

11.

WARDROBE REMOVAL

A background actor shall be dismissed as soon as wardrobe or property has been turned in. Whenever a background actor turns in wardrobe or property on time for which he is not

otherwise compensated, he shall be paid for such time on the basis of time and one-half (1½) his regular hourly rate for that day after eight (8) hours worked and double time his regular hourly rate for that day after ten (10) hours worked, computed in units of one-tenth (1/10) hours. The words "wardrobe furnished" shall be stamped on the background actor's voucher whenever this is the case.

When a background actor utilizes public transportation, such background actor will not be required to report or be dismissed in dress, period or other extraordinary and unique wardrobe. When out-of-season wardrobe is required, Producer shall provide a private place for background actors to change clothes.

12.

DAMAGE TO OR LOSS OF WARDROBE OR PROPERTY

If any wardrobe or property, personally owned by a background actor, is damaged or lost in the course of his employment, the Producer shall compensate him therefor within two (2) weeks from appropriate verification.

- 671 -

Schedule X, Part II

Claims for damage to or loss of such wardrobe or property must be filed before the background actor leaves the set on the day on which the loss/damage occurred. The Producer shall furnish a claim form to the background actor to complete, which shall be countersigned by the Producer and a copy thereof furnished to the background actor prior to his departure for the day.

13.

COSTUME FITTINGS

Background actors fitted at a place designated by the Producer shall be paid as follows:

A.

If on a day prior to the work call, a quarter check for two (2) hours' time; additional time shall be paid for at the hourly rate in units of thirty (30) minutes.

B.

If the fitting call is on the same day as the work call, straight time computed in units of thirty (30) minutes; provided, however, if on the same day four (4) hours or more intervene between the work call and the fitting, payment shall be made as though the fitting occurred on a day prior. If less time than four (4) hours intervenes from the termination of the fitting to time of work call, all intervening time is work time.

C.

When Producer requires a background actor to bring wardrobe, personal accessories, pets, automobiles, etc., to a costume fitting, the background actor shall be compensated at one-half (½) the applicable daily allowance for such item(s). A background actor who has been fitted shall be paid not less than a full day's agreed wages if not given employment in the production for which the background actor was fitted. The rate of fittings shall be based on the classification in which the background actor is employed on his first day of employment on which he is required to wear the costume for which he is so fitted.