



Producer-Writers Guild of America Pension Plan Writers' Guild-Industry Health Fund



Gregory L. Sulier, Chief Executive Officer

TO: PARTICIPATING COMPANIES THAT ARE OR WILL BECOME SIGNATORY TO THE WGA 2011 THEATRICAL AND TELEVISION MINIMUM BASIC AGREEMENT

**RE: PRODUCER-WRITERS GUILD OF AMERICA PENSION PLAN
WRITERS' GUILD-INDUSTRY HEALTH FUND**

On May 2, 2012, we will enter the second period of the 2011 Minimum Basic Agreement (MBA).

- 2nd period May 2, 2012 through May 1, 2013
- 3rd period May 2, 2013 through May 1, 2014

Minimums, including theatrical, network prime time, other than network prime time and daytime serial script fees will increase **1.75%** per year, compounded.

PENSION PLAN

The signatory Employer is required to contribute to the Plan an amount equal to **7.75%*** of all "gross compensation" (as that term is defined in Article 17 of the MBA) earned, paid, or due to writers. This rate is applicable to week-to-week and term reportable amounts as well as flat-deal contracts dated 5/2/12 or later. Optional services are reportable at the rate and ceiling in effect on the date the optional service is exercised (default to pay date if unknown). **The rate for pilots and the first season of a new one-hour series will increase to 6.25%.**

**In each of the 2nd and 3rd periods of the contract, the Guild will have the sole discretion to divert 0.25% from minimums to the Pension Plan. The Guild exercised this option effective May 2, 2012. The compensation minimum increase of 2% is reduced to 1.75%. The .25% is added to the pension contribution rate.*

The Employer must identify contributions related to pilots and the first season of a new one-hour series using either:

- the Project Type field on the Report of Contributions (Field 19)** using either code PILOT or NEW, as appropriate (whether submitted manually or electronically)
- Some other notification (e.g., email or correspondence) which accompanies the check or Report of Contributions (ROC) and clearly indicates the line items on the ROC which are exceptions from the 7.75% rate.

Failure to comply with this procedure will result in the Employer being charged interest on the delinquent 1.75% contribution.

*** See Contribution Reporting Guide. If you need a copy, please contact Employer Compliance at employercompliance@wgaplans.org.*

For flat-deal contracts dated on or after February 13, 2008, the reportable ceiling for theatrical motion pictures and long-form television motion pictures and multi-part, closed-end series (MOW's, mini-series), which are 120 minutes or more in length, remains at **\$225,000** for a single writer or *bona fide* team of two writers or **\$450,000** for a team of three writers. Theatrical residuals are not reportable.

HEALTH FUND

The signatory employer is required to contribute to the Health Fund an amount equal to **8.5%*** of all "gross compensation" (as that term is defined in Article 17 of the MBA) earned, paid, or due to writers for guaranteed flat-deal writing services covered under the terms of a WGA Collective Bargaining Agreement, provided the writer's employment contract is dated on or after November 1, 2004 or is employed on a week-to-week or term deal. Optional services are reportable at the rate and ceiling in effect on the date the optional service is exercised (default to pay date if unknown).

For flat-deal contracts dated on or after February 13, 2008, the reportable ceiling for long form television motion pictures and multi-part, closed-end series (MOW's, mini-series), which are 120 minutes or more in length, remains at **\$250,000** for a single writer or *bona fide* team of two writers or **\$500,000** for a team of three (3) writers. The Health Fund reportable ceiling for theatrical motion pictures remains at \$250,000 for contracts dated on or after November 1, 2004. Theatrical residuals are not reportable.

**In the 2nd and/or 3rd periods of the contract, the Trustees may agree to increase or reduce the Health Fund contribution rate by up to 0.5%, in increments of not less than one-quarter (0.25%), by reducing or increasing minimums a corresponding percentage if they determine that additional contributions are needed/not needed to maintain the level of benefits in existence on May 1, 2011.*

TELEVISION REPORTING LIMITS (does not apply to MOW, mini-series as shown above)

Contributions are due and payable on **the greater of** (i) the aggregate of 2 ½ times the applicable minimum as set forth in the MBA, or (ii) the initial compensation agreed upon in the individual employment contract. The applicable minimum is the "Other than Network Prime Time" rate for the services being rendered. (See Article 13.B.7. of the MBA). Residuals are reportable up to the ceiling per project. Supplemental market residuals are not reportable unless the project was originally made for a Supplemental Market.

RATES AND CEILINGS

Guaranteed flat-deal employment (screenplays, episodic scripts, MOW's, etc.) is reportable at the contribution rate and ceiling in effect on the writer's contract date. **Optional services** are reportable at the contribution rate and ceiling in effect on the date the optional service is exercised (default to pay date if actual date is unknown).

