



**Fund**

## **Form LS-1 Questions & Answers**

### **Q&A 1: What is the Form LS-1?**

This form permits a “casual employer” (for a single engagement) or someone designated by the employer to pay pension contributions for musicians for a live performance. If no pension is to be paid the parties may use AFM Form L-1 (local engagements), Form L-2 (local engagements with no dispute resolution clause), or Form T-2 (traveling engagements). The Form LS-1 may not be used for recording work or for work in Canada. Contributions may not be made on wages paid for instrument repair or services as a music teacher.

### **Q&A 2: What is considered a single engagement?**

A single engagement is an engagement occurring on a single date. A single engagement may also include engagements occurring on more than one date, but only if *all* of the following 3 requirements are met:

- All of the engagements are at the same venue, *and*
- All of the engagements occur within a 31-day time period, *and*
- All of the engagements are reported to the AFM-EPF on one Form LS-1 remittance form, accompanied by a single contribution payment for all of the engagements.

### **Q&A 3: What is “Pensionable Compensation” as set forth in the Form LS-1?**

Pensionable compensation is all compensation on which pension is based, which must be at least the minimum scale wages required under the Bylaws of the AFM Local in whose jurisdiction the engagement takes place.

### **Q&A 4: What is the required pension contribution?**

The required pension contribution is the amount required under the Bylaws of the AFM Local in whose jurisdiction the engagement takes place, plus an additional amount required under the Fund’s Rehabilitation Plan (more details about the Rehabilitation Plan can be found at [we will try to provide direct link at this spot] ). If there is no required amount, the amount is anywhere from 4% to 15% plus the additional amount required under the Fund’s Rehabilitation Plan. The Form LS-1 shows the additional amount and the total amount for each contribution percentage from 4% - 15% (the minimum and maximum permitted under the Form LS-1).

### **Q&A 5: Do all Locals use the Form LS-1?**

All Locals use the Form LS-1 except for Local 802 (New York), Local 369 (Las Vegas) and Local 72-147 (Dallas). These Locals use a substitute form that has been approved by the AFM-EPF for live performances in their jurisdictions,

### **Q&A 6: What is the difference between the Form LS-1 and the AFM-EPF Participation Agreement?**

Either a Form LS-1 *or* an AFM-EPF Participation Agreement (with or without an underlying collective bargaining agreement) may be used to pay contributions on single engagements when signed by the employer and the Local. There are two main differences between the Form LS-1 and the Participation Agreement:

- The Participation Agreement covers *only* pension contributions. The Form LS-1 also sets forth wages for the engagement, which avoids the necessity for the parties to negotiate a second agreement to cover wages.

- The Form LS-1 may be used only for single engagements, including engagements of up to 31 days under the terms and conditions described in Q&A 2 above. A Participation Agreement may be used for any engagement, including long-term engagements of up to four years.

**Q&A 7: What if there are terms of the engagement that are not covered by the Form LS-1?**

If there are other terms and conditions of the engagement not covered by the Form LS-1, the parties should execute another agreement covering those other terms and conditions (such as a Form L-1, Form L-2, Form T-2 or a "custom-made" agreement). The other agreement should not include any provisions relating to scale wages or pension contributions. If it does contain any such provisions, they will be invalid to the extent they are inconsistent with any provisions of the Form LS-1.

**Q&A 8: Can contributions be made on behalf of the owner?**

Contributions can be made on behalf of an owner or part-owner only if the employer is a corporation or a limited liability company ("LLC"). This rule applies whether contributions are made directly by the employer or by a designated third party (See Q&A 9).

**Q&A 9: May the employer designate a third party to pay pension contributions to the AFM-EPF?**

The entity listed as the employer on the Form LS-1 may designate another entity (such as a payroll company or the band leader) to make the pension contribution on its behalf, and reimburse the third party for the contribution. This designation does not relieve the employer from any of its obligations to the AFM-EPF. For example, the employer remains responsible to make the contribution to the AFM-EPF if the third party fails to do so. See Q&A 8 above for the rule concerning contributions made on behalf of the owner.

**Q&A 10: Which Local signs the Form LS-1?**

The Form LS-1 should be signed by a representative of the home Local of the leader. However, AFM bylaws require that (i) minimum scale is established by the Local where the engagement takes place, and (ii) local work dues must be sent to that Local.

**Q&A 11: When are contributions due?**

The Form LS-1 and contributions must be sent to the Fund no later than 30 days after the date of the engagement. The Fund will not accept a Form LS-1 that is not accompanied by a corresponding contribution payment. If there are multiple engagements (during the same 31-day period), the Form LS-1 and contributions must be sent no later than 30 days after completion of the final engagement.

**Q&A 12: Can the leader be the employer on the LS-1?**

Yes, but if the leader is the employer, contributions can be made for the leader only if the employer is incorporated. The leader may act as the designated entity for pension contribution as described in Q&A 9 above, in which case contributions may be made on behalf of the leader.