WEEKLY AND TERM EMPLOYMENT

The Health Fund contribution rate payable on week-to-week and term employment is the rate in effect during the work week (see charts below for Article 14.K. “Writers Employed in Additional Capacities” a/k/a Writer-Producers/Showrunners/Hyphenates and Article 14.E.2. “Additional Capacity Television Development Writers”).

| ARTICLE 14.K. – 20 or more weeks | Weekly Reportable Pension and Health Amount | Pension Plan Rate | Health Fund Rate |
|---|--|--------------------------|-------------------------|
| May 2, 2011 – May 1, 2012 | \$5,830 | 7.5% | 8.5% |
| May 2, 2012 – May 1, 2013 | \$5,932 | 7.75% | 8.5% |
| May 2, 2013 – May 1, 2014 | \$6,051* | 7.75%* | 8.5%* |

*Subject to change

| ARTICLE 14.E.2. – Additional Capacity Television Development Writers | Weekly Pension Reportable (\$250,000/year) Effective 5/2/11 | Weekly Health Reportable (\$250,000/year) | Pension Plan Rate Effective 5/2/11 | Health Fund Rate |
|---|--|--|---|-------------------------|
| May 2, 2011 – May 1, 2012 | \$4,807.69 | \$4,807.69 | 7.5% | 8.5% |
| May 2, 2012 – May 1, 2013 | \$4,807.69 | \$4,807.69 | 7.75% | 8.5% |
| May 2, 2013 – May 1, 2014 | \$4,807.69 | \$4,807.69 | 7.75%* | 8.5%* |

*Subject to change

SIDELETTER TO ARTICLE 14.E.2.

When a writer is employed under a development deal as stated in Article 14.E.2. and, under the same contract, is employed to perform Article 14.K. services on a series for which the writer receives additional money which is not creditable, contributions shall be payable as set forth in Article 14.E.2. for the full term of employment and shall be paid on the non-creditable Article 14.K. services, except for those periods of time when the writer is not performing development services and is receiving Article 14.K. compensation on the series outside of the Article 14.E.2. guarantee (a/k/a fresh cash). In that case, contributions shall be payable on the non-creditable Article 14.K. minimum, script fees, program fees and on 50% of the amount otherwise due under Article 14.E.2.

WHEN IS COMPENSATION REPORTABLE

Generally, **the writer’s initial compensation is reportable in the month in which it is earned, not the month in which it is paid.** Residuals are reportable in the month in which the program re-airst, default to the month paid if air date unknown or not applicable. **Salary advances are reportable when the writer is paid.** The Trusts will not bill for contributions unless we discover a delinquency. It is the responsibility of the Signatory Employer to make contributions in a timely manner. Please note that under ERISA, the Trusts are required to charge interest on delinquent contributions.

PURCHASE OF LITERARY MATERIAL - IRC Section 401(a)(17)

Compensation for the purchase of literary material from a “professional writer” is reportable up to the IRS limit (\$245,000, effective 1/1/09) if the same writer is also hired to perform additional writing services such as a rewrite or polish on the project. Compensation for the purchase and hired services are reportable up to the ceiling per project.

NOT REPORTABLE

Options, clips, royalties, character payments, separated rights, interest, late fees, expenses, publication fees, trainee salary.

REPORTABLE

Story Editors, regardless of title (e.g. Story Supervisor, Creative Consultant, etc.) are 100% reportable.

Please contact the Trusts for more information.

BONUS

A bonus is reportable up to the ceiling per project (ceiling determined by writer’s contract date).

TEAMS

A *bona fide* two person writing team usually shares the compensation and ceiling equally. An unequal division of compensation requires the approval of the Writers Guild of America. The percentage of compensation paid to each writer will determine the allocation of the ceiling. For example, if a writer earns 75% of the reportable compensation, he/she is reported on 75% of the ceiling. A *bona fide* team of two writers is considered one writer for the ceiling calculation.

MEMBERSHIP

Membership in the Guild is not required for compensation to be subject to contributions. Because we are a Taft-Hartley Trust Fund, any writer performing covered services for a signatory employer is reportable. Please contact the Guild for more information if your writer is performing services outside the United States.

SERIALS COVERED UNDER ARTICLE 13.B.5. OF APPENDIX A

For serials covered under Article 13.B.5. of Appendix A, the reportable ceiling for a single writer or *bona fide* team of 2 writers per Company per calendar year is \$350,000 or \$700,000 per Company per calendar year for a team of three (3) writers.

Please contact the Contribution Processing Department for information regarding electronic submission of your Report of Contributions at (818) 846-1015, press “3”, then “2” when prompted or at contributions@wgaplans.org.

You can obtain a copy of the reporting rules and report of contributions on the Contributions tab at www.wgaplans.org.

If you have any questions, please feel free to contact the Administrative Office at (818) 846-1015, press “3”, then “1” when prompted or at employercompliance@wgaplans.org.

Your call may be monitored for quality assurance.
Thank you.